

LAW ON THE PROTECTION  
OF THE RIGHTS OF THE CHILD (1996)

CHAPTER ONE

General provisions

*Article I. Purpose of the Law*

Purpose of the Law is to coordinate relations concerning the protection of the rights of the child.

*Article II. Legislation to protect the rights of the child*

1. Legislation on the protection of the rights of the child consists of the Constitution of Mongolia, Civil Code, the present law and other related legal acts in conformity with them.
2. If the international treaties to which Mongolia is a signatory differ from the present law, then the international treaties shall prevail.

*Article III. Scope of the Law*

1. This Law shall apply to every child under the age of 18 years.
2. This Law shall be applicable to the child of foreign national as well as those of stateless person residing in Mongolia.

*Article IV. Basic principles to protect the rights of the child*

The following principles will be followed to protect the rights of the child. Thus:

- 1/ The child shall enjoy freedom from discrimination of any kind, irrespective of the child's parents' or legal guardian's national and ethnic origin, race, language, age, sex, social origin, place of birth, property, employment and occupation, religion, education and health condition;
- 2/ The best interests of the child shall be a primary consideration of the activities of State organizations, individuals and economic entities;
- 3/ Parents, legal guardians and care-givers shall bear equal obligations and responsibility to ensure physical, intellectual and moral development and education of the child;
- 4/ Basic duty of the State and the families will be to ensure survival, development, protection and participation of the child;
- 5/ Rights of the child to seek and receive information, to freedom of association and religion, to leave or enter his/her homeland shall not be in contravene as regard to the national security of Mongolia, rights, freedom and health of others and social order as well as national morale tradition.

## CHAPTER TWO

### Rights and Duties of the child

#### *Article V. Right to live*

1. The child shall have the right from birth to a name and to acquire foreign nationality or Mongolian nationality. Issues related to acquire foreign nationality or Mongolian nationality or stateless person shall be regulated in accordance with the relevant legislation and international treaties.
2. The child shall have the right to live in healthy and secure environment. It is prohibited to deprive the child with intention from clothing, nutrition, housing and other necessities and to supply food inadequate hygienic standard.
3. The child shall have the right to live together with and be cared by his/her parents, and the child who is separated from one or both parents shall have the right to know them to maintain direct contact and in case of separated parents shall have the rights to express his/her will to decide in whose custody to remain.
4. The child has the right to benefit from state medical care, allowances and social care. It is compulsory to cover the child in preventive medical checks, analyses, treatment and health insurance. Related legislation will coordinate these services.
5. The child shall have the right to immigrate, seek refugee, to settle down, to return to a homeland together with his/her parents, legal guardians and care-givers. The place of residence of the child could be changed on the basis and in accordance with the legislation without prior consent of the child's parents, legal guardians and care-givers.

#### *Article VI. Right to develop*

1. The child shall have the right to free general education.
2. The child shall have the inherent right to mother language, script, custom and historical, cultural and traditional values.
3. The child has the right to receive the State assistance and support to develop his/her intellectual potentials and talents.
4. The child has the right to believe or not to believe in religion. The child could receive religious education in accordance with the wish of his/her parents, legal guardians and care-givers. It is prohibited to impose religious affairs through mislead and to tutor the child by force at religious schools or in monasteries.

5. The child has the right to freedom of thought, to seek information. It is prohibited to disseminate any material advertising crimes, pornography, violence to the child and to involve them in advertisement against their own and their parents', legal guardians and care-givers will.

*Article VII. Rights of the child to be protected*

1. The child should not be separated illegally from his/her parents and family. The child could be separated from his/her parents only in accordance with the court decision for the best interest of the child. In this case, the child shall come under State protection.

2. The child has the right to cease his/her official relations with parents, guardians, care-givers in accordance with the regulations in case of the violation of his/her rights. And also has the right to resume the relations when the conditions change.

3. The child has the right to be protected as regard to his/her privacy, correspondence and home.

4. It is prohibited to attract the child into crimes, violence, gambling, conflict among adults, drinking, smoking, narcotics and other psychotropic substances and abuse and violence and accuse, kidnapping or turning the child a subject of mortgage, displacement or abandon, to torture and to use the child in sabotage and to engage in forceful and arranged early marriages, illegal adoption, detention and the illicit transfer.

5. State organizations and officials support the activities designed to respect the dignity of the imprisoned child and to educate and to develop his/her talents and to engage in accordance with the provisions of legislation. It is prohibited to detain or imprison the child together with adults.

6. It is prohibited to individuals, economic entities and organizations to employ the child in any work that is likely to be harmful to the child's health and moral and to exploit, to pay unjust wage, to engage in begging and to conduct profit making activities on their behalf illegally.

*Article VIII. Right to participate in social life*

1. The child shall have the right to participate in cultural, recreational activities, sports and tourism suited to their age and health requirements.

2. The child shall have the right to freedom of association with any children's organizations and to stage peaceful meetings and to freedom of expression. It is prohibited to impose on the child any political ideology and to involve young children in political activities.

3. The child shall have the right to make evaluations regarding the medical, educational and other services designed to them and to freedom of expression of their opinions as well.

4. The child has the right to ownership of his/her intellectual created values in accordance with the provision of the law.

5. The child shall have the right to ownership and inherit properly of his/her own share.

*Article IX. Duties of the child*

The child shall be responsible for the following duties:

- 1/To care his/her parents, to respect others and to assist them;
- 2/to protect and care his/her motherland and environment;
- 3/to obtain compulsory basic education;
- 4/to adhere to rule of law and to uphold inherited tradition of his/her people;
- 5/ to protect his/her health;
- 6/to develop his/her talent.

CHAPTER THREE

State and public participation in  
The protection of the rights of the child

*Article X. Mandate of the Government to protect the rights of the child*

The mandate of the Government for the protection of the rights of the child:

- 1/to formulate state policy on the protection of the rights of the child;
- 2/to ensure the implementation of the legislation on the protection of the rights of the child;
- 3/to formulate and adopt national programme and plans to develop children and to protect their rights and to take implementing measures;
- 4/to provide assistance and support to children's educational, recreational institutions and press and information agencies as well as centers for care, nursing and temporary stay.

*Article XI. Mandate of Governors and Citizens Hural to protect the rights of the child*

1. Citizens Hural of their aimags, capital city, somon and districts will be in charge of the implementation of the following to protect the rights of the child in their respective territory.

- 1/ to define the basic action guideline for the protection of the rights of the child and to monitor its implementation;
- 2/ to support any initiatives coming from individuals, economic entities and organizations designed to develop children and to protect their rights and to take actions to implement;
- 3/ to monitor the process or activities of the Governor designed to implement state policy and legislation to protect the rights of the child;
- 4/ the other legitimate mandates.

2. Governors of aimags, capital city, somons and districts will be in charge of the protection of the rights of the child in their respective territories.

- 1/ to take measures to ensure the implementation of the legislation to protect the rights of the child and support every initiatives to this end;

- 2/ to formulate and implement programs to develop and protect children;
- 3/ to be in charge of the establishment and withdrawal of children's educational, recreational institutions and press and information agencies as well as centers for care, nursing and temporary stay designed to develop and protect the child and to monitor their activities;
- 4/ to support the activities of manufacturing service, education establishments of children and to monitor their activities as well;
- 5/ to conduct surveys on the children in especially and difficult circumstances and to take actions to protect their interests;
- 6/ to take decision on the state custody of the child on the basis of the court decision and the recommendations of the other relevant organizations;
- 7/ to mobilize and ensure the participation of parents, guardians, care-givers, schools, police and other institutions, economic entities and individuals in the activities to prevent child crimes, accidents and conflicts especially in regard to misplaced and street children and those of neglected;
- 8/ to take actions to create environment for children to develop their talents, potentials and to spend their leisure time and to control over the use of the buildings designed for children;
- 9/ to support initiatives of individuals, economic entities, institutions and children's organizations designed to protect the rights of the child and to provide guidance to activities of the council for children;
- 10/ other legitimate mandates

### 3. Mandates of the Governors of bags, sub-districts to protect the rights of the child:

- 1/ to monitor the implementation of the legislation on the protection of the rights of the child on the part of the family, parents, guardians, care-givers and to study their request and to take decision or to convey to the concerned organizations and officials;
- 2/ to carry out survey on the situation of the children in their respective territories and to send the necessary ones to high level Governors or organizations and to be in charge of organizing activities to assist and support the children in difficult circumstances
- 3/ other legitimate mandates.

### *Article XII. Duties of parents, guardians and care-givers*

#### 1. Parents, guardians and care-givers shall have the following duties:

- 1/ to create healthy environment for children to live and to ensure the supply of essential food, housing, clothing, toys and others;
- 2/ to ensure the child to know his/her origin, mother language, script, custom, history and cultural traditional values;
- 3/ to educate children in the spirit of respect and care for their motherland, parents, relatives and others and to promote justice, patience, tolerance and culture of ethics;
- 4/ to prevent and protect children from alcohol, drug addiction, pornography, crimes and delinquency;
- 5/ to get the support of schools, collective, children's and other relevant organizations, officers and individuals and to cooperate with them to educate and develop children;

- 6/ to cover children in health insurance and other insurance and medical preventive activities defined by legislation;
- 7/ to respect child's opinion and to create conditions for the child to freely express;
- 8/ to assist children to fulfill their duties;
- 9/ to reimburse losses in accordance with the provisions of legislation, caused by child crime or infringement;
- 10/ other duties defined by laws.

2. The separation or divorce of parents will not be the ground for them to be excused from the duties said in the I part of this article.

*Article XIII. Duties and responsibilities of individuals, economic entities and organizations*

1. Individuals, economic entities, organizations will bear the following responsibilities to protect the rights of the child:

- 1/ to support children, parents, guardians, care-givers and children's organizations and officers in charge of the protection of the rights of the child;
- 2/ to set good example for children as regard to intellectual and moral development and to care for their education and take relevant measures;
- 3/ to provide moral, material and other assistance to children in especially difficult circumstances;
- 4/ to report and reveal and to take actions as regard to any case violating the rights of the child;
- 5/ to render support and assistance to children's public organizations, children's palace, camps, library, theater, press and information agencies, educating and care centers;
- 6/ to prevent the operation of production, sale and service harmful for children's development and the dissemination of materials of negative moral impact on children and activities advocating violence, prostitution etc.;
- 7/ other duties defined by legislation.

## CHAPTER FOUR

### *Social care for children*

*Article XIV. Coverage of children in social care*

The coverage of children in social insurance, allowances and assistance, support and other privileges shall be coordinated by the Law of Mongolia.

*Article XV. Social care and assistance for the children in especially difficult and difficult circumstances*

1. Children in the circumstances of natural disaster, epidemic diseases, accidents of universal character, armed conflicts are considered to be the children in especially difficult circumstances. The Government shall take immediate actions to render assistance to these children in time.

2. Child victims of moral and physical depression caused by such status of the child as being orphan, very poor, neglected and involved in prostitution, violence and abuse are considered to be children in especially difficult circumstances. Children in especially difficult circumstances are entitled to the following care, privileges and assistance if not defined differently in the laws:

1/ to assist in obtaining education and vocational training;

2/ to ensure free medical services as regard to rehabilitation, sanitarium and supply of prosthetic appliances and other special equipment free of charge;

3/ to provide state allowance for those families which adopted children in difficult circumstances;

3. Local state administrative organs will take care of the housing for orphans when they leave care centers;

4. To take measures designed to keep under supervision of police, health and educational organizations and parents, guardians those child victims of drinking, drug addict and pornography and to ensure treatment and medical services and education to them;

5. Expenses related to temporary shelters, care centers and labour corrective organizations designed for the education and correction activities for those neglected children and those without identification and lacking the possibilities to live and study in their own families and those whose rights are violated and those involved in crimes will be financed by state budget. The conditions of the temporary shelters, care centers and labour corrective organizations for children should meet the hygienic requirements.

## CHAPTER FIVE

### Organization for the protection of the rights of the child and its responsibilities

*Article XVI. Central organizations for the implementation of State policy for the protection of the rights of the child*

1. Member of the Government responsible for the population policy will be in charge of the implementation of the state policy towards children.

2. National organization for children will be attached to the Member of Government responsible for population policy.

3. National organization for children will have the following duties. Thus:

1/ to be in charge of the implementation of the State policy towards children and the legislation on the protection of the rights of the child;

2/ to monitor the activities of the organizations designed to develop and protect children and to provide methodological guidance

- 3/ to be in charge of the preparation of professionals dealing with children's issues and to ensure their re-training;
- 4/ to provide methodological assistance to those public organizations designed to develop and protect children;
- 5/ other responsibilities defined by Law.

4. Charter of the National organization for children will be approved by Government.

*Article XVII. Local organizations for the protection of the rights of the child*

1. Governors will be responsible for the State duties to protect the rights of the child in their respective territories.
2. Organizations for children will be attached to the Governor of aimags, capital city and districts.

*Article XVIII. National Council for Children*

1. National Council for Children will have the duties to formulate State policy for the development and protection of children and to mobilize social resources for the implementation of the policy and to ensure the participation of state, public and other organizations, economic entities and individuals.
2. National Council will be headed by the Prime Minister of Mongolia and its members will include the representatives of state, public, religious organizations and economic entities, leading political, social and cultural personnel and individuals.
3. National organization for children will be designated as Secretarial of the National Council for Children.
4. The members of the National Council will be approved by the Prime Minister and its Charter by the Council itself.

*Article XIX. Duties of the National Council*

The National Council for Children will have the following basic duties. Thus:

- 1/ To advice Government and other relevant organizations on the implementation of the Law and regulations to protect the rights of the child and to monitor the implementation of the State policy to protect the rights of the child;
- 2/ To hear reports of concerned organization, officials on the issues related to the protection of the rights of the child and send recommendations on the further actions to Government, relevant organizations and officials;
- 3/ To involve individuals, economic entities and organizations to address issues related to the protection of the rights of the child and to support their suggestions and initiatives;



- 4/ To set up children's fund and to approve its budget and to supervise its implementation and to prepare its financial balance sheets and to inform the public;
- 5/ To submit its proposal to the concerned authorities and officials on the rewarding the best children, individuals, economic entities and organizations for their outstanding contribution to the cause of the protection of the rights of the child;
- 6/ To cooperate with foreign Government organizations and NGO's, international organizations in the field of the development and protection of children;
- 7/ Other duties defined by law and regulations.

*Article XX. Local Council for Children*

1. Local Council for Children will be attached to the Governor of aimags, capital city, somons, districts.
2. The Governor will approve the composition of the Council.
3. Secretariat of the Council will be the local organization for children attached to the Governor.
4. Local Council for Children will adopt its Charter.

*Article XXI. Public organizations for the development and protection of children*

1. Children may form their public organization on voluntary basis with a goal of developing and protecting children.
2. Adult also may form a public organization designed to facilitate the development and protection of children.

*Article XXII. Children's fund*

National Council may set up Children's Fund attached to the Council for Children at aimag, capital city, somon and district level for the purpose of the development and protection of Children. National Council for Children will approve the Charter of this fund.

## CHAPTER SIX

### Miscellaneous

*Article XXIII. Monitoring the implementation of the legislation to protect the rights of the child*

1. Monitoring the implementation of the law and regulations to protect the rights of the child will be the responsibility of the Government and Governors at all level and other legally authorized organizations and officials.

2. Public control on the implementation of the rights of the child will be carried out by children's and other public organizations within their jurisdiction.

*Article XXIV. To register complain on the rehabilitation of the violated rights of the child*

1. The child has the right to register his/her complain personally or through his/her parents, guardians, care-givers or other individuals and organizations in a manner consistent with the procedural rules in case he/she considers that his/her rights are violated.

2. Parents, guardians, care-givers or individuals and organizations may also register complain in a manner consistent with the procedural rules if they consider the rights of the child is violated.

3. Officers of the Children's organization and those in charge of children's issues in somon and district level shall have the right to place demand for parents, guardians, care-givers or concerned officials, individuals, economic entities on behalf of the victim child and if necessary to complain to Governors and state organizations to take some measures.

*Article XXV. Sanctions for the violation of the rights of the child*

If the violation type of the rights of the child is not a criminal one then the following administrative penalty will be imposed by the decision of the Governor of somon and district on the person violating the law on the protection of the rights of the child:

1/ Individuals, officials responsible for physical and mental abuse of the child will face a penalty of 20000 to 30000 tugriks or up to 30 days detention;

2/ Individuals and officials responsible for intended disruption of clothing, nutrition and housing for children and for intended supply of foodstuffs of inadequate quality to children will face a penalty of 15000 to 25000 tugriks;

3/ Individuals and officials responsible for non-coverage of children in immunization and health insurance with intention will face a penalty of 5000 to 10000 tugriks;

4/ Any individual escaping to pay child alimony will face a penalty up to 50000 tugriks or 30 days detention plus the reimbursement of the alimony;

5/ individuals forcing the child to beg and officials engaging the child in a work harmful for his/her health will face a penalty of 10000 to 20000 tugriks;

6/ individuals and officials using a child in press and commercial advertising without prior consent of the child or his/her parents, guardians and care-givers and conducting profit oriented activities illegally using the name of the child will face a penalty of 20000 to 30000 tugriks with confiscation of their income and profit;

7/ individuals and institutions attracting children through mischief and material reward to religious affairs and forcing to tutor children at monasteries will face a penalty of 20000 to 30000 tugriks for individuals, 50000 to 100000 tugriks for institutions;

8/ individuals responsible for abandon and misplacement of their own or adopted children will face a penalty up to 50000 tugriks or 30 days detention.

*Article XXVI. Enforcement of the Law*

The present Law shall enter into force on July 1, 1996.