

05 February 2016

Ulaanbaatar city

On human Rights of Persons with Disabilities

CHAPTER ONE

BACKGROUND

Section 1. Purpose of the law

1.1. The purpose of the present law is to govern relations concerning identification of principles, rights, responsibilities and participation of government organizations, individuals and legal entities in ensuring, enforcing and safeguarding equitable rights of persons with disabilities to participate in social life.

Section 2. Legislations on the human rights of persons with disabilities

2.1. Legislation on human rights of persons with disabilities comprises the Constitution of Mongolia and other laws and regulations enacted in correspondence with it.

2.2. International treaties shall override if it is otherwise stated in international treaties.

Section 3. Scope of applicability

3.1. The present law shall equally apply to Mongolian citizens with disabilities and foreign and stateless persons with disabilities, which legally reside in Mongolia.

Section 4. Definitions of legal terminologies

4.1. The following terminologies used in the present law shall be understood as follows:

4.1.1. "Persons with disabilities" means those who have physical, intellectual, mental and sensory impairments, which in interaction with various barriers; hinder them from fully and effectively participating in social lives.

4.1.2." Discrimination on the basis of disability" means any distinction, exclusion on the basis of disability which restricts persons with disabilities to exercise basic human rights and fundamental freedoms in political, economic, social, cultural field on an equal basis with others and to access distribution of social wealth, contribute to the development and to be supplied with appropriate devices.

4.1.3."Appropriate device" means equipment, material, devices, software, environment and services that persons with disabilities need, in order to exercise basic human rights and fundamental freedoms, on equal basis with others;

4.1.4."Universal design" means the design of products, program, environment and form of services to be usable by all people without the need for adaptation and specialized design;

4.1.5."Community-based inclusive development service" means to deliver sociopsychological, health, education and employment services for persons with disabilities among families and communities in order to participate in all aspects of social life on an equal basis. ;

4.1.6."possible maximum limit" is the upper limit of restoration of lost capacity of persons with disabilities.

4.1.7. "Prevention" means activities designed to create environment where persons with disabilities are prevented from diseases, injuries and accidents with participation of citizens and community; conducting training and advocacy activities; early diagnosis and treatment of diseases and reduction of negative consequences caused by diseases, injuries and accidents;

4.1.8. "Assistive device" means all types devices that are designed to substitute, fix, protect, support individuals' physical disorder and functioning impairments and to prevent from injuries;

4.1.9. "Patient care devices" means all types of devices designed to ensure normal condition of cared persons, ease caregivers works, and ensure safety and to prevent cared persons from risks;

4.1.10."Sanitary and hygiene material" means necessary materials to meet daily hygienic needs of persons with disabilities;

4.1.11. "Right to live independently" means the ability of persons with disability to make and independent decision on the issues concerning their lives and exercise freedom of choice and participate in all aspects of social life;

4.1.12. "Guide dog" means assistance dogs especially trained to guide blind persons to navigate in an environment with proper orientation, barrier free and safely;

4.1.13." Sign language interpreter" means a person, which interprets sign language for persons with hearing loss and language impediment.

Section 5. Principles for ensuring and protecting human rights of persons with disabilities

5.1. The following principles are followed to ensure and protect human rights of persons with disabilities:

5.1.1. refrain from discrimination of full and equal participation and inclusion in society of persons with disabilities by all means;

5.1.2 Respect for individual autonomy and freedom of choice of persons with disabilities;

5.1.3. Create an environment where persons with disabilities exercise their rights and access to all aspects of social relations including to study, work, and socialize without barrier,

5.1.4. Respect identity of children with disabilities and ensure their rights to evolve;

5.1.5. Ensure that all the stakeholders recognize their responsibilities to deliver communitybased inclusive development for persons of disabilities in accessible and equal manner;

5.1.6. Ensure participation of persons with disabilities, their representatives of non-government organizations for persons with disabilities in developing government policy and decisions, their implementation and exercising control and assessment of their implementation;

CHAPTER TWO.

Rights of persons with disabilities to participate in social life on equal basis

Section 6. Non-discrimination of persons with disabilities

6.1. Each person is entitled for being equal before and under law and justice and exercising basic rights and fundamental freedom and access to social wealth regardless of being disabled or not. It is prohibited to discriminate persons based on disabilities and health conditions.

6.2. Any act of legal parties, enterprises and organizations Universal design, appropriate devices, act of legal parties, public organizations, individuals and organizations that do not or refrain from creating disabled-friendly environment with universal design and appropriate devices, and restrict persons with disabilities to access social services equally with other persons shall be considered discriminatory;

6.3. The following acts and non-acts of individuals and legal entities other than those specified in 6.2 of the present law in regards to exercising rights of persons with disabilities to live in favorable and risk free environment, to study and to take part in decision making process and to exercise political rights, shall be considered discriminatory:

6.3.1. Failure to allow persons with disabilities to travel freely via public transports, obstacle free access to infrastructure, accommodation, public buildings and facilities,

6.3.2. Failure to create environment where persons of disabilities have an access to information and to communicate with others;

6.3.3. Refrain from delivering educational services on the basis of disability, from creating learning environment for persons with disabilities, restrict or discriminate children with disabilities to develop into an individual among regular peers, adults and community;

6.3.4. Refrain from delivering financial services and loans for reason of being disabled;

6.3.5. Restrict reproductive rights of persons with disabilities without their prior consent;

6.3.6. Abstain participation of persons with disabilities to participate in developing, implementing and exercising control over enforcement of policy and decisions and restrict their rights to vote for and be elected;

6.4. Any acts and non-acts of individuals and legal entities other than those specified in 6.2 of the present law, to restrict rights of persons with disabilities to be employed, shall be considered discriminatory;

6.4.1. Refrain persons with disabilities from participating in recruitment process or from hiring those who pass the recruitment selection, based on disability;

6.4.2. Restrict persons with disabilities to be promoted or advance career;

6.4.3. Use of management tools, procedure and rules by organizations and enterprises that discriminate employees on the basis of disability;

6.4.4. Refrain from hiring persons for reason of having disabled family member, dismiss them from job or restrict their right for employment by other means;

6.4.5. Refrain from generating vacancies tailor-made to competencies, qualification and special needs of persons with disabilities and set discriminatory wages;

6.4.6. Refrain from equipping workplaces with appropriate devices meeting needs of persons with disabilities.

6.5. The following acts shall be considered discrimination:

6.5.1. Intentionally insult or intimidate persons based on disabilities; treat families and parents with members and children with disabilities in exclusive manner; engage in announcements and advocacy activities that lead to misconception about disability; provide counseling that violate rights of persons with disabilities based on their beliefs and faith;

6.5.2. Act of segregation of disabled persons by family members through distancing them from society, hiding, restricting persons with disabilities to participate in social life, refraining them from being involved in capacity building and development related activities;

6.5.3. Restrict rights of persons with disabilities by prohibiting them from taking children under custody;

6.6. The government shall implemented multifaceted measures to prohibit all types of discriminations against persons with disabilities and to safeguard persons with disabilities from becoming subject to discrimination.

7. Government organizations and legal entities shall implement phase-to-phase measures to provide persons with disabilities with appropriate devices that enable them to fully and equitably participate in social life.

6.8. Special arrangements tailor-made to the needs of persons with disabilities that have been undertaken to guarantee their rights to participate in social life equitably, shall not be considered discrimination.

Section 7. Raising awareness and understanding of disability

7.1. The following steps shall be undertaken to ensure that human rights of persons with disabilities are respected throughout all spheres of society.

7.1.1. Government organizations, individuals and legal entities shall be obliged to conduct awareness raising campaigns among employees on human rights of persons with disabilities, the need for universal design and appropriate devices;

7.1.2. The National Radio and Television shall implement a policy designed to promote positive image of persons with disabilities among public;

7.1.3. Ensure that textbooks of educational institutions of all levels introduce disabled-friendly attitude among students and exercise the idea through learning plans;

7.1.4. Ensure that families and persons with disabilities have access to information on services for persons with disabilities and their rights and arrange training and advocacy activities for them;

7.1.5. Undertake steps that are directed to promote positive attitude of persons with disabilities in the society through increasing opportunities for children and young adults with disabilities to live independently and create an environment where their rights are respected; measures designed to meet such objectives shall be undertaken with funding from the government central body in charge of education.

7.2. Ensure that persons with disabilities and their representative organizations participate in the activities specified in 7.1 of the present law.

7.3. Representative organizations of persons with disabilities may be contracted to arrange implementation of activities specified in 7. 1.4 of the present law and funding shall be provided by the Social Welfare Fund.

CHAPTER THREE

Section 8. Measures to improve living and working conditions of persons with disabilities

8.1. Accommodations, public facilities, roads public transports and communication technology shall be accessible to persons with disabilities.

8.2. Government shall approve and implement programs designed to make public transport, communication, public services, building and facilities accessible to persons with disabilities, and to promote individuals and legal entities that produce prosthesis, care, sanitary-hygienic materials, devices and products for persons with disabilities.

8.3. Government organizations shall be obliged to identify needs and requirements for keeping public buildings and facilities, roads, public transport, information and communication technology accessible to persons with disabilities; develop necessary standard and guidance, conduct examinations and audits and introduce their outcomes into the production process and the required funding shall be set aside in the government budget.

8.4. Improve infrastructure accessible to persons and young adults with disabilities and increase participation of information communication technology in this process; promote entrepreneurs doing business for children with disabilities and ensure that children with disabilities are supplied with healthy food, clothes, accommodation and the required funding shall be released from the budgets of the central government bodies responsible for road and transportation, information communication technology, health, labor, social protection and employment and respective local administration such as provinces, capital city and district.

Section 9. Aligning apartments, infrastructure facilities to the needs and requirements of persons with disabilities

9.1. Government shall, in partnership with individuals and legal entities, create enabling environment for persons with disabilities for obstacle free access to infrastructure, accommodations, public buildings and facilities based on the present law and the law on construction and urban development.

9.2. National Standardization Organization shall approve national standards for roads, walkways and road facilities based on proposal of central government bodies in charge of persons with disabilities and for road and construction

9.3. National Standardization Organization shall approve national standards for social infrastructure, apartments, public buildings and facilities and the arrangement of surrounding area and indoor settings, based on proposals provided by central government bodies in charge construction and for persons with disabilities

9.4. One fourth of members of the Construction and social infrastructure facility assessment commission shall consist of representatives of non-government organizations for protecting interests of persons with disabilities.

9.5. The Building Assessment Commission shall be prohibited to accept buildings and facilities that do not meet needs and requirements of persons with disabilities.

Section 10. Complying public transport services to the needs and requirements of persons with disabilities

- 10.1. Public transportation organizations shall enable persons with disabilities to travel in public transports without obstacles.
- 10.2. Standardization agency shall approve national standard on public transport, parking lot and services that meet needs and requirements of persons with disabilities, in partnership with government central body in charge of persons with disabilities
- 10.3. Public transportation organizations shall be obliged to use transport means that meet standard specified in 10.2 of the present law.

Section 11. Complying information and communication services to the needs and requirements of persons with disabilities

11.1. While performing official responsibilities, legal entities providing information services shall ensure that persons with disabilities have access to information and be able to communicate with others, through appropriate technology and devices that will be made available for them.

11.2. Legal entities shall take the following steps to promote access of persons with disabilities to information and to enable them communicate with others:

11.2.1. Ensure that web pages of public organizations are freely accessible to persons with disabilities;

11.2.2. Develop and introduce screen readers- software programs that allow persons with disabilities to read the text that is displayed on computer screen with a speech synthesizer, develop new technology, special needs equipment and make them available for use by persons with disabilities in the native tongue.

11.2.3. Publish textbooks, newspapers and magazines, government organizations' decision, labels and other types of printed materials with bar codes to make them accessible for persons with disabilities;

11.2.4. Undertake phase to phase steps to broadcast television programs, news, science programs accessible to viewers with disabilities via making sign language interpretation available or adding text reading.;

11.2.5. Undertake phase-to-phase steps to make public service organizations accessible to persons with disabilities through offering sign language interpretation, writer, readers and guides;

11.2.6. Ensure that government support is available for non-profit TV and radio channels created for delivery of information for persons with hearing loss and visual impairment;

11.3. Government central body in charge of information and communication shall ensure enforcement of clauses 11.2.1, 11.2.2, 11.2.3 and 11.2.4 of the present law in partnership with relevant organizations and ensure that required funding is released from the government budget.

11.4. Government shall ensure that persons with disabilities receive services of police, health and emergency organizations through sending text message to special numbers, remote sign language interpreter's image and speech.

Section 12. Mongolian sign language

12.1. Mongolian sign language is a mother tongue of a person with hearing impairment who is entitled for participating in social relations with use of sign language.

12.2. Government central bodies in charge of education and persons with disabilities shall approve procedures for sign language interpretation and translation business and services.

12.3. Services specified in 1.2 of the present law may be contracted to non-government organizations

Section 13. Braille letter standard

13.1. Braille letter is a main letter that blind persons use and they shall be provided with condition to study, obtain information and participate in social relations.

13.2. Braille letter standard shall be approved by National Standardization Organization based on proposal of the government central body in charge of education.

CHAPTER FOUR

Right to education of persons with disabilities

Section 14. Right to education

14.1. Persons with disabilities have a right to education like others and gain specialty and government shall take the following steps to ensure the right to education is exercised by persons with disabilities:

14.1.1 Develop curriculum and corresponding environment while accommodating individual requirements that are designed to promote creativity, intellectual and physical abilities of persons with disabilities.

14.1.2. Develop individual capacity, dignity of persons with disabilities and strengthen respect of human rights and fundamental freedom;

14.1.3. Persons with disabilities shall be provided with reasonable accommodation to study and gain specialty at all levels of educational institutions and supplied with specific materials and receive necessary support;

14.1.4. Develop curriculum and standard tailor-made to the needs and requirement of persons with disabilities;

14.2. All levels of educational institutions shall provide reasonable accommodation for children with disabilities in accordance with assessment of commission specified in 37.2.1 of the present law, to access comprehensive child development program, ensure preparedness and arrange learning process;

14.3. Government shall take the following steps in regards to ensuring right of children with disabilities to education and gain specialty, apart from the measures specified in 14.1.1, 14.1.2, 14.1.3, 14.1.4 of the present law:

14.3.1. Include children with disabilities in all levels of mainstream educational organizations regardless of their disabilities;

14.3.2. Government central body in charge of education shall be in charge of offering inclusive education for children and young adults with disabilities regardless of gender, location, social and economic background and develop curriculum aligned with the needs of children and young adults and ensure that mainstream schools have classrooms and special materials available for children with disabilities.

14.4. Parents, guardians and caretakers are responsible for ensuring that children with disabilities study at school and obtain education and the school and social workers are obliged to provide parents and guardians with information and counseling.

14.5. Government shall approve national program and plan to educate, develop and to ensure that children with disabilities are able to obtain all levels of education.

Section 15. Education environment for children with disabilities

15.1. All levels of educational institutions and vocational centers shall strive towards providing life skills and vocational skills and shall undertake the following steps:

15.1.1. Provide education services aligned with individual needs of students and employ methods and techniques appropriate to them;

15.1.2. Supply students with disabilities with textbooks, books, handouts material and special needs equipment and facilities that meet their needs;

15.1.3. Arrange educational activities in accordance with especially designed curriculum and lesson plans;

15.1.4. Ensure that educational activities for children with disabilities are conducted with teachers skilled in teaching special needs students or qualified with methodology of teaching to students with disabilities;

15.1.5. Ensure that students with disabilities have access to braille letter, sign language and other appropriate communication methods and provide with orienteering skills and counseling services;

15.1.6. Ensure that children with disabilities learn skills to live independently and assisted with professional or study orientations once they complete incomplete and complete secondary schools;

15.1.7. Arrange entrance exams in accessible, open to persons with disabilities way in an environment which meets their needs;

15.1.8. Educational organizations shall be responsible for organizing intermediary services between students with disabilities and employers.

15.2. Government central body responsible for education shall approve regulation on provision of facilities and learning environment at all levels of educational institutions accessible by persons with disabilities;.

15.3. Government central body responsible for education shall approve curriculum and programs for children with disabilities;

15.4. Individualized curriculum for children with severe disabilities and with combined disabilities shall be developed by the educational organization in partnership with methodology council and participation of parents.

15.5. Process of individualized curriculum, students' progress shall be discussed in presence of particular schools and preschool institutions and the reports shall be delivered to the commission specified in 37.2.1 of the present law.

15.6. Education Loan Fund shall bear tuition fees of bachelor's, master's and doctoral level studies in either local and international colleges, universities of students with disabilities and tuition fee of one member of families of persons with disabilities shall be borne by the Fund.

/This part was amended by the law of 07 September, 2016)/

15.7. Funding for books, textbooks, special needs equipment and devices that meet needs of students with disabilities at all levels of education including secondary schools, universities, colleges and vocational institutions, shall be set aside in the budgets of the government central body in charge of education and local administration on an annual basis.

15.8. Government shall approve amount of tuition fees specified in 15.6 of the present law and the procedure for payment.

15.9. Textbooks, special needs training equipment and devices, facilities specified in 15.7 of the present law, the amount of expenses and payment procedure shall be approved by the central government bodies in charge education and of persons with disabilities.

15.10. Governors of provinces, soums, and districts shall be responsible for assigning funding in their respective budgets for all levels of educational organizations to ensure learning environment as specified in 15.1 of the present law and to develop special curriculum for students with disabilities.

15.11. Government central body in charge of education shall take the following steps including developing, printing, distributing curriculum, books, textbooks, handouts, sign language dictionary that meet needs of students with disabilities; translating braille and software into Mongolian language, and ensure that funding required for purchase of learning equipment's shall be set aside in government budget.

15.12. Government central body in charge of education shall fund lunch expenses of students of special secondary schools from government budget and approve procedure to serve lunch services to children with disabilities.

/This part was amended by the law of 10 November 2016)

Section 16. Teacher qualification

16.1. Ensure that core curricula of teacher training universities and colleges infuse pedagogy, methodology that meets needs and requirements of students with disabilities

16.2. Ensure that teachers and social workers of all levels of educational institutions are trained in area of pedagogy and methodology that meets needs and requirement of children with disabilities

16.3. Training and counseling services for pedagogy and methodology specified in 16.2 of the present law may be contracted to non-government organizations.

16.4 Teachers, speech and language therapist, mobility trainers, routine trainers, sign language teachers, psychologists, methodologists shall be trained both home and abroad with scholarship from State Fund.

CHAPTER FIVE

Employment of persons with disabilities

Section 17. Right to work

17.1. Persons with disabilities have fundamental right to work, advance careers, receive salaries and compensation, engage in self-employment and entrepreneurship and to get involved in employment support services on an equal basis with others;

17.2. Employment relations other than those specified in the present law shall be governed by the Law of Mongolia on Labor, Law of Mongolia on Employment Support, the Law of Mongolia on Occupational safety and Health and other relevant laws and legislations.

17.3. Government organizations and legal entities shall be obliged, in accordance with the Law of Mongolia on Labor, to generate vacancies that meets physical and developmental needs of persons with disabilities and provide them with employment opportunities;

17.4. Government organizations, individuals and legal entities are prohibited to engage in activities specified in 6.4 of the present law.

17.5. It is prohibited that social welfare and social allowances of persons with disabilities to be ceased due to salaried employment.

17.6. Social welfare allowances of persons with disabilities who have become eligible for elderly pension allowances based on meeting requirements in pertinent laws, shall be government in accordance with the Law of Mongolia on Social Welfare.

Section 18. Government promotion for employment of persons with disabilities

18.1. Government shall provide the following support for employment of persons with disabilities:

18.1.1. Individuals, legal entities shall be entitled for tax benefits, exemptions in accordance with the laws in the event they employ persons with disabilities and are offered with financial incentives if they provide reasonable accommodation in workplaces.

18.1.2. Generate vacancies that meet needs and requirement of persons with disabilities and offer marketing and sales support for products that were produced by persons with disabilities and place priority to such products in procurement and purchase of government agencies;

18.1.3 Purchase of equipment, devices and facilities that are required for persons of disabilities shall be financially supported by Employment Promotion Fund one time;

18.1.4. Support by government for vocational competitions among persons with disabilities;

18.1.5. Persons with disabilities shall be provided with financial incentives for successful participation in international job skill competitions and government central body in charge labor shall approve financial incentive procedure of such nature;

18.1.6. Organizations that offer professional orientation and vocational skill training shall be promoted by government.

Section 19. Recruitment process

19.1. Government organizations and legal entities shall consider needs of persons with disabilities when announcing open recruitment process;

19.2. Persons with disabilities shall be entitled for assistance that meet their needs and requirements and for extra time when participating in an open recruitment process.

19.3. If persons with disabilities file request in regards to needs and requirements specified in 19.2 of the present law, recruiting agencies are obliged to accommodate request.

CHAPTER SIX

Health services for persons with disabilities

Section 20. Health services

20.1. Government shall implement comprehensive health measures for persons with disabilities including early diagnosis, assessing, prevention, caring and rehabilitation.

20.2. Medical organizations shall ensure accessible environment for persons with disabilities and take their needs and requirements into consideration and be equipped with appropriate equipment and devices.

20.3 Government central body in charge of health shall finance expenses related to creating enabling environment for services specified in 20.2 of the present law, for medical care, facilities, hygienic materials, early diagnosis reagents.

Section 21. Prosthesis, assistive devices

21.1. Expenses related to purchase of prosthesis and assistive devices for persons with disabilities shall be funded by the Social insurance, industrial accident, occupational diseases insurance, pension insurance, health insurance and social welfare funds.

CHAPTER SEVEN

Community-based inclusive development of persons with disabilities

Section 22. Community-based inclusive development

22.1. Community-based inclusive development services for persons with disabilities shall be delivered in the following areas:

22.1.1. Services designed to eliminate consequences of illnesses, injuries and putting health conditions of injured persons back to normal;

22.1.2. Promoting rights of persons with disabilities to education on an equal basis with others and gain specialty;

22.1.3. Employment designed to assist persons with disabilities to economically contribute to the families, community;

22.1.4. Promote persons with disabilities to be as active members of their families and community as others and bear responsibilities before families and communities;

22.1.5. Encourage persons with disabilities to participate in social life and ensure that infrastructure, road, transport and information technology are accessible to the person with disabilities;

22.2. Government shall promote accessibility of services specified in 22.1 of the present law.

Section 23. Doing business in the area of community-based inclusive services

23.1. Services specified in 22.1 shall be delivered by entities of all types of ownership.

23.2. When community-based inclusive services are contracted to non-government organizations holding special licenses, expenses shall fully or partially be financed by central government agency in charge of the particular area.

23.3. The service standard specified in 22.1-д of the present law shall be developed by government central body in charge of the particular field, in partnership with government central body in charge of persons with disabilities and the standard shall be approved by central government body in charge of standardization.

23.4. The requirements for service organizations specified in 22.1 of the present law shall be developed by government member in charge of the particular field, in partnership with the government member in charge of persons with disabilities.

Section 24. Program for community-based inclusive service

24.1. Community-based inclusive service organizations shall develop and implement service program that is tailor-made to needs and requirements of persons with disabilities.

24.2. Parents, guardians and caretakers shall mandatorily involve children with disabilities in community-based inclusive services as specified in 37.8 of the present law.

CHAPTER 8

Social welfare for persons with disabilities

Section 25. Eligibility for social welfare

25.1.X Persons with disabilities are entitled for income, sufficient to meet their own and families' living and health needs including food, clothing, accommodation, treatment, care, social services and government shall take the following measures to secure this entitlement:

25.1.1. Supply special use prosthesis, orthopedic, sanitary-hygiene materials, nursing care and assistive devices;

25.1.2. Ensure that parents with disabled children are provided with adequate assistance and support, necessary to raise and educate their children;

25.1.3. Ensure that persons with disabilities have an access to social protection and social welfare services;

25.2. Ensure that budget required to access persons with disabilities in welfare, rental and mortgage loans apartments, shall be set aside in budget of government member of social welfare services and the budgets of governors of provinces and the capital city.

25.3. Relations concerning social welfare allowances, pension, benefits, subsidies and social insurances shall be governed by pertinent laws of Mongolia.

Section 26. Benefits and subsidies from Social welfare fund

26.1. Persons specified in 3.1 of the present law shall be entitled for the following benefits and subsidies from the Social welfare fund:

26.1.1. Children with disabilities up to 16 years old, persons with full vision and hearing impairment, dwarf individuals and persons who have lost employment capacity shall be assisted with apartment utility fees or monetary assistance once year for purchase of fuel if their accommodations are not centrally heated;

26.1.2. If children with disabilities up to 18 years old have outgrown their prosthesis or the prosthesis are out of use and if the prosthesis are manufactured locally, the expense shall be 100% reimbursed by government.

26.1.3. If persons with disabilities who are ineligible for subsidy from industrial accident and occupational insurance fund, the expenses of locally produced prosthesis of such persons shall be reimbursed once in three years.

26.1.4. Persons with disabilities who are ineligible for subsidy from industrial accident and occupational insurance fund children with disabilities up to 18 years old shall be entitled for 100% reimbursement of expenses for purchase of locally produced prosthesis and wheelchairs once in three years.

26.1.5. Transport subsidies for children with disabilities, their guardians and caretakers to and from school, kindergarten shall me made available or bus services shall be offered;

26.1.6. Communications subsided shall be made available for adult, fully vision and hearing impaired and persons with language impediments;

26.1.7. The following persons in need of nursing care at local resorts shall be provided with one time yearly subsidy for transportation, accommodation and meal expenses commensurate with tariff of regular room for an individual with health insurance;

26.1.7.a. 100% for children with disabilities;

26.1.7.6. 50% for one caretaker of children with disabilities;

26.1.7.B. 50% for persons with disabilities who are ineligible for subsidies from industrial accidents and occupational disease insurance fund.

26.1.8.c Children with disabilities shall be accessed to local resorts and care centers without reserving slots;

26.1.9. If persons with full vision impairment travel from province to capital city and from capital city to province to take nursing care at local resorts, 75% of transport expense shall be reimbursed once a year;

26.1.10. If persons residing at a distance of 1000km or more, travel to capital city for detailed medical examination based on the decision of expert physicians of the province medical centers, the travel expenses shall be reimbursed once a year.

26.1.11. Subsidies shall be made available for kindergarten meal expenses of children with disabilities or of children of persons who have fully lost employment capacity;

26.1.12. if children with disabilities enroll in children's summer camp, the 50% of the fee shall be subsidized by government;

26.1.13. If children with disabilities receive aquatic therapy based on the recommendation of a hospital, 70 of fees shall be reimbursed.

26.1.14. Letters printed in braille letter, publications and up to 10 kg parcels of blind persons shall be dispatched locally free of charge and equipment and materials for blind persons shall be delivered locally for free;

26.1.15. In the event of death of persons and children with disabilities who are ineligible for funeral allowances, shall be compensated with allowance commensurate with the amount of social insurance fund.

26.1.16. Persons with disabilities suffering pelvic fracture shall be provided with nursing care, sanitary-hygienic materials based on recommendations of medical organizations;

26.2. Persons with disabilities shall be eligible for specialized or community-based nursing care service in accordance with the law on social welfare.

26.3. Children and persons with disabilities and their caretakers in need of social welfare assistance, shall be accessed to social welfare services based on registration in the family information database.

26.4. Government shall approve amount, standard price and payment procedures of benefit and subsidies specified in 26.1.1, 26.1.2, 26.1.3, 26.1.14, 26.1.5., 26.1.16 of the present law.

CHAPTER NINE Other rights of persons with disabilities

Section 27. Rights of persons with disabilities for legal assistance

27.1. Operation of court, prosecutor and other legislative organizations shall be accessible to persons with disabilities;

27.2. Government shall take measures to ensure that persons with disabilities receive free legal assistance and advice services when they are in need of such services;

27.3. Ensure that staff of courts, prosecutors during all stages of court proceedings, explain rights and obligations and other relevant information to persons with disabilities in more accessible and understandable manner in compliance with their needs and requirements.

27.4. Court, prosecutors and other legislative bodies are responsible for providing persons with disabilities with necessary conditions such as text reader, writer, sign language interpreter and translator free of charge and related expenses shall be set aside in the government budget.

Section 28. Rights of children with disabilities

28.1. State shall support early diagnosis of disability of children, assessment, delivery of health, education and other social service via accessible and inclusive ways based on community; establish child development centers where children with development challenges have an access to special curriculum training;

28.2. Children with disabilities are entitled for free health, education and rehabilitation services;

28.3. Parents, guardians and caretakers of children with disabilities are entitled for social protection and social welfare assistance and services.

28.4. Law enforcement agencies, children's rights advocates, educational and other government agencies shall implement measures designed to protect and prevent children from becoming victim of family violence, sexual abuse and criminal acts.

28.5. Ensure that children with disabilities voice out their opinion and participate in policy and decision making process concerning their lives.

28.6. State shall support parents, guardians and caretakers of children with disabilities to obtain knowledge and skills to raise and develop their children;

28.7. Parents, guardians and caretakers shall be responsible for defending legal interests and rights of children with disabilities and are prohibited from refraining from their responsibilities to take care and feed the children with disabilities, in accordance with the law;

28.8. When married couple with children with disabilities divorce, the child benefit payer shall pay extra benefits in accordance with a law.

Section 29. Rights of women with disabilities

29.1. The following measures shall be implemented in order to ensure equal rights of women in education, employment, social and economic sectors:

29.1.1. Assess reproductive needs of women with disabilities and offer services that meet their needs and requirements;

29.1.2. Undertake effective measures to prevent and reduce risks of women with disabilities from becoming victims of violence, pressure and crimes;

29.1.3 Deliver professional level health, legal, psychological and other types of services for women with disabilities who have become victims of family violence, sexual abuse and crimes and align these services with their mentality, age, physical and intellectual abilities;

29.1.4. Witness and victim defense facility should be tailor-made to the needs and requirements of women with disabilities;

Section 30. Participation in political life

30.1. Persons with disabilities shall be made accessible to all levels of election independently and vote secretly.

30.2. Advertising campaigns and election rallies of parties participating in all levels of elections shall be accessible to voters with disabilities.

30.3. Persons with disabilities shall be supported by political parties, coalitions and government agencies in process of nomination, elections and being assigned to public organizations.

30.4. Political parties, coalitions shall reflect and commit their support in their platforms to persons with disabilities to exercise their rights to be elected.

Section 31. Protecting privacy and integrity of persons with disabilities

31.1. Letters, correspondence, health, property and family, reputation and fame of persons with disabilities shall be protected and secured by law;

31.2. It is prohibited for service providers for persons with disabilities to disclose their private information and breach their privacies.

Section 32. Right to live independently

32.1. Persons with disabilities have a right to live independently.

32.2. Right to Independent lives of persons with disabilities shall be ensured through personal assistance, mutual exchange of experiences, counseling services.

32.3. Procedure, types and forms, requirements for service providers of support of independent living of persons with disabilities shall be approved by government member in charge of persons with disabilities.

32.4. Individuals and legal entities shall be allowed to deliver services in support of independent lives of persons with disabilities;

32.5. Public organizations in charge of welfare services at the province and capitial city levels shall arrange selection of service providers that are expected to deliver service in support of independent living of persons with disabilities;

32.6. When enforcing sections 32.2, 32.3, 32.4, 32.5 of the present law, participation of non-government organizations that work for protection of human rights of persons with disabilities, shall be secured.

32.7. State shall train guide dogs to assist blind persons to navigate around obstacles without danger and price of locally trained dogs shall be reimbursed once in nine years. Central government body in charge of persons with disabilities shall approve procedures for training and use of guide dogs, in partnership with central government body in charge of agriculture.

32.8. Persons with disabilities shall be entitled for free travel access in public transports (other than taxi) in capital city and province centers regardless of residential areas. Finance required for this benefit shall be set aside in the state budget on an annual basis. */This part has been amended by the law of 10 November, 2016*)

Section 33. Support of sports and physical activities of persons with disabilities

33.1. Sports competitions, matches that persons with disabilities participate in, must be in compliance with their abilities.

33.2. State shall support participation of persons with disabilities in sports' competitions and matches;

33.3. State shall deliver the following support in arranging sports competitions and match for persons with disabilities:

33.3.1. The following services shall be contracted in support of participation of persons with disabilities in sports competitions and open up their talents;

33.3.2. Sports facilities, courts and halls shall be equipped with equipment and devices that are tailor-made to the needs and requirements of persons with disabilities and must be appropriate for both training and sports' matches;

33.3.3. State shall support and encourage participation of sportsmen and sportswomen with disabilities in Olympics, Paralympics, special Olympics, Deaflympics, world, continent wide international competitions according to the rules and regulations;

33.4. When persons with disabilities are awarded gold, silver and bronze medals from Olympics, Paralympics, Deaflympics, Special Olympics, continental festivals and world level competitions, one time monetary award, equivalent with their disability allowance of the frequency of the competition shall be delivered to them.

33.5. When children, young adults with disabilities gain gold, silver and bronze medals from Olympics, continental festivals and world level competitions, monetary award shall be granted in accordance with the standard set by government.

Section 34. Support for participation of persons with disabilities in cultural and art life

34.1. State shall support and encourage active participation of persons with disabilities in cultural and community activities that are locally organized.

34.2. Economic entities, organizations shall encourage and support participation of persons with disabilities in cultural and recreational activities and develop their talents;

Section 35. Accessibility of art and cultural works to persons with disabilities

35.1. Cultural and art works shall be accessible to persons with disabilities.

35.2. Central government body in charge of cultural affairs shall ensure that literature, science books, journals and magazines are printed in accessible to persons with disabilities way using cutting-edge technologies and ensure that museums, libraries, cultural and art works are made accessible to persons with disabilities.

Section 36. Measures to be taken in the event of emergencies

36.1. Information and updates on natural disasters and other types of emergencies which have caused or potentially impose direct risks a to human lives, health, public security and public unrest and war situations, shall be accessible to persons with disabilities and relevant government agencies shall be responsible for safeguarding lives and health of persons with disabilities according to the real time situation and relevant laws and regulations.

CHAPTER TEN

Disability determination process

Section 37. Determining disability

37.1. The following indicators are used to determine disability of persons:

37.1.1. Physical impairment, classification, duration;

37.1.2.6 International classification of physical abilities.

37.2. The following commission (hereinafter referred to as Commission", shall determine disability:

37.2.1. Disability of children 0-16 ages shall be determined by health, education and social protection commission of children with disabilities;

37.2.2. Disability of citizens of 16 years old or above shall be determined by Medical and Labor Examination Commission;

37.2.3. Reasons of disability and percentage of loss employment capacity and duration of disability shall be determined by medical and labor examination commission;

37.3. The Commission specified in 37.2.1 of the present law shall operate under the government central body in charge persons with disabilities and the commission specified in 37.2.2 shall operate under the government central body in charge of social insurance.

37.4. The commissions specified in 37.2.1 and 37.2.2 shall have non-vacant branch commissions.

37.5. Statutes of the commissions specified in 37.2.1 and 37.2.2 shall be approved by Government.

37.6. Determination of disability specified in 37.2.1 of the present law and methods of formulating comprehensive child development program shall be approved by government members in charge of health, education and persons with disabilities.

37.7. Methods of determining disability specified in 37.2.2 of the present law shall be jointly approved by government members in charge of health, labor and persons with disabilities.

37.8. Commission, within its authority, shall determine physical disabilities, duration and classification of disabilities.

37.9. The report released by the Commission specified in 37.2.2- of the present law shall be a basic document making persons with disabilities eligible for community-based development services.

Section 38. Registration of persons with disabilities

38.1. Based on the assessment specified in 37.2, persons of disabilities shall be registered and given disability card by administration department of Governors' offices of provinces and districts.

38.2 The identity card specified in 38.1 of the present law shall serve as a basis for exercising rights and accessing social welfare services by persons with disabilities as stipulated in the law.

38.3. Governors' offices of provinces, capital city, soums and districts shall be responsible for compiling statistical data of persons with disabilities on scheduled timing and submit report to government body in charge of statistics and government central body in charge of persons with disabilities.

38.4. Procedure on design and delivery of disability cards specified in 38.1 of the present law shall be approved by government member in charge of persons with disabilities.

38.5. Government body in charge of statistics and the government central body in charge of persons with disabilities shall jointly furnish "General database" with number of persons with disabilities and ensure that relevant organizations are supplied with information on persons with disabilities.

CHAPTER ELEVEN

Responsibilities of government organizations and legal entities

Section 39. Responsibilities of government

39.1. Government shall exercise the following mandates on ensuring human rights of persons with disabilities:

39.1.1. Implement state policy to ensure human rights of persons with disabilities;

39.1.2. Ensure enforcement of law on human rights of persons with disabilities;

39.1.3. Approve and implement national programs and plans on ensuring human rights of persons with disabilities;

39.1.4. Support and promote, in accordance with the law, government, non-government organizations, individuals and legal entities that work for protecting human rights of persons with disabilities.

39.1.5. Other responsibilities as per relevant law.

Section 40. Government central body in charge of persons with disabilities

40.1 Government central body in charge of persons with disabilities shall exercise control over

nationwide implementation of laws on social protection and human rights of persons with disabilities.

40.2. Government central body in charge of persons with disabilities shall develop policy on ensuring, protecting and developing persons with disabilities, enforcing relevant laws and regulations, reporting issues to authorized bodies, formulating development policies, enforcing relevant laws and regulations, supplying professional and methodological guidance to government and on-government agencies, ensuring synergy between stakeholder; arranging different types of training.

40.3 Government central bodies shall ensure that policies and measures they implement, reflect participation of persons with disabilities in social life on an equal basis with others.

40.4. Government and local administration bodies are allowed to delegate and fund certain responsibilities specified in the current law, to non-government agencies for persons with disabilities based on contract

Section 41. Non-vacant sub-council

41.1 A non-vacant sub-council (hereinafter referred to as "Council") designed to provide nationwide synergy of intersectional interventions on ensuring human rights of persons with disabilities and supply general supervision of enforcement of these interventions, may be established under the auspices of Prime Minister of Mongolia.

41.2. Structure and working procedure of he Council shall be approved by Government.

41.3. Office responsivities of the Council shall be performed by government central body in charge of persons with disabilities.

41.4. Council shall have local chapters in provinces, capital city and districts, which will be lead by governors.

Section 42. Mandates of governors

42.1. Governors of province, capital city, soums and districts shall exercise the following mandates in regards to ensuring human rights of persons with disabilities residing in their respective territories;

42.1.1. exercising control over enforcement of law on human rights of persons with disabilities and assure that enforcement takes place;

42.1.2. keep infrastructure, public facilities, mass media accessible to persons with disabilities; undertake phase to phase steps to promote education, health, sports, employment of persons with disabilities and ensure implementation and control over enforcement;

42.1.3. Support arrangement of community-based inclusive development services for persons with disabilities;

42.1.4. Promote initiatives of economic entities to offer accessible services to persons with disabilities;

42.1.5. Funding for activities targeting protection of human rights of persons with disabilities shall be discussed at the Citizen's Representatives Khural and set aside in annual local budget.

42.1.6. advocacy of law on human rights of persons with disabilities and arrange implementation of the law in association with Citizens' Representatives Khural and undertake impact measures to respect equal rights, fundamental freedom of persons with disabilities to participate in cultural, sports and community-based activities;

Section 43. Universal rights and obligations of legal entities

43.1. Legal entities exercise the following universal rights and obligations in terms of ensuring human rights of persons with disabilities:

43.1.1. create favorable working conditions for persons with disabilities that meet their needs and requirements;

43.1.2. priority must be given to the use of universal design as per international tendency, when creating accessible environment for persons with disabilities;

43.1.3. ensure that public facilities and other service organizations service persons with disabilities without queue;

43.1.4. ensure that active participation of persons with disabilities in social life and their achievements are widely promoted and made known among colleagues and co-employees;

43.1.5. deliver assistance and support, as an employer, to persons who have acquired disabilities;

43.1.6. if restructured or abolished, the party which took over responsibilities shall exercise rights and responsibilities specified in 43.1.5 of the present law;

43.1.7. refrain from treating persons with disabilities unfairly and breach their freedom in any means;

43.1.8. compensate employees in the event that court released an order that an employee has acquired disability at employers' fault

43.1.9. ensure that occupational safety and health standards are adhered; 43.1.10. other rights and obligations stipulated in law.

CHAPTER TWELVE Miscellaneous

Section 44. Complaints and claims

44.1. Persons with disabilities are entitled for filing complaints and claims or demand individuals and legal entities to eliminate infringements if they consider that their legal rights are violated;

44.2. Persons with disabilities are entitled for filing complaints for protection of their rights on their own or through representatives if they consider that individuals and government organizations have discriminated or restricted their rights.

Section 45. Penalties for breaching the law

45.1. Faulty acts and non-acts of parties which breached the present law shall be subject to penalties according to Criminal law and Conflict law, if the breach is of criminal nature;

45.1.1. Individuals which committed breaches specified in 6.5.1, 6.5.2 of the present law shall be subject to to awareness raising training of respecting human rights of persons with disabilities for not less that 14 days.

45.2. If acts and non-acts of individuals and legal entities have caused harm, damage to persons with disabilities, the offenders shall be liable of compensating persons with disabilities.

Speaker of the State Great Khural Z. Enkhbold.