

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

**Article 1. Purpose of this Law**

1.1. The purpose of this Law is to define the national children protection system and the relations between the stakeholders, and to regulate the relations in connection with the prevention, protection, and providing response services to children from exposure to all forms of neglect, pressure, exploitation, and violence, as well as risky conditions.

**Article 2. Principles and systems of children protection**

2.1. The basic principles and standards of children protection stipulated in international treaties of Mongolia shall be governed.

2.2. Children protection consists of multifaceted, comprehensive and specialized activities aimed at preventing and responding to all forms of neglect, harassment, violence, and exploitation of every child in all social environments, as well as exposure to risky situations.

2.3. Children protection shall be family-centered, specialized, prompt, equal, accessible, and effective.

2.4. The child protection system consists of policies, cooperation, comprehensive services, statistical information, financial budget and qualified human resources to be implemented by the stakeholders stipulated in the Law on Children's Rights.

2.5. In cases where the legislation of Mongolia specifically provides to provide care and services to children, the respective services, activities and measures shall be a component of the system of the children protection.

2.6. Parents, guardians, and other persons responsible for caring for, treating, guiding, and educating children and teenager shall be prohibited from using all kinds of physical or humiliating methods of punishment when disciplining them or correcting their wrong behavior.

**Article 3. Scope of the application of the Law**

3.1. This Law shall apply on the territory of Mongolia.

3.2. In the cases of provision in the international treaty of Mongolia, the children who are outside the border of Mongolia, their guardians and custodians shall be provided with the care and services stipulated in this Law.

3.3. The care and services specified in this Law can be provided to Mongolian citizens from birth to 18 years of age, or in the case of provision in the international treaties of Mongolia, to persons over 18 to 21 years of age.

**Article 4. Definitions of terms of the Law**

4.1. The following terms used in this Law shall have the following meanings:

4.1.1. "child at risky situations" means a child whose health, life, safety, or normal development environment has been lost, or who does not have a guardian, custodian, or legal representative, or who is in a disaster or emergency situation;

4.1.2. "social worker" means a specialist, employee, or official with functions to provide social work, service, or support that is working in the fields of bagh, khoroo, school, social welfare, health, or other;

4.1.3. "legal committee of children's right" means a local unit with a representative of a professional organization that provides services to children who are suspected of having committed a crime or a violation, are being investigated, or are witnesses or victims of a crime, have been imposed the punishment due to conviction of a crime, have been taken a coercive measure, or have been punished for a violation;

4.1.4. "child in violation of the law" means a child who is suspected of having committed a crime or violation, is being investigated, or has been punished for committing a violation, has been imposed a penalty due to conviction of a crime, has been subject to coercive measures, or has been released from a special corrective and educational institution;

4.1.5. "joint team" means the primary unit for responding to crimes against children committed in the family or other environments, and for children who are at risky conditions;

/This sub-paragraph was invalidated by the law as of December 22, 2016/

4.1.6. "child protection response service" means activities that involve the stages of identifying children at risky situations, assessing the situation, ensuring safety, supporting, mediating, adjusting to social relations, and reuniting them with their

families;

4.1.7."children's rights worker" means a competent employee or official qualified to be the state inspector of children's rights;

4.1.8."violence against children" means negligence, sexual abuse, physical punishment, emotional pressure that harms the life, health, development, physical or mental health of a child intentionally or unintentionally.

## CHAPTER TWO

### PROTECTION OF CHILDREN IN THE FAMILY AND SOCIETY

#### Article 5.Protection of children in the family

5.1.Parents, family members, guardians and custodians shall take measures to protect against abuse of rights and duties related to the child, neglecting the child, all forms of pressure, violence, and exploitation, as well as any crime or violation.

5.2.In order to create conditions for children to grow up in a healthy and safe environment, a child-friendly environment shall be created by exercising a freedom of associations, filing demands, petitions, complaints, and information, and to being resolved them in accordance with the law.

5.3.Emergency care and services for children who have been abused in the family environment shall be provided in accordance with the Law on Combatting Domestic Violence.

5.4.Parents, legal guardians, relatives, teachers and educators shall use non-violent methods of upbringing when upbringing, educating and taking care of the children.

#### Article 6.Protection of children in education sector

6.1.Educational institutions shall create and implement programs and plans when implementing the child protection policy in the institution.

6.2.In the event that an educational institution, official, teacher, or employee predicts, learns, or discovers a child in a risky situation, it must be reported to the stakeholders who are obligated by the Law on Children's Rights.

6.3.In order to ensure that every child studying in an educational institution is not exposed to physical punishment, psychological and peer pressure, neglect, crime, violation, and bad habits in that environment, the following measures shall be implemented:

6.3.1.teachers and employees of educational institutions should acquire positive methods of educating children;

6.3.2.teachers and employees of educational institution shall assess, study, and advise whether or not the students are in a risky situation;

6.3.3.teachers and employees of educational institutions shall take preventive measures by reconciling, regulating and notifying the families of unfriendly relations, disputes, and violations between students;

6.3.4.not to involve children in activities and events that may harm the life, health and safety of children;

6.3.5.take measures to prevent and protect children from exposure to alcoholism, drug addiction, and addiction.

#### Article 7.Protection of children in health care

7.1.In the case that a health workers predict or learn about a child in a risky situation while performing their duties, they must inform the local employee and official in charge of children's affairs, or police officer.

7.2.When providing health care and services, it shall be prohibited to health care and service providers from disclosing information related to the children, their family, and personal privacy to organizations, officials, and individuals, unless permitted by the law, and they shall bear the consequences due to the disclosure of it.

7.3.Health care institutions shall provide health care and services to children in risky situations in accordance with the law.

#### Article 8.Protection of children in press and media, and in digital environment

8.1.Parents, guardians in the family environment, teachers, school employees in the school environment, state bodies and legal entities obligated under the law in other environments upon exercising their rights and duties, shall protect the children from games, books, works of art, news, information, advertisements, and digital environment that have a negative impact on their development, health, upbringing, and maturity.

/This paragraph was amended by the law as of July 2, 2021/

8.2.Communication Regularly Commission and Central police organization regularly inform the public of guidance and instructions on protecting children from games, books, works of art, news, information, advertisements, and digital environment that

have a negative impact on children's development, health, upbringing, and maturity, and monitor their activities.

/This paragraph was amended by the law as of July 2, 2021/

8.3.Citizens, children, their legal representatives and children's rights workers who believe that news and information for children may have a negative impact on the development, health, upbringing, and maturity of the child shall address the complaints and information to relevant organizations and officials for the decision.

8.4.Employees, officials, citizens, legal entities which distributed audio, audio-video, video recordings, and photographs or reported to have committed a crime or violation, humiliated in public by using newspapers, television, radio, and digital network and by invading the privacy of children, such person shall be subject to liability specified by law.

8.5.The damages and harms caused due to action specified in paragraph 8.4 of this article which was committed by a child under the age of sixteen against other children shall be carried out by the parents, guardians, or custodians of such child according to the law.

8.6.Citizens and legal entities possessing rights in the internet environment shall have a special package of services devoted for children, and when concluding a service contract, they must ask whether there are children under the age of 18 in their care, and agree whether to use special channel services for adults.

#### Article 9.Protection of children in public events and services

9.1.Organizers and stakeholders shall ensure that children are not exposed to risky situations during commercial services, cultural activities, art performances, events, public events, demonstrations and assemblies, road traffic, examinations and competitions involving children.

/This paragraph was amended by the law as of July 2, 2021/

9.2.The organizer of the events and services specified in paragraph 9.1 of this Article shall bear the responsibility provided for in the relevant law if the conditions for causing damages to the life or health of a child arise or the damage has occurred due to failure to fulfill the obligations assumed by the law, administrative normative acts, or contracts and transactions.

9.3.Individuals and legal entities who believe that children's rights have been violated during the events and services specified in paragraph 9.1 of this Article shall notify the local organization or official in charge of child and family affairs or the police orally or in writing.

9.4.Prevention of children against crime and violations during public services and events shall be regulated by the Law on Prevention of Crimes and Violations.

/This paragraph was amended by the law as of June 6, 2019/

#### Article 91.Protection of children in cultural and sports activities

/This article was added by the law as of July 2, 2021/

91.1.Children shall participate in cultural and sports activities, art performances, sports competitions, and other events based on the written consent of their parents, guardians, and custodians in an environment that does not adversely affect their development, health, education, and maturity.

91.2.When participating the children in cultural and sports activities, art performances, sports competitions, and other events, the measures shall be taken not to interrupt educational activities and to eliminate delays.

91.3.Parents, guardians, and the person participating the children in the event shall take measures to prevent disruptions to the educational activities and eliminate delays; and if the children participate in the events organized by the state administrative body within the curriculum and content at the national, regional and local level, the school management shall organize them.

91.4.Procedures for children's participation in cultural, sports, and public activities and protection of their rights shall be approved and implemented by the state administrative body in charge of cultural, child, and family development issues.

### CHAPTER THREE

#### RESPONSE SERVICES ON CHILDREN PROTECTION

##### Article 10.Response services on children protection

10.1.The following response services shall be provided to help and support children who are at risky situation, victims of crimes, involved in crimes and violations, imposed the punishment and taken coercive measures, or released from special educational and correctional institutions to lead a normal life in society:

10.1.1.to receive, detect and check the information;

10.1.2.to assess the situation;

- 10.1.3.to ensure safety;
- 10.1.4.to support and mediate;
- 10.1.5.to provide services of the legal committee of children's rights;
- 10.1.6.to reunite them with the family.

10.2.Child protection response services shall be provided by a state body or a citizen specialized in that field or an accredited legal entity upon making a contract on delegation of some government functions to them.

10.3.State bodies and legal entities providing services in the field of child protection shall have specially trained and qualified human resources.

10.4.The legal entity providing child protection response services shall operate on the basis of accreditation by the state administrative body in charge of children and family affairs, and the procedure on it shall be approved by the Cabinet member in charge of children and family affairs.

10.5.The procedure for providing child protection services shall be approved by the Cabinet member in charge of child protection affairs, the norms of service costs and financing methodology shall be approved jointly by the Cabinet members in charge of child protection and financial and budgetary affairs.

/This paragraph was added by the law as of November 12, 2021/

#### Article 11.Receiving, detecting and checking the information

11.1.Social workers, children's rights workers, and law enforcers shall receive and investigate reports and information submitted about crimes and violations against children or children in risk situations, or take necessary measures in accordance with the law.

11.2.A 24-hour emergency response line may be operated for the purpose of receiving and detecting reports and information specified in this article.

11.3.If the reports and information submitted about the violation of children's rights constitute a criminal or violation nature, it will be investigated and resolved according to the grounds and procedures provided by the law, and the competent official to investigate and resolve the issue shall notify it the joint team, the legal committee for children's rights, and the local organization in charge of child and family affairs.

11.4.The employee or official who receives the reports and information submitted in accordance with this article shall evaluate the situation on the spot and submit the relevant notes to the social worker and the joint team.

11.5.During the on-site inspection and assessment of the reports or information about the violation of children's rights or the child is being in a risky situation by an employee or official who received the respective information, if the child's life or health is in immediate danger, or if the condition exists, if the child's crime or violation has been committed by the guardian or custodian who is taking care of them, or if the child cannot be left alone in that environment, then the immediate temporary isolation measures shall be taken and decided by the competent officials.

11.6.Until the decision on temporary isolation of the child is made, the social worker and official who received the reports and information shall implement the possible measures prescribed by law in consultation with other family members and legal representatives.

11.7.If there is evidence that a child's parents, guardians, or custodians have committed a crime or violation against the child, their consent shall not be required to take the isolation measures provided for in this Law.

11.8.Reports and information about children being in a risky situation which does not have criminal or violation nature, can be checked by a social worker individually or in a team, on the spot, or in the environment, in the form of a conversation.

11.9.If the reports and information submitted in accordance with this Law constitute a nature of violation against the rights of children, the children's rights worker shall decide according to the procedure prescribed by the relevant law.

11.10.Crimes against children's rights shall be resolved by police officers in accordance with the relevant law.

#### Article 12.Assessing the circumstances/situation

12.1.In order to provide a child protection response service, the assessment on the situations shall be conducted.

12.2.Assessment of the situation shall consist of the stages of evaluating, checking and concluding the environment in which the child lives, the situation the child is in, the level of danger and risk of action or inaction against the rights of the child.

12.3.Social workers and children's rights workers of aimags, soums, baghs, the Capital city, districts, and khoroos on their own initiative or in the course of fulfilling their duties by law, shall evaluate the situation based on the information and data submitted by the relevant parties.

12.4. During the assessment of the situation, the social worker or children's rights worker shall open a personal case for the child on the spot and provide counseling, support, and mediation services if there is a ground to be resolved the matter by the relevant person in accordance with the law.

12.5. The procedure for assessing the situation of children at risky situation shall be approved jointly with the Cabinet members in charge of legal and child and family development affairs.

12.6. Additional incentives shall be issued to social workers and joint team members who have assessed the situation and provided response services, and the procedure on it shall be approved jointly by the Cabinet members in charge of child and family development and finance and budget affairs.

#### Article 13. Ensuring the safety of children

13.1. By taking into account the assessment of the circumstances of children at risky situation, in addition to the provisions of the Law on Family and Law on the Combating Domestic Violence, measures shall be taken to include them in alternative child care services.

13.2. The alternative child care services shall be provided by state bodies, accredited child protection service providers, legal entities, families, and citizens, or a combination of them.

13.3. The standard of the alternative child care services shall be approved by the state administrative body in charge of the respective issue, and the service provision procedure shall be approved by the Cabinet member in charge of child and family development issues.

13.4. A joint team and a social worker shall make proposals and conclusions for providing alternative child care services to children at risky situations, and the children's rights worker shall supervise the implementation of the decisions made thereto.

#### Article 14. Support and mediation services

14.1. If the assessment of the situation results in the provision of assistance and services to the child, the social worker shall contact and intermediate the civil registry, psychological, legal, educational, health, social welfare and other required services.

14.2. Children's rights workers shall supervise the implementation of services to support and mediate children who are at risky situations.

14.3. If an official of a state bodies who is obligated by law does not provide support or mediation services, or refuses to provide the required services without justification, the children's rights worker shall make a note and submit it to the sub-council of the public service and the professional ethics committee for a decision.

#### Article 15. Works and services of the Legal Committee on Children's Rights and Joint Team on Children Protection

15.1. Governors of aimags and districts shall establish a legal committee on children's rights in consultation with the Citizens' Representatives Khural of the respective level, and the committee shall carry out the following activities:

15.1.1. to receive children who have been sentenced by the court for committing a crime and discipline measures have been taken from the agency for enforcement of court decision, to provide advice, support, and assistance in fulfilling the duties assigned to the child by the court;

15.1.2. to provide support and assistance to children released from educational and correctional special institutions to lead a normal life in society;

15.1.3. to cooperate with law enforcement agencies and make a proposal to appoint a guarantor for a child who is being investigated for a crime or violation in order to distance him/herself from the negative effects of the criminal investigation process;

15.1.4. to enroll children who have violated the law in training and programs for proper upbringing;

15.1.5. to give advice to parents, family members, peers, school and colleagues, organize meetings and interviews at regular intervals and calculate the results;

15.1.6. to get treatment for getting rid of toxic habits, to counsel, and to involve them in work, school, and vocational training;

15.1.7. to provide assistance and advice to children who are not subject to the law on protection of witnesses and victims, and protect their rights and interest;

15.2. The duties of the office of the Legal committee of children's rights shall be carried out by the local organization in charge of child and family affairs.

15.3. The composition, organization, and operational procedure of the Legal committee for children's rights shall be jointly approved by the Cabinet members in charge of legal and child and family development affairs.

15.4.The joint team specified in paragraph 20.1 of the Law on Combating Domestic Violence shall assess the circumstances of the child at risky situations, make conclusions and recommendations on the services required for the respective child, and provide care and services in accordance with the law.

/This paragraph was modified by the law as of December 22, 2016/

15.5.The working procedure of the joint team and the procedure for additional incentives to the members of the team shall be approved by the Cabinet member in charge of children and family affairs.

/This paragraph was invalidated by the law as of December 22, 2016/

#### Article 16.Reunification of children with their families

16.1.Children separated from their families based on grounds specified in law shall be reunited with their families whenever possible.

16.2.Social workers and children's rights workers shall organize and supervise the reunification of children from alternative child care and centralized orphan's care services with their families.

### CHAPTER FOUR

#### COOPERATION ON THE CHILDREN PROTECTION

#### Article 17.Cooperation of state bodies

17.1.The state bodies shall carry out the following activities in the field of child protection within the scope of the functions prescribed by law:

17.1.1.when supporting the activities of organizations dealing with children and family issues, to implement and cooperate with the functions prescribed by respective laws;

17.1.2.to propose and to support the activities of the officials and employees of the respective organization as members of national and local councils for child and legal committee for children's rights;

17.1.3.to support the activities of children's initiative organizations and ambassadors, to participate in and monitor events and activities involving children;

17.1.4.to provide response services to children who are at risky situation, and to cooperate in helping children who violate the law get used to social relations.

#### Article 18.Activities of state administrative and local organizations in charge of child and family development matters

18.1.The state administrative body in charge of child and family development matters shall manage and organize the national and local system of child protection by carrying out the following activities:

18.1.1.to annually report to the Government of Mongolia and the National Council for Children the state of implementation of children's rights and the work done on child protection;

18.1.2.to assess the situation, select legal entities to provide response services, and evaluate their activities;

18.1.3.to adopt a child protection training program, to take measures to improve knowledge and information about children's rights, to carry out academic and research work in the field of child protection;

18.1.4.to take measures to improve the type and quality of child protection services, plan and organize activities to be implemented in the given year on the basis of information, monitoring and evaluation;

18.1.5.to support the participation and cooperation of all levels of state bodies, legal entities, citizens, families, and the public in child protection;

18.1.6.to organize work to prevent children from being exposed to risky situations in all family and social environments;

18.1.7.to cooperate with relevant organizations in training and qualification of employees, public servants and service providers in charge of children's issues of state bodies, legal entities, courts, prosecutor's office, and law enforcement agencies;

18.1.8.in collaboration with law enforcement agencies, to create a database of citizens and legal entities those committed crimes and violations against the children, children who violated the law, children witnesses and victims, and use them in their activities.

18.2.The local organization in charge of children and family issues shall carry out the following activities in the field of child protection:

18.2.1.to make general conclusions on information and research on child protection in the respective territory and determine the direction of further work;

18.2.2.to train and qualify employees and public servants in charge of child issues of state institutions, legal entities, courts, prosecutor's office, and law enforcement agencies;

18.2.3.to carry out initial monitoring and evaluation on the implementation of the Law on Children's Right and this Law at least once every three years;

18.2.4.to provide with professional and methodological guidance to social workers, joint teams, legal committee for children's rights, and child protection response service providers;

18.2.5.to create a database on children at risky situation and use it in their activities, to keep records on welfare and protection services for children at risky situations according to the methodology approved by the state administrative body in charge of registration and statistics, and submit it to the state central administrative body in charge of social protection matters;

18.2.6.to organize the involvement of parents, guardians, custodians, and babysitters in voluntary or compulsory training in accordance with the law by the court order in cooperation with the agency for enforcement of court decision;

18.2.7.to perform the tasks on registering, surveying and reuniting children who have been estranged from the family, or out of the care and supervision of parents or guardians in cooperation with the local police.

18.3.The head of the state administrative body in charge of family, child and youth development issues shall be appointed and dismissed in accordance with paragraph 2 of Article 183 of the Law on the Government of Mongolia.

/This paragraph was added by the law as of June 27, 2018/

18.4.The citizens who meet the requirements set by the Law on Civil Service shall be selected, appointed and released as the head of department and division in charge of family, children and youth development of aimags and the Capital city by the Head of State administrative body in charge of family, children and youth development in consultation with the Governor of that level; and as the heads of departments and divisions in charge of family, children and youth development of the district, by the Head in charge of family, children and youth development of the Capital city in consultation with the Governor of that level, respectively.

/This paragraph was added by the law as of June 27, 2018/

#### Article 19.Children's rights workers and social workers' activities in the field of child protection

19.1.Social workers and children's rights workers of local organizations in charge of children and family issues shall carry out the following activities:

19.1.1.to research and register children at risky situations, protect their rights, and involve them in response services;

19.1.2.to promote the Law on Children Protection and prevent children from being exposed to risky situations;

19.1.3.to assess the situation and draw a conclusion;

19.1.4.to provide child protection response services based on the assessment of the situation and protect children until its completion;

19.1.5.to report on violations of child rights and child protection legislation, and write demands to remove the violations;

19.1.6.to register and research children who are at risky situations and who violated the law, and to analyze local child protection conditions.

#### Article 20.Legal status of social workers

20.1.The local organization in charge of children and family issues, in consultation with the local self-governing organization, shall employ a social worker in charge of children issues in soums, baghs, districts, and khoroos.

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

20.2.The code of ethics of social workers and the requirements for them shall be approved by the Cabinet member in charge of the respective issue in consultation with the professional associations.

20.3.After receipt of the information about a child being in a risky situation by social worker, she/he shall have the right to visit the place to investigate, to discuss the situation with the child, and to collect information that is not prohibited by law.

20.4.In the event that a social workers needs to assess the risky situation for a child in a situation that is dangerous to their life or health, they shall receive the assistance by the police office.

20.5.The duties of providing social workers with working conditions and opportunities shall be undertook by the Governors of the soums, baghs, districts and khoroos.

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

## CHAPTER FIVE

## MONITORING, ANALYSIS, ASSESSMENT AND FUNDING

### Article 21. Implementation of child protection policies

21.1. The National Council for Children in the territory of Mongolia and the Council for Children in local areas shall monitor the implementation of child protection policy.

21.2. National and local councils for children shall issue child protection reports within the third quarter of each year, provide direction to the state administrative body, give recommendation to the local self-governing body, and other relevant organizations regarding measures to be implemented in the future, and make suggestions to the stakeholders who have the authority to define policies and make decisions.

21.3. Within the 4th quarter of each year, the Citizens' Representatives Khurals of the aimags, soums, the Capital city, and districts shall discuss the child protection report of the Council for child and the Governor's proposal at that level, reflect it in the local budget, and take measures to implement it.

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

21.4. International specialized organizations, accredited non-governmental organizations, and legal entities may conduct external monitoring and analysis on child's rights and child protection.

21.5. Foreign organizations and legal entities shall be prohibited from conducting surveillance and research on children's rights and child protection in Mongolia without the permission of the state administrative body in charge of child and family development matters.

21.6. The local organization in charge of child and family matters shall report to the public at least once a year on the implementation of children's rights, the situation of child protection, and the work carried out in that year.

### Article 22. Monitoring, analysis and assessment of children protection

22.1. In order to determine the situation of child protection and evaluate the response services to be provided to children at risky situation, the state administrative body in charge of child and family development matters shall conduct the following monitoring, analysis, and assessment:

22.1.1. to summarize and conclude records and research on children at risky situation from local and primary units;

22.1.2. to create and analyze records and research about children who have violated the law, who are witnesses or victims of crimes, in cooperation with the police and other law enforcement agencies;

22.1.3. to evaluate and check the services provided to children at risky situation and their results;

22.1.4. to evaluate the participation of state institutions in child protection;

22.1.5. to plan and implement child protection human resource policy, evaluate the quality and effectiveness of training;

22.1.6. to evaluate and conclude the implementation of administrative normative acts in the field of child protection;

22.1.7. to evaluate the implementation of the Law on Children's Rights and the Law on Children Protection according to the methodology specified in the Law on Legislation.

### Article 23. Funding for children protection

23.1. The budget for child protection services shall be included in the state budget and financed.

23.2. In order to create a children protection system, the Citizens' Representatives Khurals and the Governors shall reflect in the state and local budgets the work and service costs of the children protection joint team, the legal committee of children's rights, and the incentives of social workers, and finance them.

## CHAPTER SIX

### MISCELLANEOUS

#### Article 24. Liability to be imposed on the violators of the Law

24.1. Liability for violations of children's rights shall be determined by the Law on Violations, and punishments and coercive measures for crimes against children shall be determined by the Criminal Code.

#### Article 25. Entry into force of the law

25.1. This Law shall be entered into force on September 1, 2016.

25.2. Sub-paragraph 22.1.7 of Paragraph 22.1 of Article 22 of the Law on Children Protection shall enter into force on the date of entry into force of the Law on Legislation /Revised edition/.



