

Committee of the Convention on the Elimination of All Forms of
Discrimination Against Women (CEDAW)
42nd Session
Geneva, Switzerland
October 20, 2008

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Representing a Coalition of Mongolian Activists for Lesbian, Gay, Bisexual
and Transgendered Persons' Rights*

Thank you, Madam Chairperson and esteemed Members of the Committee.

My name is Anaraa Nyamdorj and I represent a Coalition of Activists working for the rights of Mongolia's lesbian, gay, bisexual and transgendered community which submitted a separate shadow report to the Committee on the status of lesbian and bisexual women and female-born transgendered persons in Mongolia.

In the shadow report prepared with the participation of many women who fearlessly told us their life stories of fear, stigmatisation, discrimination and violence, we contend that the Government of Mongolia has acted, and continues to act, in contravention of its international obligations under the CEDAW and other international conventions through its engagement in exclusionary practices that deny lesbian and bisexual women and female-born transgendered persons (henceforth referred to as LBT persons) the enjoyment of human rights and fundamental freedoms and has failed to provide an environment that is conducive for their full participation in all spheres of life. Based on anecdotal evidence from the affected community, the discrimination is endemic in all spheres and encompasses the society at large, police, judiciary, healthcare, education, housing and the media. In particular we wish to highlight the following issues of concern:

- On the issue of a lack of State recognition of LBT persons and subsequent denial of LBT persons' human rights violations: Under the Article 1 of the convention, we contend that the definition of discrimination against women includes discrimination and violence against women on the basis of their sexuality and/or gender identity. We contend that the notion of equality for all women under the articles 2a, 2b and 2c must include equality for LBT persons, and that this must be reflected in the Constitution of Mongolia.
- On the issues violence against LBT persons by both state and non-state parties, in particular government agencies, such as police and the State Intelligence Agency: LBT persons are often perceived not to conform to the stereotype of a woman, and as a result are subjected to a range of human rights violations, including harassment, physical violence, hate crimes and sexual assaults. We believe that there is sufficient anecdotal evidence to suggest that sexual violence against LBT persons in Mongolia by both state and non-state parties is pervasive, and that the Government of Mongolia

has failed to protect or provide protection mechanisms for such women or has indeed itself participated in the perpetration of violence against LBT persons. There is evidence that the General Police Department of Mongolia and the State Intelligence Agency are actively engaged in human rights violations of and restrictive practices on LBT community through keeping files on known LBT persons, infiltrating and monitoring LBT social events, phone-tapping, arbitrary arrests, harassment, intimidation, threats, and physical and sexual assault on LBT persons. Furthermore, the section 125 of the Criminal Law of Mongolia criminalises “unnatural gratification of sexual desires”, although pertinent to the forced sexual intercourse, continues to be used arbitrarily against LBT persons and carries a sentence of imprisonment of 2 to 5 years.

- On the issue of discrimination in social sectors such as at workplace, housing, health and media:
 - Ordinary women whose only guilt is that they love women are fired from their jobs, denied medical help and advice when facing physical and psychological problems, denied housing when living as a couple and are portrayed as “monsters” by media. We believe that the culturally pervasive notion of heteronormativity is implicit in the State education system, which serves to reinforce ignorance of LBT persons and stereotypical perceptions of the LBT community.

Ignoring of the fundamental rights of LBT persons is contrary to Mongolia’s obligations under the CEDAW and other international treaties on human rights. The lack of accountability and downright disregard of Government of Mongolia in regard to its international treaty obligations and therefore of recommendations issued from such bodies is evident in the absence of mechanisms and bodies that have a mandate of monitoring and ensuring implementation of treaty obligations. Madam Chairperson, we urge you to recommend the Government of Mongolia a creation of mechanisms or bodies that will monitor and ensure thorough implementation of its international treaty obligations and recommendations, including those under the CEDAW.

Madame Chairperson and members of the Committee, I thank you sincerely for the opportunity to present this report.