

BEING LGBT IN ASIA: MONGOLIA COUNTRY REPORT

A Participatory Review and Analysis of
the Legal and Social Environment for
Lesbian, Gay, Bisexual and Transgender (LGBT)
Persons and Civil Society



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Due to possible changes in LGBT community advocacy and dynamics, there may be recent developments that have not have been included in this report at the time of publication. The organizers would like to gratefully acknowledge all the members of the LGBT community for participating in the Dialogue and for providing valuable inputs for the report. A list of participating organizations is found in Annex 2 of this report.

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All photos in this report are from the Mongolia National LGBT Dialogue and were provided by UNDP Mongolia.

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ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
APRC	Asia-Pacific Regional Centre
ART	Antiretroviral Therapy
BCC	Behaviour Change Communication
CRC	Communications Regulatory Commission
CHRD	Center for Human Rights and Development
GASR	General Authority for State Registration
GDP	Gross Domestic Product
GoM	Government of Mongolia
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDAHOT	International Day against Homophobia and Transphobia
IGLHRC	International Gay and Lesbian Human Rights Commission
LGBT	Lesbian, Gay, Bisexual and Transgender
MOH	Ministry of Health
MSM	Men who have Sex with Men
NCAN	National Center Against Violence
NHRCM	National Human Rights Commission of Mongolia
NGO	Non-Governmental Organization
NSO	National Statistical Office of Mongolia
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSF	Open Society Forum
PFLAG	Parents, Friends and Family of Lesbians and Gays
PLHIV	People Living with HIV
RDMA	Regional Development Mission Asia (USAID)
SOGI	Sexual Orientation and Gender Identity
STI	Sexually Transmitted Infections
UIC	Unique Identifier Code
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNV	United Nations Volunteers
UPR	Universal Periodic Review
USAID	United States Agency for International Development
VCT	Voluntary Counseling and Testing
WHO	World Health Organization

EXECUTIVE SUMMARY



Group photo of all the participants from the Dialogue

BACKGROUND

This report reviews the legal and social environment faced by lesbian, gay, bisexual and transgender (LGBT) people in Mongolia. It is a product of the Mongolia National LGBT Community Dialogue held on 20–21 March 2014 in Ulaanbaatar as well as a desk review and interviews conducted by the report writers. The National Dialogue brought together a total of 140 participants including LGBT community members and activists, representatives of civil society organizations, human rights experts, UN agencies, the Government of Mongolia and development partners.

The Mongolia National Dialogue upon which the report is based was organized by the United Nations Development Programme (UNDP) in partnership with the United States Agency for International Development (USAID). The work is a product of a broader initiative entitled 'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society.' Launched on Human Rights Day, 10 December 2012, 'Being LGBT in Asia' is a first-of-its-kind Asia-wide learning effort undertaken with Asian grassroots LGBT organizations and community leaders alongside UNDP and USAID. With a focus on eight priority countries – Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam – the effort examines LGBT lived experiences from a development and rights perspective.

'Being LGBT in Asia' has a number of objectives. It encourages networking between LGBT people across the region, building a knowledge baseline and developing an understanding of the capacity of LGBT organizations to engage in policy dialogue and community mobilization. Through this work, 'Being LGBT in Asia' promotes understanding of the inherent human rights of LGBT people and a regional understanding of the stigma and discrimination they face. It also outlines steps toward LGBT-inclusive development work for UNDP and the UN system; USAID and the US Government; and other development partners through research like this report and other social and

multimedia products. Finally, the initiative highlights the views generated by LGBT participants at community dialogues, linking stakeholders who are working to enhance LGBT human rights across Asia.

LGBT discourse in Mongolia

The Mongolian language until recently contained no word to express homosexual relations or non-traditional sexual orientation and gender identity (SOGI). There is little evidence of broader understanding of or tolerance towards LGBT people in Mongolia before the 20th century. There were no published records about LGBT people after the introduction of socialism in 1924 and until the 1990s. Homosexual relationships were shrouded in secrecy in part due to limitations on free speech. It was only with the adoption of Mongolia's democratic 1992 Constitution that a more pluralist discourse became possible with subsequent notions of homosexuality and non-traditional gender identities becoming recognized topics of discussion in Mongolia. Mongolian LGBT discourse is relatively new, and largely limited to the capital Ulaanbaatar.

To date, there is no published literature available on how diverse sexual orientation and gender identity was treated in Mongolia, suggesting that the subject entered into the public discourse only in the country's recent history.

A broader human rights discourse emerged with the adoption of a new Constitution in 1992 and the country's transition to a democratic society. The Constitution guarantees equal protection to everyone under the law and provides everyone with the right to freedom of opinion and expression. The Law on Non-Governmental Organizations (NGOs) was adopted in January 1997, and Tavilan, the first organization serving gay men was established in 1999. As is the case in many countries, in the early 2000s, LGBT rights were closely linked with sexual health promotion targeting men who have sex with men (MSM) and a number of NGOs formed with the dual goals of promoting rights alongside sexual health. The LGBT Centre, the first explicitly pro-LGBT advocacy and human rights organization was formed in 2007, but was officially registered only in 2009 due to procedural challenges. In 2013, The LGBT community held the first-ever Pride Week in Mongolia.

FINDINGS

This report presents an overview of LGBT rights in Mongolia as well as background about the legal, institutional, cultural and social environment in which Mongolia's LGBT community lives. The report also analyses the role of international human rights mechanisms in promoting the rights of LGBT persons in the country. With respect to day-to-day living, the report examines employment, education, health, family affairs and media. Finally, the report looks at the development of Mongolia's LGBT community and the capacity of organizations working on LGBT issues.

A summary of the overall context for LGBT rights in Mongolia is as follows:

- **Legal environment:** The Constitution of Mongolia and other laws do not explicitly discriminate on the basis of sexual orientation and gender identity (SOGI). However, specific legal reforms are required in order to keep up with social changes and provide protection for LGBT people. Progress is being made in this area. By the amendment made in Article 20(1) of the Civil Registration Law in June 2009, a sex change can be registered in birth certificates or citizen identification cards based on a medical certification. Revisions made in the Law on HIV and AIDS in 2012 introduced protection of privacy and confidentiality of people living with HIV (PLHIV). A draft revision of the Criminal Code criminalizes discrimination based on SOGI. New draft revisions in the Law on Domestic Violence and the Law on Labor include provisions on SOGI. However, marriage is still defined as a union between a man and a woman which effectively prohibits same-sex or non-traditional gender marriages and excludes these partnerships from the right to adopt children, property rights, and issues relating to

ending relationships. The constitutional clause on non-discrimination should include an open-ended category “or other basis” to ensure the principle of equality for all including LGBT people.

- **Institutional environment:** Mongolia’s National Human Rights Commission has raised awareness about LGBT rights and the need to introduce legislation that bans discrimination based on SOGI. There is little sensitization among civil servants, including health professionals and law enforcement officers about LGBT human rights and preventing discrimination based on SOGI. The majority of LGBT people surveyed reported that they have experienced some form of abuse by law enforcement which in some cases included blackmail and even violence due to their SOGI.
- **Cultural and social environment:** Mongolian culture is generally not open or welcoming to alternate or non-traditional sexual orientations and gender identity. Religion does not appear to play a significant role in contributing to negative attitudes but traditional norms place pressure on LGBT people to conform or hide their identities. At the personal level, significant violence towards LGBT persons has been recorded, including severe forms perpetrated by ultra-nationalist groups and individuals as well as instances of harassment and stigma.

This report also looks at the role of international human rights mechanisms in Mongolia. Mongolia has ratified seven core human rights treaties, which have helped create the context for promoting LGBT rights, with the Universal Periodic Review (UPR)¹ process and other UN reviews since 2010 leading to recommendations to recognize SOGI and protect LGBT rights. The reporting process required by the UPR has put pressure on the government to abide by international human rights standards. In the last few years, the Government of Mongolia made progress in reporting to international human rights mechanisms by setting up working groups and organizing consultations with civil society before submitting its reports. LGBT rights issues have been part of these consultations.

The circumstances facing LGBT people in employment, education, health, family affairs and the media is reviewed under the chapter “Protection of the Rights of LGBT people”. The development and capacity of the LGBT community and its organizations are analyzed in the report’s final section.

- **Employment:** Discrimination in the workplace was identified by LGBT Mongolians as one of the most serious and frequent human rights violations. Challenges include difficulties finding work if open about one’s sexual orientation, stress about others finding out one’s sexual orientation, firings, and a lack of redress if one experiences discrimination at the workplace. Over 80 percent of LGBT people surveyed hide their sexual orientation from colleagues. It is hard for transgender women to find a job, which may lead to them engaging in sex work, which is illegal in Mongolia. Many are subject to violence and blackmail, and are vulnerable to poverty.
- **Education:** Mongolia’s sex education curriculum introduced in 1998 includes discussion of SOGI and sexual health issues. Teachers do not always cover these topics, and when they do, the quality of teaching is questionable. LGBT students in a survey reported that in many schools it is not safe to be open about their SOGI. One-fourth of them reported experiencing social stigma and discrimination and seven percent reported physical assaults because of their LGBT status.
- **Health:** Negative attitudes and discrimination in health care institutions are pervasive, which limits access to health services by LGBT people. There is generally a lack of LGBT-specific health services.

¹ The Universal Periodic Review (UPR) is a mechanism of the UN Human Rights Council (HRC) which requires every country to report on their human rights situation and actions taken by the state to ensure fundamental rights. The UPR is also a process which allows the HRC to monitor and remind states of their obligations under international human rights law.

A limited number of NGOs provide LGBT-friendly health services, including HIV prevention and treatment.

- **Family affairs:** An LGBT identity is generally not acceptable in the Mongolian family. Individuals report being ostracized and experiencing physical violence from family members if and when they come out of the closet. Of those LGBT people surveyed, 87 percent hide their sexual orientation and/or gender identity from their families and close relatives. Strong social pressure to marry forces some LGBT individuals to enter traditional heterosexual marriages against their will. LGBT NGOs can only provide limited support and information to families of LGBT people.
- **Media:** Mongolia's media predominantly portray LGBT people in negative ways. LGBT identity is presented either derisively or with pity, including stereotyping with a lack of sensitivity, respect and privacy. With broader understanding of human rights issues in recent years, there has been some improvement in media coverage of LGBT lives in Mongolia.

The Mongolia National Dialogue examined the development of the LGBT community and noted that a handful of NGOs offer health and counseling services but that no formal community centers exist to provide social support. Pride Week in 2013 was a historical, first-of-its-kind event. There are four relatively young LGBT organizations in Mongolia, all located in Ulaanbaatar. One NGO runs a drop-in center where LGBT persons can stay for a few days in case of emergencies. Most NGOs lack core funding and survive exclusively on irregular project funding from international donors. Thus far, none of the NGOs working for the promotion of LGBT rights have received Mongolian government funding.

RECOMMENDATIONS

The participants of the Mongolia LGBT National Dialogue made three key recommendations and a series of additional detailed recommendation points. The three key recommendations addressed to the Government of Mongolia are:

1. Create a legal framework for non-discrimination so that LGBT people can live without fear and enjoy their rights.
2. Develop and implement a public education and media strategy on human rights by mainstreaming LGBT rights.
3. Strengthen the capacities of LGBT organizations through sustainable financing mechanisms.

Specific recommendations for action were made in the Dialogue's seven thematic areas. They are directed towards the Government of Mongolia and towards professionals working in the relevant sectors.

Legal and Institutional Environment

- Take effective measures to implement the recommendations related to the rights of LGBT people as provided by the UN Human Rights Council and other treaty bodies.
- Prohibit discrimination based on sexual orientation and gender identity in the Criminal Code, Law on Domestic Violence, the Labor Law, the Family Law, and other relevant legislative acts.
- Consider inclusion of reference to "other status" in the foreseen amendment of Article 14 of the Constitution of Mongolia (1992) to provide a category to protect LGBT rights.

- Improve implementation and enforcement of existing laws and policies affecting minorities including the LGBT community.
- Develop and use a guideline and/or checklist for regular monitoring of compliance with non-discrimination provisions of relevant legislative acts and policies.
- Develop procedures of legal assistance specific to the needs of the LGBT community which could include appointing a focal point to the Office of Legal Aid.
- Investigate and prosecute same sex rape cases in accordance with the adequate provision of the law.
- Amend the Criminal Code so that same-sex rape is criminalized.
- Take awareness-raising measures to encourage positive attitudes among the general public with regards to LGBT people.
- Empower civil society organizations to broaden their human rights work involving LGBT people by providing operational support.
- Promote LGBT-friendly organizations, business entities, spaces, and communities.

Employment

- Include in the revised Labor Law provisions on non-discrimination based on SOGI status in the workplace to address issues such as discrimination in hiring, job retention and job security.
- Screen existing employment-related policies touching on LGBT issues and follow up for redress with relevant government agencies, including the NHRCM.
- Include human rights education in the curriculum of universities to train human resource professionals.
- Improve the enforcement of the Law on HIV/AIDS and the Law on Gender Equality.
- Raise awareness among employers about the existing laws that guarantee protection for LGBT persons in the workplace.

Education

- Reintroduce sex education curriculum in both formal and non-formal education to promote greater awareness of and sensitivity on SOGI.
- Enforce policies in educational institutions to promote respect for diversity.
- Develop legal and ethics training packages for use in schools.
- Designate a trained staff member at schools who is sensitive to LGBT human rights issues and is able to refer LGBT students to appropriate legal and counseling assistance services when needed.
- Take measures so that all citizens of Mongolia receive human rights education through formal and informal education, thereby promoting tolerance and diversity, including tolerance towards different models of families.

Health

- Mainstream SOGI topics into the training curriculum of health care professionals at undergraduate and postgraduate levels and in-service training.
- Develop training materials for health professionals on the health needs and rights of LGBT people.
- Provide training for appropriate health professionals on specialized services for LGBT people. These would include, but are not limited to obstetrician/gynecologist services tailored to the needs of lesbians and bisexual women; comprehensive mental health counseling for LGBT persons who experience higher rates of depression; and access to sexual reassignment surgery for transgender persons.
- Amend relevant laws to include LGBT-specific health care services (hormone replacement therapy, sex transition surgery and psychological counseling) in the national health insurance system.
- Include the special health needs of transgender people in the recommended list of the Ministry of Health for funded medical treatments abroad as a temporary measure until such services become available in the country.
- Provide financial support to private and non-government organizations which are LGBT-friendly and offer comprehensive health services.
- Strengthen organizational capacities of NGOs working with sexual minority men and introduce mechanisms for sustainable core funding in order to scale up the target HIV prevention strategy.

Family Affairs

- Organize a comprehensive public media campaign to raise awareness on SOGI issues and on respecting the rights and dignity of LGBT people.
- Train psychologists and social workers on counseling families with LGBT members.
- Raise awareness among families and parents of LGBT people to promote respect for diversity through educational tools, such as LGBT-themed films, documentaries, soap operas and talk shows on Mongolian National TV and Radio.
- Implement and monitor mechanisms to defend the rights and safety of children being raised by LGBT parents.

Media

- Develop and disseminate a glossary of neutral, sensitive and correct LGBT-related terms for use by the media.
- Encourage the media to enforce a policy on reporting objectively on LGBT issues.
- Remove neutral LGBT-related terms from the list of words banned in online media outlets by the Communications Regulatory Commission (CRC).
- Engage mainstream media by continuous training and advocacy to encourage sensitive and accurate reporting on SOGI issues.

- Take advantage of Internet and social media to promote respect for diversity, non-discrimination and LGBT rights.

LGBT Community Development and Capacity of LGBT Organizations

- Support the development of a long-term strategy for LGBT community development and empowerment.
- Create a sustainable community center that provides comprehensive services.
- Strengthen the technical and financial capacities of existing LGBT organizations.
- Ensure participation of LGBT people in policymaking and when developing programmes and initiatives that affect their lives.
- Create a technical working group to advocate a national, regional and international human rights agenda.



INTRODUCTION

In recent years, global LGBT rights promotion has been gaining momentum especially within the framework of international human rights. However, lesbian, gay, bisexual and transgender (LGBT) people all over the world continue to face challenges. Examples include continued criminalization of LGBT status, violence, a lack of employment opportunities (Sears & Mallory, 2011), and prejudice when accessing health care (Winter, 2012), housing (Grant, Mottet & Tanis, 2011) and education (Burns, 2011). In other instances, “corrective rapes” are committed against lesbians mainly in Africa and to an extent in South Asia (Brown, 2012), while the killing of members of the LGBT community continues in different countries despite increasing calls for equality and freedom from all forms of discriminations and oppression. Transgender Europe reported in 2012 that 1083 transgender people became victims of homicide from 2008 to 2012.

In 2011, the UN Human Rights Council adopted resolution 17/19, which paved the way for the United Nations Office of the High Commissioner for Human Rights (OHCHR) to issue the first UN report on human rights and sexual orientation and gender identity. In the report, evidence of the discrimination faced by people because of their sexual orientation or gender identity was presented including inequities in employment, access to health treatment, care, and support and education, as well as criminalization, physical violence and murder (OHCHR, 2011b). High Commissioner Navi Pillay challenged UN member states to help write a new chapter in UN history by ending the widespread discrimination faced by LGBT people.

This call was echoed in a speech delivered in December 2011 by former US Secretary of State Hillary Clinton on LGBT rights on International Human Rights Day. As Clinton emphasized, LGBT people are an “invisible minority” who are arrested, beaten, terrorized and even executed. Many “are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the

abuse". In 2009, for instance, a bill was introduced in Uganda that called for life in prison for homosexual offences. In December 2013 the Uganda Anti-Homosexuality Act 2014 was passed by parliament and signed into law by the President in February 2014, before eventually being ruled invalid by the Constitutional Court in August 2014. Under this harsh law, same-sex relations and marriage could have been penalized by life imprisonment and even the 'promotion' of homosexuality or supporting LGBT rights was punishable by stiff jail sentences.

In other developments, on 6 December 2011, US President Barack Obama issued a Memorandum on International Initiatives to Advance the Human Rights of LGBT Persons. This memorandum directed all agencies engaged abroad to ensure that US diplomacy and foreign assistance promote and protect the human rights of LGBT persons. On 7 March 2012, UN Secretary-General Ban Ki-moon delivered a message during a Human Rights Council meeting on violence and discrimination based on SOGI. He noted the pattern of violence and discrimination directed at people just because they are LGBT. He said, "This is a monumental tragedy for those affected – and a stain on our collective conscience. It is also a violation of international law." More importantly, the Secretary-General stressed that "the time has come" to take action.

There have also been recent developments on LGBT rights in Mongolia and around the world that are encouraging. In 1998, Mongolia was the first country in Asia to include SOGI issues in school curriculums. Marriage equality has been legalized in 14 countries on four continents (Itaborahy & Zhu, 2013). There have been Supreme Court rulings in India, Nepal and Pakistan extending legal protections and recognition to transgender people. Adoption by gay couples have been allowed at various times in Viet Nam and Thailand. China removed homosexuality from the classification of mental disorders. Anti-discrimination protections based on SOGI status have been included in the constitutions of South Africa and several South American and European countries. Policies that prevent LGBT citizens from serving in the armed forces in the United States and other countries have been repealed.

Despite major advances on LGBT rights in the world, 83 countries and territories still need to decriminalize LGBT behavior, seven countries need to remove the death penalty for same-sex relations, and the number of countries, 50, that punish anti-gay discrimination in full or in part needs to be increased. (USAID, n.d.).



THE MONGOLIA NATIONAL LGBT DIALOGUE

The Mongolia National LGBT Dialogue was held at the UN House in Ulaanbaatar on 20 and 21 March 2014 as a key activity of the Mongolian component of 'Being LGBT in Asia'. The National Dialogue was organized by the United Nations system and USAID, and brought together LGBT community members and activists, human rights experts, civil society representatives, government representatives, UN agencies, USAID, and other development partners.

The aim of the Dialogue's first day was to bring LGBT community members together to discuss challenges and opportunities and to provide recommendations to stakeholders on how to advance LGBT rights. A majority of participants identified as gay men (30 persons) and two as bisexual men; lesbians and transgender persons, who tend to be less visible or active among the larger LGBT community, were represented at the National Dialogue with three lesbian women; three transgender women and one transgender man. 18 people identified as allies. Six out of 57 participants came from the towns of Darkhan, Erdenet and Dornogobi.

The purpose of the Dialogue's second day was to present a coherent LGBT agenda developed from discussions on the first day. This was done in a public forum that included representatives of the Government of Mongolia, NGOs, the media and development partners. 81 participants



Participants listen to speakers at the Mongolia National LGBT Community Dialogue

attended the second day's proceedings of which 25 were from various government agencies. A total of 17 people were from international organizations, including UN agencies. USAID's Regional Development Mission in Asia and the USAID Mongolia Mission attended the Dialogue as well as other development partners. Mongolian civil society was represented by 13 participants from NGOs such as the LGBT Centre, Youth for Health, Together Center, Support Center and Positive Life, National Center against Violence, Mongolian Youth Federation. The event also had participants from academia (National University of Mongolia, School of Journalism), researchers and the media. A total of nine journalists attended.

The participatory methodology of the event enabled LGBT organizations and individuals to voice their concerns, share experiences, and propose constructive and realistic solutions on issues facing Mongolia's LGBT community within international human rights frameworks. On the first day, the community members discussed education, health, employment, family affairs, the media, community and culture. Each thematic group identified the most serious problems and proposed recommendations to address them. On the Dialogue's second day, moderators from each group presented the summary of their discussion to the plenary session.

Participants and observers at the Dialogue agreed that the event was an important milestone in discussion of LGBT matters in Mongolia. It facilitated an unprecedented exchange of ideas and information that was new to many involved. Representatives from the Ministry of Justice, Ministry of Health, and Ministry of Labor participated in panel discussions and responded to questions from LGBT participants about the community's concerns. Minister for Culture, Sport and Tourism, Ms. Oyungerel Tsedevdamba's opening remarks were especially supportive. She stressed that LGBT issues need to be mainstreamed in every sphere of life, highlighting that enhancing acceptance and understanding of family members and friends of LGBT persons is an issue in Mongolian culture that

needs to be addressed. Overall, participants suggested that the National Dialogue increased their understanding of LGBT rights, the legal and social environments faced by Mongolian LGBT people, and offered useful suggestions for further work to advance LGBT human rights.



BEING LGBT IN ASIA

'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for LGBT Civil Society', a collaboration between UNDP and USAID, seeks to understand, map and analyse the situation of LGBT rights in communities and countries by producing an analysis and review of the situation of the LGBT community and their human rights in specific countries in Asia. The initiative comes at a time in the midst of the human rights challenges faced by LGBT people worldwide, but increasing international engagement with the UN Secretary-General, UNDP Administrator, UN Human Rights Commissioner, US President and US Secretary of State expressing concerns.

By developing important new knowledge and connections, 'Being LGBT in Asia' seeks to improve the networking of LGBT organizations in East, South, and Southeast Asia and to inform policy and programming in the development context through a participatory process that emphasizes innovative approaches, including the use of video, the Internet, and social media. The initiative aims to achieve two-way learning, establish a baseline vis-à-vis legal and human rights issues, and empowering LGBT activists. It will also help to create multimedia and social media tools and resources, engage youth leaders to support LGBT civil society, and improve the capacity of UN agencies and the US Government to work with LGBT civil society organizations across Asia.

An important objective of 'Being LGBT in Asia' is bringing together emerging communities of practice among individuals and organizations working on LGBT issues throughout the region, including development partners, governments, LGBT civil society organizations, and faith-based organizations, so that stakeholders are better positioned in the future to realize LGBT-inclusive development approaches and programming. In each country, a "National Community Dialogue" is the first key activity.



OVERVIEW OF THE SITUATION FOR LGBT PEOPLE IN MONGOLIA



HISTORICAL EVOLUTION OF LGBT DISCOURSE IN MONGOLIA

The situation of Mongolian LGBT people before the 20th century is under-researched. This remains an area where further historical study could benefit the broader understanding of current circumstances of LGBT rights in the country and their antecedents. The few available references on this issue that specifically address homosexual activity or transgender people are based on the predominant views of Mongolia's main religions, Buddhism and Shamanism. These two faiths have influenced the spiritual and social life of Mongols for centuries, and both are considered to be at least tacitly accepting of homosexuality (Harvey & Wallis, 2007; Nyamdorj & Garner, 2008). To this day in Mongolia, there have been no public statements or actions against homosexuality by the country's publicly recognized religious leaders.

Mongolia adopted a socialist ideology in 1924 that lasted for seven decades. During this period, sexuality in general was not widely discussed and sexual and gender minority issues were taboo. Public awareness about being LGBT was low. Anthropological or other studies that describe experiences of LGBT people during the socialist period are limited. More historical research of existing archival material would be welcome in rendering greater understanding of LGBT life during this period.

With the transition to a democratic society, Mongolia adopted a new Constitution in 1992. This established fundamental rights and freedoms including civil, political, economic, social, cultural rights. It also included "third-generation" human rights such as the right to a healthy and safe environment. However, it was not until 1999 that LGBT rights entered the realm of public discourse

in Mongolia with the establishment of the first gay men's human rights organization, Tavilan. This NGO's priorities included the dissemination of much-needed information on sexual orientation and safe sex, with a focus on HIV and sexually transmitted infections (STI) prevention.

In the early 2000s, Mongolia's discourse on LGBT rights was closely linked to sexual health promotion. Between 2003 and 2009, a number of NGOs were formed with this goal including the Youth for Health Centre, the Together Centre and the Human Rights–Youth Health Support Centre (frequently referred to as 'the Support Centre'). All three organizations provide information on STIs and HIV, confidential testing and referrals to antiretroviral therapy (ART) for men who have sex with men (MSM), a population that has been one of the main target groups for HIV prevention since 2001 when multilateral donors started to engage the Government of Mongolia on HIV treatment and prevention issues.

In 1998, the government adopted a national curriculum on sexuality and reproductive health with a section on sexual orientation. The Health Education Standard includes topics related to sexual orientation and gender for grades 6–9 that correctly identifies myths and facts about sexual orientation. The textbooks 'Sexuality Education 1' and 'Sexuality Education 2' depict true stories of LGBT people (MOH, 2008). However, there has been little monitoring conducted on the ways and methods that Mongolian teachers have employed in teaching these topics in schools, a possible area for follow-up by the Ministry of Education and Science.

The scope of LGBT rights promotion has widened in the late 2000s, mainly due to the creation of the LGBT Centre in 2007 and the human rights-based approach it pursues. Within a few years, the LGBT community in Mongolia, principally in Ulaanbaatar, has successively brought the cause to the forefront of human rights discourse. For instance, the LGBT Centre made a submission to the Human Rights Committee on minority rights as part of the review cycle of the United Nation's Universal Periodic Review (UPR) of human rights in 2010. As a result, the UPR included recommendations to improve the current LGBT human rights situation in Mongolia.

In 2012, the National Human Rights Commission of Mongolia (NHRCM) for the first time included a chapter on the situation for LGBT rights in Mongolia in its 'Annual Report on Status of Human Rights and Freedom in Mongolia.' The report drew attention to serious violations of human rights of LGBT people, including their right to non-discrimination, the right to found a family, the rights of children of LGBT people, and the right to employment, health services, education, and personal security. The problem of security ranges from lack of support from law enforcement after reporting a criminal offence to incidents of violence perpetrated in public against LGBT persons. Upon review of the report, the Parliamentary Standing Committee on Legal Affairs passed Resolution No.13 (2013), which urged the government to take effective measures to implement the recommendations related to LGBT rights provided by the UN Human Rights Council and the Committee Against Torture,

Over time, the number of civil society organizations which promote LGBT human rights has increased. These now include the Open Society Forum (OSF), the Centre for Human Rights and Development (CHRD), Monfemnet – the national network of women's NGOs, the National Centre Against Violence (NCAV), Globe International. Oyunii Darkhlaa, the National AIDS Foundation, Human Development Reproductive Health/Rights (NGO Network) and the Mongolian Women's Foundation. While civil society organizations and human rights institutions work towards equal protection under the framework of existing Mongolian law, their ultimate goal is the creation of a discrimination-free society.



MONGOLIA AND INTERNATIONAL HUMAN RIGHTS MECHANISMS

The Constitution of Mongolia (1992) emphasizes that “the international treaties to which Mongolia is a party shall become effective as national legislation upon the entry into force of the laws or on their ratification or accession” (Article 3). The Universal Declaration of Human Rights (1948) proclaimed that everyone is entitled to all rights and freedoms “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 2). Mongolia has ratified around 30 international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ‘Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity’ asserts that countries that have ratified international human rights laws should not exclude LGBT people from the full enjoyment of all human rights. International human rights mechanisms have consistently helped to create the context for raising the issue of LGBT rights in Mongolia. For example, the Special Rapporteur on the right to education (2009) highlighted the “importance of creating a human rights culture, not only in schools, but also among the general population of Mongolia,” and pointed out the lack of literature on human rights available in the Mongolian language.

Mongolia submitted its report to the Universal Periodic Review (UPR) in 2010. The recommendations issued by the UN Human Rights Council upon reviewing submissions from Mongolia had several recommendations related to LGBT rights, including:

- Enact broad anti-discrimination legislation that explicitly prohibits discrimination based on sexual orientation and gender identity;
- Publicly condemn all forms of violence and discrimination based on sexual orientation, and investigate and prosecute all reported attacks and threats against individuals based on their sexual orientation;
- Develop its legislation with a view to effectively protecting the rights of LGBT persons, and discourage the development of discriminatory ideologies in the country through information and human rights education;
- Ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation and gender identity, and bring to justice those responsible (January 2011, A/HRC/16/5).

In April 2011, having reviewed Mongolia’s reports on the implementation of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Council expressed concern over “substantial lacunas in the Mongolian legislation on discrimination in so far as the prohibited grounds of discrimination under article 14 of the Constitution are not comprehensive”, and urged Mongolia to “take urgent measures to address the widespread discriminatory attitudes, social prejudice and stigmatization of LGBT persons” and ensure “LGBT persons have access to justice, and that all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity are thoroughly investigated.”

The Special Rapporteur on extreme poverty and human rights visited Mongolia in 2012 and released the report in May 2013. The Special Rapporteur noted that a high proportion of the LGBT community is living in poverty due to difficulties in finding employment or receiving an education because of

stigmatization, and urged the Government to implement the recommendations made during the 2010UPR with regard to the protection of the rights of LGBT persons.

The Committee Against Torture in its “Concluding Observations” issued in January 2011 recommended Mongolia to “establish a comprehensive legal framework to combat discrimination, including hate crimes and speech”, “take measures to bring perpetrators of such crimes to justice”, “ensure the protection of vulnerable groups such as sexual minorities”, “establish effective policing, enforcement and complaints mechanisms with a view to ensuring prompt, thorough and impartial investigations into allegations of attacks against persons on the basis of their sexual orientation or gender identity in line with the Yogyakarta Principles” and “adopt legislation to combat violence caused by organizations which promote and incite racial, ethnic and other forms of discrimination.”

In 2014, the Human Rights Forum, a group of around 40 human rights civil society organizations conducted a review of Mongolia’s implementation of the UPR recommendations. According to the preliminary findings of this review, the implementation status of seven recommendations related to LGBT rights is not satisfactory.

Thus, in recent years, significant progress has been made in bringing LGBT rights issues to the attention of international human rights mechanisms, including UPR (2010), CEDAW (2008), CAT (2010), and Human Rights Committee (2011), through successive submissions covering legislative frameworks and existing practices. The LGBT Centre played an important role in this process.



MONGOLIA’S LGBT LEGAL ENVIRONMENT

The Constitution of Mongolia (1992) establishes comprehensive rights for citizens and protection from discrimination “...on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education” (Article 14). However, there is no explicit prohibition of discrimination based on SOGI. To ensure explicit protection against discrimination for LGBT people, it is essential to include an open-ended category “or other basis” at the end of this list to keep pace with social changes.

The Constitution of Mongolia states: “Men and women shall have equal right in political, economic, social and cultural fields and family affairs. Marriage shall be based on the equality and mutual consent of the male and the female, who have reached the age defined by law” (Art 16.11). This provision and Article 3.1.1 of the Law on Family (1999), which defines marriage as an institution between a man and woman, effectively prohibits same-sex marriage. In practice, adoption by same-sex couples is barred by the same law.

At present, there is no legal barrier to changing one’s gender marker in civil registration documents for transgender people. Article 20(1) of the Law on Civil Registration stipulates that sex in birth certificate and citizen’s ID shall be changed based on relevant medical records. This represents significant progress in recognizing gender identity.

Hate crimes are currently not criminalized in Mongolia. The provision on rape of the Criminal Code is gender neutral (Art 126). However, in practice, ‘satisfaction of sexual desire in an unnatural manner (Art 125) tends to be used for rape committed against man, rather than Art 126. The Law on Domestic Violence also contains traditionally narrow interpretations of the assumed nature of family and does not have references to same-sex domestic violence, opening a window of impunity for those who perpetrate violence against their LGBT family members or between male same-sex

couples. It is noteworthy that the scope of the law currently includes heterosexual partners without formal marriage registration, but again does not refer to same-sex relationships.

While current laws do not in many cases address good practice on a number of LGBT rights issues, Mongolia is currently undergoing a major legislative reform process. This is geared towards enhancing the protection of human rights, a process that is still underway. Indeed many laws related to human rights are either still in draft form or were adopted by the Parliament only in the last year or two. The Law on Gender Equality was passed in 2011, and the Law on HIV and AIDS was revised in 2012. The Law on HIV and AIDS (2012) was a breakthrough in its introduction of rights-based provisions – the removal of punitive and discriminatory procedures and practices, and the protection of privacy and confidentiality of people living with HIV (PLHIV).

The draft revisions of the Criminal Code were submitted to the Parliament in April 2014. This draft would for the first time criminalize hate crimes (Art 10(1)). The draft Criminal Code also specifies that rape may be committed against a person of any sex (Art 12(1)); and that victims of domestic violence can be anyone in family relationships (Art 11(7)). Most importantly, the draft code criminalizes discrimination based on appearance, health status, and SOGI, among other categories (Art 14(1)). Passage of these amendments would provide legal protection for LGBT people from hate crimes, violence and discrimination, although implementation will likely continue to pose challenges. Sex work remains illegal under the draft revised Criminal Code.

The draft Law on Domestic Violence was submitted to the Parliament in May 2014, and broadens the scope of persons who may be subject to the law to include “partners” and even those who live in family relations. The draft for the first time assigns specific duties for government agencies in relation to domestic violence.

Finally, the revised draft Labor Law, to be submitted to the Parliament later this year, has a provision on non-discrimination in labor relations based on various grounds including sexual orientation.

All of these proposed changes are laudable, but there continue to be areas where the rights of LGBT people could be enhanced in the legal sphere. For instance, the revised draft Law on Family, which was submitted to the Parliament in June 2014, does not reference sexual orientation and gender identity. The draft continues to define marriage as an institution between a man and a woman.

In summary, while the Constitution of Mongolia and other laws do not discriminate against LGBT people, they do not provide explicit protections either. Several laws are in the process of being revised and updated with a view toward ensuring broader rights. Positive changes are being made in the legal framework through which LGBT people can seek redress in case of violation of their rights. Changes made in recent years illustrate progress compared with the legal status of LGBT people in the recent past.



INSTITUTIONAL ENVIRONMENT

A real concern for those following LGBT human rights issues will be the ability of Mongolia's institutions to enforce proposed changes in the law that protect LGBT rights, should these materialize. Legal frameworks need to be supported by strong outreach and institutional environments with enforcement if they are to be effective on the ground in protecting the rights of minorities including LGBT people.

The National Human Rights Action Programme was developed in 2003 through a participatory process based on a review of the human rights situation in the country with the involvement of administrative and judiciary organs, the NHRCM, the private sector, and scientific and research institutions and was adopted by Parliament. Though it did not have special references to LGBT people, it envisaged public advocacy programmes to be “regularly conducted aimed at changing attitudes of discrimination and prejudice” (Art 2.4.6.2). In 2011, the Ministry of Justice commissioned a review of the programme’s implementation. It was recommended, especially for one of the main implementers, the NHRCM, that they further regularize public advocacy with a view towards changing discriminatory attitudes (Ministry of Justice, 2011).

In May 2011, the Government of Mongolia adopted Resolution No.159 approving a Plan of Action to implement the recommendations of the UN Human Rights Council for 2011–2014. This Plan of Action encourages the development and implementation of legislation that bans discrimination based on sexual orientation and gender identity. However, as described before, the issue is still under discussion. In July 2013, the Parliament’s Standing Committee on Legal Affairs adopted Resolution No.13 which urged the government to implement the UPR recommendations that related to LGBT human rights including the enactment of legislation against discrimination based on SOGI; and an impartial investigation of crimes against LGBT persons.

Since its establishment in 2001, the National Human Rights Commission of Mongolia has been a robust advocate for the rights of LGBT people. In the last two years, NHRCM received complaints related to LGBT rights violations and the institution provides comments on draft laws from a human rights perspective. In its 12th Annual Report on Status of Human Rights and Freedom in Mongolia (2013), the NHRCM highlighted human rights issues experienced by LGBT persons. This report was noteworthy in that it was the first time that a Mongolian institution analyzed the state of LGBT rights within national and international human rights frameworks. As part of its mandate to promote human rights, the NHRCM conducts training on human rights for central and local government staff, which in recent years includes topics that raise awareness of the rights of LGBT people. According to a study conducted by the NHRCM, a majority of public servants in Mongolia remain unaware of issues related to LGBT rights.

Even if not systemic, there are reports of abusive incidents involving police officers ranging from arrest on false charges to street harassment and assault. A 2012 study found that a majority of gay, bisexual and transgender people (77.4%) have experienced abuse of one sort or another in the previous three years (Strömdahl et al., 2013). Approximately seven percent of MSM survey respondents in Ulaanbaatar reported being blackmailed by law enforcement officials (Peitzmeier et al., 2014).

“Several friends of mine were walking on the street together with a transgender person wearing woman’s clothes the other day. Several police officers showed up and inspected them, asking to check their identification cards. They humiliated that transgender girl a lot, but not the others, telling them, ‘Hey, this one is a man. What are you doing with him? Are you thinking that this is a woman? No, you’d better drive this disgusting person away.’” (Laiet al., 2013).

There are incidents where offences committed against LGBT persons such as rape or sexual violence were not prosecuted. Furthermore, many LGBT people are afraid to report abuse and violence because of fears of reprisals from their perpetrators and reactions from unsympathetic law enforcement officials. For instance, when a gay man reported a case with identified perpetrators –

individuals outside of the LGBT community – the police focused their attention instead on the victim along with other gay men and transgender people as possible perpetrators. One LGBT community member recalled,

“About seven or eight years ago, a guy called L was raped to death by four people. Four straight people committed this crime while drunk. But then, they interrogated all of us [gay men], making us stand in a line that stretched from the first floor to the second one” (Peitzmeier et al., 2014).

The uncertainty and risk associated with seeking legal redress discourages the community. One community member complained, “Because there’s no legal act, because we have no protection, because we have nowhere to appeal, we remain victims” (Lai et al., 2013). Thus, in addition to strengthening the legal environment, there is a great need for sensitization of law enforcement officials about the rights of LGBT people and systematic capacity building and institutional support to government and non-government organizations engaged in promotion and protection of LGBT rights so that rights are respected in practice.



CULTURAL AND SOCIAL ENVIRONMENT

Mongolian family structures emphasize traditional and rigid patriarchal societal norms. These influence societal attitudes towards LGBT people which prescribe strict gender identities about femininity and masculinity and are a common cause of gender-based violence regardless of sexual orientation. Although gender roles of men and women are gradually and incrementally changing, they still remain largely binary and traditional with a focus on the family and child-rearing. Pressure from family and relatives to get married is a common problem for younger Mongolians and are a persistent source of difficulties for LGBT people.

Social attitudes in the workplace are also mostly negative or hostile to LGBT people. A recent study notes that a majority of public servants surveyed (64%) said that their close relations and acquaintances would tend to treat LGBT people “negatively” or “very negatively.” Only one-third of those polled said that they would treat LGBT people “normally” or “very well.” While attitudes continue to be largely negative, many of those polled (46.7%) nevertheless felt that LGBT persons do not really have a choice when it comes to sexual orientation or gender identity, and many others (45%) said they just did not know. Only 8.3 percent said they thought LGBT people are able to choose their sexual orientation (NHRCM, 2013).

Religion in Mongolia does not appear to greatly influence social attitudes towards sexual orientation and gender identity. According to a 2010 study, approximately 61 percent of Mongolians declared themselves religious and 39 percent as non-religious (NSO, 2010). The slight majority of those who subscribe to a religion, around 53 percent of Mongolians over the age of 15, practice Buddhism (NSO, 2010). Mongolian Buddhist leaders and the religious community do not voice strong opinions about sexual orientation or gender identity issues. In general, Buddhism is considered tolerant of LGBT people without broad-based condemnation voiced in its sacred texts or in liturgical practice. The influence of Christianity on attitudes towards LGBT people does not appear to be significant.

According to one LGBT community activist, nationalist sentiments could result in “...deeper discrimination and persecution from the wider society and especially from the ultra-nationalists”



G. Nyampurev, a member of the LGBT community, presents at the Mongolia National LGBT Community Dialogue

(Nyamdorj, 2010). Incidents of violence and threats by such groups towards LGBT people have been reported.

“In 2009, trans girls who go by the names ‘E’, ‘Kh’, and ‘B’ were kidnapped... and brought to... a graveyard, where they were severely physically and sexually assaulted. They were tortured, forced to suck the sexual organs of the youth and one another’s [and] raped by cramming a bag of rocks into the sexual organ of one of the girls. Because of their interview in the documentary ‘Lies of Freedom’ by the LGBT Centre, they became subject to death threats, and eventually ‘E’ and ‘Kh’ fled Mongolia with the assistance of the LGBT Centre.” (LGBT Centre, 2012)

Many LGBT people express fear of assault as a consequence of more general social prejudice and stigmatization in Mongolian society. One community member said,

“I am always afraid to be free or walking freely outside in public and crowded places, and constantly thinking, ‘Would someone throw a brick at me from behind or would someone throw something at me?’ So I always try to avoid crowded places. Walking close to people is very frightening.” (Lai et al., 2013).

Another said,

“I experienced it personally twice or more. You see, we, the trans people, well, we want to take a walk in girls’ dresses, to be just the way we are. In those cases, the terrible attitude of the people... it felt horrible.” (Lai et al., 2013).

Another related to this story:

Our friends were dancing in a disco club and called me to join them after work. I went there but the door was locked. I knocked on the door, and the security guard opened it. I told him my friends were inside and I wanted to get in. He said, 'Ok, hurry up. There are some gays and we want to see how they dance.' Then he gathered all the guards and told them about the gays inside. He said they should call some guys to come and bully the gays. He said he wanted them to kick the asses of the gays since gays are a shame to the prestige of manhood... There I saw how they insulted gays and called others to come and harass gays." (Lai et al., 2013).

Given the lack of strong underlying religious and traditional factors which influence societal attitude towards LGBT people, the key to changing public perceptions and attitudes may be public education and awareness-raising activities about LGBT rights as part of broader human rights education. One LGBT activist said at the National Dialogue, "I have conducted many trainings in the past several years and I have never seen anyone who still dismissed LGBT rights after attending the training." This points to potential work for the government, NGOs and other stakeholders in addressing problems of prejudice and social discrimination against LGBT people in Mongolia.



PROTECTION OF THE RIGHTS OF LGBT PEOPLE

This section discusses the issues faced by Mongolia's LGBT people in seeking employment, education, and health care, as well as family matters, the media and LGBT organizational capacity, as identified through the National Dialogue and based on a review of published literature and associated interviews.



EMPLOYMENT

While Mongolia's economy is one of the fastest growing in the world (GDP growth at 11.7% in 2013), the number of Mongolians living below the poverty rate is still high, approximately 27 percent of the population (NSO, 2013). A recent survey found the unemployment rate among Mongolian LGBT people was higher than the general population at 10.4 percent, as opposed to the country's official rate of 7.8 percent for 2013 (Ts. Otgonbaatar et al., 2014). Of those LGBT people surveyed, around half (46.2%) indicated that poverty does not affect them or is an issue that affects LGBT and heterosexual populations equally. More representative surveys indicate that LGBT people continue to underline the employment risks of living life openly as a gay person in Mongolia. (NCA, UNAIDS, JHSPH, 2012) The perceived risk of an LGBT person falling into poverty doubles when a person comes out of the closet according to a survey (Ts. Otgonbaatar et al., 2014). The recent economic downturn is likely to exacerbate the situation in the job market, which could adversely affect members of the LGBT community.

Workplace discrimination against LGBT people in Mongolia is a serious issue. Problems of stigma and discrimination range from difficulties in finding a job to harassment, bullying, ostracism and being laid off without an explicit reason. Article 7(2) of the Labor Law stipulates that "the establishment of

discrimination, limitation, or privilege based on nationality, race, sex, social origin or status, wealth, religion, or point of view is prohibited.” While broadly speaking, this article could be utilized to protect people from being fired on the basis of LGBT status, no cases have to date been brought to court, and the lack of explicit reference to SOGI is a matter that is now a matter being discussed as part of proposed reforms to labor laws. And while Article 16(4) of the Constitution guarantees the right to freely choose employment, this right is circumscribed in practice due to widespread stigma that affects many transgender people who are less able to disguise their identity. Day-to-day workplace discrimination was identified as the second-most serious issue LGBT people face in Mongolia (16.7%) as well as the second-most frequently experienced human rights problem (22.2%) after difficulties in accessing legal services (Laiet al., 2013).

A major problem faced by LGBT people in the workplace is stress and anxiety as a result of having to hide one’s identity for fear of job loss and stigmatization. Such a burden often negatively affects job performance, a result noted in other ‘Being LGBT in Asia’ country reports. Given Mongolia’s predominantly closeted LGBT population, it is likely that a majority of LGBT people who are regularly employed are affected by the stress of staying closeted. In a recent survey, when asked whether LGBT persons are subjected to discrimination because of their sexual orientation in the workplace, 81.7 percent of respondents said they hide their real identity. 11.7 percent of respondents indicated that people in their workplace knew they were LGBT. Only 3.3 percent of respondents said they had not faced discrimination in the workplace (NHRCM, 2013).

An analogous issue to not coming out is the perception by many coworkers in Mongolia that an LGBT person is single. This could be because LGBT persons are unable to reveal the existence of their same sex partner. This has the impact of managers and co-workers viewing in-the-closet LGBT coworkers as more able to work long hours. Given cultural biases towards support to the family, work colleagues who perceive a person as single often place greater work burdens on that person than people who are known to be in a stable relationship, especially one that includes children. This bias affects single people whether they are heterosexual or LGBT.

When colleagues and supervisors find out about the SOGI status of a LGBT person, it often creates workplace problems. The National Dialogue participants reported experiencing discrimination from co-workers and even termination of a contract without explanation. As one focus group participant noted,

“Because Mongolia is a small country, there were many incidents in which if I revealed my LGBT status to one employer, other potential employers would be told and refuse to employ me. Although I graduated from a university, an employer would hire someone else with less qualification. There are many problems in the workplace. They insult you by saying, ‘Don’t you have a girlfriend? Your girlfriend must be a man. Look at how you are walking. Be like a man’” (Laiet al., 2013).

Another LGBT professional explained:

“I had a good working relationship with my boss and my colleagues, and always had positive feedback. Then one day, about six months after starting there, my boss called me in. She looked at me like she was disgusted and said my services were no longer needed. I was very upset as I could not understand why I was being fired. I had done nothing wrong. Then I realized someone had told her about my sexuality, a fact that was confirmed a little while later when the same organization treated my partner, who had done some work for them,

with derision and contempt. My work choices now have become somewhat limited as I do not want to hide my sexuality or my relationship, and word has gotten around” (Nyamdorj & Garner, 2008).

Finding employment when openly LGBT is challenging. Opportunities are often limited because of discrimination; and because of appearance, some groups within the LGBT community, such as transgender persons, are especially discriminated against by potential employers. Some transgender people pursue sex work as that might be the only option for income generation. This work has added risks in that sex work is illegal in Mongolia and they can be exposed to the possibility of arrest, fines and imprisonment. This work has numerous associated health problems and risks of physical violence. Transgender participants of the Dialogue said that members of the community feel compelled to engage in sex work to earn a living.

“Employment for transgender girls? No way. If we could work, why do we have to go and hustle? We wouldn’t need it. If transgender people could work, we would all be working. We have a certain level of knowledge, and people with qualifications should be able to work, but we aren’t accepted and our only way of living becomes hustling. So employment [for us] is impossible in Mongolia” (Laiet al.,2013).

Many Dialogue participants reported that most Mongolians assume transgender people enjoy sex work rather than taking it on because of economic necessity. As an interviewee explained:

“She cannot work. Because of discrimination she has to hustle. People don’t understand it; they think she does it because she likes it. And because we are few, the transgender people, we have to stick together to support one another, but they think that we are hustling in a group. So they insult us and even the hooker girls tussled with us.” (Laiet al.,2013)

One of the consequences of the economic vulnerability of the LGBT community – especially transgender persons is the risk of becoming victims of sexual violence. Because some transgender individuals sell sex as one of few employment options, they experience harassment and physical violence from clients and passers-by alike on an almost daily basis (Peitzmeier et al., 2014).

The Ministry of Labor is currently revising the Labor Law. Revisions provide an opportunity to explicitly prohibit discrimination based on sexual orientation and gender identity in employment settings and practices. The present codification stipulates the protection of many groups (based on “nationality, race, sex, social origin or status, wealth, religion, or point of view”) with the implication of protecting *all Mongolian citizens*. Yet universal protection remains elusive. Inclusion of non-discrimination on the basis of SOGI would make it clear to employers that discriminating against LGBT people is unacceptable.



EDUCATION

Mongolia’s education system provides for 12 years of schooling including six years of primary school, three years of lower secondary school and three years in upper secondary school. All Mongolian citizens are required to study for nine years. Currently, one-fifth of Mongolia’s population is aged between 15 and 24 (NSO, 2010). The enrolment ratio in primary schools is high: 99.4 percent for boys and 98.2 percent for girls. The literacy rate for youth aged 15–24 is also high at 94.1 percent for boys and 97.3 percent for girls (UNICEF, 2013). As children spend their formative years at school, providing

sex and sexuality education is important for the formation of the overall public attitude of society towards diverse sexual orientation and gender identity.

The Ministry of Health and the Ministry of Enlightenment (now the Ministry of Education and Science) initiated the reform of sexual education curricula at the primary and secondary school levels in 1997. The government partnered with the World Health Organization to identify ten priority themes of health education, including reproductive health. In grade nine the curriculum covers topics such as safe sexual practice and condom use; abstinence from sexual activity; sexual identity and orientation; sexual relationships and behavior; risk assessment; and safe sex and alcohol. The introduction in 1998 of the curriculum that discusses SOGI was an important first step in familiarizing students with these issues (Population Council, 2002). Sexual health education, which includes information about HIV and STI prevention is part of the foundational curriculum at schools. The students are also informed about how to access voluntary counseling and testing.

Despite formal implementation of the curriculum, the actual teaching of these subjects and teachers' capacity remains an issue of concern. The Dialogue participants noted that teachers lack basic knowledge themselves and are unable to communicate the information to students and specific information about LGBT rights.

The part of the curriculum discussing sexual orientation and gender identity is often ignored by teachers. Only 10 percent of young LGBT community members confirmed in a survey that they were taught about sexual orientation and gender identity at school since the introduction of the curriculum. On the positive side, only a relatively small number of those surveyed were actually taught incorrect statements about SOGI matters. Only 1.7 percent of those surveyed agreed with pejorative incorrect statements, such as "same-sex orientation is a mental illness". (NHRCM, 2013).

The failure to teach SOGI subjects not only prevents school children in general from obtaining accurate information about sexuality. It also affects LGBT pupils by creating an uncertain environment in which to explore and discover their sexual orientation and gender identity. Many struggle to understand their LGBT status. Without standardized education about these subjects, there are simply very few avenues for children to learn more about these issues. This can lead children to blame themselves for being different from others, and do not realize that these differences are a normal experience for a certain segment of the population not only in Mongolia, but also around the world. Psychological detachment and separation from other students can lead LGBT children to associated problems, like depression and suicidal thoughts. The study of the NHRCM noted other challenges which include a loss of interest in going to school and learning in general.

A lack of practical education combined with existing social stigma lead to school environments that are often inimical to LGBT children or the children of LGBT couples. Bullying and discrimination by both peers and educators against LGBT students is widespread. In an LGBT community-based survey from 2013, a quarter of respondents had experienced discrimination. In the same survey, 6.7 percent said they had been physically assaulted in schools because of their perceived sexual orientation or gender identity (NHRCM, 2013). These challenges can lead to high school dropout rates for LGBT students. As one National Dialogue member noted, "School drop-out is a serious topic for those working in the education sector. However, when talking about reasons for school drop-outs, officials consider only material factors, such as family living standards, financial ability, etc. There are cases where children drop out because of the stigma due to their sexual orientation. Especially, this is the case for transgender girls."

Students also face explicit stigma from teachers.

“[When I was in school] it was common for school children to be called, ‘Hey, girl. Hey gay.’ It is nothing unless they caught me and punched in my stomach. When a teacher says, ‘So girly,’ my classmates laughed. I wondered whether the teacher knew she caused embarrassment to me and caused an uncomfortable situation for me in class. I missed classes because of these insults by others. There were many cases of other gay boys who left school.” (LGBT Centre, 2012)

Mongolian students who have parents who are LGBT also experience stigma, bullying and discrimination.

“OG is a 38-year-old lesbian. She and her partner gave birth to and brought up two children. Her eldest 17-year-old daughter experiences discrimination at school because she has two mothers. Her classmates constantly ask nasty questions such as ‘Your mother is a homosexual, isn’t she? Who is the woman who always walks with your mother?’ causing embarrassment. OG said, ‘I am concerned about what could happen to my daughter because of me. We are really worried that the child whom my partner gave birth to will also be subjected to discrimination at school.’” (LGBT Centre, 2011, cited in NHRCM, 2013)

There is need to improve the teaching methodology and training of teachers for the new curriculum on sexual and reproductive health. The Ministry of Education and Science is currently undertaking a major reform in the curriculum and teaching methods for all grades to focus on the development of individual children. This is a good opportunity for integrating good practice teaching methods of sexuality education in schools.



HEALTH

Mongolia’s Health Law (1998) stipulates that every citizen, regardless of their economic status, has the right to free primary health care, maternal care, and childcare. Services delivered by primary-level providers are paid fully by the government and include preventive care, disease surveillance and epidemiological monitoring. Public services are designed to address four priority health issues: maternal health, child health, communicable diseases and non-communicable diseases. The basic package of health services, which includes health promotion, disease prevention and curative care, is free. The complementary package includes inpatient and outpatient services at secondary- and tertiary-level health facilities, including emergency services and long-term care, and requires copayments of 10–15 percent by patients. Social health insurance coverage was 82.6 percent of the Mongolian population in 2010 (MOH, WHO, 2012) and efforts to extend this coverage are ongoing.

Since the first reported HIV case in 1992, Mongolia has remained a low HIV prevalence country at 0.03 percent of people aged 15–49. As of December 2013, Mongolia identified a total of 150 cumulative HIV cases in the country, a prevalence that by global standards is low.² Identified HIV cases are predominantly male and over 30 years of age at diagnosis. A total of 80.7 percent of those living with HIV are male and of these, the majority – some 80 percent – reported themselves as men who have sex with men (MSM). Of these MSM, 34 percent reported themselves as bisexual and two percent as transgender people.

² While HIV prevalence is low in Mongolia, according to the country progress report for 2012, prevalence of sexually transmitted infections is “constantly high”, indicating risky behaviour in society (National Committee on HIV and AIDS, 2012).

Surveillance and data from case reports show that unprotected anal sex is the main driver of HIV infection in Mongolia. Although the results from the most recent Second Generation Survey are not final yet, a comparison of crude or unweighted prevalence data from the last two surveys suggests that prevalence among MSM in Mongolia is increasing from 10.7 percent (21 out of 196 MSM sampled were HIV positive) in 2011 to a crude 14.2 percent in 2013 (36 out of 255 MSM sampled were HIV positive). While these results are not officially published, they do warrant attention (GF, 2014). Non-HIV-related sexually transmitted infections (STI) are of epidemic proportions in Mongolia.

While HIV and STI testing is available in many hospitals, access to comprehensive voluntary counseling and testing (VCT) is limited. As of 2014, the Together Center is the only community service provider in the country that ensures confidential HIV testing. The majority of people living with HIV in Mongolia are MSM who not only are subjected to HIV-related stigma but also to LGBT-related stigma, both of which present substantial obstacles to infected people accessing appropriate health care services. Dialogue participants recommended that HIV and STI testing services be made available either confidentially or anonymously at a greater number of LGBT-friendly health clinics and other establishments.

According to a study, LGBT people experience disproportionately high levels of depression and low self-esteem (Youth Voices Count, 2013). The vast majority of participants in a 2012 study among 313 MSM reported experiencing at least two weeks with depressive symptoms in the past two years and most of them did not consult with a mental health specialist. Instead they turned to either a friend (38.4%) or to a member of the MSM community (41.2%) for help (NCA, UNAIDS, JHSPH, 2012). The same study revealed that alcohol abuse was widespread among the MSM community. Depression and high levels of alcohol use combine to produce high-risk behaviors like unprotected anal sex among MSM and transgender populations. Shame and the hiding of LGBT status lead further to an inability of NGOs working with HIV positive populations to provide needed services. Rather than treating the infection, those who are infected and remain in the closet often go without treatment, hastening the illness and increasing the risks of further infection.

LGBT community members noted the poor quality of health services and unsupportive staff attitudes towards them. To avoid difficulties, 70 percent of survey participants claimed to have hidden their LGBT status. Ten percent claimed that accessing health care is 'very challenging' and one-fifth replied that they have 'no problem' (NHRCM, 2013). Of those surveyed, negative experiences associated with LGBT status included "...having been denied health care (1%), having overheard a health care worker speak negatively regarding participants' sexual orientation, practices or gender identity (5%), and having felt that poor quality health care was received at some point in the past three years (1%)" (Peitzmeier et al., 2014). Hiding one's sexual minority status has added implications for accessing health care. As one gay Dialogue participant noted:

"Because of fear of bumping into somebody I know, it is difficult to receive medical services in rural areas with a small population. Usually I go to the city to undergo medical tests, but sometimes I cannot afford the transport cost."

A lesbian participant explained,

"When I go to see a doctor, I am always told 'you should be having [heterosexual] sex'. It is scary that doctors do not respect the privacy of clients at all."

Discrimination and negative attitudes are pervasive at all levels of Mongolia's health system, an issue that calls for action. Discrimination stems in part due to a lack of necessary training for Mongolia's

health care professionals. Many simply do not know how to work with, and effectively respond to, the particular needs of sexual minorities. Overall, the quality and availability of medical services tailored to specific LGBT needs is limited. Transgender people face particular challenges with a lack of hormone therapy, gender affirmation surgery or psychological services. Additionally, none of these services is covered by social insurance. A transgender female Dialogue participant noted,

“I have never received medical service and treatment as a woman. I really don’t know where to go because there is no specialist in the country who knows the special health needs of transgender people. We cannot afford hormone therapy and associated surgeries because they are not covered by health insurance.”

A few who are financially able seek such services in other countries like China and Thailand.

While many of the Dialogue participants noted problems in healthcare, more conclusive studies need to be conducted to further explore specific health issues of LGBT persons.

Stigma is an issue that the government intends to address in the near future. The Ministry of Health adopted a new Code of Ethics in November 2013 in which non-discrimination was defined to include the grounds referred to in Article 14(2) of the Constitution; but also appearance; health status; sexual orientation/gender identity; and belonging to a particular population group. More training for health professionals is required. The feedback from health professionals who attended UNAIDS human rights trainings in 2014 was very positive, many admitting that they have never had opportunity to access information on human rights of LGBT people and the way health professionals are expected to behave. It would be useful for government agencies to institutionalize these kinds of trainings.



FAMILY AFFAIRS

Many Mongolian LGBT people find that their family members hold negative stereo types about them and, as a result decide against coming out. In a survey carried out among the LGBT community, in response to the question “Have you ever been discriminated against by your family?” Some 86.7 percent of respondents indicated that they have not told their family, often because they are afraid to do so. (NHRCM, 2013) In a study conducted among MSM, also in Ulaanbaatar in 2012, a mere 16.5 percent had disclosed their sexual preferences to their families (NCA, UNAIDS, JHSPH, 2012).

Lack of social and familial understanding and support has negative impact on LGBT well-being and mental health outcomes. Many openly LGBT persons have become estranged from their families (32%) or are excluded from family gatherings (43%) (Peitzmeier et al., 2014). As participants of the National Dialogue shared, many of them who are out of the closet have been accused of ruining their family’s reputation. An alarming 73.3 percent of a survey of LGBT respondents have considered suicide “due to society’s intolerance and failure to understand them” (NHRCM, 2013).

“One of the founders of the NGO ‘Tavilan’, which was established in 1999 to protect the rights of gay males, was physically attacked by his brother after he provided an interview to the newspaper ‘Seruuleg’ revealing violations of the rights of gay persons. In response, his brother broke his leg saying: ‘Get this! You deserve it for being gay’” (Private archive, Documentation by MILK Centre, 2006, cited in NHRCM, 2013).

Even LGBT people who do come out understand that they would be perceived as being ‘not normal’ in their family’s eyes. LGBT relationships are even labeled as ‘a crime’ in some families.



Colour-coded name badges used to divide participants at the Dialogue into six thematic groups

“BP is a gay man. In April 2005 his uncle, who works in police, called him and beat him up with a baton when he heard that his nephew lives with a foreign man in Beijing. As a result, his torso, leg and buttock sustained serious injuries. The following day, refraining to turn his uncle to the police, he departed Mongolia.” (LGBT Centre, 2012)

“Even though I hate even talking to my family, who don’t understand that I was naturally born with this orientation, due to my financial dependence on them and my own inability to live independently, I have no choice but to be among the people who hate me and are icy toward me when I come home every day. Sometimes I even wonder whether they would cry over my death if I committed suicide, or whether others would think they had killed me. Whenever there is a small argument, they shout at me, ‘a maniac’, and push me to tell them the name of the person who persuaded me into this path. However I tell them this is my natural trait and I have been like this since my first memory. They don’t understand me. Nothing is more heartbreaking than being told by your parents they regret giving birth to you. It was many times that I have heard them saying that it is better for me to die than live in such shame. There were a number of times I felt so terrible, [and felt] like committing suicide.” (LGBT Centre, 2012)

An associated problem for LGBT people – whether or not they are open about their sexuality or gender identity – is family pressure to marry a heterosexual partner and have children. LGBT people are perceived as not adhering to traditional heteronormative family values. In the traditional Mongolian family structure, marriage is usually expected in one’s twenties, and this expectation creates significant problems if it does not happen. The average age of marriage for Mongolian men is 26.2 and for women is 24.2 (NSO, 2011). Since many LGBT persons do not come out to their parents, the expectation to marry becomes a significant source of stress and anxiety. Many gay men in Mongolia, and possibly lesbian women marry opposite sex partners and live double lives. They have

sexual relationships with their spouses while secretly engaging in sexual relations with same-sex partners. In the case of gay men, this can mean having multiple partners, and exposing wives to STIs. While the existence of the community of LGBT people who are married with opposite sex partners is known because of their sexual relations with openly gay persons, there has been no data as to the size of this subgroup. Overall, stigma, discrimination and violence continue to keep LGBT people largely hidden from view in Mongolia.

Same-sex or gender-neutral marriages are not recognized in Mongolia as the Constitution defines marriage as being between a man and a woman (Article 16). This article bars same-sex partners from enjoying the same rights as their heterosexual counterparts (NHRCM, 2013). Because of the lack of marriage equality, the rights, benefits and privileges associated with entering into a marital union are not available to same-sex couples. For instance, heterosexual married couples are able to adopt children. One intersex community member relates a particular conundrum:

“There is the law on marriage. Other human beings and us are the same. However, we cannot get married to each other like ordinary people under this law. Look, I cannot get married as well since I am intersex, in other words, [I can get married to] no one. I am not allowed to get married since my gender is not defined.”(Laiet al., 2013)

LGBT NGOs in Mongolia have taken an active role in supporting families of LGBT people, especially in Ulaanbaatar. The Together Center organizes training and meetings with families and journalists. Since 2013, the Support Centre regularly organizes meetings with families. Some family members at first resist, but later become a proud mother or father who then seek to assist other families of LGBT people. These meetings take on added importance to family members of LGBT people, many of whom find the group sessions the only forum where they can ask questions about their children and learn more about what it means to be LGBT.

Despite challenges, some LGBT people have come out to their families and have been accepted but these are rare occurrences. Some participants in the Dialogue said that telling their families the truth about their sexual orientation or gender identity status enabled them to grow, accept who they are and positively develop their family relationships. One participant related:

“I was trying to let my mom know about this and was bringing home education materials. This did not work. I was feeling anxious because I was not able to share my concerns with my mom, so one day I told my mom, ‘Your son is gay’. It was also hard for her. We attended the meeting organized by the Support Centre. During the meeting, my mom started crying, then, I followed her. After this meeting and after talking to the doctor, we both felt relieved. Now, I am very happy and I talk to my mom freely.”



MEDIA

After the adoption of the 1992 Constitution the media industry in Mongolia was liberalized and opened up. The country now has over 500 print and broadcasting media outlets and a large number of both network and freelance journalists as of 2013 (Press Institute of Mongolia, 2013). About 60 percent of these outlets are print media; the remaining are broadcast and electronic media companies. However, the size of the media market does not proportionally contribute to a diversity of opinions. Freedom of the press is protected under the 1998 Freedom of the Media Law. Journalists nevertheless continue to face pressure to report in ways that are deemed broadly acceptable

(Freedom House 2006), an element that impacts on how LGBT matters are covered by mainstream news outlets. While freedom of the press exists, professionalism and responsible journalism are major issues in the media sector. Entertainment media in Mongolia spans radio, television and print journalism including popular magazines, which are important sources for transmitting interpretations of Mongolian culture. The way mainstream journalism and the entertainment industry address Mongolia's LGBT issues have a strong influence over the realization of rights.

There is yet to be a formal study of media coverage of LGBT issues in Mongolia, so most observations here are principally anecdotal. Mongolia's media portrays LGBT people predominantly in a negative way, an opinion shared by LGBT people who work for media outlets. Most media materials about LGBT people tend to be polarized. Some news articles and entertainment programmes present harshly critical views that foster discrimination against LGBT people. Other news items and entertainment media take a more pitying tone that relates LGBT status to its impact on the family, social standing, and employment. This reinforces negative views among the public about LGBT people.

Daily print newspapers and journals with well-established editorial policies occasionally publish solid, factual materials, though in general this kind of coverage does not reach much of the public. In early 2014, some media outlets like 'The UB Post' followed the progress of the possible introduction of protections from hate crimes into the Criminal Code, which could have broadly positive influence on LGBT rights in Mongolia. Foreign media coverage about LGBT rights in Mongolia has increased in recent years, especially in online newspapers.

Popular comedians occasionally portray gay men as objects of comic relief in their plays. These are covered widely by the media and have large viewership. While this gives some visibility to gay people, the portrayals reinforce negative stereotypes of gay men as effeminate and flamboyantly comical. This does not contribute to understanding or acceptance of LGBT people.

Most concerns about the mainstream news media relate to the lack of human rights education, research skills, responsibility and respect of privacy among journalists. Participants at the National Dialogue reported a range of problems associated with media professionalism ranging from incorrect and sensational information being broadcast and published in media outlets to a lack of respect for confidentiality and the publishing of photos and personal details without authorization. The unauthorized use of private photographs in social media networks is also a problem.

Broadly speaking, Mongolian media outlets are not well sensitized about LGBT issues. This is most clearly illustrated in the media's common misuse of words and terms when discussing LGBT issues. The Communications Regulatory Commission (CRC) bans the use of basic LGBT terminology on the Internet, disallowing the use of common words like 'gay', 'lesbian' and 'homosexual'. This phenomenon likely reflects the predominantly negative, even pejorative perception of these words in Mongolian society (Shuud.mn, 2013; Gardner, 2014; Tufnell, 2014). Violating the ban results in a fine and possible incarceration. Hence, educating and providing guidance to the media is a pressing priority. For instance, the LGBT community is now promoting 'LGBT' as a term for the media to use.

In some cases, journalists misrepresent and sensationalize LGBT lifestyles to gain a larger audience. One LGBT community member related being approached by an online news media site that said the purpose of the interview was to promote LGBT human rights and a correct understanding of LGBT issues with the public. However, when published, the interview contained negative and misleading judgments, offensive material, as well as confidential details of the interviewee's private life. At times,

media coverage of traumatic events like sexual assault against gay or transgender women has been used to make negative judgments of the whole community based on narrow stereotypes.

“It is obvious that the journalists are very lopsided. Same-sex orientation is understood as a perversion, and that’s that; they don’t go beyond that notion and don’t do any research... They don’t try to look into the human rights of such people or the legal environment. Journalists are only thinking of how best to get out these people to others and how to protect them from a negative point of view...” (Nyamdorj & Garner, 2008)

Despite generally negative portrayals of LGBT people in the media, there have been some positive developments. LGBT NGOs and the NHRCM have both reached out to the media outlets through journalist training workshops and sensitization efforts about sexual orientation and gender identity issues. In 2010, LGBT community members participated in a television programme on Mongol TV about LGBT rights, a show that offered LGBT people the opportunity to tell their own stories and present their work for the first time without hiding their identity. Before this programme, LGBT people when interviewed were always broadcast behind curtains or without showing their faces, creating a furtive and negative impression. Following this programme, several other television channels broadcast programmes on LGBT rights inviting LGBT community members, health and legal experts, and family members of LGBT people to speak on issues affecting them. These programmes sought to present LGBT lives from multiple perspectives and provide a more nuanced view to the public. In 2013, UN Mongolia awarded the Pride Award (Baharhal Award) to journalists who reported objectively on LGBT issues in print, electronic, and TV media outlets.



LGBT COMMUNITY DEVELOPMENT

LGBT organizing started recently in Mongolia with the establishment of LGBT NGOs. Aside from service provision NGOs, there is no formal community development center or larger community-friendly spaces. There are only a few LGBT business entities, like a popular nightclub owned by a community member. One of the community’s main difficulties to expand its efforts is that community organizations simply do not know a lot about LGBT people’s circumstances and locations around the country, particularly in towns and villages outside of Ulaanbaatar. This being said, some initiatives have been recently made to establish informal channels of communication and coordination. In April 2014, Youth for Health began planning for an online space for the MSM people including LGBT subgroups such as gay men and transgender women. Aside from HIV programs that tangentially touch on LGBT rights issues, organization and coordination of community efforts remains mostly limited to social interactions, especially among the less visible members of the community, particularly lesbians and transgender men.

One LGBT community success story was Pride Week in September 2013, the first event of its kind held in Mongolia. Many community members described the event as historic and inspiring. As a National Dialogue participant noted:

“The passion, commitment and support coming from LGBT community, allies, government officials, civil society, international community and other stakeholders inspired everyone [who was] involved with and participated in the week-long events and activities.”

The week included a number of events like an opening ceremony; the ‘Beyond the Blue Sky’ multimedia exhibition; the ‘MSM-10 years’ open dialogue; group discussions on LGBT rights,

health issues and coming out; a Parents and Friends of Lesbians and Gays (PFLAG) meeting; the 'Blue Sky' Queer Film Festival and the Super Drag Show. Pride Week attracted over a thousand guests, participants and LGBT community members, and the week's Queer Film Festival featured movies from Mongolia, Hong Kong, Indonesia, Philippines, Spain and the UK. Screenings included discussions on 'Movies and LGBT Rights', 'Identities and LGBT Rights' and 'Mongolian culture, international cultures and LGBT Rights.' Finally, the community welcomed the resolution of the Parliamentary Standing Committee of Legal Affairs to implement United Nations recommendations to protect and ensure the rights and freedoms of LGBT individuals in Mongolia.

"The Pride Week achieved its goals to raise awareness on LGBT rights, to call for actions and most importantly to give the voice to the voiceless. One of the mothers participating in the PFLAG meeting said, 'I used to fight for the rights of my own son, but now I will fight for the rights of the LGBT community of Mongolia.'"(Ts. Otgonbaatar, 2013).



CAPACITY OF LGBT ORGANIZATIONS

Mongolia has a relatively robust and active civil society. The law on Non-Governmental Organizations was adopted in 1997. The number of organizations increased from 770 in the late 1990s to over 17,000 today according to the General Authority for State Registration (GASR). There are a large number of NGOs working in various areas such as women's rights, environmental protection and human rights issues. Capacity of NGOs varies widely depending on funding sources. Many NGOs in Ulaanbaatar depend on international funding and domestic funding is often lacking.

The number of organizations devoted specifically to LGBT rights work is limited. Four organizations have been established to serve LGBT people in Ulaanbaatar: the LGBT Centre, the Youth for Health Centre, the Human Rights-Youth-Health Support Center (also known as the Support Center), and the Together Center. Overall organizational capacity to serve Mongolia's LGBT populations is limited and largely donor dependent and reliant on the goodwill of volunteers. Support Center, Together Center and Youth for Health mostly focus on HIV and MSM, rural outreach, and training programmes. Together Center focuses on HIV health care services and trainings on HIV/STI prevention and human rights and behavior change communication. The Support Center focuses on HIV prevention for rural MSM and provides education to young people in the general population about health, HIV and LGBT rights issues. The LGBT Centre conducts legal advocacy alongside youth and transgender programmes and has health and rural outreach programmes under development. Youth for Health operates the only Drop-In Centre for LGBT people in the country, provides referrals to VCT services, and organizes various community events.

Mongolia's LGBT organizations have been successful in building partnerships with NGOs like the Open Society Forum (OSF), the Centre for Human Rights and Development (CHRD), Globe International, Monfemnet – the National Network of Women NGOs, the National Centre Against Violence (NCAV), Oyunii Darkhlaa, National AIDS Foundation, Human Development Reproductive Health/Rights (NGO Network), Mongolian Women's Foundation.



Sezin Sinanoglu, Resident Representative for UNDP in Mongolia, addresses the audience

The NGOs are involved in broader social activities such as sports days, gay parties, and competitions as well as hikes and tours.

Priority Areas of Work: Safe Spaces, Health Care Access and Outreach

Mongolian NGOs focusing on LGBT issues have a number of priority areas for work. Creating a safe environment for the LGBT community is an important priority. In 2013, Youth for Health and the Together Center established a Drop-In Centre for the LGBT community as a part of a grant from the EU Initiative on Democracy and Human Rights. The Drop-In Centre is always open and accepts community members who need temporary shelter. The space is small and cannot accommodate a large number of people and is furnished with basic items such as a stove, bed, table and chair. The initiative is the first of its kind in Mongolia and so far the only safe facility for the LGBT community. On average, ten people seek assistance per month at the Drop-In Centre. Based on the Centre's operations as a safe space and positive feedback from the community, leaders are seeking to scale it up through sustainable financing options.

A second organizational priority is improving access to health care services. As noted before, many LGBT persons experience discrimination while accessing medical services or are afraid to access health care altogether. Most feel safe enough to access these services only through NGOs. LGBT community members can obtain behavior change communication (BCC), voluntary counselling and treatment (VCT) and condoms in a safe environment that is respectful of their confidentiality and privacy. In order to better connect NGO service providers to the national monitoring and evaluation system, the Global Fund established a system to capture data utilizing a Unique Identifier Code (UIC) for key populations including MSM. (MOH, WHO, 2014)

A third priority of NGOs working in the LGBT space in Mongolia is raising awareness among professional service providers and government employees. This is being achieved through the provision of information and training to various target groups, including civil society organizations, health care workers, community members, law

enforcement and legal professionals, as well as media organizations. Through this work, the NGOs seek to prevent LGBT people from being treated in a degrading way and to provide a welcoming space for sexual minorities to express themselves and assemble without institutional or social reprisal. Monthly group sessions for community members and their families to discuss human rights issues are guided by human rights experts and health professionals. For World AIDS Day 2013, a press conference was held and a Pride Award was given by the UN to media outlets who promoted the human rights of sexual and gender minorities. The LGBT Centre works to raise awareness among police and the social sector, and has been engaged in fulfilling recommendations regarding LGBT people's rights by the UPR and other international human rights instruments.

Challenges in LGBT Civil Society Funding

LGBT NGOs in Mongolia have a limited, principally international donor base and few sources of alternative funds. International funding has had a positive impact in the sense that LGBT organizations are able to operate and network at the national, regional and international levels. However, the funding from international sources is not regular. It is generally designed for implementation of specific project activities rather than general organizational support, and it usually contains substantial restrictions on fund usage. Most funding is also limited to HIV interventions. As such, the funding currently available to LGBT organizations is not sustainable in the long run but there are few alternatives. There has been neither government nor private sector funding for LGBT organizations in Mongolia, which means that international funding will need to continue to keep LGBT service provision and rights work going.

Over the years, the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) has been a particularly important and consistent source of funding, which while laudable, has created significant organizational dependency. For 2014, one NGO reported having three donors and one pending proposal, of which the GFATM was by far the largest, providing 77 percent of the NGO's current funds. Another NGO reported having two donors and one pending proposal, of which the Global Fund was again the largest (78 percent of funds for 2014). The third NGO also had two donors and one pending proposal, with 96 percent of their funds coming from the Global Fund. Two organizations reported that if the GFATM discontinued funding, they would need to stop all activities. The LGBT Centre received limited funding for their small-scale transgender community capacity-building project. Youth for Health together with UNAIDS Mongolia received a European Union grant in 2012–2014 to strengthen the rights of sexual minorities.

Mongolia lacks a legal framework for sustainable funding sources for NGOs such as allocation from tax income to the nonprofit sector. Despite advocacy by NGOs to amend the Law on NGOs to include such a provision, the revision of the law has been delayed.

The lack of sustainable funding affects organizational capacity in many ways. It is difficult for NGOs to retain staff, pay them a competitive salary, and to develop capacity in areas of strategic importance. These include planning, resource mobilization, partnership and capacity building and advocacy. Only one organization, the LGBT Centre, currently has core funding available on an annual basis. This covers staff salaries, office rental and telecommunication costs. The core funding for other organizations is usually managed with funds from several projects merged together to cover core costs. This makes budget management difficult.



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ANNEX 1: LIST OF LGBT ORGANIZATIONS IN MONGOLIA

NAME OF ORGANIZATION	NAME OF KEY CONTACT	TELEPHONE	EMAIL	MAILING ADDRESS
LGBT Centre	Anaraa Nyamdorj	7011 0323, 95505907	anaraa@lgbtcentre.mn	LGBT Centre of Mongolia, POB 120, Central Post Office, Ulaanbaatar-13, Mongolia.
Youth for Health Centre	Myagmardorj Dorjgotov	1132 0702, 99040735	zaluus_eruulmend@yahoo.com	Youth for Health Centre, Apt 47, Building-29, Khoroo-7, Khoroolol-15, Bayanzurkh District, Ulaanbaatar, Mongolia
Human Rights - Youth - Health Support Center (Support Center)	Batzorig Khashbat	70100135, 88037077	demjih_tuv@yahoo.com	Human Rights Youth Health Support Center, Apt-00, Entry-1- Building-8, khoroo-3, Sukhbaatar District, Ulaanbaatar, Mongolia
Together Center	Erdenetuya Gombo	11450783, 99819496	g.erdenetuya@yahoo.com	Suite 107, Erinline LLC building, Khoroo 14, Bayanzurkh District, Ulaanbaatar, Mongolia



ANNEX 2: LIST OF PARTICIPATING ORGANIZATIONS IN THE MONGOLIA NATIONAL LGBT DIALOGUE

Government organizations

Standing Committee on Legal Affairs, Parliament of Mongolia
National Human Rights Commission of Mongolia
Civil Service Council
Judicial General Council of Mongolia
Ministry of Mining
Ministry of Justice
Ministry of Labor
Ministry of Health
Ministry of Population Development and Social Welfare
Ministry of Culture, Sports and Tourism
Legal Aid Center, Ministry of Justice
General Police Department
Legal Institute of Mongolia
National Authority for Children
National Agency for Social Welfare Services
Education Institute, Ministry of Education and Science
National Center of Gender and Equality
National Center for Communicable Diseases

Embassies and international organizations

US Embassy in Mongolia
USAID RDMA, USAID Mongolia
Swiss Agency for Development and Cooperation (SDC)
Czech Embassy
Canadian Embassy
Embassy of France
UNAIDS
UNICEF
ILO
UNFPA
UN Youth Advisory Panel (UNYAP)
UNDP

Academia

National University Mongolia

NGOs

LGBT Centre

Youth for Health Centre

Human Rights-Youth-Health Support Center NGO

Together Center

New Positive Life

Mongolian Family Welfare Association (MFWA)

Mongolian Youth Federation

Press Institute/School of Journalism

Morning News

Wellspring NGO

National Center Against Violence

Center for Citizens' Alliance

Lawyers' Association of Mongolia

Mongolian Employers' Federation

National Psychological Center

Peace Corps

Amnesty International Mongolia

World Smile

Media

Mongolian National Broadcasting (MNB)

'Very Important Person'

'OyuniiDarkhlaa'

'UB Post'

'National Post' (UndesniiShuudan)



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