

**STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES
OF THE NATIONAL HUMAN RIGHTS COMMISSION OF MONGOLIA
- November 2008 -**

I. BACKGROUND

At the April 2006 meeting of the ICC, it was agreed that members currently accredited with status A would have their accreditation renewed as part of a regular process of re-accreditation, commencing in October 2006 according to an agreed schedule. The National Human Rights Commission of Mongolia is scheduled for a re-accreditation review in November 2008.

The Commission first submitted its application for accreditation as a National Institution to the International Coordinating Committee of National Institutions (ICC) in 2003. At this time it was granted an "A" status.

The following sections provide background information on the National Human Rights Commission of Mongolia based on the supporting documentation received from the National Human Rights Commission of Mongolia by the National Institutions Unit of OHCHR, in its capacity as Secretariat of the ICC, in accordance with Article 3 of the ICC Rules of Procedure.

II. DOCUMENTATION PROVIDED IN SUPPORT OF THE APPLICATION

To permit the ICC to make a determination as to the compliance of the National Human Rights Commission of Mongolia with the Paris Principles, the following documentation has been submitted by the National Human Rights Commission of Mongolia in support of its application:

- National Human Rights Commission of Mongolia Act
- Annual report 2008
- Organizational Structure and budget
- The Statement of Compliance with the Paris Principles

III. CHARACTER OF THE NHRI

1. Establishment

The National Human Rights Commission of Mongolia (hereinafter the Commission) was established by the National Human Rights Commission of Mongolia Act (hereinafter the Act) in December 2000.

The Commission is legally based on the Constitution, the Act and other domestic legislative acts as well as the international human rights treaties to which Mongolian Government is a State Party (Article 2 of the Act).

2. Independence

The Commission is an independent institution and does not receive instruction from the Government (Statement of Compliance). The Commission shall assume its duties for the protection of human rights and freedoms as defined by the Constitution and the laws, and international treaties to which Mongolian Government is a State Party (subparagraph 3.1 of the Act). The Commission shall also adhere in its operation to the principles of the rule of law, independence, protection of human rights, freedoms and legitimate interests, justice and transparency (subparagraph 3.3 of the Act). Article 3 further indicates that business entities, organizations, officials or individual persons are prohibited from influencing and/or interfering with the activities of the Commission and its members (subparagraph 3.4 of the Act).

With regard to its accountability to the Parliament, article 20 of the Act stipulate that the Commission shall submit an annual report on human rights situation in Mongolia to the State Great Hural (hereinafter, the Parliament) within the first quarter of every year. The report of the Commission shall be published in the 'State Gazette.'

Regarding financial independence, article 22 of the Act states that the Commission shall be given a budget for its activities from the State Consolidated Budget and the State shall provide economic guarantees for the Commission to carry out its activities. Article 22 of the Act further indicates that the Parliament shall approve and reflect specifically the budget of the Commission in the State Consolidate Budget on the basis of the Commission's proposal and this budget shall fulfil the requirements for the independent conduct of its activities (subparagraph 22.2). In practice, the budget appeal process is channelled through the cabinet and all other parliamentary bodies also go through such process, and complaints on serious cuts by the Ministry of Finance take place.

According to the Statement of Compliance, the budget of \$128,294 was allocated to the Commission in 2008, which was increased by 12.6 from 2007. The budget is composed of salaries and fringe benefits of the members of the Commission (52.2%); premise rent (8.8%); expenditure of the institution (27.1%); international cooperation (5.62%); expenses for mission (3.86%); and human rights education and promotion (1.85%). Additional information received indicates that the funds provided to cover operating costs of the Commission have been of around US\$2,400. Due to the lack of adequate funding, the Commission is unable to operate outside the capital Ulaanbaatar.

Regarding conflict of interests of the Commissioners, article 5 of the Act broadly indicate means to avoid conflict of interests by stipulating that the Commissioners shall not hold any job or office concurrently other than that mandated by the law, except that of engaging in training and research. If any of Commissioners has been holding another job or office before 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 (subparagraph 5.7). Article 21 of the Act further states that the Commission and its Secretariat shall be prohibited from conducting political activities and Commissioners shall suspend his/her political party membership during the period of his/her term of office (subparagraph 21.1). The appointment process also serves as mechanisms to prevent conflict of interest. Three Commissioners are nominated from three different parts of the Government – the President, the Parliament, and the Supreme Court. The term of office of Commissioners (six-years) exactly straddles between two general elections (every four year).

With regard to the immunity of the Commissioners and staff members, article 23 of the Act stipulate that if a Commissioner 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 Chairperson of the Parliament within 24 hours. It further states that in all other cases it shall be prohibited to detain, imprison or impose administrative sanctions by way of a judicial process on Commissioners, and to conduct the search of his/her home, office room and body. It shall also be prohibited to divulge the confidentiality of correspondence related to the exercise of powers by Commissioners (subparagraph 23.3).

3. Appointments processes and organisational infrastructure

3.1. Composition of the NHRI's membership and appointment processes

Selection and appointment of the governing body: According to article 3 of the Act, the Commission is composed of three (3) Commissioners. To be eligible to become a Commissioner, he/she shall be a Mongolian citizen of high legal and political qualification, with appropriate knowledge and experience in human rights, with a clean criminal record and who has reached the age of 35 (article 4 of the Act). It is claimed that this qualifications emphasize the legal and political expertise rather than the human rights experience.

Article 5 of the Act specified the appointment procedures: The Speaker of the Parliament shall nominate names for candidates to the Parliament proposed by the President, the Parliamentary Standing Committee on Legal Affairs and the Supreme Court; If the Parliament declines to appoint a proposed candidate, the Speaker of the Parliament shall submit the name of another person within 14 days in accordance with procedure provided in subparagraph 5.1; the same person that was declined shall not be nominated again; the Parliament shall consider and decide on this issue within 30 days from the date of submission of the names for candidates; in case any of Commissioners has been released, resigned from his/her official position or deceased before the expiry of his/her term, the Parliament shall appoint replacement for that Commissioner within 60 days from that date in

accordance with this Law. Chief Commissioner shall be appointed from among Commissioners by the Parliament upon a proposal by the Speaker of the Parliament.

The Commission is currently composed of Chief Commissioner Mrs. Solongo Daramjav and two Commissioners, Mr. Dashdorj Jadamba and Mrs. Oyunchimeg Purev who were appointed on 6 February 2007.

Terms of Office:

The Commissioners shall be appointed for a term of six (6) years and may be re-elected once (article 6.1 of the Act) and Chief Commissioner shall be appointed among Commissioners for a term of three years (article 5.6 of the Act).

Remuneration:

Article 22.3 of the Act specifies that the Commissioners shall receive the same salary with that of the Government Cabinet member.

Resignation and Dismissal:

Article 8.1 of the Act states that the parliament shall release a Commissioner from his/her office in the following cases: (a) a Commissioner has been nominated as a candidate for the President of Mongolia, or for the member of the Parliament; (b) a Commissioner has been appointed or elected to another official position; (c) 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.

According to article 23 of the Act, if a Commission 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 Chairperson of the Parliament within 24 hours. When a Commissioner has been implicated in the crime as well as has been arrested as provided in sub-paragraph 23.1 of the Act, the Parliament shall discuss and make a decision on the suspension of the Commissioner's power within 14 days from the day when it receives a proposal and decision from the competent authority (article 8.2 of the Act).

The Parliament 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 (article 8.3 of the Act). The Parliament 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 8.4 of the Act).

Article 23.2 of the Act indicates that it shall be prohibited to release and/or dismiss commissioners as well as to transfer him/her to another job or official position without his/her consent unless otherwise provided by the law.

3.2. Pluralism

There is no provision to ensure pluralism in composing the Commission. The statement of compliance indicates that the ex-officio board represents a robust mechanism to ensure pluralism and the board members are representatives from diverse civil society groups working in different human rights fields including gender equality, child rights, disability issues and labour issues among others. Commissioners are assigned with thematic human rights areas to ensure pluralism in its operation. As the founding act charges the Commission to promote all human rights enshrined in the Constitution, such division of labor is a practical solution for a compact organization such as the Commission. For this, the Commissioners work in various advisory committees, networks and consultations according to their thematic areas. Women are comprised of 75% of staff of the Commission.

3.3. Organisational infrastructure

3.3.1. Organizational structure

The Commission shall have a Secretariat and approve the by-laws of its Secretariat, and establish the posts and salaries within the budget limits approved by the Parliament (article 24.1 of the Act). The Secretariat is currently composed of 5 teams: (1) Human Rights Education and Promotion Team; (2) Human Rights Investigation and Complaints Handling Team; (3) Policy Development and Analysis Team; (4) Multilateral Cooperation Team; and (5) Administrative Support Team.

See attached an organization chart of the Office of the Commission.

3.3.2. Staffing

According to its statement of compliance, the Commission has the authority to hire staff members that passes the public service examination administered by the civil service commission and job vacancy is announced through the civil service commission. And the Chief Commission has a power to appoint and release the Staff Director (article 14.1.2 of the Act). The Commission proposes an increase of staff members when they submit an annual budget appeal to the Parliament.

According to article 24.2 of the Act, staffs of the Commission are civil administrative servants.

See attached a list of staff of the Secretariat of the Commission¹.

3.3.3. Frequency of Meetings

No provision specifies frequency and procedures of meetings and no further specific information was provided in this regard. In practice, the extended Commissioners' meeting is held on a monthly basis with participation of staff members. This monthly meeting is designed to review performance of the Commission, approve work plans, and to discuss on the issues brought up by participants (Statement of Compliance).

4. Relations with Civil Society and human rights institutions

4.1. Formal Relationships with Civil Society

One of the ways for the Commission to work with civil society is through its ex-officio board which is currently composed of representatives from nine different civil society organizations, as stated in article 24.3 of the Act. In practice, the Commission works with a range of CSOs, including trade unions, research institutions, religious groups, INGOs, etc., beyond the membership of the ex-officio board.

4.2. Regular Consultations

The Commission maintains consultations with public agencies, civil society organizations and international development partners working for the promotion and protection of human rights (Statement of Compliance). The Chief Commissioner is the co-chair of the National Human Rights Action Plan Committee which convenes for consultations at least twice a year. The Commission is also the co-organizer of the Annual Human Rights Forums conducted under the auspices of the President of Mongolia since 2005.

4.3. Cooperation with the United Nations, regional and national institutions

Article 13.2.2 of the Act stipulates that the Commission shall collaborate with the international, regional and other national human rights institutions. In fact, the Commission is a member of the APF and is actively involved in meetings and conferences organized by the APF and its member NHRIs, such as the New Zealand Human Rights Commission, the Australian Human Rights and Equal Opportunity Commission, and the National Human Rights Commission of Korea in the region (*Source: the Commission's website at <http://www.mn-nhrc.org/english>*).

The Commission implements projects with various UN agencies resident and non-resident in Mongolia. The Chief Commission is the co-chair of the UN Human Rights Theme Group.

The Commission also cooperates with other international organizations and NGOs. According to its webpage, the Commission has held the Human Rights Introduction/Refresher Course in March 2008 in collaboration with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, University of Lund with support of the Swedish International Development Cooperation Agency (SIDA). The members of the Commission have communicated with other international organizations, such as World Health Organization. The members and staff of the Commission also participated in training programs

¹ The list of the staff has not submitted by the Commission. The list is provided by the secretariat through its web-search.

organized by other national human rights institution and they participated in a training session on the disabled children issues organized in October 2007 by the National Centre for Children in cooperation with AIFO, an Italian NGO (Source: the Commission's website at <http://www.mn-nhrc.org/english>).

In 2003 the Commission made a report on Mongolia's inadequate implementation of its obligations set forth in international human rights conventions and recommendations of the treaty monitoring bodies and made recommendations to implement international human rights conventions to which the Government is party. Despite the efforts of the Commission, initial reports to five human rights monitoring committees, such as Human Rights Committee, Committee on the Economic, Social and Cultural Rights, Committee on Committee on Elimination of All Forms of Discrimination Against Women, Committee on Elimination of Racial Discrimination, and Committee Against Torture, are overdue more than 5 years.

5. Accessibility

5.1. Procedures and mechanisms to ensure accessibility

With regard to filing complaint with the Commission, the Commission has broadened its accessibility by allowing persons, who do not know Mongolian language, to file complaints in their mother tongue and their complaints must be translated into Mongolian language (article 10 of the Act).

The Commission has been organizing the Human Rights Open Day, an outreach program, every year in cooperation with NGOs. The event includes a variety of activities such as a discussion on the human rights situation in a specific area, human rights trainings for civil servants, monitoring over labour rights issues, and receiving complaints from and providing legal advice to local people. The Commission held the Human Rights Open Day in Zamiin Uud soum and Sainshand soum of Dornogobi province and Choir soum of Gobisumber province in 2007. In February 2008, several staff members of the Commission were assigned to local area to conduct an investigation and organize training for NGO staff in Aimak Centre of Dornogobi and military units of border troops (Source: the Commission's website at <http://www.mn-nhrc.org/english>).

Other sources indicate that the office of the Commission is centrally located at one of the government buildings with accessibility features for people with disabilities.

5.2. Procedures and mechanisms for addressing public opinion

The Commission shall submit annual reports on the general human rights situations in Mongolia and special reports on specific topics of human rights to the Parliament. The Commission's annual reports are published in the State Gazette. The Commission address public opinion through its report accountability to the Parliament and the power to make a recommendation and demand to the relevant public organs and business organizations (article 20 of the Act).

The Commission has the power to make recommendations and demands on the individual complaints and it also has a right to publicize its demands and recommendations through the mass media (article 19.6 of the Act). The Commission also address public opinions on the conformity of Mongolian legislation and administrative practices with the international human rights standards (article 13.1.3 of the Act).

The Commission also uses the mass media to address the public opinion. The Commission was exposed to the public through interviews with TV and newspapers over 20 times in 2007. The Commission has also organized photo exhibitions on human rights issues, made a documentary film, published three volumes of journal, called "Human Rights", and posted human rights related information on its website (Source: the Commission's website at <http://www.mn-nhrc.org/english>).

5.3. Working groups

The founding act does not include a provision stating about the establishment of local offices, but it indicates that the Commission may establish ex-officio boards which are composed of representatives of advocates' association, confederation of trade unions and/or human rights NGOs to assist the activities of the Commission (article 24.3 of the Act). The Commission's Ex-Officio Board is a structure to assist the Commission by providing civil society's participation in its operation. The Board consists of 11 members and 5 out of them will be selected among the human rights non-governmental organizations. The members shall be selected on a basis of secret vote at meeting where no less than 30 NGOs will be represented, including those NGOs that nominated their candidates. The candidates shall have no less than 8 years of experience in human rights or no less

than 5 years experience in management or in executive position of the human rights NGOs which have been continuously working in human rights training, advocacy and research.

The current members of the ex-officio board are as follows:

- 1) Amnesty International Mongolia
- 2) Metropolitan Bar Association
- 3) Confederation of Mongolian Trade Union
- 4) Human Rights and Development Centre
- 5) Mongolian Employer's Federation
- 6) Women for Social Progress Movement
- 7) Centre of Capacity to Live for Children
- 8) Mongolian Women's Association
- 9) Sain Buyan Association

IV. COMPETENCE AND RESPONSIBILITIES

6. General Jurisdiction and Functions

6.1. Mandate to promote and protect human rights

Article 3 of the Act indicates the mandate of the Commission by stipulating that the Commission is an institution mandated with the promotion and protection of human rights and charged with monitoring over the implementation of the provisions on human rights and freedoms, provided in the Constitution of Mongolia, laws and international treaties to which Mongolia is a State Party. The mandate covers all the citizens of Mongolia, unless otherwise provided in laws and international treaties, foreign citizens and/or stateless persons who are residing in the territory of Mongolia (article 9 of the Act).

To fulfil its mandate, the Commission has duties and powers as follows:

- 1) to deal with complaints and to initiate investigations on human rights violation cases
- 2) to put forward proposals on human rights related issues
- 3) to conduct research on human rights issues and provide necessary information;
- 4) to collaborate with the international, regional and other national human rights institutions;
- 5) to produce reports on the human rights situation in Mongolia;
- 6) to increase public awareness about the laws and/or international treaties relating to human rights;
- 7) to promote human rights education activities; and
- 8) to encourage ratification of and/or accession to the international human rights treaties

The Commission covers all the citizens of Mongolia, unless otherwise provided in laws and international treaties, foreign citizens and/or stateless persons who are residing in the territory of Mongolia (Article 9 of the Act).

6.2. The Mandate in Practice

According to the founding act, the Commission may investigate human rights violations on its own initiative (Article 18.2 of the Act), but there is no solid data provided to prove whether they have exercised this power. The Commission's website, instead, mentions that the Commission inspected all the places of detention, custody and prison to see whether they have complied with the human rights principles. In 2007 the Commission carried out 4 investigations and 15 inspections in cities, districts and provinces on a variety of issues, such as human rights victims, Mongolian citizen working in Republic of Korea, conditions and treatment of the people in mental health hospitals, child labour, and human rights violations in kindergartens and schools (*Source: the Commission's website at <http://www.mn-nhrc.org/english>*).

6.3. Functions regarding national legislation

The Commission has a power to recommend and propose the Government to make laws or administrative decisions compliant with the key human rights principles and to implement the international human rights treaties (article 13.1 of the Act). According to its Statement of Compliance, the Commission is working to promote legislative amendments to the criminal legislation.

Additional information indicates that the 2006 annual report of the Commission was brought to the plenary session of the Parliament to debate on human rights issues and comments and urgent recommendations were also submitted to the Human Rights Sub-Committee of the Parliament on human rights violations cases, one of which is a murder of a Mongolian citizen in Malaysia in 2006. It is generally viewed that the Commission's cooperation with the Human Rights Sub-Committee of the Parliament is significant as a positive influence on promoting and protecting human rights through legislation.

6.4. Encouraging ratification and Implementation of International standards

Article 13 of the Act clarifies the role of the Commission in accession and implementation of international human rights standards by stipulating that the Commission shall put forward proposals on the implementation of international human rights treaties and/or drafting of Government reports thereon; increase public awareness about the laws and/or international human rights treaties; and encourage ratification of and/or accession to the international human rights treaties. The Statement of Compliance indicates that the Commission is currently promoting the ratification of the Optional Protocol to the Convention against Torture (OPCAT). Additional information states that the Commission organizes a National Assembly on International Human Rights Day every year in cooperation with the Office of the President with an aim to encourage the Government to ratify the international human rights instruments and to implement the international human rights conventions to which Mongolia is a State party.

6.5. Programmes for teaching and research

Article 13 of the Act indicates that the Commission shall conduct research on human rights issues and provide necessary information; increase public awareness on the laws and/or international human rights treaties; and promote human rights education. According to its Statement of Compliance, human rights education activities are a large part of the Commission's strategic plan.

The Commission has operated the Human Rights Education Centre to train public servants, civil society practitioners, media workers and citizens. The Commission has developed human rights educational methodologies and training modules for specialized training for a variety of groups (*Source: a broacher of the National Human Rights Commission of Mongolia*).

The Commission has carried out a nationwide 'Baseline Study of Human Rights Situation in Mongolia' in 2001 in collaboration with the HURISTMON project group. The study includes inspection and inquiry into the conditions of all places of detention, custody and prison assessing their compliance with the human rights principles and examination of acquitted criminal cases. The study also analyzes the exercise of various human rights, such as right to lodge petitions and complaints to state agencies, institutions and their officials ; right to freedom of expression; right for self-representation and to seek legal assistance; right to health protection and medical care; labour rights; social and economic rights of rural migrants; right to freedom of association; Women's rights (sexual harassment, trafficking issues); right to freedom of peaceful demonstration and assembly; rights of vulnerable social groups; and right to freedom to seek, receive and impart information and ideas. The Commission has also conducted studies on the status of national minority rights, the right to live in healthy and safe environment, the right to adequate food and research on the status of violence and abuse against children, and human rights education in secondary schools (*Source: the Commission's website, http://www.mn-nhrc.org/english/index.php?page_id=11*)

The Commission is also running a Human Rights Information and Documentation Centre to provide human rights information to the public; to encourage research of academia, researchers and students; and to build a human rights information database applying technological advancements. The Commission publishes a Human Rights Journal and invites articles from scholars and practitioners in the field of human rights, which is distributed to the public (*Source: a broacher of the National Human Rights Commission of Mongolia*).

The expense for trainings and promotion activities takes up 2.4% of the total budget (2,780,000 tugrugs) and the majority of the advocacy and training activities have been financed by international organizations and their projects (*Source: Activity Report on National Human Rights Commission of Mongolia 2008*).

According to its Statement of Compliance, the Commission has strategized its human rights education services as a tool to reach out a broader range of the public. The Commission has published 19,500 human rights education materials and distributed them to the public (*Source: Activity Report on National Human Rights Commission of Mongolia 2008*).

6.6. General powers

The Commission has a power to handle complaints filed by any individual and group of individuals, foreign citizens and/or stateless persons who are residing in the territory of Mongolia, lawful representatives such as parents, care takers and guardians, NGOs and trade union organizations. When a complaint is filed by a third party, the representatives shall submit a document of proof for their own representation powers (article 9 of the Act). Commissioners may conduct inquiries at his/her own initiative on the basis of information on the violations of human rights and freedoms or at the request of business entities, organizations or officials (article 18.2 of the Act). Commissioners may refuse to accept the complaints which do not meet the requirements and transfer complaints with respect to criminal and/or civil cases and disputes to relevant authorities or officials according to their jurisdiction (articles 15.1.2 and 15.1.3 of the Act).

The Commissioners have a power to issue demands to relevant organs to restore human rights and freedoms and eliminate the violations if they consider the organs have violated human rights and freedoms and to make recommendations to eliminate the reasons and conditions in case there is possibility of human rights violations (article 19 of the Act).

Article 18 of the Act specifies the power of the Commissioners to fulfil human rights and freedoms: Commissioners may participate in the advisory capacity in sessions of the Parliament or in meetings of the Government Cabinet at the request of the Speaker of the Parliament or the Prime Minister (subparagraph 18.1); Commissioners shall get acquainted with the decisions concerning civil and criminal cases as well as have access to the documents which rejected instituting a case or the cases which have been dropped, with a view to conducting human rights research (subparagraph 18.3); Commissioners shall refer to the officials or authorities with law-initiating competence his/her proposals with regard to improving the legislation connected with fulfilling human rights and freedoms (subparagraph 18.4); and Commissioners shall provide advice on human rights issues at the request of the State authorities (subparagraph 18.5).

According to article 13.1.1 of the Act, the Commission has a power to take up any human rights issues and make a proposal. The issues for scrutiny are selected by (a) commissioners' judgment, (b) public attention; (c) complaints analysis and; (d) consultation with stakeholders (Statement of Compliance).

Article 13.1.2 of the Act provides the Commission with a power to review and propose on conformity of laws and administrative decisions with international human rights standards. According to its Statement of Compliance, the Ministries submit legislation to the Commission for review prior to the Cabinet meeting. The Supreme Court shares compilation of judicial decisions on a regular basis. When necessary, the Commission provides with Comments and recommendations to these submissions.

As mentioned earlier, the Commission shall submit a report on the human rights situation in Mongolia to the Parliament (article 20.1 of the Act).

6.7. Power to obtain documents

Article of the founding legislation states the power of the Commissioners with respect to human rights inquiries. The Commissioners have a right to take oral and written statement from the complainant, to summon parties to the complaint (Statement of Compliance). Commissioners have unrestricted access to any business entity or organization and to participate in their meetings and conferences, and to meet in person with the relevant officials (article 16.1.3). Commissioners also obtain without charge the necessary evidence, official documents and information from organizations and/or officials, and to get acquainted with them on the spot (article 16.1.4). Article 16.1.8 of the Act ensures that the Commissioners have an access to the confidential data/secrets of the State, organization or individual person in accordance with procedure established by the relevant law, if Commissioners considers if necessary during the course of exercise of his/her powers.

7. Quasi-jurisdictional competence

Article 9 of the Act stipulates that the Commission shall handle complaints filed by any individual and group of individuals, foreign citizens and/or stateless persons who are residing in the territory of Mongolia, lawful representatives such as parents, care takers and guardians, NGOs and trade union organizations. When a complaint is filed by a third party, the representatives shall submit a document of proof for their own representation powers.

When filing a complaint with the Commission, the complainant must have his/her complaint decided through the administrative process; indicate which rights and freedoms have been violated; provide

his/her name, residential or postal address and sign the complaint; and provide name, address, and telephone no. of the organs and individuals who is implicated in the complaint and related documents (article 11.1 of the Act). If complainant fails in any of the mentioned above, the complaint shall be refused (article 15.1.2 of the Act). The Commission shall not receive complaints about criminal and civil cases and/or disputes, which are at the stage of registration or inquiry of cases, investigation and/or on trial or have been already decided (article 11.2 of the Act). A complainant shall lodge a complaint within 1 year 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 (article 12.1 of the Act).

When the Commission receives complaints, it shall (a) accept and examine complaints; (b) refuse to accept the complaints when they do not meet the requirements defined in Article 11 of the Act; (c) transfer complaints to the authorities or officials in competence when the complaints contains criminal and/or civil cases; or (d) explain to the complainant what rights are violated (Article 15 of the Act).

Once the Commission receives a complaint, it shall give a reply within 30 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 days (article 12.3 of the Act).

Article 16.1 of the Act states the power of the Commission during the course of inquiry into complaints as follows: (a) to take explanations in writing from the Complainant and relevant respondents and take explanations orally and take notes thereon if the Complainant is illiterate; (b) to summon the Complainant and relevant persons; (c) to appoint experts from the appropriate organizations in a case of necessity for the specialized knowledge, and to get their expert opinions; (d) to transfer a complaint to the relevant authorities or officials according to their jurisdiction, if it is considered that this complaint has a nature of criminal or civil case during the course of examination; (e) to conduct alone an inquiry into the activities of respondents, or jointly on the basis of a proposal by the competent State authority and their officials (article 16.1 of the Act). Commissioners shall be obliged to keep the secrets confidential, which they have obtained during the course of conducting the official business or which have been informed to them in trust (article 16.2 of the Act).

When the Commission concludes an investigation of a case, it shall make a decision on complaints as follows: (a) 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. In this case, the claims shall be exempted from court expenses (article 17.2 of the Act); (b) to put forward requests to the competent authorities or officials with regard to imposing administrative sanctions on officials who, as it considers, have violated human rights and freedoms; (c) to demand the respondents to stop activities which violate human rights and freedoms, or which create conditions for such violations; (d) to resolve the dispute through conciliation; and (e) to return a complaint to the complainant if it considers it to be without grounds (article 17 of the Act).

If the respondent has received a demand from the Commission, he/she shall inform, in writing, the measures undertaken within 1 week, and if the respondent has received a recommendation he/she shall inform within 30 days. If the respondent has refused to undertake relevant measures as provided under its demands and/or recommendations, the Commission may take the respondent to the Court according to the procedure established by law (article 19.5 of the Act).

The Commission shall also have a right to publicize its demands and recommendations through the mass media (article 19.6 of the Act).

The Commission has received 254 complaints in 2007. A majority of the complaints are about, inter alia, unjust criminal procedures (133 cases) and violation of labour rights (45 cases). Out of 254 cases, 122 cases (48%) were resolved, 110 cases were transferred to other public organs in competence, 9 cases were returned to the complainant, and 13 cases were closed. The Commission issued 4 recommendations and 18 demands regarding the complaints investigated to the relevant organs. 16 out of 18 demands and 3 out of 4 recommendations have been implemented by the relevant organs (Source: *Activity Report on National Human Rights Commission of Mongolia 2008*). For example, in May 2007, the Commission organized a field mission to Khongor soum (county) that reported on cyanide spills from a mining company operating in the region. Public agencies took immediate action upon the findings and recommendations of the Commission.

V. SUMMARY OF ANNUAL REPORT

The following is a summary of *Activity Report on National Human Rights Commission of Mongolia 2008*, submitted as part of its re-accreditation application. The report is structured on the basis of main functions carried out by the Advocate and his Office as follows:

Chapter 1: Summary of statistics on demands, recommendations of the Commission between 2005 and 2007: 9 recommendations and 10 demands were issued in 2005, 8 recommendations and 6 demand in 2006, and 4 recommendations and 18 demands in 2007. 75% of the recommendations and demands, at the average, have been implemented.

Chapter 2: Summary of complaints handled by the Commission; 254 complaints were received in 2007. A majority of the complaints are about, inter alia, unjust criminal procedures (133 cases) and violation of labour rights (45 cases). Out of 254 cases, 122 cases (48%) were resolved, 110 cases were transferred to other public organs in competence, 9 cases were returned to the complainant, and 13 cases were closed.

Chapter 3: Summary of human rights education and training activities: 44 trainings and seminars were held on over 50 topics in which 4,420 public servants participated in 2007.

Chapter 4: Summary of expenditure: 133,393,900 tugrugs (approximately US\$113,934) were allocated to the Commission in 2007. The budget is composed of external activities (6.33%), operations activities (2.09%), business trip expenses (2.06%), and personnel and others (89.52%)

List of Commissioners and staff of the Office of the Commission

Members of the Commission

- Chief Commissioner : Daramjav SOLONGO
- Commissioners: Jadamba DASHDORJ, Purev OYUNCHIMEG

Ex-officio Board

- Amnesty International Mongolia
- Metropolitan Bar Association
- Confederation of Mongolian Trade Union
- Human Rights and Development Centre
- Mongolian Employer's Federation
- Women for Social Progress Movement
- Centre of Capacity to Live for Children
- Mongolian Women's Association
- Sain Buyan Association

Secretariat

- Staff Director : Dashdorj GERELCHULUUN
- Human Rights Investigation & Complaints Handling Team:
 - Chadraabal OTGONCHULUUN – Complaints Senior Officer
 - Togookhuu IKHTAMIR- Complaints Officer
- Human Rights Education and Promotion Team:
 - Chojjoo ALTANGEREL – Education Officer
 - Munkhdelger TSOLMON – Education Officer
 - Tseekhee ADYAKHISHIG- Public Relations Officer
- Multilateral Cooperation Team
 - Dorj URANTOGOS – Multilateral Cooperation Senior Officer
 - Ganbayar OCH- Multilateral Cooperation Officer
- Policy and Analysis Team
 - Bataa BATTSETSEG – Policy Research Officer
 - Batbold DOLGION – Policy Research Officer
- Administrative Support Team
 - Zagdaa UNURJARGAL – Internal Affairs Officer
 - Tsedenbal ODOV – Finance Senior Officer
 - Jamsranjav OYUNKHUU – Documentalist
 - Batbayar SOLONGO- Information and Reference Instructor
 - Purev AMARJARGAL- Assistant to the Chief Commissioner
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