**Answers to questionnaire**

**Protection of lawyers in the free and independent exercise of the legal profession**

**1. Taking into consideration the guarantees for the functioning of lawyers, contained in principles 16-22 of the Basic Principles on the Role of Lawyers, please describe the constitutional, legal, administrative, and policy measures adopted in your country to enable lawyers to exercise their professional activities in favor of their clients in a free and independent manner.**

The Law on the Legal Status of Lawyers was adopted in 2012, and the Mongolian Bar Association has been established accordingly. We are working to adopt a revised version of this law this year. In connection with the adoption of amendments to the Constitution of Mongolia in 2019, the Law on Court was revised and approved by the State Great Hural as part of judicial reform and has been in force since March 1 of this year. The Law on Advocacy was also amended. The Government of Mongolia and the State Great Hural are working to pass relevant laws on these issues.

**2. Please describe the entities or mechanisms that are in place to prevent and punish interferences with the free and independent exercise of the legal profession, whatever the source of the interference.**

According to Article 49.3 of the Constitution of Mongolia, “The General Council of the Judiciary shall function to ensure the independence of judges and the independence of the judiciary” the Law on Courts of Mongolia aims to ensure the independence of the judiciary, thus the General Council of Judiciary will comprise of 10 members, 5 judges and 5 non-judges. This is an important system for establishing a framework for the independent conduct of the legal profession.

On the other hand, the Mongolian Bar Association is a guarantee for the independence of other legal entities, such as judges, prosecutors, advocates, and notaries. The Law on the Legal Status of Lawyers, passed by the State Great Hural in 2012, which states that the Mongolian Bar Association will be the main structure for establishing a system of professional reputation and accountability for lawyers.

According to Article 56 of the Law on the Legal Status of Lawyers, the Bar Association has a committee in charge of protecting the rights and legitimate interests of lawyers, which has certain responsibilities to ensure the independence of lawyers.

However, with the enactment of the Laws on the Prosecutor's Office, the Law on Advocacy, and the Law on the Courts of Mongolia, the system of ensuring the independence of lawyers has become a separate sector.

**3. Please describe the role of the national bar association/s/ in protecting lawyers and free exercise of the legal profession. Is the bar association de jure and de facto independent from State?**

The Mongolian Bar Association is implementing its function to protect the interests of lawyers through the Committee to Protect the Rights and Legal Interests of Lawyers. This committee’s function is ensuring human rights, freedom, and justice by protecting the rights, legal interests of lawyers and supporting their activities. The Committee performs this function on its own initiative and on behalf of the Bar Association, provided that the common interests of lawyers are affected. For example:

* Organized a month-long campaign to “Protect the rights of lawyers”, and a speech contest on “Protection of lawyers’ rights”, and a discussion on “Legal environment of advocates and ways to improve them”.
* A panel discussion on “What is a legal profession?” was organized with the participation of more than 60 lawyers, scholars, and law students.
* The issue of 12 judges who were not reappointed without justification was raised at the 28th POLA Summit.
* The President of the Mongolian Bar Association addressed the President of Mongolia on the issue of 12 judges who have not been reappointed without a legal basis by the decree of the President of Mongolia. Also briefed on issues related to the reappointment of these lawyers, and the independence of all judges, as well as the General Council of the Judiciary's failure to fully fulfill its legal obligations in the selection of judges.
* The Mongolian Bar Association found that “Decree No. 198 of the President of Mongolia dated 18.12.2013 violated the relevant provisions of the Constitution of Mongolia, and an appeal to the Constitutional Court to annul the decree.
* Discussions on “Our common rights and interests as lawyers” were held twice. The discussion was attended by about 120 lawyers in duplicate, as well as representatives of lawyers who have applied to the Committee to protect their rights, and interests.
* A content that showing the difference between lawyers and unlicensed people was created and posted on the public media and the Mongolian Bar Association’s website.
* On October 16, 2015, during the fall 2015 regular meeting of the Mongolian National Assembly, a "statement" was issued in relation to a significant reduction in the court budget and judge's salary in the Mongolian budget.
* On January 25, 2016, held a press conference to convey that the legal basis for dismissal of judges should be clear and under the law when adopting a law on the structure of the judiciary.
* March 9, 2018, A “Statement” was issued “It is unacceptable to threaten or encourage lawyers to attack their families and children because of their professional activities as provided by law” and to appeal to urging people not to engage in inappropriate actions such as infringing on legitimate interests.
* In March 2019, the media repeatedly reported that several lawyers violated the law, and held a press conference to announce the statement to protect the common interests of lawyers.
* On March 17, 2021, to announce the statement because of “Defamation of lawyers through the media and the social media, blackmailing them altogether, interfering with the independence of the proceedings by obstructing the professional activities of lawyers, and threatening lawyers in connection with their official duties”.
* Under with the Board of the Mongolian Bar Association's decision No. 6 on April 24, 2021, it decided to carry out related tasks to protect the rights and interests of lawyers.
* Organized discussions on “Professional activities of lawyers” and “Common rights and interests of lawyers”.

The Mongolian Bar Association is committed to ensuring that lawyers practice their profession independently and adheres to the rules of professional practice of a lawyer. The Committee in charge of Professional Rules and Ethics of a lawyers is responsible for approving and enforcing rules of professional practice of a lawyer. The committee promotes the legal profession to lawyers, organizes legal ethics training, and conducts research on legal ethics. In particular, the committee carried out the following work. These include:

* Organized a training on “Lawyer ethics and content of the Code of Lawyers”
* Who knows the rules of the legal profession better? ”Competition was successfully organized on May 27, 2016 for the first time among lawyers working in the capital city.
* Compiled and published the “Compendium of Lawyers' Code of Ethics, Rules and Procedures” and distributed it to lawyers.
* A survey was conducted among all lawyers on the difficulties and problems encountered in implementing the professional code of law.
* Translated into English the rules of professional practice of a lawyer.

The Mongolian Bar Association is a public legal entity with its own management, which unites all lawyers practicing professionally in the territory of Mongolia. Therefore, all activities of the Bar Association are based on the voluntary organization and initiative of lawyers, and the Mongolian Bar Association conducts all its activities independently of the government.

**4. Please provide detailed information on the number of lawyers that have been subject to criminal, administrative or disciplinary proceedings in the last five years for alleged violations of standards of professional conduct. How many of them were found guilty? How many of them were ultimately disbarred?**

A total of 56 lawyers have been warned, 12 have been temporarily suspended, and 4 have been disciplined for professional and ethical violations over the past five years. In addition, 17 lawyers were revoked on criminal grounds.

**6. To what extent has, the legislation and/or measures adopted in your country because of the Covid-19 pandemic, affected the exercise of the independence of the legal profession of security of lawyers. Please explain.**

During the period of public emergency and strict lockdowns, all organizations and enterprises and arts, cultural, sports activities have been all closed, except for 13 field-organizations that are allowed to run their daily operations under strict control because of their strategically importance to the public safety and protecting the human rights.

Judges, prosecutors, advocates and notaries are all members of the Mongolian Bar association, therefore, the daily activities of the country’s legal system organizations cannot be stopped or closed due to its importance of protection of human rights and to ensure constitutionally protected human rights. Approval of the Law on Prevention, Combat, and Reduction of Social and Economic Impacts of the COVID-19 by the State Great Hural has more affected the interests of restricted citizens. One of the important functions of the Mongolian Bar Association is to organize professional training for lawyers. Prior to the pandemic, we conducted classroom trainings in Ulaanbaatar and 21 provinces. However, due to the pandemic, it is no longer possible to organize public events, so we are introducing new methods, electronic platforms such as Zoom, and holding webinar trainings for lawyers. We are also preparing video and audio lessons in cooperation with foreign donor organizations.

Despite the pandemic restrictions, in 2020 and 2021, the “Lawyer’s Professional Examination” was organized in accordance with the quarantine rules.

The Mongolian Bar Association has repeatedly postponed or canceled some of the major projects planned for 2020-2021 due to the Covid-19 pandemic. Including 33rd LAWASIA Conference under the auspices of the President of Mongolia in September, 2020 in Ulaanbaatar.

**7. Please describe the measures and policies you would suggest to better protect and guarantee the free exercise of the legal profession.**

           To allow lawyers to practice their profession independently and freely, it is necessary to strengthen the Mongolian Bar Association and improve its legal status. It is also necessary to involve lawyers in the law-making process, to reflect their views on the law.