

**ON RESOLVING PETITIONS AND COMPLAINTS FROM CITIZENS TO  
STATE AUTHORITIES AND PUBLIC OFFICIALS**

**CHAPTER ONE**

**GENERAL PROVISION**

Article 1. Purpose of the Law

**The purpose of this law shall regulate the process of filing petitions and complaints from citizens to state authorities and public officials, and resolving the same by the state authorities and public officials.**

Article 2. Legislation on petitions and complaints

Legislation on petitions and complaints shall consist of the Constitution of Mongolia, this Law, and other legislative acts enacted in conformity with them.

Article 3. Scope of the Law

1. This Law does not apply to petitions and complaints that shall be resolved by Law on Criminal Procedure, Law on Civil Procedure, Law on Infringement Examination and Resolution/Infringement proceedings and Law on Arbitration.

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

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

/This paragraph 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 Law, the period specified in Article 13.2 and Article 16 shall be complied in the resolution of petitions and complaints submitted to non-governmental organizations, business entities, and their officials.

Article 4. Definitions

The terms contained in this Law shall have the following meanings:

1/"petition" means a request to state authorities and public officials regarding matters other than stated in Article 4.4 of this Law; a petition may be in the form of a proposal or a notice;

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

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

4/"complaint" means 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 authorities and public officials;

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

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

Article 5. Right to file a petition or a complaint

1. A citizen of Mongolia has the right to file a petition and a complaint to state authorities and their officials individually or jointly.

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

Article 6. Right 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/ filing a complaint with the appropriate higher-ranking officials in case of disagreement with the provided response;

5/ have the petition or complaint filed to a state authorities or public official resolved.

/This sub-paragraph was added by the Law of October 30, 2003/

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

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

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

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

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

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

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

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

7/ to check the implementation of measures taken by affiliated authorities and lower-level officials under their jurisdiction, in accordance with the decision on a petition or a complaint;

/This sub-paragraph was added by the Law of October 30, 2003/

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

/This sub-paragraph was added by the Law of October 30, 2003/

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

/This sub-paragraph 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 sub-paragraph was added by the Law of June 25, 2009/

2. An authority or a public official shall not transfer a petition or a complaint within their powers to another organization or public officials without any ground.

3. The management of the organization shall report the summary on resolution of the petitions and complaints filed by the citizens to the public annually.

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

## CHAPTER TWO

### FILING A PETITION OR A COMPLAINT

#### Article 8. Principles of filing a petition or a complaint

1. A petitioner or a complainant, when expressing their right to file a petition and complaint, shall not call out others to breach the Constitution of Mongolia and other laws, violate and discriminate other's rights, freedom, and legitimate interest.

2. A petition or a complaint shall be true and accurate.

#### Article 9. Form of filing a petition or a complaint

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

/The amendment and addendum to this paragraph was made by the Law of October 30, 2003, and the addendum to this paragraph was made 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 filed 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 file a petition or a complaint through a hotline or a live broadcast on radio and television.

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

5.A petition or a complaint specified in paragraph 4 of this Article may be responded by verbally and if necessary, a written response may be provided upon review and clarification.

/This paragraph 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.

/The addendum to this paragraph was made 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 than those specified in this Article are prohibited in filing a petition or a complaint.

#### Article 11.Filing a petition or a complaint

1.Citizens shall file their petitions and complaints on matters that are determined by law to be resolved by a particular state authorities or public official and are formally announced through press and media. If scope of activities of a state authority or a public official's 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 paragraph was revised by the Law of October 30, 2003/

2.The complaints related to the organization or official shall be submitted to the higher-level organization or official under their jurisdiction. If there is no higher-level organization or officials, the complaints shall be submitted to the organization which issued the administrative act or an organization specifically designated by law for filing the complaints.

/This paragraph was amended by the Law of February 4, 2016/

### CHAPTER THREE

#### RECEIVING, RESOLVING AND RESPONDING TO PETITIONS AND COMPLAINTS

##### Article 12.Receiving and registering a petition or a complaint

1.All state authorities shall determine and announce to the public the place for meeting petitioners or complainants, and the time table for receiving petitions and complaints. Meeting shall be held with citizens from faraway 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 it in a specific registration.

/This paragraph 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.

/The addendum to this paragraph was made by the Law of October 30, 2003/

4.A petition or a complaint, which is recorded as specified in Paragraphs 2 and 3 of this Article shall be transferred to an official to resolve them 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 Paragraphs 6 and 7 of this Article shall comply with following procedures:

1/ a petition or a complaint shall be recorded in the specified registration within one working day after it is received by the official within his/her power, or after the official is working elsewhere on assignment;

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

2/ if the official is involved in the received the petition or the complaint or if the petition or complaint is not relevant to the power of the official, it shall be handed over to an official specified in Paragraph 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 power of a particular organization or official or is issued with respect to matters formally announced to the public;

/This sub-paragraph 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 sub-paragraph 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 powers, require and obtain enquiry, analysis and reference from relevant organizations;

4/ may 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 authority or a public official, and if there are no grounds for re-review;

/This sub-paragraph 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 sub-paragraph 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 stated in Article 10 of this Law or it is not filed on the matters specified in Article 11.1 of this Law, it shall be returned to the petitioner or complainant within 3 days upon notifying him/her to fulfill such requirements.

/This paragraph 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 Paragraph 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 Paragraphs 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.

7. /This paragraph 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

1. A petitioner or complainant has the right to file a petition and a complaint if decision on the petition or complaint is not agreed. The complaint shall be submitted to the higher-level administrative organization or public official of the organization or official that issued the administrative act. If there is no higher-level organization or public official, the complaint shall be filed to the organization which issued the administrative act or submitted to the administrative body obliged for reviewing complaints.

/This article was amended by the Law of February 4, 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 person 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 director or authorized official of an organization shall monitor whether the receipt and resolution of petitions and complaints to state authority 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 paragraph was added by the Law of June 25, 2009/

#### Article 20.Analyzing and reviewing a petition or a complaint

1.State authorities shall analyze and review the content of a petition or a complaint and organize for and implement relevant measures thereon.

#### Article 21.Liabilities for violators of the law

1.If an action of a state official who breached this law does not have nature of crime, responsibility shall be imposed in accordance with the Law on Public/Civil Service.

2.Citizens or business entities who breached this law, shall be charged with responsibilities stated in the Criminal Code or Law on Violation.

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

CHAIRMAN OF THE STATE GREAT KHURAL OF MONGOLIA N.BAGABANDI