

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Please provide updated information regarding the attitude of family, the public, and the authorities to lesbians.**
- 2. Are there are Lesbian support networks?**

**RESPONSE**

- 1. Please provide updated information regarding the attitude of family, the public, and the authorities to lesbians.**

Recent reports indicate that negative attitudes and high levels of hostility towards Lesbian, Gay, Bisexual and Transgendered (LGBT) persons remain pervasive in Mongolia. Reports state that LGBT persons in Mongolia are subject to familial violence, workplace harassment and victimisation by police. Sources consulted also indicate that many LGBT persons in Mongolia do not disclose or publicly express their sexual orientation due to fear of homophobic violence and discrimination (Nyamdorj, A. & Garner, R. 2008, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia: Shadow report for the 42<sup>nd</sup> CEDAW Committee Session 2008*, Office of the United Nations High Commission for Human Rights website, 17 September

[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition\\_mongolian\\_lgbt\\_rights\\_activists\\_mongolia41.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition_mongolian_lgbt_rights_activists_mongolia41.pdf) – Accessed 1 September 2009 – Attachment 1; ‘Art Exhibition Highlights the Harsh Realities of Life for Mongolia’s Sexuality Minorities’ 2009, *The UB Post*, 26 June

[http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=3120&Itemid=43](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=3120&Itemid=43) – Accessed 2 September 2009 – Attachment 2; Miller, B. 2008, ‘Mr. Beauty’ Revealed: A Glimpse into Mongolian Gay Life’, *The UB Post*, 4 December

On 17 September 2008 Anaraa Nyamdorj and Robyn Garner produced a report on behalf of The Mongolian Coalition of LGBT Rights Activists titled, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia: Shadow report for the 42<sup>nd</sup> CEDAW Committee Session 2008*. The report was submitted to a session of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) held from 20 October 2008 to 7 November 2008. The report provides comprehensive information on the situation for Lesbian and Bisexual Women and Transgendered persons (LBT) in Mongolia. The report states that there is “widespread societal and institutional discrimination against, and intolerance of, lesbian and bisexual women and transgendered persons in Mongolia which is manifested in varying forms, from ostracism and harassment to physical and sexual violence”. The report states that LBT persons have been subject to familial violence, workplace harassment, victimisation by the police force, a lack of adequate legal protection, sexual violence and have also been denied housing. The following are some extracts from the report:

There is widespread societal and institutional discrimination against, and intolerance of, lesbian and bisexual women and transgendered persons in Mongolia which is manifested in varying forms, from ostracism and harassment to physical and sexual violence. The discrimination is endemic in the public, private and non-governmental sectors and encompasses the police and the judiciary, health services, education, the housing sector and the media (p.3)

...Because of the institutionalisation of the intolerance and discrimination against LBT persons (all levels of government, police, the legal and health sectors and the media) and the reality that there is very little, if any, likelihood of legal recourse, LBT persons in the main do not report incidences of discrimination or violence for the very real fear of secondary victimisation, predominantly from the police. The retributive violence of the police is supported by anecdotal evidence and is a very real fear for the LBT community. Hence there is nothing in the way of comprehensive documented evidence to support the negative experiences of Mongolia’s LBT persons, and thus most evidence is anecdotal, as told to other members of the LBT community and as reported to organisations like the now-defunct Mongolian Lesbian Information Centre. Indeed, it could be argued that the lack of such documentation itself points to the extent of the violence and social intolerance towards LBT persons, whereby the victims themselves are unable to report crimes against them as they are unwilling to disclose the grounds on which they were attacked (p.5).

...Despite Mongolia’s outward commitment to the upholding of human rights, it is a country with deeply entrenched social and institutional intolerance of homosexuals; intolerance that manifests itself in varying forms, from ostracism and harassment to physical and sexual violence. Such violence generally comes from family members to whom LBT persons either “come out”, or who are found out to be non-heterosexual, and not usually random violence from strangers. So prolific is the prejudice and hatred that very few LBT persons have escaped some degree of harassment and violence when their sexual orientation has become known (p.6).

...As stated in the introduction, the Government of Mongolia does not officially recognise the existence of LBT persons within its territory, and there is no mention of the words “homosexual”, “lesbian”, “gay”, “transgendered” or “transsexual” in the Constitution or in any legislation or legal instruments. In essence, this means there are no legal protections for

LBT persons and a subsequent ignorance in the legal sector of their basic human rights. One Mongolian lesbian said: “There is a need to amend the laws and to ensure that we are treated equally ... I just want some legal provisions that will provide us with the same rights as anyone.” Anecdotal evidence suggests that LBT persons are reluctant to report incidences of discrimination and violence or seek legal redress for the very real fear of secondary victimisation at the hands of the legal authorities or of unwanted media attention and the resulting possibility of harm from others should their cases become public knowledge (p.10).

...There is anecdotal evidence to suggest that, notably, the General Police Department and the State Intelligence Agency are actively engaged in discriminatory practices and human rights violations against the LBT community, including keeping files on known LBT persons, monitoring LBT social events and photographing/filming those in attendance, phone-tapping, arbitrary arrests, harassment, intimidation, threats, and physical and sexual assaults (p.11).

...There is also anecdotal evidence to support widespread discrimination in the private sector, with many lesbians reporting harassment, bullying, intimidation and ostracism in their workplaces when their sexuality has become known or is suspected. (p.12)

...There is widespread intolerance of LBT persons throughout Mongolian society on the basis that they do not conform to set notions of female gender identity, and who as a result are subjected to a range of human rights violations, including harassment, physical violence, hate crimes and sexual assaults. Familial violence – physical and psychological (threats, taunts, ostracism) – is the most common form of violence facing LBT persons in Mongolia, generally occurring when a person’s sexuality or gender identity has become known or is suspected.

...Mongolian lesbians live in fear of being attacked for their sexuality, and hence the majority choose to hide their sexual orientation or gender identity (p.13).

The deeply rooted prejudice against LBT persons also impacts on their ability to live wherever they choose, and to live together in relationships with their partners. There is anecdotal evidence to suggest that LBT persons are discriminated against in the housing sector and are denied housing or evicted if it is suspected they are from the LBT community or are cohabiting with their partners. If lesbians do choose to cohabit, they do so under the pretext of being friends or relatives (p.14).

...Anecdotal evidence also indicates a high suicide rate among the LBT community, particularly among LBT youth, that is generally related to confusion about sexuality and ostracism on the basis of sexuality and/or gender identity. The problem is compounded by a lack of counselling services for LBT persons, meaning there is no psychological support for at-risk community members (p.15).

...We contend that there is sufficient anecdotal evidence to suggest that sexual violence against LBT persons in Mongolia is commonplace when their sexuality has become known or is suspected, and that the Government of Mongolia has consistently failed to protect or provide protection mechanisms for those at risk, which constitutes discriminatory treatment and a violation of the Government’s obligation to ensure that all women, without exclusion, are afforded equal protection against gender-based violence (p.16) (Nyamdorj, A. & Garner, R. 2008, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia: Shadow report for the 42<sup>nd</sup> CEDAW Committee Session 2008*, Office of the United Nations High Commission for Human Rights website, 17 September, pp-3,5,6,10-16 [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition\\_mongolian\\_lgbt\\_rights\\_activists\\_mongolia41.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition_mongolian_lgbt_rights_activists_mongolia41.pdf) – Accessed 1 September 2009 – Attachment 1).

On 26 June 2009, *The UB Post*, an English language Mongolian newspaper, reported on an exhibition at the Ulaanbaatar Modern Art Gallery on the Mongolian LGBT community. According to the report the exhibition was created by Brandt Miller, an American Fulbright Fellow “in collaboration with the lesbian, gay, bisexual, transgender (LGBT) community and local and international artists”. The report states that the exhibition “will for the first time in Mongolia’s history, express through art the realities of life for a largely hidden sector of society who daily face discrimination, oppression and persecution”. The report provides the following information on the exhibition and the difficulties encountered by LGBT persons in Mongolia:

The first art exhibition dedicated to Mongolia’s lesbian, gay, bisexual and transgender community will be held at the Modern Art Gallery in Ulaanbaatar from July 3-8.

**The exhibition, “Beyond the Blue Sky”, created by American Fulbright Fellow Brandt Miller in collaboration with the lesbian, gay, bisexual, transgender (LGBT) community and local and international artists, will for the first time in Mongolia’s history express through art the realities of life for a largely hidden sector of society who daily face discrimination, oppression and persecution.**

The exhibition will feature photographs of Mongolian lesbian, gay, bisexual and transgender people in a range of settings that challenge traditional notions of gender and sexuality. To ensure the safety of participants, and to also represent the hidden nature of LGBT people’s lives and their invisibility in society, their faces were covered with khadag. The use of khadag that traditionally covers the faces of those who have died also symbolically mirrors the present reality in which many LGBT people feel they are not fully living.

The exhibition will also include poetry written by LGBT people, personal histories and testimonies of LGBT people which tell of the abuses and hardships they have suffered, and a short film made by a New York City filmmaker that captures the difficulties of life and love for two gay males in Mongolia and which features an original soundtrack by renowned Mongolian band Altan Urag.

“The aim of the exhibition is to raise awareness among the general public of the harsh realities of life for Mongolia’s LGBT people and to create a voice to unify them in an environment where they are not going to be marginalised and will ultimately be accepted,” said creator, Brandt Miller.

**“The ‘faceless’ theme is ongoing throughout the exhibition and is a reflection of the way many LGBT people in Mongolia feel about themselves. Every day they suffer a range of human rights abuses and are forced by circumstance to lead largely hidden lives.**

**“Through my research, I have learned that physical or emotional violence is common for people who are openly gay or transgender, and that this primarily comes from friends, family and colleagues. This is stopping people from being open, and their not being able to be open is stopping any progress towards acceptance. I want to give life and reality to these people who have been vilified”** (‘Art Exhibition Highlights the Harsh Realities of Life for Mongolia’s Sexuality Minorities’ 2009, *The UB Post*, 26 June [http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=3120&Itemid=43](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=3120&Itemid=43) – Accessed 2 September 2009 – Attachment 2).

A 7 minute video interview with Brandt Miller on his exhibition ‘Beyond the Blue Sky’ can be viewed on the ‘vimeo’ website. The website states that the interview “was filmed for Voice Box, a Mongolian English language TV show”. The video provides footage of the exhibition and also provides some information from Miller on the situation for the LGBT

community in Mongolia (“Beyond the Blue Sky’ Interview with Brandt Miller’ (undated), Vimeo website <http://www.vimeo.com/5585497> – Accessed 4 September 2009)

On 4 December 2008, Brandt Miller, the co-creator of the above mentioned LGBT art exhibition, wrote an article published in *The UB Post* on negative societal and media reactions to a LGBT event held in Ulaanbaatar on 15 November 2008. According to the article the “Mr Beauty” party was intended to be a private event intentionally held in a covert manner. However, one week after the party a Mongolian website reported on the event and included the names of attendees in its report. According to the report two weeks after the event three Mongolian newspapers also reported on the party and included photographs of competitors. The report states that these reports of the party generated a lot of negative comments from the public. The article also reports on the danger for individuals who may be identified as homosexual a result of the media reports. The report states that “the reality of being ‘recognised’ and revealed is a fate that could result in verbal abuse and physical assault” and that “most cases of homophobic violence occur between family members”. The report contains the following information on the event and the situation for LGBT persons in Mongolia more generally:

On November 15, an intentionally hidden and exclusive party was held at Amazon Club, in Bayazurkh Palace. Gay men, lesbian women, bisexual and transgender individuals (LGBT), and friends of these minorities, congregated to socialize with one another and to celebrate their sexual identities. The main festivity was the annual “Mr. Beauty’ contest. With a pool of eleven male-to-female cross-dressers, judges determined who made the most beautiful woman through a sequence of swimsuit, gown, and talent competitions.

‘Mr. Beauty’ is one theme in a series of monthly parties for the LGBT community of Mongolia.

Youth for Health focuses on the health and emotional well-being of gay men through educational workshops, a support hotline, live counseling, and creating a safe-haven for sexual minorities. The organization receives funding from the National AIDS Foundation, Global Fund, and Mongolian Red Cross Society, and works in close conjunction with Together, another community-based organization that provides HIV/AIDS/STD testing and counseling.

**The project manager of Youth for Health believes “it is difficult for gays in Mongolia because they are not accepted by the public, and so they don’t accept themselves.”**

**...An LGBT scene therefore only exists in Ulaanbaatar, where global influence is most pervasive.** According to a member of Youth for Health, “UB is filled with gossip, and everyone is connected somehow. **Most gays are not open to their families, and cannot be open in the public. Many people are scared to get involved with anything that could give them away, even the monthly party.**”

The party’s secret location (which changes each month and is not released until a few days before the event) and the strict security guards, were not enough to maintain LGBT privacy in the insular capital. One week after ‘Mr. Beauty’, a post on a Mongolian website revealed the existence of the party, and disclosed names of attendees. Few positive, and many negative comments were posted in response.

One reaction read: “How disgusting! They should isolate these perverts from the society. If there are 500 open homos in this small population, there might be many more. Forget about talking about them!”. The post represents prejudiced attitudes toward the self-defined

homosexual, but does not address gay acts, which are historically part of Mongolian monastic and prison life. These situational occurrences have been ignored because they are considered circumstances that do not result in self-definition.

Members of Youth for Health were startled by the posts, but figured the majority of Ulaanbaatar would still be unaware of the event. Two weeks after the party however, three Mongolian newspapers printed stories about 'Mr. Beauty', which included sensationalistic gossip, and photographs of the pageant's competitors taken with a hidden camera.

One member commented: "It is very scary for those boys whose photographs were taken. We hope that the darkness, the poor quality of the pictures, and the wigs and dresses will make it so people can't recognize them." According to the leader of the organization, the articles were filled with misinformation, bigotry and stereotypes. "They said that there were 500 attendants, but there were only about 200. The language was derogatory toward gays and said that there were five or six foreigners that looked like homos having a wild time."

**Public disclosure of 'Mr. Beauty' creates a new hurdle, one that may prevent individuals from attending the necessary unifying event. Although names and photographs from the party may slip past Ulaanbaatar's public radar, the reality of being 'recognized' and revealed is a fate that could result in verbal abuse and physical assault. Most cases of homophobic violence occur between family members.**

**The turbulent environment for LGBT individuals makes it difficult to be open in Mongolia, and the scarcity of open individuals is slowing the progression toward acceptance. One gay man in Ulaanbaatar said, "homosexuality is becoming more understood with young people studying abroad and all the foreign exposure. But with more visibility, there is always more violence."**

Like many nations, Mongolia is struggling with new identities that clash with traditional ideals of gender and sexuality. However, all is not lost for openly gay Mongolian individuals. As one anonymous source believes, "It will take brave people, help from outsiders, and perhaps a few generations, but things are moving in the right direction" (Miller, B. 2008, 'Mr. Beauty' Revealed: A Glimpse into Mongolian Gay Life', *The UB Post*, 4 December [http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=2445&Itemid=36](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=2445&Itemid=36) – Accessed 2 September 2009 – Attachment 3).

Available information indicates that in June 2009 The Lesbian, Gay, Bisexual and Transgender Centre in Ulaanbaatar was refused registration by government authorities on discriminatory grounds. For further information on this incident please see information provided on [The Lesbian, Gay, Bisexual, and Transgender Centre in Ulaanbaatar](#) in Question two of this response.

*Research Response MNG3314*, dated 20 May 2008 provides further information on the attitudes of family members, the general public and government authorities towards lesbians in Mongolia. Information provided in the report indicates a high level of hostility towards lesbians in Mongolia resulting in familial violence, harassment and discrimination (RRT Research & Information 2008, *Research Response MNG3314*, 20 May – Attachment 4).

Question 4 of *Research Response MNG33121*, dated 10 April 2008 provides information on the mistreatment of homosexuals by police in Mongolia (RRT Research & Information 2008, *Research Response MNG33121*, 10 April – Attachment 5).

## 2. Are there are Lesbian support networks?

No reports were found in the sources consulted regarding groups currently operating in Mongolia which offer individual support services for lesbians in Mongolian. Reports indicate that an organisation called “The Lesbian, Gay, Bisexual, and Transgender (LGBT) Centre” has recently been seeking to register an office in Ulaanbaatar but have been denied registration by government authorities on discriminatory grounds. Sources also indicate that there is an informal Mongolian LGBT network called “a Coalition of LGBT Rights Activists”. However, reports indicate that this group has a focus on high level advocacy of Mongolian LGBT issues as opposed to operating community support services for LGBT persons. A December 2008 report by Brandt Miller published by *The UB Post* mentions two LGBT organisations in Ulaanbaatar, as well as two other organisations which focus on gay male health issues. However, no information was found in the sources consulted as to whether these organisations offer support services for lesbians. A previous research response indicates that a few lesbian non-government organisations have operated in Mongolia in the past, including Tavilan and the Mongolian Lesbian Information Centre but that these organisations are now largely defunct (‘Mongolia: Register LGBT Centre’ 2009, International Gay & Lesbian Human Rights Commission, 20 July <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/resourcecenter/941.html> – Accessed 2 September 2009 – Attachment 6; Human Rights Watch 2009 ‘Letter to The Minister of Justice and Home Affairs of Mongolia’, 9 July <http://www.hrw.org/en/news/2009/07/09/letter-minister-justice-and-home-affairs-mongolia> – Accessed 2 September 2009 – Attachment 7; Nyamdorj, A. & Garner, R. 2008, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia: Shadow report for the 42<sup>nd</sup> CEDAW Committee Session 2008*, Office of the United Nations High Commission for Human Rights website, 17 September. p.5 [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition\\_mongolian\\_lgbt\\_rights\\_activists\\_mongolia41.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition_mongolian_lgbt_rights_activists_mongolia41.pdf) – Accessed 1 September 2009 – Attachment 1; ‘Anaraa Nyamdorj’ (undated), Centre for Women’s Global Leadership website <http://www.cwgl.rutgers.edu/16days/kit08/exhibit/nyamdorj.html> – Accessed 2 September 2009 – Attachment 8; Miller, B. 2008, ‘Mr. Beauty’ Revealed: A Glimpse into Mongolian Gay Life’, *The UB Post*, 4 December [http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=2445&Itemid=36](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=2445&Itemid=36) – Accessed 2 September 2009 – Attachment 3; RRT Research & Information 2008, *Research Response MNG3314*, 20 May – Attachment 4; ‘Welcome to Queer Mongol!’ 2005, Queer Mongolia blog website, 18 July <http://mongolianlgbt.blogspot.com/2005/07/welcome-to-queer-mongol.html> – Accessed 3 September 2009 – Attachment 9).

Information for this question has been provided under the following four subheadings:

- [The Lesbian, Gay, Bisexual, and Transgender Centre in Ulaanbaatar](#)
- [Coalition of LGBT Rights Activists](#)
- [The ‘We are Family’ and ‘Support Group’ LGBT organisations](#)
- [Former LGBT Organisations](#)

### **The Lesbian, Gay, Bisexual, and Transgender Centre in Ulaanbaatar**

On 20 July 2009 *The International Gay & Lesbian Human Rights Commission* reported that The Lesbian, Gay, Bisexual, and Transgender Centre in Ulaanbaatar had made “at least 10 attempts to register with the Legal Entities Registration Agency (LERA)”. The report states that “in response, LERA made several specious and homophobic arguments against the

groups registration”. According to the report LERA stated in a rejection letter that the name of the Centre “conflicts with “Mongolian customs and traditions and has the potential to set the wrong example for youth and adolescents”. The report states that “the Lesbian, Gay, Bisexual, and Transgender (LGBT) Centre in Ulaanbaatar, Mongolia will be the first NGO in Mongolia dedicated to social, legislative and institutional change in relation to discrimination, persecution, and abuse against Mongolia’s LGBT community”. The report contains the following relevant information:

The Lesbian, Gay, Bisexual, and Transgender (LGBT) Centre in Ulaanbaatar, Mongolia will be the first NGO in Mongolia dedicated to social, legislative and institutional change in relation to discrimination, persecution, and abuse against Mongolia’s LGBT community. Its mission is to “uphold, protect, and promote the human rights of sexuality minorities, namely lesbians, gay men, bisexuals, and transgendered persons” and “to promote the correct understanding of sexual orientation and gender identity within Mongolian society.”

In 2009, the LGBT Centre made at least 10 attempts to register with the Legal Entities Registration Agency (LERA). In response, LERA made several specious and homophobic arguments against the groups registration, including objecting to the use of an English name transliterated into Cyrillic, arguing that the name is “not moral and the public would not accept it,” and stating that the name conflicts with “Mongolian customs and traditions and has the potential to set the wrong example for youth and adolescents,” in a rejection letter on June 23rd.

By denying this group registration based on its chosen name, based on its mission to promote the human rights, or arbitrarily, Mongolia is violating the rights to freedom of opinion and expression, to assembly and association, and to promote human rights, without discrimination based on sexual orientation or gender identity.

On June 17th, 2009, in response to requests from Mongolian LGBT activists, IGLHRC sent a letter to the Minister of Justice and Home Affairs of Mongolia, the State Secretary of Justice and Home Affairs of Mongolia the Director of Policy Implementation Coordination Department of Mongolia, and the Chief Commissioner of the National Human Rights Commission of Mongolia explaining Mongolia’s human rights obligations under international law to register LGBT human rights NGOs and asking that the LGBT Centre be allowed to register under that name, with the hope that this situation will be investigated and that an appeal will reverse LERA’s previous decision (‘Mongolia: Register LGBT Centre’ 2009, International Gay & Lesbian Human Rights Commission website, 20 July <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/resourcecenter/941.html> – Accessed 2 September 2009 – Attachment 6).

On 9 July 2009 Human Rights Watch addressed a letter to the Mongolian Minister of Justice and Home Affairs expressing concern over the refusal by authorities to register the Lesbian, Gay, Bisexual, and Transgender Centre in Ulaanbaatar. The letter states that “the Agency has clearly discriminated on the grounds of sexual orientation by refusing registration to the Centre, for the reasons it has given”. The letter provides the following information:

On behalf of Human Rights Watch I write to express concern that the State Registration General Agency of Mongolia has denied registration to the Mongolian non-governmental organization “Lesbian, Gay, Bisexual and Transgender Centre.” In its rejection letter of June 23, 2009 (No. 7/694), the Agency justified its decision by claiming that “the name ‘Lesbian, Gay, Bisexual and Transgender Centre’ has a meaning that conflicts with Mongolian customs and traditions and has the potential to set the wrong example for youth and adolescents.”

**The Agency's denial of registration to this organization is a violation of international human rights law, the Mongolian Constitution and the Law on Non-Governmental Organizations.**

In 1976 Mongolia ratified the International Covenant on Civil and Political Rights (ICCPR), and is obliged to apply its provisions. Article 22 of the ICCPR affirms the right to freedom of association; article 19 affirms the right to freedom of opinion and expression and article 21 the right to freedom of peaceful assembly. These are rights essential to citizenship and political participation. To restrict these rights on the basis of a judgment about the names under which citizens associate and assemble, is to strike at those democratic values. While these rights may be restricted for reasons of "public morals," international human rights law also requires that any such restriction be non-discriminatory in intent and effect. Articles 2 and 26 of the ICCPR affirm the equality of all people, and require all the articles of the ICCPR to be applied in a non-discriminatory way. In the 1994 case *Toonen v Australia*, the United Nations Human Rights Committee, which is charged with authoritatively interpreting the ICCPR and evaluating states' compliance with its provisions, found that both these articles should be understood to include sexual orientation as a status protected against discrimination. **The Agency has clearly discriminated on the grounds of sexual orientation by refusing registration to the Centre, for the reasons it has given.**

**The denial of registration on the ground that the name "Lesbian, gay, bisexual and transgender centre" has the potential to set the "wrong example" for youth and adolescents means that the Centre will not be able to distribute information, including information that children could use in order to learn about their own sexual orientation. The denial is in violation of the Convention of the Rights of the Child.**

Article 13 paragraph 1 of the Convention of the Rights of the Child, ratified by Mongolia in 1990, states that a child shall have the right to freedom of expression; "this right shall include freedom to seek, receive and impart information of ideas of all kinds". The UN Committee on the Rights of the Child has held in general comments 3 and 4 of the Convention that these protections include discrimination based on sexual orientation.

Furthermore, article 14, paragraph 2 of the Constitution of Mongolia grants everyone the right to act as a legal person, and prohibits discrimination. Article 16, paragraph 10 of the Constitution affirms that "the citizens of Mongolia shall be guaranteed the privilege to form a party or other public organizations and to unite voluntarily in associations according to social and personal interests and opinion."

Article 5, paragraph 1 of Mongolia's Law on Non-Governmental Organizations, dated January 31, 1997 states that "citizens of Mongolia and legal persons except State bodies may freely establish, individually or collectively, non-governmental organizations on the basis of their interests and opinions without the permission of any State body." Paragraph 2 of the law states that "illegal restriction of the rights of citizens to establish non-governmental organizations is prohibited."

**The denial of registration prevents the Lesbian, Gay, Bisexual and Transgender Centre from pursuing their stated goals, to "uphold, protect and promote the human rights of sexual minorities, namely lesbians, gay men, bisexuals, and transgender persons" and "to promote the correct understanding of sexual orientation and gender identity within Mongolian society".**

Furthermore, article 7 of the Declaration on Human Rights Defenders provides that "everyone has the right, individually and in association with others to develop and discuss new human rights ideas and principles and advocate their acceptance." The 2007 report of the UN Special Representative on human rights defenders specifically mentions the denial of registration to organizations as a violation of the rights of defenders of lesbian, gay, bisexual, transgender

rights, and cites articles 2 and 12 of the declaration to remind states of their responsibility to protect human rights defenders.

“Lesbian,” “gay,” “bisexual” and “transgender” are internationally accepted and recognized terms that have been incorporated into many languages worldwide and are understood in multiple cultures to refer to people who experience a gender identity different from their sex at birth, or who desire intimate relations with members of their own sex. **To regulate the very terms by which people articulate their identity is to restrict their autonomy and human dignity in ways that are unacceptable, and inconsistent with the protections of human rights law.**

On behalf of Human Rights Watch, I urge you to protect the human rights of all persons in Mongolia and uphold the rights to freedom of association, to freedom of expression, and to equality and non-discrimination. I urge you to overturn the State Registration General Agency of Mongolia’s decision and accord the Lesbian, Gay, Bisexual and Transgender Center legal registration (Human Rights Watch 2009, ‘Letter to The Minister of Justice and Home Affairs of Mongolia’, 9 July <http://www.hrw.org/en/news/2009/07/09/letter-minister-justice-and-home-affairs-mongolia> – Accessed 2 September 2009 – Attachment 7).

### **Coalition of LGBT Rights Activists**

The 2008 report titled *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia* states that it was written by Anaraa Nyamdorj and Robyn Garner on behalf of “a Coalition of LGBT Rights Activists”. The report provides a brief description of The Coalition of LGBT Rights Activists which indicates that it is an informal advocacy group rather than an organisation offering LGBT support services. The report provides the following relevant information:

The Coalition of LGBT Rights Activists is an informal network of concerned people from civil-society organisations and the public who are committed to raising awareness of sexuality minorities, facilitating legislative change to protect the rights of lesbian, gay, bisexual and transgendered (LGBT) people, and ending the widespread social and institutional discrimination and persecution of the LGBT community in Mongolia (Nyamdorj, A. & Garner, R. 2008, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia: Shadow report for the 42<sup>nd</sup> CEDAW Committee Session 2008*, Office of the United Nations High Commission for Human Rights website, 17 September, p.5 [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition\\_mongolian\\_lgbt\\_rights\\_activists\\_mongolia41.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition_mongolian_lgbt_rights_activists_mongolia41.pdf) – Accessed 1 September 2009 – Attachment 1).

The website of the Centre for Women’s Global Leadership reports that Anaraa Nyamdorj “is one of the few activists who have been working for the rights of the LGBT community in Ulaanbaatar, Mongolia, where persecution and violence against them is widespread”. The report provides the following brief information on Anaraa Nyamdorj and the Coalition of LGBT Rights Activists:

Anaraa Nyamdorj is one of the few activists who have been working for the rights of the LGBT community in Ulaanbaatar, Mongolia, where persecution and violence against them is widespread. Anaraa has worked with a range of governmental, non-governmental and intergovernmental organizations on the promotion of LGBT rights. Most recently, she co-wrote a shadow report on “The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia” for the 42nd session of the United Nations’ CEDAW Committee. Anaraa is a member of the Coalition of LGBT Rights Activists, an informal network of concerned people committed to raising awareness and facilitating legislative change to protect the rights of LGBT people in Mongolia. She is also a member of Human Rights Watch’s

LGBT Advisory Council ('Anaraa Nyamdorj' (undated), Centre for Women's Global Leadership website <http://www.cwgl.rutgers.edu/16days/kit08/exhibit/nyamdorj.html> – Accessed 2 September 2009 – Attachment 8).

- **The 'We are Family' and 'Support Group' LGBT organisations**

A report by Brandt Miller, published in *The UB Post* on 4 December 2008 reports on a LGBT event co-ordinated by 'Youth for Health' and 'Together', two organisations which focus on gay male health issues. The report also states that "there are two additional LGBT organizations in Ulaanbaatar, We are Family and Support Group". The report does not however, provide any further information on the organisations (Miller, B. 2008, 'Mr. Beauty' Revealed: A Glimpse into Mongolian Gay Life', *The UB Post*, 4 December [http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=2445&Itemid=36](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=2445&Itemid=36) – Accessed 2 September 2009 – Attachment 3).

No further information was found in the sources consulted regarding a LGBT organisation in Mongolia called "Support Group". A reference to the group "We are Family" was found in a report by "Funders for Lesbian and Gay Issues" published in November 2008. The report titled, *Lesbian, Gay, Bisexual, Transgender and Intersex Grantmaking in the Global South and East (2007)* provides a list of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) non government organisations in the "Global South and East". The list is based on information provided by NGO's and the report states that the list does "not represent the universe of LGBTI non-governmental organisations". The report lists one LGBTI non-government organisation for Mongolia, the 'We Are Family' group. The report does not provide information on the activities or services provided by the 'We Are Family' group. The report provides the following contact information for the group. The web address provided for the group does not, however, appear to be still in use:

WE ARE FAMILY

Sukhragchaa Mijidsuren

Head Ulaanbaatar, Mongolia

Email: [wearefamilyngo@yahoo.com](mailto:wearefamilyngo@yahoo.com)

[www.wearefamilyngo.blogspot.com](http://www.wearefamilyngo.blogspot.com) ('Lesbian, Gay, Bisexual, Transgender and Intersex Grantmaking in the Global South and East' 2008, Funders for Lesbian and Gay Issues website, November, p.34 <http://www.lgbtfunders.org/files/flgi%20gfrprt08.pdf> - Accessed 3 September 2009 – Attachment 10).

### **Former LGBT Organisations**

*Research Response MNG33314*, dated 20 May 2008 provides information on some former lesbian NGO's in Mongolia. The organisations listed are Tavilan, the Mongolian Lesbian Information Centre and the Mongoldyke website. Information contained in the response indicates that these organisations are now largely defunct (RRT Research & Information 2008, *Research Response MNG3314*, 20 May – Attachment 4).

The above mentioned report, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia* states that the Mongolian Lesbian Information Centre, which is described as "the first LBT organisation established in Mongolia", was closed in 2004 partly as a result of police harassment. The report contains the following information on the Mongolian Lesbian Information Centre:

Staff at the now defunct Mongolian Lesbian Information Centre, the first LBT organisation established in Mongolia, cited police harassment and threats to prosecute staff for the dissemination of pornography as one of the main reasons for the centre's demise in 2004. "The police started calling our hotline number," said one former employee. "I don't remember the name of the person ... but he was from the Criminal Cases Division of the Police General Department. He would say, 'Why are you publicly propagating pornography? Do you know that it is forbidden by law? You are ordered to stop the activities you are engaged in, and you must come to the Criminal Cases Division for an interrogation.' I was so scared ... In a way, I was also very calm because I knew that I was not breaking the law and that such information on sexual orientation was the right of the public to know (Nyamdorj, A. & Garner, R. 2008, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia: Shadow report for the 42<sup>nd</sup> CEDAW Committee Session 2008*, Office of the United Nations High Commission for Human Rights website, 17 September, p.11 [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition\\_mongolian\\_lgbt\\_rights\\_activists\\_mongolia41.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition_mongolian_lgbt_rights_activists_mongolia41.pdf) – Accessed 1 September 2009 – Attachment 1).

A 2005 blog entry on the Queer Mongolia blog website states that since the closure of Tavilan there has "been no united LGBT rights oriented officially registered NGO". The blog entry states that the exception to this was the "brief rise and fall of the Mongolian Lesbian Information and Community Center in 2004". The blog provides the following information:

I'm a strong believer that the Mongolian LGBT community as a whole needs not only *visibility* for the public acceptance of our identities, but also *unity* within itself – unity within the lesbians as well as unity of lesbian group(s) with other queer groups and non-governmental organizations in Mongolia. **Since 1999 advent of the LGBT grassroots organizing through the milestone Tavilan Org, there had been a few sporadic efforts to provide services and information targeting the entire LGBT community, one of the first and last ones, perhaps, the Tavilan LGBT hotline that operated between November 2000 to February 2001, on which I had the privilege to work with other comrades-in-arm.**

Another officially registered Mongolian non-governmental organization, Youth for Health, has been functioning since May 2003, primarily targeting gay men and MSM's sexual health. **It is very sad to see and recognize the fact that since Tavilan, there had been no united LGBT rights oriented officially registered NGO, if one discounts the community group MILC. The brief rise and fall of the Mongolian Lesbian Information and Community Center (MILC) in 2004** has seen enormous ambition on the part of the founding members in its goals aimed at providing safe space, comprehensive library, bilingual website, documentation of Mongolian LGBT situation, archiving of oral history and campaign for the LGBT human rights and civil liberties in Mongolia through printed and electronic means ('Welcome to Queer Mongol!' 2005, Queer Mongolia blog website, 18 July <http://mongolianlgbt.blogspot.com/2005/07/welcome-to-queer-mongol.html> – Accessed 3 September 2009 – Attachment 9).

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk>

US Department of State <http://www.state.gov/>

US Department of State website <http://www.state.gov>

## **United Nations (UN)**

UNHCR <http://www.unhcr.ch/>

## **Non-Government Organisations**

Amnesty International website <http://www.amnesty.org/>

Freedom House <http://www.freedomhouse.org/template.cfm?page=1>

Human Rights Watch <http://www.hrw.org/>

International Gay & Lesbian Human Rights Commission <http://www.iglhrc.org/cgi-bin/iowa/home/index.html>

Global Gayz website <http://globalgayz.com/>

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) <http://www.ilga.org/index.asp>

## **International News & Politics**

*BBC News* website <http://news.bbc.co.uk/>

## **Region Specific Links**

Mongolian LGBT blog site <http://mongolianlgbt.blogspot.com/>

## **Search Engines**

Google search engine <http://www.google.com.au/>

## **Databases:**

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## **List of Attachments**

1. Nyamdorj, A. & Garner, R. 2008, *The Status of Lesbian and Bisexual Women and Transgendered Persons in Mongolia: Shadow report for the 42<sup>nd</sup> CEDAW Committee Session 2008*, Office of the United Nations High Commission for Human Rights website, 17 September  
[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition\\_mongolian\\_lgbt\\_rights\\_activists\\_mongolia41.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/coalition_mongolian_lgbt_rights_activists_mongolia41.pdf) – Accessed 1 September 2009.
2. ‘Art Exhibition Highlights the Harsh Realities of Life for Mongolia’s Sexuality Minorities’ 2009, *The UB Post*, 26 June  
[http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=3120&Itemid=43](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=3120&Itemid=43) – Accessed 2 September 2009.
3. Miller, B. 2008, ‘Mr. Beauty’ Revealed: A Glimpse into Mongolian Gay Life’, *The UB Post*, 4 December  
[http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=2445&Itemid=36](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=2445&Itemid=36) – Accessed 2 September 2009.
4. RRT Research & Information 2008, *Research Response MNG3314*, 20 May.
5. RRT Research & Information 2008, *Research Response MNG33121*, 10 April.

6. 'Mongolia: Register LGBT Centre' 2009, International Gay & Lesbian Human Rights Commission, 20 July <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/resourcecenter/941.html> – Accessed 2 September 2009.
7. Human Rights Watch 2009 'Letter to The Minister of Justice and Home Affairs of Mongolia', 9 July <http://www.hrw.org/en/news/2009/07/09/letter-minister-justice-and-home-affairs-mongolia> – Accessed 2 September 2009.
8. 'Anaraa Nyamdorj' (undated), Centre for Women's Global Leadership website <http://www.cwgl.rutgers.edu/16days/kit08/exhibit/nyamdorj.html> – Accessed 2 September 2009.
9. 'Welcome to Queer Mongol!' 2005, Queer Mongolia blog website, 18 July <http://mongolianlgbt.blogspot.com/2005/07/welcome-to-queer-mongol.html> – Accessed 3 September 2009.
10. 'Lesbian, Gay, Bisexual, Transgender and Intersex Grantmaking in the Global South and East' 2008, Funders for Lesbian and Gay Issues website, November, p.34 <http://www.lgbtfunders.org/files/flgi%20gfrprt08.pdf>- Accessed 3 September 2009.