**A/HRC/23/36/Add.2 - Report of the Special Rapporteur on extreme poverty and**

**human rights, Ms. Magdalena Sepulveda Carmona**

**Addendum**

**Mission to Mongolia (3 to 7 December 2012)**

**III. Legal and institutional framework**

14. The Constitution unambiguously states that no discrimination shall be enforced on the

basis of social origins and economic situation (Art. 14). However, the Special Rapporteur is

concerned that substantial gaps remain in the legislation on discrimination such as

prohibiting discrimination on the basis of sexual orientation, gender identity or health

status. Moreover, there is no effective mechanism to ensure that victims of discrimination

have access to a remedy.

**V. The situation of groups particularly vulnerable to poverty**

25. The Special Rapporteur identified groups that are particularly vulnerable to extreme

poverty and that require specific initiatives to overcome the impact of economic deprivation

and social exclusion.

**H. LGBT Persons**

60. Although the Constitution of Mongolia provides for a non-discrimination clause,

prohibition on the basis of sexual orientation is not explicitly mentioned in the norm. As a

result lesbian, gay, bisexual and transgender (LGBT) persons in Mongolia face numerous

human rights violations ranging from rape, physical and sexual attacks, arbitrary arrests

and physical and sexual assault while in detention. Due to a fear of reprisals and secondary

victimization, mainly by the police, many incidents of harassment and violence are not

reported.

61. Information received suggests that discrimination against LGBT persons is endemic in

the public, private and non-governmental sectors and encompasses the police and the

judiciary, health services, education, the housing sector and the media. Such levels of

stigmatization lead to significant barriers to accessing health services, seeking employment

and social acceptance. The Special Rapporteur also received reports that a high proportion

of the LGBT community is living in poverty due to difficulties in finding employment, or

receiving an education because of stigmatization.

62. The Special Rapporteur urges the Government to implement the recommendations

made during the 2011 UPR Review of Mongolia to develop legislation with a view to

effectively protecting the rights of LGBT persons, and discourage the development of

discriminatory ideologies in the country through information and human rights education

and to ensure that all allegations of attacks and threats against individuals targeted

because of their sexual orientation are thoroughly and impartially investigated and

punished.

**VIII. Conclusion and recommendations**

**A. Improving the poverty reduction strategy and its implementation**

**Legal and institutional framework**

(c) Revise the definition of discrimination within the Constitution in line with international

human rights legislation to prohibit all forms of discrimination including on the basis of

sexual orientation, gender identity and health status and develop effective mechanisms to

provide access to justice and remedies in cases of violation of those rights.

**B. The situation of groups particularly vulnerable to poverty**

**LGBT Persons**

(a) Develop legislation with a view to effectively protecting the rights of LGBT persons

including thorough and impartial investigation of allegations of attacks against LGBT

individuals.

(b) Facilitate the full participation of LGBT persons at the decision making level and

implement a universal non-discrimination policy at all educational and healthcare facilities

and ensure that effective accountability mechanisms are established in cases of noncompliance.

(c) Implement training for law enforcement personnel on the prevalence of gender based

violence against the LGBT community.