

LAW OF MONGOLIA

COMBATING PORNOGRAPHY AND PROSTITUTION ACT

January 22, 1998

Ulaanbaatar city

CHAPTER ONE General Provisions

Article 1. Purpose of the Law

1.1 The purpose of the law shall be to regulate relations connected with combating against advertising pornography, prostitution and its solicitation, and control of erotic advertisement and services.

Article 2. Legislation on Combating Pornography and Prostitution

2.1. The Legislation on combating pornography and prostitution shall consist of the penal code, this law and other legislative acts, enacted in conformity with thereof.

2.2. If an international treaty to which Mongolia is a State party provides otherwise than this law, then the provisions of the international treaty shall take precedence.

Article 3. Definitions of the law

3.1. The following terms in this law shall have the below mentioned meanings:

3.1.1. "Advertising pornography" means making explicitly to depict, broadcast or display the act of sexual intercourse or human genitals with intention to incite sexual desire by publication, books, films, audio and video prints and/or by any other forms;

3.1.2. "Prostitution" means soliciting for sex, inducing others into it, pandering and procuring as well as advertising prostitution;

3.1.3 "erotic" means to display a naked human body with intention to arouse appreciation for a beauty by art or in artistic manner.

CHAPTER TWO

Prohibition of Pornography and Prostitution

Article 4. Prohibition of Prostitution and its Pandering

4.1. Prostitution shall be prohibited.

4.2. It shall be prohibited to provide an environment for prostitution, intentionally service and procure by a hotel room, house, and apartment flat, designated place or by vehicles.

Article 5. Prohibition of Advertising Pornography and Prostitution

5.1. It shall be prohibited to advertise pornography by press and broadcast media.

5.2. It shall be prohibited to produce, distribute sale or store for these purpose publications, books, pictures, films, video prints and other items advertising pornography.

Article 6. Duties of Business entities and Organisations to Combat Pornography and Prostitution

6.1. Central and local public administrative authorities, and health, media and educational, science and culture organisations shall have a duty to undertake public awareness campaign on hazards of pornography and prostitution, and to conduct advertisement for prevention from sexually transmitted infections and acquired immune-deficiency syndrome.

6.2 Equipment for sale of condoms must be located in the night entertainment places and hotels.

CHAPTER THREE

Requirements for Erotic Advertisement and Services

Article 7. Regulations for Sale of Erotic Publication, Books, Video prints

7.1. Erotic publications, books, video prints shall be on sale in specially designated places, prescribed by the Governors of the Capital City or Aimags (Provinces).

7.2. The following things shall be prohibited in the sale of erotic publications, books, and video prints:

7.2.1. to sell at offices, streets, squares, children's organisation, kindergartens, schools, dormitories and student hostels, food and goods markets, trade and entertainment places;

7.2.2. to sell from the hand;

7.2.3. to display to persons under the age of 18.

Article 8. Prohibited Items for Show of Erotic films, Video prints, Drama and Dance

8.1. The following things shall be prohibited in the show of erotic films, video prints, drama, dance, striptease shows, performance competition or other entertainment:

8.1.1. to show these kinds of films and video prints in other places except than specially permitted by Central and local public administrative authorities in charge of science, education and culture;

8.1.2. to broadcast through public channels of televisions;

8.1.3. to show persons under the age of 18.S

Article 9. Supervision for Erotic Advertisement

9.1 Supervision of erotic publication, books, films and video prints shall be implemented by a Council under Central public administrative authorities /hereinafter referred to as "the Council"/ in charge of Health & Social Welfare, Enlightenment (Science, Technology, Education & Culture) and Justice.

9.2 Government Cabinet shall approve a working procedure and composition of the Council.

9.3 Only after screening of erotic publication, books, films, or video prints by the Council, then it is permitted to publish and show to public.

Article 10. Conducting Erotic performance

10.1 Erotic performance may be conducted only in the night entertainment places.

10.2 It is prohibited for the persons under age of 18 to enter into the night entertainment places and to participate in the erotic performance.

Article 11. Tax rate and Amount

Incomes earned from the sale of erotic publication, book, video prints and/or usage with a fee and from conduct of erotic performance shall be imposed taxes to the rate and amount as provided under subparagraph 4, paragraph 1, Article 6 of the Law on Business entities & Organisations' Income Tax.

CHAPTER FOUR

Miscellaneous

Article 12. Statistics & Registry of the Administrative Sanction imposed to the Prostituted persons

12.1. Police organisation shall maintain statistics of persons that was imposed administrative sanction to the prostitution.

12.2. Police organisation shall inform about a breach of the prostituted persons to the relevant administrations where he/she works and studies and if he/ she has no definite address it shall be notified to Governors of the Soum, Duurig, in which he/she resides or to public officially.

Article 13. Liability for breach of Legislation on Combating Pornography and Prostitution act

13.1. If a breach referred to in articles 5.1,5.2 of this law have been repeated within a year criminal offence shall be imposed.

13.2. If a breach of this law does not constitute a criminal offence, offending persons shall be imposed the following administrative sanctions:

13.2.1 for a breach of the article 4.1 of this law all income earned from the prostitution shall be confiscated and offending persons shall be arrested for 14-30 days;

13.2.2. offending persons who breaches article 4.2 of this law shall be imposed a fine of 35000 to 50000 tugrugs or arrested for 7-15 days, business entities and organisations shall be imposed a fine of 100000 to 250000 tugrugs and hotels and night clubs used as a house of prostitution shall be closed and if it is transported by vehicles intended to prostitute, the vehicles shall be confiscated.

13.2.3. for a breach of the article 5.1 of this law all incomes earned from advertising pornography and prostitution shall be confiscated and offending persons shall be imposed a fine of 40000-60000 tugrugs, business entities and organisations shall be imposed a fine of

100000 to 150000 tugrugs, and if the breach are repeated within a year activities of the press organisations shall be stopped;

13.2.4. for a breach of the article 5.2 of this law, articles related to the pornography and prostitution shall be confiscated and offending persons shall be imposed a fine of 40000 to 50000 tugrugs;

13.2.5. for a breach of the article 5.3 of this law, articles smuggled or attempted to smuggle shall be confiscated and offending persons shall be imposed a fine of 35000 to 50000 tugrugs or arrested for 7-15 days and business entities and organisations shall be imposed a fine of 200000 to 250000 tugrugs;

13.2.6. for a breach of the article 6.2 of this law, offending persons and officials shall be imposed a fine of 30000 to 50000 tugrugs, business entities and organisations shall be imposed a fine of 100000 to 150000 tugrugs;

13.2.7. for a breach of the article 7, and article 8.1.3 of this law, offending persons shall be imposed a fine of 25000 to 30000 and in the case of business entities and organisations shall be imposed a fine of 150000 to 250000 tugrugs;

13.2.8. for a breach of the articles of the 8.1.1, 8.1.2 of this law all incomes earned from showing erotic films, video prints shall be confiscated and offending persons shall be imposed a fine of 25000 to 50000 tugrugs and in the case of 150000 to 200000 tugrugs;

13.2.9. for a breach of the article 9.3 of this law income earned from, illegally, erotic publication, books, films, video prints which are not supervised by the Council shall be confiscated and offending persons shall be imposed a fine of 30000 to 50000 tugrugs and business entities /organisations shall be imposed a fine of 100000 to 200000 tugrugs;

13.2.10. for a breach of the articles 10.1, 10.2 of this law, offending persons shall be imposed a fine of 30000 to 50000 tugrugs and in the case of the business entities or organisations shall be imposed a fine of 150000 to 200000 tugrugs;

13.3. The authorised officer shall impose an administrative sanction prescribed in the article 13.2 of this law by the following:

13.3.1. judge shall imposed penalties of confiscation for vehicles and arrest in accordance with article 13.2 of this law;

13.3.2. authorised officer of the police organisation shall impose the relevant penalties for the breach prescribed in the articles of 4.2, 5.1, 5.2, 6.2, 7, 8.1.2, 8.1.3, 9.1, 10 of this law;

13.3.3. for breach of the article 8.1 of this law the relevant penalties shall be imposed by the Governors of the Aimags, Capital city, Soum and Duurig;

13.3.4. customs inspector shall imposed persons who breach article 5.3 of this law.

Article 14. Procedure of implementation of provisions

14.1. Subparagraph referred to in 6.2 of this law shall come into force on 1 July 1998.

CHAIRMAN OF THE
STATE IKH HURAL

R.GONCHIGDORJ