

LAW OF MONGOLIA
February 5, 2016 **Ulaanbaatar city**
ON CHILDREN'S RIGHT
CHAPTER ONE
GENERAL PROVISIONS

Article 1.Purpose of this Law

1.1.The purpose of this Law is to regulate relations in connection with defining the powers of state authorities, citizens, and legal entities with functions to protect the children's rights, creating a system for ensuring the children's rights, and implementing the children's rights and freedoms.

Article 2.Legislation on Children's right

2.1.The legislation on children's right shall consist of the Constitution of Mongolia, Civil Code, Law on Family, Law on Children Protection, this Law and other legislative acts issued in conformity with these laws.

2.2.In order to interpret the principles, terms, and concepts of children's rights, the laws of Mongolia and the provisions of international treaties of Mongolia can be applied.

Article 3.Scope of the application of the Law

3.1.This Law shall apply to ensuring the rights of children from their birth to 18 years of ages.

3.2.This Law shall apply equally to the children of foreigners and stateless persons residing in Mongolia.

Article 4.Basic principles of children's rights

4.1.The following principles shall be adhered to in the protection of children's rights:

4.1.1.not to discriminate against children;

4.1.2.to cherish to ensure in priority the fundamental rights of children when conducting the activities by the State, citizen, and legal entity, and equally maintain children's right to survival, development, protection, and participation in social life;

4.1.3.to respect the children's opinion by taking into account of their age and maturity;

4.1.4.to be based on the traditional national customs and moral values to ensure the children's rights;

4.1.5.to provide the children with news and information suitable for characteristics of their age, body and mindset.

CHAPTER TWO

CHILDREN'S RIGHTS, DUTIES OF PARENTS, GUARDIANS AND CUSTODIANS

Article 5.The right to survival of the child

5.1.Children shall have the rights to receive a name and to be a national of Mongolia upon their birth, and the issue to become a national of Mongolia by a child of a foreign citizen and stateless person shall be regulated by the laws and international treaties of Mongolia.

5.2.Children shall have the right to grow up healthy, live in a safe environment, and be free from any violence.

5.3.Children shall have the right to live with their parents and to be under their care, to have a permanent relationship with them when they live separately from their parents, and to express their views and opinions about with whom they should live when their parents are divorced or living separately.

5.4.Children shall have the right to receive medical assistance, pension, benefits, care, welfare and protection services from the State.

5.5.Children of Mongolian citizens, foreign citizens and/or stateless person permanently or temporarily residing in Mongolia, shall have the right to immigrate abroad, flee abroad, permanently or temporarily reside, and live in their country together with their parents, guardians, and custodians.

Article 6.Children's right to development

6.1.The progress of a children's physical, mental, intellectual, psychic, behavioral, and relationship development shall be considered as the children's development, and the children shall have the following rights:

6.1.1.to have free acquisition of the primary, basic and secondary education;

6.1.2.to acquire and inherit the native language, literacy, customs, historical and cultural traditions;

6.1.3.to receive support from the State for the development of children's intelligence, talents, physical abilities, and skills;

6.1.4.to have a freedom of conscience and religion;

6.1.5.to think freely, to express their opinion freely by themselves or through others, to search and receive information;

6.1.6.to develop themselves in family and social environment.

6.2.Children shall exercise their right to development in the form of playing during their vacations and free time, spending time in children's camps and sanatoriums, taking part in competitions, development programs, training courses and sections, groups and clubs according to their interests, studying in development centers and children's palaces.

Article 7.Children's right to protection

7.1.Children shall have the right to be protected from crime, violation, violence, physical punishment, emotional stress, neglect and any form of exploitation in all social environments.

7.2.In case of the violation of the children's rights by parents, guardians and custodians, the children shall have the right to cease or terminate the legal relationship with them in accordance with the appropriate procedure, and to restore the respective relationship if the circumstances have been disappeared.

7.3.Children shall have the right to be protected their dignity, family life, personal information, inviolability of their home, and their personal space.

/This paragraph was amended by the law as of December 17, 2021/

7.4.In case of the violation of the children's rights, the children shall have the right to file a complaint with the relevant national or international organization by themselves or through their authorized representative and to have resolved them.

7.5.Relations in connection with the children's right to be protected shall be regulated by the law.

Article 8.Children's right to participate in social life

8.1.Children shall have the right to participate in social life, and they shall have the following rights when participating in social life:

8.1.1.to participate in activities suitable for characteristics of the children's age, body and mindset, as well as not prohibited by the law, and to have a freedom of association;

8.1.2.to participate in making decisions and giving assessments on any issues related to them;

8.1.3.to own and benefit from copyrights, inventions, and utility models created by them in accordance with the legislation;

8.1.4.to own and inherit their own property according to the grounds and procedures specified in the law, and receive remuneration and incentives for work and services;

8.1.5.to exercise and demand the rights granted by the law.

Article 9.Education and development of children

9.1.Educating children shall be a continuous activity of developing good personality, good deeds, and moral values in the children, and the following directions shall be followed in educating children:

9.1.1.to love parents, respect and help others;

9.1.2.to care and protect the motherland and the environment;

9.1.3.to be acquired pre-school, primary and secondary education at the appropriate age;

9.1.4.to abide by the legal justice and honor the national heritage and traditions;

9.1.5.to be acquired skills and habits on health, self-protection, and living;

9.1.6.to develop the mind, body and talent.

Article 10.Obligations of parents, guardians and custodians

10.1.In order to ensure the rights of children, the parents, guardians, and custodians shall undertake the following obligations:

10.1.1.to create happy, loving, and caring environment to develop the children in all aspects in their family;

10.1.2.to educate children and develop communication culture;

10.1.3.to prevent and protect against risk conditions that may have an adverse impact on the children's development and health;

10.1.4.to cooperate with schools, children's and other related organizations, officials and citizens in educating children, acquiring education, and developing their talents;

10.1.5.to be involved the children in social services provided by the legislation;

10.1.6.to keep children's dignity and personal information, and to protect the personal space;

/This sub-paragraph was amended by the law as of December 17, 2021/

10.1.7.to listen to children respectfully and make decisions;

10.1.8.to support and help children to develop and mature;

10.1.9.to take responsibility on behalf of the children in accordance with the legislation;

10.1.10.to provide children with basic necessities;

10.1.11.other obligations specified in the legislation.

10.2.Living separately of parents or their divorce shall not be a justification to release them from the obligations specified in paragraph 10.1 of this Article.

CHAPTER THREE

DUTIES AND PARTICIPATION OF THE STATE, CITIZEN AND LEGAL ENTITIES IN ENSURING THE CHILDREN'S RIGHTS

Article 11. Powers of State Great Khural and local self-governing bodies

11.1. The State Great Khural and local self-governing bodies shall exercise the following powers with respect to ensuring the children's rights:

11.1.1. to define state and local policies on ensuring the children's rights;

11.1.2. to be financed and approve the budget for ensuring children's rights, child development and protection programs and activities;

11.1.3. to supervise the legislation on children's rights.

Article 12. Duties and participation of the Government

12.1. The Government shall make the following decisions and implement activities to ensure the children's rights:

12.1.1. to develop a state policy for the protection of children's rights;

12.1.2. to ensure the enforcement of legislation on protection of the children's rights;

12.1.3. to develop and approve plans for the development of children and protect their rights, and take measures to implement them;

/This sub-paragraph was amended by the law as of December 17, 2021/

12.1.4. to support the policy of directing the children's recreation and free time to their development, and approve the procedure for financing development programs and projects to be implemented in children's camps, regardless of the form of their ownership;

12.1.5. to approve and implement procedures for providing support and incentives to children who have qualified and succeeded in national, international, continental, and world-class contests and competitions in the fields of inventions, arts, and sports initiated by children;

12.1.6. to reflect and to be approved the expenses required for activities aimed at ensuring children's rights and child development and protection programs into the annual state budget;

12.1.7. to approve the procedures on regulating relations in connection with protecting the children's rights, and providing the assistance and support in emergency circumstances, and to take necessary measures from time to time.

Article 13. Duties and participation of the state central administrative body in charge of child and family development matters

13.1. In ensuring and protecting children's rights, the state central administrative body in charge of child and family development matters shall perform the following primary functions:

13.1.1. to provide with unified management to implement the state policy on the protection of children's rights, monitor, analyze and assess its implementation, and to be responsible for the results before the Government;

13.1.2. to develop the report of the Government of Mongolia on the implementation of the international agreement on children's rights, present it to the Government, deliver it to relevant organizations, promote the recommendations of international organizations to the public, implement the recommendations, and take organizational measures;

13.1.3. to provide professional and methodological management to all levels of organizations dealing with child and family development issues, and to make assessments and conclusions on their activities;

13.1.4. to reflect and to be approved the financing the activities on ensuring the children's rights, child development, child protection, as well as the projects and programs created by children's proposals and initiatives in the budget;

13.1.5. to support legal entities operating in the field of ensuring children's rights;

13.1.6. to monitor the activities of legal entities operating in the field of children's rights, evaluate the quality and accessibility of services being provided to children;

13.1.7. to accredit a legal entity to be performed certain government functions under contract;

13.1.8. to cooperate with foreign and international organizations in the field of children's rights;

13.1.9. to take measures to limit or prohibit the activities that cause risky conditions in order to prevent children from the risky conditions.

/This sub-paragraph was amended by the law as of June 28, 2022/

Article 14. Duties and participation of the state administrative body in charge of child and family development matters

14.1. In ensuring the children's rights, the state administrative body in charge of child and family development matters shall perform the following primary functions:

14.1.1. to organize the implementation of legislation, state policies and programs on the ensuring and protecting the children's rights;

14.1.2. to monitor the implementation of legislation on ensuring children's rights;

14.1.3. to provide local branches and units with professional and methodical management, ensure coordination between other organizations, and evaluate their work performance reports;

14.1.4.to prevent from the violation of children's rights, provide advice and methodological support to state authorities and legal entities, and supervise by implementing the functions prescribed by law;

14.1.5.to organize the work of improving the knowledge and skills, and specializing of all levels of employees in charge of children's matters;

14.1.6.to create and use a database on children's rights;

14.1.7.to honor and reward legal entities that provided support and succeeded in ensuring the children's rights;

14.1.8.to be supported the activities of legal entities from the State that have children's membership and implementing the activities to prevent from risky conditions, and provide them with the premises;

14.1.9.to cooperate with foreign and international organizations in the field of children's rights;

14.1.10.others specified in the legislation.

14.2.The state central administrative body in charge of child and family development matters shall approve the procedure for creating the database specified in sub-paragraph 14.1.6 of this Law.

14.3.The state administrative body in charge of child and family development matters shall have a training, research and information center, and the operational rules of the center shall be approved by the Cabinet member in charge of child and family development matters.

Article 15.The duties and participation of local authorities in charge of child and family development matters

15.1.Local authorities and their employees in charge of child and family development matters shall perform the following functions in terms of ensuring children's rights, preventing from the violations of their rights, and child protection and development:

15.1.1.to develop and to be approved policies and plans to be implemented in the respective territory and organize their implementation;

/This sub-paragraph was amended by the law as of December 17, 2021/

15.1.2.to supervise the organization operating in the respective territory within the framework of legislation;

15.1.3.to provide specialized services to children whose rights have been violated, and to arrange for them to be included in necessary services such as protection, rehabilitation, social welfare, and care;

15.1.4.to organize in cooperation with relevant organizations the activities on ensuring the children's rights, preventing their rights from being violated, and the child protection and development based on the family, public participation and support;

15.1.5.to provide with advice and information by the organizations and employees of the relevant level in charge of child and family development matters to the children, families, parents, guardians and custodians, to organize training if necessary, support the activities of social workers and provide with methodological guidance;

15.1.6.to receive data and reports from primary organizations, employees, and cooperating legal entities in accordance with the procedures specified in paragraph 14.2 of this Law, make recommendations on the necessary measures to be taken in the future, monitor the implementation, and submit relevant information to the central organization upon integrating them;

15.1.7.to be supported the activities of legal entities from the State that have children's membership and implementing the activities to prevent from risky conditions, and provide them with the premises;

15.1.8.to cooperate with foreign and international organizations in the field of children's rights;

15.1.9.others specified in the legislation.

15.2.Work criteria of a social worker in charge of child and family development matters shall be evaluated based on the results of the work and services provided to ensure the children's rights.

15.3.Child and family development workers to be worked in the child and family development centers, divisions and departments of aimags, the Capital city, and districts, as well as in the soums and khoros shall have a higher education in the field of humanities and social sciences.

Article 16.National and local councils for children

16.1.The National Council for Children headed by the Prime Minister of Mongolia, and the Local Council for Children to be headed by the Governors of aimags, soums, the Capital city and districts which have the function of coordinating inter-sectoral activities on the ensuring the children's rights at the national and local levels shall be operated.

/This paragraph was amended by the law as of April 22, 2022/

16.2.Representatives of state bodies, legal entities and citizens shall be included in the composition of the Council, and its composition shall be approved by the Head of the Council.

16.3.The charter of the Council for the children shall be approved by the respective council.

16.4.The National and local councils for the children shall carry out the following activities:

16.4.1.to mobilize social resources to implement the state policies and legislation on the ensuring the children's rights, preventing from the violations of their rights, and the child protection and development, and take necessary measures to coordinate inter-sectoral activities;

16.4.2.to provide directions to relevant government agencies and to make recommendations to legal entities on the activities ensuring the children's rights, preventing their rights from being violated, and the child protection and development.

16.5. The duties of the office of the National and Local councils for the children shall be performed by state administrative bodies in charge of child and family development matters in accordance with their respective functions.

16.6. There shall be a Children's Fund with purpose to support the construction dedicate for the children, child development, protection and participation.

/This paragraph was added by the law as of April 8, 2021/

16.7. The relations in connection with the management of the fund, formation, spending, performance reporting and monitoring of fund assets specified in paragraph 16.6 of this Law shall be regulated by the Law on Government Special Funds.

/This paragraph was added by the law as of April 8, 2021/

CHAPTER FOUR

MISCELLANEOUS

Article 17. Duties and participation of all levels of Governors

17.1. All levels of Governors shall take the following measures to ensure the children's rights in their respective territories:

17.1.1. to lead the council of that level for the child;

17.1.2. to take measures to implement legislation on the ensuring the children's rights, support proposals and initiatives in this regard, and organize them at the territorial level;

17.1.3. to be approved and implemented the budget required for activities to ensure children's rights in the current year by the Citizens' Representatives Khural of that level, report the results to the Citizens Representatives Khural and inform the public;

17.1.4. to support legal entities operating in the field of production, services, training and education dedicated for children, and to monitor their activities;

17.1.5. to take measures to create an environment and condition for the development of children's talents and abilities, to spend their free time efficiently, monitor the use of buildings and facilities dedicated for children and use them according to their intended purpose;

17.1.6. to be temporarily placed and taken care of children at risky conditions and take necessary measures.

Article 18. Duties and participation of citizens and legal entities

18.1. Citizens and legal entities shall undertake the following duties to ensure children's rights:

18.1.1. to report crimes and violations against the children's rights to competent organizations and officials;

18.1.2. to take initiative and support in creating a healthy, safe and friendly environment for children;

18.1.3. to provide donation, assistance and make investment within the scope of civil and social responsibility;

18.1.4. to encourage and reward citizens who educate their children and set a role model;

18.1.5. to support origins and initiatives of the state and citizens operating in the field of ensuring children's rights;

18.1.6. to grant work leave to parents for participating in events organized by state authorities and legal entities on the issues of child upbringing, development, and protection.

Article 19. Submitting information, complaints and claims in regards with the children's rights

19.1. If the children believes that their rights have been violated, a complaint and claim shall be filed by themselves, their parents, guardians, custodians, other citizens and organizations in accordance with the procedures prescribed by law to be protected their rights.

19.2. If the parents, guardians, custodians, authority in charge of the child and family development matters, specialist in charge of the children's matters of soums, baghs, khoroo, or their social workers believe that the rights of the children have been violated, they can file complaint, request to the state authorities or file a claim in court, and submit request and demand to relevant officials and legal entities in accordance with the procedures specified in the law.

/This paragraph was amended by the law as of April 22, 2022/

19.3. Investigation and resolution of crimes and violations against children and relations in connection with the child protection shall be regulated by the law.

Article 20. Monitoring of the implementation of children's rights

20.1. The state central administrative body in charge of child and family development matters shall monitor the implementation of children's rights through state administrative and local organizations, their child rights officers and social workers.

20.2. The Cabinet member in charge of child and family development matters shall exercise the rights of the state inspector general of children's rights, and the right of the state inspector shall be granted to an employee who is specialized and trained in the field of children's rights and protection.

20.3. The state inspector of children's rights shall have completed specialized training in the field of children's rights and protection, have worked in the respective field for at least five years, and have a higher education in the field of humanities and social sciences.

20.4. The employee with the right of the state inspector shall ensure the enforcement of the legislation by carrying out the functions provided by law and investigating and resolving violations against children.

20.5. An adult who is recognized among children and has a certain position in society can be honored as a children's ambassador by the soums, districts children's conference.

20.6. The children's ambassador shall submit suggestions, requests, petitions and complaints regarding the children's rights and protection of their respective soums, districts to relevant employees and organizations and have resolved them.

20.7. The procedure for selecting children's ambassadors shall be approved jointly by the state administrative body in charge of children and family matters and the competent organizations.

Article 21. The report on the implementation of the children's rights

21.1. According to the international treaties of Mongolia, the main report on the implementation of children's rights shall be submitted by the state authorities to the specialized international organization (the United Nations and its affiliates) within the specified period, and it shall be issued with the participation of children, the public, and civil society.

21.2. The report on the implementation of children's rights shall be developed jointly by the state central administrative body in charge of child and family development matters and state central administrative body in charge of legal affairs, and officials and experts of the state central administrative and local bodies, judicial administration, prosecutor's office, and the National Human Rights Commission shall be involved mandatorily.

21.3. If the deadline for submitting the report on the implementation of children's rights is clearly specified in the international treaties of Mongolia, it shall be developed and discussed six months prior upon fulfilling the complete participation of the parties.

21.4. An external report on the implementation of children's rights to be submitted to an international organization may be submitted by a non-governmental organization specializing in the field of the children, the public, or the children's rights.

21.5. Employees and officials who do not issue a report on the implementation of children's rights on time, or who do not fulfill their obligations under the law, shall be held accountable in accordance with the Law on the Civil Service.

21.6. The Government of Mongolia shall organize the implementation of conclusions and recommendations submitted by international organizations regarding the implementation of children's rights.

Article 22. Entry into force of the Law

22.1. This Law shall enter into force on September 1, 2016.

THE CHAIRMAN OF THE STATE GREAT KHURAL OF MONGOLIA ENHKBOLD.Z