

LAW OF MONGOLIA

....., 2014

Ulaanbaatar city

LAW ON COMBATTING DOMESTIC VIOLENCE
(Revised version)

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the law

1.1. The purpose of the law is to establish the legal grounds of the system and its functions to regulate all matters pertaining to the revelation, interception and prevention of domestic violence, ensuring the life, health and safety of a victim and other family members and rendering assistance.

Article 2.Laws and legislations on combatting domestic violence

2.1.Laws and legislationson combatting domestic violence shall consist of the Constitution of Mongolia¹,CriminalCode, Law enforcement Act, Criminal Procedure Code, Law on Prevention from Crime², Family Law³,Law on Protection of Children's Rights⁴, this law and other legislative acts issued in conformity therewith.

2.2.If an international treaty of Mongolia provides otherwise than in this law, the provision of the international treaty shall prevail.

Article 3. Scope of the Law

3.1. Persons pertinent to the regulation of this law include:

3.1.1.Spouses, other family members, a party in a de facto relationship,a guardian, a carer or a person who is in a custody or a care and a person residing with the family together for certain circumstance.

3.1.2.A child related by blood or adoption living separately, a parent, a sister or brother related by blood or adoption.

3.2. The regulation of this law shall also apply to persons who areseparated or divorced, or were in a de facto relationship or have a child together from a de facto relationship even no family relationship exists.

3.3. Protection, service and assistance under this law shall be provided for a victim regardless of the on-going civil and criminal procedures. The protection, service and assistance stipulated in this law shall also apply to a person identified to be exposed to the potential risk of abuse.

¹ Constitution of Mongolia in State Information Bulletin, n.1, 1992

²Law on Prevention from Crime in State Information Bulletin, n.1, 1998

³Family Law, in State Information Bulletin, n.8, 1999

⁴Law on Protection of Children’s Rights in State Information Bulletin, n.8, 1996

Article 4. Principles on combatting domestic violence

4.1. In addition to the principles contemplated in the Constitution of Mongolia, the combatting of domestic violence shall be legally binding to the principles that include:

4.1.1. To respect the reputation of a victim, not to convict or discriminate of any kind;

4.1.2. To protect the rights and legal interest of children as priority;

4.1.3. To ensure the life, health and safety of a victim promptly;

4.1.4. To ensure confidentiality;

4.1.5. To ensure the synchronization and integrity of **divisions**.

Article 5. Interpretations of legal terms

5.1. The legal terms used in this law shall be interpreted as the following:

5.1.1. "Domestic violence" refers to any act of violation of rights and freedom of a victim by a person stated in the article 3 of this law that are psychologically, physically, economically or sexually abusive as stipulated in the Criminal Code and this law;

5.1.2. "Physical abuse" refers to an abusive action or omission by a person stated in the article 3 of this law against or causing damages to the life or health of another person;

5.1.3. "Psychological/**emotional** abuse" means any psychological trauma to a victim by a person stated in the article 3 of this law that includes any forced control what the victim can or cannot do, negligence, traducement, stalking, restriction to contact with others, humiliation and other deliberate actions or behaviour that cause emotional suffering;

5.1.4. "Economic abuse" means behaviour of a person stated in the article 3 of this law that is deceptive, coercive or unreasonably controls another person, without his/her consent in a way that denies the rights of access to, ownership and administration of salary, or equal income or joint property, restricts equal rights to earning, without lawful excuse threats to cut off resources and/or care giving, coerces to be dependent financially or incurs property damages;

5.1.5. "Sexual abuse" refers to a coercive physical force to induce another person to engage in a sexual act by a person stated in the article 3 of this law taking an advantage of his/her dependence;

5.1.6. "Potential risk of violence" means any circumstances likely to lead to domestic violence or re-occurrence;

5.1.7. "A person in a de facto relationship" refers to a person with the relationship stipulated in 3.1.12 of the Family Law;

5.1.8. "Victim of a domestic violence" (hereinafter as "a victim") is a person who is suffering from psychological, economic, sexual and physical abuse due to a domestic violence;

5.1.9. "Situational assessment in domestic violence" (hereinafter as "situational assessment") refers to a conclusion that identifies the circumstance of an abusive relationship, negative consequence caused or potential to a victim, service and assistance required;

5.1.10. "Risk assessment" refers to an assessment that determines the risk level caused or potential to the life, health and safety of a victim;

5.1.11. "Temporary shelter" means a place that temporarily accommodates a victim and is compliant to the standard requirements for rendering services under the law;

5.1.12. "One stop shop" refers to arrangements including the temporary placement of a victim in a health facility for health service as needed and other required services under the law.

Article 6. Prohibition of domestic violence

6.1. Any acts or conducts of domestic violence shall be prohibited to a person as stipulated in article 3 against other person.

6.2. Any conducts of threats, intimidations, stalkings, allegations, forcement or prevention from implementing duties shall be prohibited and prevented for a person who provides evidence on domestic violence, a citizen who renders assistance to a victim or witness and an official on duty under the law.

6.3. Any kinds of information, details or promotions that intend or may have a content to promote or justify domestic violences or threaten the life, health, safety, confidentiality and reputation of a victim shall be prohibited to publish or broadcast on any media channels.

6.4. It shall be prohibited to establish any limitations/restrictions for a victim that prevents him/her to exercise rights under this law or based on norms of religion, culture and tradition.

6.5. Any actions by a victim either dropping of a claim or reconciliation with a perpetrator shall not constitute the grounds to discontinue the case procedure.

Article 7. Rights of a victim

7.1. A victim of a domestic violence shall exercise the following rights as complementary to the rights stipulated in other laws:

7.1.1. To receive protection for his/her life, health and safety and other family members as priority;

7.1.2. To ensure the protection for confidentiality and disclosure of private details;

7.1.3. To receive service and assistance under this law;

7.1.4. To be involved in any relevant decision making processes;

7.1.5. To lodge request or grievance to authorities and officials for consideration on the service and assistance under this law;

7.1.6. To be represented by an attorney, public or non-governmental organizations that provide service and assistance under this law;

7.1.7. To receive updates on the case procedure including the process, duration, circumstance and the relevant details on liabilities/measures imposed on a perpetrator by related authority and official;

7.1.8. Other rights provided by law.

CHAPTER TWO

System on combatting domestic violence

Article 8. Power of the Parliament of Mongolia on combatting domestic violence

8.1. The Parliament of Mongolia shall implement the following power on combatting domestic violence:

8.1.1. To develop the Government policy on combatting domestic violence;

8.1.2. To oversee the Government measures and actions undertaken on combatting domestic violence;

8.1.3. To incorporate and approve the annual budget of an operation on combatting domestic violence in the Comprehensive National Development Strategy and budget.

8.1.4. Other powers provided by law.

Article 9. Power of the Government of Mongolia on combatting domestic violence

9.1.The Government of Mongolia shall implement the following power on combatting domestic violence:

9.1.1. To ensure the enforcement/implementation of the law on combatting domestic violence;

9.1.2. To approve the National program on combatting domestic violence, present the proposal to the Parliament to incorporate the annual budget of implementary measures and ensure and oversee the enforcement of resolutions made;

9.1.3.To ensure the policy planning and enforcement on combatting domestic violence based on the implementation of related legislations, statistics, analyses and research;

9.1.4.Other powers provided by law.

Article 10. Sub-Committee on combatting domestic violence and its power

10.1.The Sub-Committee on combatting domestic violence (hereinafter as “Sub-Committee”) shall be established by the Committee in charge of crime prevention affairs.

10.2.Sub-Committee shall be led by a member of the Government in charge of legal affairs and shall be composed of members of the Government in charge of health, social welfare and security, labour, education and culture affairs, representatives of public and non-governmental organizations that function in the field of combatting violence against children and families.

10.3. The structure of the Sub-Committee and the operational procedure shall be approved by the Crime Prevention Committee.

10.4. The Sub-Committee shall exercise the following powers:

10.4.1.To provide consolidated supervision on the combatting and prevention of domestic violence policy and legislations;

10.4.2.To coordinate the synchronization of cooperation on combatting domestic violence between divisions, provide directions and oversee accordingly;

10.4.3. To present proposals for a consideration to the Government on the rationalization of the relevant legislations and improvement of enforcement;

10.4.4.To manage the establishment of a database on domestic violence, consolidation process, conduct of analyses on violence causes and circumstances, development of a recommendation and ensuring the implementation;

10.4.5. In cooperation with professional organizations, to conduct monitoring to ensure the proper approval and enforcement of job descriptions (**terms of reference??**) and key performance indicators, implementation of relevant procedures and regulations, staff re-training and qualification training curriculums.

10.4.6. To approve the operational procedure of the Sub-Committee and multidisciplinary team and oversee the enforcement;

10.4.7. To propose the Government the issues on establishing temporary shelter and one-stop shop with the state budget;

10.4.8. To approve the accreditation procedure for non-governmental organizations to render service to victims in conformity with the law;

9.4.9. To approve the volunteer training curriculum and procedure aimed at influencing perpetrator’s behaviour;

9.4.10.Other powers provided by law.

10.5. The office of the Sub-Committee shall be established as permanent and function under the structure of Central Public Administration Body in charge of legal affairs.

Article 11. Power of Central public administration body in charge of legal affairs

11.1. The Central public administration body in charge of legal affairs shall exercise the following powers:

11.1.1. To bring together combatting and prevention actions for domestic violence under the authority provided by this law and Law on Prevention from Crime⁵;

11.1.2. To host unofficial legal workshops, campaigns and promotional events for public on the Law on combatting domestic violence and prevention of violence;

11.1.3. To oversee the implementation of the Law on combatting domestic violence, plan and ensure improvement measures **at the level of divisions** (харьяа салбарын хүрээнд);

11.1.4. To approve the procedure on the provision of legal counselling to victims of domestic violence and ensure the enforcement in cooperation with the Bar Association,

11.1.5. To approve and enforce the procedure on the conduct of risk level assessment and methodology;

11.1.6. Taking into account the population size of the local area and the frequency of domestic violence cases, to resolve whether to set up a special unit to combat domestic violence in the structure of Police Department;

11.1.7. To incorporate the context of qualification and acquisition of skills required to apply the law and legislations on combatting domestic violence into the standard and curriculum of continued qualification trainings for lawyers and law enforcement officers;

11.1.8. To conduct monitoring, analyses and assessment on the implementation of the law and legislations on combatting domestic violence;

11.1.9. To approve, enforce and oversee the procedure on the approval of job descriptions (terms of reference), key performance indicators and enforcement of duties;

11.1.10. Other powers provided by law.

11.2. The Central public administration body in charge of legal affairs shall exercise the power provided by this law through its respective divisions.

Article 12. Central public administration body in charge of social welfare affairs, its powers

12.1. The Central public administration body in charge of social welfare shall exercise the following powers:

12.1.1. To approve the procedure on rendering service under the article 36.1.1, 38 and 39 of this law and ensure the implementation;

12.1.2. To develop and approve shelter standard and monitor the implementation;

12.1.3. To approve the procedure on the conduct of situational assessment and ensure the enforcement;

12.1.4. To design specific re-training and qualification training curriculum for officers who are responsible for providing services on families, child development, protection, security issues and psychological counselling under this law, approve and monitor the enforcement of the respective procedure and regulations;

12.1.5. To approve, enforce and oversee the procedure on the approval of job descriptions (terms of reference), key performance indicators and enforcement of duties for divisions' officers obliged under this law;

12.1.6. To support and provide contract based financial funding the operation of non-governmental organizations in the field of providing service to victims on social welfare and security, psychological counselling and child protection services, preparation of related officers and provision of methodologies;

⁵Law on Prevention from Crime in State Information Bulletin, n.1, 1998

12.1.7. Other powers provided by law.

12.2. The Central public administration body in charge of social welfare affairs shall exercise the powers provided by this law through its respective divisions.

Article 13. The Central public administration body in charge of educational affairs

13.1. The Central public administration body in charge of educational affairs shall exercise the following powers:

13.1.1. To incorporate the contexts of non-violence conflict resolving methods, self-protection awareness from potential risk and inter-personal skills into the all level educational curriculum and standard development;

13.1.2. To approve and enforce procedure and regulations on hosting events on prevention of violence in educational environment and dormitories;

13.1.3. To approve, enforce and oversee the procedure on the approval of job descriptions (terms of reference), key performance indicators and enforcement of duties for divisions' officers obliged under this law;

13.1.4. To incorporate the contexts of qualification training on identification of children exposed to domestic violence or under potential risk, reporting to related authorities and provision of services and assistances into the all level educational teacher preparation and re-training curriculum at all educational levels and ensure the conduct of periodical monitoring;

13.1.5. To ensure the continued involvement of victim children in basic educational services, approve and enforce the respective procedure and regulations;

13.1.6. Other powers provided by law.

13.2. The Central public administration body in charge of educational affairs shall exercise the powers provided by this law through its respective divisions.

Article 14. Central public administration body in charge of health issues and its powers

14.1. Central public administration body in charge of health issues shall exercise the following powers:

14.1.1. To approve and enforce the procedure on the provision of services under the articles 34 and 36.1.2 and provide funding for service cost;

14.1.2. To provide supervision and management on the establishment of health facility based one stop shop to render assistance to victims of domestic violence and approve the respective procedure on service provision;

14.1.3. To research the impact of domestic violence to public health, causes of injuries, accidents and illness and compile to the database;

14.1.4. To incorporate the contexts of qualification and skills on identification of persons exposed to domestic violence or under potential risk, render first aid or required health service, reporting to related authorities and provision of services and assistances under this law into the re-training curriculum and ensure the conduct of periodical monitoring;

14.1.5. To approve, enforce and oversee the procedure on the approval of job descriptions (terms of reference), key performance indicators and enforcement of duties for divisions' officers obliged under this law;

14.1.6. Other powers provided by law.

14.2. The Central public administration body in charge of health issues shall exercise the powers provided by this law through its respective divisions.

Article 15. The Central public administration body in charge of culture affairs and its powers

15.1. The Central public administration body in charge of culture affairs shall exercise the following powers:

5.1.1. To define and implement develop positive social behaviour and approaches that support balanced family relationship and highly respect human rights and freedom, to this extent host supportive and promotional events or activities that deliver such messages to the public;

15.1.2. Prevent, oversee and restrict any cultural events, works or literature that may favour or promote the context of violence;

15.1.3. Other powers provided by laws.

14.2. The Central public administration body in charge of culture affairs shall exercise the powers provided by this law through its respective divisions.

Article 16. Responsibilities of Prosecutor's office

16.1. The Office of Prosecutor is authorized to provide legal assistance to children, elders and people with disabilities or other persons who are incapable to protect their legitimate interests due to the control and pressure of perpetrators or failure of financial capacity in addition to other circumstances under the Law on the Office of Prosecutor⁶ and other legislations.

16.2. The procedure on the protection of reputation and safety of a victim shall be approved by the State Office of prosecutors and Head of Police Authority and ensure the enforcement (implementation).

Article 17. Citizens' Representative Khural of aimag, city and soum, their powers

17.1. The powers of Citizens' Representative Khural of aimag, city and soum shall be as the following:

17.1.1. To approve a program on victim protection and prevention from domestic violence in its jurisdiction and monitor the implementation;

17.1.2. To approve the budget incorporating the operational expenses on combatting domestic violence in the jurisdiction as presented by the local Governor and consider the performance reporting;

17.1.3. Taking into account the population size and frequency of domestic violence cases, to resolve the establishment of one stop shop and temporary shelter with local funding;

17.1.4. To consider the reporting and information delivered by a local Governor on combatting domestic violence and provide directions accordingly;

17.1.5. To set up local Sub-committee (hereinafter as Sub-committee) responsible for hosting crime prevention events and activities by the Committees at aimag, city and district level and the multi-disciplinary team (hereinafter as multi-disciplinary team) and conduct monitoring on their functioning;

17.1.6. Other powers provided by laws.

Article 18. Local Governors at all level of administration and the powers

⁶Law on the Office of Prosecutor in State Information Bulletin, n.29, 2002

18.1. Local Governors at all level shall exercise the following powers:

18.1.1. To promote the law on combatting domestic violence in the jurisdictions, ensure enforcement measures, determine the circumstances and causes of violence and plan remedial measures for enforcement;

18.1.2. To provide consolidated supervision to local Committees and multi-disciplinary teams and ensure sustainable working environment;

18.1.3. To develop a proposal on issues of establishing one stop shop and temporary shelter with the local funding, present to the Citizens' Representative Khural and ensure the enforcement of resolutions made;

18.1.4. To develop a short and long-term program and project that clearly define the operations of combating domestic violence to incorporate the operation to combat domestic violence and respective expenses as incorporated into the local development strategies (priorities) and funding, receive approval by Citizens' Representative Khural and ensure the enforcement accordingly;

18.1.5. To estimate the budget with respect to the provision of services and legal assistances to a victim of domestic violence in a jurisdiction, present to the Citizens' Representative Khural and report on performance;

18.1.6. To coordinate the provision of services to a victim in a jurisdiction, provide consolidated supervision to the sub-committee and disciplinary team and ensure the sustainability of working environment;

18.1.7. To support non-governmental organizations in the field of combatting domestic violence and provide funding on a contract basis;

18.1.8. To engage colleague, neighbours and community in actions of combatting domestic violence, improve the involvement of men, organize activities that remunerate or promote citizens, business entities and organizations with active involvement;

18.1.9. Other powers provided by laws.

18.2. The Sub-Committee and disciplinary team stipulated in article 17.1.5 of this law shall be led by their respective local Governor and the composition shall be as the following:

18.2.1. Sub-Committee shall be composed of representatives from units in charge of police, children, family development, education, health, legal, social welfare affairs and non-government organizations in those fields;

18.2.2. Disciplinary team shall be composed of representatives including a family doctor, khoroo, soum, school and social welfare officer and non-governmental organization in the field of provision of services.

18.3. Sub-Committee shall implement the following rights and duties:

18.3.1. To prevent domestic violence in a jurisdiction, deliver information to public, promote relevant legislations, plan and implement the provision of services under this law and deliver a proposal to a local Governor to incorporate the required expenses into the budget;

18.3.2. To conduct re-training and qualification trainings for officers obliged to provide services and assistances under this law and provide professional and methodological supervision;

18.3.3. To present Citizens' Representative Khural for a consideration an issue of establishing one stop shop and temporary shelter with local funding;

18.3.4. To ensure professional and methodological supervision on the functions of disciplinary team, monitor the implementation and provide direction.

18.4. The office of sub-committee shall belong to the structure of the Administration Unit of a local Governor's Office of aimag, city and district.

18.5. Multi-disciplinary team shall implement the following rights and duties:

18.5.1. To conduct periodic public inofficial trainings and promotional events on the prevention of domestic violence in cooperation with non-governmental organization working in the field;

18.5.2. To plan and implement actions of identification of, reporting and take measures for families under the exposure of violence relationships;

18.5.3. To plan services to victims based on situational assessment by a social worker of a soum, bag and school.

18.5.4. To arrange provision of protection, rehabilitation and social welfare services and involve in other relevant services;

18.5.5. To facilitate rehabilitation of citizens under the exposure of domestic violence or potential risk through supporting their employment, involvement in qualification trainings and public health service and promote active participation in social life;

18.5.6. To deliver the statistics to the database consolidated on the services provided for victims.

Article 19. Central public administration body in charge of children and family affairs, its powers

19.1. In consideration of combatting domestic violence, Central public administration body in charge of children and family affairs shall exercise the following powers:

19.1.1. To establish database pertinent to the services under the articles of 36.1.1, 38 and 39 of this law;

19.1.2. To approve and enforce the procedure on the referral to optional welfare and nursing services and oversee the enforcement;

19.1.3. To establish emergency hot-line services for children at national level;

19.1.4. To approve and enforce service standard for children under the exposure of violence;

19.1.5. To approve and enforce the procedure on conducting situational assessment for children and adults;

19.1.6. To conduct re-training and qualification trainings for officers obliged to provide services and assistances of social welfare children and family development, psychological counselling under this law, promote the operation of non governmental organizations in the field and provide fund on a contract basis;

19.1.7. Other rights and duties provided by laws.

Article 20. Responsibilities of a non-governmental organization

20.1. Non-governmental organization shall implement the following rights and duties in conformity with objectives set forth in the by-law:

20.1.1. To provide support on the preparation, re-training of staff obliged under this law and provision of methodology;

20.1.2. To host public dissemination, workshops and promotional events;

20.1.3. To facilitate sheltering for victims and provide other services under this law.

20.2. The rights and duties stipulated in article 20.1.1 and 20.1.3 of this law shall be performed on a contract basis by a non-governmental organization accredited on this field.

20. The funding, remuneration and social security provided to a non-governmental organization that provides service on a contract basis shall not be less than the public organizations that provide similar public service.

20.4. A non-governmental organization shall implement the protection of legitimate rights and interests of victims through an authorized representative.

20.5. An authorized representative shall exercise the following rights:

20.5.1. To liaise with public and non-governmental organizations and other bodies on the protection of legitimate rights and interests of victims;

20.5.2. To obtain domestic violence related information and conduct research;

20.5.3. To deliver proposals to related authorities and officials on matters that include the prevention and combatting of domestic violence and protection of victims;

20.5.4. To deliver request to related authorities, officials and individuals on matters that include the protection of the life, health, safety, legitimate rights and interests of victims victims;

20.5.5. Other rights provided by law.

20.6. In conformity with articles of 10.4.8 of this law, the accreditation for non-governmental organizations shall be conducted within the framework of a ministry in charge.

CHAPTER THREE

Measures for identification and stopping domestic violence

Article 21. Identification and reporting of domestic violence

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

21.1.1. Teachers of all educational levels, school social worker and other employees;

21.1.2. Health and social officer and officer in charge of children and family affairs;

21.1.3. Relevant official at bag, khoroo, soum and district;

21.1.4. Civil servant, officer of a non-governmental organization that performs public service on a contract basis.

21.2. Citizens and legal entities shall immediately report to the Police, in absence of police officers, the local Governor of soum and bag on domestic violence cases or potential occurrence of such situations.

21.3. Reporting shall be either written or oral via phone or electronic way.

21.4. Regardless of the type of reporting, any organizations or officials who are reported shall be obliged to take immediate measures to stop domestic violence and protect victims.

21.5. Any complaint or reporting on domestic violence shall be made to the Police Department of a jurisdiction where a perpetrator and a victim permanently or temporary reside, or of a location where violence takes place or if a victim is accommodated in health, nursing or welfare facilities or a shelter or whereas a perpetrator is involved in mandatory training.

21.6. As stipulated in article 21.1 of this law, the organization or an official who are reported on the situation shall be obliged to ensure the confidentiality of a reporter.

21.7. It is prohibited for related officials to disclose details of a reporter, a victim or witness on a victim the information of whom has been obtained while on a duty.

Article 22. Responsibilities of a soum and bag Governor

22.1. Local Governor of soum and bag shall be obliged to take immediate measures to stop violence and ensure the security of life, health and safety of a victim:

22.1.1. To call a perpetrator to be present at the administration office, remind of requirements and warning;

22.1.2. To provide referral to emergency health services, if required take measures to ensure the security of home of a victim and if feasible, to assign a victim to the temporary protection of relatives and close family members;

22.1.3. To explain the rights and duties under this law and other legislations and provide information on services;

22.1.4. To inform bag and soum social officers in a jurisdiction in accordance with the consent of a victim;

22.1.5. To question a victim and perpetrator on domestic violence, make a recording and if required take other measures;

22.1.6. Other rights provided by laws.

22.2. Local Governor of soum and bag shall immediately report Police officers on the measures taken as in conformity with article of 22.1 and deliver related documentations.

22.3. If it is considered that a victim bears or potential to bear serious physical and psychological damages/sufferings, or a child is exposed under or potential risk of violence, it is obligatory to report to bag, soum or school social workers regardless of the provision of a consent.

Article 23. Responsibilities of the Police

23.1. The special unit stipulated in article 11.5 of this law shall function with the composition of a qualified police officer, a psychologist, a social worker and an officer in charge of child issues.

23.2. Police shall take the following measures as complementary to the measures stipulated in the Law Enforcement Act⁷ in conformity with the purposes of stopping domestic violence and ensure the protection of life, health and safety of a victim:

23.2.1. To conduct raid or search accessing premise or land of others without the approval from a court, if required to conduct seizure or arrest;

23.2.2. To conduct risk assessment on victims based on which to deliver victims to one stop shop center or temporary shelter or if possible to hand over in the custody or protection of relatives or close (family) members.

23.2.3. Upon the consent of a victim, to report the social worker of bag, soum or school in a jurisdiction;

23.2.4. To inform a victim of the law and legitimate rights and duties and provide information on related services in written;

23.2.5. To make a recording of a perpetrator and a victim, form database and utilize;

23.2.6. To render assistance to a victim to obtain required items including clothing, medicine, medical items, documentation (birth certificate, citizen's identification card, insurance, pension, allowance, social welfare and savings book etc), educational items for children and enforce the provision of such items by a perpetrator;

23.2.7. To inform a victim or an attorney or an authorized representative of any measures taken against a perpetrator and updates on situations.

23.3. If risk assessment is considered as higher or a child is exposed to an abuse, to report the social worker of khoroo and soum regardless of the provision of consent by a victim.

23.4. Police, if required, shall take measures stipulated in the Victim and Witness Protection Law in conformity with the purposes of ensuring the life, health and safety of a victim, a witness, a citizen or other family members who report on the incident.

23.5. The procedure on the conduct of risk level assessment shall be approved by the members of the Government in charge of legal affairs.

Article 24. Responsibilities of a social worker

24.1. Social workers of soum, district, khoroo and bag shall implement the following responsibilities:

24.1.1. To provide information and basic psychological counselling to a victim;

24.1.2. To conduct situational assessment on domestic violence;

24.1.3. To identify needs of a victim based on situational assessment and arrange provision of services by a disciplinary team;

24.1.4. To arrange the involvement of a victim in optional nursing and welfare services and social welfare allowance;

24.1.5. To carry out investigative research on identifying children and families under the exposure of risk in cooperation with other professionals and officers of bag and khoroo obliged under this law, make a recording on families and children on risk for further use in actions;

24.1.6. To conduct trainings and promotional events on the prevention of domestic violence;

24.1.7. To provide planning and coordination on multidisciplinary services for victims, deliver proposals to a local Governor to incorporate the budget of the service required for the following year in the state and local budget based on the service reporting;

24.1.8. Other responsibilities provided by law.

24.2. The social worker of a school shall bear the following responsibilities as complementary to the responsibilities under the Law on Education:

24.2.1. To cooperate with soum, bag and khoroo multidisciplinary teams on the provision of services and rehabilitation for victims;

24.2.2. To provide counselling to parents, teachers and other related officers on required services and assistances for children;

24.2.3. To disseminate information and conduct trainings for students, employees of educational institutes and parents on domestic violence and prevention of violence against children;

24.2.4. To coordinate and monitor the implementation of regulations and procedures stipulated in the articles 13.1.1-13.1.2 of this law.

Article 25. Responsibilities of a health officer

25.1. Health officers shall bear the following responsibilities on the protection of victims:

25.1.1 To identify victims of domestic violence throughout the provision of health service, report to related bodies, make a recording and keep the evidence on injuries or traumas of a victim;

25.1.2. To provide information on services, assistances and supports required for victims;

25.1.3. To be involved in qualification trainings stipulated in the article 25.1.1 of this law;

25.1.4. To cooperate with social workers on the provision of health services to victims and provide professional conclusions on the conduct of situational assessment;

25.1.5. Other responsibilities provided by law.

25.2. The responsibilities stipulated in the article 25.1.4 of this law shall be performed by a family doctor, if required other physicians.

Child protection from domestic violence

Article 26. Child protection from domestic violence

26.1. The legitimate rights and interests of children within a family environment shall be protected by the parents, guardian and other family members.

26.2. The responsibilities stipulated in the article 26.1 of this law shall also be born by a person or organization (body) obliged to take care of children.

26.3. The persons stipulated in the article 3 of this law shall be prohibited to treat a child as inhuman or coercive, discriminate, cause psychological abuse, threaten, use forceful manner or physical punishment, physically attack or neglect through the involvement in the worst forms of child labor, be involved in or addicted to alcohols at the presence of children, and conduct violence.

Article 27. Identification and reporting on violence against children

27.1. If a child is considered to be under the exposure or potential risk of domestic violence, a citizen, employees of governmental and non-governmental organizations and legal entities shall be obliged to immediately report the Police, in the absence, the local Governor of soum and bag as well as the emergency hot-line service for children.

27.2. Teachers of all level educational institutes, physicians/doctors, health officers, social workers, organisations and employees aimed at the provision of services for children are obliged to identify negative consequence/impact in the physical body, psychology and behaviour of a child including injuries/trauma, exposure to illness, status of psychology, fears, failures of attendance or dropping out of school and ensure whether they are caused due to violence.

27.3. The reporting and reception on violence incidents against children shall be legally binding to the procedure stipulated in the article 20 of this law.

27.4. Delivery of details reported through the emergency hot-line services for children to Police, or local Governor of soum and bag, provision of counselling for children and the proceeding on referral to required services and assistances shall be implemented by the Authority in charge of family and child development and protection.

27.5. An officer in charge of family and child affairs shall immediately deliver the information on children exposed or potential to a risk to Police and coordinate the arrangement of related services and assistances.

Article 28. Provision of special child protection service

28.1. Police or the Local Governor of soum and bag to whom details on violence incidents against children are reported or delivered shall take the following measures as complementary to measures stipulated in the article 20 of this law on stopping violence and protection of victim child:

28.1.1. To separate children from perpetrator for temporary protection;

28.1.2. To report to National Authority for Children or related officers.

28.2. Measures stipulated in article 28.1 of this law shall be taken by a police officer, local Governor of soum and bag in cooperation with social workers of bag, khoroo and educational institutions or officers in charge of provision of services for children.

28.3. If the measures stipulated in article 28.1.1 of this law shall be immediately taken regardless of the proposal of parents or guardian if the indication of the risk level is considered as medium or higher or if the following circumstances are existent:

28.3.1. the incidence of violence occurs or potential to threaten the life and health of a child;

28.3.2. child is either abducted or such abduction is expected/potential;

28.3.3. use or potential use of vulnerability of a child to take an advantage in favourable decision making or making profits;

28.3.4. exposure or potential of such exposure to a child to be under fears and psychological depression;

28.3.5.a perpetrator is involved in alcohols, drugs or takes other substance that impact mentality.

28.4. Taking into account the interest of a child, measures stipulated in article 28.1.1 of this law shall be implemented as the following:

28.4.1. To deliver/escort a child to one stop shop or temporary shelter;

28.4.2. If the measures stipulated in article 28.1.1 of this law is impossible for implementation, hand over the child under the custodian of parents, relatives, other persons or other family;

28.4.3. To deliver/escort a child to child to governmental and non-governmental organizations that render nursing and welfare services.

28.5. Police officer or a local Governor of soum and bag shall remind of rights and duties and document in written form in case a child is delivered/escorted to a person or organization stipulated in the article 28.4 of this law.

28.6. If a victim child is aged 7 or over, his/her proposal shall be taken into consideration in selecting a person of a family stipulated in article 28.4.2 of this law.

28.7. The measures on separation of a child from a perpetrator shall not constitute the grounds for violations of rights of parents, guardians or carers.

28.8. If measures stipulated in 28.1.1 of this law are taken, the restrictions shall apply to the rights of a perpetrator to meet or contact a child.

28.9. In case of separation measure taken, a perpetrator shall not be prevented from the right to take care of a child.

28.10. If required, the protection, support and assistance under this law can apply to other children residing in the same family or related to a perpetrator.

Article 29. Procedure to arrange a meeting for a victim and perpetrator

29.1. If due to an excuse any meeting is required to take a place for a victim or his/her underage children with a perpetrator accommodated in a temporary shelter or one stop shop or under the protection as stipulated in the article 28.1.1 of this law, the request shall be lodged by an adult victim or parents or guardians of a child.

29.2. If a victim child is aged 14, he/she can lodge a request and the consent form in written shall be received from parents or guardians or carers.

29.3. Disciplinary team shall make a decision on the approval of request for such meeting with a perpetrator.

29.4. In consideration of approval issue for such meeting, disciplinary team shall contemplate the grounds, legitimate rights and interest of a victim stipulated in the article 28.3 of this law and situational and risk level assessment.

29.5. The meeting with a perpetrator shall be prohibited on the following circumstances:

29.5.1. A child is suffering psychological depression or threatenings;

29.5.2. A victim of sexual abuse;

29.5.3. The legitimate rights and interest of a child and a victim compromise;

29.5.4. A victim has no willingness to meet;

29.6. The meeting shall be held by bag, khoroo and social worker and police shall ensure the safety.

29.7. The procedure for such meeting shall be approved by the member of the Government in charge of legal and social welfare affairs.

29.8. The procedure on arranging a meeting with convicted perpetrators shall be regulated by the Law on conviction and socialization.

Article 29. Behaviour influencing training for perpetrators

30.1. Behaviour influencing training for perpetrators that aim to develop non-conflict resolution behaviours within a family environment shall be formed as mandatory or volunteer.

30.2. The curriculum and procedure for mandatory behaviour influencing training for perpetrators shall be regulated by the Law on conviction and socialization.

30.3. The assessment on the outcome of the mandatory training shall be conducted in cooperation with organizations in the field of providing services to victims.

30.4. The volunteer behaviour influencing training for perpetrators shall be conducted upon an individual request and shall be conducted by a non-governmental organization accredited in this field.

CHAPTER FIVE Services for a victim

Article 30. Types of services for a victim

31.1. Types of services for victims shall be as the following:

31.1.1. Safety protection;

31.1.2. Health service and assistance;

31.1.3. Psychological service;

31.1.4. Social welfare service;

31.1.5. Child protection service;

31.1.6. Legal assistance.

31.2. The provision of services under the article 31.1 of this law shall require correlation and cooperation from the organizations and officers in charge.

31.3. The information on organizations and officers that provide services other than this law shall be provided to a victim upon his/her request.

31.4. The services under the article 31.1 of this law shall be provided for free of charge.

31.5. With respect to ensuring safety issues, an individual and legal entities shall be obliged to obey instructions and recommendations, comply with statements and

requirements by Police, civil servant, local Governor of soum and bag and government and non-government organizations that render services, provide support and assistance and keep the confidentiality (or not to disclose information).

Article 32. Safety protection

32.1. The safety protection of a victim shall be of the following forms:

- 32.1.1. Temporary sheltering;
- 32.1.2. Provision of one stop shop service.

32.2. The standard of a temporary shelter and one stop shop shall be approved by the public administration body in charge of standardization issues.

Article 33. Temporary shelter service

33.1. In consistent with ensuring life, health and safety of a victim, the service of temporary shelter shall be provided.

33.2. Temporary shelter shall be operated under the government and non-government organizations and shall be established in the jurisdictions of soum, district, aimag and city.

33.3. Temporary shelter shall provide services stipulated in the article 31.1.2-31.1.6 of this law in cooperation with related organizations and body.

33.4. The cost of temporary shelter shall be estimated as a variable cost per person. The variable cost per person shall be set taking into account the currency rate fluctuation, safety protection and complex service cost for a victim, employee payroll, utility cost of shelter and maintenance cost.

33.5. The location of a temporary shelter shall be kept as confidential.

33.6. The security of a temporary shelter shall be performed by police or contracted security service.

33.7. It is strictly prohibited to establish shelter or render services that aim to promote religious missions, profitability reason or shield illegal activities.

33.8. It is prohibited for a perpetrator to access a temporary shelter or be present nearby the location, make efforts to contact with a victim in any ways, influence a victim to act that keeps him/her under fears or intervene the normal operation of a shelter.

33.9. A person who gets aware of the location of temporary shelter regardless of performance of duties shall be obliged not to disclose the details to others.

Article 34. One stop shop

34.1. The unit in charge of rendering 24-hour service at one stop shop stipulated in the article 31.1 of this law shall function in the health facilities of soum, district, aimag and city regardless of the jurisdiction.

34.2. The procedure on providing service through the one stop shop shall be approved by the members of Government in charge of legal, health, and social welfare and security affairs.

34.3. The expenses of one stop shop services shall be estimated as stipulated in the article 33.4 of this law.

Article 35. Health service

35.1. Health facilities, physicians and health officers shall provide services to the victims of domestic violence as stipulated in the article 13.4.1-13.4.5.

35.2. Services other than the emergency services shall be provided in a jurisdiction where a victim reside temporarily or permanently, or in the health facility of a jurisdiction where the health facility or temporary shelter a victim is accommodated.

35.3. The procedure on the provision of health service and assistance to victims of domestic violence shall be approved by the member of the Government in charge of health affairs.

Article 36. Psychological service

36.1. The psychological counselling for victims shall be of the following forms:

36.1.1. Psychological counselling;

36.1.2. Psychological therapy.

36.2. The procedure stipulated in the article 36.1.1 of this law shall be approved by the member of the Government in charge of social welfare and the procedure stipulated in the article 36.1.2 by the member of the Government in charge of health affairs respectively.

Article 37. Legal assistance

37.1. The legal assistance for victims shall be of the following forms:

37.1.1. Legal counselling;

37.1.2. Advocacy.

37.2. The provision of services for legal assistance to victims of domestic violence shall be coordinated by the Central public administration body in charge of legal affairs in cooperation with the Bar Association.

37. The service for legal assistance shall be provided either via hot-line or electronic way.

Article 38. Social welfare and security service

38.1. Хохирогчид үзүүлэх нийгмийн халамжийн үйлчилгээ нь Нийгмийн халамжийн тухай хуулийн⁸ 18 дугаар зүйлийн 18.1-д заасан төрөлтэй байна.

38.2. Хохирогчид нийгмийн халамж, хамгааллын үйлчилгээ үзүүлэх журмыг нийгмийн хамгааллын асуудал эрхэлсэн Засгийн газрын гишүүн батална.

Article 39. Child protection service

39.1. The child protection service shall have the option to re-unite a child into his/her family in addition to the Law on Protection of children's rights.

39.2. In case of the enforcement of measures stipulated in the article 28.1.1 of this law, the service to re-unite the victim child with the family.

39.3. The service to re-unite the victim child with the family shall be implemented as individually or group psycho-therapy.

39.4. An officer in charge of child protection issues shall be prepared through special qualification training.

⁸Law on social welfare in State Information Bulletin, n.2, 1998.

39.5. If a victim child is aged 7 or over, the service planning and enforcement shall take into account his/her proposal.

39.6. If a victim child is provided with services stipulated in the article 33, 34 of this law and ensured with protection as stipulated in the article 28.1 of this law, the measure for continued educational service shall be taken.

39.7. If a victim child is separated from parents, guardian or carer and accommodated at one stop shop or temporary shelter, he/she shall be separately placed from adult victims.

39.8. The procedure on the provision of services for victim children shall be enforced receiving approval each time per service.

CHAPTER SIX MISSELANIOUS

Article 40. Conduct of monitoring on the implementation of legislations

40.1. The monitoring/oversight on the implementation of the law and legislations on combatting domestic violence shall be conducted as the following:

40.1.1. The Parliament of Mongolia shall annually consider and make resolutions on the reporting by the Government to ensure the implementation of the law and legislations on combatting domestic violence;

40.1.2. The Government and Crime Prevention Committee shall annually consider and provide directions (supervision) on the reporting by the Sub-Government to ensure the implementation of the law and legislations on combatting domestic violence;

40.1.3. The Sub-Committee under the power to combat domestic violence shall consider the reporting by Sub-Committees of the ministry, aimag and city twice a year and if required, convene hearings on the presentations of officials and related organizations to further provide assignments.

40.1.4. The Sub-Committee of aimag, city and district shall conduct periodic monitoring on the operation of multi-disciplinary teams of soum, khoroo and bag, consider the reporting twice a year and updates/briefing quarterly to provide further directions and if required, to convene hearings on presentations and briefings/reporting of officials, provide assignments and ensure the enforcement.

40.2. The professional organizations shall conduct monitoring on the implementation of the law under the full authority.

40.3. The organizations/institutions or officials provided with directions and recommendations in conformity with the article 40.1, 40.2 of this law shall be obliged to enforce and report.

40.4. Related authorities/organizations, officials shall be obliged to ensure the transparency of the reporting stipulated in the article 40 of this law.

Article 41. Liabilities for violations and breaches

41.1. Individuals and legal entities stipulated in this law shall be imposed liabilities in conformity with the related legislations.

41.2. If no grounds to impose liabilities stipulated in the Criminal and **Зөрчлийн тухай хуульд** exist for the faulty/wrongful actions or omissions of the officers/employees obliged under this law, disciplinary penalties shall be imposed.

Article 42. Entry into force of this law

42.1. This law shall come into force on

Signed by: