

Law of Mongolia

Date: 22 December 2016

Ulaanbaatar city

LAW ON COMBATTING DOMESTIC VIOLENCE /REVISED/

CHAPTER ONE GENERAL PROVISION

Article 1. Objective of the law

- 1.1. The objectives of the law are to establish the legal framework of the system and its functions to detect domestic violence and bring it to an end through appropriate legal measures, to guarantee protection for life, health and security of a victim and his/her family members and to provide necessary services and prevention mechanisms and legal framework.

Article 2. Legal framework on combatting domestic violence

2.1. The legislation on combating domestic violence shall be consistent with the Constitution of Mongolia, Law on prevention of crimes, this law and other legislative acts adopted in conformity thereof.

2.2. If an international treaty to which Mongolia is a party provides otherwise, the provision of the international treaty shall prevail.

Article 3. Persons falling under the scope of the law

- 3.1. The following persons shall fall under the scope of the present law:
 - 3.1.1. Wife, husband, other family members, de-facto partners, guardian, custodian/care-taker, persons who are under custody or care and other persons residing within a family;
 - 3.1.2. A child related by blood or adoption living separately, a parent, sister or brother related by blood or adoption.

3.2. The present legal regulation shall equally be applicable to a couple, divorced or had a de-facto relationship or legal marital relationship from which they have a child.

Article 4. Underlying principles of actions against domestic violence

- 4.1. The actions against domestic violence take into consideration the following principles in addition to principles in the Constitution of Mongolia:
 - 4.1.1. Respect for dignity of a victim, non-discrimination and non-victim blaming in any form;
 - 4.1.2. Priority protection of child rights and legal interests;
 - 4.1.3. Due consideration to ensuring victim's safety and to protecting his/her life and health;
 - 4.1.4. Maintaining confidentiality;
 - 4.1.5. Ensuring inter-agency collaboration and integrity;

4.1.6. Zero-tolerance of violence.

Article 5. Use of terms in the law

5.1. The terms found in the present law shall bear the following meaning:

5.1.1. “Domestic violence” is defined as any action or omission that result in, psychological, physical or sexual harm or suffering, or deprivation of economic or sexual liberty to persons within the scope of this law by persons specified in article 3 of the present law;

5.1.2. “Victim of domestic violence” /hereinafter as “victim”/ refers to a person who suffers from domestic violence that result in psychological, physical or sexual harm;

5.1.3. “One-stop center” refers to inclusive services for a victim who is temporarily accommodated at a medical institution, public and non-public organization and referred for health services and other services stipulated in the present law;

5.1.4. “Multi-disciplinary team to combat domestic violence” /hereinafter as “multi-disciplinary team”/ refers to a structure as led by the soum/khoroo’s Governor to collectively render services stipulated in articles 37, 38.1.1, 40, 41 and 42 of the present law to a victim and his/her family members;

5.1.5. “Temporary shelter” means a standard place to accommodate a victim for a certain period of time and to render services under this law;

5.1.6. “De-facto partner” refers to a person who is not legally married, but has a relationship as a couple living together based on agreement;

5.1.7. “Referral service” means that public and non-governmental organizations are connected to provide collaborative services as a remedial action and rehabilitation for harms to a victim and his/her family members;

5.1.8. “Potential risk of violence” means the circumstance that may lead to or reappearance of domestic violence.

Article 6. Forms of domestic violence

6.1. The forms of domestic violence in this law shall be as the following:

6.1.1. Physical violence;

6.1.2. Psychological violence;

6.1.3. Economic violence;

6.1.4. Sexual violence.

6.2. Physical violence, understood as any action or omission by persons specified in article 3 of the present law that result in, harm or suffering, to the life and health of persons within the scope of the present law.

6.3. Psychological abuse, understood as any behavior or a series of acts by persons specified in article 3 of the present law causing emotional damage or disturbing full development of persons within the scope of the present law, by means of threats, stalking, coercion, humiliation, intimidation, calumny, impairment of personal reputation, jealousy, isolation and other means;

6.4. Economic abuse, understood as any behavior or actions by persons specified in article 3 of the present law that result in the economic dependency by means of violating his/her right to access and administer salary/wages, pension, allowance or other equivalent resources, allocated or co-owned properties, deprivation of required needs, diminishing earning opportunities, ignorance of custodial duty or other ways or economic damages to persons within the scope of the present law;

6.5. Sexual abuse, understood as any behavior or actions by persons specified in article 3 of the present law that force persons within the scope of the present law to any sexual acts while taking an advantage on his/her dependency;

6.6. Any forms of domestic violence stipulated in this article shall be taken into account when conducting risk assessment or rendering victim services.

Article 7. Prohibition of domestic violence

7.1. It is prohibited to intimidate, threaten, stalk, coerce, accuse or hinder the actions of a witness who reports on domestic violence incidents, persons who rendered assistance and support to a victim, officials and officers who are performing their duties.

7.2. It is prohibited to promote or distribute any news, information or advertisement on promoting domestic violence, or harms victim's life, health, safety, privacy and reputation.

7.3. It is prohibited to set restrictions for a victim to exercise his/her right to practice religion, culture or customary norms.

Article 8. Ensuring rights of victim

8.1. In addition to the Law on protecting victims and witnesses and Criminal Code, victims' rights shall be stipulated as the following:

8.1.1. Institute and officials shall have priority considerations for a compliant and reporting by a victim and his/her family members to protect the life, health and safety;

8.1.2. An official who receives, reviews and resolves information on domestic violence related crimes and offences, shall be prevented from disclosing the confidentiality of a victim and his/her family members;

8.1.3. If a victim is considered as exposed to domestic violence, or under potential risk of violence, he/she shall be ensured to file a complaint or reporting either in person, or through an authorized representative or others;

8.1.4. Services under the present law shall be rendered to a victim or a person at risk of violence regardless of justice procedures;

8.1.5. An official who is legally obliged to review and resolve domestic violence related crimes and offences shall undertake measures to ensure safety of, immediate vacating for a victim or his/her family members, or bring an end to violence;

8.1.6. A victim shall be ensured to attend, have his/her voice in related decision making process and file a complaint against the decision by an official;

8.1.7. Persons licensed to render legal assistance, advocate, public or non-governmental organizations shall represent the interests of a victim in conformity with the law;

8.1.8. An official who reviews and resolves respective crime and offence shall inform a victim on the timeframe of domestic violence crime and offence resolution procedure, context and liabilities imposed on a perpetrator;

8.1.9. An employer shall retain his/her work space and position throughout the period a victim is under protection under the present law;

8.1.10. Others as stipulated in the law.

CHAPTER TWO

FRAMEWORK TO COMBAT DOMESTIC VIOLENCE

Article 9. Authority of the State Great Hural of Mongolia on combating domestic violence

- 9.1. The State Great Hural of Mongolia shall exercise the following authorities:
- 9.1.1. Define the Government policy on domestic violence;
 - 9.1.2. Conduct monitoring on the implementation of the law on combating with domestic violence;
 - 9.1.3. Reflect and approve the operation budget for combating domestic violence from the annual state budget;
 - 9.1.4. Others as stipulated in the law.

Article 10. Authority of the Government of Mongolia on combating domestic violence

- 10.1. The Government of Mongolia shall exercise the following authorities on combating domestic violence:
- 10.1.1. Coordinate the implementation of the law on combating domestic violence;
 - 10.1.2. Approve the state policies and national programs on combating domestic violence and take measures to reflect the operation's budget in the state budget;
 - 10.1.3. Coordinate the planning and implementation of policy on combating domestic violence in parallel with the implementation of related laws, statistics, analysis and studies;
 - 10.1.4. Others as stipulated in the law.

Article 11. Duties and responsibilities of the state central administrative organization responsible for legal matters

- 11.1. The state central administrative organization responsible for legal matters shall exercise the following authorities on combating domestic violence:
- 11.1.1. Coordinate the taskforce on combating with and prevention of domestic violence as in conformity with the Law on prevention of crimes;
 - 11.1.2. Coordinate trainings, information sessions and advocacy events for public awareness, building on the law on combating domestic violence and prevention of violence;
 - 11.1.3. Oversee the sector-wide implementation of the law on combating domestic violence;
 - 11.1.4. Ensure the compliance of the procedure and law enforcement duties on keeping records of statistical data on domestic violence and database development, approve the information sharing procedure across and within organizations as in agreement with the State Prosecutor's Office and conduct oversight;
 - 11.1.5. Reflect the competence to apply the law on combating domestic violence in curriculum and standard for the preparation of law enforcement officers;
 - 11.1.6. Conduct oversight on the inclusion of duties and responsibilities under the present law in the job descriptions of officers of related agencies and organizations;
 - 11.1.7. Others as stipulated in the law.

Article 12. Duties and responsibilities of Crime Prevention Council

- 12.1. Crime Prevention Council shall exercise the following authorities on combating domestic violence:
- 12.1.1. Ensure the consolidated management on coordinating the implementation of policies and law on combating domestic violence;
 - 12.1.2. Coordinate, provide directions and conduct oversight on the inter-sectoral synchronized collaboration on combating with domestic violence;

12.1.3. Develop proposals to advance the related law on combating domestic violence and the prevention of violence;

12.1.4. Coordinate the consolidation and development of related information as per procedure specified in 11.1.4 of the present law, conduct an analysis on the background and circumstance of violence, development of recommendations and ensuring implementation respectively;

12.1.5. Ensure the approval and implementation of the job description of an officer obliged to provide victim services specified in the present law and jointly coordinate with the professional organizations the implementation of related regulations and procedures, re-training of officers and the monitoring on qualification training programs;

12.1.6. Present the agenda on setting up temporary shelters and one stop centers with state budget at the meeting of the Government for consideration;

12.1.7. Others as stipulated in the law.

12.2. The Sub-Council on coordinating the prevention of crimes shall exercise the following duties and responsibilities on combating domestic violence:

12.2.1. Submit to the Governor of respective level the proposals on reflecting funding in the budget that is required for planning and implementation of prevention of domestic violence and rendering services specified in the present law to a victim within a jurisdiction;

12.2.2. Coordinate the re-training and qualification of officers obliged to render victim services and provide professional and methodological supervision;

12.2.3. Present the agenda on setting up a temporary shelter and one stop center with local state funding to the Citizens' Representatives' Meeting for a consideration;

12.2.4. Provide Multidisciplinary teams with professional and methodological supervision and support, conduct oversight and provide directions.

Article 13. Duties and responsibilities of the state central administrative organization responsible for social protection

13.1. The state central administrative organization responsible for social protection shall exercise the following authorities on combating domestic violence:

13.1.1. Coordinate the provision of temporary shelter, social welfare and child protection services, psychological counseling and referrals;

13.1.2. Approve the curriculum on re-training officers obliged to provide services specified in 13.1.1 of the present law and the procedure on conducting trainings and conduct oversight on the implementation;

13.1.3. Conduct oversight on the inclusion of duties and responsibilities under the present law in job descriptions of officers of related agencies and organizations;

13.1.4. Facilitate the activities of non-governmental organizations whose areas of actions include the preparation of officers to provide services as specified in 13.1.1 and provision of methodology and fund on a contract basis;

13.1.5. Others as stipulated in the law.

Article 14. Duties and responsibilities of the state central administrative organization responsible for educational affairs

14.1. The state central administrative organization responsible for educational affairs shall exercise the following authorities on combating domestic violence:

14.1.1. Incorporate the content on non-violence conflict resolution and self-risk protection and interpersonal and communication skills in all levels of educational curriculums and standard;

14.1.2. Approve the regulations on the prevention of violence in the learning environment and dormitory facilities of educational institutions and conduct oversight;

14.1.3. Conduct oversight on the inclusion of duties and responsibilities under the present law in job descriptions of employees of educational institutions;

14.1.4. Incorporate the acquisition of competence on identification of a child exposed to domestic violence, or at risk, provision of services, assistance and support into the curriculums of all levels of educational institutions for teacher education and re-training programs and conduct oversight;

14.1.5. Approve the regulations on ensuring that the children exposed to domestic violence can continue their secondary education.;

14.1.6. Others as stipulated in the law.

Article 15. Duties and responsibilities of the state central administrative organization responsible for health matters

15.1. The state central administrative organization responsible for health matters shall exercise the following authorities on combating domestic violence:

15.1.1. Provide funding to the one stop center specified in article 36 of the present law and cost of psycho-therapeutic services specified in 38.1.2;

15.1.2. Provide management and coordination for the one stop center established in health facilities that are obliged to provide services to the victim specified in 33.1 of the present law;

15.1.3. Conduct studies on the impact of domestic violence in public health causes of accident, injuries and morbidity and establish a database;

15.1.4. Coordinate the re-training and qualification trainings of health practitioners on identification of persons exposed to or at risk of domestic violence, provision of emergency or first aid health services;

15.1.5. Conduct oversight on the inclusion of duties and responsibilities under the present law in job descriptions of health practitioners;

15.1.6. Others as stipulated in the law.

Article 16. Duties and responsibilities of the state central administrative organization responsible for cultural affairs

16.1. The state central administrative organization responsible for cultural affairs shall exercise the following authorities on combating domestic violence:

16.1.1. Formulate and promote policy aimed to promote positive behavior and attitudes that respect human rights, freedom and equality, and encourage harmonized family relationship, conduct oversight on the implementation ;

16.1.2. Prevent, monitor and restrain any arts, publications and cultural events that promote or illustrate violence to be disseminated to the public;

16.1.3. Others as stipulated in the law.

Article 17. Duties and responsibilities of the Prosecutor's Office

17.1. Prosecutor's Office shall conduct thorough analysis per loss of life case due to domestic violence, delivers statement to related organizations and officials for remedial actions on nature and extent of committed crimes and conducts oversight on implementation.

17.2. Prosecutor's Office approves the standard operating procedure on ensuring victim's safety jointly with the member of the Government responsible for legal matters and undertakes measures to coordinate the implementation.

Article 18. Duties and responsibilities of the Capital city, aimag and soum Citizens' Representatives' Hural

18.1. Capital city, aimag and soum Citizens' Representatives' Hural shall exercise the following authorities on combating domestic violence:

18.1.1. Approve sub-program on domestic violence prevention and victim protection within the respective jurisdiction and conduct oversight on its implementation;

18.1.2. Reflect and approve the operational budget on combating domestic violence within a respective jurisdiction as proposed by a Governor and consider performance reports;

18.1.3. Set up one stop center or temporary shelter with local state budget taking into account the population size and the prevalence of domestic violence crimes and offences;

18.1.4. Consider the report by a Governor on combating domestic violence and provide directions;

18.1.5. Establish the multidisciplinary teams in the soums and khoros and conduct oversight on their performance;

18.1.6. Others as stipulated in the law.

Article 19. Duties and responsibilities of a Governor at all levels

19.1. Governor at all levels shall implement the following duties and responsibilities:

19.1.1. Coordinate the events to promote and implement the law on combating domestic violence within a jurisdiction, plan and implement the identification of background and circumstance of violence and remedial actions;

19.1.2. Provide consolidated supervision for multidisciplinary teams and enable sustainable working environment;

19.1.3. Escalate the proposal on setting up one stop service or temporary shelter with the local state budget to the Citizens' Representatives' Hural and coordinate the implementation of decisions;

19.1.4. Draft programs or projects that define activities against domestic violence, required funding and respective short or long term strategies and include in the key priorities of local socio-economic development guidelines and budget, put forward to the Citizens' Representatives' Hural for their approval and coordinate the implementation of decisions;

19.1.5. Raise the proposal on the cost of victim services to be included in a local budget to the Citizens' Representatives' Hural and report on the performance;

19.1.6. Coordinate the provision of victim services within a jurisdiction; provide social workers with meeting rooms and facilities for in-person meeting with victims and necessary equipment and enable sustainable working environment;

19.1.7. Support the non-governmental organizations whose areas of actions are against domestic violence and fund them on a contract basis;

19.1.8. Engage citizens and the public in the prevention of domestic violence and reward the people, community, and business entities and organizations actively engaging in this area;

19.1.9. Others as stipulated in the law.

Article 20. Multidisciplinary team

20.1. Multidisciplinary team is comprised of family doctor, social workers of soum, khoroo, school, social welfare, child and family development, police and representatives from non-governmental organizations that run in these areas and the soum/khoroo Governor leads the multidisciplinary team.

20.2. Multidisciplinary team shall implement the following duties and responsibilities:

20.2.1. Organize awareness raising activities for the public, including trainings and promotional events on domestic violence prevention together with non-governmental organizations who have experience in this area;

20.2.2. Plan and implement the activities to identify at-risk families of domestic violence, report when needed and take action to end the domestic violence;

20.2.3. Plan and implement victim services based on situation analysis;

20.2.4. Coordinate the activities on victim protection, rehabilitation, provision of social welfare and other necessary services;

20.2.5. Facilitate the rehabilitation through employment support to persons exposed to or at risk of violence, involvethem in vocational trainings and public health services and provide necessary support to family members that would result in improved participation in their social life;

20.2.6. Deliver statistics and updates on victim services to related organizations.

20.3. Members of the Government responsible for social welfare, legal and health matters shall jointly approve the standard operating procedure of multidisciplinary teams and funding for its operations.

Article 21. Duties and responsibilities of the state administrative organization responsible for child and family matters

21.1. The central administrative organization responsible for child and family matters shall implement the following duties and responsibilities on combating domestic violence:

21.1.1. Establish a database on temporary shelter services specified in article 35, psychological counseling specified in 38.1.1 and social welfare and child protection services specified in articles 40 and 41 of the present law;

21.1.2. Approve the procedure on referrals for care and social welfare optional services and conduct oversight and oversee the implementation;

21.1.3. Nationally coordinate the hot-line services on providing emergency services for children;

21.1.4. Approve the procedure on child services for children exposed to violence and oversee the implementation;

21.1.5. Others as stipulated in the law.

Article 22. Duties and responsibilities of Non-governmental organizations

22.1. Non-governmental organizations shall implement the following duties and responsibilities on combating domestic violence as in parallel with their charter objectives:

22.1.1. Facilitate the preparation, re-training of and provision with professional methodology for officers obliged to provide services specified in 33.1 of the present law;

22.1.2. Coordinate trainings, information sessions and promotional events on the prevention of domestic violence for public awareness;

22.1.3. Ensure temporary shelter for a victim and provide other services specified in the present law.

22.2. The duties and responsibilities specified in 22.1.1 and 22.1.3 of the present law shall be performed by a non-governmental organization accredited in these areas.

22.3. The funding, payroll and incentives for a non-governmental organization that provides services on a contract basis as specified in 22.2 of the present law shall not be lower than government agency who performs the same service.

22.4. Non-governmental organizations shall implement the activities to protect legal rights and interests at the request of a victim through his/her authorized representative.

22.5. The authorized representative specified in 22.4 shall exercise the following rights:

22.5.1. Liaise with the public and non-governmental organizations and others on protecting legal rights and interests of a victim;

22.5.2. Obtain information on domestic violence;

22.5.3. Deliver proposals to authorities and officials on combating and preventing domestic violence and victims' protection;

22.5.4. Be present on justice proceedings at the request of a victim;

22.5.5. Seek support from related organizations, legal entities and others to protect the life, health, and safety and legal interest of a victim;

22.5.6. Others as stipulated in the law.

22.6. Members of the Government responsible for legal, social welfare and health matters shall approve the procedure on accreditation of non-governmental organizations that provide victim services as specified in the present law.

CHAPTER THREE

ACTIONS FOR DETECTING AND ENDING DOMESTIC VIOLENCE

Article 23. Detecting and reporting domestic violence

23.1. The following officials who are aware of domestic violence or occurrence of such a situation while on his/her duty shall be obliged to report to the police, in absence of police officers, to the soum/bag Governor :

23.1.1. Teachers of all levels of educational institutes, schools, social workers and other employees;

23.1.2. Officer in charge of health, social, child and family issues;

23.1.3. Officials of soum, district, bag and khoroo;

23.1.4. Civil servants and employees of non-governmental organizations performing public services on a contract basis.

23.2. Unless otherwise provided by the law, a citizen or legal entity shall report domestic violence committed, or potential occurrence of such situation to the police, or the soum/bag Governor in absence of a police officer.

23.3. Reporting can be made orally, in written, over the phone or electronically.

23.4. Regardless of the forms of reporting, the organization and official to whom the reporting has been given shall be obliged to undertake immediate measures to end the domestic violence by any means specified in the law and victim protection measures, if the life and health of a victim is deemed as under immediate threat, or the environment is deemed as dangerous/harmful.

23.5. Any complaints and reporting on crimes and offences pertinent to domestic violence can be filed to the closest police station regardless of jurisdiction of a perpetrator and victim.

23.6. Organizations and officials whom reports are given as specified in 23.1 of the present law shall keep the confidentiality of reporting persons.

23.7. Related official when on duties is strictly prohibited to disclose the confidentiality of a victim, witness and a reporting person.

Article 24. Duties and responsibilities of soum/bag Governor

24.1. Soum/bag Governor is obliged to undertake immediate measures to bring an end to violence and ensure life, health and safety of a victim.

24.1.1. Call out a perpetrator to inform on warning and requirements;

24.1.2. Refer a victim to emergency medical services, if required, undertake measures to ensure the safety of an environment where a victim is located and if feasible, hand over a victim for a temporary protection of relatives and closest persons;

24.1.3. Inform a victim on his/her rights and duties under the present law and other laws as well as on victim services available for him/her;

24.1.4. Upon the consent of a victim, inform soum/bag/khoroo's social worker;

24.1.5. Enquire on and keep records of violence committed from a victim, perpetrator and witness and perform other required activities;

24.1.6. Inform a police officer on measures undertaken in conformity with 24.1.1, 24.1.2, 24.1.3, 24.1.4 and 24.1.5 of the present law and hand over related records kept;

24.1.7. Others as stipulated in the law.

24.2. If the soum and bag Governor, considers a victim is exposed to or at risk of serious harm physically and psychologically, or a child is exposed to or at risk of violence, they must immediately inform either soum/bag/khoroo's social worker or the school social worker regardless of the consent by the victim.

Article 25. Duties and responsibilities of Police and Police officers

25.1. In addition to the Law on Police and Criminal Procedural law, the Police shall bear the following duties and responsibilities on combating crimes and offences of domestic violence nature:

25.1.1. Keep records of perpetrators and victims; establish and utilize consolidated database;

25.1.2. Receive reports specified in article 23 of the present law, provide required assistance and counseling and run the 24 hour-referral line.

25.2. Taking into account the number of local population and context of criminal and public order, the structure of the police may have a unit with specialized police officers.

25.3. Psychologists, social workers and legal practitioners in children's rights are involved in operations of a unit to ensure the safety of a victim and provision of services specified in 25.2 of the present law.

25.4. Police officers, for the purposes of stopping domestic violence, may access the residence and run the following operations:

25.4.1. Inspect the safety of a victim and his/her family members, conduct a level of risk assessment as in line with procedure under the law based on which the referrals are made to deliver a victim to one stop center, temporary shelter, if feasible, relatives and closest persons;

25.4.2. Require a perpetrator to stop violence and use of alcohol;

25.4.3. If the risk level is high, or a child is exposed to violence, inform soum/bag/khoroo's social worker regardless of consent by a victim;

25.4.4. Inform a victim on his/her rights and duties and provide information on services to be provided in written form;

25.4.5. Undertake measures to ensure rights of a victim specified in 8.1.1, 8.1.2, 8.1.3 and 8.1.8 of the present law;

25.4.6. If required, arrest a perpetrator;

25.4.7. Seize firearms, weapons or other items of weapon used for committing violence;

25.5. Police officer, if required, shall undertake measures specified in the law on protecting witness and victim for the purposes of protecting the life, health and security of a witness, victim, reporting person, their family members and other persons who provide assistance to a victim.

25.6. If a perpetrator objects to comply with the requirements of or resists to a police officer, mandatory actions shall be initiated.

25.7. Police officers render assistance for a victim as specified in 25.4.1 of the present law to access clothes, medicine, medical items, documents, educational items of a child and other required belongings from a residence or if needed requires a perpetrator to cooperate with the police.

Article 26. Duties and responsibilities of Social Worker

26.1. Soum, district, bag and khoroo's social worker shall bear the following duties and responsibilities:

26.1.1. Provide information and basic psychological counseling for a victim;

26.1.2. Conduct a situational analyses of the domestic violence;

26.1.3. Identify immediate needs of a victim based on the situational analysis and coordinate the actions of a multidisciplinary team;

26.1.4. Provide referral to optional services of care, custody, social welfare, benefits and other necessary services. ;

26.1.5. Conduct study on identifying children and families at risk of violence jointly with an officer specified in articles 24, 25 and 27 of the present law and bag/khoroo's social worker, keep records and apply in practice;

26.1.6. Hold trainings and public awareness raising events on prevention of domestic violence;

26.1.7. Plan and synchronize victim services of multidisciplinary team and raise the proposal to a Governor on reflecting required funding for the upcoming year in state and local budget based on services reports and data;

26.1.8. Others as stipulated in the law.

26.2. In addition to the law on Education, the school's social worker shall bear the following duties and responsibilities:

26.2.1. Collaborate with a multidisciplinary team to render services on areas of rehabilitation for children exposed to domestic violence;

26.2.2. Provide recommendations to parents, a teacher and other related officers on services and assistance to children exposed to domestic violence;

26.2.3. Provide information and hold trainings on domestic violence and prevention of violence against children to students, teachers, other employees of educational institutions and parents;

26.2.4. Coordinate the implementation of curriculum, standards and procedures specified in 14.1.1 and 14.1.2 and conduct oversight.

Article 27. Duties and responsibilities of Health practitioners

27.1. Health practitioners shall bear the following duties and responsibilities:

27.1.1. Identify victims while rendering health services and assistance, report to related organizations, keep records of and document the nature of physical harm or failures;

27.1.2. Provide information to a victim on required services;

27.1.3. Be involved in qualification trainings to implement duties specified in 27.1.1 of the present law;

27.1.4. Collaborate with a social worker on rendering health services and assistance to a victim and prepare a professional conclusion;

27.1.5. Others as stipulated in the law.

27.2. The duties specified in 27.1.4 of the present law shall be performed by a family doctor, or other health practitioners/physicians as needed.

CHAPTER FOUR

PROTECTING CHILDREN FROM DOMESTIC VIOLENCE

Article 28. Protecting children from domestic violence

28.1. Parents, guardian, caretaker/custodian and other family members are obliged to protect the legal rights and interest of a child.

28.2. The duties specified in 28.1 of the present law shall equally be applicable to a caretaker or custodian of a child.

28.3. The persons under the scope of the law is strictly prohibited to treat a child with inhuman or aggressive manner, discriminate, intimidate, threaten, use of force against them, physically punish, force them to be involved in worst forms of labor, neglect, demonstrate alcohol abuse, addiction and commit acts of violence.

Article 29. Detecting and reporting the violence against children

29.1. If a child is deemed as exposed to or at risk of domestic violence, officers of public and non-governmental organizations, legal entity and other persons are obliged to report to police, in the absence of a police officer to soum and bag Governor or to the hot-line services for emergency services for children.

29.2. Teacher of all levels of educational institutions, health practitioners, social workers, child services organizations and employees are obliged to identify the causes of negative impact on physiology, psychology and behavior of a child including the child injuries, physical failures, sickness, fear, skipping of a class, dropping out of school and inspect whether they are triggered by violence.

29.3. The reporting to or receiving reports on violence against children shall be adherent to the procedure stipulated in the article 23 of the present law.

29.4. The organization responsible for family and child development issues shall convey the reports received through hot-line services for an emergency services for a child either to police or soum and bag Governor, and provide counseling services for a child and provide referrals to required services and assistance.

29.5. The officer of the organization responsible for family and child development issues shall immediately report to the police when he/she receives information on child abuse or a child at risk and coordinate the measures for further referrals.

Article 30. Provision of special child protection services

30.1. Police officer and soum/bag Governor who received a report on violence against child shall undertake the following measures in addition to articles 24 and 25 of the present law to stop the violence and protect a child exposed to domestic violence.

30.1.1. Deliver a child to one stop center or temporary shelter;

30.1.2. If a measure specified in 30.1.1 of the present law is not feasible, hand over the child to mother or father, other persons of parent's relatives or different family;

30.1.3. Deliver a child to public and non-governmental organizations that provide care and welfare services.

30.1.4. Inform child organizations and officers.

30.2. Member of the Government responsible for legal matters shall approve the standard operating procedure on temporary protection of a child abused.

30.3. The measure specified in 30.1 of the present law shall jointly be implemented by a police officer, soum/bag Governor, soum/bag/khoroo/school social worker of the respective area, or an officer who provides child services.

30.4. The measures specified in 30.1 of the present law shall be taken regardless of the consent by parents and custodian/caretaker if the risk level is medium or higher or if following situation is evident:

30.4.1. Violence is committed or expected as harmful to the life and health of a child;

30.4.2. A child held hostage or at risk of being held hostage;

30.4.3. Vulnerability of a child is used to take advantage of others for favourable decision or for making profits;

30.4.4. A child is under or at risk of fear and psychological pressure;

30.4.5. Perpetrator is addicted to alcohol, drugs and medicine for mental illness.

30.5. Police officer or soum/bag Governor hands over a child to a citizen or organization specified in 30.1 of the present law, a child shall be informed on their rights and duties and confirmation as such shall be made in writing.

30.6. If a child exposed to domestic violence is aged seven or over, his/her consent shall be taken into account when selecting a person or a family specified in 30.1.2.

30.7. The measures undertaken to separate a child from a perpetrator shall not be the rationale that the rights of parents and custodian/caretaker are violated.

30.8. In a circumstance where a measure specified in 30.1 of the present law, the rights of a perpetrator shall be restricted to meet or communicate with a child.

30.9. In a circumstance where a measure specified in 30.1 of the present law, a perpetrator shall not be exempted from a right to take care of a child exposed to domestic violence.

30.10. If required, other children either living within a family or having a relationship to a perpetrator can be referred to services under the law.

CHAPTER FIVE RISK ASSESSMENT, SITUATIONAL ANALYSIS AND VICTIM SERVICES

Article 31. Risk assessment

31.1. Police officer shall conduct a risk assessment to life, health and security of a victim either exposed or at risk.

31.2. Police officer conducts the on-site risk assessment in an environment where domestic violence is committed or expected, or a victim is located.

31.3. The standard operating procedure on risk assessment shall be approved by a member of the Government responsible for legal matters.

Article 32. Situational analysis

32.1. Social worker conducts situational analysis to identify the following circumstances:

32.1.1. Risk of domestic violence or violence;

32.1.2. Negative consequence incurred to or expected for a victim;

32.1.3. Victim services.

32.2. Findings of the situational analysis shall be presented in the form of the conclusion.

32.3. The standard operating procedure on the situational analysis shall be approved by a member of the Government responsible for social security matters.

Article 33. Types of victim services

33.1. Types of victim services shall be as the following:

33.1.1. Safety protection;

33.1.2. Health services and care;

33.1.3. Psychological counseling;

33.1.4. Social welfare services;

33.1.5. Child protection services;

33.1.6. Legal assistance;

33.1.7. Referrals.

33.2. The services specified in 33.1 of the present law shall be provided jointly by relevant organizations, officials and service related information shall be exchanged.

33.3. Upon the request of a victim, the information on other types of services specified in the law, organizations and officers/employees to provide such services can be disclosed.

33.4. When rendering victim services, the specific needs and requirements of a child, a person with disability and/ or mental disorder, pregnant woman and elderly persons shall be carefully considered.

33.5. The services specified in 33.1 of the present law shall be provided to a victim for free of charge.

33.6. Legal entity and other persons, with respect to ensuring safety of a victim, shall be obliged to comply with guidelines, recommendations, statements and requirements by police, police officer, soum/bag Governor, public and non-governmental organization that provides victim services and provide assistance to victims and maintain the confidentiality of information.

33.7. Victims who are illiterate, or blind or have hearing or speaking disabilities shall have the right to seek for interpreter and sign language interpreter when involved in services specified in 33.1 of the present law.

Article 34. Safety protection

34.1. The safety protection services for a victim shall be of the following forms:

34.1.1. Temporary shelter;

34.1.2. One stop service center;

34.1.3. Provide in protection measures to witness and victim specified in the Law on protecting witness and victim.

Article 35. Temporary shelter services

35.1. For the purposes of ensuring the life, health and safety of a victim, temporary shelter service shall be provided.

35.2. Temporary shelter can be set up and operate under the public and non-governmental organizations by jurisdiction of soum, district, aimaq and capital city territory.

35.3. Temporary shelter shall provide services specified in 33.1.2, 33.1.3, 33.1.4, 33.1.5, and 33.1.6 of the present law as jointly with respective organizations.

35.4. The service cost of a temporary shelter is estimated with the variable cost per capita and is approved by a member of the Government responsible for social security matters.

35.5. Temporary shelter location shall be kept confidential.

35.6. The security services of a temporary shelter shall be performed by police or contracted security services office.

35.7. It is strictly prohibited to set up and provide temporary shelter services in light of promoting religious services, gaining profit or cover illegal activities.

35.8. It is strictly prohibited for a perpetrator to access a temporary shelter, to make efforts to contact a victim by any means, make any actions to cause fear and disturbance to a victim or obstruct the normal operation of a temporary shelter.

35.9. A person who learns of a temporary shelter regardless of whether on performance of duties or not, shall be obliged to non-disclosures of confidentiality.

35.10. The standard of a temporary shelter is approved by the public administration body for standardization and metrology and procedure on temporary shelter services shall be approved by a member of the Government responsible for social security matters respectively.

Article 36. One stop center services

36.1. The one stop center is obliged to provide 24-hour services regardless of jurisdiction specified in 33.1 of the present law shall run in a health facility, public and non-governmental organization.

36.2. The cost for one stop center services shall be estimated as stipulated in 35.4 of the present law and funded by the state budget.

36.3. Police shall oversee the security of a one stop center and the procedure on the conduct of oversight shall be approved by a member of the Government responsible for legal matters.

36.4. The procedure on providing one stop service centers and funding shall be approved by a member of the Government responsible for legal, health and social security matters.

36.5. The standard of a one stop center is approved by the public administration body for standardization and metrology.

Article 37. Health services and assistances

37.1. Health institutes and health practitioners shall provide a victim the services specified in 4.1.4, 4.1.5, and 4.1.7 of the law on health services and assistance.

37.2. Services other than emergency health services shall be provided for a victim by a health institute of permanent or temporary residence, if a victim is accommodated in health institute or shelter, he/she shall be referred to a health institute of respective residence.

37.3. The procedure on health services and assistance for a victim shall be approved by a member of the Government responsible for health issues.

Article 38. Psychological counseling

38.1. Psychological counseling for a victim shall be of the following forms:

38.1.1. Psychological counseling;

38.1.2. Psycho-therapy.

38.2. The procedure on providing psychological counseling to a victim shall be approved by a member of the Government responsible for social security matters and procedure on providing psycho-therapy to a victim shall be approved by a member of the Government responsible for health issues respectively.

Article 39. Legal counseling

39.1. Legal counseling for a victim shall be of the following forms

39.1.1. Legal advice;

39.1.2. Advocacy services.

39.2. Legal advice can be provided over the phone or electronically.

39.3. The advocacy services shall be provided as in pursuance of the procedure under the law.

Article 40. Social welfare services

40.1. The social security services for a victim shall be as specified in 18.1 of the Law on social security.

40.2. The procedure on providing social security services to a victim shall be approved by a member of the Government responsible for social security matters.

Article 41. Child protection services

41.1. Child protection services shall be specified in the law on child protection.

41.2. If a child exposed to domestic violence is aged seven or over, his/her consent shall be considered in planning and implementation of child protection services.

41.3. If a temporary shelter services specified in article 35 of the present law, one stop center services specified in article 36 of the present law, are provided or measures specified in 30.1 of the present law is undertaken for a child exposed to domestic violence, further measures shall include the continuous enrollment in secondary educational services.

41.4. If a child exposed to domestic violence is separated from parents, guardian or caretaker for one stop center services or temporary shelter services, he/she should be accommodated as separate from the mature victims.

41.5. The procedure on providing services to a child exposed to domestic violence shall be approved by member of the Government responsible for respective matters as per service type

Article 42. Referrals

42.1. Social worker, as based on the situational analysis specified in 26.1.2 of the present law shall refer a victim to required services.

42.2. The organization that provided services to a victim, on-going status of an officer and service and outcome shall be reported back to the referral agency.

42.3. Organization and employee who make referrals, shall keep the confidentiality and security of clients.

42.4. The procedure on referrals shall be approved by a member of the Government responsible for social security matters.

Article 43. Procedure on coordinating meeting for a victim and perpetrator

43.1. A victim, his/her underage child accommodated in a temporary shelter, one stop center or is under temporary protection as specified in 33.1.1 of the present law are required to meet with a perpetrator, the victim of legal age him/herself or parents, guardian/custodian of a child exposed to domestic violence shall make a request.

43.2. If a child exposed to domestic violence is aged fourteen, he/she can make a request and such request should be agreed by parents, custodian or caretaker in writing.

43.3. Multidisciplinary team that provides services to a victim shall decide on whether to approve the meeting request for a victim and perpetrator.

43.4. When multidisciplinary team makes a decision on approval of the meeting request, the rights and legal interest of a victim shall be considered based on the situational analysis and risk assessment.

43.5. It is prohibited to coordinate a meeting for a victim and his/her child with a perpetrator:

43.5.1. If a victim has a fear or psychological disturbance;

43.5.2. A victim of sexual abuse;

43.5.3. If it compromises the rights and legal interest of a victim and child;

43.5.4. A victim refuses to attend the meeting;

43.6. Meeting shall be coordinated by soum, bag and khoroo's social worker and security shall be ensured by the police.

43.7. The procedure on coordination of meeting for a victim and perpetrator is approved by members of the Government responsible for legal and social security matters.

Article 44. Behavior change programs

44.1. Behavior change training program aimed to promote nonviolence way of resolving conflicts within the family can be in a form of mandatory or voluntary basis

44.2. Behavior change program on volunteer basis can be carried out by accredited non-governmental organizations.

44.3. The curriculum and procedure of a behavior change program on a voluntary basis is approved by members of the Government responsible for legal, social security and health matters.

44.4. Behavior change program on a mandatory basis shall be coordinated by the Court Order Execution Agency for imprisoned persons while Court Order Execution Agency and police run for persons imposed with arrest and mandatory training enrollment.

44.5. Behavior change program on mandatory basis is approved by a member of the Government responsible for legal matters.

CHAPTER SIX MISCELANEOUS

Article 45. Overseeing the implementation of the law

45.1. The oversight on the implementation of the law on combating with domestic violence shall be as the following forms:

45.1.1. State Great Hural of Mongolia annually considers the report of the Government and makes decisions regarding the enforcement of the law on combating with domestic violence;

45.1.2. The Government of Mongolia annually considers the report of the Council that coordinates the task forces on prevention of crimes and provides directions respectively;

45.1.3. The Council that coordinates the task forces on prevention of crimes semi-annually or annually considers the reports of the Central State Administrative Body legally obliged on combating domestic violence, aimag and capital city Sub-Council and provides

directions, if required, attends the briefing and updates by related organization and official to manage collaboration;

45.1.4. Aimag, district and capital city Sub-Council that coordinates the task forces on the prevention of crimes periodically conducts oversight in operation of multidisciplinary teams, considers quarterly updates and semi-annual or annual reports to provide directions and if required, attends the briefing and updates by related organizations and official to manage collaboration;

45.2. General Agency for Special Inspection shall conduct oversight on the implementation of the law within its full authority.

45.3. The organizations and officials whom directions are assigned as stipulated in 45.1 of the present law are obliged to comply and report.

45.4. Related organizations and officials are obliged to ensure the transparency of reporting and information as specified in 45.1 of the present law.

Article 46. Liabilities for non-compliance

46.1. An official who acts as non-compliant to the present law, if otherwise provided by the law, shall be imposed with liabilities under the Law on Civil service.

46.2. An authorized officer of the police shall be fined an amount equal to minimum salary to persons who are not compliant with mandatory reporting duties on domestic violence.

46.3. An authorized officer of police shall fine an amount equal to minimum salary to persons who accesses a temporary shelter and acts non-compliant to the internal procedure and an amount equal to 5 times of minimum salary to persons who makes changes to the designation of a temporary shelter or utilizes for different purposes.

46.4. An authorized officer of the police shall be fined an amount equal to 2 times of minimum salary to persons who breaches the 7.1 and 7.2 of the present law and an amount equal to 5 times of minimum salary to a legal entity respectively;

Article 47. Commencement

47.1. The present law shall come into force on the 1 February 2017.

CHAIRMAN OF THE STATE GREAT HURAL OF MONGOLIA

M. ENKHBOLD
