



Mongolia

Joint Stakeholder Report for the United Nations Universal Periodic Review: LGBTQI+ Rights

Submitted by Lesbian Gay Bisexual Transgender Centre of Mongolia (LGBT Centre)

and

The Advocates for Human Rights,
a non-governmental organization in special consultative status

for the 50th Session of the Working Group on the Universal Periodic Review

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LGBT Centre is a non-governmental organization (NGO) established in 2007 and officially registered in 2009. As a policy advocacy and movement-building organization, the Centre is dedicated to advancing the human rights of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals in Mongolia. It works to strengthen the capacity of both public and private actors and institutions to ensure the full and substantive enjoyment of human rights by all members of the LGBTQI+ community. The Centre's work includes sensitization, information sharing, curriculum development, training programs, community building, and the promotion of corporate social responsibility.

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States, including LGBTQI+ individuals who have experienced discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics.

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EXECUTIVE SUMMARY

1. The lack of comprehensive anti-discrimination legislation, and the authorities' failure to investigate and penalize violence against LGBTQI+ people, weaken the effectiveness of existing protections. LGBTQI+ individuals continue to face widespread discrimination, violence, and institutional bias. There is a pervasive fear of reporting crimes due to distrust in law enforcement, and minimal confidence in the justice system. The Government's failure to recognize same-sex unions denies LGBTQI+ individuals access to critical rights and benefits, further entrenching systemic inequalities.
2. Mongolia's Law on the Legal Status of Human Rights Defenders contains vague provisions that could be misinterpreted to restrict activities of human rights defenders, leaving them vulnerable to legal harassment and financial constraints. LGBTQI+ advocates in Mongolia face significant barriers to peaceful assembly. Authorities arbitrarily deny permits, and efforts to challenge these denials in court have revealed judicial bias and derogatory rhetoric.
3. In this report we use the acronym LGBTQI+ to refer to individuals who self-identify as lesbian, gay, bisexual, transgender, queer, and/or intersex. These terms necessarily do not include everyone who may experience violations of their human rights on the basis of their real or perceived sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC), which is why we also include a "+" with the acronym. Any use of a modified acronym is intentional in that we are speaking only about certain members of the LGBTQI+ population.
4. Furthermore, this report is based on the LGBT Centre's systematic documentation of human rights violations against LGBTQI+ individuals in Mongolia. It addresses a broad range of issues, including societal attitudes toward sexual orientation and gender identity, instances of violence and discrimination, and the persistent lack of institutional protection and effective redress mechanisms.
5. The report is also the product of collaborative consultations with national LGBTQI+ civil society organizations, including Trans For Unity NGO, Youth LEAD Mongolia NGO, Sayanaa Wellbeing Association NGO, and a coalition working on marriage equality. Their valuable insights and contributions have significantly enriched the content of this report, providing a more comprehensive and nuanced understanding of the challenges faced by the LGBTQI+ community in Mongolia.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Theme: Equality and non-discrimination; Lesbian, gay, bisexual, transgender, queer, and other sexual or gender minorities (LGBTQI+)

Status of Implementation: Partially Accepted, Partially Implemented

6. In its Third Cycle UPR, Mongolia received 16 recommendations to promote equality and non-discrimination for lesbian, gay, bisexual, transgender and intersex people.¹ Ten countries recommended that concrete steps should be taken to prevent discrimination and violence against LGBTI individuals.² Mongolia supported each of these recommendations.³ Three Member States recommended adopting comprehensive anti-discrimination laws and amending the Family Law to legally recognize and protect same-sex couples.⁴ Mongolia noted these recommendations and responded, “The revised

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mongolia*, (Dec. 28, 2020), U.N. Doc. A/HRC/46/9, ¶ 116.27 – 116.39, 117.11, 117.112 and 117.13.

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mongolia*, (Dec. 28, 2020), U.N. Doc. A/HRC/46/9, ¶ 116.27 Deepen the measures that ensure the effective implementation of laws on combating all forms of discrimination (Argentina); ¶ 116.28 Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (Iceland); ¶ 116.29 Launch a public awareness-raising campaign to fight and prevent discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons and to promote tolerance (Iceland); ¶ 116.30 Further develop and implement the legal provisions to protect people from discrimination and harassment based on sexual orientation, gender identity, intersex status or gender expression (Israel); ¶ 116.31 Abolish the requirements from the Civil Registration Law of Mongolia, article 14, for medical interventions for transgender and intersex persons who wish to obtain legal recognition of their gender (Israel); ¶ 116.32 Step up its action against stereotypes and prejudices against lesbian, gay, bisexual, transgender and intersex persons and ensure that investigations are carried out into any acts of discrimination or violence against this community (Luxembourg); ¶ 116.33 Introduce a non-discrimination policy inclusive of sexual orientation and gender identity in all educational institutions, to ensure a safe environment for lesbian, gay, bisexual, transgender and intersex youth to develop and express themselves without the fear of retribution by educational institutions or peers (Netherlands); ¶ 116.34 Combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons by raising public awareness and implementing effective training of law enforcement agencies (Netherlands); ¶ 116.35 Provide training on human rights and on combating discrimination, including discrimination based on sexual orientation and gender identity, to health personnel, members of the judiciary, police forces and prison officers (Portugal); ¶ 116.36 Implement effectively the newly established legal framework for hate crimes and discrimination on the grounds of sexual orientation (Spain); ¶ 116.37 Take awareness-raising measures on domestic violence and violence against the lesbian, gay, bisexual, transgender and intersex community in conformity with Sustainable Development Goals 5.2 and 16.1 (Switzerland); ¶ 116.38 Continue training lawyers and law enforcement officers on offences related to hate crimes against lesbian, gay, bisexual, transgender and intersex persons, and also continue increasing public awareness of the law (Australia); ¶ 116.39 Consider making efforts to address the prejudices against lesbian, gay, bisexual and transgender persons and ensure access to social services for people with disabilities (Thailand).

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mongolia: Addendum*, (Feb. 22, 2021), U.N. Doc. A/HRC/46/9/Add. 1, ¶ 3.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mongolia*, (Dec. 28, 2020), U.N. Doc. A/HRC/46/9, ¶ 117.11 Adopt comprehensive anti-discrimination laws to protect the rights of minority groups, including ethnic minorities, indigenous peoples and the lesbian, gay, bisexual, transgender and intersex

Criminal Code criminalizes discrimination. Incorporation of prohibition of discrimination ‘on the basis of sexual orientation and gender identity’ in the Code provides a legal incentive for protecting the rights of persons with different sexual orientation and gender identity. Within the criminal justice reform, the principle of nondiscrimination based on sexual orientation and gender identity has been reflected in several other laws and regulations.”⁵

7. Between 2017 to 2022, Mongolia made significant legal advancements in combating discrimination based on sexual orientation and gender identity (SOGI), marked by the implementation of the 2015 Criminal Code on July 1, 2017.⁶ While this development demonstrates a commitment to addressing SOGI-based discrimination, significant gaps and shortcomings remain, undermining the effective realization of equality and the right to non-discrimination.
8. The 1992 Constitution establishes the prohibition of discrimination as a fundamental principle,⁷ reflected in laws such as the Criminal Procedure Code. Article 1.12 of the Criminal Procedure Code guarantees equality before the law and courts for all people and provides victims of discrimination with the right to file complaints. These provisions, however, have notable shortcomings that undermine their effectiveness in practice. The 1992 Constitution does not define discrimination, leaving the scope of protection and the forms of prohibited acts unclear. It does not specify what positive actions the Government must take to address substantive inequalities, as recommended by international standards and best practices.⁸ Additionally, the list of protected grounds in the Constitution is closed, omitting personal characteristics recognized under international law, such as sexual orientation and gender identity.⁹

community (Canada); ¶117.12 Consider giving legal recognition to same-sex couples to ensure that they are protected by law (Luxembourg); ¶117.13 Provide legal recognition and protection of same-sex couples by amending the Family Law (Denmark).

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mongolia: Addendum*, (Feb. 22, 2021), U.N. Doc. A/HRC/46/9/Add. 1, ¶15.

⁶ The Lesbian Gay Bisexual Transgender Centre, *Mongolia Shadow Report on ICCPR on its 7th Periodic Review, Submission to the UN Human Rights Committee’s consideration of lesbian, gay, bisexual, transgender, and intersex persons in Mongolia for the 140th session of the UN Human Rights Committee* (5 February 2024), ¶ 2.

⁷ Constitution of Mongolia (1992), art 14 (2) provides: “no person shall be discriminated against on the basis of national or ethnic origin, language, race, age, sex, social origin and status, wealth, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person.”

⁸ United Nations, on behalf of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Equal Rights Trust, *Protecting minority rights: A practical guide to developing comprehensive anti-discrimination legislation* (New York and Geneva 2023), 56 – 65, accessed December 5 2024, https://www.ohchr.org/sites/default/files/documents/publications/2022-11-28/OHCHR_ERT_Protecting_Minority%20Rights_Practical_Guide_web.pdf; See also, Convention on the Elimination of All Forms of Discrimination against Women, art. 4; International Convention on the Elimination of All Forms of Racial Discrimination, art. 1(4).

⁹ Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/20, 2009, ¶ 32.

9. In January 2022, Mongolia implemented a revised labor law prohibiting discrimination by employers on the basis of sexual orientation and gender identity.¹⁰ A 2022 survey by ReportOut revealed that, only one in five LGBTQI+ [lesbian, gay, bisexual, transgender, queer, intersex, and other sexual- and gender-minority] Mongolians (20%) in full or part-time employment felt safe enough to disclose their sexual orientation or gender identity to their employer.¹¹ Nearly a quarter of LGBTQI+ Mongolians (23%) had personally experienced discrimination in the workplace because of their sexual orientation and gender identity, and 78% believe such discrimination remains common.¹²
10. The above survey further revealed that despite incorporating anti-discrimination provisions in sector-specific legislations, there has been minimal impact in reducing discriminatory practices or enhancing protection for affected individuals. A significant majority of respondents (over 78%) reported that physical assaults against LGBTQI+ individuals are widespread, with 14% identifying such violence as extremely prevalent.¹³ The perceived risk of violence is reported as greater for gender minorities and gender non-conforming individuals. Survey respondents (74%) also reported that the new laws had not improved their safety; 92% perceived the legal system as "very unfair," while 94% expressed no confidence in obtaining justice if they reported crimes linked to their LGBTQI+ status.¹⁴
11. LGBTQI+ Mongolians who choose to come out—whether to their families, in workplaces, or public spaces—often face significant backlash, including rejection, abuse, and both verbal and physical violence by non-State actors.¹⁵ LGBTQI+ individuals face insults and derogatory remarks from their relatives, who see their identity as a source of shame.¹⁶ Nationalist and conservative factions perceive the LGBTQI+ community as a threat to traditional values, particularly those related to reproduction, labelling them as “perverse,”

¹⁰ Labour Law of Mongolia (2021), art. 6.1.

¹¹ ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 32, accessed Nov. 30, 2024, https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

¹² ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 30, accessed Nov. 30, 2024, https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

¹³ ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 42, accessed Nov. 30, 2024, https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

¹⁴ ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 60, accessed Nov. 30, 2024, https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

¹⁵ Global Voices, “Is Exile the Only Solution for Queer Mongolians? Families of LGBTQI+ people see exile as the best solution”, accessed March 18, 2025, <https://goodmenproject.com/featured-content/is-exile-the-only-solution-for-queer-mongolians/>.

¹⁶ Global Voices, “Is exile the only solution for queer Mongolians? Families of LGBTQI+ people see exile as the best solution”, accessed March 18, 2025, <https://globalvoices.org/2023/03/29/is-exile-the-only-solution-for-queer-mongolians/>.

or “unnatural”.¹⁷ As a result, LGBTQI+ individuals and their family members struggle with the societal stigma reinforced by such narratives.

12. The investigation and prosecution of acts of discrimination and violence by both State and non-State actors directed against LGBTQI+ individuals remain a challenge. Most hate crimes targeting LGBTQI+ individuals go unreported due to the fears of abuse, blackmail, discrimination, and harassment by law enforcement officials.¹⁸ The survey by ReportOut, revealed widespread distrust in law enforcement among LGBTQI+ persons. Nearly 69% of respondents believe police brutality against sexual and gender minorities is common, 79% view false imprisonment as prevalent, and 94.4% feel they would not receive justice if they reported attacks related to their sexual orientation or gender identity.¹⁹ Over 80% of LGBTQI+ victims refused to report crimes due to fear of being outed or further victimized. Those who assert their rights often face intimidation, threats, and discriminatory treatment. In some cases, abuse escalates to physical and psychological harm, including prolonged interrogations and being left outside police stations overnight—acts resembling cruel or degrading treatment.²⁰
13. One case, documented by the LGBT Centre, involves a gay couple whose home was raided without a warrant in 2022. Police assaulted one partner, confiscated his phone, mocked intimate videos, and shared them with bystanders. He was paraded publicly, outed, and humiliated. At the station, both men were subjected to degrading questioning, denied access to a restroom, and forced to undergo improperly conducted drug testing. Despite no evidence, authorities continued harassment even after the case was transferred to another district.²¹
14. The couple declined to pursue legal action due to fear of retaliation. This case underscores systemic abuse of power, illegal searches, and entrenched homophobia within Mongolia’s law enforcement system. Urgent reforms and protections for LGBTQI+ individuals are needed.²²

¹⁷ Global Voices, “Is exile the only solution for queer Mongolians? Families of LGBTQI+ people see exile as the best solution”, accessed March 18, 2025, <https://globalvoices.org/2023/03/29/is-exile-the-only-solution-for-queer-mongolians/>.

¹⁸ ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 23, accessed Nov. 30, 2024, https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

¹⁹ ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 37, accessed Nov. 30, 2024 https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

²⁰ LGBT Centre. *Summary of Case Documentation Files (2020–2024): Analysis Report*. Ulaanbaatar, Mongolia, 3 March 2025.

²¹ In person Interview with a gay couple, LGBT Centre office, Ulaanbaatar city, Mongolia September 2, 2022.

²² In person Interview with a gay couple, LGBT Centre office, Ulaanbaatar city, Mongolia September 2, 2022.

15. According to the 2022 report of the Special Rapporteur on violence against women, victims continue to mistrust government officials and service providers due to prevailing stereotypes and biases against the LGBTI community.²³ The report notes that service providers and public officials, including those in multidisciplinary teams and the justice system, lack sufficient training and awareness regarding the protection needs of women and girls with diverse sexual orientations and gender identities.²⁴
16. Efforts to counter discrimination and strengthen capacity of law enforcement officers to address sexual orientation and gender identity-related crimes have primarily been driven by human rights NGOs, supported by small grants from international NGOs, development agencies, and donors in Mongolia.²⁵ The State Attorney General Office, however, did develop a comprehensive training program accredited by the Mongolian Bar Association in 2021.²⁶ This program which trained 90 prosecutors was initiated, partially implemented, and funded by LGBT Centre, without financial support from the Attorney General Office or other government agencies. The reliance on one-time funding from an NGO raises concerns about the sustainability of these efforts. While LGBT Centre has made valuable contributions, ongoing support and commitment from government bodies are essential to ensure the effectiveness and longevity of initiatives addressing SOGI-related discrimination.
17. In 2019, Mongolia, in its follow up report to the Human Rights Committee, noted the pattern of LGBTQI+ individuals concealing their sexual orientation and gender identities when reporting incidents of violence.²⁷ Despite this acknowledgment and the undertaking to meticulously record cases of discrimination based on sexual orientation, significant discrepancies remain in official data.
18. In 2021, the LGBT Centre obtained information from the National Human Rights Commission of Mongolia (NHRCM), which had requested data from the Attorney General Office, General Police Office, and General Judicial Office regarding the implementation

²³ UN Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences*, 20 April 2022, U.N. Doc. A/HRC/50/26/Add.1, ¶ 31.

²⁴ UN Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences*, 20 April 2022, U.N. Doc. A/HRC/50/26/Add.1, ¶ 31.

²⁵ The Lesbian Gay Bisexual Transgender Centre, *Mongolia Shadow Report on ICCPR on its 7th Periodic Review, Submission to the UN Human Rights Committee's consideration of lesbian, gay, bisexual, transgender, and intersex persons in Mongolia for the 140th session of the UN Human Rights Committee* (5 February 2024), ¶22; LGBT Centre, Mongolian Youth Council, For Better Education and Mongolian Peacebuilding Institute, *Joint submission of the Mongolian non-governmental organization to 140th session (4 – 28 March 2024) of the United Nations Human Rights Committee on the implementation of the ICCPR in Mongolia* (31 January 2024), ¶13.

²⁶ Human Rights Committee, *Seventh periodic report submitted by Mongolia under article 40 of the Covenant, due in 2022*, 1 September 2023, U.N Doc. CCPR/C/MNG/7, ¶ 8.

²⁷ Human Rights Committee, *Concluding observations on the sixth periodic report of Mongolia, Addendum: Information received from Mongolia on follow-up to the concluding observations*, 13 February 2019, CCPR/c/MNG/CO/6/Add.1, ¶ 4.

of Article 14.1 of the Criminal Code. The records show five cases reported to the police,²⁸ and 13 recorded at the Attorney General Office²⁹ between 2017 and 2021. Among these, ten cases were dismissed, three were under investigation, and two were transferred to court and dismissed.³⁰ More recent data obtained from the General Police Office in 2024 revealed further discrepancies. According to the record, five complaints were filed under Article 14.1 between 2017 and 2023, with three recorded as cases, all of which were dismissed.³¹ This starkly contrasts with LGBT Centre's records, which document 16 complaints filed during this period, with only one case transferred to court in 2019 and subsequently dismissed.³²

19. Since the last UPR cycle, the LGBT Centre has annually requested data on recorded, investigated, and adjudicated crimes under Article 14.1 of the Criminal Code from three key government agencies: the General Police Department³³, the Attorney General Office³⁴, and the General Judicial Council³⁵. These requests have specifically sought disaggregated

²⁸ Official letter № 2/477 of General Police Department of Mongolia to National Human Rights Commission, 08 December 2021.

²⁹ Official letter № 1/7766 of Attorney General Office of Mongolia to National Human Rights Commission, 14 December 2021.

³⁰ The Lesbian Gay Bisexual Transgender Centre, *Mongolia Shadow Report on ICCPR on its 7th Periodic Review, Submission to the UN Human Rights Committee's consideration of lesbian, gay, bisexual, transgender, and intersex persons in Mongolia for the 140th session of the UN Human Rights Committee* (5 February 2024), ¶15, accessed March 12 2025, tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FMNG%2F62292&Lang=en.

³¹ Official letter № 1b/212 of the General Police Department of Mongolia, 01 January 2024.

³² The Lesbian Gay Bisexual Transgender Centre, *Mongolia Shadow Report on ICCPR on its 7th Periodic Review, Submission to the UN Human Rights Committee's consideration of lesbian, gay, bisexual, transgender, and intersex persons in Mongolia for the 140th session of the UN Human Rights Committee* (5 February 2024), ¶16, accessed March 12 2025, tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FMNG%2F62292&Lang=en.

³³ Official letter No. 20/01 of the LGBT Centre to the General Police Office, dated 18 March, 2020
Official letter No. 21/02 of the LGBT Centre to the General Police Office, dated 01 February, 2021
Official letter No. 23/08 of the LGBT Centre to the General Police Office, dated 27 February, 2023
Official letter No. 24/01 of the LGBT Centre to the General Police Office, dated 1 January, 2024
Official letter No. 24/25 of the LGBT Centre to the General Police Office, dated 17 March, 2025

³⁴ Official letter No. 20/02 of the LGBT Centre to the Attorney General Office, dated 18 March, 2020
Official letter No. 21/03 of the LGBT Centre to the Attorney General Office, dated 01 February, 2021
Official letter No. 23/10 of the LGBT Centre to the Attorney General Office, dated 27 February, 2023
Official letter No. 24/03 of the LGBT Centre to the Attorney General Office, dated 1 January, 2024
Official letter No. 24/28 of the LGBT Centre to the Attorney General Office, dated 17 March, 2025

³⁵ Official letter No. 20/03 of the LGBT Centre to the General Judicial Council, dated 18 March, 2020
Official letter No. 23/09 of the LGBT Centre to the General Judicial Council, dated 27 February, 2023
Official letter No. 24/02 of the LGBT Centre to the General Judicial Council, dated 1 January, 2024
Official letter No. 24/26 of the LGBT Centre to the General Judicial Council, dated 17 March, 2025

data based on sexual orientation and gender identity. However, the records provided have been inconsistent across the years and between agencies. For example, data obtained in 2024 and 2025 present conflicting figures. Moreover, the records were not disaggregated by specific protected grounds; instead, they reflected the total number of cases across all 17 protected grounds, limiting their utility for analyzing trends related to SOGI-based discrimination.

20. For example, in 2025, the General Police Department reported³⁶ that recorded crimes for 2020 totaled 1, 2021 had none, 2022 had 1, 2023 had none, 2024 had 4, and the first two months of 2025 recorded 3. However, in 2024, the same department reported³⁷ that recorded crimes for 2020 were zero, 2021 had 1, 2022 had 1, and 2023 had none. Similarly, in 2025, the Attorney General Office reported³⁸ that recorded crimes for 2020 were 2, 2021 were 5, 2022 were 3, 2023 were none, 2024 were 5, and 2025 were 3. In contrast, in 2024, the same office reported³⁹ a total of 3 recorded crimes between 2023 and 2017.
21. However, the government reported that “The police organization is following the "Procedures for collecting, checking, evaluating, using, transferring, receiving, distributing, calculating, and making inquiries in the database", approved by the order of the Minister of Justice and Internal Affairs on July 21, 2017, in its operations. In this context, the police agency has developed databases for suspects, indicted persons, convicts, persons who have been subjected to coercive medical measures, persons who have been acquitted or released because the criminal case has been dismissed or deferred, victims, and legal entities bearing criminal responsibility.”⁴⁰
22. Mongolia adopted an amendment to the Law on Civil Registration in 2008 that allows for a relatively simple procedure to change the gender marker for trans and intersex persons. The law was revised in November 2018. As a result of these changes, individuals are now required to provide evidence that they have gone through a ‘full’ gender transition – a more arduous requirement than the old law. In this respect, Mongolia has stepped backwards in its protection of transgender and intersex people’s human rights. Further, the absence of transition-related healthcare standards and services in the healthcare system made it impossible for trans and gender diverse people to access this law. To date, no one has been able to access this particular law, except one person who travelled abroad to obtain such a document.⁴¹

³⁶ Official Letter No. 10g/756 from the General Police Department to the LGBT Centre, dated 21 March, 2025.

³⁷ Official Letter No. 15b/212 from the General Police Department to the LGBT Centre, dated 18 January, 2024

³⁸ Official Letter No. 7/1517 from the Attorney General Office to the LGBT Centre, dated 28 March, 2025

³⁹ Official Letter No. 1/1053 from the Attorney General Office to the LGBT Centre, dated 31 January, 2024

⁴⁰ Government of Mongolia, Mid-Term Progress Report on the Implementation of Recommendations from the Third Cycle of the Universal Periodic Review, *supra* note 45, para. 105.

⁴¹ Ganbaatar, D., Enkhbold, E., & Munkhbat, O. : *Being trans* students at school in Mongolia: Collective case studies* (2023), 13, access March. 30, 2025 <https://www.uih.mn/sudalгаа/s/276>

23. During the last UPR cycle, Mongolia supported the recommendation to “Abolish the requirements from the Civil Registration Law of Mongolia, Article 14, for medical interventions for transgender and intersex persons who wish to obtain legal recognition of their gender.”⁴² While this was a positive signal of intent from the government, Article 14 remains unchanged, and no legislative reforms have been undertaken to remove the medical requirements.
24. In its mid-term report, Mongolia claimed the implementation stage of this recommendation. It reported “The National Police Agency has been providing information on topic of “LGBT people and criminal law environment” by placing such information on the agency’s website as well as holding workshops on following guidelines when conducting inspections and investigations on detainees. Such workshop has been held 25 times and 3840 officers (overlapping number) have participated so far. The workshop has not been held in 2023, but is planned to be held in 2024.”⁴³
25. However, these police-focused initiatives are unrelated to the core of the recommendation, which concerns legal gender recognition under civil registration procedures. Since police officers are not involved in civil registration processes, these efforts do not constitute meaningful implementation of the recommendation. As such, the government’s claim of progress is inaccurate and misleading.
26. For transgender Mongolians, there has been an additional hurdle of only being able to change their gender on official identity documents following gender reassignment surgery, not commonly available within Mongolia. Without a formal change to gender markers, transgender Mongolians are at high risk of discrimination, as explained by Marta Sukh-Ochir, a transgender woman in a 2019 interview with Al Jazeera, in which she explained how she was forced to rely on sex work for an income:⁴⁴
27. “I actively looked for other jobs, cashier at a supermarket, receptionist at a hotel, shop assistant...I tried many times, she said. I applied to so many jobs. My gender expression, my appearance – how I looked with long hair, nails, being and acting feminine – was a struggle for employers.” (Al Jazeera, 2019). Such a fate is common to members of

⁴² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mongolia*, (Dec. 28, 2020), U.N. Doc. A/HRC/46/9, ¶ 116.31

⁴³ Government of Mongolia, *Mid-Term Progress Report on the Implementation of Recommendations from the Third Cycle of the Universal Periodic Review*, supra note 46, para. 106.

⁴⁴ ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 19, accessed Nov. 30, 2024, https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

Mongolia's transgender community, as both a combination of discrimination in employment, and the high likelihood of being rejected by their immediate families.⁴⁵

28. Mongolia does not recognize same-sex unions in any form, including marriage, registered partnerships, or cohabitation rights. While Article 16.11 of the Constitution guarantees equal rights and underscores that marriage is based on the equality and mutual consent of men and women, Article 3.1.3 of the Family Law explicitly defines "spouses" in gender-specific terms as a "husband and wife."⁴⁶
29. The Government has been reluctant to provide legal recognition for same-sex unions. During its last UPR, Mongolia received recommendations to provide legal recognition and protection to same-sex couples, in response, it noted that "The Constitution as well as the Family Law of Mongolia defines marriage as being based on the equality and free and voluntary consent of a man and a woman who have reached the age determined by law."⁴⁷ This stance signals an unwillingness to address or acknowledge the rights and concerns of the LGBTIQI+ community regarding same-sex unions. Effectively, same-sex couples continue to be denied rights and benefits afforded to cisgender, different-sex couples, such as inheritance rights, spousal healthcare, medical decision making, immigration, and parental rights.

Theme: Legal and institutional reform

Status of Implementation: Accepted, Partially Implemented

30. During its last UPR, the Government of Mongolia received and supported two recommendations on the adoption of legislation that guarantees the protection of human rights defenders (HRDs), to ensure that they can freely promote and defend human rights.
31. The Law on the Legal Status of Human Rights Defenders was adopted by Parliament on 1 April 2021 and entered into force on 1 July 2021.⁴⁸ Although the law consolidates legal protection for human rights defenders, it also contains provisions that could be interpreted to silence HRDs and put them at risk of prosecution. Article 5.1.5 provides that HRDs are to "[r]espect honour, reputation, rights, and legal interests of others."⁴⁹ Article 8.1.3 also stipulates that HRDs are prohibited from damaging the "honour, reputation and fame at the

⁴⁵ ReportOut, *Out in Mongolia: A research report examining the human rights abuses, and development needs of sexual and gender minorities in Mongolia* (2023), 19, accessed Nov. 30, 2024, https://www.reportout.org/_files/ugd/752ae3_e51af04e86f54d34a6abd0a3e384ad2d.pdf.

⁴⁶ Family Law (1999), art 3.1.3, accessed November 30, 2024, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/18375>.

⁴⁷ Human Rights Council, *Report of the Working Group on Universal Periodic Review: Mongolia Addendum*, 22 February 2021, U.N. Doc. A/HRC/46/9/Add.1, ¶ 14.

⁴⁸ International Service for Human Rights, "Law of Mongolia on the legal status of human rights defenders", March 3, 2025, <https://ishr.ch/defenders-toolbox/national-protection/mongolia/>.

⁴⁹ Law of Mongolia on the Legal Status of Human Rights Defenders, April 2, 2021, art. 5.1.5

work field of others.”⁵⁰ These provisions could be exploited to suppress or criminalize HRDs by framing any act of public condemnation or criticism as an attack on another person’s honor.

32. Further, Article 7 restricts the resources available to HRDs by prohibiting funding from ambiguously defined entities, such as international intelligence service, their cover organizations, organizations or persons carrying out activities that are deemed to be “terrorist,” “extremist,” or harmful to national unity.⁵¹ It remains unclear which organizations or authorities will be responsible for issuing the blacklist and identifying individuals or groups as international intelligence services, covert organizations, or entities engaged in activities that harm national unity. Moreover, these provisions are already embedded in the Criminal Law, the Law on Combating Money Laundering and Terrorist Financing, and the Civil Code, all of which apply to every individual and legal entity residing or operating within Mongolia. This duplication appears to specifically target HRDs and creates the opportunity for authorities to limit their access to funding.
33. In September 2021, a Government official ordered the removal of LGBT Centre’s campaign materials from public transportation during Equality and Pride Days, discriminating against the organization with impunity.⁵² LGBT Centre reported this incident as discrimination against LGBTQI+ people, Centre staff, and the LGBT Centre, under Article 14 of the 2015 Criminal Code. The Attorney General Office, however, consistently refused to open a case. Despite multiple appeals, the Attorney General Office dismissed the case, contending that discrimination was directed towards an organization and not an individual.⁵³ Following this incident, a homophobic group began threatening the LGBT Centre and burning rainbow flags, which incited fear and hostility against the LGBTQI+ community.
34. The LGBT Centre reported the above incident to the NHRCM, which issued three recommendations to the mayor of Ulaanbaatar: 1) instruct the Deputy Director, the head of projects responsible for road and transport issues, to promptly issue a public apology, for his discriminatory actions; 2) Training for local administrative employees on the human rights and living conditions of sexual minorities, as well as non-discrimination principles; and 3) Take appropriate measures to compensate the LGBT Centre for the damages

⁵⁰ Law of Mongolia on the Legal Status of Human Rights Defenders, April 2, 2021. art. 8.1.3

⁵¹ Law of Mongolia on the Legal Status of Human Rights Defenders, April 2, 2021, art. 7.2.1.

⁵² B.Odsuren: Threw the game supporting same-sex relationships into the trash and removed the advertisement,” accessed April 4, 2025, <https://www.inews.mn/a/22383>

⁵³ Decision No. 1/2303 of the Attorney General Office of Mongolia, September 29, 2022; The Lesbian Gay Bisexual Transgender Centre, *Mongolia Shadow Report on ICCPR on its 7th Periodic Review, Submission to the UN Human Rights Committee’s consideration of lesbian, gay, bisexual, transgender, and intersex persons in Mongolia for the 140th session of the UN Human Rights Committee* (5 February 2024), ¶31, accessed March 12 2025, tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCPPR%2FCSS%2FMNG%2F62292&Lang=en.

incurred and restore violated rights.⁵⁴ To date, the Deputy Director has not issued an apology, no financial redress has been provided, and there are no records from the NHRCM on the implementation of its recommendations.

35. Since 2013, the LGBT Centre has hosted annual Equality and Pride Days, a 10-day series of arts, culture, and human rights events aimed at fostering non-discrimination and promoting acceptance. A key event has been the Equality Walk at Chinggis Square.⁵⁵ Despite seeking official authorization each year to host the Equality Walk at Chinggis Square, LGBT Centre consistently faces denials from local municipal and district administrative authorities.⁵⁶
36. Sections 7.1.4 and 9.4 of the Law on Procedures for Organizing Peaceful Assemblies and Demonstrations grants district and provincial governors, excessive power to permit, deny, or alter the route of assemblies. Section 7.1.4 specifically allows the authorities to restrict assemblies in areas designated as markets.⁵⁷ Although Chinggis Square has been used for various commercial purposes such as school-supplies sales during 2015 and 2016 Equality and Pride Days, it cannot be qualified as a marketplace. Such loose interpretation of the term “market” would allow authorities to restrict assemblies while renting public spaces for commercial purposes. This practice effectively nullifies freedom of assembly in these spaces, particularly for cultural and human rights events like the Equality Walk.
37. In 2022 and 2023, the LGBT Centre filed a complaint with the administrative court to challenge the local authorities’ denials of their requests to organize the Equality Walk at Chinggis Square. In the 2022 case,⁵⁸ the Court found a procedural error in the Government’s decision but issued its ruling after Equality and Pride Days events had already passed. During the 2023 court proceedings,⁵⁹ a Government representative used derogatory language against LGBT Centre’s representative. The presiding judge questioned the timing of the Equality Walk, suggesting it was inappropriate due to its proximity to the start of the school year, when children are present on the streets. Despite LGBT Centre’s explanation that Equality and Pride Days have been held annually between late August and early September since 2014, the Court ruled in favor of the Government, demonstrating clear judicial bias.

RECOMMENDATIONS

⁵⁴ Order of issue №3/31, published on NHRCM official website 16 September 2021

⁵⁵ Located south of the Government Palace, central square for demonstration.

⁵⁶ Amnesty International, *The State of the World’s Human Rights* (April 2024), 264, accessed Nov. 10, 2024, <https://www.amnesty.org/en/wp-content/uploads/2024/04/WEBPOL1072002024ENGLISH.pdf>.

⁵⁷ Law on Procedures for Organizing Peaceful Assemblies and Demonstrations, 1994.

⁵⁸ Decision No. 128/SHSH2022/0674 dated September 14, 2022, of the Trial Court of the Capital City Administrative Affairs.

⁵⁹ Court decision No. 128/SHSH2023/0645 dated 08/25/2023 of the Trial Court of Capital Administrative Affairs.

38. The co-authors of this joint stakeholder report suggest the following recommendations for the Government of Mongolia:
- A. Enact comprehensive anti-discrimination legislation that explicitly prohibits discrimination based on sexual orientation, gender identity, and gender expression in all aspects of public life, developed through a consultative process with civil society organizations advocating for LGBTQI+ rights. The legislation should mandate positive actions to address substantive inequalities, provide the procedural safeguards necessary for the effective functioning of the rights protected therein, and provide redress to victims of discrimination.
 - B. Conduct prompt, thorough investigations of incidents of hate-motivated violence against LGBTQI+ persons, hold perpetrators to account, and provide redress to victims.
 - C. In collaboration with civil society organizations representing and made up of LGBTQI+ people, provide and fund trainings for law enforcement officials about international human rights standards relating to sexual orientation and gender identity and expression, legal protection for LGBTQI+ people, and avenues to build trust between law enforcement and the LGBTQI+ community.
 - D. Develop and fund mandatory police training and procedures for responding to claims of discrimination and violence against LGBTQI+ individuals in a manner consistent with international human rights standards.
 - E. Provide and fund training for judges on the prevalence of sexuality and gender-based violence against LGBTQI+ individuals and codify their obligation to uphold non-discriminatory and inclusive practices, including the preservation of dignity and confidentiality, in handling violations related to sexual orientation and gender identity.
 - F. Improve the implementation of the revised Labor Law to protect LGBTQI+ individuals from workplace discrimination, promote workplace ethics and non-discrimination policies, and establish efficient and effective redress mechanisms to combat workplace discrimination.
 - G. In collaboration with LGBTQI+ civil society organizations, develop and fund public awareness-raising campaigns to fight and prevent discrimination and violence against LGBTQI+ individuals and to promote tolerance.
 - H. Provide legal recognition to same-sex couples and their children, ensuring that benefits traditionally accorded to different-sex married partners – including those related to immigration, pension, taxation, and inheritance – are accorded on a non-discriminatory basis.

- I. Amend the Law on Procedures for Organizing Peaceful Assemblies and Demonstrations to eliminate the requirement for prior authorization for peaceful assemblies and allow for a prior notification procedure, in accordance with international best practices. Such notification should not be unduly bureaucratic.
- J. Amend the Law on the Legal Status of Human Rights Defenders to ensure it fully aligns with international human rights standards. This includes clarifying provisions on “honor, reputation, and fame” to prevent their misuse in silencing HRDs, as well as ensuring that restrictions on their activities do not infringe on their rights to freedom of expression, association, and peaceful assembly.
- K. Establish clear, objective, and transparent criteria for determining restricted funding sources under Article 7 of the law on the Legal Status of Human Rights Defenders, ensuring that prohibitions are not arbitrarily applied and include independent oversight and judicial review to prevent undue restrictions on their work.
- L. Ensure that LGBTQI+ civil society organizations can freely exercise their right to peaceful assembly. Direct that law enforcement provides adequate protection for participants in peaceful assemblies, investigate and address reports of intimidation, threats, and abuses, and hold accountable those responsible for discriminatory actions, including law enforcement officials.
- M. Ensure that sub-communities are able to access specific healthcare (such as universal healthcare insurance-covered access to IVF for lesbian and bisexual women; and universal healthcare insurance-covered access to hormone replacement therapy and transition-related medical procedures by trans and intersex persons).
- N. Ensure that the healthcare sector moves beyond an exclusive focus on HIV/STI prevention and response, and promote comprehensive sensitization of healthcare providers to the physical and psychological health needs of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) persons. This includes addressing the discrimination and stigmatization they often face and upholding principles of equality and non-discrimination in the delivery of healthcare services. Ensure that all relevant health guidelines are inclusive of LGBTQI persons and reflect their diverse health needs.
- O. Ensure effective consultation with civil society organizations that work on LGBTQI+ issues in the development of anti-discrimination legislation and policies
- P. Continue its efforts to implement the recommendation, “Abolish the requirements under Article 14 of the Civil Registration Law of Mongolia that mandate medical interventions for transgender and intersex persons seeking legal recognition of their gender.”
- Q. Implement the recommendations of the most recent review of the Government of Mongolia by the Human Rights Committee, including:

- Intensify efforts to combat stereotypes and prejudice against LGBTI persons;
- Ensure that acts of discrimination and violence directed against LGBTI persons are investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate penalties, and that victims are provided with full reparation;
- Guarantee freedom of peaceful assembly for LGBTI persons, including for the annual Equality Walk at Chinggis Square, ensuring that any restrictions imposed comply with the strict requirements of article 21 of the Covenant and are not applied in a discriminatory manner;
- Consider adopting legislation for the legal recognition and protection of same-sex couples; and
- Allocate adequate human and financial resources to the national human rights commission in full compliance with the Paris Principles