

**Зохистой амьжиргааны нэг нөхцөл буюу зохистой орон байраар хангагдах эрх болон энэ асуудлын хүрээнд алагчилахгүй байх эрхийн Тусгай илтгэгч Л.Фархагийн асуултад өгөх хариу /англи хэл дээр<sup>1</sup>**

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№	Question	Answer
1	Are the following components of the right to housing subject to hearings and effective remedies before courts and/or tribunals in your country? If yes, please explain which law provides this protection, who has standing to bring claims forward and what court or tribunals adjudicates the claim.	In conformity with Article 27.2.4. of the Law on Court Decision Enforcement during the winter season the senior enforcement officer may suspend the court decision on forced eviction upon evaluation of the evicted persons living conditions until the end of the winter season.
2	What measures have been taken or are planned to improve access to justice for the right to housing? Please include, where applicable, measures relating to i) education of lawyers, advocates and potential rights claimants.	Article 3.1.1 of the National Program on Enhancing the Public Legal Education endorsed by the Resolution #50 of the Cabinet of the Government , 14 February 2018 provides that "the uniform methodology for the development of the content of legal information, training and publicity and for their dissemination and delivery shall be elaborated conformant to the human rights-based approach and methodology"
3	Please identify where responsibility lies for education and training of judges and administrative decision-makers regarding their international human rights obligations. What measure have been taken to ensure that domestic law is interpreted as far as possible to provide for effective remedies for the right to housing?	1/ Article 10.1.4. of the Law on Court Administration indicates that the Judicial General Council shall organize the practical and continuing theoretical education of judicial and administrative staff in cooperation with the Lawyers Association, the Public Service Council and other educational organizations. 2/ Clause 1 of the Resolution #17 of the Supreme Court of Mongolia, 15 June 2009 regarding the interpretation of certain Articles of Chapters 10, 11 of the Civil Code specifies that a house, a building and/or other objects shall be understood as both movable and immovable property. Claus 1.1 of the Resolution #18 of the Supreme Court of Mongolia, 15 June 2009 regarding the interpretation of certain Articles of Sub-Chapters 1, 2 of Chapter 12 of the Civil Code specifies that the proprietor shall exercise the right to protect his/her property from any intrusion by submitting a claim to the relevant authority or by his/her demands and/or actions.
4	Are you aware of examples in your country of community-based initiatives to provide hearings and remedies for the right to housing outside of formal court or tribunal process?	The Law on Mediation adopted on 22 May 2012 and effective since 15 April 2013 provides for a mediation process in relation to civil, individual labor and/or domestic disputes. In conformity with the given Law staff and non-staff mediators are working in first instance courts. The mediation process shall commence upon application by parties to a dispute, upon the agreement of the plaintiff and the defendant of a case to settle and/or upon the consent of parties to a case to settle based on the recommendation of the judge.

<sup>1</sup> Тус хавсралтыг цахим хэлбэрээр авах бол Шүүхийн судалгаа, мэдээлэл, сургалтын хүрээлэнгийн судлаач-багш Ч.Содхүү /261245, 99023153/-тэй холбогдож авна уу.

		In case of failure by one of the parties to fulfill its duties under the settlement agreement the other party shall have the right to submit a claim to the court.
5	What role does your National Human Rights Institution play in ensuring access to justice for the right to housing?	<p>Article 17.1.1 of the Law on the National Human Rights Commission of Mongolia indicates that Commissioners shall exercise the power to "submit claims to the Courts with regard to issues of violation of human rights and freedoms by business entities, organizations, officials or individual persons to participate in person or through a representative in judicial proceedings in accordance with procedure established by the law;". This claim shall be exempted from court expenses.</p> <p>Article 19.5 of the said Law indicates "Commissioners may approach the Court, according to the procedure established by law, regarding the business entities, organizations or officials which have refused to undertake relevant measures as provided under his/her demands and/or recommendations."</p>