

## **ANTI-CORRUPTION LAW 2006**

### **CHAPTER ONE GENERAL PROVISIONS**

#### Article 1. Purpose of the law

- 1.1. The purpose of this Law is to define the legal basis for anti-corruption activities and the anti-corruption body, and to regulate relations connected to them.

#### Article 2. Legislation

- 2.1. Anti-corruption legislation consists of the Constitution of Mongolia,<sup>1</sup> this Law and other legislative acts adopted in compliance with them.
- 2.2. Should an international treaty to which Mongolia is a party provide for other than the anti-corruption legislation, the provisions of the international treaty shall prevail.

#### Article 3. Definitions

- 3.1. The following terms used in this Law shall be understood as follows:
  - 3.1.1. “corruption” means abuse by a person , specified in Article 4.1.of this Law, of his/her official power in private interests, affording preferences to others, and any violation of law , expressed in action or failure to act, that enables an individual or a legal person to benefit from such preferences;
  - 3.1.2. “benefit” means material or non-material benefits, gained personally or by others, for preferences accorded to others by abusing the official power by a person , specified in Article 4.1.of this Law;
  - 3.1.3. “abuse of official power” means taking undue action or not taking due action to use the delegated official power against official interests or in own personal interests;

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<sup>1</sup> Constitution of Mongolia- published in “State Information” bulletin, issue No. 1 of 1992

- 3.1.4. “preference” means any material or non-material benefit that accrues to an individual or a legal person, who caused the abuse of official power by a person , specified in Article 4.1. of this Law;
- 3.1.5. “public awareness and education activities” means a set of activities aimed at making the public aware of the social gravity and the threat posed by corruption, instilling intolerance of corruption, and mobilizing public participation in combating corruption;
- 3.1.6. “corruption preventive actions” means a set of activities aimed at detecting and identifying the root causes of corruption, and eliminating and bringing them to an end;
- 3.1.7. “inquiry and investigation” means a criminal procedure, carried out by the anti-corruption agency with regard to cases within its jurisdiction;
- 3.1.8. “undercover operations” means actions provided for in Article 2 of the Law on Undercover Operations;
- 3.1.9. “electoral candidate” means a candidate running in the election for the President, the State Great Khural, or for all levels of the Citizens’ Representative Khurals.

#### Article 4. Persons subject to this Law

##### 4.1 The Following persons are subject to this Law:

- 4.1.1. Officials holding political, administrative or special office of the state, whether appointed or elected, whether permanently or temporarily;
- 4.1.2. Managers and administrative officials of state or locally-owned legal persons, or legal persons with state or local equity;
- 4.1.3. The National Council Chairperson and the General Director of public radio and television;
- 4.1.4. Managers and executive officers of non-governmental organizations, temporarily or permanently performing particular state functions in compliance with legislation;
- 4.1.5. **Electoral candidates, stipulated in Article 3.1.9. of this Law;**

CHAPTER TWO  
ANTI-CORRUPTION PUBLIC AWARENESS AND EDUCATION AND  
CORRUPTION PREVENTION WORK

Article 5. Public awareness and education activities

- 5.1 Economic entities, organizations and citizens shall assume the following common obligations:
- 5.1.1 Ensure opportunities and conditions for government and non-governmental organizations, and the general public, to comment on draft laws and other decisions that are to be debated at the State Great Khural;
  - 5.1.2 inform citizens on anti-corruption legislation, and ensure free access to this information by citizens and organizations;
  - 5.1.3 involve analytic research and training institutions, and non-governmental organizations in conducting corruption-related analytic research work, and the production of books, training and promotional materials, training programs and manuals;
  - 5.1.4 training and educational institutions that have a curriculum comprising frameworks for legal and ethical subjects shall teach and educate their students about the social harm and dangers of corruption, and actions needed to prevent it, and instill in them in-tolerance for corruption;
  - 5.1.5 informal educational institutions and non-academic training and educational economic entities, organizations and citizens shall, consistent with their activities, explain to their students or employees the social harm and threats of corruption, and assist them in acquiring of proper knowledge and awareness of corruption and its prevention;
  - 5.1.6 media organizations shall regularly disseminate news and information, pursuing publication and editorial policies to promote an atmosphere of in-tolerance of any form of corruption among the general public;

Article 6. Corruption prevention activities

- 6.1 To carry out the activities specified in Article 3.1.6 of this Law, the state bodies shall assume the following common duties:
- 6.1.1 Common obligations stipulated in Article 7 of the Law on Prevention of Crimes<sup>3</sup>;

- 6.1.2 Provide public access to information, engage interested parties in policy dialogue, and provide opportunity to propose and comment on specific methods of oversight and monitoring.
  - 6.1.3 Ensure greater transparency and openness of the state monitoring process;
  - 6.1.4 Inform, in a timely manner, the public on budget revenues and expenditures, foreign loans and aid and their allocation;
  - 6.1.5 Unless otherwise provided for by the legislation, procedures of specific government institutions for issuing licenses and permits, registration, monitoring and competitive selection processes consistent with their functions, shall be open to the general public and provide citizens with opportunities for review and comment;
  - 6.1.6 Establish clear job descriptions for all government officials and civil servants, and determine the actions prohibited due to specifics of his/her work, consistent with the Law on Government Service<sup>4</sup> and this Law, and enforce them;
  - 6.1.7 Enhance the participation of non-governmental organizations in the process of monitoring whether state institutions conduct their activities openly in the interest of citizens, and cooperate with them, exchange information, and regularly inform the public;
  - 6.1.8 Conduct training and education and awareness on combating corruption, and establish a responsible unit to obtain accurate and true assets and income declarations in a timely fashion as specified by law, and register, oversee and assess such declarations;
  - 6.1.9 Seek comment from the Anti-Corruption Agency before adopting by a state institution of a code of ethics for officials of its particular sector/;
  - 6.1.10 Decisions made by state institutions should be comprehensible, open and accessible to citizens and other stakeholders;
  - 6.1.11 Reduce red tape in receiving and addressing citizens' complaints and requests;
  - 6.1.12 Take measures within its own mandate to detect and eliminate the causes of corruption, and prevent corruption and remove its negative consequences;
  - 6.1.13 Support non-governmental organizations and voluntary movements aimed at corruption prevention.
- 6.2. Officials of all levels of the government shall report to the Anti-Corruption Agency acts of corruption, identified in the performance of their official duties, if investigation and resolution of such acts is beyond their mandate.
- 6.3. Economic entities or organizations, other than those which provide services, are prohibited from occupying office space in buildings that house courts, police, prosecutors, and the Anti-Corruption Agency, and if not specified otherwise in the law, government central administrative offices and government agencies.

- 6.4. Any political campaigning or religious activities are prohibited in buildings specified in Article 6.3. of this Law.
- 6.5. Economic entities, organizations and citizens, in addition to exercising the rights and assuming common obligations specified in Articles 9 and 10 of the Law on Prevention of Crimes, shall assume the following obligations:
  - 6.5.1. Adopt a code of ethics for members of non-governmental organizations, and report on it openly in their performance reports and financial statements;
  - 6.5.2. Define and comply with the norms of business ethics in the private sector.
- 6.6. Organizations and business entities that receive resolutions of the Anti-Corruption Agency, adopted are obligated to undertake and adopt the relevant actions, and report back in a timely fashion.
- 6.7. Organizations and officials are obligated to revise, change or invalidate orders, decisions, procedures and rules that cause corruption or conflicts of interest according to the decision of the Anti-Corruption Agency.
- 6.8. Any official who fails to perform his/her duties with respect to the prevention and combating of corruption shall be subject to a disciplinary penalty by an authorized official.
- 6.9. Any official who violates provisions specified in Article 6.8 of this Law shall be assessed a fine of MNT 150,000-200,000.

#### Article 7. Prohibitions for persons subject to this Law

- 7.1 Officials specified in Article 4.1 of this Law are prohibited from taking the following actions, in addition to those specified in other laws:
  - 7.1.1 exert pressure on or intervene in other organizations' activities on matters unrelated to his/her official duties, using the power of his/her position and working contacts and relations established with others based on it;
  - 7.1.2 illegally grant preferences to an individual or a legal person in considering issues within his/her mandate;
  - 7.1.3 exert illegal pressure on the work of officials holding positions of similar rank, subordinates or monitoring officials;
  - 7.1.4 use of official position to acquire assets, enjoy preferential rights, or afford such preferences to others, or limit the rights of others, or misuse budget or donated funds;
  - 7.1.5 use of official position to take other actions with the purpose of gaining illegal benefits, profit, and to afford preferences to others.

## **Article 8. Reporting on corruption**

- 8.1. The following officials are obligated to immediately report to the Anti-Corruption Agency corruption-related activities encountered by them during the performance of their official duties:
  - 8.1.1. judges;
  - 8.1.2. prosecutors;
  - 8.1.3. police or intelligence officers;
  - 8.1.4. public audit and professional control agents;
  - 8.1.5. central and local administrative officials.
- 8.2. Limitations related to the confidentiality of state, organizational and personal secrets specified by the law shall not apply to the implementation of the duties by the officials specified in Article 8.1. of this Law.
- 8.3. Any official who violates Article 8.1 of this Law shall be fined MNT 200,000-250,000.

## Article 9. Submitting application, complaint or information

- 9.1. A citizen or legal person may submit corruption-related requests, complaints or information to the Anti-Corruption Agency.
- 9.2. The Anti-Corruption Agency shall address and consider such requests, complaints or information according to the respective laws.

## **CHAPTER THREE**

### Submission of assets and income declarations

## Article 10. Assets and income declarations

- 10.1. Persons specified in Article 4.1. of this Law shall submit their assets and income declarations.
- 10.2. Persons specified in Article 4.1. of this Law (hereinafter referred to as ‘a declarer’) shall prepare and file their accurate and true assets and income declaration.
- 10.3. The State Great Khural shall set the format of the assets and income declarations and approve the procedures for registration and management.

- 10.4. Persons specified in Article 4.1. of this Law shall submit their assets and income declarations to the organization or officials, specified in Article 11 of this Law, within 30 days of their election or appointment to office, and annually thereafter. Annual declarations are due on February 15 of each year for the duration of their public service.
- 10.5. If after submitting the assets and income declarations within the time specified in Article 10.4 of this Law, the assets and income have undergone substantial changes, the declarer shall notify the appropriate body within 30 days.
- 10.6. Candidates in the elections for the President and for the State Great Khural shall submit their assets and income declarations to the General Election Committee; candidates in elections for the State Great Khural – to the election district committee; candidates in the elections for the Citizens’ Representatives’ Khurals of all levels shall submit their declarations to the respective aimag, capital city, soum or district election committee by the deadline specified in the Election Law.

#### Article 11. Registering and storing assets and income declarations

- 11.1. The following organizations or officials shall register and store assets and income declarations within the period specified by law:
  - 11.1.1. The Anti-Corruption Agency shall receive assets and income declarations of high-level government officials and the other officials holding comparable positions;
  - 11.1.2. The General Election Committee shall receive assets and income declarations of candidates in the election of the President; the district election committee of the candidates to be elected to the State Great Khural, and the district election committees of the candidates in the elections of aimag, the capital city, soum Citizens’ Representatives’ Khurals of all levels;
  - 11.1.3. The General Council of Courts shall receive assets and income declarations of judges of all instances, except for the Supreme Court;
  - 11.1.4. The Government Service Council shall receive declarations of officials who are appointed by the Government;
  - 11.1.5. Assets and income declarations of other officials shall be received by officials with the authority to appoint or supervise them.
- 11.2. An official, authorized to register assets and income declarations, specified in provisions 11.1.1- 11.1.5 of this Law, shall report on the implementation of the procedure for the submission of assets and income declarations to the Anti-Corruption Agency within 14 days after collecting the assets and income declarations within the period specified in Article 10.4 of the Law, together with the list of persons who submitted their assets and income declarations.

- 11.3. The Election committee specified in Article 11.1.2 of this Law, after computing the comprehensive results of elections, shall submit to the Anti-Corruption Agency the assets and income declarations of candidates in each of the respective elections, within 14 days of the elections.

#### Article 12. Correspondence confidentiality

- 12.1. Letters, requests or queries regarding how to complete the assets and income declarations form are to be sent to the Anti-Corruption Agency by persons specified in Article 4.1. of this Law. Responses to them and recommendations are deemed to be a personal secret, and problems, related to them should be regulated by the Law on Personal Secrets.<sup>5</sup>
- 12.2. An official responsible for the registration of assets and income declarations is prohibited from disclosing information about the declarer, or any other information stipulated in Article 12.1 of this Law, or to use it for any purpose without the permission of the declarer, except in cases otherwise permitted by law, while the declarer is serving or after ceasing to work in the same position.
- 12.3. The official who violates Article 12.2 of this Law shall be held accountable under the Law on Personal Secrets.
- 12.4. In the event that the declarer's mandate expires due to retirement, or leaving his/her position, or dismissal or relief of duties, , his/her assets and income declarations after storing them at the Corruption combating agency for 5 years, shall be transferred to him/her, or if passed away - to his/her spouse or children.

#### Article 13. Review and inspection of assets and income declarations, and the bases for liability

- 13.1. The Anti-Corruption Agency shall review and analyze the assets and income declarations.
- 13.2. The official in charge of the registration of the assets and income declarations shall monitor whether the declarations have been prepared correctly and completely, and have been submitted in due time, and exercise the right to demand that a declarer comply with the set procedures and regulations. If there are grounds to believe that the law has been violated, the official in charge shall be obligated to inspect the assets and income declarations within her/his mandate, or to transfer the declarations to the Anti-Corruption Agency for inspection.
- 13.3. If necessary, the Anti-Corruption Agency may conduct an inspection, at its own initiative, or following any request or complaint, or upon receipt of any information.

- 13.4. In the event of the failure of persons, specified in Article 4.1, to submit their assets and income declarations in due time, or to specify sources of their income and assets, or to explain how they obtained their assets and income, the Anti-Corruption Agency shall undertake the inspection of the declarer's assets and income declaration.
- 13.5. Failure of a person specified in Article 4.1. of this Law to submit his/her assets and income declaration within the time periods prescribed, or to have it registered, or to deliberately falsify or provide mis-information, shall serve as grounds for dismissal, termination, or suspension from his/her duties.
- 13.6. Declarers are obligated to give objective and accurate explanation of the sources of their assets and income.
- 13.7. Failure of a competent official to register the assets and income declarations, to perform the review, and to submit the relevant documents within the periods specified in Article 11.2. of this Law shall be fined between MNT 100,000-150,000.

#### Article 14. Public disclosure of assets and income declarations

**14.1. Asset and income declarations of officials shall be published regularly in the Government News Magazine within the second quarter of each year, and placed on Internet:**

- 14.1.1 The President of Mongolia;
- 14.1.2. The State Great Khural Speaker, Deputy Speaker and members;
- 14.1.3. The Prime Minister, Cabinet members, ministers and deputy ministers;
- 14.1.4. The Chairperson, Deputy Chairperson and members of the Constitutional Court;
- 14.1.5. The Chief Justice of the Supreme Court, judges of the State Supreme Court, the Executive Secretary of the Court General Court Council;
- 14.1.6. The Prosecutor General and the Deputy Prosecutor General;
- 14.1.7. The President, 1<sup>st</sup> Vice President and Vice President of Mongol Bank;
- 14.1.8. The Secretary of the National Security Council;
- 14.1.9. The Head of the Prime Minister's Cabinet Secretariat;
- 14.1.10. The Head of the President's Chancellery;
- 14.1.11. The General Secretary of the State Great Khural Secretariat;
- 14.1.12. The Chairperson and the Deputy Chairperson of the Anti-Corruption Agency;
- 14.1.13. The Chairperson and members of the Financial Coordination Committee, and the Chairperson and members of the Control Council;
- 14.1.14. The Chairperson and Deputy Chairperson of the National Statistical Bureau;
- 14.1.15. The Chairperson and members of the National Human Rights Commission;
- 14.1.16. The Chairperson and Secretary of the General Election Committee;
- 14.1.17. The Chairperson and members of the Government Service Council;
- 14.1.18. The Auditor General and Deputy Auditor General;
- 14.1.19. The Directors of Government agencies;

- 14.1.20. The Chairperson of aimag and the capital city Citizens' Representatives' Khurals;
- 14.1.21. The Aimag Governors and the capital city Mayer;
- 14.2. Assets and income declarations of persons , other than those specified in Article 14.1. of this Law shall be open to the public.
- 14.3. Assets and income declarations filed for the prior five years by persons specified in Article 4.1. of this Law shall be posted on the Anti-Corruption Agency's Website to ensure citizens' access to this information.
- 14.4. Citizens may request information in writing, orally, or from Internet, and the Anti-Corruption Agency shall approve the information disclosure procedures.
- 14.5. The Anti-Corruption Agency shall inform the public on an annual and regular basis how officials adhere to the procedures for presenting their assets and income declarations.

## CHAPTER FOUR

### ANTI-CORRUPTION AGENCY MANDATE

#### Article 15. Anti-Corruption Agency

- 15.1. The Anti-Corruption Agency is a special independent government body charged with functions to raise anti-corruption public awareness and education, and corruption prevention activities, and to carry out under-cover operations, inquiries and investigations in detecting corruption crimes, and to review and inspect the assets and income declarations of those required by this law.
- 15.1. A structure charged with the duty to conduct anti-corruption surveys and analysis may be formed under the supervision of the Agency specified in Article 15.1 of this Law.
- 15.2. The State Great Khural shall decide on the establishment, form, and dissolution of the Anti-Corruption Agency based on recommendations of the National Security Council.
- 15.3. The Anti-Corruption Agency shall have its logo. The design and procedures for the use of the logo shall be approved by the Head of the Anti-Corruption Agency.
- 15.4. The Anti-Corruption Agency shall use a stamp, seal and an official letterhead developed in accordance with set procedures.

#### Article 16. Basic principles of operation of the Anti-Corruption Agency

- 16.1. The Anti-Corruption Agency, with centralized management, will operate independently abiding by the principles and in respect of the rule of law, being autonomous and transparent, and not divulging the secrets.
- 16.2. It is prohibited for any legal person, official or individual, to influence or interfere in the operation of the Anti-Corruption Agency.

#### Article 17. Structure of the Anti-Corruption Agency

- 17.1. The State Great Khural shall approve the organizational structure and staff of the Anti-Corruption Agency, which will be composed of basic structural units including units for prevention, survey and analysis, monitoring, inspection, investigation, undercover operations, and administration.

#### Article 18. Functions and mandate of the Anti-Corruption Agency

- 18.1 The Anti-Corruption Agency assumes the following functions to educate and raise public awareness and prevent corruption:
  - 18.1.1. Organize nation-wide the anti-corruption education and corruption prevention, coordinate anti-corruption activities, develop a consolidated program,, provide methodological guidance and monitor the implementation of this Law;
  - 18.1.2. Provide directives and guidance to aimag, capital city, soum, district and ad-hoc crime prevention councils regarding anti-corruption education and corruption prevention, and the coordination of activities;
  - 18.1.3. Conduct, at least once every two years, a survey on the scope, forms and causes of corruption, establish a corruption index, and inform the public;
  - 18.1.4. Undertake organizational measures to support and assist anti-corruption actions, initiatives and recommendations of NGOs, communities and individuals, and promote their participation;
  - 18.1.5. Implement public anti-corruption campaigns explaining the gravity and threat posed by corruption on the society, conduct training and prepare materials to enhance public awareness of this problem, and teach methods to combat corruption;
  - 18.1.6. Give recommendations on anti-corruption public education and awareness, and corruption prevention, and upon request, instruct and train individuals and legal entities on how to reduce corruption risks in their activities;
  - 18.1.7. Conduct fairness and integrity rating of government organizations and state bodies based upon a survey conducted once every two years among individuals and legal entities availing government services, and inform the public.

- 18.2. The Anti-Corruption Agency shall assume the following functions to investigate assets and income declarations:
  - 18.2.1. Conduct training, issue manuals and instructions regarding the correct and accurate declaration of assets and income;
  - 18.2.2. Upon written or oral request, provide guidance on how to complete, amend, register or transfer the declarations, and respond in writing in a manner that protects the confidentiality of answers;
- 18.3. The Anti-Corruption Agency shall cooperate, within its competence, with managers of state and local self-governing bodies, their officials, NGOs and private business entities in performing their functions.
- 18.4. The Anti-Corruption Agency shall exercise the following mandate:
  - 18.4.1. Submit to respective authorities proposals on adopting government anti-corruption policy and resolutions, and on further amendments to improve anti-corruption legislation;
  - 18.4.2. If it is determined that conditions conducive to corruption have emerged, and that conflicts of interest exist, the Agency shall insist on revising and invalidating orders, decisions, procedures and rules enacted by state bodies or officials;
  - 18.4.3. Obtain from government bodies information, surveys and reports, regarding their anti-corruption public education and corruption prevention activities;
  - 18.4.4. Obtain necessary information, surveys, explanations, definitions and other documents, free of charge, from businesses and entities, officials and individuals, and review these materials and acquire expert analyses and verifications;
  - 18.4.5. Conduct undercover work and cooperate with other agencies in charge of investigative and intelligence-gathering work to conduct investigations to detect and stop corruption offences;
  - 18.4.6. Accept and inspect corruption related requests and complaints;
  - 18.4.7. Investigate corruption cases under its jurisdiction;
  - 18.4.8. Collect data and information on matters pertaining to its functions and keep the information confidential;
  - 18.4.9. Take measures to ensure the security of the Agency and its staff;
  - 18.4.10. Obtain written guarantees from officials and individuals to maintain the confidentiality of information that they are exposed to in the course of investigations, in case of violation of the guarantee, they shall assume responsibility according to legislation;

- 18.4.11. Transfer for further investigation all violations of the Law, irrespective of the specific corruption offence, identified during the courts of investigative work, to the competent authority;
  - 18.4.12. If necessary, place witnesses and other persons who assisted in anti-corruption work under the protection of the police;
  - 18.4.13. Obtain from each respective authority the list of government officials due to declare their assets and income, and review the declarations;
  - 18.4.14. Supervise the competent organizations' and officials' adherence to the procedure for registering, storing, and monitoring declarations of assets and income declarations, and provide them with information;
  - 18.4.15. Oversee the submission of assets and income declarations by declarers, and impose the penalties on those persons who fail to submit in a timely fashion, or who deliberately provide false information.
  - 18.4.16. Prepare written guidance and recommendations on matters related to assets and income declarations;
  - 18.4.17. Cooperate with respective foreign and international organizations, and exchange information related to combating corruption;
- 18.5. The Anti-Corruption Agency may investigate particular cases in collaboration with the Police and intelligence authorities upon approval of the Prosecutor General.
- 18.6. In exercising its mandate, The Anti-Corruption Agency will adhere to procedures stipulated in the Criminal Procedures Law<sup>6</sup>, the Law on Undercover Operations and this Law.

#### Article 19. Requirements of The Anti-Corruption Agency staff

- 19.1. An officer of The Anti-Corruption Agency shall be a citizen of Mongolia with no criminal record, no record of violating the code of ethics or of disciplinary penalties in the course of serving as a government officer; has at least a bachelor's degree, and meets requirements associated with professional knowledge and skills.
- 19.2. The ethical and disciplinary codes applied to officers of The Anti-Corruption Agency shall be approved by the Head of The Anti-Corruption Agency.
- 19.3. Officers of The Anti-Corruption Agency shall have ranks, and the ranking procedure shall be approved by the State Great Khural.
- 19.4. The legal status of administrative and support officers of The Anti-Corruption Agency shall be governed by the Law on Government Service, the Labor law <sup>7</sup>, and other legislation.

#### Article 20. The Oath of the Officer of The Anti-Corruption Agency

- 20.1. An officer of The Anti-Corruption Agency shall swear the following oath to the Constitution of Mongolia immediately upon his/her appointment: "I, the officer of the Anti-corruption Agency, swear to honestly combat corruption, and be solely guided by the rule of law, free from undue influence. Should I violate this oath, I shall be held accountable under the law."

Article 21. Appointment of the Head and Deputy head of The Anti-Corruption Agency, and the terms of their mandates

- 21.1. The Head and the Deputy head of The Anti-Corruption Agency shall be appointed for 6-year terms by the State Great Khural, based on the nomination by the President of Mongolia.
- 21.2. The person to be appointed as the Head or Deputy head of The Anti-Corruption Agency shall meet the following criteria, in addition to the requirements specified in Article 19.1. of this Law:
- 21.2.1. A candidate for the office of the head of the Corruption combating agency shall have at least 15 years of prior government service, shall be at least 55 years of age, shall be a lawyer by profession, and shall possess relevant managerial and professional experience, and shall not have held a political position for at last 5 years ;
- 21.2.2. A candidate for the office of the Deputy head of The Anti-Corruption Agency, shall be a lawyer by profession, and shall have at least 10 years of government service, and shall have experience in undercover and investigative work;
- 21.3. The Head and Deputy heads of The Anti-Corruption Agency may be re-appointed for only for one additional term.
- 21.4. Terms of office of the head and deputy heads of the Corruption combating agency shall commence the day of their appointment and expire with the appointment of the next head and deputy head.
- 21.5. Terms of office of re-appointed head and deputy heads of the Corruption combating agency shall begin from the day of their appointment and last until the expiration of their mandates, specified in Article 21.1. of this Law.

Article 22. Suspension from duties and dismissal from office of the Head or Deputy head of The Anti-Corruption Agency

- 22.1. The Head and Deputy of The Anti-Corruption Agency shall be relieved from their duties in the following cases:
- 22.1.1. upon his/her own request;
- 22.1.2. if the person is unable to fulfill his/her duties for health reasons;
- 22.1.3. if the term of his/her mandate expires.
- 22.2. If the Head or Deputy head of the Anti-Corruption Agency commits a crime that is proven, and if a court verdict enters into force, then s/he shall be dismissed from office from the day of the court verdict.

- 22.3. The Head or the Deputy head of the Anti-Corruption Agency may apply for retirement to the State Great Khural in writing, if such an application is submitted during the State Great Khural session, it shall be considered within 21 days, if it is submitted in the interim between sessions, it shall be considered within 21 days from the date that the sessions reconvenes.
- 22.4. The decision to suspend or not the mandate of the Head or Deputy head of The Anti-Corruption Agency, in conjunction with the criminal charges, or his/her arrest according to Article 31.2 of this Law, shall be made within 14 days after receiving a proposal to suspend his/her mandate, submitted to the State Great Khural by the Prosecutor General .
- 22.5. It is prohibited to relieve from duties, or to suspend the mandate, or to dismiss from office the Head or Deputy head of The Anti-Corruption Agency on grounds other than those specified in this Law.

#### Article 23. Mandate of the Head of The Anti-Corruption Agency

- 23.1. The Head of The Anti-Corruption Agency shall exercise the following mandate:
  - 23.1.1. Establish the organization, management and operation of The Anti-Corruption Agency;
  - 23.1.2. Represent The Anti-Corruption Agency nationally and internationally;
  - 23.1.3. Collaborate with special agencies and institutions of foreign countries following the principles of equality of rights, mutual respect, and non-involvement in internal matters;
  - 23.1.4. Appoint, relieve from duty, reward, confer ranks and impose disciplinary sanctions on officers of the Anti-Corruption Agency;
  - 23.1.5. Approve and enforce rules, regulations and instructions related to the internal work of The Anti-Corruption Agency;
  - 23.1.6. Enact orders on issues related to human resources, and the organization and administration of The Anti-Corruption Agency;
  - 23.1.7. Review undercover operations, case registration and investigative activities;
  - 23.1.8. Permit the use of secret methods, forces, and instruments as specified in the Law on Undercover Work;
  - 23.1.9. Make decisions on procurement, possession, usage, and disposal of undercover techniques and equipment;
  - 23.1.10. Ensure internal control of the Agency's operations;
  - 23.1.11. Enforce other mandates specified by law.
- 23.2. In the absence of the Head of The Anti-Corruption Agency, the Deputy shall assume the mandate of the Head at his/her direction.

Article 24. Rights of officers of The Anti-Corruption Agency in charge of undercover work, case registration and investigations.

- 24.1. The Anti-Corruption Agency officers in charge of undercover work, case registration and investigations shall exercise the following mandate as specified by the procedure in the Law:
  - 24.1.1. Exercise the rights and duties of undercover officers specified in the Law on Undercover Operations, and perform undercover work on the basis and according to the procedures specified by law;
  - 24.1.2. Exercise the rights and duties of case registration and intelligence officers specified in the Criminal Procedures Code, conduct case registration and intelligence work on the basis and according to the procedures specified in the law;
  - 24.1.3. Penetrate into premises of business entities and organizations;
  - 24.1.4. Inspect and temporarily freeze, without special permit, bank accounts and transactions of citizens, business entities or organizations;
  - 24.1.5. Seize and seal assets according to the provisions and procedures of the law;
  - 24.1.6. Obtain explanations or testimonies from officials and citizens, and subpoena their presence;
  - 24.1.7. Mobilize and use, in the course of exercising his/her mandate, vehicles and communication equipment, regardless of their ownership status, except for those of diplomatic representatives, high level government officials and officials holding comparable positions, and medical ambulance, firefighters' and emergency service vehicles fulfilling their duties;
  - 24.1.8. Use firearms, special self defense equipment, and other technical devices while on duty;
  - 24.1.9. Use services of public transportation and communication, regardless of the queuing order, while performing his/her official duties;
  - 24.1.10. Exercise other mandates, applicable to performing functions of The Anti-Corruption Agency.
- 24.2. The procedure for using firearms, special self defense equipment and other technical devices shall be approved jointly by the Prosecutor General and the Head of the Corruption combating agency.
- 24.3. If a privately owned vehicle was used in circumstances specified in Article 24.1.7 of this Law, relevant fees and incurred expenses shall be compensated.

Article 25. Prohibitions in the operation of officers of The Anti-Corruption Agency

- 25.1. Officers of The Anti-Corruption Agency shall be prohibited to conduct the following actions, in addition to those specified in the Law on Government Service, and Article 7 of this Law:
  - 25.1.1. Join as a member, or be elected or appointed to a leadership position of a political party, trade union, religious organization, or any similar legal person;
  - 25.1.2. Disclose state, organizational or personal secrets exposed to or entrusted to him/her in the course of performing official duties;
  - 25.1.3. Disclose information on his/her official duties to the public and others without special permission from higher authority;
  - 25.1.4. Travel abroad for official or private purposes without obtaining permission from the head of The Anti-Corruption Agency;
  - 25.1.5. Travel, go on tour or vacation at the expense of domestic or foreign economic entities, organizations or individuals.
  - 25.1.6. Accept from anyone any items as gifts and souvenirs in violation of the set procedures.
- 25.2. The officers of the Anti-Corruption Agency are prohibited to have family or kinship relations amongst them.
- 25.3. The officers of The Anti-Corruption Agency are prohibited to use any information exposed to them in the course of their service for any purpose after termination of their service as officers.

Article 26. Supervision of the operation of The Anti-Corruption Agency

- 26.1 The State Great Khural shall receive an annual report from The Anti-Corruption Agency on the implementation of Anti-Corruption legislation , and on the general condition and status of corruption.
- 26.2. The Special Supervisory Sub-committee of the State Great Khural shall monitor the implementation of the Law on Undercover Operations by The Anti-Corruption Agency.
- 26.3. The Prosecutor General shall supervise the undercover operations and investigative work, and case registration by The Anti-Corruption Agency according to the bases and procedures specified in the Law on Undercover Operations, the Criminal Procedures Code, and Law on the Prosecutor General<sup>8</sup>.

#### Article 27. Public council

- 27.1. In order to ensure active public involvement in combating corruption, to voice its opinion, to advise on the condition and implementation of the anti-corruption law, an ad hoc Public Council shall be established under the supervision of The Anti-Corruption Agency.
- 27.2. The Public council shall be composed of 15 members, and the President of Mongolia shall assign for four-year term as members of the Council, people with good reputations, without any criminal past, and representing the civil society.
- 27.3. Government political and career government officers cannot be candidates for membership on the Public Council.
- 27.4. Members of the Public Council shall not disclose secrets related to operation of The Anti-Corruption Agency.
- 27.5. The Procedures for the Public Council operation shall be approved by the President of Mongolia.

### CHAPTER FIVE

#### GUARANTEES FOR THE OPERATION OF THE ANTI-CORRUPTION AGENCY

#### Article 28. Political guarantees

- 28.1. Political parties, coalitions, movements or clerical organizations are prohibited to conduct political, religious, or other activities within the premises of The Anti-Corruption Agency office.
- 28.2. In exercising the freedom of expression, speech, and publication, and the right to worship or not to worship, an officer of The Anti-Corruption Agency shall respect his own official duties.

#### Article 29. Economic guarantees

- 29.1 Activities of The Anti-Corruption Agency shall be financed from the state budget and the state shall ensure the economic resources for the Agency's operation.
- 29.2 The budget of The Anti-Corruption Agency shall be reflected separately in the government budget, and the budget shall be sufficient to enable the Agency to operate independently.

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<sup>8</sup> Law on Prosecuting Magistracy was published in "State news" compilation No. 29 of 2002-

- 29.3. The budget of The Anti-Corruption Agency for a given year may not be less than the body's budget in the previous year.
- 29.4. The budget for the undercover operations of The Anti-Corruption Agency shall be approved by the State Great Khural as a special item based on the budget review, and upon proposal by the Special Supervisory Sub-Committee.
- 29.5. Expenses related to the protection of individuals and witnesses, who assisted in the process of conducting anti-corruption activities, and the provision of financial assistance, required equipment, technical devices and premises shall be reflected separately in the budget.
- 29.6. Remuneration of the Head, Deputy head and officers of The Anti-Corruption Agency shall consist of the regular salary for their official position, special conditions allowance, and bonuses for the length of government service, rank and academic degrees. The amount of salaries, allowances and bonuses shall be determined by the State Great Khural.
- 29.7. The government shall issue a soft loan or, if necessary, a loan guarantee to officers of the Corruption combating agency, who have stable employment history and effectively perform their work, to assist them in building private houses, purchasing basic household necessities, studying themselves or paying tuition fees of their children.
- 29.8. The Head and the Deputy head of The Anti-Corruption Agency shall have the same level of mandate and protection as Cabinet members.

#### Article 30. Social guarantees

- 30.1. Unless otherwise provided by law, it is prohibited to relieve an officer of The Anti-Corruption Agency from his/her duties, dismiss or transfer him/her without his/her own consent to another job or official position.
- 30.2. In case an officer of The Anti-Corruption Agency temporarily loses his/her ability to work or becomes handicapped in the course of performing his/her official duties, the government shall bear responsibility for the payment of the difference between the amount of salary previously enjoyed by the officer, and the benefits and allowances, as well as the expenses for prostheses if such costs were incurred.
- 30.3. If an officer of The Anti-Corruption Agency lost his/her life while performing his/her official duties, or was murdered in connection with his/her official duties, one-time compensation equal to his/her salary for the period of 5 years shall be granted to his/her family.
- 30.4. In case of retirement of an officer of The Anti-Corruption Agency, he/she shall receive a one-time grant equal to 36 months of his/her regular salary, provided that he/she has worked at least 10 years for the anti-corruption body.
- 30.5. Life and health of officers of The Anti-Corruption Agency shall be insured on an obligatory basis, and the payment of insurance premiums shall be made from the budget of the Agency.

- 30.6. Annual leave terms of officers of The Anti-Corruption Agency shall be determined according to the Labor Code. An additional 3 working days shall be added to the vacation days for every 5 years of service as an officer in The Anti-Corruption Agency in charge of undercover operations or case registration, or as an investigator .
- 30.7. Officers of The Anti-Corruption Agency shall enjoy the guarantees provided by this Law in addition to working conditions, additional guarantees, salary, reimbursement, assistance, rewards and benefits provided to government officers by the Law on Government Service.
- 30.8. In affording the guarantees provided by Article 30.7 of this Law to officers of The Anti-Corruption Agency, similar types of benefits, assistance and bonuses may not be duplicated, and officers themselves shall make own personal choice in selecting the preferred ones.

#### Article 31. Legal guarantees

- 31.1. It shall be prohibited to detain, incarcerate, arrest, or search the home, office, vehicle or person of the Head and the Deputy head of The Anti-Corruption Agency, and other officers, without permission of the State Great Khural.
- 31.2. In the event that an officer of The Anti-Corruption Agency is apprehended in the process of committing a crime, or is arrested at the crime scene with evidence of a criminal act, or if sufficient grounds for criminal charges are established, the officer shall inform the relevant authority. The Head and Deputy head of The Anti-Corruption Agency must notify the State Great Khural, and all other officers must notify the Head of The Anti-Corruption Agency within 48 hours.
- 31.3. If an officer of The Anti-Corruption Agency has committed a crime, or is arrested according to Article 31.2 of this Law, and the respective competent body has submitted a proposal to suspend his/her mandate, the Head of the Anti-Corruption Agency shall decide within 10 days after receiving the proposal..
- 31.4. The government shall bear responsibility for damages caused by mistakes made by an officer of the Anti-Corruption Agency in the course of exercising his/her mandate.

#### Article 32. Other Guarantees

- 32.1. An officer of the Anti-Corruption Agency may not concurrently engage in work or hold positions unrelated to his/her official duties specified by the law, other than academic work.
- 32.2. Officers of the Anti-Corruption Agency shall be exempt from mandatory military conscription.
- 32.3. In case of imminent and real danger to the life and health of an officer of the Anti-Corruption Agency, or a member of his/her family in connection with performing official duties, the police shall bear the responsibility for ensuring their security.

- 32.4. Regardless of their jurisdiction, individuals and officials are obligated to execute legitimate orders of officers of the Anti-Corruption Agency within their competence.
- 32.5. Losses and negative consequences from duly executing orders and tasks by the Anti-Corruption Agency officers, as bestowed by an official in authority, shall be borne by that particular officer.
- 32.6. The premises of the Anti-Corruption Agency shall be under state protection.

## CHAPTER SIX OTHER PROVISIONS

### Article 33. Sanctions to be imposed on violators of anti-corruption legislation

- 33.1. An individual who has committed a corruption crime shall be held accountable under the respective provisions of the Criminal Code<sup>9</sup>.
- 33.2.1. Administrative penalties on violators of the anti-corruption legislation, specified in this Law shall be imposed by judges.

### Article 34. Eliminating consequences of corruption crimes

- 34.1. Compensation of losses incurred due to corruption crime, the restoration of rights that have been violated, and the annulment of any illegal decisions, shall be governed in accordance with the Civil Code<sup>10</sup> and other relevant legislation.

### Article 35. Entry into force

- 35.1. This Law shall enter into force starting from 01 November 2006.

Chairman  
State Great Khural

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TS. Nyamdorj

<sup>9</sup> Criminal Code was published in the “State News” bulletin # 5 from 2002

<sup>10</sup> Civil Code was published in the “State News” bulletin # 7 from 2002