

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Is there an Institute of Commerce and Business in Ulaanbaatar and does it have a faculty of Tourism Management?**
- 2. Please provide information on the Young Women’s Rights Protection Society of Mongolia.**
- 3. What is the attitude of the Mongolian police to homosexuals? Is there information suggesting that police in Ulaanbaatar will provide non discriminatory protection to lesbians faced with physical harm? Are there any mechanisms in the police force for dealing with complaints?**

RESPONSE

- 1. Is there an Institute of Commerce and Business in Ulaanbaatar and does it have a faculty of Tourism Management?**

Sources indicate that the Institute of Commerce and Business (ICB) is located in the 8th Horoo, Sukhbaatar District, of Ulaanbaatar. The website of the ICB (<http://www.icb.edu.mn/>) includes several pages in English, and these state that the ICB was formed in 1924 with a mission focused “in the sphere of economy, trade and business for the satisfaction of the economic and social needs of the national development, corresponding to requirements of world development tendency” (‘Mission of the Institute’ 2007, Institute of Commerce and Business website <http://www.icb.edu.mn/pictures/english-introduction/001.jpg> – Accessed

27 March 2008 – Attachment 1; for basic information on the ICB, including a photograph and contact details, see ‘Members’ (undated), Consortium of Mongolian Universities and Colleges website http://www.cmuc.edu.mn/cmuc_m2.htm – Accessed 27 March 2008 – Attachment 2; ‘National Institutes’ (undated), Republic of China – Ministry of Education website http://209.85.173.104/search?q=cache:57ds6O-r6_EJ:www.edu.tw/EDU_WEB/EDU_MGT/BICER/EDU4146001/c23/booklists/Mongolia/2.htm+%22Institute+of+Commerce+and+Business%22+Horoo&hl=en&ct=clnk&cd=1 – Accessed 31 March 2008 – Attachment 3).

The website of the ICB also indicates that the Department of “International tourism & Hospitality management” has “Tourism management” as an area of study (‘General information of study’ 2007, Institute of Commerce and Business website <http://www.icb.edu.mn/pictures/english-introduction/012.jpg> – Accessed 27 March 2008 – Attachment 4).

Most of the ICB website is in Mongolian, and no other relevant information could be found on the website without the assistance of a translator.

2. Please provide information on the Young Women’s Rights Protection Society of Mongolia.

No information could be found in any of the searches conducted on the Young Women’s Rights Protection Society of Mongolia (or any similarly named organisations in Mongolia), with the exception of the name appearing on International Women’s Conference program, as noted in the response to the following question (‘Conference Program – International Women’s Conference: Education, Employment and Everything...the triple layers of a woman’s life’ 2007, University of South Queensland <http://www.usq.edu.au/resources/finalprogram.pdf> – Accessed 26 March 2008 – Attachment 5).

There is a ‘Network of Non-Government Organizations’ in Mongolia, but their website (<http://www.owc.org.mn/>) is in Mongolian and no information could be found on the website without the assistance of a translator.

In 2004, the Democracy Education Centre (DEMO), an NGO in Mongolia, reported on the existence of NGOs in Mongolia, and this may be of interest:

Currently in Mongolia, there are more than 4,000 non-governmental organizations registered. Approximately 20 percent of them are the member benefit organizations, such as a non-governmental organization of pharmacists, persons engaged in the business of leather industry, telecommunication professionals, composers, book publishers, etc. And the remained 80 percent are the public benefit organizations.

According to the sources taken from the Ministry of Justice and Home Affairs by April 1, 2004 the NGOs are classified as follows:

No. Types of Activities Number of NGOs

1 Children 203

2	Human rights	170
3	Nature and Environment	268
4	Friendship and Cooperation	456
5	Youth	210
6	Service for elders	116
7	Health	241
8	Arts/culture and education	574
9	Professional	356
10	Sports	411
11	Services for disabled	76
12	Support to social development and Humanitarian assistance	315
13	Family	45
14	Support for religious development	59
15	Women	205
16	Other	245
	Total	3,950

As we can see from the above, NGOs are mainly engaged in the activities of education and arts (14.5%), friendship and cooperation (11.5%), sport (10.4%), professional (10.65%), and environment NGOs (6.8%). However, the most active and engaged NGOs are in the field of education, human rights including women, and youth and children (Gombodorj, U. 2004, 'Overview Of The Mongolian Ngo Community: Legal Environment, Types & Classification, Financial Sources & Fundraising, And Taxation Of NGOs', Democracy Education Centre website, 23 August http://www.demco.org.mn/en/articledetail_en.php?ID=3 – Accessed 28 March 2008 – Attachment 6).

3. What is the attitude of the Mongolian police to homosexuals? Is there information suggesting that police in Ulaanbataar will provide non discriminatory protection to lesbians faced with physical harm? Are there any mechanisms in the police force for dealing with complaints?

The response to this question addresses the following topics:

[Attitudes of the Mongolian police to homosexuals](#)

[Police protection of homosexuals](#)

[Mechanisms for complaint within the police force](#)

Attitudes of the Mongolian police to homosexuals

Sources indicate that whilst there are no direct laws forbidding homosexuality or homosexual acts, the Mongolian police have been known to target homosexuals for harassment under laws that forbid “Satisfaction of sexual desire in an unnatural manner”. An Immigration and Refugee Board of Canada report from March 2007 comments on attitudes towards homosexuals in Mongolia, and makes specific mention of police attitudes:

Sources consulted regarding laws in Mongolia on homosexuality maintain that homosexuality is not specifically prohibited (AI July 2006; Utopia.Asia n.d.a). Instead, for example, a revised version of the Criminal Code of Mongolia targets the “[s]atisfaction of sexual desire in an unnatural manner” as follows:

Satisfaction of sexual desire in an unnatural manner by violence or threat of violence or by taking advantage of the helpless situation of the victim, as well as by humiliation shall be punishable by imprisonment for a term of 2 to 5 years. (Mongolia 1 Sept. 2002, Art. 125.1)

Amnesty International (AI) and the International Lesbian and Gay Association (ILGA) both refer to a section of the penal code that prohibits “immoral gratification of sexual desires,” which “is” or “can be used against homosexuals” (AI July 2006; *ibid.*; ILGA 31 July 2000).

...A doctoral candidate in social welfare at the University of California in Berkeley, who lived in Mongolia between 1995 and 1999, said that the gay, bisexual and transgendered men that he met spoke of “negative experiences with the police” (23 Nov. 2006). He claims that various sources, including the Ulan Bator Post, the Mongol Messenger and an LGBT human rights organization in Mongolia called Tavilan, have reported that police kept a record of suspected Mongolian and expatriate homosexuals (Doctoral Candidate 2 Jan. 2007). He also referred to a conversation in November 2006 with a Tavilan representative who claims that “harassment and maltreatment, including death threats” directed against gays and lesbians is “ongoing” in Mongolia (*ibid.* 23 Nov. 2006).

A letter posted on the Mongolian Lesbian Community Online Web site with the heading “We, the Homosexuals, of Mongolia” states that “we are treated as dirt and non-humans,” and that “the State of Mongolia ... uses its machineries, such as police, to violate our human and civil rights through non-recognition of us as existent” (Mongolian Lesbian Community Oct. 2004). The letter speaks of rampant discrimination and a lack of awareness of homosexuality but does not refer to specific examples (*ibid.*) (Immigration and Refugee Board of Canada 2007, *MNG102126.E – Mongolia: The treatment of homosexuals by authorities and by society in general; recourse available to those who have been harassed based on their sexual orientation (2004 – March 2007)*, 16 March <http://www.cisr-irb.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451031> – Accessed 27 March 2008 – Attachment 10).

The recent US Department of State ‘Country Reports on Human Rights Practices’ for Mongolia stated:

Homosexuality is not specifically proscribed by law. However, Amnesty International and the International Lesbian and Gay Association criticized a section of the penal code that refers to “immoral gratification of sexual desires,” arguing that it could be used against homosexuals.

Homosexuals reported harassment by police, but remained divided over the overall level of societal discrimination (US Department of State 2008, *Country Reports on Human Rights Practices – 2007*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2007/100530.htm> – Accessed 27 March 2008 – Attachment 11).

Police protection of homosexuals

Sources suggest that there are few options available to homosexuals in the way of police protection. RRT Research Response MNG30364 from July 2006 addressed the issue of police protection in Mongolia (RRT Research & Information Services 2006, *Research Response MNG30364*, 25 July – Attachment 12). It cites the 2005 US Department of State ‘Country Reports on Human Rights Practices’ for Mongolia which notes:

The law states that “no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status,” and that “men and women shall be equal in political, economic, social, cultural fields, and family.” The government generally enforced these provisions in practice (US Department of State 2006, *Country Reports on Human Rights Practices for Mongolia for 2005*, 8 March, <http://www.state.gov/g/drl/rls/hrrpt/2005/62653.htm> – Accessed 18 July 2006 – Attachment 13).

However, as noted in *Research Response MNG30364*, there was no specific human rights protection with regard to sexual orientation. The most recent US Department of State report makes the same statement as the 2006 report, but still makes no comment with regard to sexual orientation (US Department of State 2008, *Country Reports on Human Rights Practices – 2007*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2007/100530.htm> – Accessed 27 March 2008 – Attachment 11).

Research Response MNG30364 also cited the example of two open transsexuals who faced violence on the streets, yet received no state protection. This response also notes that Mongolia had no state laws preventing discrimination on the basis of sexual orientation (for the lack of state protection in the case of two transsexuals see Patel, A. 2000, *Reproductive Health, Gender and Rights in Mongolia*, The Ministry of Health and Social Welfare (MOHSW) and United Nations Population Fund (UNFPA) Project MON/97/PO8, June, Section 4.4 – Attachment 14; for information on state laws see Ottosson, D. 2006, ‘Legal wrap up on the laws over the world affecting LGBT-persons’, International Lesbian and Gay Association website http://www.ilga.org/statehomophobia/WorldLegalWrapUpSurvey_Daniel_Ottosson.pdf – Accessed 18 July 2006 – Attachment 15).

In an e-mail to RRT Research & Information Services, Robyn Garner, “an Australian journalist and former Australian Volunteer International (Mongolia) living and working in Mongolia”, argued that:

Because of the institutionalisation of the intolerance and discrimination (all levels of government, police, the legal and health sectors and the media) and the reality that there is very little, if any, likelihood of legal recourse, **victims in the main do not report incidences**

of discrimination or violence for the very real fear of further harassment, predominantly from the police.

...The retributive violence of the police is similarly supported by anecdotal evidence and is a very real fear for lesbians and gays. Such beatings are by no means isolated incidents, and equally affect lesbians and gays in both urban and rural areas. (Garner, Robyn 2006, Email to RRT Country Research: 'Re: harassment of lesbians in Mongolia', 25 August – Attachment 16).

Similarly Anaraa Nyamdorj Olhонууд, "Founder/Coordinator of the Mongolian Lesbian Information and Community Centre", argued:

When violence takes place, the victims never file any charges due to fear of secondary victimisation by the police, which would explain why there is a lack of documentation with the law enforcement agencies. Plus, to the best of my knowledge, the Police Department of Mongolia and the National Security Agency keep a dossier on Mongolian homosexuals, claiming that we, homosexuals, are a threat to the national security of Mongolia. In such setting, there is no question of ever going to the police about victimisation one faces, since the victimisation that one will then have to face from the police is much worse (Olhонууд, Anaraa Nyamdorj 2006, Email to RRT Country Research: 'Information request on harassment of lesbians in Mongolia', 25 August – Attachment 17).

Mechanisms for complaint within the police force

Sources indicate that the Special Investigative Unit (SIU) is responsible for handling complaints about police officers in Mongolia. However, sources also suggest that this unit is largely ineffective, and few cases are settled in court. The 2007 US Department of State *Country Reports on Human Rights Practices* for Mongolia stated:

Laws and mechanisms to investigate police abuses remained inadequate. A Special Investigative Unit (SIU) under the State General Prosecutor's Office investigates allegations of misconduct by law enforcement personnel, prosecutors, and members of the judiciary. Each year the SIU received between 600 and 700 complaints against law enforcement and conducted 300 to 350 investigations. In approximately 40 percent of these cases, criminal charges were brought against the accused. In another 40 percent of cases, complaints were dismissed, often because the parties reached a private settlement. The final 20 percent remained pending further action. According to the SIU, police frequently blocked or impeded the work of its investigators, particularly when the targets of investigation were high-ranking police officials (US Department of State 2008, *Country Reports on Human Rights Practices – 2007*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2007/100530.htm> – Accessed 27 March 2008 – Attachment 11).

The United States Agency for International Development reported:

PG [Prosecutor General] is independent from the Justice Ministry but has shown little will or ability to prosecute corruption cases. Its Special Investigative Unit only has jurisdiction over cases involving the police, prosecutors, and judges, while the police investigate violations in the administration, including corruption cases. Most cases investigated are thrown out by the PG or settled out of court, due both to political manipulation and lack of proper investigative and evidence gathering skills (United States Agency for International Development 2005,

‘Assessment Of Corruption In Mongolia’, 31 August, p. 14
http://siteresources.worldbank.org/MONGOLIAEXTN/Resources/USAID-Assessment_of_corruption_in_mongolia_2005.pdf – Accessed 27 March 2008 – Attachment 18)

The 2005 *Common Country Assessment* by the United Nations Country Team reported:

Upon detention, whether warranted or not, personal effects may be stolen by police officers and use of violent tactics against prisoners is not uncommon. **In both urban and rural areas, citizen complaints against police treatment and corruption remain uninvestigated or unsolved. Even when allegations of police misconduct are investigated accused police officers are seldom punished** (United National Country Team 2005, *Common Country Assessment*, November, p. 29 http://mirror.undp.org/Mongolia/publications/CCA_final_2002-2006.pdf – Accessed 28 March 2008 – Attachment 19)

Nonetheless, several sources indicate that complaints against police have been pursued, and in January 2006 GlobaLex reported that “a recent case concerned the issue of whether the General Prosecutor breached the Constitution in the procedure adopted to investigate a complaint against a police officer” (Tseven, O & Ganbold, B. 2006, ‘The Mongolian Legal System and Laws: a Brief Overview’, GlobaLex website, January <http://www.nyulawglobal.org/globalex/mongolia.htm> – Accessed 28 March 2008 – Attachment 20).

The Special Investigations Unit also has a website, and the English-language welcome page provides an outline of the unit’s duties:

Our website will provide an opportunity to deepen our mutual relations, it will provide the most open and greatest opportunity to enhance the participation of the state and civil society in implementing the provisions of the Constitution to safeguard the law, justice, human rights and freedom, and it will ensure the provision of accurate, timely and transparent information. You will have an opportunity to obtain the most truthful information on the SIU. You will be able to post your complaints through the website if your rights and interests have been violated due to unlawful actions of legal bodies. These should be complaints of a criminal nature that are related to police officers, inquiry officers, investigators, prosecutors and judges.

...THE SPECIAL INVESTIGATIVE UNIT

The Special Investigative Unit (hereinafter the “SIU”) was established on September 11, 2002 in compliance with the State Ikh Khural Decree #47 of July 04, 2002 and the Cabinet Resolution #179 of September 04, 2002 with a staff of 28 people comprising of the Chief, Deputy Chief, 24 investigators, a driver and a typist.

The SIU, which reports to the Prosecutor General, was created to investigate crimes by police and inquiry officers, investigators, prosecutors and judges irrespective of territorial jurisdiction. The SIU is a special public institution independent in terms of administration, financial activities and human resources which gives it advantages over, and differs it from, other investigative departments and divisions of the police and the intelligence agency

(‘Greeting’ 2006, Special Investigative Unit website
<http://www.epmba.in.mn/international/english> – Accessed 31 March 2008 – Attachment 21).

Most of the SIU website is in Mongolian, and beyond the welcome page little other information could be found without the assistance of a translator.

List of Sources Consulted

Internet Sources:

Google <http://www.google.com.au/>
All the web <http://www.alltheweb.com/>
Altavista <http://www.altavista.com/>
Ask <http://www.ask.com/?ax=5>
Exalead <http://www.exalead.com/search>
Yahoo! <http://search.yahoo.com/>

Government Information & Reports

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>
UK Home Office <http://www.homeoffice.gov.uk>
US Department of State <http://www.state.gov/>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>
Human Rights Watch <http://www.hrw.org/>

International News & Politics

BBC News <http://www.bbc.co.uk/worldservice/index.shtml>

Databases:

BACIS (DIMA Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. ‘Mission of the Institute’ 2007, Institute of Commerce and Business website
<http://www.icb.edu.mn/pictures/english-introduction/001.jpg> – Accessed 27 March 2008.
2. ‘Members’ (undated), Consortium of Mongolian Universities and Colleges website
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3. ‘National Institutes’ (undated), Republic of China – Ministry of Education website
http://209.85.173.104/search?q=cache:57ds6O-r6_EJ:www.edu.tw/EDU_WEB/EDU_MGT/BICER/EDU4146001/c23/booklists/Mongolia/2.htm+%22Institute+of+Commerce+and+Business%22+Horoo&hl=en&ct=clnk&cd=1 – Accessed 31 March 2008.

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5. 'Conference Program – International Women's Conference: Education, Employment and Everything...the triple layers of a woman's life' 2007, University of South Queensland <http://www.usq.edu.au/resources/finalprogram.pdf> – Accessed 26 March 2008.
6. Gombodorj, U. 2004, 'Overview Of The Mongolian Ngo Community: Legal Environment, Types & Classification, Financial Sources & Fundraising, And Taxation Of NGOs', Democracy Education Centre website, 23 August http://www.democracy.org.mn/en/articleDetail_en.php?ID=3 – Accessed 28 March 2008.
7. Albion, M. & Collins, P. 2007, 'Education, Employment, and Everything: The triple layers of a woman's life, Refereed Proceedings of the International Women's Conference', University of Southern Queensland Printery, Toowoomba, p. 21 http://eprints.usq.edu.au/3321/2/Albion_Collins_edu_IWC_Proceedings_2007.pdf – Accessed 8 April 2008.
8. RRT Research & Information 2008, Email to A. Nanka 'Refugee Review Tribunal – Request for information on the International Women's Conference', 31 March.
9. Request for information on the International Women's Conference', 4 April. – deleted.
10. Immigration and Refugee Board of Canada 2007, *MNG102126.E – Mongolia: The treatment of homosexuals by authorities and by society in general; recourse available to those who have been harassed based on their sexual orientation (2004 – March 2007)*, 16 March <http://www.cisr-irb.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451031> – Accessed 27 March 2008.
11. US Department of State 2008, *Country Reports on Human Rights Practices – 2007*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2007/100530.htm> – Accessed 27 March 2008.
12. RRT Research & Information Services 2006, *Research Response MNG30364*, 25 July.
13. US Department of State 2006, *Country Reports on Human Rights Practices for Mongolia for 2005*, 8 March, <http://www.state.gov/g/drl/rls/hrrpt/2005/62653.htm> – Accessed 18 July 2006.
14. Patel, A. 2000, *Reproductive Health, Gender and Rights in Mongolia*, The Ministry of Health and Social Welfare (MOHSW) and United Nations Population Fund (UNFPA) Project MON/97/PO8, June, Section 4.4.

15. Ottosson, D. 2006, 'Legal wrap up on the laws over the world affecting LGBT-persons', International Lesbian and Gay Association website
http://www.ilga.org/statehomophobia/WorldLegalWrapUpSurvey_Daniel_Ottosson.pdf – Accessed 18 July 2006.
16. Garner, Robyn 2006, Email to RRT Country Research: 'Re: harassment of lesbians in Mongolia', 25 August.
17. Olhonuud, Anaraa Nyamdorj 2006, Email to RRT Country Research: 'Information request on harassment of lesbians in Mongolia', 25 August.
18. United States Agency for International Development 2005, 'Assessment Of Corruption In Mongolia', 31 August, p. 14
http://siteresources.worldbank.org/MONGOLIAEXTN/Resources/USAID-Assessment_of_corruption_in_mongolia_2005.pdf – Accessed 27 March 2008.
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http://mirror.undp.org/Mongolia/publications/CCA_final_2002-2006.pdf – Accessed 28 March 2008.
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