

## Mongolia - Constitution

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### [Preamble]

We, the people of Mongolia: Strengthening the independence and sovereignty of the nation,  
Cherishing human rights and freedoms, justice, and national unity,  
Inheriting the traditions of national statehood, history, and culture,  
Respecting the accomplishments of human civilization,  
And aspiring toward the supreme objective of building a humane, civil and democratic society in the country  
Hereby proclaim the Constitution of Mongolia.

### Chapter One Sovereignty of the State

#### Article 1 [Sovereignty, Independence, Principles]

- (1) Mongolia is an independent, sovereign republic.
- (2) The fundamental purpose of state activity is the ensurance of democracy, justice, freedom, equality, and national unity and respect of law.

#### Article 2 [Unitary State]

- (1) By its state structure, Mongolia is a unitary State.
- (2) The territory of Mongolia is divided into administrative units only.

#### Article 3 [Sovereignty]

- (1) State power is vested in the people of Mongolia. The people exercises it through direct participation in state affairs and through representative bodies of state power elected by them.
- (2) Illegal seizure of state power or attempted seizure are prohibited.

#### Article 4 [Integrity]

- (1) Territorial integrity and frontiers of Mongolia are inviolable.
- (2) The frontiers of Mongolia are safeguarded by law.
- (3) Stationing of foreign troops in the territory of Mongolia or allowing them to cross the state borders for the purpose of passing through the country's territory is prohibited unless permitted by an appropriate law.

## Article 6 [Economy]

- (1) Mongolia's economy is based on different forms of property following both universal trends of world economic development and national specifics.
- (2) The State recognizes all forms of both public and private property and legally protects the right to ownership.
- (3) The owner's rights are restricted exclusively by due process of the law.
- (4) The State regulates the economy of the country with a view to ensure the nation's economic security, the development of all modes of production, and social development of the population.
- (5) The livestock of the country is national wealth and subject to state protection.

## Article 6 [Public Wealth, Restrictions for Foreigners]

- (1) The land, its subsoil, forests, water, fauna, and flora and other natural resources are subject to national sovereignty and state protection.
- (2) The land except that in citizen's private ownership, as well as the subsoil with its mineral wealth, forests, water resources, and game is the property of the State.
- (3) The State may give for private ownership plots of land except pastures and areas under public and special use, only to the citizens of Mongolia. This provision does not apply to the ownership of the subsoil thereof. Citizens are prohibited to transfer the land in their possession to foreigners and stateless persons by way of selling, bartering, donating, or pledging as well as transferring to others for exploitation without permission from competent state authorities.
- (4) The State has the right to hold landowners responsible regarding the manner the land is used, to exchange or take it over with compensation on the grounds of special public need, or confiscate the land if it is used in a manner adverse to the health of the population, the interests of environmental protection, or national security.
- (5) The State may allow foreign nationals, legal persons, and stateless persons to lease land for a specified period of time under conditions and procedures as provided by law.

## Article 7 [Culture]

- (1) The historical, cultural, scientific, and intellectual heritage of the Mongolian people is under the protection of the state.
- (2) Intellectual values produced by the citizens are the property of their authors and the national wealth of Mongolia.

## Article 8 [Language]

- (1) The Mongolian language is the official language of the State.
- (2) Paragraph (1) does not affect the right of national minorities of other tongues to use their native languages in education and communication and in the pursuit of cultural, artistic, and scientific activities.

#### Article 9 [Church]

- (1) The State shall respect the Church and the Church shall honor the State.
- (2) State institutions may not engage in religious activities and the Church may not pursue political activities.
- (3) The relationship between the State and the Church is regulated by law.

#### Article 10 [Foreign Policy, Treaties]

- (1) Mongolia adheres to the universally recognized norms and principles of international law and pursues a peaceful foreign policy.
- (2) Mongolia fulfills in good faith its obligations under international treaties to which it is a Party.
- (3) The international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.
- (4) Mongolia may not abide by any international treaty or other instruments incompatible with its Constitution.

#### Article 11 [Security, Armed Forces]

- (1) It is the duty of the State to secure the country's independence and ensure national security and public order.
- (2) Mongolia maintains armed forces for self-defense. The structure and organization of the armed forces and rules of military service are determined by law.

#### Article 12 [State Symbols]

- (1) The symbols of the independence and sovereignty of Mongolia are the State Emblem, Banner, Flag, Seal, and Anthem.
- (2) The State Emblem, Banner, Flag, and Anthem express the historical tradition, aspiration, unity, justice, and the spirit of the people of Mongolia.
- (3) The State Emblem is of circular shape with the white lotus serving as its base and the "Never-ending Tumen Nasan" pattern forming its outer frame. The main background is of blue color signifying the eternal blue sky, the Mongols traditional sanctity. In the center of the Emblem, a combination of the Precious Steed and the Golden Soyombo sign is depicted as an expression

of the independence, sovereignty and spirit of Mongolia. In the upper part of the Emblem the Triple Gem sign symbolizes the past, the present and the future. In the lower part of the Emblem the sign of the Wheel entwined with the silk scarf Hadag in an expression of reverence and respect, symbolizes continued prosperity. It is placed against the background of a hill pattern conveying the notion of "Mother Earth".

(4) The traditional Great White Banner of the unified Mongolian State is a state ceremonial attribute.

(5) The State Flag is a rectangle divided vertically into three equal parts colored red, blue, and red. The blue color of the center of the flag symbolizes the eternal blue sky and the red color on both sides symbolizes progress and prosperity. The Golden Soyombo sign is depicted on the red stripe nearest to the flag pole. The ratio of the width and length of the Flag is one to two.

(6) The State Seal, having a lion-shaped handle, is of a square form with the state Emblem in the center and the word "Mongolia" inscribed on its sides. The President is the holder of the State Seal.

(7) The procedure for the ceremonial use of the State symbols and the text and melody of the State Anthem is prescribed by law.

## Article 13 [Capital]

(1) The capital of the State is the city in which the state supreme bodies permanently sit. The capital city of Mongolia is the city of Ulaanbaatar.

(2) The legal status of the capital city is determined by law.

## Chapter Two Human Rights and Freedoms

### Article 14 [Equality, Right to Personality]

(1) All persons lawfully residing within Mongolia are equal before the law and the courts.

(2) No person may be discriminated on the basis of ethnic origin, language, race, age, sex, social origin or status, property, occupation or post, religion, opinion, or education. Everyone is a person before the law.

### Article 15 [Citizenship, Extradition]

(1) The grounds and procedure for Mongolian nationality, acquisition, or loss of citizenship may be defined only by law.

(2) Deprivation of Mongolian citizenship, exile, or extradition of citizens of Mongolia are prohibited.

### Article 16 [Citizen's Rights]

The citizens of Mongolia are enjoying the following rights and freedoms:

- 1) The right to life. Deprivation of human life is strictly prohibited unless capital punishment as constituted by Mongolian penal law for the most serious crimes is imposed as final decision by a competent court.
- 2) The right to healthy and safe environment and to be protected against environmental pollution and ecological imbalance. 3) The right to fair acquisition, possession, and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens are prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they may only do so with due compensation and payment. 4) The right to free choice of employment, favorable conditions of work, remuneration, rest, and private enterprise. No one may be unlawfully forced to work.
- 5) The right to material and financial assistance in old age, disability, childbirth, and childcare and in other cases as provided by law.
- 6) The right to the protection of health and medical care. The procedure and conditions of free medical aid are determined by law.
- 7) The right to education. The state provides basic general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State.
- 8) The right to engage in creative work in cultural, artistic, and scientific fields and to benefit thereof. Copyrights and patents are protected by law.
- 9) The right to take part in the government of the country directly or through representative bodies. The right to elect and to be elected to State bodies. The right to elect is enjoyed from the age of eighteen years and the age eligible for being elected is determined by law according to the requirements in respect of the bodies or posts concerned.
- 10) The right to freedom of association in political parties or other voluntary organizations on the basis of social and personal interests and opinion. Political parties and other mass organizations shall uphold public order and state security, and abide by law. Discrimination and persecution of a person for joining a political party or other associations or for being their member are prohibited. Party membership of some categories of state employees may be suspended. 11) Men and women enjoy equal rights in political, economic, social, and cultural fields as well as in marriage. Marriage is based on the equality and mutual consent of the spouses who have reached the age determined by law. The State protects the interests of the family, motherhood, and the child.
- 12) The right to submit a petition or a complaint to State bodies and officials. The State bodies and officials are obliged to respond to the petitions or complaints of citizens in conformity with law.
- 13) The right to personal liberty and safety. No one may be searched, arrested, detained, persecuted, or restricted of liberty save in accordance with procedures and on grounds determined by law. No one may be subjected to torture, inhuman, cruel, or degrading treatment. Where a person is arrested his or her family and counsel shall be notified within a period of time

established by law of the reasons for the arrest. Privacy of citizens, their families, correspondence, and homes are protected by law.

14) The right

to appeal to the court for protection if one considers the rights or freedoms spelt out by the Mongolian law or an international treaty to have been violated;

to be compensated for the damage illegally caused by others;

not to testify against oneself, one's family, parents, or children;

to defense;

to receive legal assistance;

to have evidence examined;

to fair trial;

to be tried in one's presence;

to appeal against a court decision;

to seek pardon.

Compelling to testify against oneself is prohibited. Every person is presumed innocent until proven guilty by a court by due process of law. The penalties imposed on the convicted may not be applicable to his or her family members and relatives. 15) Freedom of conscience and religion.

16) Freedom of thought, opinion, expression, speech, press, and peaceful assembly. Procedures for organizing demonstrations and other assemblies are determined by law. 17) The right to seek and receive information except that

which the state and its bodies are legally bound to protect as secret. In order to protect human rights, dignity, and reputation of persons and to ensure national defense, security, and public order, the information which is not subject to disclosure must be classified and protected by law.

18) The right to freedom of movement and residence within the country, to travel and reside abroad, and to return home to the country. The right to travel and reside abroad may be limited exclusively by law for the purpose of ensuring the security of the country and population and protecting public order.

## Article 17 [Citizen's Duties]

(1) Citizens of Mongolia, while upholding justice and humanism, shall fulfill in good faith the following basic duties:

1) to respect and abide by the Constitution and other laws;

2) to respect dignity, reputation, rights, and legitimate interests of others;

3) to pay taxes levied by law;

4) to defend the motherland and serve in the army according to law.

(2) It is a sacred duty for every citizen to work, protect his or her health, bring up and educate his or her children and to protect nature and the environment.

## Article 18 [Foreigner's Rights and Restrictions]

- (1) The rights and duties of aliens residing in Mongolia are regulated by Mongolian law and by treaties concluded with the state of the person concerned.
- (2) Mongolia adheres to the principle of reciprocity in determining the rights and duties of foreign nationals in an international treaty being concluded with the country concerned.
- (3) The rights and duties of stateless persons within the territory of Mongolia is determined by the Mongolian law.
- (4) Aliens or stateless persons persecuted for their convictions or for political or other activities pursuing justice, may be granted asylum in Mongolia on the basis of their well-founded requests.
- (5) In allowing the foreign nationals and stateless persons under the jurisdiction of Mongolia to exercise the basic rights and freedoms provided for in Article 16, the State of Mongolia may establish necessary restrictions upon the rights other than the inalienable rights spelt out in international instruments to which Mongolia is a Party, out of the consideration of ensuring the security of the country and population, and public order.

## Article 19 [Responsibility, Restrictions]

- (1) The State is responsible to the citizens for the creation of economic, social, legal, and other guarantees ensuring human rights and freedoms, for the prevention of violations of human rights and freedoms, and restoration of infringed rights.
- (2) In case of a state of emergency or war, the human rights and freedoms as defined by the Constitution and other laws are subject to limitation only by a law. Such a law may not affect the right to life, the freedom of thought, conscience, and religion, as well as the right not to be subjected to torture or inhuman and cruel treatment.
- (3) In exercising one's rights and freedoms, one may not infringe the national security or rights and freedoms of others or violate public order.

## Chapter Three Structure of the State

### Part I The Legislature

#### Article 20 [Legislative Power]

The National Parliament is the highest organ of state power, and the supreme legislative power is vested only in the National Parliament.

#### Article 21 [One Chamber, Election]

- (1) The National Parliament has one chamber and consists of 76 members.
- (2) The members of the National Parliament are elected by citizens qualified to vote, on the basis of universal, free, and direct suffrage by secret ballot for a term of four years.
- (3) Citizens of Mongolia who have reached the age of twenty-five years and are eligible for elections may be elected to the National Parliament.
- (4) The procedure of the election of members of the National Parliament is determined by law.

#### Article 22 [Continuing Parliament]

- (1) If regular elections of the National Parliament cannot be held due to extraordinary circumstances such as sudden calamities occurred in the whole or in part of the country, the National Parliament retains its power till the extraordinary circumstances cease to exist and the newly elected members of the National Parliament are sworn in.
- (2) The National Parliament may decide on its dissolution if not less than two thirds of its members consider that the National Parliament is unable to carry out its mandate, or if the President, in consultation with the Chairman of the National Parliament, proposes to do so for the same reason. In case of such a decision, the National Parliament exercises its powers until the newly elected members of the National Parliament are sworn in.

#### Article 23 [Responsibility, Mandate]

- (1) A member of the National Parliament is an envoy of the people and represents and upholds the interests of all the citizens and the state.
- (2) The mandate of a member of the National Parliament begins with an oath taken before the State Emblem and expires when newly elected members of the National Parliament are sworn in.

#### Article 24 [Chairmen]

- (1) Chairman and Vice-Chairman of the National Parliament are nominated and elected from among the members of the National Parliament by secret ballot.
- (2) The term of office of the Chairman and Vice-Chairman of the National Parliament is four years. They can be relieved of or removed from their posts before the expiry of their terms for reasons defined by law.

#### Article 25 [Competence]

- (1) The National Parliament may consider, at its initiative, any issue pertaining to domestic and foreign policies of the country, and retains within its exclusive competence the following questions and decisions thereon: 1) to



- enact laws and make amendments to them;
- 2) to determine the basis of the domestic and foreign policies of the State;
  - 3) to set and announce the date of elections of the President and the National Parliament and its members;
  - 4) to determine and change the structure and composition of the Standing Committees of the National Parliament, the Government, and other bodies directly accountable to it according to law;
  - 5) to pass a law recognizing the full powers of the President after his or her election and to relieve or remove the President;
  - 6) to appoint, replace, or remove the Prime Minister, members of the Government, and other bodies responsible and accountable to the National Parliament as provided for by law;
  - 7) to define the State's financial, credit, tax, and monetary policies, to lay down the guidelines for the country's economic and social development, to approve the Government's program of action, the State budget, and the report on its execution;
  - 8) to supervise the implementation of laws and other decisions of the National Parliament;
  - 9) to define the State borders;
  - 10) to determine the structure, composition, and powers of the National Security Council;
  - 11) to approve and change the administrative and territorial division of the country at the suggestion by the Government;
  - 12) to determine the legal basis of the system, structure, and activities of local self-governing and administrative bodies;
  - 13) to institute titles, orders, medals, and higher military ranks, to determine the table of ranks in some special fields of state service;
  - 14) to issue acts of amnesty;
  - 15) to ratify and denounce international agreements to which Mongolia is a Party and to establish and sever diplomatic relations with foreign States at the suggestion of the Government;
  - 16) to hold national referendums, to verify the validity of a referendum in which the majority of eligible citizens has taken parts, and to consider the question which has obtained a majority vote as decided;
  - 17) to declare a state of war in case the sovereignty and independence of the state are threatened by armed actions on the part of a foreign power, and to abate it; and
  - 18) to declare a state of emergency or a state of war in the whole or some parts of the country in special circumstances described in Paragraphs (2) and (3), and to approve or nullify the President's decree to that effect.
- (2) Under the following extraordinary circumstances, the National Parliament may declare a state of emergency to eliminate the consequences thereof and to restore the life of the population and society to norm, if:
- 1) natural disasters or other unforeseen dangers occur which threaten or may threaten directly the life, health, well-being, and security of the population in the whole or a part of the country's territory;

2) public authorities are not able to cope, within legal limits, with public disorders caused by organized, violent, illegal actions of an organization or a group of people threatening the constitutional order and the existence of the legitimate social system.

(3) The National Parliament may declare a state of war if public disorders in the whole or a part of the country's territory result in an armed conflict or create a real threat of an armed conflict, or if there is an armed aggression or a real threat of such an aggression from the outside.

(4) The other powers, structure, and the procedures of the National Parliament are defined by law.

#### Article 26 [Initiative]

(1) The President, members of the National Parliament, and the Government have the right to legislative initiative.

(2) Citizens and other organizations may forward their suggestions on draft laws to those entitled to initiate a law.

(3) National laws are subject to official promulgation through publication and, if the law does not provide otherwise, enter into force 10 days after the day of publication.

#### Article 27 [Sessions, Quorum, Majority]

(1) The National Parliament exercises its powers through its sessions and other organizational forms.

(2) Regular sessions of the National Parliament are to be held once in six months and do not last less than 75 working days on each occasion.

(3) Extraordinary sessions may be convened at the demand of more than one third of the members of the National Parliament, or at the initiative of the President and the Chairman of the National Parliament.

(4) The President convokes constituent sessions of the National Parliament within 30 days following elections. Other sessions are convoked by the Chairman of the National Parliament.

(5) In case of the proclamation by the President of a state of emergency or war, the National Parliament convenes for an extraordinary session within 72 hours without prior announcement.

(6) The presence of an overwhelming majority of members of the National Parliament is required to consider a session valid, and decisions are taken by a majority of all members present if the Constitution and other laws do not provide otherwise.

#### Article 28 [Standing Committees]

(1) The National Parliament has Standing Committees dealing with specific fields.

(2) The National Parliament determines the competence, structure, and procedures of the Standing Committees.

#### Article 29 [Remuneration, Incompatibility, Immunity]

(1) Members of the National Parliament receive remuneration from the State budget during their tenure and may not hold concurrently any posts and employment other than those assigned by law.

(2) Immunity of members of the National Parliament is protected by law.

(3) If a question arises that a member of the National Parliament is involved in a crime, it is considered by the session of the National Parliament to decide on the suspension of his or her mandate. If the court proves the member in question to be guilty of crime, the National Parliament shall terminate his or her membership in the legislature.

#### Part II The President

#### Article 30 [Head of State, Eligibility, Term]

(1) The President is the Head of State and embodiment of the unity of the people.

(2) An indigenous citizen who has attained the age of forty-five years and has permanently resided as a minimum for the last five years in Mongolia, is eligible for election to the post of President for a term of four years.

#### Article 31 [Elections]

(1) Presidential elections are conducted in two stages.

(2) Political parties which have obtained seats in the National Parliament nominate individually or collectively presidential candidates, one candidate for each party or coalition of parties.

(3) At the primary stage of the elections, citizens eligible to vote participate in electing the President on the basis of universal, free, and direct suffrage by secret ballot.

(4) The National Parliament considers the candidate who has obtained a majority of all votes cast in the first voting as elected President and passes a law recognizing his or her mandate.

(5) If none of the candidates obtains a majority vote in the first round, second voting takes place involving the two candidates who have obtained the largest number of votes in the first round. The candidate who wins a majority of all votes cast in the second ballot is considered elected President and a law recognizing his or her mandate is passed by the National Parliament.

(6) If neither of the candidates wins in the second ballot, Presidential elections are held anew.

(7) The President can be re-elected only once.

(8) The President cannot be a member of the National Parliament or the Government and cannot concurrently hold the post of the Prime Minister or any other posts and pursue any occupation not relating to his duties assigned by law. If the President holds another office or a post he or she is relieved of it from the date on which he or she is inaugurated.

#### Article 32 [Oath, Continuing Presidency]

(1) The mandate of the President becomes effective with an oath taken by him or her and expires with an oath taken by the newly elected President.

(2) Within 30 days after the election, the President takes the following oath before the National Parliament:

"I swear that I will guard and defend the independence and sovereignty of Mongolia, freedom of the people and national unity, and that I will uphold and observe the Constitution and faithfully perform the duties of the President".

#### Article 33 [Powers]

(1) The President enjoys the following prerogative rights:

1) to veto, partially or wholly, laws and other decisions adopted by the National Parliament. The laws or decisions remain in force if two-thirds of the members of the National Parliament present do not accept the President's veto;

2) to propose to the National Parliament the candidature for the appointment to the post of Prime Minister in consultation with the majority party or parties in the National Parliament if none of them has majority of seats, as well as to propose to the National Parliament the dissolution of the Government;

3) to instruct the Government on issues within his competence. If the President issues a relevant decree it becomes effective upon signature by the Prime Minister;

4) to represent the Mongolian State in foreign relations and, in consultation with the National Parliament, to conclude international treaties on behalf of Mongolia;

5) to appoint and recall heads of plenipotentiary missions to foreign countries in consultation with the National Parliament;

6) to receive the Letters of Credence or Recall of Heads of diplomatic missions of foreign states;

7) to confer state titles and higher military ranks and award orders and medals;

8) to grant pardon;

9) to decide matters related to granting and withdrawing Mongolian citizenship and granting asylum;

10) to head the National Security Council;

11) to declare general or partial conscription; 12) to declare a state of emergency or a state of war on the whole or a part of the national territory and to order the deployment of armed forces when extraordinary circumstances described in Article 25 (2) and (3) arise and the National Parliament concurrently in recess, cannot be summoned at short notice. The National Parliament considers within 7 days the Presidential decree declaring a state of emergency or a state of war and approves or disapproves it. If the National Parliament does not take decision on the matter, the Presidential decree becomes null and void.

(2) The President is the Commander-in-Chief of the armed forces of Mongolia.

(3) The President may address messages to the National Parliament or to the people, he may at his own discretion attend sessions of the National Parliament, report on and submit proposals concerning vital issues of domestic and foreign policies of the country.

(4) Other specific powers may be vested in the President only by law.

#### Article 34 [Presidential Decrees]

(1) The President, within his powers, issues decrees in conformity with the law.

(2) If a Presidential decree is incompatible with law, the President himself or the National Parliament invalidates it.

#### Article 35 [Responsibility]

(1) The President is responsible to the National Parliament.

(2) In case of a violation of the Constitution or abuse of power in breach of his oath, the President may be removed from his post on the basis of the findings of the Constitutional Court by an overwhelming majority of members of the National Parliament present and voting.

#### Article 36 [Protection]

(1) The person, residence, and transport of the President is inviolable.

(2) Dignity and immunity of the President are protected by law.

#### Article 37 [Replacement]

(1) In the temporary absence of the President, his full powers are exercised by the Chairman of the National Parliament.

(2) In the event of the resignation, death, or voluntary retirement of the President, his full powers are exercised by the Chairman of the National Parliament pending the inauguration of the newly elected President. In such a case, the National Parliament announces and holds

Presidential elections within four months.

(3) The procedure of the discharge of Presidential duties by the Chairman of the National Parliament is determined by law.

### Part III The Government

#### Article 38 [Powers]

(1) The Government is the highest executive body of the State.

(2) In discharging the duty of directing economic, social, and cultural development of the country in observance of State laws, the Government exercises the following powers:

- 1) to organize and ensure nation-wide implementation of the Constitution and other laws;
  - 2) to work out a comprehensive policy on science and technology, guidelines for economic and social development, the State budget, credit and fiscal plans, to submit these to the National Parliament, and to execute decisions taken thereon;
  - 3) to elaborate and implement comprehensive measures on sectoral, intersectoral, as well as regional development;
  - 4) to undertake measures on the protection of the environment and on the rational use and restoration of natural resources;
  - 5) to provide efficient leadership of central state administrative bodies and to direct the activities of local administrations;
  - 6) to strengthen the country's defense capabilities and to ensure national security;
  - 7) to take measures for the protection of human rights and freedoms, enforcement of public order, and prevention of crime;
  - 8) to realize the State foreign policy;
  - 9) to conclude and implement international treaties with the consent of and subsequent ratification by the National Parliament as well as to conclude and abrogate intergovernmental treaties.
- (3) The specific powers, structure, and procedure of the Government are determined by law.

#### Article 39 [Composition, Nomination, Appointment]

(1) The Government comprises the Prime Minister and other members.

(2) The Prime Minister, in consultation with the President, submits his or her proposals on the structure and composition of the Government and on the changes in these to the National Parliament.

(3) The National Parliament considers the candidatures proposed by the Prime Minister one by one and take decision on their appointment.

#### Article 40 [Term, Continuing Government]

- (1) The term of the mandate of the Government is four years.
- (2) The terms of office of the Government start from the days of the appointment of the Prime Minister by the National Parliament and terminate upon the appointment of a new Prime Minister.

#### Article 41 [Responsibility]

- (1) The Prime Minister leads the Government and is responsible to the National Parliament for the implementation of state laws.
- (2) The Government is accountable for its work to the National Parliament.

#### Article 42 [Immunity]

The personal immunity of the Prime Minister and other members of the Government are protected by law,

#### Article 43 [Resignation, Dissolution]

- (1) The Prime Minister may tender his resignation to the National Parliament before the expiry of his terms of office if he considers that the Government is unable to exercise its powers.
- (2) The Government steps down in its entirety upon the resignation of the Prime Minister or if half of the members of the Government resign at the same time.
- (3) The National Parliament considers the matter and makes a final decision within 15 days after taking initiative to dissolve the Government or receiving the President's proposal or the Prime Minister's statement on resignation.
- (4) The National Parliament considers and takes decision on the dissolution of the Government if not less than one fourth of the members of the National Parliament formally propose the dissolution of the Government.

#### Article 44 [Vote of Confidence]

If the Government submits a draft resolution requesting a vote of confidence, the National Parliament proceeds with the matter in accordance with Article 43 (3).

#### Article 45 [Resolutions, Ordinances]

- (1) The Government, in conformity with law and regulations, issues resolutions and ordinances which are signed by the Prime Minister and the Minister concerned.
- (2) If these resolutions and ordinances are incompatible with laws and regulations, the Government itself or the National Parliament invalidates them.

## Article 46 [Public Office]

- (1) Ministries and other government offices are constituted in accordance with the law.
- (2) State employees must be Mongolian nationals. They strictly abide by the Constitution and other laws and work for the benefit of the people and in the interests of the State.
- (3) The working conditions and social guarantees of state employees are determined by law.

## Part IV The Judiciary

### Article 47 [Courts]

- (1) The judicial power is vested exclusively in courts.
- (2) Unlawful institution of courts under and circumstances and exercise of judicial power by any other organization but courts is prohibited.
- (3) Courts are instituted solely under the constitution and other laws.

### Article 48 [Court Organization]

- (1) The judicial system consists of the Supreme Court, provincial and capital city courts, Region, inter-region, and district courts. Specialized courts such as criminal, civil, and administrative courts may be formed. The activities and decisions of these specialized courts are exclusively under the supervision of the Supreme Court.
- (2) The structure of courts and the legal basis of their activities are defined by law.
- (3) The courts are financed by the State budget. The State ensures economic guarantee of the courts activities.

### Article 49 [Judges]

- (1) Judges are independent and subject only to the law.
- (2) Neither a private person nor any civil officer – be it the President, members of the National Parliament, or the Government, officials of political parties, or other voluntary organizations – may not interfere with the judges' exercise of their duties.
- (3) A General Council of Courts has the function of ensuring the independence of the judiciary.
- (4) The General Council of Courts, without interfering in the activities of courts and judges, deals exclusively with the selection of judges from among lawyers, protection of their rights, and other matters pertaining to the ensurance of conditions guaranteeing the independence of the



judiciary.

(5) The structure and procedures of the General Council of Courts are defined by law.

#### Article 50 [Supreme Court]

(1) The Supreme Court is the highest judicial organ and exercises the following powers:

- 1) to try at first instance criminal cases and legal disputes under its jurisdiction;
- 2) to examine decisions of lower-instance courts through appeal and supervision;
- 3) to examine and take decision on matters related to the protection of law and human rights and freedoms therein and transferred to it by the Constitutional Court and the Prosecutor General;
- 4) to provide official interpretations for correct application of all other laws except the Constitution; and
- 5) to make judgements on all other matters assigned to it by law.

(2) The decision made by the Supreme Court is a final judiciary decision and binding upon all courts and other persons. If a decision made by the Supreme Court is incompatible with law, the Supreme Court itself repeals it. If an interpretation made by the Supreme Court is incompatible with a law, the latter has precedence.

(3) The Supreme Court and other courts have no right to apply laws that are unconstitutional or have not been promulgated.

#### Article 51 [Composition of Supreme Court]

(1) The Supreme Court comprises the Chief Justice and judges.

(2) The President appoints the judges of the Supreme Court upon their presentation to the National Parliament by the General Council of Courts and appoints judges of other courts on the proposal of the General Council of Courts.

(3) A Mongolian national of thirty-five years of age with higher education in law and a professional career of not less than 10 years may be appointed a judge of the Supreme Court. A Mongolian national of twenty-five years of age with higher education in law and a professional career of not less than 3 years may be appointed a judge of the other courts.

(4) Removal of a judge of a court of any instance is prohibited except in cases he or she is relieved at his or her own request or removed by a valid court decision on the grounds provided for in the Constitution and the law on the judiciary.

#### Article 52 [Collective Decisions]

(1) Courts of all instances consider and make judgement on cases and disputes on the basis of collective decision-making.

(2) In passing a collective decision on cases and disputes, the courts of first instance allow representatives of citizens to participate in the proceedings in accordance with the procedures prescribed by law.

(3) A judge alone may take decision on some cases which are specifically singled out by law.

#### Article 53 [Court Language]

(1) Court trials are to be conducted in the Mongolian language.

(2) A person who does not know Mongolian is acquainted with all the facts of the case through translation and has the right to use his or her native language at the trial.

#### Article 54 [Publicity]

Court trials are open to the public except in cases specifically singled out by law.

#### Article 55 [Defense, Assistance]

(1) The accused has a right to defense.

(2) The accused is accorded legal assistance according to law and at his or her request.

#### Article 56 [Prosecution]

(1) The Prosecution exercises supervision over the inquiry into and investigation of cases and the execution of punishment, and participates in the court proceedings on behalf of the State.

(2) The President appoints the Prosecutor General and his or her deputies in consultation with the National Parliament for a terms of six years.

(3) The system, structure, and legal basis of the activities of the Prosecution are determined by law.

### Chapter Four Administrative and Territorial Units

#### Article 57 [Administrative Units]

(1) The territory of Mongolia is divided administratively into provinces and a capital city; provinces are subdivided into regions; regions into communities; the capital city is divided into districts and districts into neighborhoods.

(2) Legal status of towns and villages located on the territories of administrative divisions is defined by law.

(3) Revision of an administrative and territorial unit shall be considered and

decided by the National Parliament on the basis of a proposal by a respective local parliament and local population, and with account taken of the country's economic structure and the distribution of the population.

#### Article 58 [Autonomy, Borderlines]

(1) The province, the capital city, region, and district are administrative, territorial, and socio-economic complexes with their functions and administrations provided for by law.

(2) Borderlines of provinces, the capital city, regions and districts are approved by the National Parliament at the suggestion of the Government.

#### Article 59 [Self-Government]

(1) Governance of administrative and territorial units of Mongolia is organized on the basis of the principles of both self-government and central government.

(2) The self-governing bodies in province, capital city, region and district are parliaments of representatives of the citizens of the respective territory; in community and neighborhoods they are general meetings of citizens. In-between the sessions of the parliaments and general meetings, their presidiums assume administrative functions.

(3) Parliaments of provinces and the capital city are elected for a term of four years. The memberships in these parliaments as well as those of regions and districts and the procedure of their election are determined by law.

#### Article 60 [Governors, Continuing Government]

(1) State power is exercised on the territories of provinces, the capital city, regions, districts, communities and neighborhoods by the Governors of these territories.

(2) Candidates for Governors are nominated by the parliaments of respective provinces, the capital city, regions, districts, communities and neighborhoods. Governors of provinces and the capital city are appointed by the Prime Minister; regional and district governors are appointed by the governors of the provinces and the capital city; governors of communities and neighborhoods are appointed by the governors of regions and districts respectively for a term of four years.

(3) In case the Prime Minister and governors of higher levels refuse to appoint the gubernatorial candidates, new nominations are held in the manner prescribed in Paragraph (2). Pending the appointment of a new Governor, the previously appointed Governor exercises his or her mandate.

#### Article 61 [Responsibility, Secretariats]

- (1) While working for the implementation of the decisions of a respective Parliament, a governor, as a representative of State power, is responsible to the Government and the governor of higher instance for proper observance of national laws and fulfillment of the decisions of the Government and the respective superior body in his or her territory.
- (2) Governors have a right to veto decisions of their province, capital city, region, district, community and neighborhood parliaments.
- (3) If a parliament by a majority vote overrides the veto, the governor may tender his or her resignation to the Prime Minister or to the governor of higher instance if he or she considers that he or she is not able to implement the decision concerned.
- (4) Governors of provinces, the capital city, regions and districts have secretariats. The Government determines the structure and size of these offices individually or by a uniform standard.

#### Article 62 [Subsidiarity]

- (1) Local self-governing bodies – besides making independent decisions on matters of socio-economic life of the respective province, the capital city, region, district, community and neighborhood – organize the participation of the population in solving problems of national scale and that of larger territorial divisions.
- (2) Authorities of higher instance may not take decision on matters coming under the jurisdiction of local self-governing bodies. If law and decisions of respective superior state organs do not specifically deal with definite local matters, local self-governing bodies can decide upon them independently in conformity with the Constitution.
- (3) If the National Parliament and the Government deem it necessary, they may delegate some matters within their competence to the province and capital city parliaments and governors for their solution.

#### Article 63 [Legality]

- (1) Parliaments of provinces, the capital city, regions, districts, communities and neighborhood adopt resolutions and governors issue ordinances within their competence.
- (2) Resolutions of the parliaments and ordinances of the governors must be in conformity with law. Presidential decrees and decisions of the Government and other superior bodies are binding within their respective territories.
- (3) Administrative and territorial units and the powers, structure, and procedure of their governing bodies are determined by law.

## Chapter Five The Constitutional Court

## Article 64 [Functions, Independence]

(1) The Constitutional Court is an organ exercising supreme supervision over the implementation of the constitution, making judgement on the violation of its provisions, and resolving constitutional disputes. It is the guarantee for the strict observance of the Constitution.

(2) The Constitutional Court and its members in the execution of their duties are subject to the Constitution only and are independent of any organizations, officials, or anybody else.

(3) The independence of the members of the Constitutional Court is ensured by the guarantees set out in the Constitution and other laws.

## Article 65 [Membership, Term, Chairman]

(1) The Constitutional Court consists of 9 members. Members of the Constitutional Court are appointed by the National Parliament for a term of six years upon the nomination of three of them by the National Parliament, three by the President, and the remaining three by the Supreme Court.

(2) A member of the Constitutional Court must be a Mongolian national of forty years of age and experienced in politics and law.

(3) The Chairman of the Constitutional Court is elected from among 9 members for a term of three years by a majority vote of the members of Constitutional Court. He may be re-elected once.

(4) If the Chairman or a member of the Constitutional Court violates law, he or she may be withdrawn by the National Parliament on the basis of the decision of the Constitutional Court and on the opinion of the institution which nominated him or her.

(5) The President, members of the National Parliament, the Prime Minister, members of the Government, and members of the Supreme Court may not be nominated to serve on the Constitutional Court.

## Article 66 [Proceedings]

(1) The Constitutional Court examines and settles constitutional disputes at the request of the National Parliament, the President, the Prime Minister, the Supreme Court, and the Prosecutor General, or on its own initiative on the basis of petitions and information received from citizens.

(2) The Constitutional Court, in accordance with Paragraph (1), issues judgements to the National Parliament on:

1) the constitutionality of laws, decrees, and other decisions by the National Parliament and the President, as well as Government decisions and international treaties signed by Mongolia;

2) the constitutionality of national referendums and decisions of the central election authority on the elections of the National Parliament and its members as well as on presidential elections;

- 3) the breach of law by the President, Chairman and members of the National Parliament, the Prime Minister, members of the Government, the Chief Justice and the Prosecutor General]; and
  - 4) the well-foundedness of the grounds for the removal of the President, Chairman of the National Parliament, and the Prime Minister and for the recall of members of the National Parliament.
- (3) If a decision submitted in accordance with Paragraph (2) No. 1) and 2) is not acceptable to the National Parliament, the Constitutional Court re-examines it and issues final judgement.
  - (4) If the Constitutional Court decides that the laws, decrees, and other decisions of the National Parliament and the President as well as Government decisions and international treaties concluded by Mongolia are incongruous with the Constitution, those laws, decrees, instruments of ratification, and decisions in question are considered invalid.

#### Article 67 [Force of Decision]

Decisions of the Constitutional Court immediately enter into force.

### Chapter Six Amendment of the Constitution

#### Article 68 [Initiative, Referendum]

- (1) Amendments to the Constitution may be initiated by organization and officials enjoying the right to legislative initiative and may be proposed by the Constitutional Court to the National Parliament.
- (2) A national referendum on constitutional amendment may be held on the concurrence of not less than two-thirds of the members of the National Parliament. The referendum is held in accordance with the provisions of Article 25 (1) No. 16.

#### Article 69 [Majority]

- (1) An amendment to the Constitution is adopted by not less than three-fourths of votes of all members of the National Parliament.
- (2) A draft amendment to the Constitution which has twice failed to win three-fourths of votes of all members of the National Parliament is not subject to consideration until the National Parliament sits in a new composition following general elections.
- (3) The National Parliament may not undertake amendment of the Constitution within six months pending the next general elections.
- (4) Amendments which have been adopted are of the same force as the Constitution.

#### Article 70 [Final Provisions]

(1) Laws, decrees, and other decisions of state bodies and activities of all other organizations and citizens must be in full conformity with the Constitution.

(2) This Constitution of Mongolia enters into force at 12:00 hours on 12 Feb 1992.



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