

**Unofficial translation**

**Law on the National Human Rights Commission of Mongolia**

**23th January of 2020 State Palace, Ulaanbaatar**

**CHAPTER ONE**

**GENERAL PROVISIONS**

Article 1. Purpose of the Law

1.1. The purpose of this Law shall be to determine legal basis and operational principles of the National Human Rights Commission of Mongolia, and to regulate the relations arising out of human rights protection including freedoms, prevention from violations, and human rights education and promotion to the public.

Article 2. Legislation on the Commission

2.1. Legislation on the National Human Rights Commission shall consist of the Constitution of Mongolia, this Law and other legislative acts enacted in conformity with them.

2.2. If an international treaty to which Mongolia is a State Party (the international treaties of Mongolia) provides otherwise than this Law, the provisions of that international treaty shall prevail.

Article 3. Definitions of the Law

3.1. The following terms used in this law shall have the following meanings:

3.1.1. 'the National Human Rights Commission' means independent and autonomous national institution charged with monitoring over the implementation of the provisions on human rights and freedoms and provided in the Constitution of Mongolia, laws and international treaties of Mongolia and mandated with the protection and promotion of human rights;

3.1.2. 'prevention of torture' means independent, autonomous and comprehensive operation which is preventing from torture and other acts of cruel, inhuman, and degrading treatment or punishment.

**CHAPTER TWO**

**NATIONAL HUMAN RIGHTS PROTECTION SYSTEM**

Article 4. Principle to provide, protect and promote human rights and freedoms

4.1. Legislation, administrative acts, development policy documents and operations of governmental organizations shall adhere to the principles of fulfilment, protection and respect of human rights and freedoms.

4.2. Organizations mentioned in Article 5.1 of this Law in compliance with their function and mandate shall adhere to the principles of fulfilment, protection and respect of human rights and freedoms.

Article 5. National Human Rights Protection System

5.1. National Human Rights Protection System shall consist of the President of Mongolia, State Great Khural (Parliament), the Government, the courts, the prosecutors, the Tsets of the Constitution (Constitutional Court), governmental and municipal authorities and the National Human Rights Commission.

5.2. Civil society organizations can be involved in operations of human rights protection in Mongolia.

Article 6. National Human Rights Commission of Mongolia

6.1. National Human Rights Commission of Mongolia (hereinafter referred to as 'the Commission') shall be funded from State budget. Chief Commissioner shall plan and submit annual budget proposal to the Speaker of the State Great Khural and the proposal shall be discussed in session of the Standing Committee of Legal Affairs. Chief Commissioner shall deliver the approved budget proposal by the Standing Committee of Legal Affairs to the State's central administrative authority in charge of budget to integrate into the the State Consolidated Budget within time period described in the law.

6.2. The Commission's budget shall fulfil the requirements for the independent conduct of its activities and spend for operations to fulfil, protect human rights and freedoms, prevent from violations, deliver and promote human rights education to the public, prevention of torture and appoint experts and other financial expenditures.

6.3. The Commission shall have its own premise.

6.4. The Commission shall use a seal with Soyombo symbol, stamp and official blank paper with the State Coat of Arms. The Commission may have organizational logo and procedure on application of this logo shall be adopted by the meetings of Commissioners.

Article 7. Functions of the Commission

7.1. The Commission shall exercise the following functions:

7.1.1. To put forward proposals and recommendations on any human rights and freedoms-related issues in Mongolia and deliver to competent organizations, officials and legal entities;

7.1.2. To put forward proposals on whether drafts of laws or administrative decisions are in conformity with the Constitution of Mongolia, international treaties and key human rights principles;

7.1.3. To put forward proposals to ratify and/or accede the international human rights treaties and send information to the United Nations Human Rights Council and treaty bodies;

7.1.4. Refer proposals with regard to improving the legislation connected with fulfilling human rights and freedoms to the officials or authorities with law-initiating competence;

7.1.5. To promote and disseminate human rights education;

7.1.6. To protect human rights and freedoms;

7.1.7. To collaborate with governmental, civil society and media organizations, legal entities and international organizations;

7.1.8. To conduct research on necessary issues by scientific and research institutions and non-profit legal entities and appoint thematic experts to have expert-opinion;

7.1.9. To monitor the implementation of legislation regarding gender equality;

7.1.10. To monitor the implementation of governmental organizations and officials' duties to provide, protect and respect human rights in accordance with legal powers of this law and other relevant legislation;

7.1.11. To produce reports on the situation of human rights and freedoms in Mongolia and submit to the State Great Khural.

Article 8. The Commission's Operational Core Principles

8.1. The Commission shall adhere in its operations to the principles in the Constitution of Mongolia and following principles:

8.1.1. Principle of respect of human rights and freedoms;

8.1.2. Principle of accessibility;

8.1.3. Principle of justice and transparency;

8.1.4. Principle of independence and autonomy.

Article 9. The Commission's interaction with the State Great Khural

9.1. The Commission shall submit to the State Great Khural a report on the situation of human rights and freedoms in Mongolia within the 1st (first) quarter of every year.

9.2. The State Great Khural shall discuss the Commission's report in regular spring plenary session and issue a resolution on the implementation of proposals and recommendations in the report.

Article 10. The Commission's interaction with the Government

10.1. The Government shall reflect the Commission's budget proposal in State Consolidated Budget in accordance with procedure as provided in Article of 6.1 and 6.2 of this Law.

10.2. The Chief Commissioner may participate in the advisory capacity in meetings of the Government Cabinet at the request of the Prime Minister.

10.3. The Chief Commissioner may participate in meetings of the Government Cabinet to express his/her position in case of referring his/her proposals to the human rights and freedoms-related issues in the agenda items

10.4. The Commission may express its position on issues regarding accession of international human rights treaties and put forward proposal and recommendation to the State report on implementation of international human rights treaties.

Article 11. The Commission's interaction with the prosecutors

11.1. Commissioners of the Commission or the Commissioner on of Prevention of Torture shall collaborate with prosecutor's organization by requesting statistical information of situation of crimes, its causes and conditions and other forms of collaboration in compliance with functions provided in this Law.

Article 12. Nomination of Candidates for and Appointment of Commissioners

12.1 The Commission shall consist of six five Commissioners.

12.2 A candidate for Commissioners shall be a Mongolian citizen who has reached the age of 35 (thirty-five) with following requirements:

12.2.1. high legal qualification;

12.2.2 experience in human rights protection.

12.3. The Standing Committee of Legal Affairs shall announce about the competitive selection of Commissioners at least 60 (sixty) days before end of the tenure of Commissioner through public media organizations.

12.4. A citizen who fulfils requirements for Commissioner as provided in Article 12.2 of this Law shall submit his/her request to the Standing Committee of Legal Affairs within 30 (thirty) days after the date of announcement.

12.5. The Standing Committee of Legal Affairs shall establish working group to conduct the competitive selection within 60 (sixty) days. Working group shall nominate citizens with the highest scores in the competitive selection by numbers of empty seats of Commissioners and the Standing Committee of Legal Affairs shall discuss the nomination.

12.6. The Standing Committee of Legal Affairs shall discuss the nomination within a week and decide whether to submit its proposal to plenary session of State Great Khural to appoint him/her as Commissioner.

12.7. If majority of members of the State Great Khural was not voting for a candidate, then the competitive selection shall be conducted again within 14 (fourteen) days in accordance with procedure as provided in this Law and nominate another person's name who have highest scores among competed citizens.

12.8. If majority of members of State Great Khural was not voting for a candidate, then that citizen shall not be nominated again.

12.9. Appointment of the Commissioners shall consider gender equality and forty percent of the Commissioners provided in Article 12.1 of this Law shall be representation from one of sexes.

12.10. In case any of Commissioners has been released, resigned from his/her official position or deceased before the expiry of the term of his/her office, the Great State Khural shall appoint replacement for that Commissioner within 60 (sixty) days from that date in accordance with this Law.

12.11. If any of Commissioners has been holding another job or office before his/her appointment, then he/she shall be released from that job or office from the day on which he/she has taken an oath of office.

12.12. The Standing Committee of Legal Affairs shall approve the procedure on the competitive selection of Commissioners.

#### Article 13. Term of Office of Commissioners

13.1. A single term of office for Commissioners shall be 6 (six) years.

13.2. Power of Commissioner shall start by appointing by the State Great Khural and shall end by appointing the new Commissioner.

13.3. Commissioners may be re-appointed only once.

13.4. The Chief Commissioner shall be appointed once for a term of six years from among Commissioners by the State Great Khural, based on the proposal by the Speaker of the State Great Khural.

13.5. In the case of absence of the Chief Commissioner, Commissioner who has been in office the longest time, if this requirement fulfilled by several commissioners, then eldest Commissioner among others shall substitute the Chief Commissioner for a temporary period.

13.6. Commissioner in charge of human rights defenders shall be elected from amongst Commissioners by secret majority vote only once for a term of one year.

13.7. In case the Commissioner stated in Part 13.6 of this Law has been appointed as Chief Commissioner, or elected or appointed to another official position, Commissioners shall elect the replacement within 14 days.

#### Article 14. Swearing in of the Commissioners

14.1. Commissioners shall take an oath of office to the Constitution of Mongolia within 30 (thirty) days from the date of appointment by swearing in: 'I do swear to observe faithfully the Constitution of Mongolia, and to fulfil dutifully my obligations to promote and protect the human rights and freedoms, which are guaranteed in the laws and international treaties of Mongolia.'

14.2. The ceremony of taking an oath by Commissioners shall be organized in accordance with procedure in Law on Civil Service.

#### Article 15. Release and Suspension from the Office, and Dismissal of Commissioners

15.1. The State Great Khural shall release a Commissioner from his/her office in the following cases:

15.1.1. A Commissioner has requested to nominate his/herself as a candidate for the presidential, parliament and municipal elections;

15.1.2. A Commissioner has been appointed or elected to another official position;

15.1.3. A Commissioner has requested on his/her own because he/she becomes unable to exercise his/her powers due to health conditions or for any other excusable reasons;

15.1.4. A Commissioner has been reached the age limit in civil service if there are no other regulations.

15.2. The State Great Khural shall discuss and make a decision within a week from the date of receipt of a proposal from the competent authority on whether to suspend his/her powers, if a Commissioner has been implicated in the crime, as well as has been arrested as provided in Article 23.1 of this Law.

15.3. The State Great Khural shall restore his/her powers and adopt a resolution to that effect, on the basis of a decision by the competent authority or official, which has established that a Commissioner has not been implicated in the crime or not guilty of committing it.

15.4. The State Great Khural shall dismiss him/her from the office and adopt a resolution to that effect, if a crime, which has been proved to be committed by a Commissioner, and a final binding judgement to that effect by the Court has come into force.

#### Article 16. Meetings of Commissioners

16.1. Meetings of Commissioners shall convene monthly and the Chief Commissioner may convene ad-hoc meetings in necessary circumstances.

16.2. Rules of order for meetings of Commissioners shall be adopted by the Commission.

16.3. Meetings of Commissioners shall discuss and make decisions on following issues under functions as provided in Article 7.1 of this Law:

16.3.1. To adopt by law of the Secretariat of the Commission and define numbers of the staff and amount of their salaries in compliance with adopted budget by the State Great Khural;

16.3.2. To discuss and decide the structure, content of a report on situation of human rights and freedoms, and its proposals and recommendations;

16.3.3 To discuss proposals and recommendations on any human rights and freedoms-related issues in Mongolia to competent organizations and officials;

16.3.4. To describe strategic, annual, quarterly and monthly plans of the Commission;

16.3.5 To discuss final results of any inquiries and research;

16.3.6. To define the Commission's unified position on human rights issue.

#### Article 17. Report on situation of human rights and freedoms in Mongolia

17.1. The Commission shall submit to the State Great Khural a report on the situation of human rights and freedoms in Mongolia within the 1st (first) quarter of every year.

17.2. Meetings of Commissioners shall finalize topics of the report on the situation of human rights and freedoms in Mongolia.

17.3. The Government shall report to the State Great Khural about the realization of proposals and recommendations of the Commission's report in accordance with obligations mentioned in resolution of the State Great Khural.

### CHAPTER THREE

#### POWERS OF COMMISSIONERS

##### Article 18. Powers of Commissioners

18.1. The Commissioners shall exercise the following powers:

18.1.1 To conduct inquiries at his/her own initiative on the basis of complaint and information with regard to violations of human rights and freedoms or at the request of citizens, organizations, officials and legal entities;

18.1.2. To get acquainted with all types of documents from any governmental organizations and officials, to copy and have necessary information and researches, with a view to conducting human rights research;

18.1.3. To provide advice on human rights issues.

18.2. The Commissioners may conduct inquiries following-up information on violations of human rights.

##### Article 19. Powers of the Chief Commissioner

19.1. The Chief Commissioner shall exercise the following powers:

- 19.1.1. To represent the Commission in domestic and/or foreign relations;
- 19.1.2. To participate in sessions of the State Great Khural at the request of the Speaker of the State Great Khural;
- 19.1.3. To allocate complaint and information to the Commissioners to handle by them;
- 19.1.4. To appoint and/or release the Secretariat Director;
- 19.1.5. To deal with internal organizational matters of the Commission;
- 19.1.6. To adopt internal operational regulations of the Commission;
- 19.1.7. To convene and chair the meetings of Commissioners;
- 19.1.8. To adopt the procedure on receiving and answering to complaint and information by e-mails and phone calls;
- 19.1.9. To adopt the mediation procedure of the Commission;
- 19.1.10. To support the operations of the Commissioner on Prevention of Torture.

## CHAPTER FOUR

### COMPLAINTS AND INFORMATION LODGING TO THE COMMISSION AND HANDLING OPERATIONS

#### Article 20. Right to lodge complaints and information

20.1. Citizens of Mongolia, either individually or in a group, shall have the right to lodge complaints or submit information to the Commission in accordance with this Law, in case of violations of human rights and freedoms, guaranteed in the Constitution of Mongolia, laws and international treaties of Mongolia.

20.2. Unless otherwise provided in laws and international treaties of Mongolia, foreign citizens and/or stateless persons who are residing in the territory of Mongolia, shall exercise the same right to lodge complaints to the Commission on equal footing as the citizens of Mongolia.

20.3. Children or persons, who do not have full civil law capacity or have some limited or partial capacity may lodge complaints on his/her own or through representation of their legitimate representatives, parents, caretakers and/or guardians.

20.4. Complaints or information may be lodged by a legitimate representative of the persons, who are considered missing or declared as deceased.

20.5. Non-profit legal entities shall exercise equally the right provided in Article 20.1 and lodge complaints or submit information through their representatives.

20.6. Representatives provided in Articles 20.3, 20.4 and 20.5 of this Law shall have a document of proof for their own representation powers.

#### Article 10. Form of lodging complaints and information

21.1. Complaints and information shall be lodged in writing in Mongolian language or verbally in person. Persons, who do not know Mongolian language, may lodge complaints in their mother tongue and their complaints must be translated into Mongolian language and duly certified in accordance with procedure provided for it.

21.2. Complaints and information lodged verbally in person shall annexed with the note and signed by complainant or informant. If complainant or informant is illiterate or having other reasons to reconsider, then it shall be written in the note and receive the complaint or information.

21.3. Complaint and information may be lodged through official e-mail address of the Commission or hotline phone number.

#### Article 22. Requirements for complaints and information

22.1. Complaints shall reflect the following items:

22.1.1. A Complainant must indicate, which rights and freedoms guaranteed in the Constitution of Mongolia, laws and international treaties of Mongolia, have been violated;

22.1.2. The Complainant must write his/her own name, residential or postal address, and has signed it;

22.1.3. The Complainant must specify violations of rights and freedoms and incidents occurred and annex relevant evidences;

write his/her own name, residential or postal address, and has signed it;

22.1.4. The Complainant must attach the name, address, phone-number and other related documents of the organization, official, legal entity, its administration or individual person who is implicated in the complaint;

22.2. Commissioners shall not receive complaints about criminal and civil cases and/or disputes, which are at the stage of registration/inquiry of cases, investigation and/or on trial or have been already decided.

Article 23. Period for receiving and replying to complaints and information

23.1. A Complainant shall lodge a complaint immediately when his/her rights and freedoms were violated. The Commission shall accept a complaint from the complainant within 2 (two) years from the date on which his/her rights and freedoms were violated or from the date on which he/she came to know about such violation.

23.2. The Commission shall resolve within 30 (thirty) days from the date of receipt of a complaint, and if there is need for additional research and inquiry required, the Chief Commissioner may extend it up to 60 (sixty) days.

23.3. If a complaint is not under jurisdiction of the Commission, then it shall be transferred within 3 (three) working days to relevant organization and official.

Article 24. Powers of Commissioners with respect to the acceptance of complaints and information

24.1. The Commissioners shall exercise the following powers with respect to the acceptance of complaints and information:

24.1.1. To accept and examine complaints;

24.1.2. To refuse to accept the complaints which do not meet the requirements provided in Article 22.1 of this Law;

24.1.3. To explain to the Complainant what rights and duties he/she has with regard to the restoration of violated rights.

Article 25. Powers of Commissioners with respect to inquiry of complaints and information

25.1. The Commissioners shall exercise the following powers during the course of inquiry into complaints:

25.1.1. To take explanations from the Complainant and relevant citizen, organization, official, legal entity, and its administration;

25.1.2. To summon the Complainant and relevant citizens;

25.1.3. To have unrestricted access to any organization, object and legal entity and to meet in person with the relevant officials;

25.1.4. To obtain without any charge the necessary evidence, official documents and information from organizations, officials and/or legal entities, and to get acquainted with them on the spot;

25.1.5. To appoint experts from the appropriate organizations in a case of necessity for the specialized knowledge, and to get their expert-opinions;

25.1.6. To conduct alone an inquiry into the activities of business entities, organizations or officials, or jointly on the basis of a proposal by the competent State authority and their officials;

25.1.7. To access the confidential data/secrets of the State, organization or individual person in accordance with procedure established by the relevant law.

Article 26. Powers of Commissioners in respect of decision-making on complaints and information

26.1. The Commissioners shall exercise the following powers with respect to making a decision on complaints:

26.1.1. To demand or recommend organizations or officials to stop activities which violate human rights and freedoms, or which create conditions for such violations;

26.1.2. To submit claims to the courts with regard to issues of violations of human rights and freedoms by business entities, organizations, officials or individual persons to participate in person or through a representative in judicial proceedings in accordance with procedure established by the law;

26.1.3. To put forward requests to the competent authorities or officials with regard to imposing relevant sanctions on officials who, as he/she considers, have violated human rights and freedoms as provided in Article 26.1.2 of this Law;

26.1.4. To decide the issues by way of conciliation of the parties;

26.1.5. To transfer to relevant organization and official, if complaint and information are having elements of crimes or petty offences;

26.1.6. To transfer the complaint and information to competent organization, official and legal entity mandated to resolve violations and demand the implementation of it;

26.1.7. To inform the State General Prosecutor about issue regarding possible torture case of official to suspend from his/her position.

26.2. Commissioners shall keep in good faith the confidential data/secrets of the State, organization or individual person, which he/she came to know about during the course of conducting the official business or which has been informed to him/her in trust.

26.3. Commissioners shall have an obligation to inform the Complainant with regard to results of his/her complaint examination activities.

## CHAPTER FIVE

### DEMANDS AND RECOMMENDATIONS OF THE COMMISSIONERS

#### Article 27. Demands and Recommendations of the Commissioners

27.1. The Commissioners shall issue demands and/or make recommendations during the course of exercise of his/her powers.

27.2. The Commissioners shall deliver demands to relevant organizations in order to restore human rights and freedoms and eliminate the violations if he/she has considered that organization, official or legal entity has violated human rights and freedoms.

19.3. The Commissioners shall make recommendations within his/her own competence and deliver them to relevant organizations, officials or legal entities, in order to eliminate reasons and conditions in case there is possibility for violations of human rights and freedoms.

#### Article 28. Realizing the Demands and Recommendations of the Commissioners

28.1. Organizations, officials or legal entities shall have a obligation to realize the Demands and Recommendations of the Commissioners.

28.2. Organizations, officials or legal entities shall inform in writing with regard to measures undertaken within 30 (thirty) days if they have received demands, and within 60 (sixty) days if they have received recommendations from the Commissioners.

28.3. If there is no action following the demands of the Commissioners, then this shall legal ground to submit proposal to competent organization and official to oust the relevant official, cancel special permission of legal entity and stop their operation.

28.4. If there is no action following the recommendations of the Commissioners, then this shall legal ground to submit proposal to competent organization and official to demote the relevant official, suspend special permission of legal entity until the implementation of it, and stop their operation for a temporary period.

28.5. The Commissioners may publish and report his/her issued demands or recommendations through the mass media and inform public.

## CHAPTER SIX

### OPERATIONAL COORDINATION OF THE COMMISSION

#### Article 29. The Secretariat of the Commission

29.1. The Commission shall have the Secretariat and the Secretariat shall provide professional and methodological assistance to the Commissioners to exercise their powers.

29.2. The Secretariat shall have departments and division to exercise its own functions.

29.3. Director and staff of the Secretariat shall be civil administrative servants.

29.4. The Secretariat of the Commission shall have full-time staff in countryside.

29.5. The Secretariat shall oversee the Commission's staff in countryside.

29.6. Relevant staff of the Secretariat of the Commission shall exercise powers of the Commissioners on behalf of him/her in following ways:

29.6.1. To receive complaint and information and provide legal advice;

29.6.2. To investigate and document complaint and information based on guideline and directive of the Commissioners;

29.6.3. To introduce current situation regarding lodged complaint and information and related proposals to the Commissioners;

29.6.4. To conduct human rights inquiries based on guideline and directive of the Commissioners;

29.6.5. To monitor the implementation of the demands and recommendations of the Commissioners.

#### Article 30. Civil Society Council

30.1. The Commission shall have the Civil Society Council to be assisted in conducting its activities.

30.2. The Civil Society Council shall consist from non-profit legal entities in charge of human rights, academia, lecturers and researchers to ensure pluralism.

30.3. Members of the Civil Society Council shall fulfil following requirements:

30.3.1. To be a member of non-profit legal entities in charge of human rights, academia, lecturer or researcher;

30.3.2. To actively operate or conduct academic works in field of human rights at least last 3 (three) years;

30.3.3. To be a non-partisan or suspended its membership of political parties.

30.4. Meetings of Commissioners shall adopt the bylaw of the Civil Society Council.

## CHAPTER SEVEN

### NATIONAL OPERATION FOR PREVENTION OF TORTURE

#### Article 31. Prevention of Torture

31.1. The Commissioner on Prevention of Torture shall exercise function to prevent from torture and other cruel, inhuman or degrading treatment or punishment.

31.2. The Commissioners and other officials shall be prohibited to influence and/or interfere with the activities of the Commissioner on Prevention of Torture.

31.3. Budget for prevention of torture shall be complete, continuous, impactful and adequate for working independently.

31.4. The Commissioner on Prevention of Torture shall introduce his/her operational report to the Standing Committee of Legal Affairs within the 1st (first) quarter of every year and publish it.

#### Article 32. The Commissioner on Prevention of Torture

32.1. Mongolian citizen who has experience on legal and criminal investigation and human rights protection shall be appointed as the Commissioner on Prevention of Torture for six years.

32.2. A citizen who fulfils requirements for Commissioner as provided in Article 32.1 of this Law shall submit his/her request to the Standing Committee of Legal Affairs within 30 (thirty) days after the date of announcement.

32.3. The Standing Committee of Legal Affairs shall establish working group to conduct the competitive selection within 15 (fifteen) days. Working group shall nominate citizens with highest scores in the competitive selection by numbers of empty seats of Commissioners and the Standing Committee of Legal Affairs shall discuss the nomination.

32.4. The Standing Committee of Legal Affairs shall discuss the nomination within a week and decide whether to submit its proposal to plenary session of State Great Khural to appoint him/her as Commissioner.

32.5. If majority of members of State Great Khural was not voting for a candidate, then the competitive selection shall be conducted again within 14 (fourteen) days in accordance with procedure as provided in this Law and nominate another person's name who have highest scores among competed citizens.

32.6. If majority of members of State Great Khural was not voting for a candidate, then that citizen shall not be nominated again.

32.7. The Commissioner on Prevention of Torture shall abide regulations provided in Article 12.10 and 12.11 of this Law and procedure provided in Article 12.12 of this Law.

32.8. The Commissioner on Prevention of Torture shall be released from this office based on legal ground provided in Article 15.1 of this Law.

#### Article 33. Function of prevention of torture

33.1. The Commissioner on Prevention of Torture shall conduct following activities to prevent from torture in the territory of Mongolia:

33.1.1. To conduct inquiries in order to study any forms of limitation of human rights and freedoms or reasons and conditions of the system which creates torture in all places without any voluntary movement of the person;

33.1.2. To explain negative impact of torture to public and raise awareness on right to be free from torture to civil servants and citizens;

33.1.3. To conduct research on prevention of torture, produce books, informational materials, curriculum, handbooks and involve non-profit legal entities;

33.1.4. To engage regularly with media on prevention of torture.

Commentary: 'All places' in this Law means places such as prisons, detention centers, temporary and custody institutions, mental health hospitals, orphanages for children, persons with disabilities and elders, school dormitories, organizations for compulsory treatment, asylum, refugee camp, penal military units and temporary custodian office and shelter houses in border checkpoints.



#### Article 34. Power of the Commissioner on Prevention of Torture

34.1. The Commissioner on Prevention of Torture shall exercise the following powers:

34.1.1. To access and conduct inquiries in places provided in Article of 33.1.1 during any period of the time;

34.1.2. To put forward recommendations and/or proposals on whether draft laws or decisions of governmental organizations are in conformity with the principle of prevention of torture;

34.1.3. To acquire any kinds of information relating person who has been limited his/her freedoms in places provided in Article of 33.1.1;

34.1.4. To safeguard own security while working in places provided in Article of 33.1.1;

34.1.5. To document current situation of places provided in Article of 33.1.1 by technical tools and instruments;

34.1.6. To transfer cases with elements of torture to relevant competent organizations;

34.1.7. To collaborate with non-profit legal entities and other organizations to prevent from torture, share information and inform public;

34.1.8. To represent the prevention of torture in domestic and/or foreign relations

34.1.9. To appoint and/or release the head of the Unit on prevention of torture;

34.1.10. To deal with internal organizational matters of the Unit on prevention of torture;

34.1.11. To adopt internal operational regulations of the Unit on prevention of torture;

#### Article 35. Recommendation of the Commissioner on Prevention of Torture

35.1. The Commissioner on Prevention of Torture shall make recommendations within his/her own competence and deliver them to relevant organizations, officials or legal entities in order to eliminate reasons and conditions in case there is possibility for torture and other cruel, inhuman or degrading treatment or punishment in organizations, officials or legal entities and their activities.

35.2. Organizations, officials or legal entities shall have a obligation to realize the recommendations of the Commissioner on Prevention of Torture.

35.3. Organizations, officials or legal entities shall inform in writing with regard to measures undertaken within 30 (thirty) days if they have received recommendations.

35.4. If there is no action following the demands of the Commissioners, then this shall legal ground to submit proposal to competent organization and official to oust the relevant official, cancel special permission of legal entity and stop their operation.

#### Article 36. Unit on prevention of torture

36.1. Full-time unit shall work for the Commissioner on Prevention of Torture to assist him/her.

36.2. Head and staff of the Secretariat shall be civil administrative servants.

36.3. Unit on prevention of torture shall be under the Secretariat of the Commission and exercise only functions provided in Article 33.1 of this Law.

### CHAPTER EIGHT

#### GUARANTEES FOR THE COMMISSIONERS AND COMMISSIONER ON PREVENTION OF TORTURE

##### Article 37. Political Guarantees

37.1. It shall be prohibited for the Commissioners including Commissioner on Prevention of Torture and staff of Secretariat to conduct political activities. Commissioners shall suspend his/her political party membership during the period of his/her term of office.

37.2. The Commissioners including Commissioner on Prevention of Torture shall treat respectfully his/her official position in exercising his/her freedom of thought, opinion and expression, of speech and press, of conscience and religious belief.

##### Article 38. Economic and Social Guarantees

38.1. Expenses for the activities of the Commissioners and Commissioner on Prevention of Torture shall be financed from the State Consolidated Budget, and the State shall provide economic guarantees for carrying out his/her activities.

38.2. The Commissioners and Commissioner on Prevention of Torture shall receive an official ranking and salary equal to that of the Member of the Government Cabinet.

##### Article 39. Legal Guarantees

39.1. If Commissioners and Commissioner on Prevention of Torture has been arrested in a criminal act or on the site of crime

with all implicating evidence, it shall be reported by the relevant official to the Speaker of the State Great Khural within the following 24 (twenty four) hours. In all other cases it shall be prohibited to detain, imprison or impose administrative sanctions by way of a judicial process on the Commissioners and Commissioner on Prevention of Torture, and to conduct the search of his/her home, office room and body.

39.2. Unless otherwise provided by the law, it shall be prohibited to release and/or dismiss the Commissioners and Commissioner on Prevention of Torture as well as to transfer him/her to another job or official position without his/her consent.

39.3. It shall be prohibited to divulge the confidentiality of correspondence related to the exercise of powers by the Commissioners and Commissioner on Prevention of Torture.

39.4. Citizen, organizations, officials and legal entities shall have obligations to render all kinds of assistance to Commissioners in exercise of his/her powers.

#### Article 40. Security Guarantees

40.1. Police authorities shall provide security in case of real threats to life and health of the Commissioners and Commissioner on Prevention of Torture in relation within exercise of his/her powers.

40.2 Organizations and officials under inquiry shall provide security to the Commissioners including Commissioner on Prevention of Torture and its Secretariat during human rights inquiries.

40.3. Citizen, organizations, officials and legal entities shall have obligations to fulfill any legitimate demand in compliance with powers of the Commissioners and Commissioner on Prevention of Torture provided in the law.

#### Article 41. Prohibitions to the Commissioners and Commissioner on Prevention of Torture

Article 41.1. In addition to the prohibitions and restrictions set forth in the Law on Regulation of Public and Private Interests in the Public Service and Prevention of Conflicts of Interest, the Commissioners and the Commissioner in charge of prevention of torture shall be prohibited from the acts as follows:

41.1.1. holding any job or office concurrently other than that mandated by this Law, except that of engaging in training and research.

41.1.2. embezzling or abusing his/her powers given by this Law

41.1.3. disclosing the confidential data/secrets of the State, organization or individual person, which he/she came to know about during the course of conducting the official business or which has been informed to him/her in trust.

41.1.4. travelling abroad funded by foreign countries, their citizens, legal entities and stateless persons, except mutual agreements by treaties with other national human rights institutions in abroad and international organizations.

SPEAKER OF THE STATE GREAT KHURAL G.ZANDANSHATAR