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Legal Issues Concerning the Human Gene Pool or Genetics

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Abstract

This paper examines the concept of the human hereditary gene pool, concerns regarding consanguinity and hereditary conditions, the legal and policy framework governing the protection of hereditary health in Mongolia, and comparative legal approaches adopted in other jurisdictions. The documentary and comparative analysis reviews legislation, public policy, family genealogy, criminal liability, kinship-related marriage restrictions, and genealogical data management. It summarizes the historical statistical and medical materials cited in the original study, compares civil, criminal, family and stand-alone statutory approaches, and presents seven legislative and institutional recommendations. Ten appendices reproduce the source's statistical tables, country comparison, figures and proposed draft laws. Figures and legislative texts reflect the period and sources identified in the original document and should not be regarded as independently verified contemporary medical or legal findings.

Keywords: Human Genetics; Gene Pool; Consanguinity; Family Genealogy; Hereditary Disease; Comparative Law

Introduction

It is not what we see that matters most, but how we see it. - Montaigne.

An individual's genetic endowment is exceptionally diverse. The more children an individual has, the more opportunities there may be for various combinations of genes to be transmitted repeatedly to subsequent generations. In practice, however, each person passes on only a particular portion of his or her genetic endowment. The particular portion of the gene pool transmitted to the following generation is called the "hereditary gene pool" in this paper.

In a country with a relatively small population such as Mongolia, geneticists and biologists, as cited in the original source, have expressed concern that valuable and irreplaceable hereditary resources that could otherwise pass to descendants may be lost.

The hereditary endowment that an individual receives from the genetic material of his or her parents provides a foundation, according to the original cited report, for intellectual and physical development, resistance to disease, longevity, understanding natural and social phenomena, recognizing individual talents and abilities, and choosing an occupation that supports one's life and contributes to national development [1].

The author argues that the absence of a specific state-policy document regulating the human gene pool or genetics in Mongolia creates concerns about consanguinity and makes it necessary to formulate public policy and create an appropriate legal framework.

This study accordingly addresses three matters: (1) the meaning of the human gene pool or genetics and the problems arising in this area; (2) its regulation through Mongolian legislation on the security of the human gene

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pool; and (3) the comparative regulation of the human gene pool and genetics in other countries. The research methods employed are documentary analysis and comparative legal analysis.

Significant studies on this topic in Mongolia were carried out by Dr. J. Batsuuri and E. Enkhmaa. Sh. Dorjdamba and S. Byambasuren studied the prevalence of mental disorders and syndromes identified in research as adverse consequences of consanguinity during 1984-1992. In 1990, Dr. and Professor L. Narantsengel studied the prevalence of conditions attributed to consanguinity among general-education school pupils. Apart from studies within family law, the author notes that detailed legal research on this topic had not yet been conducted at the time of preparation.

The purpose of the paper is to analyze Mongolia's applicable legislation, assess how the legislation is implemented in practice, and consider the potential for adopting legal measures and experiences from other countries.

The Concept of the Human Gene Pool or Genetics and the Issues Arising

General concept

Although the emergence and development of genetics as a modern science are generally associated with the early 1900s, historical sources cited by the author suggest that Mongolians possessed substantial practical knowledge of ancestry more than 700 years earlier. Genghis Khan is attributed the saying, "A person who does not know his or her nine generations is a savage." The Persian historian Rashid al-Din wrote: "It is the custom of Mongolians to remember the lineage of their ancestors and to teach their own children their genealogy. They make the accounts of their forebears known to others, and therefore there is no one among them who does not know his lineage, descent, clan or tribe." D. Gongor wrote: "When nine generations had passed within a kinship group, members of that lineage gathered, listened to the recital of their family tree and history, conducted a special ceremony, and declared that their kinship relationship was no longer relevant."

The science studying the principles by which the characteristics of parents are transmitted and inherited by the offspring of living organisms is called "genetics" [2]; human genetics is the field concerned with humans. Several fundamental terms are therefore considered.

A gene is described in the source as a unit that carries human hereditary information across many generations. In other words, it is a material molecular unit containing the hereditary information of a living organism. Inside the cells that constitute the human body are structures called chromosomes.

Genes are situated on chromosomes and are transmitted from generation to generation to descendants. The source explains that a child receives 50 percent of genetic material from each parent and inherits 23 chromosome pairs, and it connects human biological functioning to the characteristics of genetic information.

By way of example, the original paper states that hereditary factors underlying eye color, facial appearance, behavioral characteristics, intelligence and other traits are passed on from ancestors several hundred years earlier, from a fifth-generation ancestor [3] through later descendants described in Mongolian kinship terminology [4].

An individual's genetic endowment is very diverse; the more children are born, the more combinations of inherited genes may be transmitted on multiple occasions to later generations [5]. The portion of the genetic endowment passed to subsequent generations is called the "hereditary gene pool" [6] in the terminology of the source [7].

Problems Arising

According to the integrated database of the National Statistics Office, Mongolia had a population of 3,296,866 in 2019 [8]. In the comparison of populations of 195 countries [9] the country ranked 135th. [10] On this basis, the author concludes that Mongolia's population is relatively small and that a risk of consanguinity exists [11].

Regarding hereditary disease attributed to consanguinity, the original paper explains that during fertilization a child receives genetic material from both mother and father. It states that even healthy individuals may carry five to ten gene variants associated with inherited disorders and that a hereditary disorder may arise when two relevant recessive variants are inherited together. The paper accordingly argues that marriages between close blood relatives may increase the likelihood of such combinations and lists congenital abnormalities, psychiatric and behavioral disorders, memory impairments, intellectual disabilities, immune and metabolic disorders, and delays in children's growth and physical development among the possible outcomes [12,13].

According to historical World Health Organization reports cited in the original, one in four individuals worldwide experiences a mental disorder during the course of life, while mental and behavioral disorders were among the leading causes of loss of working capacity. It reports that approximately 450 million people experienced mental or behavioral disorders worldwide and that such disorders accounted for 10% of registered morbidity in 2005, with a

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projection that the figure would rise to 15% by 2020 [14].

According to a study commissioned by WHO and attributed in the source to a University of Washington public-health research centre, drawing on data concerning 188 countries across a period described as 1990-2014, the number of people with intellectual impairments was reported as 118.2 million in 1990 and 154 million in 2013. Of the latter, 104.9 million were categorized as having borderline intellectual functioning (IQ 70-84) or mild intellectual disability (IQ 50-69); 49.1 million were categorized as having moderate, severe or profound disability, while the cause was reportedly unknown in 61.5% of cases [15].

A sample survey of mental-disorder prevalence in Mongolia in 1984–1992 reported 15.5 ± 0.2 cases per 1,000 people. Within that survey, intellectual disability was stated to affect 1-3% of the population and to account for 49-51% of mental disorders. Another prevalence study from 1991–1995 reported 12.65 ± 0.22 cases per 1,000 people (1.26% of the population) [16].

According to annual statistical reports of the Health Development Centre, registered mental and behavioral disorder cases in Mongolia increased from 77.4 per 10,000 people in 2000 to 112.3 per 10,000 in 2017 [17].

A 1990 school-based study by L. Narantsengel involving 1,547 children diagnosed intellectual disability in 1.3% of the sample, or 13.2 per 1,000 children, and classified 41.7% of those cases as hereditary in origin [18].

The original author states that 10 cases of intellectual disability per 1,000 people are regarded as a normal international figure. For Mongolia, the paper gives 8.4 per 1,000 in 1986, 11-12 per 1,000 in 1997, and 13 per 1,000 at the time of writing, describing an increase of 3.1 per 1,000 over ten years.

Among Mongolian individuals classified in the source as having hereditary intellectual impairment, it gives four categories using terminology from older records: mild impairment, 72.3%; clearly evident impairment, 19.2%; another category of impairment, 6%; and the most severe category, 0.6%. Editorial terminology note: the source employs obsolete and stigmatizing Mongolian diagnostic labels; neutral English descriptions are used here without changing the four quoted percentages.

The paper states that extremely high rates of intellectual disability in some countries amount to 30 per 1,000 and that rates in some Mongolian soums or bags exceeded that threshold. It cites the following figures per 1,000 people: Matad, Dornod Province, 47.1; Khalkhgol, Dornod Province, 35.5; Manlai, Ömnögovi Province, 22; Adaatsag, Dundgovi Province, 19.7; and Bayanlig, Bayankhongor Province, 16.2 [19].

In the 21 provinces of Mongolia and Ulaanbaatar, 689 newborns were reported to have congenital developmental anomalies in 2005–2009 [20]. During 2015 and the first six months of 2016-an 18-month period-1,280 children were reported to have congenital developmental anomalies, representing 0.8% of births. The author concludes that the number of such cases had increased considerably [21].

The original paper describes the WHO's tenth International Classification of Diseases as dividing all illnesses into 19 chapters and 202 sections. It states that Mongolia has compiled morbidity statistics according to this classification since 1996. The author further asserts that contemporaneous levels of consanguinity materially influenced conditions in 19 groups of diseases and 32 types of cancer, and cites an accompanying regression figure [22]. This is a claim of the historical source, not an independently established causal finding in this translation.

The paper concludes this section by stating that, following the organizational restructuring of Mongolian research institutions in 2015, the Centre for Human Studies was merged with the public health authorities, and a dedicated governmental policy function concerning human studies was left unattended.

Regulation of the Security of the Human Gene Pool Under Mongolian Legislation

Initially, the maintenance of family genealogy was not regulated as a matter of gene-pool security by legislation but was observed as a cultural tradition. The paper recounts that in 1925 the Government of Mongolia adopted a confidential resolution prohibiting Mongolians from using family names and maintaining genealogical records.

Subsequently, Decree No. 115 of 1991 of the President of the Mongolian People's Republic approved the "Guidelines on Population Policy of the MPR" [23]. Its annex declared state policy to be the coordination of population reproduction with social production, maintenance of average annual population growth, proper population composition and balance, preservation of the Mongolian hereditary gene pool in a "pure" condition (the historical wording of the source), and creation of conditions conducive to family formation and stability. It further stated that maintaining household genealogy, as a principal means of preventing consanguinity, and restoring family names should be regarded as extremely important.

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The same document provided for establishing family-medical-hereditary-counselling services at city and province levels, with the stated aim of preventing hereditary disorders and physical disabilities, and for wider use of modern genetic and biochemical examinations for the prenatal diagnosis and prevention of fetal conditions.

In 1997 the Government approved regulations on the maintenance of genealogical records, revising them in 2007. The Law on Culture referred to family genealogy as a cultural value and a cultural duty of citizens. [24] The Family Law also identified the maintenance of genealogy as a duty of spouses [25].

The State Great Khural approved the "Population Policy of Mongolia" by Resolution No. 22 of 1996. That resolution was repealed following approval of the "State Policy on Population Development" by Resolution No. 21 of 2004 [26].

The 2004 resolution provided in clause 1.1.1 for conditions enabling children to develop intellectually and physically, survive and enjoy good health and well-being; it particularly supported births at intervals of two to three years among mothers aged 20-39. Clause 3.1.8 provided support to families in maintaining genealogical records and to efforts to prevent consanguinity and hereditary disease.

The "State Policy on Family Development," approved by State Great Khural Resolution No. 16 of 2003, [27] included, in Part Four, clause 2.3, support for perpetuating positive ancestral traditions, such as respecting the reputation of the lineage, keeping genealogical records, respecting elders, caring for pregnant women, and preparing children for life and employment.

The "National Security Concept of Mongolia," approved as an annex to State Great Khural Resolution No. 48 of 2010, [28] defined in paragraph 3.1 the security of national existence in terms of independence, sovereignty, inviolability of borders, territorial integrity, Mongolian civilization, the population and the gene pool. Clause 3.1.3.4 prescribed intensifying efforts to reduce consanguinity and combat alcoholism and drug abuse in order to diminish adverse effects on the population gene pool.

The "Five-Year Development Guidelines of Mongolia for 2021-2025," adopted by State Great Khural Resolution No. 23 of 2020, [29] provided in clause 2.7.1 for restoring the national tradition by which everyone knows his or her ancestry and maintains family genealogy; clause 2.7.2 for preventing consanguinity and strengthening early-diagnosis capacity concerning hereditary diseases and congenital anomalies in children; clause 2.7.3 for maintaining an appropriate level of foreign nationals, stateless persons and immigrants and strengthening oversight; and clause 2.7.4 for creating state policy and a legal environment for the protection of the gene pool and reproduction.

The Constitution of Mongolia, Article 16(6), recognizes the right to protection of health and access to medical assistance. Article 16(11) provides that the State shall protect the interests of families, mothers, infants and children. Article 16(18) refers to the right to return to one's country and the possibility of restrictions on foreign travel and residence to safeguard national and population security, among other rights mentioned by the author.

Other relationships in this field are regulated in part by the Criminal Code, Civil Code, Family Law, Law on Violations, Law on the Protection of Cultural Heritage, Law on Benefits for Mothers and Single Parents Raising Multiple Children, Law on Incentives for Mothers Who Have Given Birth to and Raised Many Children, Law on Combating Domestic Violence, Law on Children's Rights, and Law on the Promotion of Youth Development. The following section compares the legislation of Mongolia with that of selected other countries.

Legislation on the Human Gene Pool and Genetics in Other Countries: A Comparative Study

At the international level the author identifies instruments relating to human hereditary resources, including the United Nations Universal Declaration of Human Rights of 1948, [30] the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization, the UNESCO Universal Declaration on the Human Genome and Human Rights of 1997, [31] and the Global Influenza Surveillance and Response System.

The author refers to stand-alone legislation on the punishment of incest in Ireland and Jamaica. In the United Kingdom, a Human Genetics Commission was established in 1999 as a mechanism for governmental coordination and regulation of population-related genetic issues.

As regards genealogy, Iceland began its population registration in 1703 and has maintained historical lines of descent over time. In 2007 the Republic of Korea began cooperating with the FamilySearch organization in Utah, United States, to digitize genealogical records of more than one thousand family names [32]. Scotland is reported to have stored more than 50 million genealogical records in electronic form since 2007 [33].

Regarding population movement, an OECD discussion of immigration and numerical limits cited in the source gives the following percentages for lawful immigrants relative to

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population: Australia, 0.74%; Canada, 0.7%; France, 0.29%; Italy, 0.19%; New Zealand, 1.2%; Sweden, 1.13%; United Kingdom, 0.41%; and United States, 0.24% [34].

The paper states that China was the only country with comprehensive legislation governing human genetic resources. It describes the People's Republic of China's 2019 Regulation on the Administration of Human Genetic Resources as comprising six chapters and 47 articles [35]. Its purpose is to protect human genetic resources effectively, ensure their proper use, and protect public health, national security and the public interest.

The comparative study records 23 jurisdictions in which gene-pool-related matters were addressed in criminal legislation, seven in civil legislation, nine in family legislation, and four in stand-alone legislation [36]. It observes that different countries use single statutes or combinations of two or three branches of legislation to address incest and related kinship questions [37].

Comparison of Civil-Law Provisions

Jurisdiction	Provisions Reproduced in Translation
Mongolia - Civil Code, Article 125, Family Property and Its Regulation	Article 125.1: Family property consists of the property of spouses and other family members. Article 125.2: Certain aspects of the property rights of spouses may be regulated by agreement [38].
Republic of Korea - Civil Act, Article 809, Impediments to Marriage	Paragraph 1: A marriage shall be prohibited where the parties are related by blood within eight degrees, including relations specified in the source as involving adopted persons [39].
Philippines - Civil Code, Articles 80 and 81	Article 80(5): marriages referred to in Article 81 as incestuous are void. Article 81: irrespective of the legitimacy of the relationship, marriage is void (1) between ascendants and descendants of any degree; (2) between brothers and sisters, whether full- or half-blood; or (3) between collateral blood relatives within the fourth degree [40].

Table 1: Comparison of Provisions in Civil Legislation (As Reported in the Source).

The Civil Code of Mongolia does not include corresponding restrictions in the provisions compared here because its regulatory subject is property and non-property relationships, including family property. The laws cited from the Republic of Korea and the Philippines, by contrast, provide particular grounds on which marriage is prohibited or void.

Comparison Of Criminal-Law Provisions

Jurisdiction	Provisions Reproduced in Translation
Mongolia - Criminal Code, Article 12.1, Rape	Article 12.1(2.3) addresses rape committed against a person with whom the perpetrator has a family relationship as an aggravating circumstance [41].
Vietnam - Penal Code, Article 150, Incest	Sexual intercourse between persons directly related by blood, including full- or half-siblings, is punishable by imprisonment for six months to five years [42].
Canada - Criminal Code, section 155	155(1): Sexual intercourse with a parent, child, brother, sister, grandparent or grandchild, where the relationship is known, constitutes incest. 155(2): imprisonment for up to 14 years. 155(3): circumstances involving intimidation or compulsion are to be assessed by a court as a defence for the person coerced. 155(4): "brother" and "sister" include half-siblings [43].
Malaysia - Penal Code, sections 376A–376B	Section 376A defines incest by reference to sexual intercourse between persons whose relationship renders marriage impermissible under applicable law, religion or custom. Section 376B(1) provides imprisonment for between 10 and 30 years and whipping [44].

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Switzerland - Criminal Code, Article 213	213(1): Sexual intercourse between relatives in the direct line, between siblings, or between half-siblings is punishable by a prison term of up to three years or a monetary penalty. 213(2): As translated in the source, a minor who intentionally participates in the prohibited conduct may incur legal liability; in other circumstances described in that provision, a minor is exempt from liability [45].
New Zealand - Crimes Act, section 130	130(1): sexual relations with a parent, grandparent, child, sibling or half-sibling, with knowledge of the relationship, fall within the statutory offence. 130(2): a person aged 16 or older may be imprisoned for up to 10 years [46].

Table 2: Criminal Legislation Addressing Incest and Related Sexual Conduct (Historical Provisions Cited in the Source).

The Mongolian Criminal Code, according to the original study, had no separately designated offence named "incest"; rather, its rape provision addressed sexual violence involving a person in a familial relationship. Vietnam, Ireland, Canada, Malaysia, Switzerland and New Zealand are described as providing a specific incest offence, which does not necessarily require proof of the use or threat of physical force. The New Zealand provision, in particular, expressly refers to the person's knowledge of the prohibited kinship relationship.

Comparison of Family-Law Provisions

Jurisdiction	Provisions Reproduced In Translation
Mongolia - Family Law, Article 9, Impediments to Marriage	Article 9.1: The following are impediments: 9.1.1 an existing marriage; 9.1.2 one or both parties being under the age specified in Article 6.1; 9.1.3 marriage between relatives by blood [47] or kin [48]; 9.1.4 marriage between guardian and ward; 9.1.5 marriage between adopter and adopted person; 9.1.6 one or both parties having a chronic mental illness classified in the source as inheritable [49].
Vietnam - Law on Marriage and Family, Articles 5 and 3	Article 5(2)(d): Prohibits marriage or marital cohabitation between relatives in the direct line [50] or within three generations [51]; between adoptive parents and adopted children or former adoptive parents and children; and between the specified categories of parents-in-law, children-in-law, stepparents and stepchildren [52].
Malaysia - Law Reform (Marriage and Divorce) Act 1976, section 11	Section 11(1): marriage with the listed categories of ascendants, descendants, siblings, uncles, aunts, cousins and other kin is prohibited, subject to the exception referred to in the source for marriages governed by Hindu law. Section 11(2): restrictions apply to grandparents, parents, children and grandchildren of a current or former spouse. Section 11(3): marriage between adoptive parent and adopted child is prohibited [53].
Russian Federation - Family Code, Article 14 (identified as Article 13 in the source table)	Marriage is not permitted between close relatives in the direct line (parents, children, grandparents, grandchildren), full or half-siblings, or adoptive parents and adopted children [54].
Philippines - Family Code, Articles 37-38	Article 37: Marriage is incestuous and void, whether the relationship is legitimate or illegitimate, between ascendants and descendants of any degree and between full or half-siblings. Article 38: marriages are void for reasons of public policy between collateral blood relatives within the fourth civil degree; between adoptive parents and adopted children; between parents-in-law and children-in-law; between particular widowed spouses and adoption relations; between adopted children and the biological children of the adopters; and between two children adopted by the same parents. The source reproduces eight subparagraphs, including a repeated adoption-related category [55].

Table 3: Impediments to Marriage in Family Legislation (Historical Provisions Cited in the Source).

Expanded subparagraphs of the Philippine Family Code reproduced by the source: Article 38(1) collateral blood relatives within the fourth degree, whether legitimate or illegitimate; (2) adoptive parents and adopted children; (3) parents-in-law and sons- or daughters-in-law; (4) the adoption relationship as repeated in the source; (5) an adopted person and the surviving spouse of an adopter; (6) an adopter and the surviving spouse of an adopted person; (7) an adopted person and a biological child of the adopter; and (8) children adopted by the same parent or parents.

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The original author notes that Malaysia's combination of religious and secular marriage rules has consequences for the applicability of statutory provisions to Hindu marriages. Mongolia describes prohibited kinship, guardianship and adoption relationships relatively generally, whereas the foreign laws compared identify more specific degrees and categories of relationship.

Regulation Under Stand-Alone Acts and the Law on Violations

Jurisdiction	Provisions reproduced in translation
Mongolia - Law on Violations, Article 5.4, and Law on Combating Domestic Violence	Article 5.4(4): Domestic violence includes compelling a family-related person, against his or her will, to perform or refrain from a particular act. Article 5.4(4.4) provides, where the conduct does not constitute a criminal offence, for compulsory training and detention for seven to thirty days. [56] [57]
Ireland - Punishment of Incest Act 1908	Section 1(1): A man who knowingly has sexual intercourse with his granddaughter, daughter, sister or mother commits an offence punishable, as stated in the source, by three to seven years of penal servitude or up to two years of imprisonment, with hard labour. Section 2(1): The woman's consent does not exclude liability. Paragraph (1) as reproduced in the source also makes a woman who knowingly consents to intercourse with her father, grandfather, brother or son liable to three to seven years of penal servitude or imprisonment for up to two years, with hard labour. Paragraph (2) specifies that brother and sister include half-siblings, irrespective of marital status. [58]
Jamaica - Incest (Punishment) Act	Section 2(1): A man who knowingly has intercourse with his granddaughter, daughter, sister or mother may be sentenced to imprisonment with hard labour for up to five years; the source describes a penalty of up to sixteen years where the person concerned is under 12. Section 2(2): consent of the woman is not a defence. Section 2(3): an attempt is punishable by up to two years of hard labour. Section 3: a woman aged at least 16 who knowingly consents to intercourse with a grandfather, father, brother or son may be liable to a term of up to five years. Section 4 includes half-siblings. Section 5(1) concerns conviction of offences involving rape as specified in the source. [59]

Table 4: Comparison of Mongolia, Ireland and Jamaica (Historical Provisions as Reported in the Source).

The provisions described above include hard-labour sanctions and elements relating to knowledge of a prohibited relationship. In Mongolia, the author compares the Law on Violations and the Law on Combating Domestic Violence, observing that they regulate family relationships in broad terms. [60] The Law on Violations provided, according to the version cited, compulsory training and detention of 7–30 days for perpetrators of domestic violence.

Conclusion and Recommendations

In the context of legal reform intended to contribute to Mongolia's development, the author considers it necessary to formulate and implement state policy on the human gene pool or genetics and to amend legislation. Establishing a legal environment to protect public health and the security of the hereditary gene pool is presented as a matter directly connected to national independence. Nevertheless, following institutional restructuring in 2015, when the Centre for Human Studies was incorporated into the public-health administration, responsibility for dedicated governmental policy on human studies was, in the author's assessment, neglected.

Although resolutions and decisions aimed at protecting the human gene pool have been adopted, the author argues that the treatment of the issue in legislation remains inadequate and that implementation is insufficient because the functions of public authorities are not clearly specified. The absence of a dedicated institution responsible for these matters is considered another reason for inadequate implementation.

The paper observes that a number of foreign countries treat incest as a criminal offence, while others have enacted stand-alone legislation. The author accordingly advances the following seven proposals.

Amend the Criminal Code to introduce an offence of incest [61]. The author argues that criminal law serves not only to impose liability on culpable persons but also to prevent criminal conduct. Declaring particular conduct criminal may communicate the societal judgment that it is unacceptable and serve a preventive function. A draft

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amendment is reproduced in Appendix 8.

Enhance institutional verification of impediments to marriage under Article 9 of the Family Law. State authorities should supervise whether the statutory impediments exist. The author proposes assigning verification functions to civil-registration agencies and diplomatic missions when registering marriages under Article 7.1 of the Family Law. Dedicated staff positions would make it possible to perform this function.

Amend the Law on Violations [62]. Article 5.4, concerning violations of the Law on Combating Domestic Violence, should expressly address additional forms of prohibited conduct and violence. In the author's view, some unethical acts occurring in society have escaped criminal liability, while the list of conduct under the Law on Violations is insufficiently detailed. The amendment proposed in Appendix 9 would expand the relevant description of domestic violence.

Establish a state institution responsible for nationwide education, research, supervision and examination concerning the human gene pool or genetics. Mongolia formerly had a Centre for Mongolian Human Studies with relevant experience. The author suggests that an institution performing this function could be established under the National Security Council, on the reasoning that scientific research and information about the gene pool are directly related to national security and may require strict confidentiality.

Ensure implementation of the duty to maintain genealogical records. Although this duty is addressed in the Law on Culture, the Family Law, presidential decrees and parliamentary resolutions, the author considers implementation highly inadequate. Functions for promoting the importance of genealogical records should therefore be explicitly allocated to the Ministry of Justice, the Ministry of Labour and Social Protection, the Ministry of Health, and the authority responsible for family, children and youth development.

Digitize genealogical recordkeeping. Taking account of the experience of the Republic of Korea and other countries, Mongolia should create a suitable electronic database. The author proposes amending legislation to protect the information in such a database under the Law on State and Official Secrets [63] and the Law on Personal Secrecy [64]. A draft amendment appears in Appendix 10.

Adopt decisions to secure implementation of state-policy instruments. Article 19(1) of the Constitution of Mongolia states, in substance, that the State is responsible to its citizens for creating economic, social, legal and other guarantees necessary for enjoyment of human rights and freedoms, combating violations, and restoring infringed rights. The State Great Khural [65-70] Government, ministries and agencies should accordingly adopt decisions on implementation measures within their statutory powers.

Bibliography

Legislation and Other Legal Instruments of Mongolia

Constitution of Mongolia.
Criminal Code of Mongolia.
Civil Code of Mongolia.
Family Law of Mongolia.
Law on Combating Domestic Violence.
Law on Violations.
Law on Culture.
Law on State and Official Secrets.
Law on Personal Secrecy.
Decree of the President of the Mongolian People's Republic (1991), "Guidelines on the Population Policy of the MPR."
Resolution of the State Great Khural of Mongolia (1996), "Population Policy of Mongolia."
Resolution of the State Great Khural of Mongolia (2003), "State Policy on Family Development."
Resolution of the State Great Khural of Mongolia (2004), "State Policy on Population Development."
Resolution of the State Great Khural of Mongolia (2010), "National Security Concept of Mongolia."
Resolution of the State Great Khural of Mongolia (2020), "Five-Year Development Guidelines of Mongolia for 2021–2025."
Resolution of the State Great Khural of Mongolia (2020), "Vision 2050."
Resolution of the Government of Mongolia (1997), "Regulations on Maintaining Family Genealogy."
Resolution of the Government of Mongolia (2007), "Reapproval of Revised Regulations on Maintaining Family Genealogy."

Foreign legislation

Civil Act of the Republic of Korea (Act No. 471).
Civil Code of the Philippines, Republic Act No. 386.
Constitution of the Republic of Korea.
Crimes Act of New Zealand.
Criminal Code of Canada.
Criminal Code of the State of Alabama, United States.
Criminal Law of North Carolina, United States.
Law on Marriage and Family of Vietnam (No. 52/2014/QH13).
Law Reform (Marriage and Divorce) Act of Malaysia 1976.
Penal Code of Malaysia (Act 574).

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Penal Code of Vietnam (No. 15/1999/QH10).
Punishment of Incest Act of Ireland.
Swiss Criminal Code.
Family Code of the Philippines.
Family Code of the Russian Federation.

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Historical-Source Caution

The present translation preserves original source claims, dates, legislation and statistical values unless an explicit editorial note explains a discrepancy. Its English presentation does not independently validate those claims or establish the present legal status of the statutes cited.

References

1. (2021) Comparative Study of Legal Documents Relating to Gene-Pool Policy, Protection and Regulation. Parliamentary Research Institute, Ulaanbaatar.

1. Batsuuri J, Enkhmaa E (2010) Model for Maintaining Family Genealogy by Citizens of Mongolia. Ulaanbaatar.

2. (2016) "Fifth ancestor, the father of the great-great-great-grandfather," as defined in the source's kinship terminology. Comprehensive Explanatory Dictionary of the Mongolian Language.

3. (2016) "Child of one's sister," as defined in the source's kinship terminology. Comprehensive Explanatory Dictionary of the Mongolian Language

4. proportion of the hereditary gene pool transmitted to the following generation.

5. (2016) "The body of information connected to the lineage of an individual's ancestors and parents." Comprehensive Explanatory Dictionary of the Mongolian Language.

6. National Statistics Office, historical population database for 2019.

7. "Populations of 195 sovereign countries"; the table itself is labelled Appendix 3 in the original document. The source's inconsistent appendix numbering has not been concealed.

8. Mongolian Historical Compilation Of Country Populations

9. The source defines "consanguineous marriage" as marriage or a marital relationship between persons descended from a common parent or otherwise linked by blood, using the short expression "consanguinity."

10. (2017) Comparative Study of Legal Documents Relating to Gene-Pool Policy, Protection and Regulation. Parliamentary Research Institute, Ulaanbaatar.

11. World Health Report, Mental Health: New Understanding, New Hope, cited in the original as the 2011 World Health Report.

12. (2020) Consanguinity and Intellectual Disability across Mongolia, commissioned research report prepared for the Office of the National Security Council. Ulaanbaatar.

13. Dorjdamba SH, Byambasuren S, Oryol N, Erdenebayar L (1996) Prevalence of Mental Disorders in Twentieth-Century Mongolia. Ulaanbaatar.

14. Kinship Proximity, Imbalance in Its Appropriate Population Proportion, and Trends among Persons with Psychiatric Disorders and Intellectual Disabilities, research report.

15. (2020) Consanguinity and Intellectual Disability across Mongolia, commissioned report for the Office of the National Security Council. Ulaanbaatar.

16. (2021) Comparative Study of Legal Documents Relating to Gene-Pool Policy, Protection and Regulation, commissioned study. Parliamentary Research Institute, Ulaanbaatar.

17. The source lists ten categories of congenital developmental anomalies: heart malformations; cleft lip; combined cleft lip and palate; soft-palate and uvular clefts; absence of the soft palate; imperforate

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anus; underdevelopment of the anterior abdominal wall; hydrocephalus; spinal hernia or spina bifida; and malformations involving multiple organ systems.

18. (2017) Preliminary study for the draft Law on Protecting the Population Gene Pool against Consanguinity.

19. (1991) Decree approving the Population Guidelines of the MPR.

20. Law on Culture, Article 5, clause (z): respect and develop traditions of family culture and upbringing, know one's lineage, and maintain genealogical records.

21. Family Law, Article 10.3: spouses share obligations of fidelity, raising children, mutual care, respect, support and maintenance, provision of family economic conditions, non-infringement of one another's rights, avoidance of all forms of domestic violence, and maintenance of genealogy.

22. (2004) Resolution approving the State Policy on Population Development.

23. (2003) Resolution approving the State Policy on Family Development.

24. (2010) National Security Concept of Mongolia.

25. (2020) Five-Year Development Guidelines of Mongolia for 2021–2025.

26. Universal Declaration of Human Rights, adopted by UN General Assembly Resolution 217 A (III) on 10 December 1948. The source incorrectly states 1946; this translation retains the instrument's correct official year while noting the discrepancy.

27. UNESCO's Universal Declaration on the Human Genome and Human Rights was adopted at the UNESCO General Conference in 1997 and endorsed by the UN General Assembly in 1998.

28. Stefansdottir V, Johannsson OT, Skirton H, Tryggvadottir L, Tuilinuis H, et al. (2013) The use of genealogy databases for risk assessment in genetic health service: a systematic review. Journal of Community Genetics 4(1): 1-7.

29. (2006) Managing Migration-Are Quotas and Numerical Limits the Solution? International Migration Outlook: SOPEMI 2006 Edition. OECD.

30. (2021) Comparative Study of Legal Documents Relating to Gene-Pool Policy, Protection and Regulation. Parliamentary Research Institute, Ulaanbaatar.

31. (2002) Civil Code of Mongolia.

32. Civil Act of the Republic of Korea, Act No. 471 (1958), official ministry portal: www.moleg.go.kr

33. Civil Code of the Philippines, Republic Act No. 386, 18 June 1949, as cited in the source.

34. (2015) Criminal Code of Mongolia

35. Penal Code of Vietnam, Law No. 15/1999/QH10, translation cited as originating from Vietnam's Ministry of Justice.

36. Criminal Code of Canada, source printed with a malformed.

37. Penal Code of Malaysia, Act 574, enacted in 1936, revised in 1997, amendment Act A1471 (2014), as stated in the source: www.agc.gov.my. The original footnote also mentions the Family Code of the Russian Federation dated 29 December 1995, available at www.consultant.ru.

38. Swiss Criminal Code of 21 December 1937, status identified by the source as October 2016, Swiss Federal Council portal

39. Crimes Act of New Zealand, official New Zealand legislation.

40. Family Law of Mongolia, Article 3.1.5: a "relative in the direct family line" includes a spouse's father, mother, grandfather, grandmother, grandson, granddaughter, and their children.

41. Family Law of Mongolia, Article 3.1.6: "kin" includes a spouse's full siblings, paternal and maternal uncles and aunts, and their children.

42. (1999) Family Law of Mongolia.

43. Vietnam's Law on Marriage and Family, Article 3(17): persons in the direct line are blood relatives born successively from one another.

44. Vietnam's Law on Marriage and Family, Article 3(18): the source describes a three-generation relationship as children of common parents (first generation), siblings or half-siblings (second generation), and children of paternal or maternal uncles or aunts (third generation).

45. (2014) Law on Marriage and Family of Vietnam, No. 52/2014/QH13.

46. (1976) Marriage and Divorce Act of Malaysia, Act 164.

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47. (1995) Family Code of the Russian Federation, Federal Law No. 223-FZ

48. Family Code of the Philippines, Executive Order No. 209, text cited from Chan Robles Virtual Law Library: www.chanrobles.com

49. Law on Combating Domestic Violence, Article 5.1.1: domestic violence is an act or omission by a person covered by Article 3 that inflicts psychological pressure, interferes with economic or sexual freedom, or affects the physical integrity of a person protected by the law.

50. Law on Violations, 2017, historical text.

51. (1908) Punishment of Incest Act of Ireland.

52. The Incest (Punishment) Act of Jamaica.

53. Law on Combating Domestic Violence, Article 3.1.1 includes spouses, other family members, cohabitants, guardians, custodians, persons in their care, and persons living in the family; Article 3.1.2 includes biological and adopted children, parents and siblings living separately.

54. Law on State and Official Secrets, Article 13.1.2(c): information concerning scientific and technological achievements, research, experiments, assembly or design work, and technology significant for national security.

55. The original paper refers to a draft parliamentary resolution on the protection of the population gene.

56. (2020) Consanguinity and Intellectual Disability across Mongolia, research report of the Office of the National Security Council.

57. (2021) Comparative Study of Legal Documents Relating to Gene-Pool Policy, Protection and Regulation. Parliamentary Research Institute, Ulaanbaatar.

58. Byambasuren S (2007) Psychiatry. Ulaanbaatar

59. Binderyaas h (2013) Teacher's Guide to Family Genealogy. Ulaanbaatar.

60. Giddens A (2006) Sociology. Ulaanbaatar.

61. Dorjdamba SH, Byambasuren S, Oryol N, Erdenebayar L (1996) The Prevalence of Mental Disorders in Twentieth-Century Mongolia. Ulaanbaatar.

62. Narangerel S (2007) Legal Dictionary. Ulaanbaatar.

63. Purevdorj I (1991) Heredity. Ulaanbaatar.

64. (2021) Comparative Study of Legal Documents Relating to Gene-Pool Policy, Its Protection and Regulation, commissioned research report. Parliamentary Research Institute, Ulaanbaatar

65. (2020) Office of the National Security Council, Consanguinity and Intellectual Disability across Mongolia, commissioned research report. Ulaanbaatar.

66. (2020) Office of the National Security Council, Kinship Proximity, Disruption of Its Appropriate Population Proportion, and Trends among Persons with Mental Disorders and Intellectual Disabilities, commissioned research report. Ulaanbaatar.

67. (2019) National Centre for Mental Health, annual report. Ulaanbaatar.

68. (1977) Mongolian Academy of Sciences, Institute for Experimental Biology (abbreviation as in source), Fundamentals of Population Genetics. Ulaanbaatar.

69. (2010) Family-related research institution (acronym as in source), Ministry of Social Welfare and Labour, and United Nations Population Fund, The Current State of Family Relations in Mongolia. Ulaanbaatar.

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