

LAW OF MONGOLIA

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Ulaanbaatar city

LAW ON SOCIAL WELFARE

(Revised version)

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

The purpose of this Law is to regulate relationship in connection with establishing of social welfare pension, allowances, and types of services, determining coverage framework of social welfare, forming social welfare fund, spending the fund's capital, providing social welfare and social development services, and defining of structure and function of social welfare organizations.

Article 2. Legislation on social welfare

2.1. The legislation on social welfare shall consist of the Constitution of Mongolia¹, this law and other relevant legislative acts issued in conformity with therewith.

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

Article 3. Definitions of the terms used in the law

3.1. The following terms used in this law shall have meaning specified below:

3.1.1. "Social welfare" means acts providing pension, allowances and special care services by government to citizen with special needs who is in a poor state of health, lacking of family care and incapable of conducting normal life independently or without other's help and to individual-member of household requiring social welfare assistance or care in order to meet his/her minimum needs;

3.1.2. "An individual-member of household requiring social welfare assistance or care" means an individual-member of household selected from households which living standard is lower than current poverty indicating line and which is entered into the household unified information fund in accordance with methodology approved jointly by the National

¹ The Constitution of Mongolia- publicized in the 1st press of the Bulletin "State information" as of 1992.

statistical committee and the state central administrative organization in charge of social welfare matters;

3.1.3. “Child in difficult situation” means children specified in the paragraph 15.2 of Article 15 of the Law on Protection of Children’s Right².

3.1.4. “The elderly” means a person stated in Article 3 of the Law on Social Protection of Elders³;

3.1.5. “Disabled person” means a person stated in Article 3 of the Law on Social Protection of Disabled Person⁴;

3.1.6. “Individual needs permanent care” means an individual have no capacity to carry out everyday routine life independently or without other’s help, or individual with mental development disorder or with serious mental mischief;

3.1.7. “Double orphan” means a child up to 18 years old whose both parents are not determined legally or were died or missed, or have no legal capacity, or whose parents’ rights to be as parents limited or dismissed under the court decision that shall be effective during such period, furthermore, a child whose a single mother was died while living with her due to his/her natural father could not be legally determined, or a child whose a guardian (a father/mother taken in the guardianship) was died due to the divorce of the parents;

3.1.8. “Mother/father heading family” means a single mother/father, who with legitimated children under birth or adoption even if he/she has been unmarried, in case anyone of the parents is not determined legally or was died or missed, or has no legal capacity, or whose right to be as parent limited or dismissed, or dismissed the marriage under the court decision that shall be effective during such period;

3.1.9. “Specialized care service” means operation to accommodate elders, who have no relatives to guard, support, no capacity to live individually, are single or required permanent care and treatment, disabled people and children in difficult situation, provide food, clothes, hospitality, culture, living, psychology, nursing and treatment services for them, compound their normal living conditions and protect their legal interests in accordance with the legislation.

3.1.10. “Welfare service relying on public participation” means activities to support and provide service for individuals and households with the participation of individuals, business entities, and government and non-government organizations.

² Law on Protection of Children Rights- publicized in the 8th press of the Bulletin “State information” as of 1995.

³ Law on Social protection of elders- publicized in the 4th press of the Bulletin “State information” as of 2005

⁴ Law on Social protection of disabled person- publicized in the 4th press of the Bulletin “State information” as of 2005

Article 4. Coverage framework of social welfare

4.1. Citizen of Mongolia, foreign citizen and stateless person residing permanently in Mongolia legally, who meet requirements and conditions specified in this law and other relevant legislation, are entitled to be covered under social welfare activities.

Article 5. Types of social welfare activities

5.1. Social welfare activities shall have the following types:

- 5.1.1 Social welfare pension;
- 5.1.2. Social welfare allowance;
- 5.1.3. Social welfare service; and
- 5.1.4 Social development service.

CHAPTER TWO SOCIAL WELFARE FUND

Article 6. Social welfare fund and its structure

6.1. Social welfare fund (hereinafter referred to as “Welfare fund”) shall be money capital fund.

6.2. Welfare fund shall have the following types:

- 6.2.1. Pension and allowance fund; and
- 6.2.2. Social service fund.

Article 7. Source of welfare fund revenue

7.1. Welfare fund revenue shall be comprised from the following sources:

- 7.1.1. Capital allocated from state and local budget;
 - 7.1.2. Bank deposit interest on fund’s capital surplus;
 - 7.1.3. Contributions and donations of international institutions and individuals;
 - 7.1.4. Donations and aids given by business entities, organizations and individuals;
- and
- 7.1.5. Other sources.

7.2. Welfare fund revenues are exempted from all types of taxes and fees.

Article 8. Welfare fund expenditure

- 8.1. Pension and allowance fund shall be spent for only social welfare pension and allowance purposes.
- 8.2. Social service fund shall be spent to finance the following services and activities:
 - 8.2.1. Monetary allowance in order to support living;
 - 8.2.2. Welfare service relying on public participation;
 - 8.2.3. Specialized care service;
 - 8.2.4. Social development service;
 - 8.2.5. Service expenses providing for citizens, who were removed from social welfare due to changes of the legislation and experiment of new types of services;
 - 8.2.6. Rewards for member of Livelihood support adjunct council specified in paragraph 27.1 of this law and social workers of soum and khoroo;
 - 8.2.7. Expenditures in connection with training of strengthening the capacity of social workers and retraining, compounding and restoring unified registration and information system.
 - 8.2.8. Expenditures in connection with researching, monitoring and evaluation of results of social welfare activities.
 - 8.2.9. Expenditures of other services permitted in accordance with relevant legislation.
- 8.3. It is prohibited to spend welfare fund for undesignated purposes.

Article 9. Welfare fund allocated from the state budget

- 9.1. Amount of welfare fund allocation shall be determined by the State Great Khural through annual budget law on the basis of the Government proposal.

Article 10. Issuance of financial statement and reporting of welfare fund

- 10.1. Financial revenue and expenditure statement of each welfare fund shall be issued within the following time:

- 10.1.1. Quarterly financial statement to be prepared by the soum and district social welfare service organizations within the 10th of the next month of that quarter and the annual final consolidated financial statement shall be prepared within the 10th of January of the next year and be submitted to the social welfare organizations of province and capital city;

- 10.1.2. Social welfare organizations of province and capital city shall prepare the quarterly financial statement within the 15th of the next month of that quarter and the annual

final consolidated financial statement within the 20th of January of the next year respectively and submit to the state administrative agency in charge of social welfare matters.

10.1.3. State administrative agency in charge of social welfare matters shall prepare quarterly consolidated statement of welfare fund within the 25th of the next month of that quarter and the annual final consolidated financial statement within the 10th of February of the next year respectively and submit to State administrative central organization in charge of social welfare and finance and budget matters respectively.

10.2. State administrative central organization in charge of social welfare matters shall review and discuss the annual final consolidated statement of welfare fund and make an evaluation.

Article 11. Approving welfare fund registration and statement forms

11.1. Standard form of data and financial statement shall be approved by the Government members in charge of finance and social welfare matters jointly.

CHAPTER THREE

SOCIAL WELFARE PENSION AND ALLOWANCE

Article 12. Social welfare pension

12.1. Social welfare pension /hereinafter referred to as “pension”/ shall be granted for the following citizens monthly, who is not entitled to receive pension in accordance with legislations on social insurance:

12.1.1. Man aged 60 years and more, and woman aged 55 and more;

12.1.2. Dwarf individual who reached 16 years old;

12.1.3. Disabled people reached 16 years old, who lost labor capacity at 50 and more percent;

12.1.4. Child under 18 years old, whose foster was died; and

12.1.5. Single woman headed family reached to 45 years old and man reached to 50 years old, who have four or more children aged up to 18 years.

Article 13. Social welfare allowance

13.1. Social welfare allowance /hereinafter referred to as “allowance”/ shall have the following types:

13.1.1. Care allowance;

13.1.2. Allowance of individual-member of household requiring social welfare support and assistance instantly;

13.1.3. Monetary allowance for emergency and livelihood support;

13.1.4 Allowance for pregnant women and mothers with infants;

13.2 Care allowance shall be provided for the following citizens:

13.2.1. Individuals legitimating, caring and supporting double orphan child;

13.2.2. Individuals taking and caring child in their family according to the Article 74 of the Family Law, who became physiological and physical victim of violence, which is specified in Article 25.5 of Family Law and was required to be protected;

13.2.3. Individuals taking care of single elders and disabled person in their family, who has no children or relatives to take care of him\her;

13.2.4. Individuals, taking care of elders, disabled child, or disabled person under medical control, requiring permanent care, and such;

13.3. Allowance for individual-member of household requiring social welfare support and assistance instantly shall be provided monthly to individual- member of household specified in subparagraph 3.1.2 of this law.

13.4. Terms and conditions granting allowance to individual-member of household requiring social welfare support and assistance instantly shall be regulated by regulation approved by the Government.

13.5. The Emergency assistance and livelihood support monetary allowances shall be provided to the following individuals and households only one time:

13.5.1. A household became homeless or home became unsuitable for living or lost livelihood due to sudden accident, disaster or unforeseen other reason;

13.5.2. A citizen of 18-24 years old who became a double orphan before he/she turned 18;

13.5.3. A citizen who was released from prison and homeless;

13.5.4. A homeless and wandering citizen or household;

13.5.5. A citizen or household that raising up and taking care of two and more twins other than specified in subparagraph 19.2.4 of this law;

13.5.6. A child up to 16 years old, who needs permanent care, once a month;

13.5.7. A citizen turned 16 years old and more, who needs permanent care, once a quarter;

13.5.8. A mother /father/ heading family, who has 3 or more children up to 14 years old, once a year;

13.5.9. A mother, who was honored 1st and 2nd State medal of “Mother’s Glory”, once a year, not duplicating monetary allowances.

13.6. The allowance for pregnant women and mothers with infants shall be provided monthly starting from the 5th month of pregnancy for 12 months.

13.7. If the mother specified in paragraph 13.6 of this law died after gave a birth to child, father of the child or legally authorized guardian, or adopted mother/father/ shall be entitled to receive the allowance.

13.8. Individual specified in the paragraph 13.2 of this law shall be engaged in caretaking and nursing skills training and the training costs shall be funded from the Social Service Fund.

13.8. The regulation and curriculum for organizing training specified in paragraph 13.8 of this law shall be approved by Chairman of state administrative agency in charge of social welfare matters.

Article 14. Application for social welfare pension or allowance and the timeframe for decision-making

14.1. Individual, applying for welfare pension and allowance shall conclude all relevant documents and submit with an application to a social worker of soum and khoroo.

14.2. Social worker of soum and khoroo shall be issued a decision within 30 days since the received date of the application for establishing pension and allowance.

14.3. Book and blank forms of pension and allowance by a citizen shall be approved by the Government cabinet member in charge of social welfare matters.

Article 15. Pension and allowance granting

15.1. Social welfare service organization shall grant social welfare pension and allowance through a bank.

15.2. In the event an individual as a pension or allowance receiver request by herself /or himself/ due to the respectful reasons, quarterly pension and allowance may be granted in the first month of that quarter in the gross.

15.3. If an individual is unable to come and receive her /or his/ pension and allowance personally due to the respectful reasons, her /or his/ pension and allowance may be granted to his/her authorized citizen or be delivered to his/her home by an authorized worker of social welfare organization.

15.4. Pension and allowance to be granted for a child aged up to 16 years old shall be granted to her/ his parents or guardians.

15.5. In the event a citizen requests, social welfare service organization may transfer her /or his/ pension and allowance to her /or his/ saving account.

Article 16. Amount of pension and allowance and regulation on granting

- 16.1. Amount of pension and allowance shall be settled by the Government on the basis of the currently complying minimum level of the living standard.
- 16.2. Duration of pension and allowances, and regulation on granting shall be approved by the Government.

CHAPTER FOUR

SOCIAL WELFARE SERVICE

Article 17. Types of social welfare service:

- 17.1 Social welfare service shall have the following types:
 - 17.1.1. Welfare service relying on public participation;
 - 17.1.2. Specialized care service.

Article 18. Welfare service relying on public participation

- 18.1. Welfare service relying on public participation shall have the following types:
 - 18.1.1. Organizing of training to support life satisfaction, individual living capacity, talents, and granting working practice;
 - 18.1.2. Advising;
 - 18.1.3. Involving into rehabilitation service;
 - 18.1.4. Temporarily allocating and taking care;
 - 18.1.5. Involving into daily service;
 - 18.1.6. Involving into family care and welfare service;
 - 18.1.7. Providing other social welfare service relying on needs of citizen and her /his/ family.
 - 18.1.8. Increasing of living expectations of homeless citizen and her /or his/ family member, socializing, documenting and allocating them in an apartment for temporarily rooming.
 - 18.1.9. Socializing a citizen and household, specified in Article 3.1.2 and 18.2 of this law, who needs social welfare support and assistance instantly, forming a community group, fulfilling a project to become having revenue source and train for life skills them.
- 18.2. The following individual-member of household shall be included in welfare service relying on public participation:

18.2.1. Elder;

18.2.2. Disabled person;

18.2.3. Child in difficult condition;

18.2.4. A victims under violence;

18.2.5. A citizen released from a prison;

18.2.6. Alcohol and drug addicted citizen;

18.2.7. An individual with incurable disease;

18.2.8. Homeless and wandering household and individual;

18.2.9. A migrated individual or individual-member of household specified in subparagraph 3.1.2 of this law;

18.2.10. Single mother /or father/ heading family.

18.3. Required capital for welfare service relying on public participation shall be estimated by social welfare service organization of province, district and capital city on the basis of proposal issued by Livelihood Support Council of soum and khoroo and submitted to the state administrative agency in charge of social welfare matters.

18.4. The state administrative agency in charge of social welfare matters shall consolidate the amount in the nationwide and reflect it on the annual budget draft.

18.5. Social welfare service organization of province, district and capital city may be executed services specified in the paragraph 17.1 of this law by citizens, business entities and non-governmental organizations on the basis of a contract.

18.6. Social welfare service organization of province, district and capital city shall be in charge of selection of citizens, business entities and non-governmental organizations specified in paragraph 18.5 of this law.

18.7. State administrative agency in charge of social welfare matters shall approve a contract form to be concluded with citizens, business entities and non-governmental organizations which are proposed to provide welfare service relying on public participation, and methods and instructions to determine amount of required capital and a number of citizens to be involved into the service.

18.8. The Government member in charge of social welfare matters shall approve criteria for quality of welfare service relying on public participation.

Article 19. Specialized care service

19.1. Specialized care service shall have the following types:

- 19.1.1 Care service for elder;
 - 19.1.2 Care service for disabled person;
 - 19.1.3. Care service for child living in difficult condition, who is aged up to 18 years old;
 - 19.1.4. Care service for triplets or more.
- 19.2. The following citizens shall be involved into specialized care service:
- 19.2.1 An elder, identified as a person not have any support by the children or a single that not have capacity to live individually, or it is settled that could not be taken such support by the children due to they are disabled or elders who are not able to be involved into welfare service relying on public participation.
 - 19.2.2. A single disabled citizen without capacity to live individually, who does not have support by the children and required professional service and special conditions;
 - 19.2.3. A disabled child aged up to 18 years old, living under permanent care specified in paragraph 25.5 of Family Law and in difficult situation;
 - 19.2.4. Triplets and more than that aged up to 4 years old, who taken permission by their parents to be cared in specialized care home at the state expenses;
- 19.3. Care services specified in Articles 19.1.2 and 19.1.3 of this law may be categorized and classified in consideration of particularity as exclusive needs, age and sex of a customer.
- 19.4. The governor of province, district and capital city shall make a decision to involve a citizen and child, specified in Articles 19.2.1-19.2.4 into the specialized care service on the basis of the proposal of social welfare service organization of province, district and capital city.
- 19.5. The following expenditure normative, property life period and regulation of a citizen, who involved into the specialized care service shall be approved and enforced by the Government member in charge of social welfare matters.
- 19.5.1. Life period and expenditure normative of medicines, toiletry, school stationary, food and clothes imposed per person;
 - 19.5.2. Funeral expenditure normative for a died citizen;
- 19.6. State administrative organization in charge of standard and measurement matters shall approve a specialized care service standard.
- 19.7. The Government member in charge of social welfare matters shall approve the regulations for receiving inmates in a specialized care home, transferring, checking out them, accrediting a specialized care home and compounding, spending and monitoring its budget.

19.8. 70 percent of established pension of a disabled person aged 18 or more that years old and an elder as a social insurance and welfare pension receiver, who involved into social specialized care service, shall be granted for the inmate and 30 percent shall be granted for the current organization providing care service in accordance with regulation approved by the Government member in charge of social welfare matters.

19.9. Social welfare service may be provided for a citizen and a household other than specified in Articles 18.2 and 19.2 of this law upon their requests to pay and payment amount of that service shall be established discussing with a customer.

CHAPTER FIVE

SOCIAL DEVELOPMENT SERVICE

Article 20. Education support service

20.1. The following assistance and support shall be provided within the framework of the Education support service:

20.1.1. Discount rate for stationary, text books and school uniform for children described in paragraph 20.2 of this law if they are studying at the pre intermediate or intermediate educational schools;

20.2. Education Support Service will be provides for the following beneficiaries:

20.2.1. Children of member of household described in subparagraph 3.1.2 of this law, and children of disabled person;

20.2.2. Disabled children;

20.2.3. Double or half orphan;

20.2.4. Children of homeless and wandering individuals;

20.2.5. Children in specialized care homes;

20.2.6. Children released from prison.

20.3. If a child described in subparagraphs 20.2.2, 20.2.4 and 20.2.6 of this law, is enrolled in equivalent program, then the discounts described in subparagraph 20.1.1 of this law shall be provided fully or partially.

20.4. If a child described in subparagraph 20.2.5 of this law receives tuition fee from his or her orphanage, then the benefits of this law shall not duplicated.

20.5. The Education Support Service shall be approved jointly by the state administrative organizations in charge of social welfare and education and its funding shall be allocated in the budget portfolio of the related sector ministries each.

Article 21. Health Support Service

21.1. The following benefits shall be provided within the frameworks of the Health Support Service:

21.1.1 Full or partial payment of health insurance premiums for members of households specified in subparagraph 3.1.2 of this law;

21.1.5. Other health services to be provided for social welfare beneficiaries.

21.2. Benefits described in subparagraph 21.1.1 of this law shall be regulated by the Health Insurance Law.

21.3. The regulation on provision of benefits described in subparagraph 21.1.2 of this law shall be approved by the Government Cabinet member in charge of health matters and its funding shall be allocated in the budget portfolio of the sector ministry.

Article 22. Food and Nutrition Support Service

22.1. Food and nutrition support service will be provided for individuals of the following households and the following individuals:

22.1.1. Individual who is member of household requiring necessary food supply as determined by the state central administrative organization in charge of social welfare among the individual who is member of the household prescribed in the subparagraph 3.1.2 of this law;

22.1.2. Homeless and wandering individual.

22.2. The Food and nutrition support service shall have the following forms:

22.2.1. Provision of food products or provision of vouchers/food stamp eligible to purchase food products;

22.2.2. Provision of hot meal or tea.

22.3. The food and nutrition support service, its regulation and amount shall be approved by the state central administrative organization in charge of social welfare matters.

22.4. Regulation on determining individuals who is member of households requiring necessary social welfare benefits to be provided by allowances stated in the paragraph 13.1.2 of this law and care services stated in the subparagraph 20.2.1, 21.1.1, and 22.1.1 of this law each shall be approved by the Government of Mongolia.

CHAPTER SIX

MANAGEMENT AND STRUCTURE OF SOCIAL WELFARE ACTIVITIES

Article 23. Organization in charge of social welfare matters

23.1. Social welfare activities shall be performed within the jurisdiction of the state central administrative organization in charge of social welfare nationwide and the Governor of the appropriate level locally.

Article 24. Structure of social welfare organization and monitoring

24.1. The structure of the social welfare organization shall consist of state central administrative organization in charge of social welfare matters; state administrative agency in charge of social welfare matters; social welfare service organizations of province and district; and social workers of soum and khoroo.

24.2. State administrative agency in charge of social welfare matters shall be an implementing agency of the Government of Mongolia.

24.3. Chairman of the state administrative agency in charge of social welfare matters shall be appointed or dismissed by the Government by nominating the person in accordance with law and based on the recommendation of the Government cabinet member in charge of social welfare matters. The chairman of the social welfare service organizations in province, capital city or district shall be appointed or dismissed by the Governors of relevant stages in consultation with the Chairman of the state administrative agency in charge of social welfare matters.

24.4. Social worker of Soum shall be appointed or dismissed by the Chairman of social welfare service organization of province in consultation with Governor of Soum, and the social worker of Khoroo shall be appointed or dismissed by the Chairman of the social welfare service organization in District. .

24.5. Standard normative of soum or district social worker's job position quantity shall be approved by the Government cabinet member in charge of social welfare matters by taking into consideration of the size of population, number of individuals and households to be provided by the social welfare in the relevant administrative unit. .

24.6. Activities in regards with granting of social welfare pension and allowances, and providing of social welfare or social development services shall be organized by social welfare service organizations in province, capital city or districts, and social workers of the soum and khoroo.

24.7 Professional inspection of social welfare shall be carried out by the organization stated in paragraph 9.1 of the Law on State inspection.⁵

24.8. State administrative agency in charge of social welfare matters shall have a monitoring, analyses and evaluation unit with the function to provide professional advices to gross root and middle stage organizations of social welfare services, to monitor granting of pension and allowances, quality and sufficiency of social welfare services, and the expenditure of social welfare fund, and to submit a request to the professional inspection organization stated in paragraph 24.7 of this law if it is required.

⁵ Law on state inspection- publicized in the 2nd press of the Bulletin "State information" as of 2003.

24.9. Social welfare service organizations in province, capital city or district shall have an officer with the function stated in the paragraph 24.8 of this law.

Article 25. Powers of the state administrative agency in charge of social welfare matters

25.1 The state administrative agency in charge of social welfare matters shall have the following powers:

25.1.1 Create welfare fund, ensure performance of its revenue and expenditure, and report them;

25.1.2. Organize activities granting pension and allowances from welfare fund, and providing social welfare and social development services, and report them;

25.1.3. Conduct surveys to elaborate methods and forms of activities of social welfare organizations, make decision by preparing proposals, or submit them to relevant authorized organizations;

25.1.4. cover government and non government organizations conducting social welfare and care service activities in unified data network, provide professional and methodological assistance or support to them, and coordinate their activities;

25.1.5. Ensure professional and methodological management of the lower level institutions and coordinate their activities;

25.1.6. cooperate with international and foreign organizations with similar function;

25.1.7. Prepare proposals to change the amount of pension or allowances specified in this law or to improve social welfare and social development services, and submit them to state central administrative organization in charge of social welfare matters;

25.1.8. If it is required, collect surplus amount of social welfare fund of province, capital city, or district, and spend it on the basis of unified disbursement.

25.1.9 Receive a complaint, application, request or proposal from individuals or organizations in connection with implementation of the social welfare legislations and make a decision in regards with them;

25.1.10 Amend or cancel illegal decisions issued by officials of social welfare service organizations in province, capital city, and district;

25.1.11 Organize activities to ensure the implementation of national programs and measurements approved in order to support the development of population, families, and society;

25.1.12. Obtain information, surveys and other relevant documents necessary for the implementation of the social welfare legislations from organizations and officials free of charge.

Article 26. Organization of social welfare and care services

26.1 Specialized care services shall be organized by national, regional and local care service offices and divisions, and social welfare services shall be organized by aimag, capital city or district social welfare service organizations and social workers of soum and khoroo.

26.2. Individuals, private business entities, non-government organizations may provide social welfare and care services.

26.3 Individuals, business entities and organizations stated in the paragraph 26.2 of this law shall be registered by the state administrative agency in charge of social welfare matters and receive a certificate.

26.4. If the individuals, business entities and organizations specified in paragraph 26.2 of this law violated rights and interest of care receiver and client, the decision to terminate their activities shall be issued.

26.5. Expenditure regarding to social welfare and care services to be provided by the individuals, business entities and organizations specified in paragraph 26.2 of this law may be financed from local budget or from welfare fund wholly or partly on the basis of contract.

26.6. Regulation on concluding cooperation contract with persons providing social care and welfare services specified in the paragraph 26.2 of this law shall be approved and forced to be implemented by the State administrative agency in charge of social welfare matters.

Article 27. Livelihood support Council

27.1. Livelihood support adjunct council (hereinafter referred to as "Council") shall conduct operation in soum and khoroo with the function to make decision whether to enter into the coverage of social welfare activities the individuals other than stated in the subparagraph 3.1.2 and 3.1.5 of this law, and receive complaints in connection with welfare activities and resolve them.

27.2 The composition of the Council shall be approved by discussing through Presidium of the Meeting of representatives of the citizens and General meetings of citizens in the soum and khoroo as recommended by the Local Governors of the soum and khoroo.

27.3. The council shall consist of 7 members who are representatives as follows:

27.3.1. Social worker- 1 person;

27.3.2. Representatives of the state organization- 2 people;

27.3.3. Representatives of the citizens- 2 people;

27.3.4. Representatives of non government organization-2 people.

27.4. Governor shall not be nominated as a member of the Council.

27.5. Term of office of the Council members specified in the subparagraphs 27.3.3 and 27.3.4 of this law shall be 2 years, and this term of such member may be extended one time.

27.6. The Council activities shall be monitored by the Presidiums of the Meeting of representatives of the citizens in the soum, and by the Presidiums of General meetings of citizens in the khoroo.

27.7. Decision of the Council shall be open and transparent to the public unless otherwise stated in the Law on individual's secret⁶.

27.8. Council may be set up by the decision of the Meetings of representatives of the citizens of soum in bagh and village with population of more than 2000 people.

27.9. Necessary operational costs of the Council shall be financed from the welfare fund.

27.10. One quarterly reward shall be granted to the Council members and social workers of soum and khoroo by taking into consideration of their work participation and efforts. Amount of the reward and regulation on granting the reward shall be approved by Government cabinet member in charge of social welfare matters. Council members and soum and khoroo social worker shall be issued quarterly performance-based bonuses

27.11. Expenditure specified in paragraph 27.10 of this law shall be financed from social welfare fund.

27.12 Internal rules on the Council's activities shall be approved by the Government cabinet member in charge of social welfare matters.

Article 38. Social worker

28.1 A citizen who holds Bachelor degree or above in the social worker profession, , obtained specialized professional training on social work, and received a right to conduct social work and service shall be considered as a social worker.

28.2 Social worker shall follow strictly professional ethics and receive a license to conduct social work or service and a personal stamp. Social worker shall have the Code of professional ethics.

28.3. Adjunct council at the state administrative central organization in charge of social welfare matters shall be responsible for approval and implementation of Code of Professional ethics and granting of license to conduct social work or services and personal stamp to social worker.

28.4 Composition of the Adjunct Council shall consist of the representatives of social work's professional associations, social worker preparation institutes and universities, and relevant state administrative organizations.

⁶ Law on individual's secret-publicized in the 7th press of the Bulletin "State information" as of 1995

28.5 The composition of the Adjunct council described in paragraph 28.3 of this law, its internal rules on activities, amount of rewards to be granted to the council members shall be approved by the Government Cabinet member in charge of social welfare matters.

28.6 Necessary expenditure related to the activities of the Adjunct council and rewards for its members shall be financed from Social welfare fund.

28.7 Social worker shall have the following duties:

28.7.1 Conduct survey on the number and needs of households, individuals to be covered in target group of the respective soum and khoroo, and create database;

28.7.2. Evaluate the conditions of household and individuals to be covered in the social welfare target groups, formulate development program jointly with the respective household and individuals, and ensure its implementation;

28.7.3. Identify households and individuals to be covered in social welfare pension, allowances and social welfare and social development services and forward to be decided;

28.7.4 Provide professional and methodological assistance to households and individuals to organize groups based on their will, aim and demand;

28.7.5. Provide advices and training to households and individuals to obtain capacity to improve their lives;

28.7.6. Distribute information to local residents, business entities, government and non government organizations provide professional and methodological assistance to them, and cooperate with them;

28.7.7. Strictly observe rules of social worker's professional ethics;

28.7.8. Keep the private secrets (except incidents of violation of laws) of individuals, who approached to social worker;

28.7.9 Facilitate the implementation of social welfare legislations, rules and guidelines;

28.7.10. Organize activities designated to implement national programs and measures approved to support development of population and household at the local level in collaboration with workers of health and education, and other social workers.

28.8. Social worker shall exercise the following rights:

28.8.1 Participate in the selection process of the contracted organizations and individuals to implement social welfare and social development services, monitor and evaluate the service quality;

28.8.2 Obtain necessary information, surveys and other related documents from relevant organizations free of charge;

28.8.3 Obtain comments and reference material related to expenditure and other financial transactions of the social welfare fund capital;

28.8.4 Refuse from carrying out any activities contradictory to his professional ethics, rights and duties and customers' interest;

28.8.5 Ensure the participation of local organizations and individuals in the implementation of social welfare and social development services;

28.8.6 Have separate room or work place with separation and necessary equipments, depending on the specific nature of the work;

CHAPTER SEVEN

REGISTRATION AND UNIFIED DATABASE OF SOCIAL WELFARE SERVICE BENEFICIARIES

Article 29. Social welfare registration and data

29.1. State administrative agency in charge of social welfare matters shall be responsible to create unified network of registration and data of beneficiaries covered in social welfare services and households specified in subparagraph 3.1.2 of this law, for normal conduct of activities, and renew them currently;

29.2. State administrative agency in charge of social welfare matters shall furnish and exchange reports and data of the unified network specified in paragraph 29.1 of this law with National statistical Committee, state central administrative organizations in charges of health and education matters, State registration agency, Social insurance agency, and state administrative agency in charge of employment matters free of charge.

29.3 Expenses related to implementation of matters as set forth in paragraph 29.1 of this law shall be financed from welfare fund.

CHAPTER EIGHT

MISCELLANEOUS

Article 30. Terminating pension and allowance, and making deductions

30.1. If it is proven that pension and allowances are granted based on the false documentation, they shall be terminated.

30.2. Deductions could be made if there is court order or decision of state inspector is presented to reimburse the extra sum of pension, allowance based on false documents.

- 30.3. The amount of deduction, described in 30.2 of this law should not exceed 50 percent of the monthly pension and allowances.
- 30.4. It is prohibited to make any deductions from pension, allowances, except the occasions described in 30.2 of this law.
- 30.5. Pension and allowance overpaid due to the fault of social welfare service organization or its officials will not be deducted and the overpaid amount shall be reimbursed by the responsible official through means of court order.

Article 31. Liabilities against the violation of social welfare legislations

- 31.1. If a breach does not constitute a criminal offence, a guilty person to be granted in social welfare pension, allowance, and to be covered in social welfare and social development services by presenting false documents and wrong information shall reimburse all damages in connection with this action and the state inspector shall impose a fine of 50000 – 100000 tugrik.
- 31.2. Officials and social workers, who made false reference letter for the individuals to be covered in social welfare pension, allowances and social welfare and social development services, shall pay the total amount of damage, caused by their action, if their action does not involve criminal offence, and State inspector shall impose a fine of 50000 – 100000 tugrik.
- 31.3. Social worker who violated law provisions by spending social welfare fund for undesignated purposes or for his own purpose shall be imposed liabilities as set forth in law, if a breach does not constitute a criminal offence.

Article 32. Enforcement date

- 32.1. This Law shall be enforced from July 1, 2012.

SIGNATURE