

Mongolia

National Child Protection Legislation

National Legislation

- Age of Child: **Under 18 years of age**
[Law on the Rights of the Child](#)
Art. 1 – Scope of the law
 1. This law shall apply to ensure the rights of children from birth to 18 years of age.

- Age of Consent: **16 years of age**
[Criminal Code 2021](#)
Art. 12.5 - Sexual intercourse with a child under the age of sixteen
 1. If a person who has reached the age of eighteen could have known that the victim was under the age of fourteen or sixteen, or if he / she knowingly had sexual intercourse with them, they shall be fined from four hundred and fifty to five thousand four hundred units or travel for six months to one year. It also may be punishable by restriction of rights or imprisonment for a term of six months to one year.

- Age of Marriage: **18 years of age**
[Family Law](#)
Art. 6 - Formal Requirements
 1. Mongolian male and female citizens aged 18 and older, or a Mongolian citizen with a foreign citizen or a stateless person can marry on ground of mutual consent in Mongolia unless it contradicts 9.1 of this law.

- Age of Criminal Responsibility: **14 or 16 years of age depending on the crime**
[Criminal Code 2021](#)
Art. 6.2 - Age limit for criminal responsibility
 1. A person who has reached the age of sixteen at the time of committing a crime shall be subject to criminal liability.
 2. A person between the ages of fourteen and sixteen shall be charged under Article 10.1 (murder), 11.1 (intentional infliction of serious harm to human health), 12.1 (rape), 17.1 (theft), 17.2 (robbery) and 17.8 (destruction of property). , harm /, 20.7 / Illegal use of narcotic drugs and psychotropic substances /, 20.16 / disturbing public order /, 26.1 / Illegal intrusion into electronic information /, 26.2 / Preparation of software and hardware for illegal intrusion into electronic information network, 26.3 (creation, use and distribution of malicious software), 29.8 (committing terrorism).

3. A person who has reached the age of fourteen and has not yet reached the age of eighteen at the time of committing a crime may be subject to disciplinary measures specified in this Law without being sentenced.
4. A juvenile referred to in paragraph 2 of this Article may not be sentenced if he or she is not fully aware of the illegality of his or her actions or omissions due to mental retardation and the consequences thereof.

Art. 8.1 - Grounds for imposing criminal liability on a minor

1. A person who has reached the age of fourteen and has not reached the age of eighteen at the time of committing a crime shall be subject to criminal liability in accordance with the grounds and procedures set forth in this Chapter.
2. Criminal liability of a juvenile shall be appropriate to his / her age and body, taking into account his / her health, morals and mental characteristics, helping him / her to find his / her place in society, education, awareness of the consequences of his / her crime. isolation from influence and, if necessary, imprisonment of juvenile offenders.
3. Taking into account the personal circumstances of the juvenile who has committed the crime and the circumstances of the crime, the court may impose a sentence in accordance with the procedure set forth in this Chapter, in addition to the sentence imposed or without disciplinary action.
4. The disciplinary measures specified in this chapter may not be applied alone without imposing a sentence on a juvenile who has committed a crime for which the minimum term of imprisonment has been set for a period of five years or more.
5. A court may impose a sentence on a person who has reached the age of eighteen and under the age of twenty-one on the grounds and in accordance with the procedures set forth in this Chapter, and decide to apply coercive measures of a disciplinary nature.
6. Article 8.6 of this Law shall not apply if a person who has reached the age of fourteen at the time of committing a crime and who has not reached the age of eighteen has reached the age of eighteen at the time of sentencing.

■ **Extraterritoriality**

[Criminal Code 2021](#)

Art. 1.6 - Enforceability of the Criminal Code outside the territory of Mongolia

1. A citizen of Mongolia or a stateless person permanently residing in Mongolia shall be subject to criminal liability under this Law if he / she has committed a crime specified in this Law abroad and no criminal liability has been imposed for the crime.
2. If a person has been sentenced abroad for a crime specified in paragraph 1 of this Article, a court of Mongolia may commute or release the sentence imposed on him in accordance with this Law. Unless otherwise provided by an international treaty to which Mongolia is a party, a court may acquit a person on the grounds specified in this law.

3. Unless otherwise provided by an international treaty to which Mongolia is a party, Mongolian servicemen who have committed crimes while serving abroad shall be subject to criminal liability under this law.
4. A foreign citizen or stateless person who has committed a crime outside the borders of Mongolia shall be subject to criminal liability under this law in cases specified in international treaties to which Mongolia is a party.
5. A foreign citizen or stateless person who is not a permanent resident of Mongolia and has not been convicted of a crime against the interests of Mongolia outside the territory of Mongolia may be subject to criminal liability under this law in cases specified in international treaties to which Mongolia is a party.

▪ **Dual Criminality**

[Criminal Code 2021](#)

Art. 1.6 - Enforceability of the Criminal Code outside the territory of Mongolia

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5. A foreign citizen or stateless person who is not a permanent resident of Mongolia and has not been convicted of a crime against the interests of Mongolia outside the territory of Mongolia may be subject to criminal liability under this law in cases specified in international treaties to which Mongolia is a party.

Art. 1.7 - Extradition of individuals that committed a crime

1. A citizen of Mongolia shall not be extradited to a foreign country for criminal investigation or conviction.
2. A foreign citizen who has committed a crime outside the territory of Mongolia and a stateless person who is not a permanent resident of Mongolia may be extradited to a foreign country for investigation or serving a sentence in accordance with an international treaty to which Mongolia is a party.
3. A foreign citizen or stateless person shall not be extradited to that country for criminal investigation or punishment if there are sufficient grounds to impose the death penalty or torture under the law of that country.

- **Mandatory reporting requirements**

- [Law on the Rights of the Child](#)

- Art. 18 - Duties and participation of citizens and legal entities**

- 1. Citizens and legal entities shall have the following obligations to ensure the rights of the child:

- 1.1. To inform the competent authorities and officials about crimes and violations against children's rights;

- [Law on Child Protection](#)

- Art. 6 - Child Protection in Education**

- ...

- 6.2. Educational institutions, officials, teachers and employees shall be obliged to inform the parties concerned under the Law on the Rights of the Child in case of suspicion, knowledge or detection of children at risk.

- Art. 7 - Child protection in healthcare**

- 7.1. If a health worker predicts or finds out about a child at risk in the course of performing his / her duties, he / she shall inform the local child officer, official or police officer.

- Art. 9 - Child protection in public events and services**

- ...

- 9.3. Individuals or legal entities who believe that the rights of the child have been violated during the measures and services specified in 9.1 of this Article shall notify the local child and family affairs organization, official or police organization orally or in writing.

- **Statute of Limitations**

- [Criminal Code 2021](#)

- Art. 1.10 - Time limit of prosecution of a crime**

- 1. A person may not be prosecuted if it is established that the following period has elapsed since the commission of the crime:

- 1.1. One year has elapsed since the commission of a crime for which the maximum sentence of imprisonment in a special section of this Law has been set for one year or less, or the maximum sentence of restriction of the right to travel has been set for one year or less;
 - 1.2. Five years have elapsed since the commission of a crime for which the minimum sentence of imprisonment in a special section of this law is more than one year, the maximum sentence is eight years or less, or the minimum sentence of restriction of travel rights is more than one year;
 - 1.3. Twelve years have elapsed since the commission of a crime for which the minimum term of imprisonment is more than five years and the maximum term of imprisonment is fifteen years or less;

- 1.4. Twenty years have elapsed since the commission of a crime punishable by a minimum sentence of more than twelve years and a maximum sentence of up to twenty years in a special section of this law.
2. The statute of limitations shall be counted from the day the crime was committed until the prosecution.
3. If a person who has committed a crime intentionally commits a crime before the expiration of the period specified in paragraph 1 of this Article, the limitation period shall be counted anew for each crime from the time the last crime was committed.
4. The statute of limitations for crimes punishable by life imprisonment, crimes against human security and peace shall not be counted.

■ **Obligations of Educational Institutions**

[Law on the Rights of the Child](#)

Art. 18 - Duties and participation of citizens and legal entities

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 1. To inform the competent authorities and officials about crimes and violations against children's rights;

[Law on Child Protection](#)

Art. 5 - Child Protection in the family

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

Art. 6 - Child Protection in Education

- 6.1. An educational institution shall develop and follow a program and plan to implement a child protection policy in that institution.
- 6.2. Educational institutions, officials, teachers and employees shall be obliged to inform the parties concerned under the Law on the Rights of the Child in case of suspicion, knowledge or detection of children at risk.
- 6.3. The following measures shall be taken to ensure that every child studying in an educational institution is not exposed to corporal punishment, psychological and peer pressure, neglect, crime, violations and harmful habits in the environment:
 - 6.3.1. Teachers and employees of educational institutions to acquire positive methods of child rearing;
 - 6.3.2. Assess, study and advise teachers and staff of educational institutions on whether students are at risk;
 - 6.3.3. To take preventive measures by reconciling and resolving unfriendly relations, disputes and conflicts between teachers and staff of educational institutions and students, and informing their families;
 - 6.3.4. Not to involve children in activities and activities that may endanger the life, health and safety of children;

- 6.3.5. Take measures to prevent and protect children from alcoholism, drug addiction and addiction.

Law on Education

Art. 35 - Board of the school and kindergarten

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35.4. The school and kindergarten board shall execute following directions:

...

- 35.4.4. To make proposals to school and kindergarten administrations and founders on improving the quality of education, results and level of child development, protection and development;

Art. 43 - Social security of participants in educational relations

43.2 The student shall be provided with the following social guarantees:

- 43.2.1. To provide dormitories to orphans or students with low living standards who are unable to attend school regularly from their place of residence;
- 43.2.2. To sit free of charge in the dormitories of general education schools, vocational education and training institutions;
- 43.2.3. In cooperation with the school administration and local administrative organizations, organize activities to provide transportation services to students at the beginning and end of the school year and during the school holidays and at the request of parents and guardians;
- 43.2.4. To reduce the travel expenses of students studying in aimags and cities other than their place of residence twice a year in accordance with the procedures established by the Government;
- 43.2.5. Compensate up to 50 percent of the cost of public transportation for students who are required to travel by public transport in accordance with the procedures established by the Citizens' Representatives Khurals of aimags and the capital city;
- 43.2.6. To reduce the cost of providing medical, catering, cultural, artistic and household services in accordance with the procedures established by the Government;
- 43.2.7. To discover and develop special talents and abilities of students, to encourage and support them, and to provide educational opportunities for orphans, students with low living standards and students with disabilities;

Art. 44 - Rights and duties of a teacher

44.2. A teacher has the following responsibilities:

- 44.2.1. respect the teacher's ethics and dignity;
- 44.2.2. To implement educational standards;
- 44.2.3. To improve theoretical knowledge, teaching methods and skills;
- 44.2.4. Not to discriminate against students and to respect their dignity;
- 44.2.5. Recognize the uniqueness of each student and treat them

- humanely, support their self-development and personal development;
- 44.2.6. respect the student's independent position and views;
- 44.2.7. pay attention to the student's health and safety.
- 44.2.8. Respect the physical and developmental characteristics of students with disabilities and create conditions for students with disabilities to be equal to others.
- 44.3. It is prohibited for a teacher to physically assault a student, put pressure on them or disclose their personal secrets.

- **Prohibition to hold certain positions**

[Law on Education](#)

Art. 48 - Liability for violators

48.3. In case of serious violation of the ethics of managers and teachers, measures shall be taken to deprive them of the right to teach.

- **Employment Law**

[Labor Code](#)

Art. 55 - Suspension of performance of work

55.1. If an authorized official decides to suspend an employee from performing his / her official duties for a certain period of time in accordance with the Criminal Procedure Code, the employer shall suspend the employee from performing his / her duties and terminate his / her remuneration.

Art. 78 - Termination of Employment Relationship

78.1. An employment relationship shall terminate on the following grounds:

...

78.1.6. If the employee is unable to continue performing his / her duties due to committing a crime and the court decision imposing the sentence has entered into force;

- **Criminal Law - Defamation**

[Criminal Code 2021](#)

Art. 21.2 - Lying

1. If a witness or victim deliberately gives false testimony during the investigation, after giving a true testimony and giving a guarantee, a fine equal to four hundred and fifty to five thousand four hundred units or imprisonment for a period of two hundred and forty to seven hundred and twenty hours shall be imposed. It also may be punishable by community service or restriction of the right to travel for a period of one month to one year.
2. A witness or victim who intentionally falsely slanders or slanders others during a criminal investigation shall be fined five thousand four hundred to twenty-seven thousand units or restricted from traveling for one to five years. It also may be punishable by imprisonment for a term of up to 5 years.

- **Private Fostering**

- [Family Law](#)

- Art. 39 - Scholarships for children in foster care**

- 39.1. Scholarships for children in foster care shall be transferred to the account of the institution, 50 percent shall be spent on children's household needs and the remaining percentage shall be transferred to the savings account in the child's name.

Sexual Offenses Against Children

[Criminal Code 2021](#)

Art. 12.1 - Rape

1. Violence against the will of the victim, threatening to use force, or possession due to mental illness, drunkenness, intoxication, temporary disruption of mental activity, inability to defend or resist due to other illnesses, or possession of property, position or other circumstances shall be punishable by imprisonment for a term of 1 to 5 years.
2. This crime shall be punishable by imprisonment for a term from two to eight years if it is committed as follows:
 - 2.1. rape of a person who has reached the age of fourteen years but not the age of eighteen years;
 - i. ...
2. A crime with consequences of miscarriage or pregnancy of a victim not reached sixteen years of age; or rape of the person within family relationship who did not reach the age of sixteen shall be punishable by imprisonment for a term from five to twelve years.
3. If this crime has been committed against a minor; or due to this crime, the victim died, the act shall be punishable by imprisonment for a term from twelve to twenty years or life term imprisonment.

Notes:

- *The victim of a rape can be a person of any gender whose sexual integrity has been violated.*
- *This crime against a minor is not required to be committed in the manner specified in paragraph 1 of this article.*
- *"Sexual violence" means inserting a penis into a part of the victim's body; the insertion of other organs or other objects into the victim's genitals.*

Art. 12.2 - Unlawful sexual gratification

1. The use of force against the will of a victim, or the threat of use of force, or the sexual abuse of a victim by taking advantage of his inability to defend himself shall be punishable by imprisonment for a term of 6 to 3 years.
2. This crime committed against a person from the age of fourteen to eighteen shall be punishable by imprisonment for a term of 1 to 5 years.
3. The same crime committed against a minor child shall be punishable by imprisonment for a term of 2 to 8 years.

Note: "Minor child" in this law means a person under the age of fourteen.

Art. 12.3 - Sexual Exploitation

1. The act involving the use of physical force, or threat or taking advantage of the defenseless state of the victim; or forced to engage into sexual intercourse with other persons not limiting free travel right but using victim's state of material, occupational or other form of dependence shall be punishable by imprisonment for a term from one to five years.
2. It shall be punishable by imprisonment for a term from eight to twelve years if this crime was committed with intent to gain profit forcing the victim to engage in prostitution in the following ways:
 - 2.1 forceful engagement of a person aged fourteen to eighteen years;
 - a. ...
3. If the following consequences appear due to this crime, it shall be punishable by imprisonment for a term of five to twelve years:
 - a. ...
 - 3.2. pregnancy of the victim not reached the age of sixteen years.
4. If this crime was committed with intent to gain profit forcing the victim to engage in prostitution in the following way, it shall be punishable by imprisonment for a term from twelve to twenty years or life imprisonment:
 - 4.1 forceful engagement of the minors/juveniles;

Note: This crime against a minor is not required to be committed in accordance with paragraph 1 of this article.

Art. 12.5 - Having sexual intercourse with a person under the age of sixteen

1. If a person who has reached the age of eighteen could have known that the victim was between the ages of fourteen and sixteen, and if he / she knowingly had sexual intercourse, he shall be punishable by a fine equal to from four hundred and fifty to five thousand four hundred units of amount, or by limitation of travel right from six months to one year, or by imprisonment for a term from six months to one year.
2. It shall be punishable by limitation of travel right, or by imprisonment for a term from six months to three years if this crime has led to the following consequences:
 - 2.1. a victim became pregnant;
 - 2.2. a crime has entailed the infection of the victim with venereal disease.

Art. 13.1 - Human Trafficking

1. The act with purposes of engaging in prostitution, sexual exploitation of other forms, raping, taking in for slavery and similar condition, removal of possessions and organs, enrollment in forced labor by use of physical force or threatening to use force, manipulating, deceiving, abusing of power, exploiting or controlling the vulnerability of a person, or taking under control by paying to a person or corrupting a person; transporting, giving an asylum, transiting; or receiving shall be punishable by imprisonment for a term from two to eight years.

2. If the same act has been committed in the following circumstances, it shall be punishable by imprisonment for a period from five to twelve years:
 - 2.1. being aware of a juvenile, pregnant women;

Note: This crime committed against a child is not required to be committed in accordance with paragraph 1 of this article.

Art. 16.8 - Promoting pornography to children

1. Intentional display, delivery, advertisement of the press, literature, photo, film, video tapes and other items that advertising pornography to a child, a deliberate action that makes a child commit pornography, or suggestion of prostitution or sexual intercourse to a child shall be punishable by a fine equal to from two thousand seven hundred to five thousand four hundred units of amount, or from two hundred and forty to seven hundred and twenty hours of community service, or a penalty of limitation of free travel right from six months to one year, or imprisonment for a term from six months to one year.

Art. 16.9 - Promoting Pornography involving children

1. Preparation, dissemination, sale, storage of the press, literature, photo, films, video tapes and other items that advertise child pornography shall be punishable by a fine equal to from five thousand four hundred to twenty seven thousand units of amount, or a penalty of limitation of free travel right from one to five years, or imprisonment for a term from one to five years.
2. The same crime committed:
 - 2.1. using of internet network;
 - 2.2. against a juvenile shall be punishable by a fine equal to from ten thousand to forty thousand units of amount, or imprisonment for a term from two to eight years.

- Female Genital Mutilation (FGM)/ Female Genital Circumcision
No legislation concerning female genital mutilation in Mongolia was found.
- Child/Early/Forced Marriage
[Law on the Protection of the Rights of the Child, 1996.](#)

Art. VII. Rights of the child to be protected

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

...