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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)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

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).

Up-to-date information on the treatment of homosexuals by authorities and society in general was scarce among the sources consulted by the Research Directorate. An article posted on the Global Gayz Web site, which is maintained by a gay American to provide "accurate and useful" information about the international lesbian, gay, bisexual and transgendered (LGBT) community (Global Gayz n.d.), states that "homosexuality is not well received ..." and includes several statements indicating that homosexuality is virtually unheard of among the general population (*ibid.* Mar. 2006). A gay man working in Ulan Bator (the Mongolian capital) for the United Nations Development Program asserts that "there doesn't seem to be major homophobic hang-ups, although being gay is certainly not part of the culture" (*ibid.*). He also points out that there are "no serious religious barriers" prohibiting homosexual behaviour and that the dominant religion, Tibetan Buddhism, is silent on homosexuality (*ibid.*). He also maintains that most Mongolians are not religious anyway (*ibid.*).

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.*).

Several resources for homosexuals in Mongolia are listed on the Utopia-Asia Web site, which was created in 1995 as an English-language resource on the homosexual community in Asia (n.d.b). Tavilan, the first LGBT human rights organization in Mongolia, was established in 1999 (Utopia-Asia n.d.a). The Color Boys Group organizes gay and lesbian events at various locations, and the Youth Health Center for Gay Men provides training about safe sex (*ibid.*). The University of California doctoral candidate similarly reported that the Mongolian Ministry of Health, in cooperation with the United Nations, has established an outreach program targeting male homosexuals with the aim of preventing the spread of HIV/AIDS and other sexually transmitted diseases (23 Nov. 2006). There is also the Mongolian Lesbian Information Center, which was established in January 2004 and which created the Mongolia Lesbian Community Online Web site (The Other Queer Page n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the

merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). July 2006. Updated ed. Lesbian, Gay, Bisexual and Transgender Network. "Mongolia." *Sexual Minorities and the Law: A World Survey*. <<http://www.ai-lgbt.org/texts/lgbt2006.rtf>> [Accessed 14 Nov. 2006]

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Utopia-Asia. N.d.a. "Travel and Resources: Mongolia." <www.utopia-asia.com/tipsmong.htm> [Accessed 14 Nov. 2006]

_____. N.d.b. "The World's Most Respected Resource for Gay and Lesbian Asia." <<http://www.utopia-asia.com/utopias.htm>> [Accessed 10 Mar. 2007]

Additional Sources Consulted

Oral Sources: The International Gay and Lesbian Human Rights Commission (IGLHRC), New York did not provide information within the time constraints of this Response.

Attempts to contact Tavilan and the Mongolian Lesbian Information Center were unsuccessful within the time constraints of this Response.

Internet sites, including: GayLawNet, Global Gayz (Gay Mongolia News Report 1999-2006), International Institute for Asian Studies.

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