

Information Sheet - MONGOLIA

submitted as of November 10, 2011

General Information

1 Number of stakeholders in the Country

1-1-1 Population

2,754,685 (as of 2010)

1-1-2 Number of lawyers/attorneys-at-law

1.200 attorney

In 1980 the number of attorney was approximately 100, in 1990 it grown to 500 and present days the number is 1247.

1-1-3 Number of judges

amount 429 judges

1-1-4 Number of prosecutors

amount 381 prosecutors

2 Number of court cases handled by first instance courts

1-2-1 Number of civil cases

on 2007 year: 30699

on 2010 year 31055

1-2-2 Number of family cases

on 2007 year: 3544

on 2010 year 4632

1-2-3 Number of criminal cases

on 2007 year: 5831

On 2010 year 5460

3 Attorneys for Defendants in Criminal Procedures

Please explain in what kinds of criminal cases attorneys must be appointed for suspects or defendants in your country. Please also explain who appoints and bears the costs for the attorneys appointed.

- The participation of defense counsel in a **judicial examination** shall be obligatory in cases of following suspect, accused or defendant:

- mute, deaf, blind, and other persons who by reason of their physical or mental defects are not able to exercise their right to defend themselves;
- minors;
- persons who do not have command of Mongolian language;
- to whom death penalty may be applied;
- if one of suspects, accused or defendants who have contradicting interests on a case has a defense counsel, then other suspects, accused or defendants.

- If in instances provided for in Article 40.1. of this Law, defense counsel is not engaged by the suspect, accused, and defendant him/herself, or by his legal representative, member of family, relative or by other persons upon his/her commission, the inquiry officer, investigator, procurator or court shall be obliged to secure the participation of defense counsel in the case.

4 Profile of the Bar Association/ Organization and Attorney System

1-4-1 Location and contact information

Association of Mongolian Advocates
 Grand Plaza #1505, 15th floor
 Peace avenue -46, Bayangol district
 Ulaanbaatar city, Mongolia
 Tel: 976-70127491
 Fax: 976-70126861
 Website: ama.org.mn
 E-mail: monadvocate@monadvo.org.mn

1-4-2 History of Organization

In 1926, in article 65 of Mongolian Law of inspecting and punishment was stated that the prosecutor could participate in punishing process and as well as juridical organs could appoint plaintiff to defend a criminal or could hire him to involve in punishing process if criminal wanted. It was the first basis of the advocating activities in Mongolia.

In 28 May, 1928 was approved first rule for advocators named “Rule of group to help to public in inspecting and punishment” including 5 units, 12 articles by the Mongolian Congress.

According to the ideas of second constitution of 1940, in 19.., in criminal law clearly stated the rule to participate an advocators into the judicature. In that way, One side of the judicature, legal position stated in law named “advocatory” became and so, advocating unit to deal with advocating activities was established in 19.., in ministry of judicature.

In 1959, This unit has changed into “Public advocating Bar/board”.

The first Law of Advocate that approved in December, 1994 entered important role to originate guaranty of implementation of advocator’s authority when stating the fundament of legal regulations of advocating process, establishing new structure, direction of the advocating organization and advocating process.

In 2002, Second Law of Advocate was approved by Congress.

1-4-3 Governmental Supervision of the Organization and Registration of Members (Please explain whether or not, and if so how, your organization is supervised by the government.)

The Association of Mongolian Advocates is a professional, non-governmental organization.

Special license of advocacy is granted by Minister of Justice to persons who passed the bar examination.

1-4-4 Main Activities of the Organization

Main activities of the Association:

Protection of rights of members and represent their common interest
Organizing advocacy on territory of Mongolia, and provide professional administration

Provide support to social issues of members and improve working conditions.

To develop professional ability of members and organizing trainings and seminars.

Provide information to members regarding the profession.

To enhance reputation of advocates within the society

Participating in organizing bar examination

Establish and develop relations with similar foreign organizations.

1-4-5 Categories of Membership

No classification.

1-4-6 Number of Members

Counted in November 2010

Full: 1247

male 565

Female 682

1-4-7 Membership (voluntary or compulsory, please also explain where such registration should be filed)

Membership is mandatory, all advocates has to be members of the Association.

1-4-8 Executives and Officers, Number of Positions

- President (1)

- Vice President (1)

Assistant of the President – 1

Foreign affairs officer – 1

Officer in charge of training and human resource – 1

Secretary of publication – 1

- Director of information center -1

- Worker of information center – 1

- Worker of disciplinary committee – 2

- Finance worker – 1

1-4-9 Finances and membership fees (Please provide the yearly budget amount of your organization and also the yearly membership fees in USD)

Membership fee of advocates varies depending on location and population:

Capital city: around 240 USD per year

Orkhon and Darkhan provinces: around 195 USD per year.

Others: 154 USD per year.

Source of the financing are the following:

Fees from members

Gifts/Presents

Voluntary contribution/donation/aid

Properties accumulated by contribution works

Incomes from activities

Incomes from renting

Others

1-4-10 Journal, Newsletter, Website

“Advocate” magazine

Association of Mongolian advocates illustrated first magazine for Mongolian advocates in May, 2006 together with International Cooperation Association of Japan. This monthly magazine is dedicated for the advocates to express their ideas, to change information to each other, to deal their experience.

Website: www.ama.org.mn

1-4-11 Other Bar Associations (including the provincial associations) in the Country and the Number of Members of such Other Organizations

The Association of Mongolian advocates is the sole organization of legal professionals in Mongolia.. There are no provincial bar associations.

1-4-12 Qualifications To Become an Attorney

According to law on qualification of lawyers, persons who graduated law school and worked for 2 years will be eligible to give lawyer’s examination.

Persons who passed lawyers examination shall be eligible to give bar examination (advocate’s examination).

Persons who give bar examination shall be without any criminal record.

And former judges and prosecutors, investigators shall be prohibited to give bar examination for 3 years since quitting the former job.

1-4-13 Laws, Decrees or Regulations on Attorneys (Please explain if there are any laws, decrees or regulations on attorneys in your country. Please provide the JFBA an English translation if they are available.)

Advocacy law

Charter of the Association of Mongolian Advocates

Professional ethic rules

Rules of Disciplinary Committee of the Association

(English translation not available)

1-4-14 Code of Ethics and/or Rules of Professional Conduct (Please provide the JFBA an English translation if an English translation of these is available.)General meeting of the Association adopts the disciplinary code but it’s not available on English.

1-4-15 Disciplinary Functions (Please explain who has the power to take disciplinary action against members.)

The Ministry of Justice is responsible for the discipline of lawyers in Lao PDR.

Disciplinary committee of the Association is a non standing body which regulates ethical and disciplinary issues of member advocates.

Members of the disciplinary committee is elected from the General meeting of the Association.

1-4-16 Continuous Legal Education for Members (Please explain about the program, if any)

According to lawyer's examination law and continued training of lawyers, advocates has to collect 10 credit hours equal to 40 hours of seminars, per year.

1-4-17 Challenges the Organization is Facing (Please briefly explain the problems and challenges your organization is currently facing.)

- Although the Association is a non-governmental organization, competence of granting advocacy license, suspending the license and revocation of the license belongs to the Minister of Justice. So the Association drafted new law on advocacy to take over those issues and submitted the draft to legislative organs.
- We need programs and seminar on issues related to international treaties to provide our member advocates better understanding and information on international laws and treaties.
- Issue of developing and promoting alternative dispute resolution to people and refuse from deciding all cases by courts.

II Legal Aid

2-1 Please describe briefly the history of legal aid in your country.

0. the Court Law Provision

On the article 20 of the Court Law, the government is referred to be responsible to the fees of court procedure for those who can not pay them to protect their rights. But this operation had been expanded for a long time until reflect to budged of government and fulfill actual.

I. the Association of Mongolian Advocates

Until this time the Association of Mongolian Advocates has made following own measures:

- Schedule and arrange attorneys for legal assistance to citizen from each branch
- The Association of Mongolian Advocates provided attorneys to citizen in criminal case according to their authority ordinance or their mission.

In 2000 the government decided to spend a certain amount of budget (9 000 000 -12 000 000 togrog, about USD9000-USD12000) to provide legal assistance for poor people. This money should have been paid to advocates thorough the AMA. This operation was monitored by the Ministry of Justice and Home Affairs. To get money, the attorney should be confirmed by 2 kinds of documents: one is a certification from investigators, prosecutors or judges which shows he/ she participated in the procedure. The other is a certification of clients' financial state issued by the administrative offices. But the procedure is complicated and the fees were too small for time and effort they spent on. So many advocates did not receive money nor some did not work for the poor.

The rate by the order of Minister dated 1st May 2003 was as follows.

for criminal light cases	12600 tugrug, (about \$12)
heavy cases	21600 tg
heavier cases	28800 tg
heaviest cases	43200 tg

But now this program is stopped.

In 2002 the Law on Advocacy was reformed and it included a clause that requires each attorney to advocate at least two cases of the indigent every year. When the request come from the authorities like investigators, prosecutors and judges, the Association of Mongolian Advocates assigned an attorney for the case. Attorneys who were assigned to serve the poor citizen did their work excellently. But there were a certain number of attorneys who did not do this kind of work. Some of them were not assigned by AMA, and there was not any clause reffered to the responsibility of advocates to handle at least two cases before 2002. Even after 2002, there is no penalty

Since 2007 the Ministry of Justice and Home Affairs has not been assigned to pay back fee for free legal assistance to Association of Mongolian Advocates.

II. Pilot Legal Aid Centers by the fund of Soros Foundation

From 2004 to 2006, the Ministry of Justice and Home Affairs and Association of Mongolian Advocates founded the National Advocate Center by the fund of the

Soros Foundation for poor people in “SonginoKhairhan” district and “Khentii” province to give free legal assistance.

III. “National Legal Assistance Programme for the Indigent”

The Ministry of Justice and Home Affairs, the Open Society Forum and UNDP have implemented “Access To Justice” programme. They found four Legal Aid Centers on 1st May of 2008 and 26 Centers on 1st August of 2008 which give free legal advice on each province and each district of capital. They made competition and made contracts with applied attorneys to serve indigent people.

IV. Legal Clinic Center in Universities

The law universities have been operating the clinic center which give free legal advice to poor people by undergraduated and teachers. Those universities are the National University, Legal Institute, Shihihutug, Ikh Zasag and etc.

2-2 Please outline the legal aid organization and its programs.

I. AMA lawyers types of advocacy activity

- Represent before courts and administrative organization in civil cases and administrative offence
- Represent victims in the criminal procedure
- Advocacy in criminal cases (in investigations, inquests and trials)
- The provision of legal advice and information
- Assistance in the preparation of documents with legal contents

II. Pilot Legal Aid Centers

Two centers were built and
In two years the Ulaanbaatar city center of the advocation to insolvency citizen had been advocate 1012 criminal case without fees on judge, case registration, inquisition step. Project period ended and it was abolished.

III. Legal Aid Centers by National Legal Assistance Programme for the Indigent

On 2006 by Mongolian government 236 ordinances had been founded legal assistant centers which total 30 attorneys. And each center had two employer one attorney and second assistant.

Government of Mongolia adopted resolution 263 on “**National Legal Assistance Programme for the Indigent**” According to Programme Legal Aid Centers shall be established throughout the country in every Aimag and district engaged to deliver free legal aid, legal training and public advocacy in order to ensure constitutional right to legal aid.

Service provided by Legal Aid Centers:

- Free legal assistance to indigent people involved in criminal case
- Basic legal aid in criminal, civil and administrative matters
- Legal training and public advocacy

IV. Law schools clinic center

The teacher with license of advocate teaches at universities and they provide legal clinic service with their students. This operation will be made by agreement of consumer without fees.

2-2-1 Name of the legal aid organization/head office location

I. Association of Mongolian Advocates:

Grand Plaza #1505, 15th floor, Peace avenue-46, Bayangol district, Ulaanbaatar city, Mongolia

I. Pilot Legal Aid Centers

Two centers were in Ulaanbaatar Songinokhaikhan district and Khentii Aimag

II. Legal Aid Centers

Governor's office of each Aimag(province) and each district of UB.

IV. Legal Clinic

MNU of Law School, Shikhikhutag Law school, Ikh Zasag Law schools building

2-2-2 When was the above organization established?

I. **Association of Mongolian Advocates (AMA)** established on 1928

II. **2 pilote Legal Aid Centers** 2004.06.10-2006.06.10

III. **“ National Legal Assistance Programme for the Indigent” programme**

4 Legal Aid Centers on 2008.05.01

26 Centers on 2008.08.01

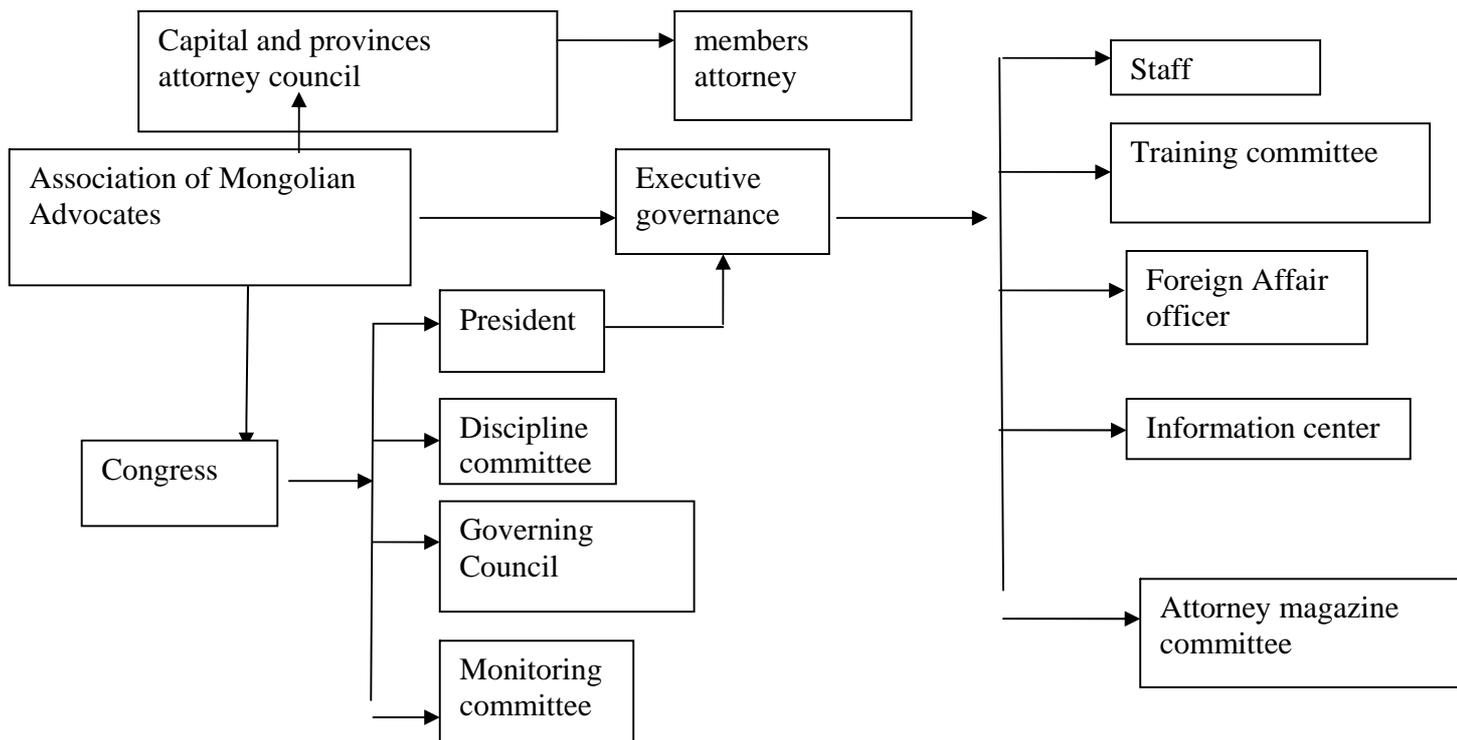
IV. **Law schools clinic center**

Legal Clinic Center of Mongolian National Law School since 1999

During the period 1999-2001 it was supported by Soros Fund

2-2-3 Please describe briefly the organization structure such as branches and other offices.

I. **AMA** Association of Mongolian Advocates



II. 2 Pilot Legal Aid Centers

They had 2-3 lawyers in each office

III. “ National Legal Assistance Programme to Indigent”

Every aimag's and district's LAC consist of two members. One is an advocate with license and he/she will work on contract. And the other is an officer of administrative unit responsible for legal training and public advocacy.

IV. Law schools clinic center 2003

Undergraduate, instructor teacher and clinic center teacher with license.

2-2-4 Please explain about the organization's service delivery model such as salaried legal professional (staff attorney) and/or private legal professional (judiciary).

I. Association of Mongolian Advocates (AMA) –private legal professional

Our organization is serve to the client by private legal professional. Every advocates have to do pro bono cases at least 2 in a year.

II. 2 pilote Legal aid Centers – salaried legal professional with license

III. Legal Aid Centers according to “ National Legal Assistance Programme for the Indigent”

One is an advocate with license and he/she will work on contract and be paid monthly salary. And the other is an officer of administrative unit responsible for legal training and public advocacy.

IV. Law schools clinic center

Students and law teachers with license provide service free of charge

2-2-5 Please explain about the budget for the legal aid system.

I. Association of Mongolian Advocates (AMA)

From 1997- 2007 by state budget, from 2008 self funded

II. 2 pilote Legal aid Centers

By the support of Soros Fund(Open Society Forum)

III. “ National Legal Assistance Programme to Indigent”

UNDP provided equipment for Legal Aid Centers.

After establishment the Government is responsible to maintain the LACs.

Salary of advocates of each center is paid by the fund of Open Society Forum.

The officers from the administrative units are paid by the government.

IV. Law schools clinic center

In the first 1-2 years, they were founded by Soros Foundation.

2-2-5 How many recipients have received the legal aid assistance in main legal aid programs in recent years?

I. Association of Mongolian Advocates (AMA)

2007- 1331 recipients

2008- 1290 recipients
2009- 1327 recipients
2010- 1183 recipients

II. 2 pilot Legal aid Centers

At the Songinohairhan (UB) office
From 2004 Jun. to 2006 Jun.
Solved 1012 cases (1131 recipients)
Solved after the end of project period 56 cases (62 recipients)

III. LAC by “ National Legal Assistance Programme for the Indigent”

From 2008.05.01 until now 72 clients applied for LAC service, 199 citizens were given basic legal aid, 7 trainings were conducted in LACs of Ulaanbaatar city districts.

conducting its activity in 21 provinces and 9 districts
2008 – 757 recipients
2009 – 1468 recipients
2010 – 1593 recipients

2-2-7 Please explain about the main activities of the legal aid organization, including entitlement to legal aid and reimbursement of the assisted legal aid costs

I. Association of Mongolian Advocates (AMA)

Advocates provide legal service for the indigent after confirmation by local administration
Government should pay these advocates according to the order of Minister on 1st May 2003.
for criminal light cases 12600 tugrug, (about \$12)
heavy cases 21600 tg
heavier cases 28800 tg
heaviest cases 43200 tg
Now this budget is stopped.

II pilote Legal aid Centers

Monthly salary of 180,000 tugrug

III. LAC by “ National Legal Assistance Programme for the Indigent”

Monthly salary of 240 000 tugrug

2-3 What are the future issues or challenges with respect to the legal aid system in your country?

To access to justice by international level and improve our legal system. Our country purposing to establish perfect legal service to the society.

2-4 Please let me know if the legal aid organization have an English language website.

AMA does not have web sites in English. But we will soon make it.

III Legal consultation (other than that covered by the Legal Aid system explained in above II.)

Legal consultation is not developed in Mongolia, so it's becoming and issue which the Association pays attention recently.

3-1 Legal Consultation Programs (Please explain if there are legal consultation programs managed by your organization (or other institutions) other than those covered under the Legal Aid system in your country.)

3-2 Fees for Legal Consultation (Please explain the fee structure for such legal consultation programs.)

3-3 Management of the Legal Consultation Program (Please explain how such program is run by the organization.)

3-4 Appointment of an Attorney for Legal Consultation (Please explain how an attorney (consultant) is appointed.)

3-5 Flow to the legal representation (Please explain how such legal consultation may lead to legal representation by an attorney)

3-6 Number of Consultations (Please provide statistics on how many legal consultations have been carried out per year.)

IV Shortages of Lawyers in Local Areas

4-1 Is there any figure of lawyers who work in local areas in your country?

Arhangai Province 6
Bayanhongor Province 9
Bayan-Ulgii 6
Bulgan 6
Govi-Altai 4
Govi-Sumber 2
Darhan-Uul(includes the third biggest city) 19
Dornogovi 5
Dornod 13
Dundgovi 7
Zavhan 6
Sukhbaatar 7
Selenge 10
Orkhon (includes the second biggest city) 26
Uvurhangai 14
Umnugovi 8
Ubs 11
Tuv 7
Khovd 10
Khuvsgul 8
Khentii 7
Bor-Undur
Selenge Zvvn kharaa 2

4-2 Do you think that there are a sufficient number of qualified lawyers working for citizens in local areas in your country?

No. there are not enough lawyers working for citizens in province for our country. On provinces there are approximatedly two hundred attorneys, and there are six attorney for one aimag by average. On Govi-Sumber aimag province there are 2 attorney working there it is minimum number. On Darkhan – Uul province there are 18 attorney and on the capital of the city approximately one thousand attorney working.

4-3 If the answer of Question 3-2 is negative, what have caused such shortage of lawyers?

In the local areas lot of problem like sufficient of information, salary fees is low and biggest problem is poor consumer, so they can't pay the money to the lawyer. So advocates prefer to live and work in city.

4-4 Does the legal aid organization or the bar association/law society has any programs in dealing with legal services in local areas in your country?

No. Our organization program is same for all advocates

4-5 If the answer of Question 3-4 is affirmative, please describe briefly such programs.

4-6 What are the future issues or challenges with respect to the shortage of legal services in local areas in your country?

Our organization purposing to establish perfect rule of law in every place of Mongolia and access to justice. For this we have to do lot of thing.

IV Other Obstacles to Hinder Access to Justice

5-1 Are there any obstacles to hinder access to justice other than the problems with the legal aid system and the shortage of lawyers in local areas?

Luck of information, large migration of people from rural to urban settlements,

5-2 If the answer of Question 4-1 is affirmative, please describe briefly such obstacles.

Obstacle hinder of access to justice is old socialist society mentality. They use law by old established type not by adapting to human right, fundamental freedom. Now issue new cadres but in adjudge step the decision can't be true quickly.

5-3 Please explain briefly the educational system to produce qualified lawyers in your country.

In Mongolia the lawyers study 4-5 years in bachelorship. After this 2 years study by own education course. But generally they going to be assistant of attorney. After all this they going to give examine by each point which who want attorney, judge, prosecutor lawyer.

5-4 Do you think that your country has enough lawyers to substantiate the access to justice?

The number of the lawyers enough. But there are not enough lawyer in local areas who work in.

5-5 Do you think that your country produces newly qualified lawyers every year to substantiate the access to justice?

Yes

5-6 If the answer of Question 4-4 or 4-5 is negative, please describe briefly the reason for such shortage and your thoughts on how to solve such problems.

For me our country every year improve our education system on law. Therefore it is showing improvement our education system.

VI Cooperation with Foreign Organizations

6-1 Please explain the details of recent and future projects relating to any of the above discussed issues in your country, in regard to which any foreign (governmental or non-governmental) organizations are providing assistance.

No considerable program.

VII Others

7-1 Please describe briefly the recent movements or topics in the legal community, including the bar association/law society.

1 New Activities by committees formed in the capital branch of AMA
10 committees were organized in the capital branch of AMA in February 2008.

Those are;

- Committee on Special Ethics for Advocates
- Committee on Human Development
- Committee on Public Relations
- Committee on the Rights and Interests of Advocates
- Committee on Legal Training
- Committee on Economy and Business
- Committee on International Relationship
- Committee on Juvenile Justice
- Committee on the Rights of victims

Average 20-30 lawyers are working in each committee for each aim. And they sometimes have recreational events like championship of sports or performance among all the committees.

2 JICA Project

AMA is working with JICA project since 2004.

JICA project supports AMA with issuing monthly journal, making Directory of Advocates, training in Japan and in Mongolia on several subjects.

And also the Mediation Center was established under AMA by support of JICA.

3 Continuous Training for Lawyers

Continuous training has started from 2008. Lawyers including advocates, prosecutors, judges and notaries have to take 30 credits in 3years otherwise they lose their license. Those 30 credits includes mandatory 6 credits for legal ethics, mandatory 3 for constitutional law, 21 from selective subjects. Training are provided by National Legal Institute (training and research organization under the Ministry of Justice and Home Affairs).

7-2 Please fill in any comments or your thoughts to way to achieve the well-organized access to justice in your country.

To establish access to justice we should completely establish the rule of law. To access international contract of human right and fundamental freedom. Educate all the lawyer for this duties.