

*Life Denied:
LGBT Human Rights in the Context of
Mongolia's Democratisation & Development¹*

By N. Anaraa

"First of all I would like to thank you Webdyke, my friend, my sister, the mirror, the change that I would like to see in me, in us. And your warm-hearted support. Thank you, brothers and sisters from all over the world, all their families and friends. I would like to say that I never dreamed even that one day I will have this chance. I am the dearest child of my mom, the leading student of my teachers, the best manager of my team, but I will no longer be if they find out, except for my mother, who didn't give me up when I came out to her. When I played with girls as a small boy, the first hurt came into my life: they called me a mixed one - not a girl, not a boy, a [hermaphrodite]... Now the first hurt is gone and replaced by many others: fear for my life, fear for the lives of my brothers and sisters, fear of being done injustice and that I will have no remedy available to me. The society we live in, the society where I should have my rights, the place where I was born to be loved, not hated, I always hope, [is killing us slowly.] How many souls do not know where do they belong? How many voices are screaming silently in our midst? How many of us have been beaten for daring to be a free human being? How many children are growing with hate? How many will? How many of us killed ourselves or became alcoholics? [Too many...]" Mongolian gay people need your support and heart, my dear friends. I grew up, I fight, we cry, we blame, we hope and pray. Dear all, who read this, and your friends, if you do not want your friend, brother, sister to live like this any more, if you dream, hope and believe, then give your voice [for gay people to be free to live as who they are]. Bless us [all]."

P., June 13, 2006 on

www.mongoldyke.org.mn

(P. left Mongolia in September 2004 after repeated violence from gay-bashers, the last one being his own uncle. He now resides in Thailand with his partner.)

"Sexual orientation, like gender or race, relates to fundamental aspects of human identity. As the opening words of the Universal Declaration of Human Rights affirm, human rights are founded on the concept of respect for the inherent dignity and worth of the human person. ... Because it relates to the deepest affairs of the heart, the innermost desires of the mind and the most intimate expressions of the body, sexual orientation goes to the core of a person's right to physical and mental integrity. That right must include the freedom to determine and express one's sexual orientation and to do so on the basis of equality - free of fear and discrimination."

Amnesty International,

Crimes of Hate, Conspiracy of Silence (2001), p. 7

THE RELEVANCE OF THE LGBT HUMAN RIGHTS

What is the relevance, or even legitimacy, of Lesbian, Gay, Bisexual and Transgender (LGBT) human rights when dealing with social development? How does the human rights aspect of a particularly marginalised group fit into the issue of development? My argument is that LGBT human rights are a part and parcel of social development, since the social capital is created by *all* citizens of any given country, and if one group's right to contribute positively to the social capital is

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being delegitimated either historically, or religiously, or socially, or ideologically, or all of the above, it is detrimental to the overall process of the social capital creation – a process that is essentially a ‘civic associativeness’ – and therefore consequently to social development. Exclusion and inclusion aspects of social capital have been charted out well², thus I shall not expatiate on this point. Conversely, one might be compelled to argue that a rights-based development approach in analysing the relevance of LGBT human rights is the case in point where LGBT rights are concerned. As gender has been construed as one of the relevant study aspects of social development, I argue that so must LGBT people’s contributions to or, at this point, global exclusion from, the creation of social development must be emphasised and given importance in the social development study.

It has been well documented that LGBT people have historically contributed positively to the development and evolution of the civil liberties movements in Western countries³, however it is not the case so far in other parts of the world. Demonisation⁴, dehumanisation and delegitimation of LGBT people and ‘compulsory heterosexuality’⁵ or heteronormativity that went unquestioned in the West, but was subsequently deconstructed by the gay rights movement, are still unchallenged in most of the developing countries⁶. To further deepen the argument of the relevance of LGBT human rights, especially in developing countries, I shall recall the theory laid down by J.S. Mills, that the right to self-fulfilment is inextricably linked to a liberal and advanced social system.

Furthermore, it is possible to recall the contemporary Nobel Prize winning economist Amartya Sen, who had re-conceptualised poverty in terms of capability deprivation⁷, following which it is possible to argue that the case of the LGBT people’s deprivation and delegitimation from a full-fledged participation in society fits into a form of poverty.

In this paper I argue that LGBT rights are relevant in general, and specifically in regard to social development, on the following grounds:

Firstly, since sexual orientation is an inalienable fundamental human right, the relevance is *normative*. Secondly, since all human rights are “...universal, indivisible, interdependent and

² See McGhee, Derek (2005) “Hidden Targets, Hidden Harms: Community Safety and Sexual Minority Communities” in *Crime Prevention and Community Safety: An International Journal*, vol. 5, no.4; Scott, Susan D., Pringle, Alistair and Lumsdaine, Colin (2004) *Sexual Exclusion – Homophobia and Health Inequalities: A Review*, A UK Gay Men’s Health Network: London, available at www.gaymenshealthnetwork.org.uk

³ It is widely known and acknowledged that lesbians have contributed greatly to the development and articulation of feminist ideas and feminist movement in 1960s, however, with major drawbacks in the process. For other sexuality minority groups and their contribution, see following: Sweeney, Sean (2004) “The Case for Global Justice Unionism” in *New Labour Forum*, vol. 13, no. 3; Jenness, Valerie and Broad, Kendall (1994) “Anti-violence Activism and the (In)visibility of Gender in the Gay/Lesbian and Women’s Movement” in *Gender and Society*, vol. 8, no. 3; Landman, Todd (1999) “Organisation and Impact: The Green Movement in Comparative Perspective”, <http://www.essex.ac.uk/ECPR/events/jointsessions/paperarchive/mannheim/w21/landman.pdf>, Anzaldua, Gloria (1981) *Borderlands/La Frontera*, Spinsters/Aunt Lute: San Francisco.

⁴ Usually by the religious right in the Western countries.

⁵ Rich, Adrienne (1981) “Compulsory Heterosexuality and Lesbian Existence” in *Signs*, vol. 5, no.4.

⁶ See the documentary movie by John Scaglioti, *Dangerous Living: Coming Out in the Developing World* (2003).

⁷ Sen, Amartya (1999) *Development as Freedom*, Oxford University Press: Oxford, chapters 3-4.

interrelated”⁸, if one aspect of human rights is denied or violated regarding a person or a group, the person’s or the group’s human rights are entirely violated; thus the relevance is *juristic*. Thirdly, considering that democracy⁹ (or, at least, good governance) is an essential part of development, based on the values of democracy in which every citizen is entitled to freedom of speech, freedom of thought, freedom of association and, most importantly, freedom from violence. If one group is denied the aforementioned freedoms and liberties, then democracy itself is questionable; thus the relevance is *democratic*. Fourthly, the denial of self-expression and self-fulfilment through imposed invisibility and silence has always led to further marginalisation of already marginalised groups since the omission or exclusion serves as a tool of silencing, and this denial curbs their contribution to the social capital; thus the relevance is of *social capital creation and accumulation*.

With these arguments as a foundation, I analyse LGBT human rights, or the lack thereof, in Mongolia in the context of its democratisation and development.

1. WHY DOES MONGOLIA NEED THE LGBT RIGHTS?

It has been more than sixteen years since Mongolia became more or less known to the outside world after discarding socialism. Beginning with, or even slightly pre-dating the initial years of the transition from a centrally-planned, authoritarian socialist country¹⁰, the concept of human rights was discussed vigorously, especially in relation to the ever-increasing pertinence of the political system democratisation and political changes in the country¹¹. Now a decade and a half later, Mongolia is recognised as one of the free countries according to the Freedom House index, projecting a high indicator of two for both political rights and civil liberties¹². However, there are grave doubts regarding Mongolia as a free country based on the real-life experiences of the LGBT people in Mongolia, which raises questions such as: How free is Mongolia really? Have all civil liberties been assessed when evaluating Mongolia as free?

Mongolia (as in the Government) does not officially recognise the existence of the LGBT people on its territory – there is an overwhelming juristic silence regarding LGBT, and not once do the words ‘homosexual’¹³, ‘lesbian’, ‘gay’, ‘transgendered’ or ‘transsexual’ appear in any official

⁸ Article 5, *Vienna Declaration and Programme of Action*, 1993.

⁹ Democracy has been described, inter alia, as both a universal value as well as policy goal in many papers. See Gershman, Carl (2005) “Democracy as Policy Goal and Universal Value” in *The Whitehead Journal of Diplomacy and International Relations*, Winter-Spring.

¹⁰ For general reference on Mongolia’s transition in early 1990a, see following: Nordby, Judith (1994) “Mongolia: A Centrally Planned Economy in Transition” in *The China Quarterly*, no.139; Cheung, Tai Min (1991) “Mongolia: The Cure Hurts” in *Far Eastern Economic Review*, vol.153, no. 38, September 19; Batbayar, Tsedendamba (2003) “Foreign Policy and Domestic Reform in Mongolia” in *Central Asian Survey*, vol. 22, no.1.

¹¹ For the democratic changes that were taking place in Mongolia, see Sabloff, Paula (2002) “Why Mongolia? The Political Culture of an Emerging Democracy” in *Central Asian Review*, vol. 21, no.1.

¹² See www.freedomhouse.org

¹³ In terms of terminology regarding LGBT, traditionally Mongolians used the word ‘hootsgon’, usually with some negative connotation (origin unknown). With the advent of socialism in Mongolia, Mongolian psychiatric institution adopted the literal translation of ‘gomosexualist’ (Russian) – ‘ijil huisten’ to refer to homosexual people. Straight people usually call LGBT derogatively as ‘goomo’, shortened from ‘gomosexualist’. The words ‘lesbi’ (short for lesbian) and ‘gay’ came into a more or less wider usage with

legislations or legal instruments. The very omission of LGBT from the newly promulgated Mongolian Constitution of 1992 must point to the non-citizen status of the LGBT; or perhaps, it points to the secondary status of the LGBT people as citizens; however, strong evidence points to the first explanation rather than the second. Whichever the case it is, the heteronormativity is institutionalised in both the social as well as legal spheres through the State's silence on the matter, disregarding desperate indications such as:

- High rate of hate-inspired crimes against the LGBT people¹⁴;
- Suicides/attempted suicides, chronic depression among LGBT¹⁵;
- Legal and social invisibility and subsequent marginalisation;
- Denial of the fundamental human right to sexual orientation;
- Endemic non-recognition and delegitimation of LGBT identities;
- Non-citizen/secondary citizen status of the LGBT people;
- Secondary victimisation by various state agencies;
- Lack of understanding of same-sex domestic violence, subsequent silence around LGBT domestic violence¹⁶ in the LGBT community itself as well as the civil society organisations working on domestic violence;

And it even enabled the State to lead unethical¹⁷ and ignorant rhetoric of 'gays as a threat to the national security' since early 2004 with the 7th case of HIV+ person identification¹⁸.

The fact that the State is leading the rhetoric about national security being compromised by the sexuality minority raises grave concerns regarding the human rights issues not only pertaining

the exposure to Western media since early 1990s. The concept of transgenderism was also widely known among Mongolians prior to the Soviet influence, for instance, pregnant women were not supposed to greet (traditionally Mongolians hug and kiss as a greeting) other pregnant women during the traditional Mongolian New Year for the fear of the child's gender being swapped, 'huis soligдох'. The concept of homosexuality was also widely known among Mongolians who, even after the advent of Buddhism in late 17th century, continued to practice the traditional spirituality of shamanism where the way to transcend the earthly boundaries and ascend to the world of spirits, the trainee shaman was supposed to transcend one's birth gender, which gave a special status and acceptance to homosexuals in the society.

¹⁴ Since there is no concept of hate inspired crime in the country, there is no legal instrument that binds the police to accept and follow through formal complaints regarding the suffered homophobic attack. Furthermore, there is no statistical data regarding the incidence of hate crimes against LGBT, however in my personal communication with many more or less out gay men as well as gay women, I have come across many victims of hate-crimes, which approximately makes up about 80 percent of all the people I've communicated with.

¹⁵ Despite the lack of firm statistics regarding the figures of LGBT suicides and suicide attempts, one would be justified in presuming that in such societal oppression and subsequent internationalisation of homophobia, LGBT suffer from aforementioned mental health and well-being problems.

¹⁶ LGBT domestic violence is a recognised to be a form of internalised homophobia by mental health specialists. See Ristock, Janice (2003) "Exploring Dynamics of Abusive Lesbian Relationships: Preliminary Analysis of Multisite, Qualitative Study" in *American Journal of Community Psychology*, vol. 31, no.3-4.

¹⁷ In terms of framing HIV/AIDS as 'a national security threat' in the US, see the comprehensive account in Coyle, Jennifer (2004/2005) "The Arc of Justice: The Ethical Implications of Framing HIV/AIDS Pandemic As a National Security Threat: An Annotated Bibliography" in *International Quarterly of Community Health Education*, vol. 23, no.1; also Government responses in Brazil and South Africa: Gauri, Varun and Lieberman, Evan (2004) "AIDS and the State: The Politics of Government Responses to the Epidemic in Brazil and South Africa", available at <http://media-cyber.law.harvard.edu/blogs/gems/politicshiv/liebermanpaper.pdf>

¹⁸ The daily newspaper *Udriin Sonin* reported in June 2006 that the Government of Mongolia has convened a National Security Meeting regarding the state of HIV/AIDS in Mongolia and that the homosexuals were given a high-risk status in the meeting that involved the National Security officials and Health Ministry and relevant health agencies' representatives.

to the LGBT people in Mongolia, but other presently silent social minorities such as sex-workers¹⁹. Despite the domestic and international affirmation of the importance of human rights by the Government of Mongolia through various international covenants²⁰ and domestic legal instruments, it still frames the human rights discourse in a heteronormative, exclusionary and narrow manner, in which the government practices leave a lot to be desired regarding many basic freedoms and liberties where minorities are concerned. It is quite possible to conclude that the Government of Mongolia is pro-human rights only in rhetoric, since human rights, basic freedoms and liberties have been time and again encroached upon by the State under the pretext of “public safety and social stability”²¹.

Furthermore, a country human rights report on Mongolia released by the US Department of State paints a clear picture that the Government of Mongolia generally upholds human rights and basic freedoms and liberties, but that it does not necessarily follow them through²². In particular, the Government of Mongolia was found to be defective in the following areas, with some areas projecting potentially extreme abuse of human rights:

- Mistreatment and physical abuse of prisoners and pre-trial detainees;
- Several deaths of prisoners (reportedly due to health-related complications);
- Arbitrary detentions;
- State censorship as well as self-censorship²³ of media (print²⁴ and audio-visual).

To further highlight the point that there is a due recognition, but a lack of concerted efforts and mechanisms to ensure securing, promoting and upholding human rights in Mongolia, one programme is quite illustrative. Following the Millennium Development Declaration of 2000, the aid effectiveness and coordination issues were introduced into the agenda of international organisations and national governments, with the priority areas to be identified and the coordination to be geared towards increasing the effectiveness of loans targeting those priority areas. As a follow-up of the agenda, the Government of Mongolia in conjunction with several UN agencies (UNDP, WHO, UNICEF) established the Aid Effectiveness and Harmonisation Programme in 2005 that targeted areas of concern and coordination, such as:

¹⁹ It is to be noted that the USAID-funded project (administered by Pact Mongolia, an international NGO branch) on the delivery of information regarding HIV/AIDS targets only sex-workers, the other extreme from the Government of Mongolia. The project successfully produced and launched mini-TV drama series on the subject beginning March 2006.

²⁰ Mongolia is a state member to all human rights and civil, economic, social rights international covenants.

²¹ See http://en.wikipedia.org/wiki/Human_rights_in_Mongolia.

²² See Mongolia Country Report of 2003 in the Country Reports on Human Rights Practices by the US Department of State, available at <http://www.state.gov/g/drl/rls/hrrpt/2003/27781.htm>

²³ There is an especially remarkable case where Ms. Handdolgor, an editor and journalist of the democratic newspaper *Ug* had been the cause of a death of a woman who, according to the report made by the *Ug* newspaper, was HIV+, where in reality the woman was not HIV+, and was murdered by her husband's relatives due to being wrongfully reported as HIV+ by the aforementioned journalist. The court detained Ms. Handdolgor for the duration of the trial on the grounds of unethical behaviour, but she was eventually released after several weeks. This horrible incident coupled with several other instances of unethical and irresponsible reporting by reporters and journalists that ended in court investigations and detentions created some degree of self-censorship in media.

²⁴ See the groundbreaking book on censorship and freedom of press in Mongolia: Press Institute of Mongolia (2005) *State of Press Freedom in Mongolia*, Press Institute Publication: Ulaanbaatar

- HIV/AIDS;
- Water and Sanitation;
- Human Rights Education; and
- Statistics and related capacity²⁵.

It is ironic that the same government that disregards the fundamental freedoms and human rights of LGBT people should recognise the need for (overall) human rights education in this programme of aid coordination where priority areas were identified. The only explanation would be that the Government of Mongolia truly does not consider the LGBT as any concern in society, nor does it consider that the LGBT people have any rights. Perhaps it is even more to the point to prove Mongolia's official stance when the issue of International Lesbian and Gay Association (ILGA)'s accreditation to the conference was being discussed at the UN World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, in which a Mongolian representative together with the representatives of China, India, Sri-Lanka, Singapore and Vietnam objected to ILGA's accreditation²⁶. To reiterate my point made in the introductory part, the LGBT people of Mongolia are omitted from legalistic, social and human rights frameworks, and are thus relegated to the fringes of a grey social discourse where the balance between criminality and insanity remains quite thin.

2. HISTORICAL PERSPECTIVE OF THE LGBT PEOPLE'S LIVES IN MONGOLIA

Pre-democracy

Mongolian society was traditionally and predominantly a shamanic society up until the late 17th century, where homosexuality and gender queerness were historically recognised and accepted as normal, even exalted, according to the documentation in various ethnographic studies conducted in the late 19th and early 20th centuries by Russian and French ethnographers among ethnic Mongolian populations living on the territory of present Mongolia as well as adjoining Buryat and Tuva provinces in then Tsarist Russia, and by Mongolian ethnographers during the socialist times on the territory of Mongolia. The rationale behind acceptance and recognition appears to have stemmed from the revered status that shamans occupied in their society thanks to their vital significance for the lives of local people as they were the intermediaries connecting the natural and spirit worlds to the human world. According to the aforementioned ethnographic documents, the gender roles of shamans were often reversed: female shamans were well known to marry women and live the lifestyle of a man – dressing in male clothing, hunting and drinking alcohol with other

²⁵ Detailed information regarding the aid coordination program is available at the following address:

<http://unctdatabase.undg.org/index.cfm?module=AnnualReport&page=Workplan&CountryID=MON&Year=2005&LanguageID=en>

²⁶ See Sanders, Douglas (2005) "Human Rights and Sexual Orientation in International Law" in *ILGA World News*, available at http://ilga.org/news_results.asp?LanguageID=1&FileCategoryID=44&FileID=577&ZoneID=7

men – while male shamans were often married to men, and lived a woman’s lifestyle – dressing in female clothing, doing female chores together with other women, mending and making clothing, etc. The answer as to why at all gender queerness lies in the shamanic precept that only the shamans who had been able to transcend their birth gender, among other things, were recognised to have achieved the true distinguished status of a shaman²⁷. A similar concept is also found in other parts of the world, an example being the well-documented ‘two-spirited’ people, who were shamans and medicine men and women of their tribes in the First Nations of the Americas.

With the advent of Buddhism in the late 17th century, which was introduced to Mongolia mainly due to what could be defined as political reasons²⁸, the traditional acceptance of homosexuality and gender queerness does not appear to have waned, as one would expect in a juxtaposition of a formal religion with a traditional spirituality, but even further reinforced through the Buddhist doctrine of karma. According to the Buddhist law of karma, a soul must journey through many earthly matters from lifetime to a lifetime, from incarnation to reincarnation, including a different gender every time it is reincarnated, in order to achieve the necessary spiritual enlightenment and thus break free from the karmic circle and reach nirvana. If the soul was supposed to be born into this world as a woman according to its karma, but ends up in a man’s body, the soul will still retain its karma, that is, it will still experience the designated life experiences of a woman, more or less. And vice versa for a soul that was supposed to be reincarnated as a man according to its karma, but is born as a woman, the soul will still go through the life experiences of a man. Furthermore, Tantric Buddhism also preaches homosexual activities as one of the ways to raise the creative energy kundalini and thereby gain enlightenment. Indeed, it is a beautiful, spiritual way to explain homosexuality, whereas science still does not have an educated guess about how sexual orientation is formed. One of the most astounding cultural substantiations of the Buddhist normalisation of homosexuality in Mongolia – a Mongolian religious sculpture of two shaven-headed male monks embraced in a sexual position – is found in the Chojjin Lama’s Museum in Ulaanbaatar.

During the socialist times, the Government outlawed not the LGBT identities per se, but the ‘immoral gratification of one’s carnal needs’ in Section 113 of the Criminal Code of Mongolia, a section that was modified after similar sections of Criminal Codes had been repealed from the laws

²⁷ It is interesting to note that the future shaman was identified usually when s/he was an early teenager, during the puberty and awakening of sexual desires. One might even conjecture that the shaman purposely identified her/his successor due to some or the other externalisation that the young gay person projected about their homosexual sexuality.

²⁸ One of the conditions that helped Khalkh Mongol (the Central, Eastern and Southern Mongolia) remain autonomous while under the Manchu Empire rule from the late 17th century to the early 20th century was the introduction of Buddhism. Active promotion of Buddhism and Buddhist practices was so strong in Mongolia that by 1921 when the People’s Revolution took place, 60 percent of Mongolia’s economy was run by the Buddhist monasteries, with over 70 percent of men occupied as monks in the monasteries. It is possible indeed to argue that the introduction of Buddhism was done with a hidden purpose of slow genocide, as the Buddhist monks were prohibited from marrying and having children, and with over 70 percent of the male population in monasteries, the population of Mongolia in 1921 was only 500,000 people. In that historical light, the 20th century Mongolian population growth is quite astounding.

of the former USSR republics, now the Russian Federation and CIS countries, at the beginning of the glasnost and perestroika in the socialist world. From historical as well as traditional perspectives, an artificial production and reproduction of immorality – and even criminality – discourse around LGBT identities was based on the socialist ideology, and this discourse was both safer and more dangerous for the LGBT people living then. Since the Government chose not to propagate extreme intolerance regarding LGBT people²⁹, there was no public rhetoric on LGBT, and there was very little social awareness that LGBT existed. On the other hand, being LGBT was made much more dangerous than before since if one was found out to be LGBT, they could face prison and reform institutions for decades, and all the attributes of human rights violations coupled with social ostracism.

The highly ideologised socio-cultural system of the socialist times engendered in a relatively short – compared to the centuries and, perhaps, millennia of acceptance and recognition – period of seventy years a die-hard socialist discourse of ‘un-socialist immorality’³⁰ in relation to the LGBT identities, which gave rise to extreme fear and silence among LGBT people and on LGBT issues, and resulted subsequently in an inability on the part of the LGBT people to successfully articulate LGBT rights as human rights after the democratisation process began in the early 1990s.

Post-democratisation

The fundamental human rights as well as civil liberties and political freedoms were upheld in the new Constitution of 1992 and various other legislations; however non-discrimination based on sexual orientation remains unarticulated in any of those instruments.

From early 1991 and 1992, with the introduction of cable television in Mongolia and the influx of foreign movies and music channels, etc., social attitudes changed: at last the heteronormative public discourse was breached with images of homoeroticism and homosexuality, leading toward the potential enabling of the public sphere on LGBT issues for the first time in the history of 20th century Mongolia. The potential enabling of the fledgling public sphere was further contributed to by the mass media’s newly found (yet to be fully realised) freedom of the press and freedom of expression: it exposed the Mongolian society to the existence of LGBT people in Mongolia itself with reports on, and interviews with, two publicly out gay men, Gambuush and Naraa. However, the mass media’s ignorance was reflective of the general population’s ignorance regarding LGBT people, and also led to the sensationalisation of the LGBT identities as un-

²⁹ Perhaps the explanation for such ‘tolerant’ attitude lies in the fact that the founding fathers of socialism in Mongolia – Sukhbaatar, Choibalsan and Danzan, among others – were gay men and the documentation regarding their sexual orientation still remains coded as confidential till date in the State Archives of Mongolia.

³⁰ The rhetoric of un-socialist morality must be analysed in connection with the socialist discourse of denying and discrediting everything religious and traditional, and it went hand in hand with the political persecution of the Buddhist monks and destruction of the monasteries in the late 1930s, where at least 30,000 monks were reported to have been killed under Choibalsan’s chairmanship.

Mongolian and therefore the socialist rhetoric and discourse of immorality was further reinforced through unethical mass media reporting.

Increased visibility always brings more risks to the marginalised community. Since there was more awareness in the straight community that the LGBT existed in their midst, the social attitudes toward LGBT became pronouncedly intolerant than compared with those of the socialist times, giving rise to a systemic discrimination, homophobic violence and incitement of violence against LGBT through various homophobic television Q&A programmes³¹, and popular art³².

Since there is now an increased awareness and self-acceptance among the LGBT about human rights and the fundamentality of one's sexual orientation, there has been a number of sporadic, but short-lived, efforts to desensationalise the LGBT identities through activism, community empowerment and human rights advocacy, as is discussed in the next section.

One of the most troubling developments in regard to LGBT rights in Mongolia since its democratisation is the fact that the State began its rhetoric of 'homosexuals as a threat to the national security' in early 2004 as a consequence of the HIV/AIDS panic in the country, and many gay males were forced to undergo HIV tests under physical and psychological coercion that presumably involved threats and emotional blackmail. The rhetoric is not waning, but strengthening in its force and magnitude, as the registered cases of HIV+ people in Mongolia reached their record high of 23 by July 2006.

3. PAST AND PRESENT INTERVENTIONS

To date, there have been various interventions regarding LGBT rights from the local CSO initiatives and one from the US Embassy in Mongolia. There are three Mongolian CSO initiatives, listed here in chronological order, starting with the first one, Tavian.

Tavian³³/Destiny

Founded in March 1999 by several Mongolian gay men and expatriate gay men then living in Mongolia. Funding source: private donations. It was an officially registered non-governmental organisation that was officially active from early 1999 to 2000, and beginning from March 2000, upon expiration of the NGO's registration license³⁴, it continued its activities informally. Its main areas of concern and engagement within the LGBT community lay in the gay male community of

³¹ The first such open Q&A TV show was done by the Ulaanbaatar Broadcasting Television on July 17, 2005, in *Yah-uu Talk Show*. For more information regarding the content of the Q&A show, see ONA (2005) "Yah-uu Talk Show" at http://www.mongoldyke.org.mn/up_around_eng.htm

³² See ONA (2004) "*Stripper Boys and the Grey Street Review*" at http://www.mongoldyke.org.mn/up_around_eng.htm.

³³ Tavian means fate in Mongolian, note the negative connotation of the word.

³⁴ According to the stipulation in the law of the NGOs, NGOs in Mongolia are required to renew their registration yearly with the Ministry of Justice and Domestic Affairs by submitting a report of their annual activities for the past one year, and a financial report of their activities to the Ministry of Finance and Economy. However, the executive director of Tavian had omitted to submit the required documents and thus failed to keep the organisation alive as the NGO.

Ulaanbaatar, covering health, human rights and advocacy areas. Activities undertaken by Tavilan included: providing safe-sex counselling to gay males, conducting initial small-scale advocacy among gay men aimed at empowering the community, providing a psychological counselling hotline for all LGBT people in Ulaanbaatar from late 2000 to early 2001, an expansion of the mandate that was made possible through my own involvement with their activities. The major achievement of the organisation was that it created a notion that gay people existed in Mongolia, that gay people were not only a figment of the Western imagination.

Залуус Эрүүл Мэнд Төв/Youth for Health Centre

Founded initially in 2001 as a project implementing unit of the Mongolian National AIDS Foundation (NAF), with funding provided by AIDS Alliance, its mandate was to deal with gay men's and MSM's safe-sex practices and community safe-sex education leading to STI and HIV prevention. It was officially registered and obtained independence from the NAF non-governmental organisation status in late 2003, and has been active in the aforementioned areas since then. It provides information and safe-sex and STI/HIV prevention education not only in Ulaanbaatar, but also in two other major cities of Mongolia, Erdenet and Darhan, through occasional visits. It also conducts gay parties irregularly.

Монголын Лесбиян Олон Нийт, Мэдээллийн Төв/MILC³⁵

Founded in January 2004 as a project implementing unit of the Mongolian Women's Fund, with funding provided by the Astraea Lesbian Foundation for Justice. It had a fairly short-lived but fruitful existence from January 2004 to October 2004. Since October 2004, it operates till now as a virtual community centre through its bilingual website for the LGBT people of and in Mongolia, the first of its kind to have been established³⁶ in Mongolia in February 2004. Since the initial Astraea funding finished, the website hosting funding is being done as a personal donation by two gay women. Main areas of concern and engagement within the LGBT community lay in the lesbian and bisexual female community of Ulaanbaatar, as well as overall support and information provision for LGBT people: conducted advocacy of LGBT human rights with the UN agencies in Mongolia hoping for a 'boomerang effect'³⁷, cooperated with the print media, providing them with press releases from the MILC and fostering positive and true information regarding LGBT people's lives, aimed at community empowerment through LGBT human rights talks and workshops, organised movie nights, provided comprehensive information on sexual orientation and related topics

³⁵ MILC is the abbreviation for Mongolian Lesbian Information and Community Centre.

³⁶ There is another Mongolian website for the gay people by the Youth for Health Centre that came to existence from the beginning January 2006. See www.gay.mn

³⁷ Two letters were dispatched to the local UN agencies which were ignored and no more attempts were made as the founder left Mongolia around that time.

through its website www.mongoldyke.org.mn, compiled Mongolian LGBT people's oral history, aimed to lay down the foundation of Queer Studies/Gender Studies/Feminist Studies in Mongolia, and ran a counselling mobile hotline. As someone who had been personally, professionally and passionately involved with the MILC from its inception, I feel extremely saddened and even disheartened with the fact that a great beginning for LGBT rights discourse in Mongolia had been cut short in its longevity *firstly*, by the lack of human resources (in other words, no one was there to take over what I had begun, as I had left the MILC four months after its establishment to undertake studies abroad); *secondly*, by harassment from the national security agents' constant ringing on the hotline number alleging that the MILC was guilty of propagating obscenity³⁸; *thirdly*, by the host organisation's discontinued support of the lesbian cause due to the potential loss of their Mongolian donors who might stop providing support and donations as the Mongolian Women's Fund would be seen in a negative light through its association with lesbian causes, and furthermore, their refusal to print the project name, Mongolian Lesbian Information and Community Centre, by its name in their annual report, instead saying that the MILC was merely a 'Feminist Studies Centre'.

Nevertheless, I believe that the major achievement of the MILC lies in the fact that it has been able to connect physically and virtually many coming out younger-generation lesbians and gays who feel empowered and confident enough to start their journey of coming out to their friends and families, as had happened with most of the people who got in touch with the MILC.

Foreign Interventions

In May 2005, the US Embassy in Ulaanbaatar sanctioned an official report on the status of LGBT and the dangers of living as LGBT in Mongolia due to the many asylum applications from Mongolian gay people which the US State Department was processing every year. According to the last communication with the person in charge of the research, it is still in its formulation stage. It is to be remarked here that the US Ambassador to Mongolia had commented that it was time that the US Government taught the Mongolian Government about human rights. However, it is a difficult path to pursue as the Government is more intent than ever to lead and expand the public rhetoric of gays as a threat to the national security of Mongolia, and where internal security is concerned, the Government of Mongolia has every chance to ward off the US Embassy and the Department of State recommendations regarding LGBT human rights under the pretext of sovereignty.

TOWARD CREATION OF THE PUBLIC SPHERE ON THE LGBT RIGHTS IN MONGOLIA

³⁸ As a response to those allegations, the MILC made an official statement in its website, see http://www.mongoldyke.org.mn/announcements_eng.htm

There are three major areas of engagement that were envisioned at the inception of MILC, and which further became very clearly and strongly mandated during the last two years of the MILC/Mongoldyke's existence, and which will be given the priority in further Mongolian LGBT community efforts in order to create and expand the public sphere – a tool which both legitimises people's engagement as well as facilitates such engagements – on LGBT human rights in Mongolia.

Education for the police and national security agents: Workshops and human rights trainings on hate-crimes, on the secondary victimisation of the LGBT by the police, and on the nature of HIV/AIDS being a non-discriminatory disease. However, the problem is that the few CSOs functioning now have been complicit in hounding down the gays for the state agencies for, one hopes, self-survival fears, but it is unacceptable nonetheless.

Public campaigns: Cooperation with local and international human rights CSOs in Mongolia, media campaigns aimed at desensationalising LGBT identities and exposure of the myth of 'un-Mongolian'-ness of LGBT identities, holding an international LGBT human rights forum/conference in Ulaanbaatar to project the fundamental, juristic and normative bases of LGBT rights, cooperation with the National Human Rights Commission and other human rights bodies regarding pertinent and pressing human rights violations, and organising public events such as an LGBT movie festival.

Advocacy with the Government: Aimed at recognition of the widespread existence of hate-inspired crimes against the LGBT people and the Constitutional amendment to include 'non-discrimination based on sexual orientation'.

To sum up, Mongolia – a country of 2.7 million people – theoretically has nearly 300,000 lesbians and gays. It is not a small number by any stretch of the imagination. However, the complex problems of structural adjustment from a centrally-planned to a market economy and the building of a democratic and open society have unduly relegated the issues of LGBT rights into the periphery of the peripheries since the Government of Mongolia claims that only the development of the country is of the highest priority. In its efforts to alleviate more and more desperate poverty and endemically increasing social inequalities, the Government of Mongolia is choosing the 'Asian Way'³⁹ – a model of economic development that curbs human rights as incompatible with the overall goal of development. However, development that will bring a more or less modified, but essentially the old socialist/dictatorial regime of limited civil and political liberties that Mongolia has already experienced, is not a development, but a reversal and regress. Once the Government of Mongolia begins to utilise marginalising and sensationalising tactics regarding the LGBT people, as it has in regard to the HIV/AIDS pandemic, it will not be far from the state of matters where the LGBT people will find themselves completely silenced and outlawed. However, that is not a

³⁹ See Sen, Amartya (1997) *Human Rights and Asian Values* available at http://carnegiecouncil.org/media/254_sen.pdf

democracy. And that is not compatible with the democratic values that Mongolia as a State professes to uphold. One must remember that a democracy is most vulnerable at the time of its consolidation, thus in effect the successful articulation of LGBT rights in Mongolia at this point of time shall be the litmus test for the success or failure of Mongolia as a democracy.

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