

# Constitution of Mongolia

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 developing a human, civil, democratic society in the country
- Hereby proclaim the Constitution of Mongolia.

## CHAPTER ONE - SOVEREIGNTY OF MONGOLIA

### Article 1

1. Mongolia is an independent, sovereign republic.
2. The supreme principles of the activities of the State shall be ensurance of democracy, justice, freedom, equality and national unit and respect of law.

### Article 2

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

### Article 3

1. State power shall be vested in the people of Mongolia. The people shall exercise state power through their direct participation in State affairs as well as through the representative bodies of State power elected by them.
2. Illegal seizure of State power or attempt to do so shall be prohibited.

### Article 4

1. The territorial integrity and frontiers of Mongolia shall be inviolable.
2. The frontiers of Mongolia shall be safeguarded by law.

3. Stationing of foreign troops in the territory of Mongolia, allowing them to cross the State borders for the purpose of passing through the country's territory shall be prohibited unless an appropriate law is adopted.

#### **Article 5**

1. Mongolia shall have an economy based on different forms of property which takes into account universal trends of world economic development and national specifics.

2. The State recognizes all forms of both public and private property and shall protect the rights of the owner by law.

3. The owner's rights shall be limited exclusively by due process of law.

4. The State shall regulate 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 is national wealth and be protected by the State.

#### **Article 6**

1. The land, its subsoil, forests, water, fauna and flora and other natural resources in Mongolia shall belong exclusively to the people and be under the State protection.

2. The land, except those given to the citizen of Mongolia for private possession, as well as the subsoil with its mineral wealth, forest, water resources and game shall be the property of the State.

3. The State may give for private ownership plots of land, except pastures and areas under public utilization and special use, only to the citizens of Mongolia. This provision shall not apply to the ownership of the subsoil thereof. Citizens shall be prohibited to transfer the land in their possession to foreign nationals 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 shall have the right to hold responsible the land owners in connection with 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 and 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 for by law.

#### **Article 7**

1. Historical, cultural, scientific and intellectual heritages of the Mongolian people shall be under State protection.
2. Intellectual values produced by the citizens are the property of their authors and the national wealth of Mongolia.

#### **Article 8**

1. The Mongolian language is the official language of the State.
2. Section 1 of this Article shall 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**

1. The State shall respect religions and religions shall honor the State.
2. State institutions shall not engage in religious activities and the Religions institutions shall not pursue political activities.
3. The relationship between the State and the Religion institutions shall be regulated by law.

#### **Article 10**

1. Mongolia shall adhere to the universally recognized norms and principles of international law and pursue a peaceful foreign policy.
2. Mongolia shall fulfil in good faith its obligations under international treaties to which it is a Party.

3. The international treaties to which Mongolia is a Party, shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.
4. Mongolia shall not abide by any international treaty or other instruments incompatible with its Constitution.

#### **Article 11**

1. The duty of the State is to secure the country's independence, ensure national security and public order. 2. Mongolia shall have armed forces for self-defence. The structure and organization of the armed forces and the rules of military service shall be determined by law.

#### **Article 12**

1. The symbols of the independence and sovereignty of Mongolia are the State Emblem, Banner, Flag, Seal and the Anthem.
2. The State Emblem, Banner, Flag and the Anthem shall express the historical tradition, aspiration, unity, justice and the spirit of the people of Mongolia.
3. The State Emblem shall be 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 Chandmani ( Wish-granting Jewel ) 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 shall be 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 shall be depicted on the

red stripe nearest to the flag pole. The ration of the width and length of the Flag shall be 1:2.

6. The State Seal having a lion-shaped handle, shall be of a square form with the State Emblem in the center and the words "Mongol Uls" (Mongolia) inscribed on both sides. The President shall be 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 shall be prescribed by the law.

### **Article 13**

1. The capital of the State shall be the city where the State Supreme bodies permanently sit. The capital city of Mongolia is the city of Ulaanbaatar.

2. The legal status of the capital city shall be defined by law.

## **CHAPTER TWO - HUMAN RIGHTS AND FREEDOMS**

### **Article 14**

1. All persons lawfully residing within Mongolia are equal before the law and the court.

2. No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person.

### **Article 15**

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

2. Deprivation of Mongolian citizenship, exile and extradition of citizens of Mongolia shall be prohibited.

### **Article 16**

The citizens of Mongolia shall be guaranteed the privilege to enjoy the following rights and freedoms:

- 1) Right to life. Deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgement of the court for the most serious crimes, constructed by Mongolian Penal Law.
- 2) Right to healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.
- 3) Right to fair acquisition, possession and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they shall do so with due compensation and payment.
- 4) Right to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work.
- 5) Right to material and financial assistance in old age, disability, childbirth and child care and in other circumstances as provided by law;
- 6) Right to the protection of health and medical care. The procedure and conditions of free medical aid shall be defined by law.
- 7) Right to education. The State shall provide basic general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State.
- 8) Right to engage in creative work in cultural, artistic and scientific fields and to benefit thereof. Copyrights and patents shall be protected by law.
- 9) Right to take part in the conduct of State affairs directly or through representative bodies. The right to elect and to be elected to State bodies The right to elect shall be enjoyed from the age of eighteen years and the age eligible for being elected shall be defined by law according to the requirements in respect of the bodies or posts concerned.
- 10) Right to form a party or other public organizations and unite voluntarily in associations according to the social and personal interests and opinion. All political parties and other public organizations shall uphold public order and State security, and abide by law. Discrimination and persecution of a person or joining a political party or other public organization or for being their member shall be prohibited. Party membership of some categories of State employees may be suspended.

11) Men and women shall have equal right in political, economic, social, cultural fields and in family affairs. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age defined by law. The State shall protect the interests of the family, motherhood and the child.

12) Right to submit a petition or a complaint to State bodies and officials. The State bodies and officials shall be obliged to respond to the petitions or complaints of citizens in conformity with law.

13) Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period of time established by law of the reasons for and grounds of the arrest. Privacy of citizens, their families, correspondence and residence shall be protected by law.

14) Right to appeal to the court to protect his/her right if he/she considers that the right of freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by other; not to testify against himself/herself, his/her family, or parents and children; to self-defence; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court judgement, to seek pardon. Compelling to testify against himself/herself shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. Application of charges of convicted to the members his/her family and relatives shall be prohibited.

15) Freedom of conscience and religion.

16) Freedom of thought, free expression of opinion, speech, press, peaceful demonstration and meetings. Procedures for organizing demonstrations and other assemblies shall be determined by law;

17) 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 defend the State national security and public order, secrets of the State, individuals, or organizations which are not subject disclosure shall be defined and protected by law.

18) Right to freedom of movement within the country and freedom to choose the place of one's residence, right to travel or reside abroad, to return to home country. The right to travel and reside abroad may be limited exclusively by law in order to ensure the security of the nation and population and protect public order.

#### **Article 17**

1. Citizens of Mongolia while upholding justice and humanism, shall fulfil in good faith the following basis duties:

- 1) respect and abide by the Constitution and other laws;
  - 2) respect the dignity, reputation, right and legitimate interests of other;
  - 3) pay taxes levied by law;
  - 4) defend motherland and serve in the army according to law.
2. It is a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and the environment.

#### **Article 18**

1. The rights and duties of aliens residing in Mongolia shall be regulated by the Mongolian law and by the treaties concluded with the State of the person concerned.

2. Mongolia shall adhere 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 shall be determined by the Mongolian law.

4. Aliens or stateless persons persecuted for their convictions, 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 residing in Mongolia to exercise the basic rights and freedoms provided for in Article 16 of the Constitution, the State may establish certain limitations 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 national security, populations, and public order.

#### **Article 19**

1. The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to restore of infringed rights.
2. Human rights and freedoms as defined by the Constitution and other laws in case of a state of emergency or war shall be subject to limitation only by a law. Such a law shall not affect the right to life, the freedom of thought, conscience and religion, as well as the right not to be subjected to torture, inhuman and cruel treatment.
3. In exercising his/her rights and freedoms one shall not infringe on the national security, rights and freedoms of others and violate public order.

### **CHAPTER THREE - THE STRUCTURE OF THE STATE**

#### **I. The State Ih Hural of Mongolia**

##### **Article 20**

The State Ih Hural of Mongolia is the highest organ of State power and the supreme legislative power shall be vested only in the State Ih Hural.

##### **Article 21**

1. The State Ih Hural shall have one chamber and consist of 76 members.
2. The members of the State Ih Hural shall be elected by citizens of Mongolia entitled to vote, on the basis of universal, free, direct suffrage by secret ballot for a term of four years.
3. Citizens of Mongolia who have reached the age of 25 years and are eligible for elections shall be elected to the State Ih Hural.
4. The procedure of the election of members of the State Ih Hural shall be defined by law.

##### **Article 22**

1. If extraordinary circumstances arising from sudden calamities occurring in the whole or a part of the country, imposition of martial law or outbreak

of public disorder prevent regular general elections from being held, the State Ih Hural shall retain its mandate till extraordinary circumstances cease to exist and the newly elected members of the State Ih Hural are sworn in.

2. The State Ih Hural may decide on its dissolution if not less than two thirds of its members consider that the State Ih Hural is unable to carry out its mandate, or if the President in consolidation with the Chairman of the State Ih Hural, proposes to do so for the same reason. In case of such a decision, the State Ih Hural shall exercise its powers till the newly elected members of the State Ih Hural are sworn in.

### **Article 23**

1. A member of the State Ih Hural shall be an envoy of the people and shall represent and uphold the interests of all the citizens and the State.

2. The mandate of a member of the State Ih Hural shall begin with an oath taken before the State Emblem and expire when newly elected members of the State Ih Hural are sworn in.

### **Article 24**

1. Chairman and Vice-Chairman of the State Ih Hural shall be nominated and elected from among the members of the State Ih Hural by secret ballot.

2. The term of office of the Chairman and Vice-Chairman of the State Ih Hural shall be 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**

1. The State Ih Hural may consider at its initiative any issue pertaining to domestic and foreign policies of the state, and shall keep within its exclusive competence the following questions and decide thereon:

- 1) to enact laws, make amendments to them;
- 2) to define 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 State Ih Hural and its members;

- 4) to determine and change the structure and composition of the Standing Committees of the State Ih Hural, 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/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 State Ih Hural as provided for by law;
- 7) to define the State's financial, credit, tax and monetary policies; to lay own 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 State Ih Hural;
- 9) to define the State borders;
- 10) to determine the structure, composition and powers of the National Security Council of Mongolia;
- 11) to approve and change the administrative and territorial divisions of Mongolia 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 honorific 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; to establish and sever diplomatic relations with foreign State 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 part, and to consider the question which has obtained majority votes as decided;

17) to declare a state of war in case the sovereignty and independence of Mongolia are threatened by armed actions on the part of a foreign Power, and to abate it;

18) to declare a state of emergency or martial law in the whole or some parts of the country in special circumstances described in Sections 2 and 3 of this Article, and to approve or nullify the President's decree to that effect.

2. Under the following extraordinary circumstances the State Ih Hural may declare a state of emergency to eliminate the consequences thereof and to restore the life of the population and society to norm:

1) natural disasters or other unforeseen dangers which have threatened or may threaten directly the life, health, well being and security of the population inhabiting in the whole or a part of the country's territory, occur;

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

3. The State Ih Hural may declare martial law 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 real threat of an aggression from outside.

4. The other powers, structure and the procedures of the State Ih Hural shall be defined by law.

## **Article 26**

1. The President, members of the State Ih Hural and the Government shall have the right to legislative initiate.

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

3. The State Ih Hural shall officially promulgate national laws through publication and, if law does not provide otherwise, it shall be effective 10 days after the day of publication.

## **Article 27**

1. The State Ih Hural shall exercise its powers through its sessions and other organizational forms.
2. Regular sessions of the State Ih Hural shall be convened once in six months and last not 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 State Ih Hural, and / or on the initiative of the President and the Chairman of the State Ih Hural.
4. The President shall convoke the first session of the State Ih Hural within 30 days following the elections. Other sessions shall be convoke by the Chairman of the State Ih Hural.
5. In case of the proclamation by the President of a state of emergency or war, the State Ih Hural shall be convened for an extraordinary session within 72 hours without prior announcement.
6. The presence of an overwhelming majority of the State Ih Hural shall be required to consider a session valid, and decisions shall be taken by a majority of all members present and voting if the Constitution and other laws do not provide otherwise.

#### **Article 28**

1. The State Ih Hural shall have Standing Committees dealing with specific fields.
2. The State Ih Hural shall determine the competence, structure and procedures of the Standing Committees.

#### **Article 29**

1. Members of the State Ih Hural shall be remunerated from the State budget during their tenure and shall not hold concurrently any posts and employment other than those assigned by law.
2. Immunity of members of the State Ih Hural shall be protected by law.
3. If a question arises that a member of the State Ih Hural is involved in a crime, it shall be considered by the session of the State Ih Hural and decide whether to suspend his/her mandate. If the court proves the member in

question to be guilty of crime, the State Ih Hural shall terminate his/her membership in the legislature.

## **II. The President of Mongolia**

### **Article 30**

1. The President of Mongolia shall be the Head of State and embodiment of the unity of the people.
2. An indigenous citizen of Mongolia who has attained the age of forty five years and has permanently resided as a minimum for the last five years in native land, shall be eligible for election to the post of President for a term of four years.

### **Article 31**

1. Presidential elections shall be conducted in two stages.
2. Political parties which have obtained seats in the State Ih Hural shall nominate individually or collectively Presidential candidates, one candidate per party or coalition of parties.
3. At the primary stage of the elections citizens of Mongolia eligible to vote shall participate in electing the President on the basis of universal, free direct suffrage by secret ballot.
4. The State Ih Hural shall consider the candidate who has obtained a majority of all votes cast in the first voting as elected, the President and shall pass a law recognizing his/her mandate.
5. If none of the candidates obtains a majority vote in the first round, second voting shall take place involving the two candidates who obtains the largest number of votes in the first round. The candidate who a law recognizing his/her mandate shall be passed by the State Ih Hural.
6. If neither of the candidates wins in the second ballot, Presidential elections shall be held anew.
7. The President can be re-elected only once.
8. The President shall not be a member of the State Ih Hural or the Government and shall not 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/she shall be relieved of it from the date on which he/she takes an oath.

### **Article 32**

1. The mandate of the President shall become effective with an oath taken by him / her and shall expire with an oath taken by the newly elected President.

2. Within 30 days after the election the President shall take an oath before the State Ih Hural: " I swear that i shall guard and defend the independence and sovereignty of Mongolia, freedom of the people and national unity and shall uphold and observe the Constitution and faithfully perform the duties of the President".

### **Article 33**

1. The President enjoys the following prerogative rights:

1) to exercise the right to veto against a part or entirety of laws and other decisions adopted by the State Ih Hural. The laws or decisions shall remain in force if a two thirds of the members participating in the session of the State Ih Hural present do not accept the President's veto;

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

3) to instruct the Government on issues within the areas of his competence. If the President issues a decree to that effect, it shall become effective upon signature by the Prime Minister;

4) to represent the State with full power in foreign relations and, in consultation with the State Ih Hural, to conclude international treaties on behalf of Mongolia;

5) to appoint and recall heads of plenipotentiary missions of Mongolia to foreign countries in consultation with the State Ih Hural;

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

- 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 of Mongolia;
  - 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 in the emergency situation described in Sections 2 and 3 of Article 25 of this Constitution under undelayable circumstances when the State Ih Hural is in recess and issue ordinances of the beginning of military operations. The State Ih Hural shall consider within 7 days the presidential decree declaring a state of emergency or a state of war and shall approve or disapprove it. If the State Ih Hural does not take decision on the matter, the Presidential decree shall be void.
2. The President shall be the Commander-in-Chief of the armed forces of Mongolia.
  3. The President may address messages to the State Ih Hural and/or to the people, he may at his own discretion attend sessions of the State Ih Hural, 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**

1. The President within his powers shall issue decrees in conformity with law.
2. If a Presidential decree is incompatible with law, the President himself or the State Ih Hural shall invalidate it.

#### **Article 35**

1. The President shall be responsible to the State Ih Hural.



2. In case of breach of his oath, violation of the Constitution and the President's authority, the President may be removed from his post on the basis of the finding of the Constitutional Court by an overwhelming majority of members of the State Ih Hural present and voting.

#### **Article 36**

1. The person, residence and transport of the President shall be inviolable.
2. Dignity and immunity of the President shall be protected by law.

#### **Article 37**

1. In the temporary absence of the President his full powers shall be exercised by the Chairman of the State Ih Hural.
2. In the event of the resignation, death or voluntary retirement of the President his full powers shall be exercised by the Chairman of the State Ih Hural pending the inauguration of the newly elected President. In such a case the State Ih Hural shall announce and hold Presidential elections within four months.
3. The procedure of exercising the duties of the President by the Chairman of the State Ih Hural shall be determined by law.

### **III. The Government of Mongolia**

#### **Article 38**

1. The Government of Mongolia is the highest executive body of the State.
2. The Government shall implement the State laws and according to the duty to direct economic, social and cultural development shall exercise 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, and make State budget, credit and fiscal plans and to submit these to the State Ih Hural and to execute decisions taken thereon;
  - 3) to elaborate and implement comprehensive measures on sectional, intersectoral, as well as regional development;

- 4) to undertake measures on the protection of the environment, rational use and restoration of natural resources;
  - 5) to guide the Central state administrative bodies and to direct the activities of local administrations;
  - 6) to strengthen the country's defence capabilities and to ensure national security;
  - 7) to take measure for the protection of human rights and freedoms, to enforce the public order and to prevent of crimes;
  - 8) to implement the State foreign policy;
  - 9) to conclude and implement international treaties with the consent of and subsequent ratification by the State Ih Hural as well as to conclude and abrogate intergovernmental treaties.
3. The specific powers, structure and procedure of the Government shall be determined by law.

#### **Article 39**

1. The Government shall comprise of the Prime Minister and members.
2. The Prime Minister shall, in consultation with the President, submit his/her proposals on the structure, composition and change of the Government to the State Ih Hural.
3. The State Ih Hural shall consider the candidatures proposed by the Prime Minister one by one and take decision on their appointment.

#### **Article 40**

1. The term of the mandate of the Government shall be four years.
2. The term of office of the Government shall start from the day of the appointment of the Prime Minister by the State Ih Hural and terminate upon the appointment of a new Prime Minister.

#### **Article 41**

1. The Prime Minister shall lead the Government and shall be responsible to the State Ih Hural for the implementation of State laws.

2. The Government shall be accountable for its work to the State Ih Hural.

#### **Article 42**

Personal immunity of the Prime Minister and members of the Government shall be protected by law.

#### **Article 43**

1. The Prime Minister may tender his/her resignation to the State Ih Hural before the expire of his/her term of office if he/she considers that the Government is unable to exercise its powers.
2. The Government shall step 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 State Ih Hural shall consider the matter and make 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 State Ih Hural shall consider and take decision on the dissolution of the Government if not less than one fourth of the members of the State Ih Hural formally proposes the dissolution of the Government.

#### **Article 44**

If the Government submits a draft resolution requesting a vote of confidence, the State Ih Hural shall proceed with the matter in accordance with Section 3 of Article 43.

#### **Article 45**

1. The Government shall, in conformity with legislation, issue resolutions and ordinances which shall be 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 State Ih Hural shall invalidate them.

#### **Article 46**

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

#### **IV. THE JUDICIARY**

##### **Article 47**

1. The judicial power shall be vested exclusively in courts.
2. Unlawful institution of courts under any circumstances and exercise of judicial power by any other organization but courts shall be prohibited.
3. Courts shall be instituted solely under the Constitution and other laws.

##### **Article 48**

1. The judicial system shall consist of the Supreme Court, Aimag and capital city courts, Soum, intersoum and district courts. Specialized courts such as criminal, civil and administrative courts may be formed. The activities and decisions of the specialized courts shall not but be under the supervision of the Supreme Court.
2. The structure of courts and the legal basis of their activities shall be defined by law.
3. The courts shall be financed from the State budget. The State shall ensure economic guarantee of the courts activities.

##### **Article 49**

1. Judges shall be independent and subject only to law.
2. Neither a private person nor any civil officer be it the President, Prime Minister, members of the State Ih Hural or the Government, officials of political parties or other public organizations shall not interfere with the exercise by the judges of their duties.

3. A General Council of Courts shall function for the purpose of ensuring the independence of the judiciary.
4. The General Council of Courts, without interfering in the activities of courts and judges, shall deal 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 shall defined by law.

#### **Article 50**

1. The Supreme Court shall the highest judicial organ and shall exercise the following powers:
  - 1) to review and take decision at first instance on 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;
  - 5) to make judgements on all other matters assigned to it by law.
2. The decision made by the Supreme Court shall be a final judiciary decision and shall be binding upon all courts and other persons. If a decision made by the Supreme Court is incompatible with law, the Supreme Court itself shall have to repeal it. If an interpretation made by the Supreme Court is incompatible with a law, the latter shall have precedence.
3. The Supreme Court and other courts shall have no right to apply laws that are unconstitutional or have not been promulgated.

#### **Article 51**

1. The Supreme Court shall comprise the Chief Justice and judges.

2. The President shall appoint the judges of the Supreme Court upon their presentation to the State Ih Hural by the General Council of Courts, and appoint 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 legal education and experience in judicial practice of not less than 10 years, may be appointed as a judge of the Supreme Court. A Mongolian national of twenty five years of age with higher legal education and legal practice for not less than three years, may be appointed as a judge of the other courts.

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

#### **Article 52**

1. Courts of all instances shall 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 shall 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**

1. Court trials shall be conducted in the Mongolian language.

2. A person who does not know Mongolian shall be acquainted with all facts of the case through translation and shall have the right to use his/her native language at the trial.

#### **Article 54**

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

#### **Article 55**

1. The accused shall have a right to defence.

2. The accused shall be accorded legal assistance according to law and at his/her request.

#### **Article 56**

1. The Prosecutor shall exercise supervise registration of cases, investigation and the execution of punishment, and participate in the court proceedings on behalf of the State.

2. The President shall appoint the State Prosecutor General and his/her deputies in consultation with the State Ih Hural for a term of six years.

3. The system, structure and legal basis of the activities of the Prosecutor's Office shall be determined by law.

### **CHAPTER FOUR - Administrative and Territorial Units of Mongolia and their Governing Bodies**

#### **Article 57**

1. The territory of Mongolia shall be divided administratively into Aimags and a capital city; Aimags shall be subdivided into Soums; Soums into Baghs; the capital city shall be divided into districts and districts into Horoos.

2. Legal status of towns and villages located on the territories of administrative divisions shall be defined by law.

3. Revision of an administrative and territorial unit shall be considered and decided by the State Ih Hural on the basis of a proposal by a respective local Hural and local population, and with account taken of the country's economic structure and the distribution of the population.

#### **Article 58**

1. Aimag, the capital city, Soum and district are administrative, territorial, economic and social complex having their own functions and administrations provided for by law.

2. Borderlines of Aimags, the capital city, Soums and districts shall be approved by the State Ih Hural at the presentation by the Government.

#### **Article 59**

1. Governance of administrative and territorial units of Mongolia shall be organized on the basis of combination of the principles of both self-government and central government.
2. The self-governing bodies in Aimag, capital city, Soum and district shall be Hurals of Representatives of the citizens of respective territories; in Bagh and Horoo- General Meetings of citizens. In between the sessions of the Hurals and General Meetings, their Presidiums shall assume administrative functions.
3. Hurals of Aimags and the capital city shall be elected for a term of four years. The memberships of these Hurals as well as those of Soums and districts, and the procedure of their election shall be determined by law.

#### **Article 60**

1. State power shall be exercised on the territories of Aimags, the capital city, Soums, districts, Baghs and horoos by their respective Governors.
2. Candidates for Governors are nominated by the Hurals of respective Aimags, the capital city, Soums, districts, Baghs and Horoos. Governors of Aimags and the capital city are appointed by the Prime Minister; Soums and district Governors by the Governors of Aimags and the capital city; Governors of Baghs and Horoos by the Governors of Soums 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 shall be held in the manner prescribed in Section 2 of this Article. Pending the appointment of a new Governor the previously appointed Governor shall exercise his/her mandate.

#### **Article 61**

1. While working for the implementation of the decisions of a respective Hural, a Governor, as a representative of State authority, shall be responsible to the Government and the Governor of higher instance for proper observance of national laws and fulfilment of the decisions of the Government and the respective superior body in his/her territory.
2. Governor shall have a right to veto decisions of respective Aimag, capital city, Soum, district, Bagh and Horoo Hurals.



3. If a Hural by a majority vote overrides the veto, the Governor may tender his/her resignation to the Prime Minister or to the Governor of higher instance if he/she considers that he/she is not able to implement the decision concerned.

4. Governors of Aimag, the capital city, Soum and district shall have secretariats/Offices of the Seal. The Government shall determine the structure and staff limit individually or by a uniform standard.

#### **Article 62**

1. Local self-governing bodies besides making independent decisions on matters of socio-economic life of the respective Aimag, the capital city, Soum, district, Bagh and Horoo shall organize the participation of the population in solving problems of national scale and that of larger territorial divisions.

2. The authority of higher instance shall 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 State Hural and Government deem it necessary they may delegate some matters within their competence to the Aimag and capital city Hural Governors for their solution.

#### **Article 63**

1. Hural of Aimag, the capital city, Soum, district, Bagh and Horoo shall adopt resolutions and Governors shall issue ordinances within their competence.

2. Resolutions of the Hural and Ordinances of the Governors shall be in conformity with law, Presidential decrees and decisions of the Government and other superior bodies, and shall be binding within their respective territories.

3. Administrative and territorial units, and the powers, structure and procedure of their governing bodies shall be determined by law.

### **CHAPTER FIVE - The Constitution of Mongolia**

#### **Article 64**

1. The constitutional Tsets shall be an organ exercising supreme supervision over the implementation of the Constitution, making judgement on the violation of its provisions and resolving constitutional disputes.

It shall be the guarantee for the strict observance of the Constitution.

2. The Constitutional Tsets and its members in the execution of their duties shall be guided by the Constitution only and shall be independent of any organizations, officials or anybody else.

3. The independence of the members of the Constitutional Tsets shall be ensured by the guarantees set out in the Constitution and other laws.

#### **Article 65**

1. The Constitutional Tsets shall consist of 9 members. Members of the Constitutional Tsets shall be appointed by the State Ih Hural for a term of six years upon the nomination of three of them by the State Ih Hural, three by the President and the remaining three by the Supreme Court.

2. A member of the Constitutional Tsets shall be a Mongolian national who has reached forty years of age and is experienced in politics and law.

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

4. If the Chairman or a member of the Constitutional Tsets violates law, he/she may be withdrawn by the State Ih Hural on the basis of the decision of the Constitutional Tsets and on the opinion of the institution which nominated him/her.

5. The President, members of the State Ih Hural, the Prime Minister, members of the Government and members of the Supreme Court shall not be nominated to serve on the Constitutional Tsets.

#### **Article 66**

1. The Constitutional Tsets shall review and make judgement on the disputes at the request of the State Ih Hural, the President, the Prime Minister, the Supreme Court and the Prosecutor General and/or on its own initiative on the basis of petitions and information received citizens.

2. The Constitutional Tsets in accordance with Section 1 of this Article shall make and submit judgment to the State Ih Hural on:

- 1) the conformity of laws, decrees and other decisions by the State Ih Hural and the President, as well as Government decisions and international treaties signed by Mongolia with the Constitution;
- 2) the conformity of national referendums and decisions of the Central electoral authority on the elections of the State Ih Hural and its members as well as on Presidential elections with the Constitution;
- 3) the breach of law by the President, Chairman and members of the State Ih Hural, the Prime Minister, members of the Government, the Chief Justice and the Prosecutor General;
- 4) the well-foundedness of the grounds for the removal of the President, Chairman of the State Ih Hural and the Prime Minister and for the recall of members of the State Ih Hural.

3. If a decision submitted in accordance with Clauses 1 and 2 of Section 2 of this Article is not acceptable to the State Ih Hural, the Constitutional Tsets shall re-examine it and make final judgement.

4. If the Constitutional Tsets decides that the laws, decrees and other decisions of the State Ih Hural and the President as well as Government decisions and international treaties concluded by Mongolia are incongruous with the Constitution, the laws, decrees, instruments of ratification and decisions in questions shall be considered invalid.

## **Article 67**

Decisions of the Constitutional Tsets shall immediately enter into force.

## **CHAPTER SIX - Amendments to the Constitution of Mongolia**

### **Article 68**

1. Amendments to the Constitution may be initiated by organizations and officials enjoying the right to legislative initiative and / or proposed by the Constitutional Court to the State Ih Hural.
2. A national referendum on constitutional amendment may be held on the concurrence of not less than two thirds of the members of the State Ih Hural.

The referendum shall be held in accordance with the provisions of Clause 16, Section 1, Article 25 of the Constitution.

#### **Article 69**

1. An amendment to the Constitution shall be adopted by not less than three fourths of votes of all members of the State Ih Hural.
2. A draft amendment to the Constitution which has twice failed to win three fourths of votes of all members of the State Ih Hural shall not be subject to consideration until the State Ih Hural sits in a new composition following general elections.
3. The State Ih Hural shall not undertake amendment of the Constitution within 6 months pending the next general elections.
4. Amendment which have been adopted shall be of the same force as the Constitution.

#### **Article 70**

1. Laws, decrees and other decisions of state bodies, and activities of all other organizations and citizens should be in full conformity with the Constitution.
2. This Constitution of Mongolia shall enter into force at 12.00 hours on the 12 the of February of 1992, or at the hour of Horse on the prime and benevolent ninth day of Yellow Horse of the first spring month of Black Tiger of the year of Water Monkey of the Seventeenth 60-year Cycle.

Learn and Abide.

THE GREAT PEOPLE'S HURAL OF THE MONGOLIAN PEOPLE'S REPUBLIC

11.35 a. m. 13 January 1992