

LAW OF MONGOLIA
April 17, 1995 Ulaanbaatar city
LAW ON RESOLVING PETITIONS AND COMPLAINTS OF CITIZENS TO STATE
ORGANIZATIONS AND PUBLIC OFFICIALS
CHAPTER ONE
GENERAL PROVISION

Article 1. Purpose of the Law

The Law shall regulate the process of lodging petitions and complaints from citizens to state organizations and public officials, and resolving the same by the state organizations and public officials.

Article 2. Legislation on petitions and complaints

Legislation on petitions and complaints shall consist of the Constitution of Mongolia and this Law and other legislative acts issued in conformity therewith.

Article 3. Scope of the Law

1. The Law does not apply to petitions and complaints that shall be resolved by Criminal Procedure Law, Law on Civil Case Procedure at Court, Law on Offense Proceedings and Law on Arbitration.

/This part was amended by the Law of October 30, 2003/

//This part was amended by the Law of May 18, 2017/

/This part was amended by the Law of May 18, 2017/

2. Petitions and complaints regarding matters specified by Law on State Inspection shall be resolved in accordance with the procedure in the same Law.

3. Unless otherwise provided by this Law, the period specified in Article 13.2 and Article 16 shall be complied in the resolution of petitions and complaints to non-governmental organizations and entities and their officials.

Article 4. Legal terms

Terms in the Law shall have the following meaning:

1/"petition" is a request to state organizations and public officials regarding matters other than Article 4.4 of this Law; a petition may have the nature of a proposal or a notice;

2/"proposal" is a citizen's request for improvement and renewal of the activities of state and local administrations and public officials;

3/"notice" is a citizen's request regarding the implementation of human rights and freedom specified in the Constitution of Mongolia and other legislation;

4/"complaint" is a request for restoration of rights, freedom and interests, that are protected by law, which are deemed to have been violated by the decisions and activities of state organizations and public officials;

5/"resolving petition and complaint" refers to reviewing issues raised in the petition or complaint from every aspects, notifying relevant actions taken in compliance with the legislation and providing response within the period specified in this Law.

/This article was amended by the Law of October 30, 2003/

Article 5.Right to lodge a petition or a complaint

1.A citizen of Mongolia has the right to lodge an individual or a joint complaint or petition.

2.Unless otherwise specified in the legislation of Mongolia and international treaties, a foreign citizen or a stateless person in the territory of Mongolia shall have equal rights as the citizen of Mongolia in lodging a petition or a complaint.

Article 6.Rights of a petitioner or a complainant

A petitioner or a complainant shall have following rights:

1/obtain a response on the petition or complaint;

2/provide explanation and proof on the petition or complaint;

3/withdraw the petition or complaint;

4/lodge complaint to a higher ranking official in case of disagreement with the provided response;

5/have the petition or complaint made to a state organization or public official resolved.

/This clause was added by the Law of October 30, 2003/

Article 7.Common obligations of state organizations and public officials regarding petitions and complaints

1.State organizations and public officials shall have the following common obligations with respect to a petition or a complaint:

1/provide citizens with the conditions to lodge a petition or a complaint;

2/must accept a petition or a complaint under their jurisdiction;

3/review each issue referred in a petition or a complaint within their authority and make a reasonable decision;

4/resolve a petition or a complaint within the specified period;

5/keep the confidentiality of state, corporate and personal secrets specified in a petition or a complaint;

6/provide a reasonable response to a petition or a complaint;

7/check the implementation of actions taken by organizations and officials under their jurisdiction, in accordance with the decision on a petition or a complaint;

/This clause was added by the Law of October 30, 2003/

8/report the resolution of petitions and complaints made by citizens through the press and media on a regular basis;

/This clause was added by the Law of October 30, 2003/

9/publicize and disseminate the scope of his/her activities to the public through the press and media.

/This clause was added by the Law of October 30, 2003/

10/An employee who is responsible for receiving a petition or a complaint shall deliver them to an official who will resolve the petition or complaint within the specified period.

/This clause was added by the Law of June 25, 2009/

2.An organization or a public official shall not transfer a petition or a complaint that falls under their authority, to another organization or public official.

3.The management of the organization shall report the summary on resolution of the petitions and complaints made by the citizens to the public on an annual basis.

/This part was added by the Law of June 25, 2009/

CHAPTER TWO

LODGING A PETITION OR A COMPLAINT

Article 8.Principles of lodging a petition or a complaint

1.A petitioner or a complainant shall not call out others to breach the Constitution of Mongolia and other laws, and violate and discriminate other's rights, freedom and legal rights.

2.A petition or a complaint shall be accurate.

Article 9.Form of lodging a petition or a complaint

1.A petition or a complaint shall be made in written or verbal form in official language of the State. A petition or a complaint may be lodged via online network. Every organization shall have an e-mail address.

/This part was amended and amended by the Law of October 30, 2003, and amended by the Law of June 25, 2009/

2.If a petitioner or a complainant does not know the official language of the State, a petition or a complaint may be made in his/her native language.

3.A person receiving a verbal petition or complaint, which is made in person, shall write down the petition or complaint and obtain a petitioner or complainant's signature. If the petitioner or complainant is not able to sign, it shall be noted.

4.Citizens may lodge a petition or a complaint via a hotline or a broadcast on radio and television.

/This part was added by the Law of October 30, 2003/

5.A verbal response may be provided to a petition or a complaint specified in Clause 4 of this Article. If necessary, a written response may be provided upon review and clarification.

/This part was added by the Law of October 30, 2003/

Article 10.Requirements on a petition and a complaint

1.A written petition or complaint shall be signed, and shall specify the full name, residential address or postal address of the petitioner or complainant. If a petitioner or a complainant cannot sign due to an excusable reason, he/she may ask others to sign on his/her behalf.

/This part was added by the Law of October 30, 2003/

2.A joint petition or complaint in written form shall be signed by all petitioners or complainants or by their representatives upon enclosing a document evidencing his/her right to represent.

3.Other requirements are prohibited in lodging a petition or a complaint.

Article 11.Lodging a petition or a complaint

1.Citizens shall lodge their petitions and complaints on matters that are formally announced through press and media, and determined by law to be resolved by a particular state organization or public official. If a state organization or a public official's scope of activities, which is determined by law, is not formally announced to the public, it shall not serve as grounds for not accepting a petition or a complaint on such issue.

/This part was amended by the Law of October 30, 2003/

2.If there is no higher level organization or higher ranking official for a high level organization or a high ranking official that is superior to the organization or official that is related to the complaint, the complaint shall be made to an organization which issued the administrative act or a specified organization for complaint as provided by law.

/This part was amended by the Law of February 04, 2016/

CHAPTER THREE

RECEIVING, RESOLVING AND RESPONDING TO PETITIONS AND COMPLAINTS

Article 12.Receiving and registering a petition or a complaint

1.All state organization shall determine and announce the place for meeting petitioners or complainants, and the time table for receiving petitions and complaints. Meeting shall be held with citizens from remote areas without making them wait.

2.An employee who is responsible for receiving a verbal petition or complaint made by citizens shall write down the petition or complaint and register in specific registration.

/This part was amended by the Law of October 30, 2003/

3.A petition or a complaint in written or electronic form shall be received and recorded in order, by a clerical officer of an organization.

/This part was amended by the Law of October 30, 2003/

4.A petition or a complaint, which is recorded as specified in Clause 2 and 3 of this Article shall be transferred to an official in charge on the same day.

5.A complaint is prohibited to be transferred to an official who is related to the complaint.

6.A petition or a complaint may be directly received by an official.

7.A petition or a complaint which is addressed as "Confidential" or "Hand to hand" shall be directly handed to the particular official.

8.An official who received a petition or a complaint as specified in Clause 6 and 7 of this Article shall comply with following procedure:

1/a petition or a complaint shall be recorded in the specified registration within 1 working day after it is received by the official or after the arrival of the official, if he/she is elsewhere;

/This part was amended by the Law of October 30, 2003/

2/if the official is related to the petition or complaint or if the petition or complaint is not relevant to the authority of the official, it shall be handed over to an employee specified in Clause 3 of this Article.

Article 13.Reviewing a petition or a complaint

An official who received a petition or a complaint may review it as follows:

1/determine whether a petition or a complaint is within the authority of a particular organization or official or is issued with respect to matters formally announced to the public;

/This clause was amended by the Law of October 30, 2003/

2/transfer a petition or a complaint to the relevant organization within 3 days, if it does not fall within its authority or is not issued with respect to matters formally announced to the public;

/This clause was amended by the Law of October 30, 2003/

3/review and analyze each issue specified in the petition or complaint that falls under its jurisdiction and require and obtain enquiry, analysis and reference from relevant organizations;

4/require and obtain documents for clarification from the petitioner or complainant.

Article 14.Not reviewing or returning a petition or a complaint

1.A petition or a complaint may not be reviewed in case of following grounds:

1/if no certain name or address is specified on a petition or a complaint;

2/if a minor or a person with limited legal capability as provided by court decision is not represented by a father, a mother or a guardian;

3/if a citizen makes a petition or a complaint on matters which were previously addressed to a state organization or a public official, and if there are no grounds for re-review;

/This clause was added by the Law of October 30, 2003/

4/if there is a valid court decision regarding the matter specified in the petition or complaint.

/This clause was added by the Law of October 30, 2003/

2.If a petition or a complaint cannot be resolved because it does not meet the requirements of Article 10 of this Law or it is not lodged on the matters specified in Article 11.1, it shall be returned to the petitioner or complainant within 3 days upon notifying him/her to fulfill the requirement.

/This part was amended by the Law of October 30, 2003/

Article 15.Resolving and providing a response to a petition or a complaint

1.If the matter of a petition is possible to be directly resolved, an appropriate decision shall be made.

2.A petition on matters which will be resolved in the long term (such as providing an apartment) that is not possible to be directly resolved shall be recorded in the specific registration and its resolution shall be monitored.

3.A public official shall resolve a complaint within his/her full power.

4.If a petition or a complaint is resolved or the actions specified in Clause 2 of this Article are taken, a relevant response shall be provided in an appropriate form such as verbal response in person or by telephone or written response.

5.If a response is provided verbally or by telephone, it shall be noted in the records.

6.A response specified in Clause 4 and 5 of this Article shall be provided or appropriate measures shall be taken upon reviewing the possibility to accept and implement a petition with the nature of a proposal.

/This part was repealed by the Law of October 30, 2003/

Article 16.Period for resolution and response to a petition or a complaint

1.A petition or a complaint shall be resolved within 30 days after its receipt. If necessary, this period shall be extended for up to 30 days by an executive officer of a particular organization. A petitioner or a complainant shall be informed of the extension of this period.

2.A response to a petition with the nature of a proposal shall be provided within 90 days.

Article 17.Making a complaint on decisions

If a petitioner or complainant disagrees with the decision on the petition or complaint, one has the right to make a complaint to a higher administrative organization or public official of the organization or official that issued the administrative act. If there is no higher administrative organization or public official, the complaint shall be lodged to the organization which issued the administrative act or an administrative organization which is obliged to resolve complaints.

/This article was amended by the Law of February 04, 2016/

Article 18.Executing the decision on a petition or a complaint

1.An authorized official who made the decision or other authorized officials shall be responsible for implementation of the decision on resolving the petition.

2.A relevant party shall be responsible for implementing the decision on restoring the violated rights specified in the complaint.

CHAPTER FOUR

MISCELLANEOUS

Article 19.Monitoring receipt and resolution of a petition or a complaint

1.The governor or authorized official of an organization shall monitor whether the receipt and resolution of petitions and complaints to state organization and public officials are in compliance with the legislation.

2.The Cabinet Secretariat of the Government of Mongolia shall be responsible for organizing and managing the process for resolving petitions and complaints at state central administrative body or local administration.

3.The Minister, Aimag Governor or City Governor shall provide a final response on petitions or complaints, other than those to be resolved by another organization or public official as provided by law, and those falls under their scope of activities and legal obligations, without transferring them to a lower level organization or lower ranking official.

/This part was added by the Law of June 25, 2009/

Article 20.Analyzing and reviewing a petition or a complaint

State organizations shall analyze and review the content of a petition or a complaint to organize for and implement relevant measures.

Article 21.Liability for breach

1.If the act of a public official who breached this law does not constitute a criminal act, liabilities specified in Law on Public Service shall be imposed.

2.A person or legal entity that violates this Law shall be punishable by liabilities specified in the Criminal Code or Law on Offense.

/This article was amended by the Law of December 4, 2015/

CHAIRMAN OF THE STATE GREAT HURAL OF MONGOLIA N.BAGABANDI