

ᠮᠣᠩᠭᠣᠯ ᠤᠯᠤᠰ ᠤᠨ ᠶ᠋ᠢᠨᠳᠦᠭᠦᠨ ᠬᠤᠭᠤᠯᠢᠮ ᠴᠢᠭ



ANNUAL REPORT 2025



THE CONSTITUTIONAL COURT
OF MONGOLIA

ᠮᠣᠩᠭᠣᠯ ᠤᠯᠤᠰ ᠤᠨ ᠶ᠋ᠢᠨᠳᠦᠭᠦᠨ ᠬᠤᠭᠤᠯᠢᠮ ᠴᠢᠭ



THE CONSTITUTIONAL COURT
OF MONGOLIA

ᠮᠣᠩᠭᠣᠯ ᠤᠯᠤᠰ ᠤᠨ ᠤᠨᠳᠤᠰᠡᠨ ᠬᠤᠭᠤᠯᠢ ᠬᠡᠲᠤ

ANNUAL REPORT 2025

ᠮᠣᠩᠭᠣᠯ ᠤᠯᠤᠰ ᠤᠨ ᠤᠨᠳᠤᠰᠡᠨ ᠬᠤᠭᠤᠯᠢ ᠬᠡᠲᠤ

Contents

annual report 2025

MESSAGE

from the Chief Justice

06

INTRODUCTION

to the Constitutional Court

09

JUSTICES

of the Constitutional Court

17



HIGHLIGHTS OF THE YEAR

21

SUMMARIES OF THE COURT DECISIONS

41

STATISTICS

96



MESSAGE FROM THE CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF MONGOLIA

It is my pleasure to present to you the 2025 Annual Report of the Constitutional Court of Mongolia.

The Constitutional Court of Mongolia has the noble duty to resolve disputes related to violations of the Constitution comprehensively, objectively, and conclusively, and to ensure strict observance of the Constitution. The Constitutional Court adheres to the principles of being subject to the Constitution, based on research, neutral, independent, and transparent in its operations.

In 2025, in accordance with Strategy 2.0 of the Constitutional Court of Mongolia, the Court actively worked to strengthen guarantees of institutional independence and its Justices, enhance the effectiveness of constitutional adjudication, improve the quality of reasoning in its decisions, increase public trust, and introduce innovation and technological modernization.

In 2025, the number of petitions, information submissions, requests, and complaints received by the Constitutional Court from citizens, organizations, and public officials increased by 19.2 percent compared to 2024 and by 22.9 percent compared to the average of the past four years. The number of Constitutional Court hearings increased by 42.4 percent compared to the previous year and by 40.3 percent compared to the four-year average.

It is worth emphasizing that the Constitutional Court established a consistent set of core principles for the protection of fundamental human rights, developed scientific criteria for identifying constitutional violations, and strengthened its institutional capacity by appointing researchers to support the justices of the Constitutional Court.

With the aim of disseminating constitutional concepts, explaining them to the public, conveying their main concepts in substance to future generations, and integrating them into academic discourse, the Constitutional Court successfully organized for the second consecutive year public readings of works by Byaraa Chimid, a distinguished statesman and public

figure, principal architect of the democratic Constitution, Hero of Labor, People's Teacher, Merited Lawyer, Doctor of Law, and Professor as well as Constitutional Law Debate Competition among law students.

Beyond establishing the regular publication of the yearbook of the Constitutional Court, the semiannual theoretical, methodological, and informational journal "Constitutionalism," and compilations of the decisions of the Constitutional Court of Mongolia, the Constitutional Court has also founded the "Constitutionalism" Club to support learning through the study of foundational constitutional works and aims to take the lead in implementing constitutional education programs.

Within the framework of constitutional adjudication, the Constitutional Court has successfully piloted various measures to enhance efficiency, including the use of world-class online research platforms, translating the Court's decisions into foreign languages, applying artificial intelligence in comparative legal research, and hosting internship students from other countries.

In cooperation with the Swiss Agency for Development and Cooperation, the Constitutional Court of Mongolia organized in Ulaanbaatar a joint seminar with the Venice Commission of the Council of Europe on "Legislative Reform of the Constitutional Court of Mongolia". The Constitutional Court also exchanged experiences with the constitutional review bodies in Switzerland, Portugal, Spain, France, the United States of America, Türkiye, the Republic of Korea, the Kyrgyz Republic, and the Republic of Kazakhstan.

Going forward, the Constitutional Court will continue to focus its efforts on strictly safeguarding constitutionalism, fostering public awareness and respect for the Constitution, ensuring its faithful observance, and enabling the effective enjoyment of human rights.

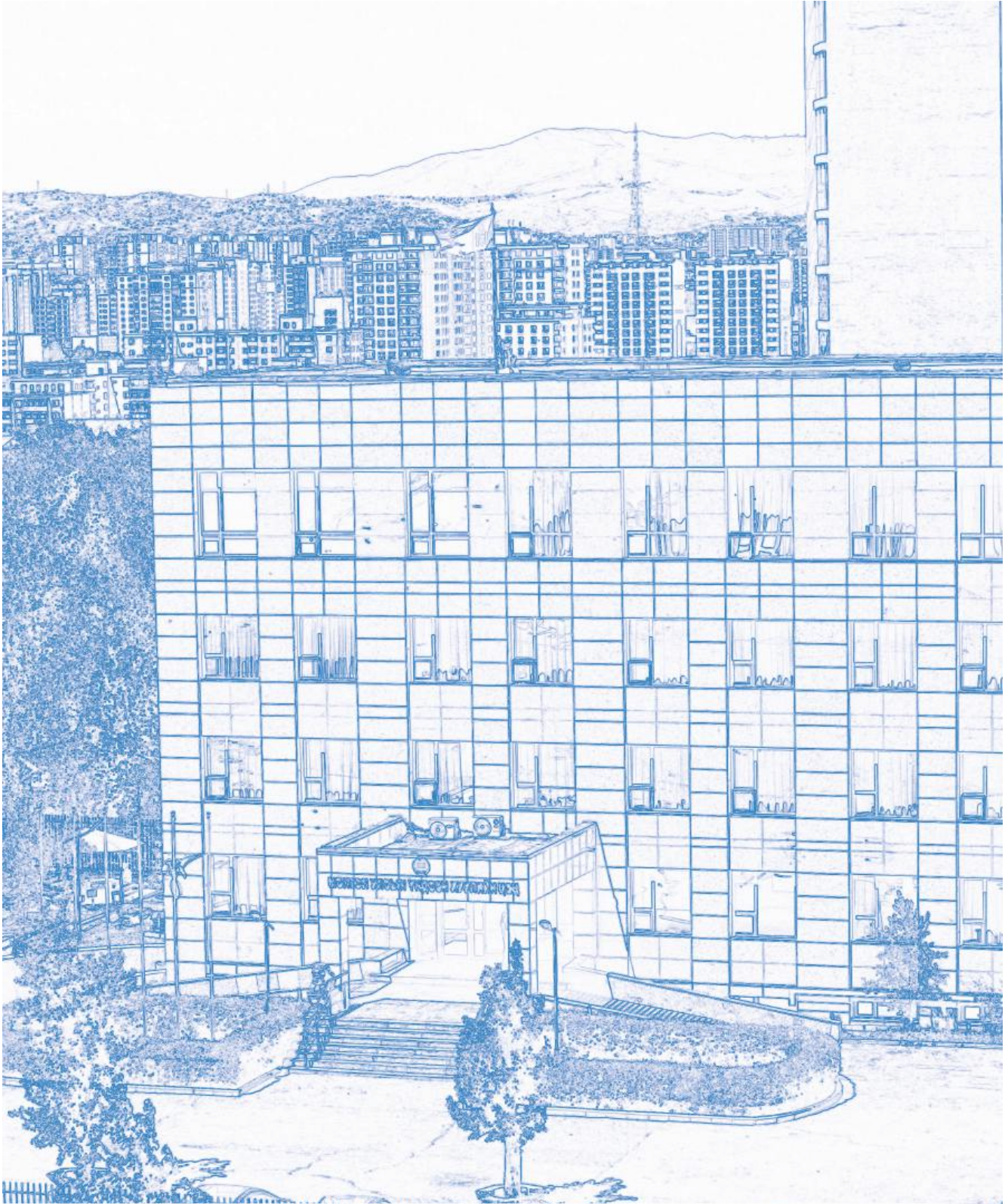
May the people of Mongolia live in peace and prosperity under the auspices of the Constitution proclaimed to the nation!



Chief Justice of the Constitutional
Court of Mongolia

J. Bayasgalan

BAYASGALAN Gungaa



INTRODUCTION

ESTABLISHMENT OF THE CONSTITUTIONAL TSETS (COURT) OF MONGOLIA

In Mongolia, a system of a specialized constitutional court entrusted with the function of exercising constitutional review did not emerge during the historical development of the country's previous three Constitutions. However, during the transitional period from the socialist constitutional system to a new Constitution based on democratic principles (1990–1992), the need to establish an independent body vested with full authority to exercise supreme oversight over the implementation of the Constitution, to render conclusions on alleged violations of its provisions, and to adjudicate relevant constitutional disputes began to be discussed at the level of the highest State authorities of Mongolia.

This issue was initially raised within the framework of the activities of the State Little Khural, Mongolia's first permanently functioning parliament. Following the adoption and implementation of the Law on Amendments to the Constitution of the Mongolian People's Republic at the IX Plenary Session of the XI Election of the People's Great Khural of the Mongolian People's Republic (May 1990), the question of establishing a special constitutional review body was considered in a more concrete form. Subsequently, at the inaugural session of the XII Election of the

People's Great Khural of the Mongolian People's Republic (September 1990), the establishment of a "Constitutional Oversight Council of the Mongolian People's Republic" was deliberated; however, by a majority vote of the deputies present, it was concluded at that time that there was no necessity to establish such a body.

Nevertheless, the new Constitution of Mongolia, adopted in 1992, resolved the issue of establishing a constitutional review body in an independent and stable form. Specifically, Article 64.1 of the Constitution proclaims that "The Constitutional Court of Mongolia shall be the component organ with powers to exercise supreme supervision over the enforcement of the Constitution, to make a conclusion on the breach of its provisions, and to decide constitutional disputes, and is the guarantor for strict observance of the Constitution." thereby guaranteeing, at the constitutional level, the legal status of the Constitutional Tsets and the fundamental principles governing its activities.

On the basis of this constitutional provision, an independent constitutional institution bearing the official designation "Constitutional Tsets (Court)" was established for the first time in the history of Mongolia in 1992. On 8 May





1992, the State Great Khural adopted the Law on the Constitutional Court of Mongolia. By Resolution No.38 of 1 July 1992 of the State Great Khural on the "Appointment of the Constitutional Court," the following justices were appointed to the Constitutional Court of Mongolia: upon nomination by the State Great Khural - G.Nyamdoo, Ts.Tsolmon, and D.Chilkhaajav; upon nomination by the President of Mongolia - J.Byambaa, N.Jantsan, and G.Sovd; upon nomination by the Supreme Court - L.Baasan and B.Dangaasuren. Subsequently, by Resolution No.42 of 6 July 1992, J. Choijantsan was appointed as a justice of the Constitutional Court upon nomination by the Supreme Court.

Furthermore, by formally establishing the system of constitutional judicial review in Mongolia and by adopting, on 1 May 1997, the Law on Constitutional Court Procedure, the procedures governing the adjudication of constitutional disputes were regulated in detail.

Thus, the Constitutional Court of Mongolia was constituted for the first time with its full statutory composition, and the legal and organizational conditions necessary to commence, in practice, the activities of a body entrusted with the exercise of constitutional review were established.

LEGAL STATUS OF A JUSTICE OF THE CONSTITUTIONAL COURT OF MONGOLIA

The legal status of a justice of the Constitutional Court of Mongolia constitutes one of the fundamental guarantees ensuring the independent and autonomous functioning of the Constitutional Court and is determined by the Constitution of Mongolia, the Law on the Constitutional Court of Mongolia, and other relevant legal instruments. A justice of the Constitutional Court is an official who does not belong to any branch of State power and exercises his or her mandate solely under the Constitution.

The Constitutional Court consists of nine justices. Of them, three are nominated by the State Great Khural, three by the President, and three by the Supreme Court, and are appointed by the State Great Khural for a term of six years. A citizen of Mongolia who has attained the age of forty and possesses high professional qualifications in law and politics may be appointed as a justice of the Constitutional Court. The Chief Justice of the Constitutional Court is elected from among the nine justices, by a majority of their votes, for a term of three years. Chief Justice may be re-elected once.

The President of Mongolia, a member of the State Great Khural, the Prime Minister, a member of the Government, and a justice of the Supreme Court may

not be included in the composition of the Constitutional Court. A justice of the Constitutional Court may not be removed from office or transferred to another position before the expiration of his or her term, except upon the member's own request or where the member is unable to perform his or her duties due to health reasons. The law further provides that, on the grounds prescribed by law, the State Great Khural may recall a member on the basis of a decision of the Constitutional Court and a proposal of the nominating institution. The Constitutional Court is independent, and its justices are independent.

The legal status of a justice of the Constitutional Court is reflected in the scope of the justice's power, independence, and immunity, as well as in restrictions prohibiting the holding of other offices or engagement in certain activities concurrently. These elements are designed to shield justices from political influence, administrative pressure, and conflicts of interest, thereby ensuring the conditions necessary for the objective and impartial resolution of constitutional disputes.

In exercising his or her judicial power, a justice of the Constitutional Court shall not receive any duty, direction, or instruction from any person and shall render decisions

solely on the basis of the Constitution, legal grounds, and his or her inner conviction. In this sense, the independence of a member is an expression of the independence of constitutional justice.

Moreover, a key principle within the legal status of a justice of the Constitutional Court is the restriction on participation in administrative activities. A justice has a duty to remain detached from any activity of an executive nature, including participation in administrative decision-making or exerting direct or indirect influence over policy formulation processes. This restriction serves as a safeguard for the effective implementation of the principle of separation of powers and ensures that the Constitutional Court remains insulated from political and

administrative influence. At the same time, the law provides that, in accordance with the grounds and procedures prescribed by law, a member may be recalled by the State Great Khural on the basis of a decision of the Constitutional Court and a proposal of the institution that originally nominated the justice.

Accordingly, the legal status of a justice of the Constitutional Court of Mongolia is not merely a set of individual rights and guarantees for the justice concerned; rather, it is a guarantee of exceptional public-law significance aimed at safeguarding the supreme legal force of the Constitution and ensuring that the Constitutional Court functions independently, legitimately, and with the confidence of the public.

EMBLEM OF THE CONSTITUTIONAL COURT OF MONGOLIA

The emblem of the Constitutional Court of Mongolia is circular in shape, with the inscription “Constitutional Court of Mongolia” in Cyrillic letters arranged along its outer border. At the bottom of the emblem, a pair of male and female fish is depicted. In the center, a symmetrical balance scale with black and white pans is placed together with a fully drawn bow and arrow. These elements convey, in symbolic form, the functions and essence of the Constitutional Court of Mongolia and its activities.

The pair of male and female fish positioned at the bottom signifies that the Constitutional Court of Mongolia has the duty to vigilantly safeguard the Constitution without ever letting its attention waver, and that, in resolving any dispute, it upholds the principle of maintaining a proper harmony between firmness and flexibility, approaching matters with balanced and careful consideration. This symbolism reflects the necessity, in exercising constitutional review, of combining strict

adherence to principle with wise and adaptable reasoning.

The symmetrical balance scale with black and white pans depicted at the center indicates that, in adjudicating constitutional disputes, the Court must strictly observe the legal norms of justice, weigh matters through careful intellectual deliberation without succumbing to preconceived interests or extremes, and render decisions in a fair and balanced manner. This element is inseparably linked to the principle of constitutional supremacy and the concept of judicial justice.

The depiction of a fully drawn bow and arrow symbolizes that the decisions and conclusions of the Constitutional Court of Mongolia must be accurate, well-ordered, incisive, and grounded in legal certainty, and it expresses the idea that constitutional review must be clear, strong, and effective.





ROBE OF A JUSTICE OF THE CONSTITUTIONAL COURT

The robe of a justice of the Constitutional Court symbolizes the justice's independence and autonomy and also serves as an emblem expressing the dignity of the Constitutional Court, ethical standards, and respect for Statehood.

In determining the design, color, and form of the robe, due consideration has been given to Mongolia's traditional State symbolism and distinctive color combinations, as well as to common international practices regarding the attire worn by justices of constitutional courts and constitutional review bodies during sessions. As a result, the robe has been established as a model that reflects characteristics of traditional Mongolian national dress, in maroon color, and of a loose and comfortable form.

The maroon color symbolizes calmness, concentration, responsibility, and the stable character of the rule of law, while remaining free from any political or ideological connotations that would be incompatible with the independence and neutrality of constitutional justice. The loose form, in turn, has practical significance in ensuring physical freedom of movement and comfort during sessions, and also carries a symbolic meaning of modesty and impartiality rather than the projection of official authority or grandeur.

The attire of a justice of the Constitutional Court includes a hat with a red tassel. The rule that this attire shall be worn only during sessions of the Constitutional Court further reinforces its ceremonial character and symbolic significance.



THE JURISDICTION OF THE CONSTITUTIONAL COURT OF MONGOLIA

Article 66 of the Constitution of Mongolia defines the persons entitled to apply to the Constitutional Court of Mongolia and delineates the scope of constitutional disputes falling within its jurisdiction. Under this constitutional framework, the Constitutional Court of Mongolia is vested with authority to review and adjudicate disputes concerning alleged violations of the Constitution upon a petition or information submitted by citizens, on its own initiative based on such submissions, and upon a request from the State Great Khural /Parliament/, the President of Mongolia, the Prime Minister, the Supreme Court, or the Prosecutor General.

The right to submit a petition or information to the Constitutional Court of Mongolia is not limited to citizens of Mongolia. Foreign nationals and stateless persons lawfully residing in the territory of Mongolia enjoy this right on an equal basis. However, in the absence of any petition, information, or request, the Constitutional Court of Mongolia has no authority to initiate and examine, on its own initiative, a constitutional dispute concerning an alleged violation of the Constitution.

The Constitutional Court of Mongolia fulfills its principal duty of ensuring strict observance of the Constitution by examining constitutional disputes comprehensively and objectively and by adjudicating them in a reasoned manner. In other words, its function of exercising oversight over the implementation of the Constitution is realized in practice through the procedure for the review and adjudication of constitutional disputes. In this context, it adheres to the principles of conducting sessions openly, directly, and continuously; ensuring that the parties to the dispute are afforded equal rights and a free opportunity to debate; and resolving the matter through collegial deliberation and majority vote, on the basis of objective facts and legal grounds.

From the perspective of legal theory, the objects of constitutional review by the Constitutional Court of Mongolia may be classified into two principal categories: legal

acts and the actions of the highest officials of the State.

Legal acts falling within the scope of constitutional review by the Constitutional Court of Mongolia are defined as follows:

1. Laws and other decisions adopted by the State Great Khural of Mongolia;
2. Decrees and other decisions of the President of Mongolia;
3. Decisions of the Government of Mongolia;
4. International treaties of Mongolia;
5. Decisions issued by the General Election Commission concerning referenda, elections of the State Great Khural and its members, and elections of the President of Mongolia.

Where the Constitutional Court, through its sessions, renders a conclusion that a legal act violates the Constitution, the validity and enforcement of the relevant legal act, as well as the specific provisions thereof, shall be suspended until the final decision of the Constitutional Court enters into force. The Constitutional Court shall specify in its conclusion the date from which such suspension takes effect and shall transmit the conclusion to the State Great Khural. The State Great Khural shall then deliberate on the conclusion of the Constitutional Court and adopt a decision either to accept or to reject it.

The following public officials fall within the scope of constitutional review by the Constitutional Court:

1. The President of Mongolia;
2. The Speaker and members of the State Great Khural of Mongolia;
3. The Prime Minister of Mongolia and members of the Government;
4. The Chief Justice of the Supreme Court of Mongolia;
5. The Prosecutor General of Mongolia.

In addition, the Constitutional Court adjudicates disputes concerning whether grounds exist for the impeachment of the President of Mongolia, the Speaker of the State Great Khural, or the Prime Minister, as



well as disputes concerning the recall of a member of the State Great Khural.

Furthermore, where a legal dispute does not fall within the jurisdiction of any court, or where courts are unable to hear a case due to a conflict of jurisdiction between them, a complaint may be submitted to the Constitutional Court of Mongolia. Upon reviewing such a complaint, the Constitutional Court shall determine the jurisdiction of the dispute based on its nature, legal substance, and the relevant statutory provisions, and shall issue a decision referring the dispute to the court having proper jurisdiction.

This regulation is of significant importance in ensuring effective access to judicial protection, preventing any legal dispute from remaining “without jurisdiction,” and thereby safeguarding the coherence and effectiveness of the judicial system as a whole.

The justice of the Constitutional Court to whom a petition or information submitted by a citizen is assigned conducts a preliminary review and decides whether to initiate constitutional proceedings. Citizens are

not required, when submitting a petition or information, to prove that their own rights or freedoms have been directly violated, nor are they required to have the matter previously adjudicated by a court. Accordingly, they may submit petitions or information on any issue that falls within the jurisdiction of the Constitutional Court.

Because citizens are not required to demonstrate that their rights or freedoms have been violated, nor to show that the matter has been previously resolved by a court, they are entitled to the Constitutional Court of Mongolia on any matter falling within the scope of disputes subject to its jurisdiction.

However, a petition must include an explanation and supporting justification demonstrating how the citizen’s rights, legitimate interests, or freedoms guaranteed by the Constitution of Mongolia have been violated.

On the basis of a request submitted by a competent institution or public official, a justice of the Constitutional Court of Mongolia may directly initiate constitutional proceedings and examine the dispute.

SESSIONS OF THE CONSTITUTIONAL COURT OF MONGOLIA

Constitutional proceedings are conducted by a justice of the Constitutional Court of Mongolia appointed in accordance with procedures prescribed by law. Depending on the stage and nature of the case, the Court sits in different formations: a Small Bench of three justices, a Medium Bench of five justices, and a Full Bench of seven to nine justices.

Small Bench:

If a disputing party disagrees with a decision of a justice of the Constitutional Court on whether to initiate constitutional proceedings, that party has the right to submit a written complaint. In such cases, the complaint is examined by a Small Bench composed of three justices, which decides whether to initiate proceedings and issues a ruling.

Medium Bench:

Where a constitutional dispute has been initiated by a justice of the Constitutional Court or by the Small Bench in order to review whether a law or a decision adopted by a relevant institution or public official complies with the Constitution, the case is examined by a Medium Bench composed of five justices. The Medium Bench considers the dispute and issues a conclusion.

Full Bench:

If the State Great Khural does not accept a conclusion of the Constitutional Court, if new circumstances arise in relation to a matter previously decided by the Court, if a majority of all justices of the Court decides to re-examining and reviewing and finally resolve a matter, or if a dispute concerns whether a relevant public official

has violated the Constitution and whether there are grounds for dismissal or recall, the case is examined by the Full Bench of the Constitutional Court composed of seven to nine justices, which renders a final decision. Where, for valid reasons, some justices are unable to participate, the Full Bench may sit with no fewer than seven justices.

If a competent institution or public official, in adopting a decision, directly or substantively reinstates provisions of a law or other decision that has been invalidated by a decision of the Constitutional Court, the Court may, on the initiative of any one

of its justices, review and resolve the matter under its supervisory jurisdiction.

The Full Bench issues conclusions on whether the President of Mongolia, the Speaker or a member of the State Great Khural (Paliament), the Prime Minister, a member of the Government, the Chief Justice of the Supreme Court, or the Prosecutor General has violated the Constitution, as well as on whether there are grounds to dismiss the President, the Speaker of the Parliamnet, or the Prime Minister, or to recall a member of the Parliamnet.



JUSTICES





BAYASGALAN Gungaa

Chief Justice
of the Constitutional Court



On the nomination proposal by the State Great Khural (Parliament) of Mongolia, he was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.58 dated June 6, 2019 of the State Great Khural of Mongolia. He was elected as the Chief Justice of the Constitutional Court of Mongolia on the plenary session of all Justices of the Constitutional Court of Mongolia on May 31, 2024.



ERDENEBUGAN Juujaa

Justice of the Constitutional Court



On the nomination proposal by the Supreme Court of Mongolia, he was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.31 of the State Great Khural (Parliament) of Mongolia dated March 26, 2021.



GANGABAATAR Dashbalbar

Justice of the Constitutional Court



On the nomination proposal by the Supreme Court of Mongolia, he was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.76 of the State Great Khural (Parliament) of Mongolia dated October 7, 2021.



ULZIISAIKHAN Luvsandorj

Justice of the Constitutional Court

On the nomination proposal by the State Great Khural (Parliament) of Mongolia, she was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.96 of the State Great Khural of Mongolia on November 16, 2023.

By Resolution No.106 dated November 28, 2025, of the State Great Khural of Mongolia, a Justice of the Constitutional Court of Mongolia was resigned from office.



MUNKHSAIKHAN Odonkhuu

Justice of the Constitutional Court



On the nomination proposal by the Supreme Court of Mongolia, he was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.97 of the State Great Khural (Parliament) of Mongolia on November 16, 2023.



ENKHTUYA Erdenee

Justice of the Constitutional Court



On the nomination proposal by the President of Mongolia, she was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.98 of the State Great Khural (Parliament) of Mongolia dated November 16, 2023.



TSOLMON Tsedev

Justice of the Constitutional Court



On the nomination proposal by the State Great Khural (Parliament) of Mongolia, he was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.50 of the State Great Khural of Mongolia dated May 30, 2024.



BOLDBAATAR Byambadorj

Justice of the Constitutional Court



On the nomination proposal by the President of Mongolia, he was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.51 of the State Great Khural (Parliament) of Mongolia dated May 30, 2024.



BATRAGCHAA Ragchaa

Justice of the Constitutional Court



On the nomination proposal by the President of Mongolia, he was appointed as a Justice of the Constitutional Court of Mongolia by Resolution No.52 of the State Great Khural (Parliament) of Mongolia dated May 30, 2024.



HIGHLIGHTS OF THE YEAR

January

1. THE “CONSTITUTIONALISM” CLUB ESTABLISHED UNDER THE CONSTITUTIONAL COURT OF MONGOLIA

On 8 January 2025, the “Constitutionalism” Club was established under the Constitutional Court of Mongolia. The club aims to familiarize its members, on a regular basis, with the fundamental theories and philosophical concepts of constitutional law through reading and studying key works, sharing knowledge, and engaging in open discussions on related topics. It seeks to support members’ learning and professional development, disseminate knowledge, and, beyond activities limited to internal audiences, promote and raise public awareness of the significance of constitutionalism. Furthermore, the club seeks to contribute to the training of lawyers who have an interest in conducting research

and analysis in the field of constitutional law.

In 2025, the club organized a total of five book discussion sessions. By way of background, book clubs originated as a cultural phenomenon in Europe and the United States in the 18th and 19th centuries. In modern times, they have expanded beyond students and scholars to become public initiatives that promote general education and reading culture. Book clubs contribute to individual intellectual development, provide opportunities to broaden knowledge, enhance social interaction, and create an environment conducive to active and creative discussion.



2. A COMPILATION OF DECISIONS OF THE CONSTITUTIONAL COURT OF MONGOLIA HAS BEEN PUBLISHED

Following the adoption of the 1992 Constitution of Mongolia, the Constitutional Court of Mongolia was established, marking the formation of a new system of constitutional review in Mongolia. As the findings and rulings of the Constitutional Court in resolving constitutional disputes have served to define the content and underlying principles of the Constitution, a practical need arose to compile, systematize, and publish these decisions. At the initial

stage, this effort was primarily intended for internal use, to establish sources for constitutional interpretation and to provide a uniform understanding for legal scholars, lawyers, and public officials.

As the number of citizens petitioning the Constitutional Court of Mongolia continues to increase year by year, compilations of the Court’s decisions have come to play a particularly important role in shaping approaches to constitutionalism, setting



standards for the protection of human rights and freedoms, and delineating the limits of authority of state institutions. These compilations are significant as they function as an official archive of constitutional interpretation, a reliable source for citation in legal disputes, an educational tool for providing constitutional education to the public, and an open, professional reference source. The Constitutional Court

of Mongolia has compiled and published a total of six volumes of its decisions issued between 1992 and 2023 two volumes released in January and four volumes in July in a hardbound, classical format, making them available to the public. In addition, it is a common practice in international courts to publish collections of landmark decisions accompanied by commentaries and analytical reviews.



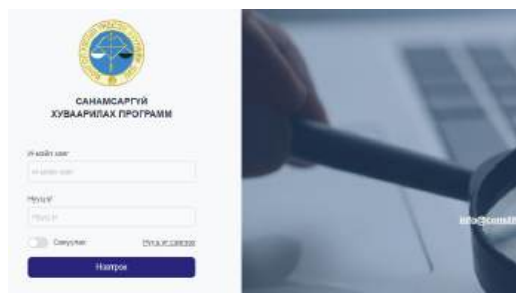
3. PETITIONS, INFORMATION, COMPLAINTS, AND REQUESTS ARE NOW ASSIGNED THROUGH A RANDOM ALLOCATION SOFTWARE SYSTEM

In 2025, within the framework of the “Strategy 2.0 of the Constitutional Court of Mongolia (2025-2028)”, the Constitutional Court of Mongolia successfully initiated a number of measures aimed at ensuring the institutional independence of the Constitutional Court and the independence of its justices, enhancing the effectiveness of dispute resolution and the quality of reasoning in decisions, strengthening impartiality and transparency, increasing public trust, and introducing innovation and technological modernization.

In this context, starting in January, the Constitutional Court officially began using a random allocation software system to assign petitions, information, requests, complaints, and submissions concerning alleged violations of the Constitution to

justices of the Constitutional Court, as well as to determine the composition of sessions of the Small Bench, Medium Bench, and Full Bench of the Court.

The random allocation software contributes to ensuring equality and fairness, safeguarding proceedings from undue influence, and enhancing the credibility of outcomes.



4. THE CONSTITUTIONALITY OF A PROVISION OF THE LAW ON ELECTIONS OF THE STATE GREAT KHURAL OF MONGOLIA WAS ADJUDICATED

By Conclusion No.01 adopted at the Medium Bench Session of the Constitutional Court of Mongolia held on 15 January 2025, the provision of Article 31.2 of the Law on Elections of the State Great Khural of Mongolia, which stipulates that “An

meet the principles of legal certainty, proportionality, and non-discrimination. Specifically, it concluded that the requirement for an independent candidate to collect the signatures of not fewer than 801 voters gives rise to the risk that compliance may



independent candidate shall collect the signatures of not fewer than 801 voters of the relevant electoral constituency on the form approved by the General Election Commission,” was deemed to violate the relevant provisions of the Constitution of Mongolia and was suspended. By Resolution No.31 of the State Great Khural of Mongolia dated 27 March 2025, it was considered impossible to accept the said conclusion. Consequently, at the plenary (full bench) hearing of the Constitutional Court held on 08 October 2025, the dispute was finally adjudicated, and Resolution No.01 was adopted, whereby it was determined that Article 31.2 of the Law on Elections of the State Great Khural of Mongolia violated the relevant provisions of the Constitution and was declared invalid.

This decision is distinctive in that it provides a specific interpretation of the content of the constitutional rights to participate in the governance of the state and to vote and be elected, and establishes the principles applicable to the restriction of those rights. In its conclusion, the Constitutional Court determined that Article 31.2 of the Law on Elections of the State Great Khural of Mongolia constitutes a restriction on the right to be elected, and therefore examined in detail whether the grounds and procedures for such restriction

be determined not on the basis of clear and objective criteria, but rather at the discretion or through the arbitrary judgment of authorized persons, and that the procedures for its implementation are unclear, thereby undermining legal certainty. Although the regulation concerning the collection of signatures is intended to ensure the effective exercise of the right to vote and the conduct of democratic elections in a fair and effective manner, the number of required signatures, when compared to the size of the population, the total number of voters, and the number of registered voters in the relevant constituency, was considered excessively high and disproportionate, and therefore cannot be regarded as a measure that restricts rights to the minimum extent necessary.

Furthermore, the conclusion emphasized that, in accordance with the principles of equality and non-discrimination, candidates must be subject to identical and properly justified criteria in exercising their right to be elected. It determined that the establishment of an excessively high threshold that effectively obstructs independent candidates from exercising their right to be elected is disproportionate and thus violates these principles, rendering this decision a precedent-setting ruling within the scope of the right to be elected.



February

5. ANNUAL REPORT 2024 OF THE CONSTITUTIONAL COURT OF MONGOLIA HAS BEEN PUBLISHED

To mark 12 February, the date on which compliance with the Constitution entered into force, the Constitutional Court of Mongolia published for the first time and released to the public the booklet entitled “2024 Yearbook of the Constitutional Court of Mongolia,” which contains news and information on the Court’s activities in 2024.

In addition to introducing the Constitutional Court of Mongolia, its composition, transparency of activities, and

cooperation, the overview also provides information on constitutional adjudication, including: trends in petitions submitted to the Constitutional Court from 1992 to 2024; statistical data on decisions issued; summaries of the Court’s landmark decisions; Strategy 2.0 of the Constitutional Court of Mongolia; and the methodologies for determining adjudicatory panels and for conducting constitutional review proceedings.



6. THE CONSTITUTIONALITY OF A PROVISION OF THE LAW ON THE JUDICIARY OF MONGOLIA WAS REVIEWED AND ADJUDICATED.

Conclusion No.02 of the Constitutional Court of Mongolia dated 14 February 2025 found that the provision of Article 47.6 of the Law on the Judiciary of Mongolia, which stipulates that a judge who has served for 30 years shall be automatically retired regardless of whether he or she has reached the age of 60, violates the relevant provisions of Article 1.2; Article 14.1 and 14.2; Article 19.1; Article 51.4; and Article 70.1 of the Constitution of Mongolia.

In this decision, the Constitutional

Court interpreted the principles of judicial independence and the impartiality of judges. It concluded that these principles are not intended to confer privileges or advantages, but rather serve the purpose of safeguarding the system of justice in a democratic society and protecting human rights and freedoms, and constitute a fundamental pillar of the constitutional doctrine of constitutionalism and the system of checks and balances among the legislative, executive, and judicial branches of state power.



In adjudicating this dispute, the Constitutional Court identified and upheld the fundamental constitutional doctrine of Mongolia which prohibits the removal of a judge who is duly and lawfully exercising the full scope of his or her judicial powers in accordance with the law.

Furthermore, the Constitutional Court applied the principles of equality and proportionality to examine whether the contested provision violates the Constitution. It found that the legal provision, which determines pensions by differentiating among judges who are in the same legal position and perform identical functions on the basis of years of service and age at appointment as a judge, without proper justification, and which results in the deterioration of their legal status, violates the principle of equality. The contested provision was determined to

have an adverse effect on the principles of judicial independence and the impartiality of judges, which are integral components of the fundamental principles of a democratic state governed by the rule of law, as well as on the constitutional guarantees of the fundamental right of individuals to access the courts and to receive a fair trial. Consequently, the Constitutional Court held that the provision lacks any justification from the perspectives of justice and the rule of law.

Conclusion No.02 of 2025 of the Constitutional Court of Mongolia through the regulation of judges' retirement protects the constitutional principle of Mongolia that everyone has the right to a public and fair hearing by a competent, independent, and impartial court.

7. THE CONSTITUTIONAL COURT OF MONGOLIA HAS BEGUN USING THE HEINONLINE RESEARCH DATABASE IN ITS RESEARCH ACTIVITIES.



The Constitutional Court of Mongolia has begun using the HeinOnline electronic research database (www.heinonline.org) in its research activities.

This database contains the legislation

of various countries, court decisions, research works by international scholars and researchers, and more than 3,300 academic journals.

The introduction of this resource aims to expand the sources used in constitutional adjudication proceedings and thereby make a tangible contribution to improving the quality of the Court's decisions.



March

8. A PRESENTATION WAS DELIVERED AT THE GLOBAL SUMMIT ON CONSTITUTIONALISM



Justices of the Constitutional Court of Mongolia, J.Erdenebulgan, D.Gangabaatar, and O.Munkhsaikhan participated in the Global Summit on Constitutionalism, organized by the University of Texas in Austin, Texas, from March 20 to 22, 2025. Within the framework of the conference, concurrent sessions XI discussions were held on a wide range of topics, including democracy, constitutional amendments, judicial independence, and constitutionalism in the digital era.

In particular, a panel entitled "Constitutional Amendments and

Fundamental Rights: The Position of the Constitutional Court of Mongolia" was jointly organized by the School of Law of the National University of Mongolia and the University of Milan, Italy, during which four papers were presented and discussed.

At this panel, Justice D.Gangabaatar delivered a presentation on "Unconstitutional Constitutional Amendments: The Case of Mongolia," while Justice O.Munkhsaikhan presented on "The Principle of Proportionality in Mongolian Constitutional Law from a Comparative Law Perspective."



9. THE CONSTITUTIONALITY OF A PROVISION OF THE LAW ON ELECTIONS OF THE STATE GREAT KHURAL OF MONGOLIA WAS ADJUDICATED.

By Conclusion No.04 adopted at the Medium Bench Session of the Constitutional Court of Mongolia held on 28 March 2025, it was decided to suspend the provision of Article 72.1 of the Law on Elections of the State Great Khural of Mongolia, which provides that "ballot papers on which votes are marked for a number of candidates fewer than ... the number of mandates allocated to the constituency shall be deemed invalid," insofar as the phrase "... fewer than ..." was found to violate Article 21.2 of the Constitution of Mongolia, which stipulates

that "Members of the State Great Khural shall be elected on the basis of the right of eligible citizens of Mongolia to freely elect ... "

The Constitutional Court concluded that a situation had been created where a voter is either compelled to cast additional votes for candidates they do not support in order to prevent their ballot from being invalidated, or their ballot is deemed invalid for selecting fewer candidates than the number of mandates allocated to the relevant constituency. This results in the voter's choice being discarded and their vote



for supported candidates not being counted. Conversely, it allows unsupported candidates to unjustifiably receive additional votes and gain an undue advantage. It was deemed that such a regulation poses a risk of undermining the condition that election results must be a true expression of the will of the voters.

By this decision, the Court defined the content of the right to free elections and, by linking it to the fundamental principles of the Constitution, interpreted how the principles of democratic elections, the right to freely elect, and the right to cast one's vote by secret ballot are provided for and implemented under the Constitution of Mongolia and the international treaties and conventions to which Mongolia is a party. Moreover, the decision is particularly significant in that it elaborates and applies the interrelationship between the freedom of opinion and belief and the right to vote.

It concluded that the contested regulation violates the right to freely elect, as it fails to satisfy the principles of legal certainty and proportionality. Although the regulation is related to the objective of facilitating voters

in marking their ballots and ensuring the full exercise of the right to vote, it negates the voter's choice to cast a vote for fewer candidates than the number of mandates allocated to the relevant constituency and disregards votes that clearly express the voter's choice. Accordingly, it was determined that such regulation cannot be regarded as a means that restricts the right to freely elect to the minimum extent necessary and therefore fails to meet the requirements of necessity and balancing.

The decision further held that compelling voters by law to mark votes for candidates whom they do not support constitutes a failure to respect the voter's beliefs and opinions not to support a particular candidate, thereby infringing upon the freedom of belief. By concluding that the contested regulation is unconstitutional, the Constitutional Court established a precedent-setting decision that will serve as a guiding standard in the adjudication of future disputes relating to the exercise of the right to vote.



April

10. A CONFERENCE WAS CO-ORGANIZED



The Constitutional Court of Mongolia, in cooperation with the Embassy of the Republic of India in Mongolia and the Institute of Constitutional Law of the National University of Mongolia, organized a conference entitled “The Contribution of the Constitutions of India and Mongolia to Nation-Building” on 14 April 2025 to mark the 134th anniversary of the birth of Dr. Babasaheb Ambedkar, the principal

architect of the Constitution of India.

This year also marks the 75th anniversary of the adoption of the Constitution of India and the 70th anniversary of the establishment of diplomatic relations between Mongolia and India. The Constitution of India is recognized as one of the most comprehensive constitutions in the world.

May

11. AN INTERNATIONAL SEMINAR WAS ORGANIZED

The Constitutional Court of Mongolia, in cooperation with the Venice Commission of the Council of Europe, organized a seminar entitled “Legislative Reform of the Constitutional Court of Mongolia” in Ulaanbaatar on 5-6 May 2025.

Representatives of the Venice Commission held working meetings, in connection with the draft Laws on the Constitutional Court of Mongolia and

Constitutional Court Procedure, with Justices of the Constitutional Court, former justices of the Constitutional Court, representatives of the parliamentary majority, coalition, and other political parties, members of the sub-working group that drafted the legislation, and representatives of relevant state institutions. As a result, the Venice Commission prepared its advisory opinions in respect of the draft Laws on the



Constitutional Court of Mongolia and on Constitutional Court Procedure.

The draft opinion was discussed on 12 June 2025, at a joint meeting of the Venice Commission's Sub-Commissions on

Constitutional Justice and on Fundamental Rights. Subsequently, the opinion was adopted at the 143rd Plenary Session of the Venice Commission, held online on 13-14 June 2025.

12. THE CONSTITUTIONALITY OF THE PROGRESSIVE PERSONAL INCOME TAX WAS REVIEWED AND ADJUDICATED.

By Conclusion No.05 dated 16 May 2025, the Constitutional Court of Mongolia held that the progressive personal income tax does not violate Article 1.2; Article 5.4; Article 10.2 and 10.3; or Article 14.1 and 14.2 of the Constitution of Mongolia.

Through this decision, the Constitutional

own constitutional review (judicial restraint) in the disputed matter and was guided by the fundamental constitutional principle of the separation of powers.

In adjudicating the dispute, the Constitutional Court interpreted and applied the principle of a humane society enshrined



Court interpreted the exclusive competence of the legislature to determine taxation and held that, where the legislature exercises this power without restricting citizens' fundamental rights and freedoms or exceeding its authority, matters of political policy must be respected. The significance of the decision lies in the fact that the Constitutional Court defined the scope of its

in the Preamble of the Constitution, as well as the principles of democracy, justice, the rule of law, and equality set forth in Article 1.2. It further clarified, for the first time, the distinctions among the constitutional principles of equality, equal protection, and non-discrimination, and, on the basis of examining whether the progressive personal income tax satisfies the requirements of



the principle of proportionality, concluded that it does not constitute a violation of the Constitution. Accordingly, this decision will serve as a precedent in future cases involving alleged infringements of the right to equality.

Furthermore, by interpreting and applying the principle of taxpayers' ability to pay—commonly recognized in the

constitutions of democratic states and in the jurisprudence of constitutional courts—in conjunction with the fundamental principles of the Constitution of Mongolia, the Constitutional Court rendered a selective and noteworthy decision in adjudicating the dispute concerning the progressive tax.

June

13. THE CONSTITUTIONALITY OF A PROVISION OF THE LAW ON STATE REGISTRATION OF PROPERTY RIGHTS WAS ADJUDICATED

By Conclusion No.06 adopted at the Session of the Medium Bench of the Constitutional Court of Mongolia on June 6, 2025, the Court held that Article 9.3 of the Law on State Registration of Property Rights, which provides that “Except as provided in Article 9.1.5 of this Law, the

other related property rights, including land-use rights, the value stated in the relevant contract, transaction, or decision on the transfer of rights is recorded in the state register. In cases where land-use rights or immovable property are pledged, the value indicated in the registered pledge agreement



values specified in Articles 9.1.3 and 9.1.4 shall not be registered at a value lower than the most recently registered value,” violates the relevant provisions of the Constitution of Mongolia, namely Article 1.2, which establishes the rule of law as a fundamental principle of state activity, Article 5.3, which stipulates that an owner's rights may be restricted only on grounds prescribed by law, and Article 16.3, which guarantees the right to lawfully acquire and own immovable property.

Under the disputed regulation, in cases of the sale or transfer of ownership and

or pledge certificate is recorded. However, by legally prohibiting the registration of a value lower than the most recently registered value—unless a valuation is conducted by an authorized valuation entity in accordance with law—the regulation restricted not only the constitutional right of citizens to lawfully acquire and own immovable property, but also their freedom, as participants in civil-law relations, to freely conclude contracts and engage in property relations based on their own will.

In its conclusion, the Constitutional Court emphasized that the principal

means of exercising the right to lawfully acquire, possess, and own immovable property, as guaranteed by Article 16.3 of the Constitution, is through transactions or contracts. The Court interpreted ownership rights broadly, clarifying that they are not limited merely to possession of property, but also encompass the real ability to dispose of property at one's own discretion and to enjoy its benefits. Within this interpretation, the Court affirmed that the freedom to decide whether to conclude a contract, to determine the contracting parties, and to define the content of a contract constitutes not only a fundamental principle of civil-law relations but also an integral component of the constitutionally protected right to

property. By linking the right to property with contractual freedom, the Court rendered a decision safeguarding the rights of citizens whose ownership rights had been restricted by the contested provision.

Furthermore, having examined whether the statutory regulation restricting constitutionally guaranteed fundamental rights complied with the requirements of legal certainty and proportionality, which apply to limitations on fundamental rights, the Court concluded that the provision violated the Constitution. Accordingly, this conclusion is of significant importance as a precedent decision for the adjudication of future disputes concerning property rights.

14. THE CONSTITUTIONALITY OF A PROVISION OF THE LAW ON CRIMINAL PROCEDURE WAS ADJUDICATED

By Conclusion No.07 adopted at the Session of the Medium Bench of the Constitutional Court of Mongolia held on 13

and affirming the principles and criteria governing the restriction of personal liberty under Article 16.13 of the Constitution, and



June 2025, it was decided to suspend the provision of Article 14.10, paragraph 11 of the Criminal Procedure Law, which stipulates that "during the judicial examination of a criminal case, the court may, taking into account the motions submitted by the prosecutor or the participants, and in accordance with the objectives of criminal proceedings, impose the preventive measure of detention on the defendant." The provision was found to violate the relevant provisions of the Constitution of Mongolia. By Resolution No.92 of the State Great Khural of Mongolia dated 24 September 2025, the said conclusion was accepted.

This decision is notable for determining

for providing a specific interpretation of the content of that right. The conclusion emphasized that the preventive measure of detention (hereinafter referred to as "detention"), as it entails the deprivation of liberty of an accused or defendant, must comply with the principles applicable to restrictions on fundamental rights, including legal certainty, proportionality, non-discrimination, and effective judicial oversight. It concluded that the contested provision fails to meet these principles.

In particular, the Constitutional Court explained that the grounds and procedures for detaining a person must be clearly prescribed by law and strictly complied



with, as required by Article 16.13 of the Constitution, and that such measures may not be applied arbitrarily. The decision is also significant in that it clarified the requirement for courts to exercise effective oversight to determine whether a measure restricting personal liberty is based on grounds and procedures established by law, is non-arbitrary, and is proportionate.

Furthermore, pursuant to Article 19.1 of the Constitution, while the State bears a negative obligation not to deprive

individuals of their personal liberty, it also assumes positive obligations, in cases of arrest or detention, to clearly define by law the grounds and procedures for such deprivation. By concluding that the contested statutory provision fails to fully discharge the State's positive obligations in relation to the detention of defendants, the Constitutional Court rendered a decision of particular significance.

15. THE COURT HAS STARTED SHARING ITS ACTIVITIES VIA SOCIAL MEDIA PLATFORMS

To promote and inform the public about the activities of the Constitutional Court of Mongolia, summaries of the Court's decisions are now prepared and disseminated through the Court's official website as well as social media platforms such as X.com and Facebook.

Presenting the Court's decisions in a concise, clear, and plain manner contributes to enhancing public understanding of the Constitution, fundamental rights, and the distribution of state powers, thereby helping to strengthen legal awareness and culture.

In addition, an Open Day of the Constitutional Court of Mongolia was

organized on June 30 to mark the anniversary of the establishment of the Constitutional Court.

Within the framework of this event, information was provided to citizens about the Constitution of Mongolia and the activities of the Constitutional Court, along with guidance on how to submit petitions and information to the Court.

Promoting and raising awareness of the Constitution is an important activity for ensuring that citizens understand their constitutionally guaranteed rights and for strengthening a culture of respect for the rule of law.

July

16. THE "CONSTITUTIONALISM" JOURNAL WAS PUBLISHED

The Constitutional Court of Mongolia published the inaugural issue of the theoretical, methodological, academic, and informational journal "Constitutionalism" on July 1, the anniversary of the establishment of the Constitutional Court. The journal publishes works addressing constitutional law, the activities of constitutional courts, related scholarly research, and interdisciplinary issues connected with

other fields of science, and aims to contribute to the development of constitutional law.



August

17. THE NUMBER OF RESEARCHER POSITIONS HAS BEEN INCREASED

Nine researchers tasked with providing support to Justice of the Constitutional Court of Mongolia have been appointed and have begun working within the Legal Department of the Secretariat of the Constitutional Court.

The appointment of researchers enables the systematic study of constitutional interpretation and principles through an integrated theoretical and practical approach, as well as the structured analysis of the case law, information, materials, and jurisprudence of international human rights courts and foreign constitutional

courts. By providing justices with timely information and research, this initiative helps expedite procedural processes, make meaningful contribution to the development of constitutional law.

The Constitutional Court is also studying the use of artificial intelligence in constitutional dispute adjudication proceedings. The application of artificial intelligence in academic and research fields is considered to be beneficial in saving researchers' time, reducing workload, and enhancing the processing of information based on statistical data.

18. A PRESENTATION WAS DELIVERED ON THE TOPIC "THE RIGHT TO PRIVACY IN THE CONSTITUTION OF MONGOLIA"



Justice of the Constitutional Court of Mongolia, Mr. Ts.Tsolmon, participated in the 5th International Symposium on "The Right to Privacy," held in Seoul from 25-28 August 2025. The conference was organized by the Secretariat for Research and Development of the Asian Association of Constitutional

Courts and Equivalent Institutions.

At the conference, he delivered a presentation entitled "The Right to Privacy in the Constitution of Mongolia", responded to questions of interest from judges and researchers, and took part in the ensuing discussions.

September

19. THE CONSTITUTIONALITY OF A PROVISION OF THE LAW ON OFFENCES WAS ADJUDICATED

By Determination No.33 adopted at the Medium Bench Session of the Constitutional Court of Mongolia held on 26 September 2025, the Constitutional Court examined the dispute as to whether the phrase "... a natural person shall be fined an amount equivalent to twenty thousand units ... tugriks" contained in Article 17.1, paragraph 27 of the Law on Offences, which provides that "where a candidate, political party, or coalition fails to

create, or decide not to regulate criminal and administrative penalty policy within a broad margin of legal discretion, including, in particular, the power to determine the types and extent of liability to be imposed for offences. However, the Constitutional Court did not decide that it would, under all circumstances, refrain from reviewing the type and severity of sanctions prescribed by law for offences, but instead established



fulfill the obligation to publicly disclose, and submit to the state audit authority, a report on campaign donations and the expenditure of election expenses at least three days prior to polling day, a natural person shall be fined an amount equivalent to twenty thousand units, and a legal entity shall be fined an amount equivalent to two hundred thousand units," violates the Constitution of Mongolia, and dismissed the constitutional review proceedings in respect of the said dispute.

The Constitutional Court affirmed and upheld the constitutionally conferred authority of the legislature to regulate,

specific criteria for the exercise of constitutional review in this area.

Specifically, the Constitutional Court held that it would refrain from reviewing a legislatively prescribed sanction where, from the perspective of legislative systematization, the sanction does not manifestly disrupt the overall balance of the system of penalties and is consistent with the objectives of the sanction imposed for the relevant offence. The decision thereby made a significant contribution to defining the scope of constitutional review over penalty policy.



October

20. A PUBLIC READING OF THE BOOK “LEARNING ABOUT ELECTIONS” WAS ORGANIZED

On 20 October 2025, the Constitutional Court of Mongolia, in cooperation with the General Election Commission of Mongolia, the NGO “Chimid Foundation,” and the Institute of Constitutional Law of the National University of Mongolia, organized a public reading of “Learning about Elections,” a book authored by Byaraa Chimid, a distinguished statesman and public figure, principal architect of the democratic Constitution, Hero of Labor, People’s Teacher, Merited Lawyer, Doctor of Law, and Professor.

The re-publication of “Learning about Elections,” originally published in 2008, and its presentation to the public during the event constituted a particularly noteworthy occasion. The “Book Reading” initiative was first launched by the Constitutional Court last year with a public reading based on B. Chimid’s book “Veneration of the Constitution,” and this year, by selecting “Learning about Elections,” the event was continued as an established tradition.



21. ADJUDICATED WHETHER THE DISMISSAL OF THE PRIME MINISTER OF MONGOLIA VIOLATED THE CONSTITUTION

By Conclusion No.08 adopted at the Full Bench Session of the Constitutional Court of Mongolia held on 22 October 2025, it was finally determined that, in deliberating and adopting Resolution No.95 entitled “On the Dismissal of the Prime Minister of Mongolia” at the plenary sessions of the State Great Khural held on 16 and 17 October 2025, the State Great Khural violated the principles of democracy and the rule of law set forth in Article 1.2 of the Constitution, as well as Article 43.1 and Article 7.1. It was further determined that the Deputy Speaker and Member of Parliament, Ms. Kh.Bulgantuya,

in presiding over the said sessions, conducted the vote using the formulation “Let us support the proposal not supported by the Standing Committee on State Structure,” thereby creating the conditions for the occurrence of these violations and, as such, violated the relevant provisions of the Constitution.

By this conclusion, the Constitutional Court rendered a precedent-setting decision through its interpretation of Article 43.1 of the Constitution, which provides that “if not fewer than one quarter of the members of the State Great Khural formally submit



a proposal to dismiss the Prime Minister, the State Great Khural shall commence consideration of the matter after three days and shall decide it within ten days. If a majority of all members of the State Great Khural supports the proposal, a resolution of the State Great Khural on the dismissal of the Prime Minister shall be deemed adopted, and a new Prime

and therefore must be understood as requiring a vote conducted in the affirmative formulation of “supporting the dismissal of the Prime Minister.” However, since the plenary session of the State Great Khural deciding on whether to dismiss the Prime Minister conducted the vote using the formulation “Let us support the proposal not supported by the Standing Committee



Minister shall be appointed within thirty days.” In interpreting this provision, the Constitutional Court applied methods of literal, purposive, systematic, and historical interpretation concurrently, and, on that basis, identified a constitutional violation, thereby establishing a methodological and substantive precedent.

Accordingly, the Constitutional Court concluded that the term “the proposal” used in Article 43.1 refers literally to the “proposal to dismiss the Prime Minister” mentioned in the first sentence of the same paragraph,

on State Structure” and adopted Resolution No.95 on that basis, it was determined that the above constitutional content was violated.

Furthermore, the Constitutional Court held that not every violation of an organic law constitutes a violation of the rule of law; rather, such a violation amounts to a breach of the rule of law only where it creates conditions that are contrary to the principles and doctrines of the Constitution. By so concluding, this decision constitutes one of fundamental significance.

22. PARTICIPATED IN THE 6TH CONGRESS WORLD CONFERENCE ON CONSTITUTIONAL JUSTICE

The Chief Justice of the Constitutional Court of Mongolia, H.E. G.Bayasgalan, and Justice Ms. E.Enkhtuya participated in the 6th World Congress on Constitutional Justice, held in Madrid from 28-30 October 2025 under the theme “Human Rights of Future Generations.” Judges from constitutional courts and equivalent institutions of 88 countries out of 125 member countries took part in the Congress, sharing experiences over three days. Through thematic sessions on the independence of constitutional courts and

equivalent institutions, the protection of natural resources and the environment, the preservation of humanity’s cultural heritage, and access to scientific knowledge and new technologies, participants discussed the challenges and opportunities in safeguarding the rights of future generations and adopted the Madrid Communiqué.

The Communiqué states, inter alia, that:

- The independence of constitutional judges must be protected from any external interference or pressure, and cooperation and solidarity among states, in accordance

with their respective laws, are essential in this regard. Constitutional courts have long served as pillars of democratic stability and progress, and the Declaration expresses a unified stance rejecting any measures or actions that hinder their fundamental role in protecting democracy and human rights.

- The independence of constitutional courts is not a privilege but a safeguard for the protection of everyone's rights, ensuring that human rights are upheld without fear or favoritism. This requires the provision of necessary resources to secure independence, guarantees for adjudicatory



- Any actions directed against constitutional courts undermine the rule of law and erode public trust. The legitimacy of constitutional courts is grounded in their constitutionally conferred mandate, adherence to the principle of legality, transparency of adjudicatory proceedings, and the courage to render decisions in conformity with the Constitution even when such decisions are politically unpopular.

proceedings, and the promotion of mutual respect among institutions.

- Through their decisions, constitutional courts interpret the Constitution and develop legal principles, thereby establishing a stable and enduring legal foundation that exists independently of electoral cycles and political agendas.

These principles were jointly affirmed in the Madrid Communiqué.

November

23. CONSTITUTIONAL LAW DEBATE WAS HELD

The Constitutional Court of Mongolia, in cooperation with the Institute of Constitutional Law of the National University of Mongolia, successfully organized the Constitutional Law Debate for the second year among law students. The competition held in three stages from 10-28 November, 2025.

The Constitutional Law Debate is a contest designed to simulate constitutional disputes and to prepare participants for

high-level legal debate that integrates both theoretical and practical approaches.





24. IT WAS ADJUDICATED WHETHER A PROVISION OF THE CRIMINAL CODE VIOLATED THE CONSTITUTION

By Conclusion No.10 dated 25 November 2025, the Constitutional Court of Mongolia found that Article 13.14 of the Criminal Code, which provides that “any person who disseminates manifestly false information to the public that infringes upon a person’s honor and dignity or the business reputation of a legal entity shall be subject to criminal punishment ...,” violates Article 1.2 of the Constitution of Mongolia, which states that “... freedom ... and the rule of law are fundamental principles of state activity,” Article 16.16, which guarantees the “... freedom to freely express opinions,

rights, and, within the framework of the general requirements, concluded that the contested provision fails to comply with the principle of legal certainty and does not satisfy the principle of proportionality.

Within the framework of the specific requirements, the Constitutional Court examined whether a proper balance was maintained between the inviolability of honor and reputation and the freedom of expression, whether the Criminal Code, in restricting freedom of expression, unduly narrowed the scope of that freedom to a severe degree, and whether the regulation



speak, and publish ...,” Article 16.17, which guarantees the right to “seek and receive information on matters not classified by law as secrets requiring special protection by the State ...,” and Article 70.1, which provides that “laws ... shall fully conform to the Constitution.” Accordingly, the said provision was suspended.

By this decision, the Constitutional Court interpreted the content of Article 16.16 and 16.17 of the Constitution and afforded broad constitutional protection to citizens’ rights to freely express opinions, speak, publish, seek and receive information, and obtain information from state authorities. In this decision, the Constitutional Court examined the criminal-law regulation in question in light of the general and specific requirements applicable to restrictions on fundamental

satisfies the additional rights-based criteria. By doing so, the decision established a precedent for the adjudication of future disputes involving these rights.

This conclusion is particularly significant in that it constitutes the first decision to protect the freedom of expression and, at the same time, the first decision in which the Constitutional Court found a provision of the Criminal Code to be in violation of the Constitution of Mongolia. The decision is further distinguished by the fact that the medium bench hearing of the Constitutional Court adjudicating this dispute was conducted continuously over a full two-day period, from 09:30 on 24 November 2025 until 17:00 on 25 November 2025, before the decision was rendered.



December

25. ADJUDICATED WHETHER A PROVISION OF THE LAW ON ADMINISTRATIVE AND TERRITORIAL UNITS AND THEIR GOVERNANCE VIOLATES THE CONSTITUTION

By Conclusion No.11 dated 17 December 2025, the Constitutional Court of Mongolia held that the provision prohibiting a representative of a Citizens' Representative Khural from simultaneously serving as a representative in a Khural of another level is consistent with Article 16.9; Article 19.1; and Article 70.1 of the Constitution of Mongolia.

By this decision, the Constitutional Court found that, while the law permits a candidate for a soum or district Citizens'

The contested regulation was examined in light of the principles of non-impairment of the core of the right, legal certainty, proportionality, and non-discrimination, and it was noted that the prohibition on an individual concurrently serving as a representative in Khurals at two different levels complies with these principles. As citizens retain the right to stand for election to Khurals at any level, the Constitutional Court concluded that the regulation does



Representative Khural to also stand as a candidate for an aimag or the capital city Citizens' Representative Khural, the prohibition on a Khural representative concurrently serving as a representative in a Khural of another level is constitutional. In so doing, the decision clearly delineated the distinction between the right to stand for election and the status of serving as a Khural representative, thereby having significant importance for the consistent understanding and implementation of this regulation in the future.

not violate the right to be elected.

In adjudicating this dispute, the Constitutional Court, for the first time, conducted a detailed examination of compliance with the principle of non-impairment of the core of the right, and thereby established a precedent whereby this principle will henceforth be applied as an independent requirement in assessing limitations on fundamental rights in constitutional adjudication.



SUMMARIES OF THE COURT DECISIONS



SUMMARY OF THE DISPUTE CONCERNING THE COLLECTION OF SIGNATURES FOR INDEPENDENT CANDIDACY

Conclusion of the Constitutional Court:

5 January 2025, No.01.

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding), Justices
D.Gangabaatar, O.Munkhsaikhan,
(Rapporteur), Ts.Tsolmon and B.Boldbaatar.

Resolution of the State Great Khural:

By Resolution No.31 dated 27 March 2025,
the State Great Khural resolved that it was
unable to accept Conclusion No.01 of 2025
of the Constitutional Court.

Resolution of the Constitutional Court:

8 October 2025, No.01.

Composition of the Full Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding), Justices
J.Erdenebulgan, D.Gangabaatar,
L.Ulziisaikhan, O.Munkhsaikhan, E.Enkhtuya,
Ts.Tsolmon, B.Boldbaatar (Rapporteur) and
R.Batragchaa.

Applicant: Citizen D.Altangerel.

Respondent:

Authorized Representative of the State Great
Khural of Mongolia, Member of State Great
Khural Ts.Sandag-Ochir.

“

WHILE IT IS PERMISSIBLE TO REQUIRE INDEPENDENT CANDIDATES TO COLLECT A CERTAIN NUMBER OF VOTERS' SIGNATURES, THE NUMBER OF SUCH SIGNATURES MUST NOT EXCEED WHAT IS STRICTLY NECESSARY. REQUIRING THE COLLECTION OF NO FEWER THAN 801 SIGNATURES CONSTITUTES AN EXCESSIVELY HIGH THRESHOLD, AND PROVIDING FOR REFUSAL TO REGISTER AN INDEPENDENT CANDIDATE IN CASES OF EVEN A MINOR FAILURE TO MEET THIS REQUIREMENT RENDERS THE MEASURE DISPROPORTIONATE AND DISCRIMINATORY IN NATURE.

”



At its Medium Bench Session held on 15 January 2025, the Constitutional Court of Mongolia concluded that Article 31.2 of the Law on Elections of the State Great Khural of Mongolia, which provides that “An independent candidate shall collect the signatures of no fewer than 801 voters of the relevant electoral constituency on a form approved by the General Election Commission,” was in violation of the Constitution of Mongolia, and decided to suspend its application.

Resolution was deliberated at the Plenary session of the State Great Khural on 27 March 2025, following which Resolution No.31 was adopted, determining that the State Great Khural was unable to accept the conclusion of the Constitutional Court.

Consequently, at its Full Bench Session held on 8 October 2025, the Constitutional Court finally resolved the dispute and, finding that Article 31.2 of Article 31 of the Law on Elections of the State Great Khural of Mongolia contravened the relevant provisions of the Constitution, invalidated the said provision and adopted Decision No.01.

While fundamental rights other than absolute rights may be subject to limitations, the Constitution requires that such limitations satisfy the principles of legal certainty, proportionality, and non-discrimination. Failure to satisfy any one of these principles constitutes grounds for considering the relevant limitation to be a violation of a fundamental right. As Article 31.2 of Article 31 of the Law on Elections of the State Great Khural of Mongolia imposes a restriction on the right to be elected, the grounds and procedures for such restriction must be clear, proportionate and non-discriminatory.

The rule of law prohibits the restriction of fundamental rights outside the framework of law and requires that the grounds and procedures for any such restriction be clearly prescribed by law. The failure to comprehensively regulate by law the grounds and procedures for sampling, verifying, and examining the signatures collected by independent candidates creates a risk of delay, negligence, or omission in

verification. As a result, whether a citizen is able to exercise the right to be elected may be determined not on the basis of clear and objective criteria, but rather at the discretion or arbitrary judgment of authorized officials, thereby undermining legal certainty.

Furthermore, Law on Elections of the State Great Khural (Parliament) of Mongolia does not clearly specify whether the requirement to collect voters’ signatures constitutes part of the documentation requirements, whether an independent candidate who fails to meet this requirement may be afforded an opportunity to remedy the deficiency by collecting additional signatures, and, if such an opportunity is granted, what period of time should be allowed. Consequently, the relevant provisions lack clarity and fail to ensure legal certainty.

Pursuant to the principle of proportionality, a limitation on a fundamental right must satisfy the requirements of suitability, necessity, and proportionality in the strict sense in order to achieve a legitimate aim. The above regulation requiring the collection of signatures is suitable for ensuring the effective exercise of the right to vote and for conducting democratic elections in a fair and effective manner. This is because, in the absence of legal requirements such as the collection of a certain number of signatures or the payment of a deposit for independent candidacy, an excessive number of candidates may be listed on the ballot paper, causing confusion among voters and making it difficult for them to make an effective choice and cast their votes.

However, the threshold imposed on independent candidates is excessively high and inappropriate when compared with the size of the population, the total number of voters, and the number of registered voters in the relevant constituency. Therefore, this provision cannot be regarded as a measure that restricts the right in the least intrusive manner and, accordingly, fails to meet the necessity requirement. Furthermore, the law provides that an independent candidate may be refused registration and deprived of the right to be elected even where the substantive requirement of collecting no

fewer than 801 voters' signatures has been met, but the related procedural requirements are violated in a minor or formal manner. Such regulation is considered incompatible with the requirement of proportionality in the strict sense.

Article 14.1 of the Constitution embodies the principle that every person inherently equal by virtue of being human and imposes upon the State the duty to recognize every person as an equal human being and to respect human dignity. Accordingly, fundamental rights must be exercised without arbitrary or unjustified differential treatment. The establishment of an excessively high threshold that obstructs independent candidates from exercising the right to be elected lacks sufficient justification and therefore violates the right to equality and the principle of non discrimination.

Moreover, the failure to clearly regulate by law the grounds and procedures for sampling, verifying, and examining the signatures collected by independent candidates creates conditions for unjustified differential treatment among independent candidates, who are legal subjects in equal circumstances. Furthermore, requiring a single individual to collect the same number of voters' signatures as is required for the registration of a political party imposes an undue and unjustified burden and obligation without reasonable grounds.

The law providing that an independent candidate in elections to the State Great Khural must collect the signatures of no fewer than 801 voters constitutes an excessively high threshold when compared with the total population, the total number of voters, and the number of voters in the relevant constituency. In addition, the period allowed for collecting signatures is short; the law requires precise details to be filled in on the form; the signatures are to be sampled and verified within one week; and although the candidate may meet the substantive requirement of the signature threshold, the law allows for the possibility of refusing registration if minor procedural irregularities occur. It is also uncertain whether the law provides an opportunity to correct such errors, and the relevant grounds

and procedures are not clearly defined. For these reasons, the regulation fails to meet the requirement that it be "well-founded and not obstructive to candidacy."

Appropriate regulation should ensure that, in cases where the number of supporting signatures is insufficient, registration of the candidate is not automatically denied on the basis of minor irregularities, and that independent candidates are provided with an opportunity to correct errors in the submitted information. The nature and extent of any irregularities should be addressed proportionately. In principle, verification should cover all signatures. Therefore, if the law prescribes verification of all signatures and sets a short time period, it is appropriate to require independent candidates to submit a number of signatures that can reasonably be verified within that period. In cases where a sampling method is to be used for verification, the grounds and procedures for such a method must be clearly defined and regulated by law.

In view of the foregoing, the provision in Article 31.2 of Article 31 of the Law on Elections of the State Great Khural of Mongolia, requiring independent candidates to collect the signatures of no fewer than 801 voters, fails to satisfy the principles of clarity, proportionality, and non-discrimination. It also conflicts with Mongolia's obligations under international human rights treaties.

Accordingly, this provision violates Article 10.3 of the Constitution, which provides that "The international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession"; Article 14.1, which guarantees that "All persons residing in Mongolia shall be equal before the law and the courts"; Article 14.2, which prohibits discrimination on the basis of "opinion, ... or other grounds"; and Article 16.9, which guarantees the right to be elected to state institutions.

Meanwhile, Articles 31.3 and 31.4 of Article 31 regulate procedural aspects of independent candidacy and concern matters related to improving the legislative framework.



SUMMARY OF THE DISPUTE CONCERNING THE PRINCIPLE OF JUDICIAL INDEPENDENCE

Conclusion of the Constitutional Court:

14 February 2025, No.02

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding); Justices
D.Gangabaatar, O.Munkhsaikhan,
E.Enkhtuyaa, (Rapporteur); and
R.Batragchaa.

Resolution of the State Great Khural:

By Resolution No.34 dated 4 April 2025, the
State Great Khural accepted Conclusion
No.02 of 2025 of the Constitutional Court.

Applicant:

Citizens O.Bayasgalan and N.Ariunbold.

Respondents:

Authorized Representatives of the State
Great Khural: former Member of State Great
Khural J.Sukhbaatar and Member of State
Great Khural B.Enkhbayar.

“

THE PRINCIPLE OF
JUDICIAL INDEPENDENCE
AND THE INDEPENDENCE
OF JUDGES CONSTITUTES A
FUNDAMENTAL CONDITION
FOR ENSURING THAT ANY
INDIVIDUAL OR LEGAL
ENTITY CAN EXERCISE THE
BASIC RIGHT TO ACCESS
THE COURTS TO PROTECT
THEIR RIGHTS, FREEDOMS,
AND LAWFUL INTERESTS,
AND TO OBTAIN A FAIR
TRIAL.

”

At its Medium Bench Session held on 14 February 2025, Conclusion No.02, the Constitutional Court of Mongolia found that Article 47.6 of the Law of Mongolia on Courts, which provides that "...A judge who has served for 30 years or more and has reached the age of 55 shall be granted a retirement pension," violates the relevant provisions of the Constitution of Mongolia and decided to suspend its application.

Judicial power serves to protect human rights and freedoms, as well as private and public interests safeguarded by law, from any unlawful interference, and to restore violated rights to the extent permitted by law. The Constitution provides that judicial power shall be exercised solely by the courts. Judicial independence and the independence of judges constitute a guarantee for the fair exercise of judicial power.

The principle of judicial independence and the impartiality of judges is the fundamental condition for ensuring that the fundamental right of any individual or legal entity to approach the court for the protection of rights, freedoms, and lawful interests, and to be judged fairly. This principle is not intended to confer privileges or advantages, but is instead intended to protect the system of justice in a democratic society and to safeguard human rights and freedoms. It also serves as a pillar supporting the constitutional order and the concept of the separation of state powers established by the Constitution, which ensures mutual checks and balances.

The State has the duty to establish the legal, economic, social, and other guarantees necessary to ensure judicial independence and the impartiality of judges, as guaranteed by the Constitution. Within this framework, it is prohibited to adopt legislation or other legal acts that undermine or impair judicial independence and the impartiality of judges.

Mongolia has incorporated into its Constitution the concept of appointing

judges for an indefinite term until they reach the legally established upper age limit for retirement. The Constitution also prohibits removing judges who are duly performing their duties in accordance with the law, which guarantees judicial independence. The termination of a judge's tenure may therefore occur only on grounds and under procedures that are consistent with the principle of judicial independence protected by the Constitution.

Article 42.2 of the Law of Mongolia on Courts provides that "The impartiality of judges shall be guaranteed by the Constitution of Mongolia, this Law and other laws." Article 42.3.1 prohibits restricting, suspending, or terminating a judge's powers on grounds other than those provided in the Constitution and this Law. Article 42.3.3 further provides that a judge is appointed for an indefinite term and shall not be dismissed or removed upon the initiative of an administrative body or a third party. Additionally, Article 40.1, which regulates relations concerning the termination of a judge's powers, provides "If a judge has reached the retirement pension age established by law, or has worked as a judge for 25 years, he or she may be granted the retirement pension and be released at his or her own request."

The disputed provision in Article 47.6 of the Law of Mongolia on Courts provides that a judge shall be retired upon completing 30 years of service even if he or she has not reached 60 years of age. This creates the implication that judges are appointed for a fixed term, or that the duration of a judge's tenure is limited to 30 years. Incorporating such an implication into an ordinary law is inconsistent with the principle, guaranteed by the Constitution, that judges shall be appointed for an indefinite term until they reach the upper age limit for retirement. This principle is a key component of judicial independence.

Furthermore, the disputed provision in Article 47.6 also contradicts certain other provisions of the same law. It creates inconsistencies in legal application,



establishes circumstances that undermine the legal status and the social and economic guarantees of judges, and gives rise to legal uncertainty.

When adopting the revised version of the Law of Mongolia on Courts, the legislature can be regarded as having intended to ensure judicial independence and the impartiality of judges. However, the disputed provision in Article 47.6 sets conditions for immediate retirement before judges reach the upper age limit for retirement that differ from the general provision. Instead of establishing that upper age limit, it establishes a maximum number of years of service. This approach is not consistent with the objectives of the Law of Mongolia on Courts or with the principles set out in the draft law.

Legislating in this manner also creates legal grounds for judges appointed at ages 25 to 29 to be retired immediately on the basis of their years of service and their age at appointment, which results in the premature termination of their tenure. This constitutes unjustified unequal treatment among judges who share the same legal status and perform identical functions. It does not meet the essential requirements of the principle of proportionality, which include the necessity and balance required to achieve a lawful objective.

Based on these considerations, it follows that the regulation in Article 47.6 of the Law of Mongolia on Courts, which provides that a judge who has served for 30 or more years and has reached 55 years of age shall be granted an old-age pension, does not satisfy the principles of specificity, proportionality, non-discrimination, and balance. It therefore violates the following provisions of the Constitution of Mongolia: Article 1.2, which states that "The fundamental principles of the activities of the State shall be ... justice, ... the rule of law"; Article 14.1, which states that "All persons lawfully residing within Mongolia shall be equal before the law and the courts"; Article 14.2, which provides that no person shall be discriminated against on

the basis of ... age ..."; Article 19.1, which states that "The State shall be responsible to the citizens for the creation of ... social and legal guarantees ..."; Article 51.4, which provides that the removal of a judge of a court of any instance is prohibited except where the judge is released at his or her own request or removed on grounds provided in the Constitution or the Law on courts and by a valid court decision; and Article 70.1, which requires that all laws ... must be in full conformity with the Constitution.

The Conclusion was deliberated at the plenary session of the State Great Khural on 4 April 2025, which adopted Resolution No.34, "On Conclusion No.02 of 2025 of the Constitutional Court," determining that it is appropriate to accept the conclusion.

Accordingly, the phrase "A judge who has served for 30 or more years and has reached the age of 55 shall be granted an old-age pension" in Article 47.6 of the Law of Mongolia on Courts (Revised Edition), which provides "The maximum age for a judge to retire on an old-age pension is 60. A judge who has reached the age of 55 or who has served as a judge for a total of 25 years may, at their own request, be granted an old-age pension. A judge who has served for 30 or more years and has reached the age of 55 shall be granted an old-age pension." was removed by the law dated 18 April 2025.

Subsequently, in the revised Law of Mongolia on the Courts, Article 47.6 provided that: "The statutory retirement age for judges is 60. A judge who has reached the age of 55, or has served as a judge for a total of 25 years, may opt for superannuation retirement. A judge who has served for 30 years or more and has reached the age of 55 shall be granted a superannuation pension." The phrase "A judge who has served for 30 years or more and has reached the age of 55 shall be granted a superannuation pension" was repealed by law on 18 April 2025.

SUMMARY OF THE DISPUTE CONCERNING A MEMBER OF STATE GREAT KHURAL'S DISTRIBUTION OF REPORTS AND MEETINGS

Conclusion of the Constitutional Court:

26 February 2025, No.03

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding); Justices
J.Erdenebulgan, D.Gangabaatar,
O.Munkhsaikhan, (Rapporteur) and
B.Boldbaatar.

Resolution of the State Great Khural:

By Resolution No.32 dated 27 March 2025,
the State Great Khural accepted Conclusion
No.03 of 2025 of the Constitutional Court.

Applicant:

Citizens Ts.Mongol and
S.Nomynbayasgalan, represented by
attorney Z.Tamir.

Respondent:

Authorized representative of the State
Great Khural, Member of State Great Khural
O.Nominchimeg.

“

EQUAL OPPORTUNITY
TO PARTICIPATE
IN ELECTIONS IS A
PREREQUISITE FOR
ENSURING THAT
THE CONDITIONS OF
ELECTORAL COMPETITION
OPERATE FAIRLY FOR
ALL PARTICIPANTS,
AND, IN TURN, FOR THE
EFFECTIVE EXERCISE
OF THE RIGHT TO VOTE
AND TO BE ELECTED.
... THEREFORE, NO
ELECTORAL PARTICIPANT
MAY BE GRANTED AN
UNDUE ADVANTAGE
OVER OTHERS WITHOUT
PROPER JUSTIFICATION.

”



At its Medium Bench Session held on 26 February 2025, the Constitutional Court of Mongolia issued Conclusion No.03 (2025), finding that the following provisions of the Law on Elections of the State Great Khural (Parliament) are unconstitutional: Article 41.9, which states that “If a Member of Parliament intends to run for election, he or she may distribute a report on the work performed prior to the commencement of the nomination process provided for in this law, and such distribution shall not be considered election campaign material,” and Article 44.6, which states that “Prior to the commencement of the nomination process prescribed in this law, a meeting between a Member of Parliament and voters for the purpose of presenting a report on the work performed, as well as activities not prohibited by this law, shall not be regarded as activities conducted for the purpose of influencing voters’ choices.”

The Constitutional Court concluded to suspend these provisions which violated Article 1.2 Article 14.1 and 14.2; and Article 16.9. of the Constitution.

Under the Constitution, every citizen guaranteed an equal opportunity to participate in elections (both to vote and to be elected). Equal opportunity to participate in elections constitutes a prerequisite for ensuring that the conditions of electoral competition apply fairly to all participants and that the rights to vote and to be elected can be fully exercised.

Prior to the start of an election year, Members of Parliament as well as other citizens are free to distribute activity reports, hold meetings to present such reports, and engage in other activities not prohibited by law. However, Articles 41.9 and 44.6 of the Law on Elections of the State Great Khural grant Members of Parliament a preferential opportunity—after the start of the election year but before the official campaign period—to distribute activity reports and hold meetings, while effectively prohibiting such activities for other citizens. This creates an asymmetry that restricts equal

opportunities to participate in elections.

Any restriction on fundamental rights must comply with the principles of legal certainty, proportionality, and non-discrimination. The disputed provision grants Members of the State Great Khural an advantage to distribute work reports and hold meetings with voters for the purpose of presenting such reports prior to the commencement of the nomination process. It is unclear from the legal text whether such opportunities are also available to other citizens.

The law does not specify the requirements for a Member of Parliament’s activity report, what information may or may not be included, whether campaign content may be incorporated, or who is responsible for monitoring compliance. Moreover, the phrase “if he or she intends to run for election” creates a condition for distributing an activity report without clearly distinguishing such a report from campaign material, thereby creating a risk that campaign activities may be conducted under the guise of distributing reports. Furthermore, Article 44.6 refers to the principle of “permitting citizens to engage in activities unless prohibited by law,” yet it remains unclear why this provision is drafted exclusively for Members of Parliament. For these reasons, the requirement of legal certainty cannot be considered satisfied.

Under the principle of proportionality, any restriction on a fundamental right must pursue a legitimate aim and must be suitable, necessary, and proportionate (*stricto sensu*) to achieve that aim. Granting Members of Parliament a preferential opportunity to distribute activity reports and hold meetings may be suitable to pursue the legitimate aim of maintaining close ties with voters and ensuring accountability; however, because the same opportunity is not expressly permitted to other citizens on an equal basis, the measure cannot be regarded as the least restrictive means and therefore fails the necessity requirement. While it may be reasonable to allow a Member of Parliament, as a representative of the people, to present an activity report on

work performed, citizens who seek to represent the people must likewise be ensured an equal opportunity to present their views and activities to the public. Moreover, the disputed provisions not only undermine equal opportunities to participate in elections, but also create a risk that a non Member of Parliament citizen who distributes a report or meets with voters in a comparable manner may face severe consequences (including refusal of candidate registration or annulment of a registration decision). This, in turn, distorts fair competitive conditions between Members of Parliament and other citizens and renders the measure disproportionate.

The principle of equality before the law, set out in Article 14.1 of the Constitution, has a broad scope and prohibits arbitrary or unjustified differential treatment in the enjoyment of fundamental rights and in other spheres. By granting Members of Parliament, without sufficient justification, a preferential opportunity to distribute activity reports and hold meetings to present such reports before the commencement of the nomination process—thereby allowing them to promote themselves to voters—the disputed provisions create discriminatory treatment. Although Members of Parliament, as representatives of the people, have a legal status different from other persons, once the election year has begun and they intend to run for office, they must be regarded as having the same legal status as any other citizen with an interest in becoming a candidate. Therefore, the legal restrictions, rights, and duties relating to electoral activities must apply equally to all.

According to General Comment No.25 of the United Nations Human Rights Committee, the ability of citizens, candidates, and elected representatives to freely exchange information and ideas on public and political matters is a prerequisite for the effective enjoyment of the right to vote and to be elected under Article 25 of the International Covenant on Civil and Political Rights (ICCPR). Articles 41.9 and 44.6 of the Law on Elections of the State Great Khural restrict freedoms protected

by the Covenant, including the freedom “to publish political material, to conduct election campaigning, and to advocate political ideas.” Although the law imposes such restrictions, it unjustifiably affords Members of Parliament an advantage over other citizens. This differential treatment is incompatible with the principle of ensuring equal enjoyment of the rights and opportunities guaranteed under Article 25 of the Covenant.

Comparative studies of electoral legal regulation show that in most democratic countries, Members of Parliament are not granted preferential opportunities to distribute activity reports or meet with voters during the pre-election period. Instead, restrictions on freedom of expression apply equally to both Members of Parliament and other citizens, and there is a general trend toward limiting any advantage held by sitting parliamentarians in order to ensure equal opportunities to participate in elections.

To ensure equal opportunity to participate in elections, no subject may be granted an advantage without sufficient justification, as this would be inconsistent with the Constitution. Legal norms governing election campaigning and related activities must apply equally to all citizens engaging in the same conduct, regardless of whether they are Members of Parliament. For example, after the start of the election year and before the commencement of the nomination process, the ability of MPs to distribute activity reports or hold meetings with voters must either be restricted to the same extent as for other citizens, or alternatively, such opportunities must be equally available to both MPs and other citizens. Establishing such balanced and clearly defined regulations accords with the principles of proportionality and non-discrimination. In this regard, electoral legislation must be improved to create fair conditions for electoral competition, ensure the equal enjoyment by all persons of the freedoms of expression, association, and peaceful assembly, and enhance the transparency and accountability of Members of Parliament.



SUMMARY OF THE DISPUTE CONCERNING INSUFFICIENTLY MARKED MANDATES

Conclusion of the Constitutional Court:

February 28, 2025, No.04

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G. Bayasgalan (Presiding), Justices
J.Erdenebulgan, D.Gangabaatar,
O.Munkhsaikhan, B.Boldbaatar (Rapporteur).

Resolution of the State Great Khural:

On September 26, 2025, the State Great Khural, in its Resolution No.93, determined that it could not recognize the Constitutional Court's Decision No.04 of 2025.

Applicant: Citizen N.Tuya

Respondent:

Authorized representative of the State Great Khural, Member of State Great Khural
G.Uyangkhishig

“

FOR A VOTER TO HAVE THEIR VOTE COUNTED IN FAVOR OF THEIR CHOSEN CANDIDATE, THEY ARE COMPELLED UNDER LEGAL COMPULSION TO CAST ADDITIONAL VOTES FOR CANDIDATES THEY DO NOT SUPPORT. THIS EFFECTIVELY FORCES THE VOTER NOT TO ADHERE TO THEIR OWN VOTE OR POLITICAL PREFERENCE, THEREBY INFRINGING UPON THE ABSOLUTE RIGHT TO HOLD AND EXPRESS ONE'S OWN POLITICAL OPINION.

”

At its Medium Bench Session on March 28, 2025, the Constitutional Court of Mongolia, issued Decision No.04 concerning Article 72.1 of the Law on the State Great Khural (Parliament) election of Mongolia, adopted by the State Great Khural on December 20, 2019. Article 72.1 violates the Constitution insofar as it provides: provides: “In the event that a ballot paper with more or less votes cast for a candidate than the number of mandate for election district, and with more than one vote cast for a political party, coalition in the section to mark political party, coalition shall be considered invalid.” The Constitutional Court found that the term “less”, finding it inconsistent with relevant Constitutional provisions, and therefore suspended the application of this provision.

Articles 14.1, 16.9, and 21.2 of the Constitution of Mongolia collectively guarantee democratic electoral principles such as universal, free, equal, and direct suffrage, and secret balloting. These constitutional guarantees aim to ensure that Mongolian citizens can fully exercise their fundamental right to “elect and be elected to state bodies” and that election results genuinely reflect the free and voluntary expression of the electorate’s will.

Article 21.2 of the Constitution of Mongolia provides that the principle of free choice requires that voters support or refrain from supporting candidates, parties, or coalitions according to their own beliefs and convictions, without coercion, intimidation, or improper external influence, and mark their ballots accordingly. While voters may not cast votes for more candidates than the number of mandates in the constituency, they must retain the right to cast votes for fewer candidates, or none at all, without being penalized.

By legislating in Article 72.1 of the Law on the State Great Khural (Parliament) election that ballots marked for fewer candidates than the number of mandates in a constituency are invalid, the law effectively forces voters to mark additional votes for candidates they do not support in order to avoid invalidation. This undermines the principles of legal certainty and appropriateness and violates the constitutional principle of free choice.

This provision fails to meet the principles of legal certainty and proportionality and thus violates the principle of free choice. While ballots with no votes for any candidate are considered valid, ballots marked for fewer candidates than the number of mandates allocated in the constituency are declared invalid. This creates a fundamental inconsistency, potentially confusing voters and undermining legal clarity. Although the contested provision appears intended to support voters in exercising their right to vote, by invalidating ballots marked for fewer candidates than the allocated mandates, it effectively denies voters the choice to vote only for their preferred candidates. As such, it cannot be considered the least restrictive or proportionate measure and therefore does not meet the requirements of necessity and balance.

By legally compelling a voter to cast a vote for a candidate they do not support, the voter’s conviction and choice not to support a particular candidate are disregarded. This infringes upon the freedom of belief protected under Article 16 of the Constitution.

The legal provision that invalidates a ballot if the voter casts fewer votes than the number of mandates in the constituency unjustifiably restricts the right to freely vote for any candidate and distorts the free expression of the voter’s will. Moreover, by forcing a voter, under



legal compulsion, to cast additional votes for candidates they do not support in order for their chosen candidate's vote to be counted, it compels the voter to act contrary to their own opinion, thereby infringing the fundamental right to hold personal beliefs. Therefore, the disputed provision unjustifiably restricts the right to hold opinions under Article 19.1 and the ability of voters to freely express their genuine will under Article 25 (b) of the International Covenant on Civil and Political Rights, and it conflicts with Article 10.1 of the Constitution, which requires Mongolia to observe generally recognized principles and norms of international law, and Article 10.2, which obliges Mongolia to faithfully fulfill the duties assumed under international treaties.

Conclusion №04 of the Constitutional Court was considered by the State Great Khural at its plenary session on September 26, 2025, which, through Resolution No.93 on "Regarding the Conclusion №04 of the Constitutional Court," concluded that it could not be accepted.

Pursuant to Article 66.3 of the Constitution of Mongolia and Article 30.1.1 of the Law of Mongolia on Constitutional Court, the legal grounds for reconsidering and finally resolving this dispute have been established. Accordingly, Resolution No.56, "On Reconsideration of the Dispute," was issued by the Chief Justice of the Constitutional Court in 2025, and preparations are underway for the dispute to be deliberated by the Full Bench Session.

SUMMARY OF THE DISPUTE CONCERNING ON NATURAL RESOURCE REVENUE

Ruling of the Constitutional Court:

April 30, 2025, No.14

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding), Justices
D.Gangabaatar (Rapporteur), E.Enkhtuya,
Ts.Tsolmon and B.Boldbaatar.

Applicant: Citizen D.Gantsogt

Respondent:

Authorized representative of the State Great
Khural, Member of the State Great Khural
B.Zayaabal

“

CERTAIN MATTERS,
WHICH ARE ALLOCATED
TO THE PLENARY
POWERS OF THE STATE
GREAT KHURAL OR
OTHER AUTHORITIES,
FOR WHICH THE
CONSTITUTION'S
TEXT, PRINCIPLES,
AND DOCTRINES
DO NOT PROVIDE A
LEGAL STANDARD FOR
ADJUDICATION, WHICH
DO NOT RESTRICT
FUNDAMENTAL
HUMAN RIGHTS OR
FREEDOMS, AND WHICH
DO NOT CONSTITUTE
AN OVERREACH OF
AUTHORITY (ULTRA
VIRE), ARE CONSIDERED
POLITICAL POLICY
ISSUES AND DO NOT
FALL WITHIN THE
JURISDICTION OF THE
CONSTITUTIONAL COURT
FOR RESOLUTION.

”



At the Medium Bench Session of the Constitutional Court of Mongolia held on 30 April 2025, the Court considered whether Article 31.3 of the Petroleum Law, which provides that “Thirty percent of the royalties shall be allocated to the consolidated local development fund and 70 percent to the State budget, respectively,” and Article 59.1.5 of the Budget Law, which provides for “30 percent of payment income for using petroleum oil reserve,” were inconsistent with Article 6.2 of the Constitution, which requires that “... in exploiting mineral deposits of strategic significance, the legal framework ensure that the predominant share of benefits accrues to the people in line with the principle that natural resources remain under the people’s ownership,” as well as with Article 5.4 of the Constitution.

Accordingly, the Court concluded that there was no legal basis for adjudicating the dispute and terminated the proceedings.

Chapter Three of the Constitution allocates state power to ensure check and balance among the branches of government. By separating legislative, executive, and judicial functions and establishing checks and balances, it reflects the constitutional principle that each branch must act only within the scope and limits of the authority conferred by the Constitution (*intra vires*). Certain matters of state policy fall within areas that the Constitution specifically allocates to particular authorities and, in some cases, do not constitute constitutional disputes. Where an issue concerns powers reserved to Parliament or another constitutional body; where the Constitution’s text, principles, and underlying doctrine provide no judicially manageable legal criteria for constitutional review; and where the matter neither restricts fundamental rights and freedoms nor entails an exercise of power *ultra vires*, it is treated as a political policy question outside the Constitutional

Court’s jurisdiction.

Article 6.2 of the Constitution does not prescribe how benefits derived from natural resources must be allocated to local communities, nor does it authorize distribution based on distinctions among regions, population groups, ethnic origin, age, or gender. How the predominant share of benefits derived from natural resources is distributed among the public is a matter of the State’s economic and social development policy and must be determined in light of factors such as regional development levels, access to public services, population size, remoteness, poverty and employment conditions, the economic effects of the allocation, and national security considerations.

Accordingly, decisions as to whether to direct most revenues to resource producing regions, to distribute them according to local indicators, or to adopt a mixed approach are matters of political policy. As the Constitution sets out no principles or criteria that provide a basis for constitutional review of the disputed statutory provisions, the allocation of natural resource benefits to local communities is therefore a matter of political policy within the competence of the legislative and executive branches.

According to the citizen’s information, the oil fields located in Matad and Khalkhgol soums of Dornod province are not included in the list of strategically important mineral deposits approved by the State Great Khural.

SUMMARY OF THE DISPUTE CONCERNING ON THE LEGISLATURE'S REPEAL OF THE RELEVANT PROVISIONS DURING THE RECONSIDERATION PROCESS

Resolution of a Justice of the Constitutional Court:

May 2, 2025, No.60.

Resolution of the Chief Justice of the Constitutional Court:

On Reconsideration of the Dispute, June 21, 2024, No.21.

Rapporteur Justice: E.Enkhtuya.

Decision of the State Great Khural:

On April 11, 2025, the State Great Khural enacted the Law on Declaring Certain Provisions of the Law on Advocacy Invalid, thereby repealing Article 8.6.3 of the Law on Advocacy, as referenced in the citizen's information.

Applicant: Citizen B. Gantumur

Respondent:

Authorized representative of the State Great Khural of Mongolia, Member of State Great Khural G.Uyangakhishig.

“

THE FACT THAT THE CONSTITUTIONAL COURT, BY A MAJORITY VOTE OF ALL ITS MEMBERS, RESOLVED TO RE-EXAMINE A DISPUTE IT HAD PREVIOUSLY DECIDED AND TO RENDER A FINAL DETERMINATION AT A FULL BENCH SESSION EVIDENCES THE EFFECTIVE FUNCTIONING OF THE CONSTITUTIONAL REVIEW MECHANISM WITHIN THE PROCEDURE FOR ADJUDICATING CONSTITUTIONAL DISPUTES. THIS CIRCUMSTANCE IS OF FUNDAMENTAL CONSTITUTIONAL AND INSTITUTIONAL SIGNIFICANCE.

”



A citizen submitted a notification to the Constitutional Court of Mongolia, alleging that Article 8.6.3 of the Law on Advocacy, adopted by the State Great Khural on 18 October 2019, provides that “A lawyer who holds a job or position specified in Articles 15.1.12 and 15.1.13 of this Law that cannot be carried out concurrently with advocacy activities shall be refused admission to the advocate’s examination;”. The citizen asserted that this provision violates Article 14.2 of the Constitution of Mongolia, which provides that “No person shall be discriminated against on the basis of ... occupation and position ...”, and Article 16.4, which provides that one has “the right to free choice of employment ...”.

A dispute raising the same issue as that referred to in the notification had previously been resolved by Conclusion No.02 of 14 December 2022 of the Constitutional Court of Mongolia titled “On the resolution of the dispute as to whether Article 8.6.3 of the Law on advocacy violates the relevant provisions of the Constitution of Mongolia”, and it was concluded that the disputed provision did not violate the relevant provisions of the Constitution of Mongolia. In that Conclusion, it was stated that “The authorized representative of the State Great Khural, in the written response submitted during the proceedings of the dispute, and at the Medium Bench Session of the Constitutional Court of Mongolia, acknowledged that Article 8.6.3 of the Law on Advocacy may potentially have limited the constitutionally guaranteed right to freely choose employment and profession. In addition, in order to properly ensure coherence among the regulations of the Law on Advocacy and to improve legal guarantees for the exercise of human rights and freedoms, it is appropriate to refine and improve this Law ...”.

However, the aforementioned disputed provision remained unchanged.

Accordingly, on the basis of Article 3.3 of the Law on Constitutional Court Procedure, which provides that “... the Court, sitting in full composition, shall hold a hearing and deliver a final decision on the re-examination of a previously resolved dispute, provided that a majority of the Justices vote in favor of re-examination.”, and Article 30.1.2 of the same Law, which provides that “A dispute shall be re-examined in full, recommencing from the preparatory stage, provided that the majority of the Justices vote to re-examine a previously resolved dispute.”, the majority of Justices initiated proceedings to re-examine the previously resolved dispute and prepared it for consideration by the Full Bench Session.

During the course of the dispute resolution proceedings, the expert opinion appointed by the Constitutional Court of Mongolia stated that “This regulation directly imposes, through the Law on Advocacy, a condition requiring a lawyer, in order to retain the right to take the examination to obtain the right to conduct advocacy activities, to voluntarily resign from his or her current job or position at a time when the lawyer has not yet taken the examination and when it remains uncertain whether he or she will pass. This may be considered as interfering with the right to freely choose employment and profession. Taking the examination to obtain the right to conduct advocacy activities cannot be considered as a basis to deem that one has obtained the right to conduct such activities. The concepts of taking the examination to obtain the right to conduct advocacy activities and becoming an advocate are different.”.

Thus, during the proceedings for re-examination of the dispute, on 11 April 2025 the State Great Khural adopted the Law on Considering Certain Provisions of the Law on Advocacy as Invalid, and repealed Article 8.6.3 of the Law on

Advocacy, as referenced in the citizen's notification.

As a result, there was no longer a legal basis to continue adjudicating the dispute, and the Constitutional Court of Mongolia dismissed the dispute resolution proceedings.

Under Article 25.1 of the Constitution of Mongolia, the State Great Khural "may consider on its own initiative any issue pertaining to domestic and foreign policies of the State, and shall keep within its exclusive power the following issues and decide thereon", including the authority to "1/ adopt laws, make amendments and changes;". In this regard, the fact that the legislator repealed the disputed provision while the dispute resolution proceedings were still pending before the Constitutional Court of Mongolia constitutes a noteworthy procedural development.

Furthermore, the Constitutional Court of Mongolia's decision, by a majority vote of all its Justices, to re-examine a previously resolved dispute and to finally determine it at a Full Bench Session is of principled significance, as it demonstrates the effective operation of the mechanism within constitutional dispute resolution proceedings.



SUMMARY OF THE DISPUTE ON PROGRESSIVE PERSONAL INCOME TAX

Conclusion of the Constitutional Court:

May 16, 2025, No.05

Composition of the Medium Bench Session:

Chief justice of the Constitutional Court
G.Bayasgalan (Presiding), Justices
J.Erdenebulgan, D.Gangaabaatar
(Rapporteur), L.Ulziisaihan and B.Boldbaatar

Applicants:

Citizens T.Tuvshinjargal, P.Erkhembayar,
Ch.Lodoisambuu, E.Erdenetsetseg

Respondent:

Authorized Representative of the State Great
Khural, Member of the State Great Khural
B.Javkhlan

Experts:

Ch.Chimidsuren, Director of Mongolian Tax
Administration and B.Telmuen, Head of the
Tax Policy Department, Ministry of Finance

“

IN ORDER TO REDUCE
INCOME INEQUALITY,
TAXES ARE LEVIED
AT DIFFERENT RATES
ACCORDING TO THE
LEVEL OF CITIZENS'
INCOME, TAKING
INTO ACCOUNT THE
TAXPAYER'S FINANCIAL
CAPACITY. THEREFORE,
THIS MEASURE CANNOT
BE CONSIDERED A
VIOLATION OF THE
PRINCIPLE OF EQUALITY.

”

At the Medium Bench Session of the Constitutional Court of Mongolia held on 16 May 2025, the Court concluded that Article 21.1 of the Personal Income Tax Law, which provides that “When determining taxable income for a given tax year in accordance with Articles 14 and 18 of this Law, income subject to taxation between MNT 0 and 120,000,000 shall be taxed at a rate of 10 percent; income between MNT 120,000,001 and 180,000,000 shall be taxed at MNT 12,000,000 plus 15 percent of the amount exceeding MNT 120,000,000; and income exceeding MNT 180,000,000 shall be taxed at MNT 21,000,000 plus 20 percent of the amount exceeding MNT 180,000,000.” did not violate Articles 1.2, 5.4, 10.2, 10.3, 14.1 and 14.2 of the Constitution of Mongolia.

The establishment of taxes, the determination of tax rates, the rules governing collection, exemptions, relief, and refunds fall within the legislature’s exclusive competence. In shaping tax policy, Parliament is democratically accountable to the electorate. Accordingly, the establishment or imposition of taxation contravenes constitutional principles by unjustifiably restricting human rights and freedoms, violating equality, or setting rates in an arbitrary or manifestly excessive manner, the design of taxation remains a matter of political judgment that, in a system of democratic governance and separation of powers, lies beyond the Constitutional Court’s review. The petitioner argued that applying progressive tax rates only to salaries, wages, bonuses, incentives, and other similar employment income, while not applying progressive rates to other types of income, violated the principle of equality.

Whether to apply progressive taxation to particular types of income, and how to set the applicable tax rates, are matters of political policy that must be determined in light of multiple factors, including the efficiency of tax collection, the design and

capacity of the tax reporting and audit system, prevailing economic conditions, the need to support business activity, and the risk of tax avoidance. Nonetheless, because the provision at issue imposes higher rates on higher income individuals, it engages constitutional guarantees of fundamental rights and freedoms, equality before the law, equal protection, and non discrimination. For that reason, its constitutionality is properly subject to constitutional review.

The principle of equality under Article 1.2 of the Constitution is a broad concept. It requires equal respect for the lawful interests of all persons and equal opportunities to enjoy fundamental rights and freedoms. Ensuring equal opportunity, in turn, means that the State adopts the measures and regulatory arrangements necessary to promote social justice. Providing differentiated treatment to individuals by law in order to mitigate the adverse effects of inequalities that have already emerged in society over time is consistent with the principle of equality.

The principle of equality requires that taxes be assessed at rates commensurate with the taxpayer’s income level and economic and financial capacity. Compared to low income individuals who pay taxes out of income needed for daily necessities, higher income individuals are able without cutting back on essential expenditures to pay taxes at a higher rate than other taxpayers. Because the disputed legal provision is based on the taxpayer’s financial capacity, it cannot be regarded as violating the principle of equality.

The guarantee of equality before the law in Article 14.1 of the Constitution requires that legal rules apply uniformly to all persons and that their implementation and enforcement not result in discrimination. The progressive personal income tax scheme at issue is set out in general and objectively defined terms, thereby limiting the scope for arbitrary



application or discriminatory enforcement, and it applies equally to all individuals falling within its scope. Accordingly, the principle of equality before the law has not been violated.

The provision at issue differentiates among taxpayers by imposing higher tax liabilities on those whose annual income exceeds MNT 120,000,000, thereby affecting their property interests and resulting in differential treatment by reference to income and wealth. Where differential treatment is based on a ground expressly listed in Article 14.2 of the Constitution or on an analogous ground capable of causing serious disadvantage it must satisfy the requirement of proportionality inherent in the rule of law. In other cases, the measure must, at a minimum, be reasonable and objectively justified. In the present case, the differentiation is founded on an objective and legitimate criterion, is not arbitrary, pursues a legitimate aim of the State, and is suitable, necessary, and proportionate to that aim. It therefore does not amount to constitutionally prohibited discrimination.

SUMMARY OF THE DISPUTE ON THE NON-REDUCTION AND REGISTRATION OF REAL ESTATE VALUE

Conclusion of the Constitutional Court:

June 6, 2025, №06.

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding), Justices
O.Munkhsaihan, E.Enkhtuya, Ts.Tsolmon
(Rapporteur) and B.Boldbaatar.

Decision of the State Great Khural:

By Resolution No.66 dated July 4, 2025,
the State Great Khural recognized the
Constitutional Court's Decision No.06 of
June 6, 2025.

Applicant:

Citizens E.Bolor-Erdene, O.Batkhuu, E.Tamir,
S.Nomynbayasgalan, represented by
attorney Z.Tamir.

Respondent:

Authorized representative of the State
Great Khural, Member of State Great Khural
Kh.Baasanjargal.

“

IT IS POSSIBLE
TO PREVENT TAX
EVASION, AND
IF NECESSARY,
THE ISSUE CAN
BE RESOLVED BY
MAKING APPROPRIATE
AMENDMENTS OR
ADJUSTMENTS TO THE
TAX LEGISLATION
WITHOUT
RESTRICTING
FUNDAMENTAL
RIGHTS.

”



By its Conclusion No.06 adopted at the Medium Bench Session held on June 6, 2025, the Constitutional Court of Mongolia found that the provision stipulated in Article 9.3 of the Law on State Registration of Property Rights, which states:

“Except for the cases specified in Article 9.1.5 of this Law, the prices specified in Articles 9.1.3 and 9.1.4 shall not be registered at a value lower than the most recently registered value”,

violates the following provisions of the Constitution of Mongolia:

Article 1.2: “... the rule of law is a fundamental principle of state activity”;

Article 5.3: “The owner’s right may be restricted only on the grounds provided by law”;

Article 16.3: “... the right to fairly acquire, ... own ... immovable property ...”.

Accordingly, the Court decided to suspend the disputed provision as of the date the conclusion was issued.

The right of ownership is one of the fundamental civil rights explicitly guaranteed by the Constitution. Article 5.3 of the Constitution provides that “The owner’s right may be restricted only on the grounds provided by law,” and Article 16.3 guarantees the right “... to fairly acquire, possess, and own ... immovable property ...”.

The principal form through which ownership rights are exercised is legal transactions, namely contracts. The essence of contractual freedom lies in a person’s right to freely decide whether to enter into a contract, to choose the contracting party, and to determine the content of the contract. This is a fundamental principle of civil law relations. This principle forms the basis for exercising the constitutional right to freely acquire property as provided in Article 16.3 of the Constitution. The freedom of contract is enshrined in Articles 1.2 and 189.1 of the Civil Code of Mongolia.

Article 1.2 of the Constitution establishes the rule of law as a fundamental principle of state activity. Where a law restricts a fundamental right

guaranteed by the Constitution, such restriction must comply with the principles of legal certainty and proportionality in order to be consistent with the rule of law. Any restriction on fundamental rights must satisfy these principles.

Under the disputed regulation, when ownership rights or other related property rights and land rights are sold or transferred, the price stated in the contract, transaction, or decision transferring the right is to be recorded; when land rights or immovable property are pledged, the pledge value specified in the pledge agreement or pledge certificate registered in the state register of property rights is recorded as the value of the immovable property. Except where changes in such value are determined by an authorized valuation entity in accordance with law, the value may not be registered at a level lower than the most recently registered value.

Although Article 9.3 of the Law on State Registration of Property Rights applies to the sale and transfer of ownership rights to land and immovable property, it does not properly apply to other cases provided by law, such as the sale or transfer of land possession and use rights, or the pledging of land rights and immovable property.

An owner has the right to freely dispose of their property at their own discretion and to determine the price of such property. While ownership rights may be restricted by law for the purpose of protecting the public interest, such legal regulation must be clear and must explicitly provide the procedures for its implementation. In connection with the disputed provision, the legislator introduced broad and multifaceted terms such as “land rights” and “the pledge value of the property specified in a pledge agreement or pledge certificate registered in the state register,” but failed to regulate them with sufficient clarity. As a result, legal uncertainty has arisen not only among citizens and legal entities subject to the law, but also among state bodies and officials responsible for its implementation.

Any restriction of fundamental rights must pursue the objective of protecting

values recognized by the Constitution of Mongolia and international treaties to which Mongolia is a party. Only under such circumstances can a restriction be considered legitimate.

The detailed explanatory note to the draft Law on State Registration of Property Rights stated that the regulation was developed in order to “realistically determine the grounds and sequence for establishing the value of limited land rights, contractual use rights, and immovable property to be reflected in the state register of rights.” However, in the explanation provided by the authorized representative of the State Great Khural (Parliament), it was stated that the law was adopted to prevent widespread practices whereby parties deliberately understate the contract price to pay lower taxes on income derived from the sale of immovable property.

Under the currently effective General Taxation Law, the Law on Personal Income Tax, and the rules and regulations issued by competent authorities in accordance therewith, it is possible to prevent such tax evasion. If necessary, the issue could be resolved by introducing appropriate amendments to tax legislation without restricting fundamental rights.

Pursuant to the disputed provision, citizens subject to the law are unable to notarize contracts and transactions concluded in accordance with their own will, and are unable to receive state registration services. Instead, they are required to obtain a valuation of their property conducted solely by an authorized valuation entity as a precondition for exercising their ownership rights. Furthermore, in cases where the value of land or immovable property determined by valuation differs from the contract price agreed upon by the parties, it is unclear whether registration may be carried out, and if so, whether registration should be based on the contract price or the valuation price. This ambiguity creates the possibility for officials to apply the law arbitrarily at their own discretion.

It has been established that Article

9.3 of the Law on State Registration of Property Rights restricts constitutionally guaranteed fundamental rights in a manner inconsistent with the principle of legality, imposes additional time and financial burdens on citizens, is difficult to apply uniformly, and constitutes an unclear and uncertain regulation.

Restricting the right of every immovable property owner to freely dispose of their property in order to prevent tax evasion fails to satisfy the requirement of proportionality. In other words, by imposing restrictions on the ownership rights and contractual freedom of all owners in order to address violations committed by taxpayers who pose a risk of tax evasion, the balance required under the proportionality principle has been undermined.

The conclusion was discussed at the plenary session of the Mongolian State Great Khural on July 4, 2025, and the conclusion of the Constitutional Court was deemed appropriate, and Resolution No.66 “On Conclusion No.06 of the Constitutional Court of 2025” was adopted.

Subsequently, at the session of the Standing Committee on Justice of the State Great Khural on July 7, 2025, a working group was established to draft the relevant law.



SUMMARY OF THE CONCLUSION ON THE UNCONSTITUTIONALITY OF PRE-TRIAL DETENTION MEASURES IMPOSED ON DEFENDANTS

Conclusion of the Constitutional Court:

June 13, 2025, No.07

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court G.Bayasgalan (Presiding),
Justices D.Gangbaatar, O.Munkhsaikhan
(Rapporteur), Ts.Tsolmon and R.Batragchaa

Decision of the State Great Khural:

On September 24, 2025, Resolution No.92
recognized Constitutional Court Conclusion
No.07 of 2025.

Applicant:

Citizen B. Budkhuu, represented by
authorized representatives B. Tsendsuren
and Kh. Enkhtaivan

Respondent:

Authorized representative of the State
Great Khural, Member of State Great Khural
P.Sainzorig

“

THE LAW ALLOWS THE
DETENTION OF THE
DEFENDANT ON OVERLY
BROAD GROUNDS AND
FAILS TO GUARANTEE
A PROCEDURE FOR THE
COURTS TO REVIEW
REPEATEDLY WHETHER
THE GROUNDS FOR
DETENTION HAVE CEASED
AND TO ENSURE THAT
THE RIGHT TO A PROMPT
JUDICIAL REVIEW IS
EFFECTIVELY EXERCISED.
CONSEQUENTLY, THIS
INCREASES THE RISK
THAT A PERSON MAY BE
DETAINED FOR LONGER
THAN NECESSARY,
REMAIN OUTSIDE JUDICIAL
OVERSIGHT, AND, AS A
RESULT, BE SUBJECTED
TO TORTURE OR OTHER
INHUMAN, CRUEL, OR
DEGRADING TREATMENT.

”

By its Conclusion No.07 adopted on 13 June 2025 at the Medium Bench Session, the Constitutional Court of Mongolia held that the provision contained in Article 14.10, 14.11 of the Criminal Procedure Law—stipulating that “During the adjudication of a criminal case, the court may, taking into account proposals submitted by the prosecutor or participants, impose a preventive measure of detention on the defendant in accordance with the objectives of criminal procedure”—is inconsistent with the Constitution of Mongolia. The Court found that this provision violates Article 16.13 of the Constitution, which guarantees that “everyone has the right to inviolability and liberty. No one may be arbitrarily arrested, detained, or otherwise restricted of liberty except on grounds and in a procedure prescribed by law. The reasons and grounds for arrest shall be communicated to the arrested person, his or her family, and defense counsel within the period prescribed by law.” It also contravenes Article 16.14, which guarantees the right to a fair trial, and Article 19.1, which states that “the State shall be responsible to the citizen for ensuring legal and other guarantees necessary for the protection of human rights and freedoms.” Accordingly, the Constitutional Court ordered that the challenged provision be suspended effective 1 January 2026.

The Constitution requires that any restriction on fundamental rights must comply with the principles of legal certainty and proportionality, must not be discriminatory, and must be subject to judicial oversight. Although Article 14.10.11 of the Criminal Procedure Law imposes a serious restriction by depriving the defendant of physical liberty, it does not satisfy these constitutional principles.

Pursuant to Article 16.13 of the Constitution, the grounds and procedures for any measure involving the search, arrest, detention, surveillance, or

restriction of a person’s liberty must be clearly prescribed by law and must not be arbitrary in nature. However, the statutory regulation at issue does not meet these constitutional requirements. Specifically, in order to prevent overly broad or discretionary interpretation and application of the grounds for pre-trial detention, such grounds must be defined in precise and specific terms, rather than in general or vague language. No legitimate need or justification has been established to treat the grounds for detaining a defendant as identical to those applicable to a accused. Nonetheless, because the law fails to set out distinct and detailed grounds for detaining a defendant, courts have imposed such measures based on overly broad criteria such as “in accordance with the objectives of criminal proceedings” or by relying on other general provisions of the law. As a result, judges are effectively vested with unfettered discretion to decide whether to detain a defendant in the absence of clear and objective standards, creating a risk of arbitrary or discriminatory application. Consequently, a defendant cannot reasonably foresee the grounds on which they may be detained nor adjust their conduct accordingly.

A decision to place a person in pre-trial detention may be rendered solely by a court, and the court is obliged to set out in its decision the grounds on which such detention is based. On this basis, the grounds for the detention order must be promptly communicated to the person concerned, together with the right to appeal the decision and the right to legal assistance. However, in certain cases, courts have failed to clearly specify in their decisions—based on statutory provisions and the factual circumstances—the grounds for imposing or continuing the preventive measure of detention. As a result, defendants are unable to exercise their right to be promptly informed of the reasons and grounds for their detention.



Prescribing clear procedures for the detention of a defendant and ensuring their enforcement is a constitutional requirement under Article 16.13, and such measures may not be applied arbitrarily. The procedure for detaining a defendant encompasses a broad range of elements, including, inter alia, the determination of the duration of the detention measure.

Although the duration of a defendant's pre-trial detention is not expressly regulated by law, in practice it is understood to be limited to the period during which the court adjudicates the case. However, this period may be prolonged due to repeated extensions of the trial timeframe, repeated postponements of hearings, remand of the case by a higher court to the trial court for reconsideration, or the return of the case by the trial court to the prosecutor. Such delays lead to excessive prolongation of the adjudicative process, which in turn results in the prolonged detention of accused and defendants.

Although the law does not prescribe a maximum period for detaining a defendant or for adjudicating a case, it would be possible to establish such limits through general principles. However, these principles have not been sufficiently codified. For example, the right "to a fair trial" under Article 16.14 of the Constitution encompasses the broader guarantee of being tried without undue delay and other procedural safeguards. This guarantee requires not only that a case be resolved within statutory time limits, but also that it be examined as expeditiously as reasonably possible. Because the right to be tried without undue delay and the factors for determining whether this right has been upheld are not comprehensively regulated by law, it is difficult to assess whether the proceedings have been unreasonably delayed or whether the defendant has been detained for a period longer than strictly necessary. Moreover, the law does not establish a procedure requiring courts,

after ordering the detention of a person on statutory grounds, to periodically review at fixed intervals such as every one to three months whether those grounds continue to exist. Consequently, defendants may be detained for periods longer than necessary, and the detention measure may fall outside effective judicial oversight. This situation increases the risk that defendants may be subjected to torture, or to inhuman, cruel, or degrading treatment, or that their life or health may be endangered.

Under the principle of proportionality, any restriction of fundamental rights must pursue a legitimate aim, be rationally connected to that aim, be necessary to achieve it, and strike a fair balance between competing interests. The statutory provision allowing the court to detain a defendant "in accordance with the objectives of criminal proceedings" is, in principle, directed toward the legitimate aim of ensuring the proper conduct of criminal proceedings and is rationally connected to that aim. However, because the provision permits detention on excessively broad grounds, it enables courts to detain defendants based on minimal justification or even without adequate justification at their discretion or arbitrarily, and creates a risk that defendants may be detained for longer than strictly necessary. This renders the measure disproportionate. By expressly defining the grounds for detaining a defendant in the law, requiring courts to periodically review whether those grounds continue to exist, and codifying procedures to guarantee the right to be tried without undue delay, the same legitimate aim could be achieved through means that are less restrictive of physical liberty compared to the disputed provision.

Effective judicial oversight is required to determine whether any measure restricting fundamental rights is based on lawful grounds and procedures, is free from arbitrariness, and is proportionate.

Although the law provides that the court shall decide whether to impose or continue the preventive measure of detention on a defendant, it does not clearly regulate the procedures for appealing such decisions or for conducting periodic judicial review. Furthermore, when deciding whether to impose or maintain detention, courts do not consistently examine and deliberate on whether each statutory ground for detention exists or has ceased to exist. It is also unclear under the current legal framework whether the defendant has the right to be physically present at the hearing where this issue is determined. As a result, the effectiveness of judicial oversight is diminished.

Under Article 19.1 of the Constitution, the State has a negative obligation not to deprive individuals of their physical liberty, but it also bears a positive obligation to clearly define in law the grounds and procedures for any deprivation of liberty, such as arrest or detention, and to ensure that such measures are not implemented arbitrarily. However, as noted above, the State has not fully discharged its positive obligations with respect to the detention of defendants.

Suspending the application of Article 14.10, paragraph 11 of the Criminal Procedure Law as of the date of this conclusion would risk creating a legal vacuum concerning the grounds and procedures for imposing or maintaining pre-trial detention on defendants. Therefore, pursuant to Article 32.4 of the Law on Constitutional Court Procedure, which provides that "... the Constitutional Court shall specify in its conclusion the date on which the suspension shall take effect," there is sufficient basis to grant a period for bringing the disputed provision into conformity with the Constitution.

Since Article 22.1 of the Law on the Constitutional Court of Mongolia defines the temporal scope of the Constitutional Court's decisions, this conclusion shall

operate prospectively (*ex nunc*) from the time it is issued and shall not have retroactive effect.

Article 14.1, paragraph 1 of the Criminal Procedure Law provides that "Preventive measures specified in this law may be imposed on a accused or defendant," and subparagraph 1.5 of the same paragraph lists "detention" as such a measure. Paragraph 3 of the same article further states that "... the preventive measures specified in ... 1.5 ... of this article shall be imposed by the court." Because the law thus requires that preventive measures applied to a defendant be decided by a court, thereby ensuring judicial oversight over any measure involving deprivation of liberty, this regulation does not exhibit characteristics of unconstitutionality.

Article 14.10, paragraph 12 of the Criminal Procedure Law provides that "The period during which the defendant is detained while the criminal case is under judicial review shall not be counted toward the periods specified in paragraphs 2 and 3 of this article." This provision serves to ensure legal certainty by clarifying that the period of detention of a defendant is not included in the period of detention of a accused. As it does not, in itself, constitute a restriction of fundamental rights, it cannot be regarded as violating the relevant provisions of the Constitution.



SUMMARY OF THE DISPUTE CONCERNING UNREPORTED DONATIONS AND ELECTION EXPENDITURES

Ruling of the Constitutional Court:

26 September 2025, No.33

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan, Justices J.Erdenebulgan
(Rapporteur), L.Ulziisaihan, E.Enkhtuya and
R.Batragchaa

Applicant:

Request from Supreme Court and
authorized representatives of the Supreme
Court of Mongolia, Judges D.Munkhtuya and
G.Banzragch

Respondent:

Authorized representative of the State
Great Khural, Member of State Great Khural
P.Sainzorig

“

... IF THE MATTER
PERTAINS TO A POLICY
ISSUE UPHELD BY THE
LEGISLATOR, OR IF THE
PENALTY PRESCRIBED
FOR A VIOLATION DOES
NOT MATERIALLY
DISRUPT THE BALANCE
OF THE SANCTION
SYSTEM IN TERMS
OF THE STATUTORY
FRAMEWORK, OR IS
CONSISTENT WITH
THE PURPOSE OF THE
PENALTY FOR THAT
PARTICULAR VIOLATION,
THE CONSTITUTIONAL
COURT SHALL NOT
EXERCISE REVIEW OVER
THE MATTER ...

”

At the Medium Bench held on 26 September 2025, the Constitutional Court of Mongolia reviewed the dispute concerning whether the phrase "... the individual shall be fined an amount equal to twenty thousand units ...," contained in the following provision of Article 17.1, paragraph 27 of the revised version of the Law on Violations "If a candidate, political party, or coalition fails to publicly disclose, at least three days prior to polling day, the report on the progress of campaign and election expenditure and to submit such report to the state audit authority, the individual shall be fined an amount equal to twenty thousand units, and the legal entity shall be fined an amount equal to two hundred thousand units."

—contravenes Article 1.2 of the Constitution of Mongolia, which states that "... justice, ... the rule of law shall constitute the fundamental principles of state activity." and Article 70.1, which requires that all laws... be fully consistent with the Constitution.

The Constitutional Court concluded that the petition did not contain elements of a constitutional dispute. Accordingly, the Constitutional Court determined that there were no grounds for exercising constitutional review or issuing a conclusion, and therefore terminated the constitutional review proceedings.

The Constitution of Mongolia distributes the state power into legislative, executive, and judicial branches and reinforces the principle of mutual checks and balances among them. Pursuant to Article 20 of the Constitution, the State Great Khural is the highest of state authority, and the authority to legislate is vested exclusively in the State Great Khural.

Furthermore, pursuant to Article 25.1 of the Constitution, the State Great Khural may initiate and deliberate matters concerning both domestic and foreign

policy, and it retains exclusive authority to decide over matters such as "enacting laws and making amendments thereto" and "determining the fundamental principles of the State's domestic and foreign policy."

Determining which acts or omissions constitute violations of laws or administrative regulatory acts, as well as establishing the types and degrees of liability applicable to such violations, falls within the exclusive competence of the legislature. As a matter of legislative policy, the sanctions prescribed for violations do not fall within the scope of constitutional review by the Constitutional Court, provided that they do not fundamentally disrupt the overall balance of the system of penalties established by the legal framework, and that they correspond to the legitimate purpose of imposing liability for the relevant violation.

The provision in Article 17.1, paragraph 27 of the Law on Offence, which imposes a fine on a candidate who fails to publicly disclose and submit to the state audit authority the progress report on the donation and election of the expenditure receipt at least three days before polling day, is directed toward ensuring the conduct of open, transparent, and fair elections; preventing illicit or unidentified financial flows; enabling voters to cast their ballots on the basis of accurate and complete information; and, ultimately, safeguarding public trust and the fundamental values of democracy by securing compliance with election-related legislation.

A citizen running as a candidate in elections for the highest representative body of state authority is obliged to comply with the requirements clearly prescribed in law. Article 21.4 of the Constitution states that "... within one year prior to a regular election of the State Great Khural, it shall be prohibited to enact, amend, or revise the Law on Elections of the State Great Khural." Accordingly, candidates, political parties, and coalitions are expected to be



aware of, and to take measures to avoid violating, the obligations established under the Law on Elections of the State Great Khural. The relevant provision in the Law on Violations is not intended to restrict human rights but rather to impose liability on individuals or entities that fail to fulfill the obligations required of them by law. Its purpose is to ensure accountability where a legally mandated duty has not been performed.

Moreover, the legislature, consistent with the objectives of election legislation described above, has expressly prescribed stricter sanctions in light of the significant public importance and hierarchical priority of social relations arising in connection with the election of representatives to the highest organ of state authority. Accordingly, the legislature deliberately refrained from reducing the degree of liability applicable to such violations.

Therefore, when the legislature determines the degree of sanctions applicable to violations under the Law on Violations without exceeding the scope of its constitutional authority, any constitutional review or conclusion by the Constitutional Court on such matters would amount to an intrusion into the exclusive legislative powers of the State Great Khural.

"The Constitutional Court of Mongolia's Ruling No.14 of 2025 states that ..." Certain matters of state policy do not, in some circumstances, possess the characteristics of a constitutional dispute, as they fall within areas of policy expressly and exclusively allocated by the Constitution. Issues that have been assigned to the competence of the State Great Khural or other branches of government, for which no constitutional text, principle, or doctrine states a legal criterion to guide constitutional review, and which do not restrict fundamental rights and freedoms nor constitute an exercise of power *ultra vires*, shall be regarded as

political questions that do not fall within the Constitutional Court's jurisdiction over constitutional disputes... This reflects respect for the exclusive powers granted by the Constitution to the legislature - an institution elected by, and accountable to, the people, entrusted with representing them, formulating state policy, and enacting laws-and upholds the principle of separation of powers embodied in the Constitution. ..."

The Article 17.1, paragraph 27 of the Law on Offence, does not give rise to a constitutional dispute. Accordingly, the Constitutional Court determined that there were no grounds for exercising constitutional review or issuing a conclusion.

Moreover, based on the statements presented by the parties during the proceedings of the Constitutional Court's Medium Chamber and the documentary materials collected in preparation for the hearing, the Court noted that there may be an opportunity to improve the regulatory framework of the Law on Offence in relation to the matters addressed by this provision.

SUMMARY OF THE DISPUTE CONCERNING ON THE DISMISSAL OF THE PRIME MINISTER

Conclusion of the Constitutional Court:

October 22, 2025, No.08

Composition of the Full Bench:

Chief Justice of the Constitutional Court G.Bayasgalan (Presiding), Justices J.Erdenebulgan, D.Gangbaatar, L.Ulziisaihan, O.Munkhsaihan (Rapporteur), E.Enkhtuya, Ts.Tsolmon, B. Boldbaatar and R.Batragchaa.

Applicant:

Request by H.E. Prime Minister of Mongolia G.Zandanshatar, represented by: Minister, Head of the Cabinet Secretariat S. Byambatsogt; First Deputy Head of the Cabinet Secretariat D.Munkh-Erdene; Deputy D.Tsolmon; Senior Referent D.Bayasgalan; Referent B.Turbat; Doctor of Legal Sciences N.Lundendorj

Respondents:

Deputy Speaker and Member of the State Great Khural H. Bulgantuya, represented by: Advisor to the Deputy Speaker G.Gantogs; First Deputy Head of the Secretariat of the State Great Khural Ch.Ariunkhur

Members of the State Great Khural H.Baasanjargal, L. Enkhnasan, Ts.Davaasuren, Ts.Iderbat, Ch.Nomin, N.Nomtoibayar, G.Temuulen, A.Undraa, B.Bayarbaatar, E.Bolormaa, S.Ganbaatar and M.Mandkhai

“

THE CONSTITUTIONAL COURT IS THE SOLE INSTITUTION AUTHORIZED TO EXERCISE CONSTITUTIONAL REVIEW INDEPENDENTLY OF THE LEGISLATIVE AND EXECUTIVE BRANCHES AND THEIR OFFICIALS. AS THE GUARANTOR FOR THE STRICT OBSERVANCE OF THE CONSTITUTION, THE COURT HAS FULL AUTHORITY, WITHIN THE FRAMEWORK OF THE CONSTITUTION ITSELF, TO ESTABLISH AND IMPLEMENT THE PROCEDURES AND RULES FOR ADJUDICATING DISPUTES CONCERNING OFFENCE OF THE CONSTITUTION.

”



By Conclusion No.08 of its Full Bench Session dated 22 October 2025, the Constitutional Court of Mongolia found that the State Great Khural, in considering and adopting Resolution No.95, “On the Resignation of the Prime Minister of Mongolia,” at its parliamentary session on 16 and 17 October 2025, violated the democratic governance and rule of law principles enshrined in Article 1.2 of the Constitution of Mongolia, as well as the provisions of Article 43.1, and Article 70.1, of the Constitution. The Constitutional Court further concluded that the Vice-Speaker of the State Great Khural and Member, Kh.Bulgantuya, in presiding over the session, conducted a vote using the formulation, “Let’s support the proposal not endorsed by the Standing Committee on State Structure,” thereby creating conditions for the occurrence of these violations and ultimately breaching the relevant provisions of the Constitution of Mongolia.

Conclusion No.08 of the Constitutional Court of Mongolia, comprised a total of 37 pages, with the reasoning section spanning 12 pages. Accordingly, the reasoning section is here presented in a summary form, focusing on both its substantive content and procedural aspects.

SUBSTANTIVE BASIS

1. Article 43.1 of the Constitution states that “If at least a quarter of the Members of the State Great Khural makes a formal proposal to resign the Prime Minister, the State Great Khural shall start its discussion after three days and decide it within ten days. Resolution of the State Great Khural regarding resignation of the Prime Minister shall be deemed to have been approved if a majority of all Members of the Parliament supports the proposal, and a new Prime Minister shall be appointed within 30 days thereupon.” Article 43.1 of the Constitution provides that “... the State Great Khural shall start its discussion after three days ...” which means that the proposal must be officially communicated to the Members of the State Great Khural immediately upon its formal submission. However, the proposal “On the Resignation of the Prime

Minister of Mongolia,” formally submitted by 54 Members of the State Great Khural on 7 October 2025, was communicated to the Members only three days later, on 10 October 2025.

2. In the parliamentary session of the State Great Khural convened to decide on the resignation of the Prime Minister, Resolution No.95 was adopted through a vote using the formulation, “Let’s support the proposal not endorsed by the Standing Committee on State Structure.” This procedure violated Article 43.1 of the Constitution, which provides that “... Resolution of the State Great Khural regarding resignation of the Prime Minister shall be deemed to have been approved if a majority of all Members of the Parliament supports the proposal ...”. The term “the proposal” in this provision must be understood literally as the “proposal to resign the Prime Minister” referred to in the first sentence. Interpreting the provision as “support the proposal to resign the Prime Minister,” rather than as “support the proposal not endorsed by the Standing Committee on State Structure,” better corresponds to the purpose of Article 43.1, which is to ensure the independence and stability of the executive power without undermining the principle of parliamentary majority confidence.

Article 27.6 of the Constitution of Mongolia provides that the quorum for a parliamentary session of the State Great Khural shall be a majority of all Members, and that the threshold for decision making on issues shall be a simple majority of the Members present. In contrast, Article 43.1 of the Constitution establishes a higher threshold by requiring a majority of all Members for the approval of a proposal to resign the Prime Minister. Accordingly, when interpreted in conjunction with other provisions that set higher thresholds, this article is intended to be understood in the affirmative formulation “support the resignation of the Prime Minister,” thereby requiring a positive vote in favor.

From a historical-comparative perspective, Article 43 of the 1992 version of the Constitution generally provided

who could submit a proposal to resign the Government and the timeframe within which it had to be decided. In contrast, the revised version of 2019 not only retained these provisions but also added a decision making threshold and procedure, stipulating that "... Resolution of the State Great Khural regarding resignation of the Prime Minister shall be deemed to have been approved if a majority of all Members of the Parliament supports the proposal ...," and further provided that if a new Prime Minister is not appointed within thirty days following such dismissal, the President shall have the authority to dissolve the State Great Khural. Moreover, Resolution No.95 of the State Great Khural in 2025, "On the Resignation of the Prime Minister of Mongolia," differs from all previous cases in that it represents the first application of the 2019 revised regulation of Article 43 of the Constitution.

3. Where a violation of the provisions of an organic law creates circumstances that are inconsistent with the principles and underlying concepts of the Constitution, such conduct shall be deemed to constitute a violation of the rule of law. In the present dispute, the aggregation of the attendance of Members who were present at the sittings of the parliamentary session of the State Great Khural held on 16 and 17 October 2025, and the treatment of a Member who was registered as present but did not cast a vote as having voted against, violated Articles 27.6 and 43.1 of the Constitution, as well as Article 6.2 of the Law on the Rules of Procedure of the Parliamentary Sessions of the State Great Khural. Consequently, this practice also infringed the principle of the "rule of law" enshrined in Article 1.2 of the Constitution. Moreover, the resulting impairment of the principle of decision-making by a majority vote is incompatible with "democratic principles."

PROCEDURAL BASIS

1. In the request submitted by the Prime Minister, it was alleged that the Vice-Speaker of the State Great Khural and Member, Kh.Bulgantuya, while presiding over the parliamentary session of the

State Great Khural on 16 October 2025, announced and organized a vote using the formulation, "Let us support the proposal not endorsed by the Standing Committee on State Structure regarding the dismissal of the Prime Minister," thereby violating the Constitution. It was further alleged that, at the session held on 17 October 2025, a vote was conducted on the basis of the Standing Committee's said proposal and opinion, and Resolution No.95 of 2025 was adopted, which likewise constituted a violation of the Constitution, thereby expanding the scope of the request.

The issue of whether the actions of the Vice-Speaker of the State Great Khural and Member, Kh.Bulgantuya, as well as the consideration and adoption of Resolution No.95, "On the Resignation of the Prime Minister of Mongolia," at the parliamentary session of the State Great Khural held on 17 October 2025, violated the relevant provisions of the Constitution constitutes, in its entirety, a dispute concerning whether the dismissal of the Prime Minister was in conformity with the Constitution. As the related requests are unified in substance and mutually interrelated, there are no grounds for adjudicating them separately. Accordingly, pursuant to Article 66.1 of the Constitution and Articles 21.3 and 23.1.8 of the Law on the procedure of the Constitutional Court of Mongolia, these requests were consolidated, and the constitutional dispute was directly initiated and examined.

2. Pursuant to Articles 66.2 and 66.3 of the Constitution, and Articles 3.3 and 3.4 of the Law on the Procedure of the Constitutional Court of Mongolia, issues concerning whether the Speaker or a Member of the State Great Khural has violated the Constitution shall be adjudicated by Full Bench composed of seven to nine justices, whereas issues concerning whether a decision of the State Great Khural violates the Constitution shall be examined by a Medium Bench composed of five justices, which shall submit its conclusion to the State Great Khural; if the State Great Khural does not accept that conclusion, the matter shall be



re-examined by the Full Bench, which shall render a final decision. However, as the present dispute, in its entirety, concerns whether the process of dismissing the Prime Minister violated the Constitution, it is appropriate to regard it as a single dispute consolidated with the requirements set forth in the initially submitted request and to resolve it through Full Bench Session. It is also noted that, had this dispute been separated and examined independently by the Medium Bench and the Full Bench, there would have been a risk of the same issue being decided by different compositions, potentially resulting in divergent decisions. Furthermore, the Constitutional Court of Mongolia, in exercising its authority to exercise supreme constitutional supervision pursuant to Articles 64.1, 65.1, and 66.1 of the Constitution, may, where necessary, adjudicate disputes concerning violations of the Constitution through its Full Bench Session and render a final decision.

3. Article 64.2 of the Constitution provides that "The Constitutional court and its justices in the execution of their duties shall be subject to the Constitution only and shall be independent of any organizations, officials or any other person." Accordingly, when the Constitutional Court of Mongolia and its justices, acting independently of the legislative and executive branches and their officials, strictly enforce the Constitution, and a conflict arises between the substance of a constitutional provision and a specific provision of an ordinary law, priority shall be given to the relevant constitutional provision, as the higher-ranking norm and principle. Furthermore, as the Constitutional Court of Mongolia is the sole body vested with the authority to exercise constitutional review and serves as the guarantor of the strict observance of the Constitution, it possesses the authority to determine and implement, within the framework of the Constitution, the procedures and rules governing the adjudication of disputes concerning constitutional violations. This approach also reflects common practice among constitutional courts in other jurisdictions.

4. As the dispute concerning whether the process of dismissing the Prime Minister was in conformity with the Constitution constituted an exceptionally complex and urgent matter, the preparatory work for the hearing was carried out without delay. Resolving the issues raised by this dispute comprehensively and within the shortest possible timeframe is significant in reducing the risk of appointing a new Prime Minister or dissolving the State Great Khural (Article 22.3 of the Constitution) in the absence of a determination as to whether a constitutional violation had occurred, thereby preventing the emergence of a political crisis. Furthermore, Article 23.2 of the Law on the procedure of the Constitutional Court of Mongolia does not prescribe that the preparation for a hearing must take place within thirty days from the initiation of constitutional dispute proceedings, nor does it establish a minimum time limit for scheduling matters for consideration at a hearing.

Article 24.3 of the said law regulates the procedure for announcing the schedule of a hearing, providing that "a justice of the Constitutional Court shall, in consultation with the Chief Justice of the Constitutional Court, determine the venue, date, and time of the hearing and, except in the cases specified in Article 23.3 of this Law, announce it by publication in the central state press at least seven days in advance." However, as the Constitutional Court of Mongolia is vested with the authority to exercise supreme supervision over the implementation of the Constitution and serves as the guarantor of its strict observance, it deemed it necessary to adjudicate this dispute without delay in order to prevent the emergence of risks to constitutional order. In other words, Article 64.1 of the Constitution prevails over the aforementioned provision of the Law on the Procedure of the Constitutional Court of Mongolia.

5. As the Constitutional Court of Mongolia serves as the guarantor of the strict observance of the Constitution, all decisions rendered by its Full

Bench Session on matters concerning constitutional violations are final. In this regard, it has been stated that "...a conclusion of the Constitutional Court concerning an official shall not be subject to review by the State Great Khural and shall serve solely as the basis for decision making ..." (Conclusion of the Constitutional Court, 1995, No.01). Accordingly, the present conclusion that the process of dismissing the Prime Minister was not in conformity with the Constitution constitutes the final decision of the Constitutional Court of Mongolia, and the State Great Khural shall not adopt any decision on whether to accept or reject it. It is also appropriate to note the necessity of implementing Article 66.4 of the Constitution, which provides that "if the Constitutional Court decides that the laws, decrees, and other decisions of the State Great Khural, as well as decisions of the President and the Government, are inconsistent with the Constitution, the relevant laws, decrees, instruments of ratification, and decisions shall be deemed invalid."

6. The Constitutional Court of Mongolia ensured that the parties to this dispute were provided equal opportunity to submit their explanations and evidence, and conducted the Full Bench Session in an open and transparent manner. Specifically, from the date the constitutional dispute proceedings were initiated, that is, 16 October 2025, the Constitutional Court repeatedly invited the Vice-Speaker of the State Great Khural and Member, Kh.Bulgantuya, to submit her explanations, evidence, and obtain legal assistance (16 October 2025, No.2/591; 17 October 2025, No.2/595); however, it is noted that she did not exercise this right and did not submit any explanations or evidence in writing. Furthermore, by official letter No.2/599 dated 20 October 2025, a justice of the Constitutional Court requested that the State Great Khural provide explanations through an appointed authorized representative. Nevertheless, no written explanation was submitted by the State Great Khural prior to the commencement of the Full Bench Session. During the

course of the Full Bench Session, at 10:13 a.m. on 22 October 2025, the authorized representatives of the State Great Khural submitted an official letter entitled "Regarding Submission of Explanations" (No.UIKh-03/12089). It is noted, however, that this did not provide the members of the session with an opportunity to review the explanations in advance, nor did it allow sufficient time to incorporate the explanations into the report prepared by the justice of the Constitutional Court who had prepared the session.

7. Article 4.1 of the Law on the Procedure of the Constitutional Court of Mongolia provides that hearings of the Constitutional Court shall be held openly. This provision does not entail that the entirety of the hearing must be broadcast live; rather, it is intended to ensure that members of the public who wish to attend are able to participate in the hearing openly. This approach aligns with best practices of constitutional courts in other jurisdictions. At the Full Bench Session held on 22 October 2025, citizens wishing to attend were admitted in the order of their arrival, in accordance with the capacity of the hearing room, thereby ensuring openness. In addition, to guarantee transparency, and subject to the capacity of the hearing room as well as technical and equipment limitations, the Court made it possible for the opening and closing segments of the session to be broadcast to the public, while the deliberations and other stages of the hearing were not broadcast live. This procedure is designed to allow the Court to fully and accurately examine all circumstances relevant to the resolution of the dispute, while providing the parties with equal opportunity to participate freely in the proceedings and ensuring the orderly conduct of the hearing.

8. The Constitutional Court of Mongolia promptly ensured transparency by publishing Conclusion No.08, issued by the Full Bench Session on 22 October 2025 regarding the unconstitutionality of the process of dismissing the Prime Minister, on the official website of the Constitutional Court on 23 October 2025.



SUMMARY OF THE DISPUTE CONCERNING ON THRESHOLD REQUIREMENTS FOR POLITICAL PARTIES AND COALITIONS

Conclusion of the Constitutional Court:

November 19 2025, No.09

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding), Justices
J.Erdenebulgan, D.Gangabaatar,
O.Munkhsaikhan (Rapporteur), and
Ts.Tsolmon.

Petitioners:

Citizens A.Otgonbaatar, B.Otgon, G.Batbayar,
T.Bayarkhuu, B.Ononbayar, D.Lamjav,
K.Zhandos, represented by attorneys
S.Asanbek, O.Bayaraa; represented by
M.Zulzayaa and B.Bat-Uul.

Respondents:

Authorized representatives of the State
Great Khural, Members H.Baasanjargal,
H.Temuujin, G.Uyankhishig.

“

“EVERY VOTER IS ENTITLED TO THE EQUAL RIGHT TO CAST A VOTE THAT IS COUNTED EQUALLY WITH THE VOTES OF OTHERS, THEREBY ENSURING THAT EACH VOTE HAS AN EQUIVALENT IMPACT ON THE ELECTORAL OUTCOME. ... IN ORDER TO GAIN REPRESENTATION IN THE STATE GREAT KHURAL , A POLITICAL PARTY OR COALITION MAY BE REQUIRED TO MEET A THRESHOLD PERCENTAGE OF THE VOTE; HOWEVER, SUCH A THRESHOLD NECESSARILY LIMITS THE EQUAL RIGHT TO VOTE AND MUST THEREFORE BE SET AT THE MINIMUM LEVEL NECESSARY.

”

By Conclusion No.09, adopted at the Medium Bench Session of the Constitutional Court of Mongolia on 19 November 2025, the Court concluded that Articles 74.2.2, 74.2.3, 74.2.4, 74.3.2, 74.3.3, 74.3.4, and 74.3.5 of the Law on the Elections of the State Great Khural (Parliament) do not contravene the relevant provisions of the Constitution of Mongolia, namely Article 1.2, Article 3.2, Article 16.9, and Article 21.1 and 21.2.

In a democratic society, elections are the process by which individuals are chosen to hold public office through voting, and they are aimed at ensuring voters' participation and representation in political decision making, as well as achieving social consensus. Without elections conducted in accordance with democratic electoral principles, a democratic society cannot exist. The Constitution enshrines the fundamental principles of democratic elections, including universal, free, equal, and direct suffrage, as well as voting by secret ballot, and guarantees that every citizen shall be afforded equal opportunities to participate in elections. These principles ensure the free expression of the will of the electorate and establish the essential conditions for the conduct of democratic elections.

Since 1990, parliamentary elections have been held a total of ten times. In particular, between 1992 and 2020, eight elections of the State Great Khural (Parliament) were conducted, of which seven were held under a majoritarian electoral system (including four elections in single-member constituencies and three in multi-member constituencies), while one election was conducted under a mixed electoral system. In establishing the State Great Khural on these eight occasions, the electoral system was modified each time, and each amendment was adopted between one and six months prior to the respective regular election, raising concerns regarding the stability of the

electoral framework.

In order to ensure the stability of the electoral system, guarantee fair competition among political parties, and strengthen the multi-party system, the mixed electoral system, which incorporates the advantages of both the majoritarian and proportional representation methods, was enshrined in the Constitution through the 2023 constitutional amendment. Specifically, the Constitution provides for the general ratio whereby 78 of the 126 members of the State Great Khural are elected through the majoritarian system, and 48 members through proportional representation. Within this constitutional framework, the State Great Khural retains full competence to select, legislate, develop, and further specify the particular model of the mixed electoral system in conformity with the Constitution. Accordingly, on 16 June 2023, amendments were adopted to the Law on the Elections of the State Great Khural (Parliament), pursuant to which the 2024 regular parliamentary elections were conducted.

Within the framework of electing 48 members of the State Great Khural through proportional representation, Articles 74.2.2, 74.2.3, and 74.2.4 of the Law establish electoral thresholds for political parties and coalitions, while Articles 74.3.2, 74.3.3, 74.3.4, and 74.3.5 of the same Law regulate the allocation of seats to parties and coalitions that have surpassed these thresholds. This regulatory framework does not violate the Constitution on the following grounds:

1. When applying the proportional representation method, an electoral threshold, calculated as a mandatory percentage of the total valid votes cast, is established as a prerequisite for obtaining seats in Parliament. By setting such a threshold, votes cast for political parties or coalitions that fail to surpass the threshold are excluded from



the allocation of seats and therefore do not influence seat distribution, thereby creating a distinction between votes cast for parties and coalitions that surpass the threshold and those that do not. Whether this distinction results in a violation of the right to equal suffrage is to be determined by examining whether it is based on reasonable and objective grounds. The right to equal suffrage constitutes a specific requirement derived from the principle of equality of all persons before the law, as enshrined in Article 14.1 of the Constitution, and guarantees civic equality inherent in democracy. This principle permits differential treatment of individuals and groups where such differentiation is based on legitimate and justified grounds.

The right to equal suffrage requires that each voter be able to cast a vote on an equal basis with other voters, that each vote be counted equally, and that the votes cast by all voters exert an equal influence on the electoral outcome. In this sense, the right to equal suffrage encompasses the principles of the “counting value” and the “success value” of each vote. The counting value signifies that each voter is entitled to cast an equal number of votes, whereas the success value refers to the requirement that each vote have an equal effect in being translated into seats. Under the proportional representation method, the success value of all votes cast is, in principle, required to be equal; however, the establishment of an electoral threshold introduces a difference in the success value of votes. Nevertheless, such differentiation is based on reasonable and objective grounds and complies with the principles of legal certainty and proportionality.

Pursuant to Article 74.2.2 of the Law, a political party must obtain at least 4 per cent of the total valid votes; pursuant to Article 74.2.3, a coalition of two political parties must obtain at least 5 per cent; and

pursuant to Article 74.2.4, a coalition of three or more political parties must obtain at least 7 per cent of the total valid votes in order to qualify for the allocation of seats under proportional representation. These provisions are clear and unambiguous, enabling voters, political parties, coalitions, and candidates to foresee the legal consequences of the rules and to adjust their conduct accordingly.

Under the principle of proportionality, any restriction on a fundamental right must satisfy the criteria of being suitable, necessary, and proportionate (*stricto sensu*) in order to achieve a legitimate aim.

The proportional representation method seeks to align the proportion of seats obtained by political parties and coalitions as closely as possible with the proportion of votes they receive. As a result, there is a risk that a large number of parties with relatively low levels of electoral support may obtain seats, that no parliamentary majority may be formed in the State Great Khural, and that Parliament may become unable to effectively perform its core functions, including forming the Government, enacting laws, and overseeing the implementation of laws. In order to mitigate this risk, the establishment of an electoral threshold, whereby seats are not allocated to political parties or coalitions that fail to surpass the threshold, is aimed at preventing excessive parliamentary fragmentation and at creating the conditions necessary for the State Great Khural to carry out its functions effectively. Furthermore, the setting of a higher threshold for coalitions than for individual political parties serves the additional legitimate aim of ensuring that the effect of the party threshold is not undermined and of preventing excessive fragmentation of political parties.

The current electoral thresholds for political parties and coalitions are designed to minimize the loss in the success value of votes, thereby satisfying the necessity

criterion. When Mongolia first legislated the proportional representation method in 1990, 2011, and 2015, the threshold was set at 5 per cent uniformly for both parties and coalitions. In 2023, the threshold for individual political parties was reduced to 4 per cent, while that for coalitions was increased. In other democratic countries, party thresholds are generally set at 3–5 per cent, which is considered effective and reasonable. The 5 per cent threshold for a two-party coalition aligns with previous legislation for parties and coalitions and is only one percentage point higher than the current threshold for a single party. The 7 per cent threshold for a coalition of three or more parties is three percentage points higher than the threshold for a single party and two percentage points higher than that for a two-party coalition. Compared to other countries, these thresholds for coalitions remain at a minimum level, consistent with the principle of proportionality and necessity.

The threshold-setting regulation satisfies the criterion of proportionality. Specifically, of the 19 political parties and 2 coalitions that participated in the regular 2024 parliamentary elections, 4 political parties met the 4 per cent threshold applicable to parties, and 1 coalition met the 5 per cent threshold applicable to coalitions, and seats were allocated accordingly. As a result, the fact that an excessive number of parties and coalitions did not obtain seats prevented party fragmentation, avoided weakening the effect of the electoral threshold, and created conditions for the Parliament to effectively perform its functions. These considerations outweigh the negative consequence of diminishing the success value of votes cast for parties and coalitions that failed to pass the threshold. Furthermore, since the current threshold is not excessively high, it has not precluded competitive parties and coalitions from obtaining seats, nor has

it created a significant disparity between the thresholds applicable to parties and coalitions.

2. Article 74.3.2 of the Law on the Elections of the State Great Khural (Parliament) satisfies the principles of legal certainty and proportionality.

This provision is unambiguously understood as requiring that the total percentage of votes obtained by political parties and coalitions that failed to pass the threshold be distributed equally among the parties and coalitions that passed the threshold and added to each of their respective vote percentages. Accordingly, voters, political parties, coalitions, and candidates are able to foresee the legal consequences of this regulation and to align their conduct accordingly. Therefore, this regulation ensures legal certainty and reduces the risk of calculation based on discretion or arbitrariness by competent authorities.

In 2023, alongside the adoption of a mixed electoral system, a parallel system was legislated, under which 62 percent of the total number of members are elected from 13 multi-member, regional constituencies. As a result, the impact of the majoritarian method of representation is significant. This not only creates an advantage for parties receiving a large number of votes, but also amplifies the effect of the electoral threshold applicable to proportional representation votes. Accordingly, distributing the percentage of votes cast for parties and coalitions that failed to pass the threshold equally among those that passed the threshold and adding such shares to their respective vote totals is more advantageous to parties receiving fewer votes. Therefore, this mechanism serves to mitigate and balance the strong influence of the majoritarian component within the current mixed electoral system.

Since the law provides that 48 members of Parliament are to be elected by proportional representation, the



remaining seats corresponding to votes cast for political parties and coalitions that failed to pass the threshold must necessarily be allocated, and there are two possible models for such allocation. Specifically, the percentage of votes cast for parties and coalitions that failed to pass the threshold may be added to those that passed the threshold either in equal shares or on a proportional basis. The model based on proportional redistribution would further increase the strong influence of the majoritarian method of representation, preserve the dominance of parties receiving a large number of votes, restrict the participation of political parties and social groups in decision-making, and diminish Parliament's representative capacity. Regardless of which of these two models is applied, the value of votes in achieving electoral success is not seriously impaired; therefore, the criterion of necessity is not considered to have been violated.

Distributing the percentage of votes cast for political parties and coalitions that failed to pass the threshold equally among those that passed the threshold results, compared with proportional redistribution, in a reduction in the number of seats allocated to parties receiving a large number of votes. However, the interest in balancing the effects of the majoritarian and proportional representation methods by appropriately increasing the number of seats allocated to parties receiving fewer votes outweighs the negative consequences that may arise for parties receiving a large number of votes. Furthermore, seats are allocated without reducing the original percentage of votes obtained by parties receiving a large number of votes, and the seat differential resulting from this regulation is relatively small; therefore, the regulation is proportionate.

Adding, in equal shares, the percentage of votes cast for political parties and

coalitions that failed to pass the threshold to those that passed the threshold does not transfer voters' votes to other parties; rather, it uses the effect of those vote percentages solely for the allocation of the remaining seats. Accordingly, since the substance of the voter's right to cast a vote personally, without having that vote exercised or represented by another person, is not altered, the right to direct suffrage is not infringed.

3. The provisions of Articles 74.3.3, 74.3.4, and 74.3.5 of the Law on the Elections of the State Great Khural (Parliament), which provide for the allocation of seats to political parties and coalitions that passed the threshold by applying the largest remainder principle and the Hare method, serve to ensure legal certainty by standardizing the seat allocation method, are consistent with international good practice, and do not constitute a restriction on fundamental rights.

4. Article 74.2.1 of the Law on the Elections of the State Great Khural (Parliament) prescribes an additional requirement that political parties and coalitions nominate candidates in 50 percent or more of the total mandates allocated to constituencies where 78 members of Parliament are elected by the majoritarian method. However, this requirement is stipulated to be applied at the stage of seat allocation after the completion of voting. As a result, even where a party or coalition passes the electoral threshold, failure to meet this requirement leads to the non-allocation of seats to that party or coalition. Moreover, this affects the number of votes that could otherwise have been allocated to other parties and coalitions, producing the consequence of rendering such votes ineffective.

SUMMARY OF THE DISPUTE CONCERNING THE CRIMINAL OFFENSE OF DISSEMINATING FAKE INFORMATION

Conclusion of the Constitutional Court:

November 25, 2025, No.10

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (presiding), Justices
D.Gangabaatar, L. Ulziisaihan (Rapporteur),
O.Munkhsaihan, and R.Batragchaa.

Decision of the State Great Khural:

By Resolution No.123 dated December 30,
2025, the State Great Khural accepted the
Constitutional Court's Decision No.10 of
October 2025.

Applicant:

J.Battul, represented by attorney D.Orosoo;
citizen S.Nomynbayasgalan, represented
by attorney Z.Tamir; citizens E.Tamir,
L.Galbaatar, A.Bayarmaa, R.Saruultugs,
T.Sumyabazar, D.Chantsaldulam, E.Enerel,
B.Anhzayaa, and E.Khurelbaatar.

Respondent:

Authorized representative of the State Great
Khural, member of the State Great Khural
B.Enkhbayar.

“

THE CONSTITUTION
BROADLY GUARANTEES
THE RIGHT TO FREELY
EXPRESS ONE'S
OPINIONS, RECOGNIZING
IT AS A FUNDAMENTAL
VALUE OF A DEMOCRATIC
SOCIETY. ANY
RESTRICTION IMPOSED
ON THIS FREEDOM
MUST COMPLY NOT
ONLY WITH GENERAL
REQUIREMENTS, SUCH
AS LEGAL CERTAINTY
AND PROPORTIONALITY,
BUT ALSO WITH SPECIFIC
STANDARDS THAT ARISE
FROM THE VERY NATURE
OF THE RIGHT ITSELF.

”



By Conclusion No.10 of 2025, the Constitutional Court of Mongolia held that the provision of Article 13.14 of the Criminal Code stating that “any person who disseminates knowingly false information to the public that infringes upon human dignity, reputation, or the business honour of a legal entity shall be subject to criminal punishment ...” violates several provisions of the Constitution of Mongolia. Specifically, the Court found a violation of Article 1.2, which provides that “The fundamental principles of the activities of the State shall be ... freedom ... and the rule of law.”; Article 16.16, which stipulates that “Freedom of ... expression, speech, press ...”; Article 16.17, which stipulates that “The right to seek and receive information on any issues, except which the State and its organs are legitimately bound to specifically protect as relevant secret. ...”; and Article 70.1, which requires that “The laws ... must be in fully conformity with the Constitution.”. Accordingly, the Court decided to suspend the application of the disputed provision as of 25 November 2025.

This conclusion was discussed at the plenary session of the State Great Khural (Parliament) on 30 December 2025 and was accepted.

In this regard, the following provides an overview of the substance and reasoning of the Constitutional Court’s Conclusion No.10 of 2025 concerning the finding that the regulation of the offence of “dissemination of false information” under Article 13.14 of the Criminal Code violates relevant provisions of the Constitution.

I. Freedom of Expression and the Right to Inviolability of Human Dignity and Reputation

1.1. Scope and importance of freedom of expression

Articles 16.16 and 16.17 of the Constitution broadly affirm freedom of expression as a fundamental value

of a democratic society. This freedom encompasses the right to hold thoughts and opinions, to express them freely through speech, press, and other means, and to seek, receive, and disseminate information. Freedom of expression forms the basis of intellectual freedom, openness and transparency, pluralism, and civic participation, and is therefore regarded as a cornerstone of democratic society. In particular, it is a prerequisite for the effective functioning of democracy.

If this prerequisite is undermined, citizens’ ability to freely discuss matters of public interest, make informed decisions, participate in public affairs, and exercise the people’s sovereign power is restricted. Consequently, electoral integrity and public oversight of state activity are weakened. Freedom of expression also facilitates access to truth and promotes intellectual development; undue restrictions on the free flow of information diminish the public’s ability to know the truth. Ensuring the dissemination of information and the public’s right to receive information constitutes a core function of the media.

Beyond these instrumental roles, freedom of expression is inherently valuable as it guarantees individual autonomy. The ability to hold thoughts, opinions and to express them freely is essential to personal development and self-realisation, and enables individuals to exist independently from the state and other actors.

Because freedom of press plays a particularly significant role in democratic society, Article 16.16 of the Constitution expressly guarantees it, not only to citizens but also to journalists and media organisations. As state power derives from the people, decisions and activities of State organs and public officials must be subject to public supervision. The media is one of the most effective means through which citizens receive information and form opinions on such matters. Media

free from censorship creates conditions for citizens to participate in political discourse and public affairs and to effectively exercise freedom of expression and related rights. In this respect, freedom of press, like freedom of expression, serves as a foundation for implementing the constitutional principle of democracy enshrined in Article 1.2.

Among the components of freedom of expression—holding thoughts and opinions; expressing them through speech, press, and other means; and seeking, receiving, and disseminating information—the freedom to hold thoughts and opinions protects an individual's inner sphere and constitutes an absolute right. It may not be restricted under any circumstances. Accordingly, Article 1.4.4 of the Criminal Code provides that “Nobody shall be imposed a criminal responsibility for his opinion or beliefs.” In contrast, the expression of thoughts and opinions is outward-facing and concerns the public; therefore, it may be subject to restrictions in accordance with constitutional requirements.

1.2. Protection of dignity and reputation

Within the scope of the right to “personal liberty and safety” under Article 16.13 of the Constitution, human dignity and reputation are protected at the level of fundamental rights. Human dignity is an inherent and equal value possessed by every person by virtue of being human and constitutes an absolute right. Reputation reflects an individual's social standing and external evaluation, and unlawful interference with it is prohibited. Article 13.14 of the Criminal Code seeks to protect human dignity, reputation and the business honour of legal entities by criminalising the dissemination of knowingly false information, and therefore constitutes a restriction on freedom of expression. However, the Constitutional Court concluded that the contested

regulation imposes a restriction not on thoughts or opinions themselves but on their expression; thus, it does not infringe the freedom to hold thought and opinion guaranteed under Article 16.16 of the Constitution.

II. Compliance with the General Requirements for Limiting Fundamental Rights

2.1. Legal certainty

Any restriction on freedom of expression must satisfy both the general requirements applicable to limitations on fundamental rights and the specific requirements arising from the nature of the right itself. Failure to meet any of these requirements constitutes a violation of fundamental rights.

Because the Criminal Code defines acts and omissions as crimes and prescribes punishment, each provision must satisfy the requirement of legal certainty. The elements of offences defined in the Special Part of the Criminal Code must be clear, precise, unambiguous, and directly applicable. Upon examination, Article 13.14 fails to meet this requirement.

In amending the Criminal Code in 2020, the legislature replaced the former offences of “defamation and insult” with a newly expanded offence of “dissemination of false information.” Although this regulation formally satisfies the requirement that fundamental rights may be restricted only by law, it lacks legal certainty and unjustifiably broadens the scope of criminal liability, allowing for multiple interpretations.

Specifically, the title and content of Article 13.14 employ inconsistent terminology, creating conceptual ambiguity. Terms such as “human dignity” and “reputation,” as well as “false information” and “knowingly false information,” are used interchangeably without definition or distinction. While the objective element of the offence is



defined as disseminating “knowingly false information to the public,” the subjective element is not clearly articulated. As a result, even cases where the information is false but causes no real harm, or where information is disseminated or shared without intent to cause harm, may be treated as criminal offences.

Furthermore, the criteria and scope of what constitutes dissemination “to the public” are unclear. This ambiguity enables the imposition of criminal liability for online posts that receive limited engagement or are shared within a restricted circle. The scope of potential victims is also excessively broad, leading in practice to cases where criticism of decisions or activities of state organs or public officials has been punished as infringing the business honour of legal entities.

Due to this lack of legal certainty, investigators, prosecutors, and judges may apply the provision arbitrarily or abusively. These officials are able to determine whether information is “knowingly false” based on subjective assessments, thereby unjustifiably restricting freedom of expression and undermining the constitutional principle of freedom enshrined in Article 1.2.

2.2. Proportionality

Under the principle of proportionality, a limitation on fundamental rights must pursue a legitimate aim and be suitable, necessary, and proportionate *stricto sensu*. Article 13.14 fails to meet these criteria.

First, protecting reputation constitutes a legitimate aim for restricting freedom of expression under the Constitution. The provision is suitable insofar as it seeks to prevent the dissemination of knowingly false information that infringes upon dignity, reputation, and business honour. However, protecting the business honour of legal entities does not constitute a sufficiently legitimate aim to justify

criminal restrictions on freedom of expression, as such interests are primarily economic in nature and can be effectively protected through civil law mechanisms.

Second, criminalisation under Article 13.14 is not a necessary measure. Criminal proceedings entail intrusive measures such as arrest, detention, searches, seizures, and covert investigative actions, which significantly interfere with fundamental rights. In contrast, civil law remedies—such as correction, apology, and compensation—can effectively protect human dignity, reputation and business honour while imposing far less restriction on freedom of expression and press. Additionally, existing media self-regulation mechanisms that address ethical violations and professional misconduct provide non-judicial means of protection with minimal interference.

Third, the provision fails the proportionality *stricto sensu* test because it produces excessive negative effects on the exercise of freedom of expression and press. It restricts not only harmful false information but also other expressions of opinion that cause no actual harm. Individuals and media outlets face the risk of criminal investigation and punishment for expressing opinions on matters of public interest, such as corruption or abuse of office, leading to self-censorship and undermining the public’s constitutional right to receive information. The provision also enables the misuse of criminal complaints to suppress critical voices and democratic debate.

III. Compliance with the Special Requirements for Limiting Freedom of Expression

3.1. Balancing of competing fundamental rights

Any restriction on freedom of expression must fully comply with both the general and special requirements applicable to limitations on fundamental

rights. When restricting freedom of expression to protect reputation, legislation must ensure a balance between competing rights, narrowly define criminal liability, and satisfy additional rights-based criteria. Article 13.14 fails to meet these requirements.

First, while the provision aims to protect the right to inviolability of reputation under Article 16.13, it simultaneously restricts freedom of expression under Article 16.16, creating a conflict between two rights of equal value. Neither right is absolute, and neither takes precedence over the other. Therefore, legal regulation and its application must strike a fair balance.

The contested provision does not afford enhanced protection to expressions concerning matters of public interest, nor does it impose a higher tolerance threshold for public figures. In a democratic society, public figures—such as politicians, senior public officials, and individuals wielding significant social or economic influence—are subject to heightened public scrutiny and must tolerate a greater degree of criticism than private individuals. Consequently, state organs and public officials should not be considered victims of the offence of disseminating false information.

Moreover, the provision fails to distinguish between statements of fact and value judgments and does not provide special protection for professional and ethical journalism. This creates a risk that journalists may be criminally punished for good-faith reporting errors made in the public interest, thereby upsetting the balance between reputation and freedom of expression.

Second, criminal law constitutes the most severe and last-resort instrument for imposing liability. Restrictions on freedom of expression through criminal law may be justified only in exceptional cases where other means are insufficient. Criminal liability should be limited to cases involving

serious and demonstrable harm, with clearly defined objective and subjective elements and proportionate sanctions. Excessive fines or custodial sentences are incompatible with these requirements. Although imprisonment has been removed and fines reduced compared to former defamation offences, the introduction of restrictions on freedom of movement constitutes an excessive interference.

Third, under the additional rights criterion, Article 13.14 produces legal consequences that restrict not only freedom of expression but also the right to freedom of movement guaranteed under Article 16.18 of the Constitution. Although determining criminal policy falls within the competence of Parliament, offences such as defamation or dissemination of false information require heightened caution due to their chilling effect on freedom of expression. The contested regulation thus creates a real risk of obstructing citizens, journalists, and media workers from seeking, receiving, and disseminating information on matters of public interest.



SUMMARY OF THE DISPUTE CONCERNING ONE-TIME NON-REPAYABLE ASSISTANCE TO CIVIL SERVANTS

Constitutional Court Ruling:

December 3, 2025, No.43

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding), Members
J.Erdenebulgan, E.Enkhtuya, Ts.Tsolmon
(Rapporteur) and R.Batragchaa.

Petitioner: Citizen M.Batbaatar

Respondents:

Authorized representatives of the State
Great Khural, Members of the State Great
Khural B.Bayarbaatar and S.Erdenebat.

“ ... The fact that a civil servant who has worked continuously for many years in the civil service is unable to receive a one-time non-repayable assistance if they are relieved from office before their pension is established is not specifically regulated by law. This matter relates to the possible refinement of the disputed provision, and therefore, the Medium Panel of the Constitutional Court has found no grounds to issue a ruling on it. ... ”

By Rulling No.43 adopted at the Medium Bench Session of the Constitutional Court of Mongolia on December 3, 2025, the Court examined whether Article 60.1 of the Law on Civil Service, which provides that ‘... if a civil servant is dismissed on the grounds of becoming eligible for an old-age pension, a one-time non-refundable allowance shall be granted based on the average basic salary and calculated according to the length of service ...’, violates Article 14.1 of the Constitution of Mongolia. The Court decided to dismiss the constitutional review proceedings.

Article 25.1 of the Constitution of Mongolia provides that ‘The State Great Khural may initiate and discuss any issue of the State’s internal and foreign policy and shall decide the following matters within its exclusive powers:’, and 25.1.1 stipulates ‘to enact laws and to make amendments and additions thereto;’. In addition, Article 46.3 of the Constitution provides that ‘The working conditions and guarantees of civil servants shall be determined by law.’ In accordance with these provisions, the State Great Khural of Mongolia adopted the revised version of the Law on Civil Service on December 7, 2017.

As stated in the applicant, in cases where a civil servant who has worked continuously in the civil service for many years is released from the civil service before having an old-age pension granted, the inability to receive a one-time non-refundable allowance is not specifically regulated by legislation, and since this concerns an issue related to improving the disputed provision, grounds for the Constitutional Court to issue a conclusion at the Plenary Session are not established.

In this regard, the authorized representative of the State Great Khural, Member of the State Great Khural S.Erdenebat, in the explanation submitted in connection with the said dispute,

noted that ‘... providing assistance to civil servants only in cases where they are released on the grounds of being granted an old-age pension, and granting appropriate assistance in accordance with the principle of “legitimate expectations” based on their stable and productive service in the relevant institution, is consistent with the fundamental principles of the civil service and human rights and with the purpose of such guarantees. Limiting the granting of a one-time non-refundable allowance solely to cases where a civil servant is released on the grounds of being granted an old-age pension creates differential treatment and at the same time gives rise to a situation in which civil servants suffer harm.’



SUMMARY OF THE DISPUTE CONCERNING PROHIBITION ON A LOCAL REPRESENTATIVE SERVING AS A REPRESENTATIVE IN ANOTHER LEVEL OF ASSEMBLY SAME TIME

Conclusion of the Constitutional Court:

December 17, 2025, No.11

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court
G.Bayasgalan (Presiding), Justices
O.Munkhsaikhan, E.Enkhtuyaa, B.Boldbaatar
(Rapporteur) and R.Batragchaa.

Applicant: Citizen B. Bayarmagnai

Respondent:

Authorized representative of the State Great
Khural of Mongolia, Member of the State
Great Khural Ts.Sandag-Ochir.

“

**EVEN IF A CITIZEN
IS ELECTED AS A
REPRESENTATIVE
TO TWO LEVELS
OF ASSEMBLIES,
THE PROHIBITION
ON SERVING
CONCURRENTLY DOES
NOT NEGATE THE
ESSENCE OF THIS
RIGHT.**

”

On December 17, 2025, in its Medium Bench Session, the Constitutional Court of Mongolia reviewed Article 40, Section 40.1 of the Law on Administrative and Territorial Units and Their Governance, which provides: “The following shall be prohibited in the activities of a council representative,” and, specifically, Section 40.1.2 prohibits a representative from serving as a member of another level of citizens’ representative assembly.

The Court held that this provision is consistent with: Article 16.9 of the Constitution, which guarantees the right to participate in governance either directly or through representative bodies, including the right to elect and be elected to state bodies; Article 19.1 which establishes the State’s duty to ensure economic, social, legal, and other guarantees for human rights and freedoms, to prevent violations, and to restore affected rights; and Article 5.1 which requires that laws, decrees, decisions of state bodies, and all actions of organizations and citizens be fully consistent with the Constitution.

Accordingly, the Court concluded that the challenged restriction does not violate the Constitution.

The right to vote and the right to be elected constitute components of a citizen’s political rights. While the right to vote is exercised universally by all citizens of Mongolia who are entitled to vote, the exercise of the right to stand for election may, taking into account the specific characteristics of the office, be subject to particular conditions and qualifications as prescribed by law.

The right to stand for election, as provided in Article 16.9 of the Constitution, does not constitute a fundamental (core) right. Therefore, in the first instance, it is necessary to examine whether the contested provision respects the principle of non-impairment of the core of the right to stand for election. If it is determined

that the core of this right is not infringed, the next step is to assess whether the provision complies with the principles of legal certainty, proportionality, and non-discrimination.

Any restriction imposed on a fundamental right must not infringe upon the core of that right. The concept of the core of a fundamental right signifies the essential content that must always be protected, ensuring that the individual remains free from undue state interference. It represents the fundamental substance inherent in every right, which under no circumstances may be violated.

The right to be elected, as provided in Article 3.1 of the Constitution, ensures that citizens can exercise state power through representative democracy. The prohibition on holding office simultaneously in two levels of representative assemblies does not negate the essential substance of this right. In other words, the fact that a citizen retains the right to stand for election in at least one level of the assembly provides a sufficient basis to conclude that the core of the citizen’s right to be elected has not been infringed.

Article 40, Section 40.1.2 of the Law on Administrative and Territorial Units of Mongolia clearly and unambiguously prohibits holding a representative office in another level of assembly simultaneously. As a result, both voters and candidates are able to anticipate the consequences in advance and adjust their conduct accordingly.

There are two possible approaches regarding whether a representative may concurrently hold office in another level of assembly: to “allow” or to “prohibit” such dual service. The model allowing concurrent service does not serve the purpose of preventing conflicts of functions or conflicts of interest between different levels of assemblies, whereas the model prohibiting dual service is aimed at mitigating such risks. The



disputed provision adopts the prohibition model but does not deprive a citizen of the opportunity to be elected to or serve in one level of assembly. Accordingly, this limitation constitutes an effective measure to achieve the stated purpose and represents the least restrictive means with respect to the right to be elected, thereby satisfying the necessity requirement.

The prohibition on a representative concurrently holding office in another level of assembly is aimed at preventing conflicts of functions and conflicts of interest between different levels of assemblies, while it does not preclude election to or service in any single level of assembly. This measure is proportionate, as the potential negative consequences arising from allowing dual service outweigh the limited restriction imposed by the prohibition.

The contested provision is reasonably justified, as it seeks to ensure the democratic decision-making process by preventing conflicts of functions and conflicts of interest between representatives of different levels of local assemblies. Moreover, the prohibition on serving as a representative in another level of assembly applies equally to all assembly members, and all representatives enjoy the same legal status; therefore, the provision does not violate the principle of non-discrimination.

Therefore, Article 40.1.2 of the Law on Administrative and Territorial Units and Their Governance of Mongolia is reasonable and well-founded. It does not infringe upon the core of the right, nor does it violate the principles of legal certainty, proportionality, or non-discrimination. Accordingly, it cannot be regarded as violating the right to be elected.

The contested provision, by prohibiting a representative from holding office in another level of the Council, is aimed at ensuring citizens' right "to participate in the governance of the state through their

representative bodies," and therefore is consistent with Article 19, Section 1 of the Constitution, which provides that "the State shall establish economic, social, legal, and other guarantees to ensure human rights and freedoms, prevent Offence of such rights and freedoms, and restore infringed rights in relation to its citizens."

Furthermore, Article 40.1.2 of the Law on Administrative and Territorial Units and Their Governance is consistent with Article 6, Section 1 of the Constitution, which provides that "all laws, decrees, other decisions of state bodies, and the activities of all institutions and citizens shall fully comply with the Constitution."

SUMMARY OF THE CASE REGARDING THE MOTION OF NO CONFIDENCE AND THE REMOVAL OF THE PRIME MINISTER

Conclusion of the Constitutional Court:

December 26, 2025, No.12

Composition of the Medium Bench Session:

Chief Justice of the Constitutional Court G.Bayasgalan (Presiding),
Justices D.Gangaabatar, O.Munkhsaihan
(Rapporteur), Ts.Tsolmon and B.Boldbaatar.

Applicant:

Citizens Sh.Tegvandan, D.Otgonbayar,
S.Nomynbayasgalan

Respondent:

Authorized representative of the State Great Khural, Member of the State Great Khural
Ts.Sandag-Ochir

“

THE CONSTITUTION OF MONGOLIA ESTABLISHES A STATE GREAT KHURAL ARY SYSTEM, WHICH IS ENCOMPASSED WITHIN AND PROTECTED BY THE FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION. ACCORDINGLY, THE GOVERNMENT IS ACCOUNTABLE TO THE STATE GREAT KHURAL AND EXISTS ON THE BASIS OF ITS CONFIDENCE. SHOULD THE GOVERNMENT LOSE THIS CONFIDENCE, IT IS SUBJECT TO DISMISSAL; THE CONSTITUTION ALSO PROVIDES THAT THE STATE GREAT KHURAL MUST EXERCISE ITS RESPONSIBILITIES IN THIS REGARD.

”



On December 26, 2025, in its Medium Bench Session, the Constitutional Court of Mongolia issued Decision No.12, finding that Article 101.1 of the Law on the Procedure of the State Great Khural, which provides that "... the matter shall be considered starting seven days thereafter ...," is inconsistent with Article 1.2 of the Constitution, establishing the "supremacy of law," and Article 43.1, which stipulates that "... the State Great Khural shall begin consideration three days thereafter and render a decision within ten days" Similarly, Article 102.1 of the same law, stating "... the matter shall be considered starting seven days thereafter and thereafter ...," was found inconsistent with the same constitutional provisions, including Article 44.1. Consequently, the Court suspended the application of these provisions from the date of the decision.

1.State Great Khural ary System and Confidence in the Prime Minister

The 1992 Constitution established a State Great Khural ary system in Mongolia, which forms part of the Constitution's fundamental principles and is thus constitutionally protected. Under this system, the State Great Khural, elected by the people, exercises the function of forming the Government by appointing the Prime Minister. The Government is accountable to the State Great Khural and relies on the confidence of its majority; should it lose that confidence, it must resign, and the Constitution stipulates that the State Great Khural bears responsibility for addressing such a situation.

The strongest and final form of the Government's accountability to the State Great Khural is a vote to decide on the dismissal of the Prime Minister, initiated by at least one-quarter of the members of the State Great Khural. Similarly, the Prime Minister may request a formal vote of confidence from the State Great

Khural, linking this with the resolution of certain budgetary and policy matters, thereby determining the continuation of the Government.

If the majority of the total membership of the State Great Khural supports the dismissal of the Prime Minister or does not approve a vote of confidence in the Prime Minister, the Prime Minister and the Government shall resign. If a new Prime Minister is not appointed within thirty days after such dismissal, the President is authorized to dissolve the State Great Khural. Accordingly, the consideration of the dismissal of the Prime Minister initiated by the State Great Khural or the confidence vote requested by the Prime Minister constitutes a critical mechanism of checks and balances between the legislative and executive branches.

2.Conflict Between the Law on the State Great Khural's Procedure and the Constitution Regarding the Dismissal of the Prime Minister

To ensure the Government's independence, stability, and accountability, and to reinforce the principle of collective cabinet responsibility, Article 43.1 of the Constitution was amended in 2019 to read as follows: "If at least one-quarter of the members of the State Great Khural formally submit a proposal to dismiss the Prime Minister, the State Great Khural shall begin consideration three days later and decide within ten days. If the majority of the total membership of the State Great Khural supports the proposal, it shall be deemed that the State Great Khural has adopted a resolution to dismiss the Prime Minister, and a new Prime Minister shall be appointed within thirty days." However, Article 101.1 of the Law on the Procedure of the State Great Khural provides:"If the members formally submit a proposal to dismiss the Prime Minister pursuant to Article 43.1 of the Constitution, the State Great Khural shall begin consideration

seven days later and decide within ten days.”

This provision conflicts with the Constitution for several reasons: The term “members” does not clearly correspond to the constitutional requirement of “at least one-quarter of the members of the State Great Khural,” creating ambiguity regarding who may submit the dismissal proposal.

The Constitution specifies that the proposal must be considered three days after submission, whereas the law extends this period to seven days, delaying the constitutional timeline by four days.

The law reduces the deliberation period for the State Great Khural to consider and decide from ten days to seven days, shortening the constitutionally guaranteed time for decision making.

The vague phrasing “the issue” in the law creates uncertainty, potentially undermining the constitutional intent that the vote must specifically address whether to adopt the resolution to dismiss the Prime Minister. As a result, the procedural law is inconsistent with the Constitution and risks compromising the constitutionally established mechanism for the dismissal of the Prime Minister.

3. Conflict Between the Procedure Law and the Constitution Regarding a Vote of Confidence in the Prime Minister

Article 44.1 of the Constitution was amended in 2019: “If the Prime Minister submits a draft resolution to receive a vote of confidence on specific issues of the state budget or policy, the State Great Khural shall begin consideration three days later and decide within ten days by the majority of the total membership of the State Great Khural.”

However, Article 102.1 of the Law on the Procedure of the State Great Khural provides: “If the Prime Minister submits a draft resolution to receive a vote of confidence in accordance with Article 44 of the Constitution, the State Great Khural

shall begin consideration seven days later and decide within ten days thereafter.”

This provision violates the Constitution for the following reasons: The Constitution clearly stipulates that the draft resolution must be considered three days after submission, whereas the law extends this period to seven days, delaying consideration by four days.

The Constitution requires the decision to be made within ten days after consideration begins, but the law’s wording implies that the ten-day period begins after the seven-day delay, resulting in a total period of 17 days before a decision is reached. This exceeds the constitutionally established timeframe.

The law uses the vague term “the issue” instead of explicitly referring to the Prime Minister’s draft resolution for a vote of confidence. This ambiguity risks undermining the constitutional purpose that the vote must specifically address whether to approve the resolution, potentially altering the intended effect of the Prime Minister receiving or failing to receive confidence.

Thus, the procedural law is inconsistent with the Constitution and could compromise the constitutionally mandated mechanism for the State Great Khural to grant a vote of confidence to the Prime Minister.

4. Procedural Requirements for the Consideration of Draft Resolutions to Dismiss the Prime Minister or Grant Confidence

The Constitution stipulates that a draft resolution to dismiss the Prime Minister or grant a vote of confidence must be considered and decided within 3 to 10 days. Accordingly, it is necessary to legally regulate the following detailed procedural requirements: Immediate Transmission to Members: Once the draft resolution is submitted to the State Great Khural, it must be promptly delivered to all members



without delay.

Priority in the Agenda: The draft resolution must be scheduled for consideration in the State Great Khural without being affected by the order of other agenda items, ensuring that it is addressed directly and without postponement.

Form of the Draft Resolution: A proposal to dismiss the Prime Minister should take the form of a draft resolution, and the vote must be conducted in a manner that explicitly supports or opposes the adoption of this draft resolution.

Committee Review: It should be clarified whether it is necessary for such a draft resolution to be reviewed by the relevant Standing Committee before consideration by the full State Great Khural, and the procedure should be refined accordingly.

These measures are essential to ensure that the State Great Khuralary process for dismissing the Prime Minister or granting a vote of confidence strictly complies with the Constitution and preserves the accountability and stability of the government.

5. Violation of the Principle of the Rule of Law

According to Article 1.2 of the Constitution, the rule of law is a fundamental principle of state activity. It requires, among other things, that legal norms be clear, precise, and consistent with the Constitution.

The relevant provisions of Article 101.1 of the Law on the Procedure of the State Great Khural and Article 102.1 of the same law were found to be inconsistent with Article 43.1 and Article 44.1 of the Constitution, respectively. Specifically:

- The use of the vague term “the matter” in these legal provisions fails to clearly identify the issue of submitting and considering draft resolutions to dismiss the Prime Minister or grant a vote of confidence.

- This lack of clarity undermines legal certainty and predictability, which are essential components of the rule of law.

Therefore, these provisions violate the constitutional principle of the rule of law by failing to ensure that State Great Khuralary procedures for considering such resolutions are precise, predictable, and fully aligned with the Constitution.



6.991

8.055

11.800

12.195

18.911

14.238

11.888

14.152

18.161

14.152

18.161

14.152

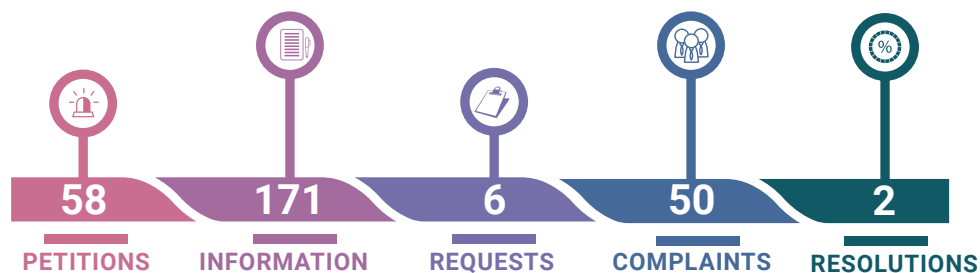
6.991

STATISTICS

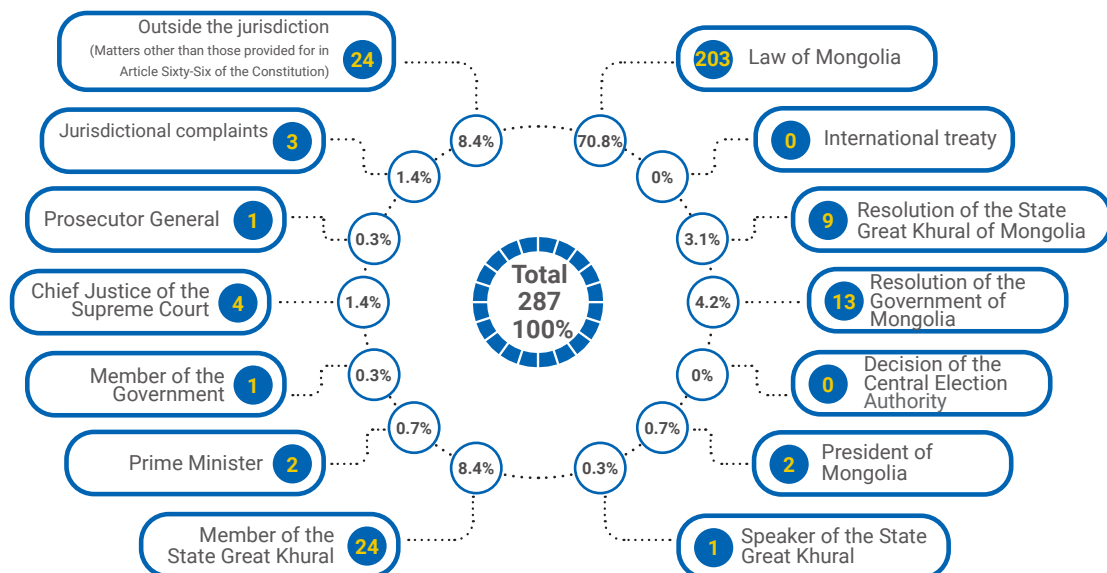


KEY INDICATORS OF THE CONSTITUTIONAL DISPUTE PROCEEDINGS IN 2025

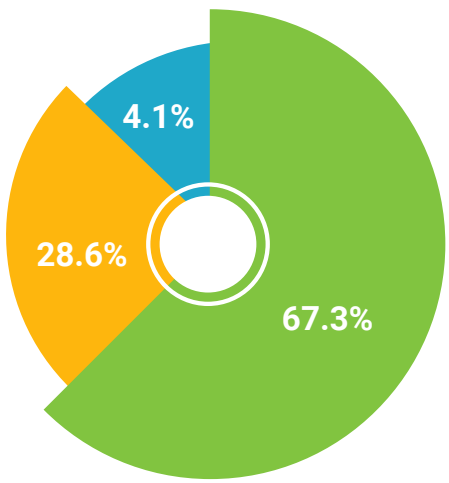
Cases adjudicated in 2025 by the Constitutional Court:



Contents of applications submitted:



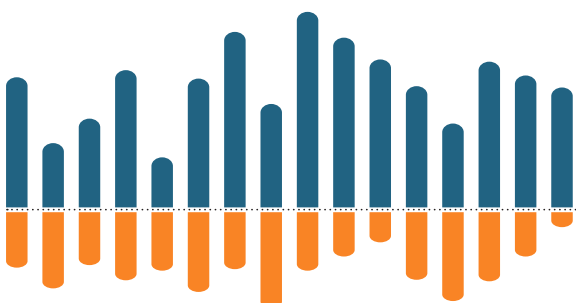
The number of sessions:



Total: 49

- 2 Full Bench Sessions
- 14 Medium Bench Sessions
- 33 Small Bench Sessions

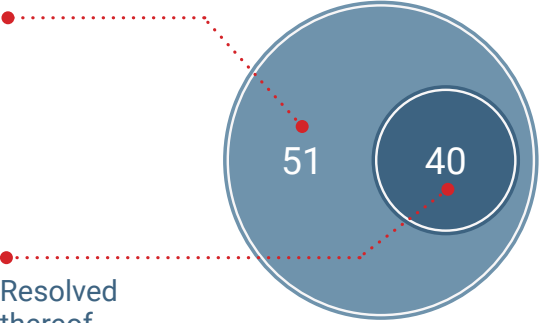
Adjudication status:



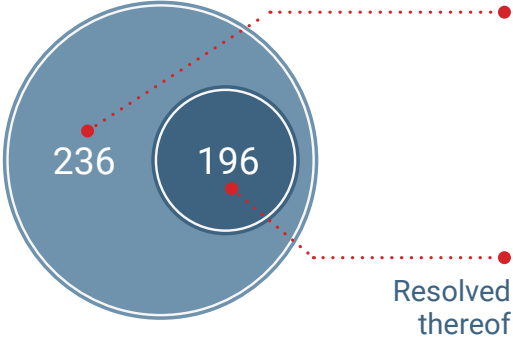
Completed cases: 236

Cases pending: 51

Disputes carried over from the previous year

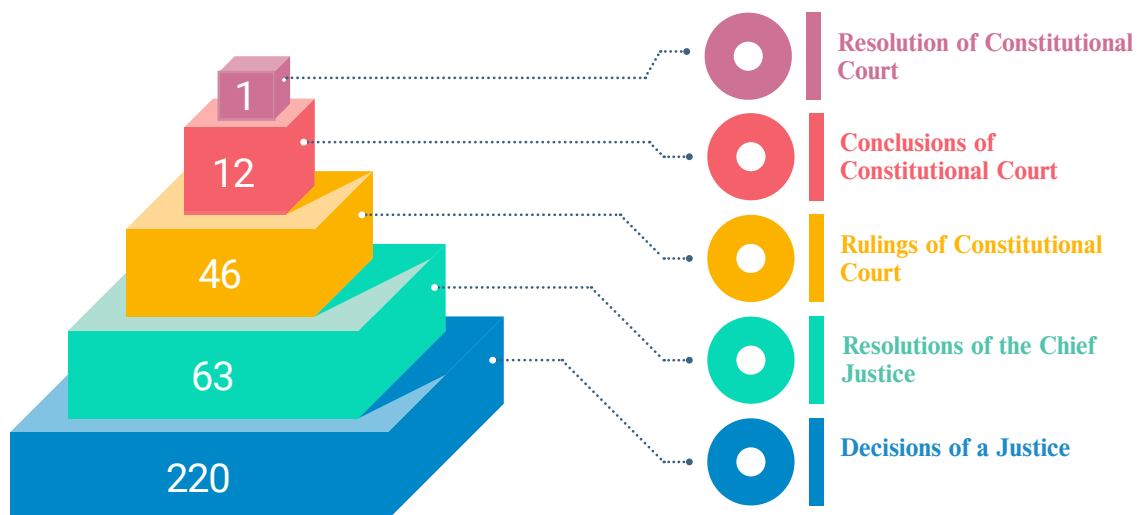


Received during the reporting year

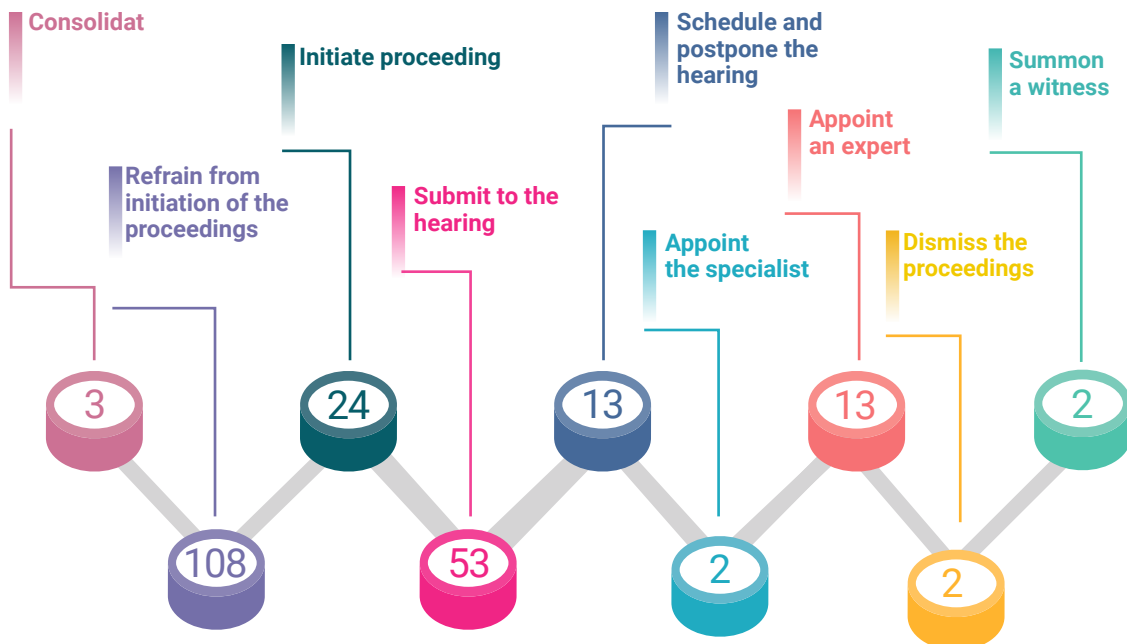




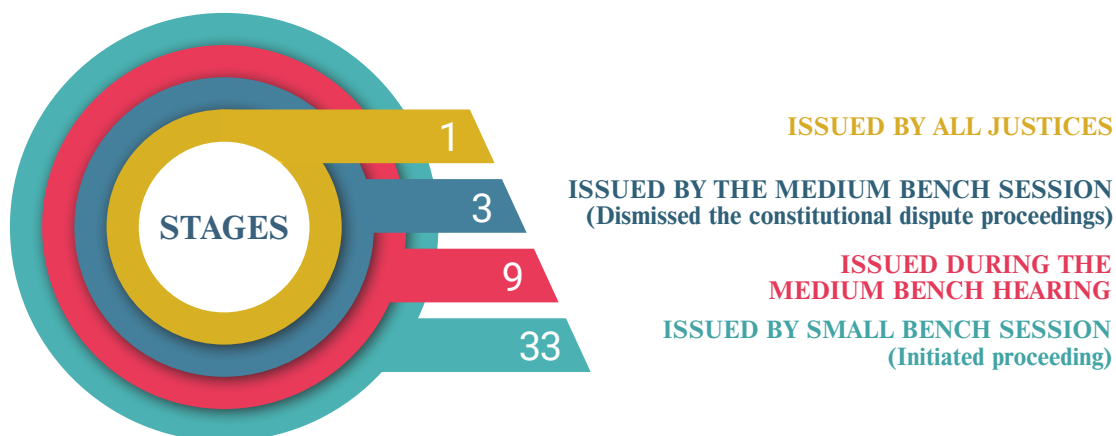
JUDGEMENTS:



DECISIONS OF A JUSTICE BY ITS TYPE:



RULINGS BY STAGE:

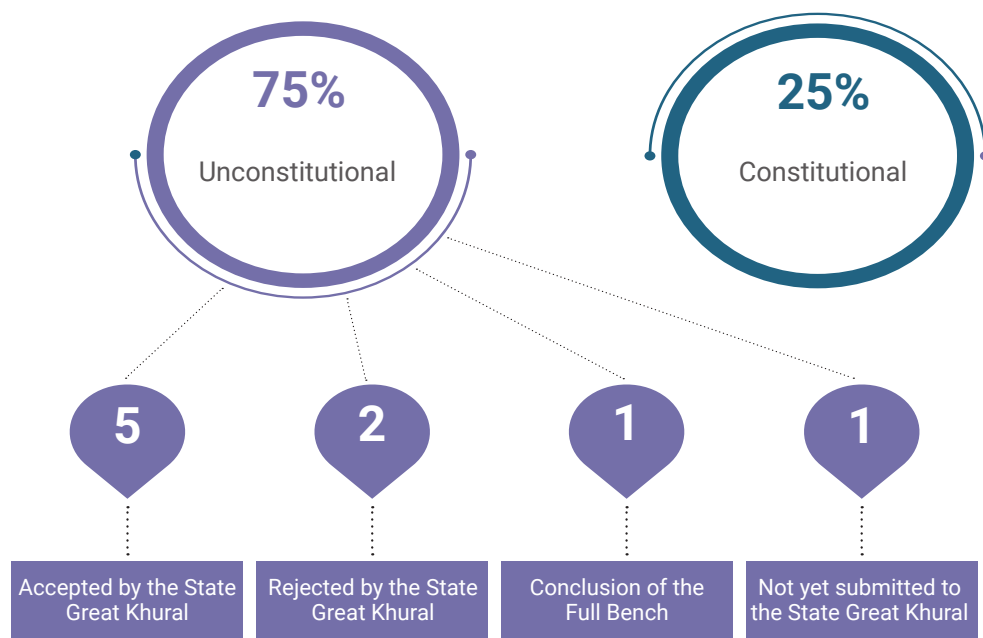


THE CHIEF JUSTICE'S RESOLUTION BY ITS TYPE:





Conclusions issued by the Constitutional Court:



Comparison of numerical data for the last five years:

	2021	2022	2023	2024	2025
Total submissions	191	187	273	231	287
Sessions of the court	30	28	49	34	59
Deliberation (disputes related to the hearing were deliberated)	-	-	-	-	3
Resolutions	1	1	2	1	1
Conclutions	6	1	4	3	12
Rulings	10	16	6	15	46
Resolutions of the Chief Justice	18	22	15	22	63
Decisions of a Justice	80	79	69	88	220

STATISTICAL DATA OF SUBMISSIONS TO THE CONSTITUTIONAL COURT OF MONGOLIA (1992–2025)

Year	Total submissions	Thereof				
		Petitions	Information	Complaints	Requests	Resolutions of the State Great Khural
1992	29	24	4	-	-	1
1993	67	26	34	3	2	2
1994	87	62	15	6	2	2
1995	48	30	14	4	-	-
1996	95	76	8	10	-	1
1997	76	67	2	5	2	-
1998	79	65	4	8	2	-
1999	43	36	2	5	-	-
2000	31	27	1	1	-	2
2001	27	22	3	1	-	1
2002	86	74	-	9	-	3
2003	58	51	2	4	-	1
2004	42	35	6	1	-	-
2005	76	66	4	4	-	2
2006	132	101	15	11	3	2
2007	127	84	14	25	-	4
2008	125	5	99	20	-	1
2009	114	90	6	18	-	-
2010	113	8	75	27	1	2
2011	101	80	1	19	1	-
2012	153	98	21	31	-	3
2013	132	90	15	25	-	2
2014	141	43	78	18	-	2
2015	176	38	90	36	1	11
2016	251	39	159	51	-	2
2017	165	32	94	38	1	-
2018	244	29	175	33	4	3
2019	250	63	137	44	3	3
2020	191	31	121	37	-	2
2021	191	29	133	23	3	3
2022	187	54	97	36	-	-
2023	273	31	179	59	-	3
2024	231	44	156	30	-	3
2025	236	54	130	44	6	2
Total	4377	1703	1896	686	31	61



STATISTICS ON DECISIONS ISSUED BY THE CONSTITUTIONAL COURT OF MONGOLIA

Year	Conclutions	Thereof		Resolutions	Rulings	Decisions of a Justice
		Unconstitu- tional	Constitu- tional			
1992	1	1		-	-	2
1993	4	2	2	3	4	18
1994	9	7	2	2	6	2
1995	7	2	5	2	6	16
1996	10	6	4	4	8	23
1997	6	3	3	3	10	26
1998	9	4	5	2	12	59
1999	1	-	1	-	6	25
2000	4	2	2	2	3	22
2001	2	1	1	-	1	14
2002	4	4	-	3	7	37
2003	3	2	1	2	5	25
2004	3	1	2	-	10	21
2005	9	7	2	2	5	52
2006	13	8	5	4	15	60
2007	13	4	9	3	19	106
2008	10	6	4	3	21	135
2009	7	3	4	3	16	96
2010	8	5	3	2	28	118
2011	5	2	3	2	14	81
2012	5	1	4	3	26	124
2013	6	3	3	1	25	114
2014	8	5	3	2	16	110
2015	16	14	2	11	30	154
2016	12	7	5	5	36	198
2017	7	2	5	2	29	136
2018	15	10	5	3	33	195
2019	4	3	1	4	34	187
2020	12	5	7	1	30	173
2021	7	6	1	2	21	141
2022	2	-	2	2	24	138
2023	5	5	-	4	40	173
2024	4	4	-	3	27	185
2025	12	9	3	1	46	220
Total	243	144	99	86	567	2966



Address: The Constitutional Court Building,
Zaisan Street, 11th Khoroo, Khan-Uul District,
Ulaanbaatar 17023, Mongolia
<https://constitutionalcourt.mn>