

Universal Periodic Review

(22nd session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Mongolia

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	04/11/1964, Ratification	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	19/10/1991, Acceptance			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	02/02/1990, Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	29/06/2005, Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	15/10/2007, Accession			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The 1992 Constitution of Mongolia¹ enshrines the right to basic education free of charge in **Article 16 (7)** which states that “The citizens of Mongolia are guaranteed to enjoy the following rights and freedoms: [...] the right to education. The state shall provide basic general education free of charge; Citizens may establish and operate private schools if these meet the requirements of the State.” According to **Article 8**, “ 1. The Mongolian language is the official language of the State. 2. Paragraph 1 of this Article shall not affect the right of national minorities of other tongues to use their native languages in education [...]”. **Article 16 (5)** adds that “the citizens of Mongolia are guaranteed to enjoy the following rights and freedoms: [...] the right to material and financial assistance in [...] disability, [...] and in other circumstances as provided by law.” The Constitution precludes discrimination on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion and education (**Article 14**).

Legislative Framework:

3. The legislative framework of Mongolia is composed of:

- i) The **Law on Education of 2002**², last amended in 2008, states in its **article 3** that “3.1.1 **"compulsory education" means the 12-year schooling level**; 3.1.2 "basic education" means the 9-year schooling level”. Its **article 5** on the basic principles of education provides that “5.1.3 **Education shall be free**, accessible and variable adjusted to individual and development specialties, type of education and needs of the learner” and that “5.1.4 Mongolian citizens shall all be given **equal opportunities of receiving education in their mother tongue**, and they shall **not be subject to educational discrimination** on account of race, creed, age, sex, social status, economic position, employment status, religion or opinion.” **Article 6** adds that “6.2 According to the Constitution of Mongolia, **no tuition fee shall be charged for general education** 6.3 A citizen of Mongolia is **obliged to receive general education** 6.4 A citizen is **obliged to be involved in professional training or self-study**, thus empowering himself/herself continuously.” As far as the organisation of the system is concerned, **article 7** states that “7.1 The education system of Mongolia shall comprise informal and formal education, including preschool, elementary, secondary and higher education”. “According to current legislation, compulsory schooling encompasses

¹ <http://www.unesco.org/education/edurights/media/docs/6a6a23469e136afaa4860bf5869f6f8f659c6688.pdf>,

Accessed on 17/01/2014

² <http://www.unesco.org/education/edurights/media/docs/a60feca2f672dacb356819700b3b852e59d94d4e.pdf>,

Accessed on 20/01/2014 (source : natlex)

primary and lower secondary education (nine years of study). Education is free of charge up to the upper (general) secondary level.”³

- ii) “The **Law on Technical and Vocational Education and Training (TVET)** was passed in 2003. This law determined the importance, scope, type, curriculum and standards of TVET in Mongolia and created legal environment for TVET centers to work with businesses, schools, and social partners, and regulated the management and financing of TVET institutions.
- iii) The **Law on Preschool Education** enacted in 2008 provides for alternative forms of provision of preschool education services and requires every child to be enrolled in early childhood education activities.”⁴
- iv) The **Law on Promotion of Gender Equality** of 2011⁵ guarantees the promotion of gender equality in the field of education (12).
- v) Mongolia submitted to the OHCHR of the UN an informative document on promoting rights to education of people with disabilities: “In 2012 Parliament session discussed and approved **Pre-school Education, Primary and Secondary Education, Social Welfare Law of Persons with disability laws amendments** regarding functioning of assessment commission of children with disabilities up to age 16, and additional salary payment to doctor and primary education teacher depending on number of children with disability. Moreover depending on number of children the school could employ special education teacher, assistant teacher, psychologists, nurse and social worker.”⁶

Policy Framework:

i) General information

4. The **Mongolia’s Millennium Development Goals-Based National Development Strategy** was launched in 2008.⁷ “The long-term development policy of Mongolia, its priorities, and strategies for their implementation and expected outcomes are defined [...] in two phases: first, to achieve the Millennium Development Goals and intensive development of its economy in 2007-2015, and second, to make a transition to knowledge-based economy in 2016-2021.”⁸ Regarding Education, Phase one (2007-2015) is based on three strategic objectives: “Provide students with equal opportunities for accessible, qualitative education that meets their needs”; “Enhance all level educational standards and curricula to meet students’ needs and social requirements”; “Provide a comprehensive solution for the professional and methodological development of teachers, their salaries, incentives and social issues, and substantially increase investment”. Phase two (2016-2021) is also based on three

³ IBE, World Data on Education, 7th ed., 2010-2011, Mongolia, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Mongolia.pdf, p. 3, Accessed on 20/01/2014

⁴ IBE, World Data on Education, 7th ed., 2010-2011, Mongolia, op. cit., pp. 2-3

⁵ http://gender.gov.mn/huuli/Jenderiin_erh_tegsh_baidliig_hangah_tuhai.pdf

⁶ Unofficial translation,

http://www.ohchr.org/Documents/Issues/Disability/StudyEducation/States/MongoliaTranslation_en.docx

⁷ <http://www.unesco.org/education/edurights/media/docs/715e0baffb87239bfd136a7b3048cdd47d14192.pdf>,

Accessed on 20/01/2014

⁸ Mongolia’s Millennium Development Goals-Based National Development Strategy, p. 2,

<http://www.unesco.org/education/edurights/media/docs/715e0baffb87239bfd136a7b3048cdd47d14192.pdf>,

Accessed on 20/01/2014

strategic objectives: “Enhance the role of the State in bringing the educational system and quality to international standards; Develop and implement open content and flexible forms of education that would allow citizens to improve their education and benefit from re-profiling trainings; Enhance school-centred management and renew schemes, reflecting structure, features and location of educational institutions.”⁹

5. “**Education Sector Master Plan 2006-2015 (ESMP)** and its goals to: (i) to upgrade education quality at all levels of schooling and produce citizens who can function effectively in a modern market economy; (ii) to provide education services that can be accessed by children in all parts of the country, particularly rural areas, and by poor and vulnerable groups; and (iii) to improve the management capacity of central and local educational institutions at all levels. A major education reform in the early years of the ESMP (2008-2009) was the increase of the length of basic education from 11 to 12 years. This reform required more resources to finance the additional grade level and achievement targets, including enhanced teacher training for the new grade, additional furniture and learning materials, expansion and rehabilitation of the infrastructure (including dormitories for herders’ children), and the development of appropriate curricula. In addition, modern facilities were needed, such as Information and Communication Technology (ICT), to keep teachers up-to-date.”¹⁰

6. “The original **Project Grant Agreement** of March 2007 was prepared according to the requirements of the **Education For All-Fast Track Initiative (EFA-FTI)**, a multi-agency partnership, and as a Recipient-Executed Trust Fund. [...] The overall EFA-FTI goal was to ensure universal completion of basic education and to close the gender gap and rural/urban gap in enrollment and school completion by 2015. To help Mongolia move towards the goal of quality basic education for all, the EFA-FTI grant aimed to: (i) improve access to and completion of basic education (primary and secondary education), with particular attention to rural areas; (ii) improve the quality of basic education; (iii) expand access to pre-school education in rural areas; and (iv) improve project management. [...] In late 2012, a third project extension was processed [...].”¹¹

ii) **Inclusive Education**

A) **Minority groups**

7. “On the basis of the social assessment and in consultation with the affected Indigenous Peoples’ communities, the government will prepare an **Indigenous Peoples Plan (IPP)** [...] to: i) ensure ethnic minority groups can benefit from the project [Education Quality Reform]; ii) guide “free, prior, and informed consultation” with ethnic minority communities; and iii)

⁹ Ibid, pp. 7-8

¹⁰ http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/07/03/000442464_20140703122021/Rendered/PDF/ICR16650P108770IC0disclosed07010140.pdf

¹¹ http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/07/03/000442464_20140703122021/Rendered/PDF/ICR16650P108770IC0disclosed07010140.pdf

ensure issues raised by ethnic minority communities are incorporated into subcomponent designs..”¹²

B) Children from rural areas

8. “Between 2007 and 2013, the **Rural Education and Development (READ) Project** made learning materials available in rural Mongolia by establishing 3,560 classroom libraries in all 383 rural primary schools. Each school received over 160 books, benefiting a total of 130,000 students. 4,144 rural primary teachers and 383 school directors were trained. A local professional development network has been set up consisting of 95 core schools and 178 mentor teachers.”¹³

C) Children with disabilities

9. “In order to meet special needs of children with disabilities, to promote medical, educational and social welfare services “**The program of Inclusive education of children with disabilities**” was approved by joint resolution of the Ministry of Science and Education, Ministry of Social Protection and Labor, Ministry of Health and implemented in 2003-2008. As a result of program implementation the legislative framework of inclusive education was developed, investment for improving school technical equipments to support student with disabilities has increased. Results were achieved in changing people’s attitude and changing awareness towards inclusive education of children with disabilities into the mainstream schools. Nowadays we’re working out on “**The Program of Inclusive education of children with disabilities-2**” and contemplating for its approval to implement in 2014-2018.”¹⁴

iii) Quality education

10. “MES’s **Educational Quality Reform Program** will [...] improve student learning by creating a consistent results focus within the education system and strengthening the system’s capacity to provide classroom-level support for teaching and learning. A national assessment system would be created, providing real time feedback to teachers and administrators about learning levels; proven interventions to improve reading would be taken to national scale.

The project comprises four components:

- a) Component 1: Improving reading competencies and acquiring basic math skills
- b) Component 2: Pre- and In-service Professional Development of Teachers
- c) Component 3: Implementation of a School Grants Program
- d) Component 4: System Management, Monitoring and Evaluation”¹⁵

¹² The Mongolian Quality Reform,
http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/03/14/000333037_20140314143014/Rendered/PDF/IP6970REVISED0Box382170B00PUBLIC0.pdf

¹³ <http://www.worldbank.org/en/results/2014/04/11/mongolia-improved-education-quality-in-rural-primary-schools>

¹⁴ Unofficial translation,
http://www.ohchr.org/Documents/Issues/Disability/StudyEducation/States/MongoliaTranslation_en.docx

¹⁵ The Mongolian Quality Reform,

iv) **Financing education**

11. An article from the World Bank news of 2012 states: “Save the Children Japan and the World Bank announced the signing of a grant of US\$ 2.5 million to support primary education in rural Mongolia.”¹⁶

12. “The **Australia Awards Mongolia** operates under a Subsidiary Arrangement between the Government of Australia and Mongolia and is managed by the Department of Foreign Affairs and Trade Post in Ulaanbaatar with oversight from Beijing. A new stage of Australia Awards Mongolia commenced on July 1 2013 with support from the Department of Foreign Affairs and Trade. Australia Awards Mongolia has the following goals: improve human capacity in Mongolia in targeted sectors; and contribute to the recognition of Australia as a valuable contributor to Mongolian development. [...] Scholarships offered under the Australia Awards are one way to address human resource needs in Mongolia and build people-to-people links.”¹⁷

v) **Gender equality**

13. The **National Programme on Gender Equality of 2002** supports the educational opportunities measures to eliminate the gender (article 2.1.3).¹⁸

Cooperation:

14. Mongolia **is party** to the 1960 UNESCO Convention against Discrimination in Education since the 04/11/1964.

15. Mongolia reported to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the **Sixth Consultation** of Member States (covering the period 1994-1999).

16. However, Mongolia did not report to UNESCO within the framework of the:

- a) **Seventh Consultation** of Member States (covering the period 2000-2005)
- b) **Eighth Consultation** of Member States (covering the period 2006-2011).

17. Mongolia did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- c) **Fourth Consultation** of Member States (covering the period 2005-2008),
- d) **Fifth Consultation** of Member States (covering the period 2009-2012).

http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/03/14/000333037_20140314143014/Rendered/PDF/IP6970REVISED0Box382170B00PUBLIC0.pdf

¹⁶ <http://www.worldbank.org/en/news/press-release/2012/06/21/mongolian-children-in-disadvantaged-rural-communities-receive-targeted-support-for-better-school-preparation-school-learning>

¹⁷ <http://www.masp.mn/index.php/en/>

¹⁸ http://gender.gov.mn/huuli/Genderiin_tegsh_baidliig_hangah_undesnii_hotolbor.pdf

18. Mongolia did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, Mongolia did report to UNESCO within the framework of the **Second Consultation** of Member States (2011).

19. Mongolia **is a party** to the 1989 UNESCO Convention on Technical and Vocational Education since 19/10/1991.

Freedom of opinion and expression

Constitutional and Legislative Framework:

20. Freedoms of thought, opinion and expression, speech, press are protected under Chapter II Article 16 of the Mongolian Constitution (2001).¹⁹

21. Defamation is a criminal offence under Article 111 of the Criminal Code of Mongolia (2002) and punishable by imprisonment from 1 month to 5 years.

22. The Law on Information Transparency and Right to Information was passed by the parliament on 16 June 2011.

Media Self-Regulation:

23. The existing professional journalistic organizations including the Confederation of Mongolian Journalists provide a basis for further development of self-regulatory mechanism of the media in Mongolia which still needs improvement as per the best internationally recognized practices..

Safety of Journalists:

24. UNESCO recorded no killing of journalists in Mongolia between 2008 and 2013. However, UNESCO notes the sporadic report of journalists being intimidated and harassed while carrying out their professional work including the attack on journalists covering the election in June 2012.²⁰

III. RECOMMENDATIONS

¹⁹ http://www.servat.unibe.ch/icl/mg00000_.html

²⁰ According to the following news sources:
Scoop (dated [16 February 2012](#), and [4 July 2012](#)).

Right to education

25. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

26. The recommendations formulated during the interactive dialogue and listed below have been examined by Mongolia and enjoy its support:

- i) A - 84.57. Develop its 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** (Switzerland);
- ii) A - 84.61. Design and implement educational programmes for the gradual **inclusion of students with disabilities** in the education system (Slovenia);
- iii) A - 84.62. Design and implement educational programmes promoting **greater inclusiveness** in classrooms (United States);
- iv) A - 84.105. **Ensure access** to health care, adequate housing, education and safe drinking water and sanitation for all, especially people living in “ger” districts (Slovenia);
- v) A - 84.107. Consider giving a **greater role to the private sector** in developing the national education and health system (Islamic Republic of Iran);
- vi) A - 84.108. Step up efforts to improve and conserve the environment, including by strengthening the relevant laws and providing the public with the necessary information, **education and awareness regarding the impacts of environmental pollution and degradation** (Malaysia);
- vii) A - 84.110. Apply programmes and means to improve the enjoyment of **the right to education** and the right to health (Cuba);
- viii) A - 84.111. Take additional measures to fight against **dropping out** of school, particularly among boys (Algeria);
- ix) A - 84.112. Intensify its efforts to reinforce the **human rights issue in school curricula** (Turkey);

26. Analysis:

Mongolia has adopted specific measures to further promote inclusive education and gender equality. However, it did not take sufficient measures on environmental and human rights education.

27. Specific Recommendations:

27.1 Mongolia is encouraged to continue to submit state reports for the periodic consultations of UNESCO’s education related standard-setting instruments.

27.2 Mongolia could be encouraged to include human rights and environmental education to educational curricula.

27.3 Mongolia may be encouraged to take further measures regarding teachers training

Freedom of opinion and expression

28. Mongolia must take steps to decriminalize defamation and place it within a civil code that is in accordance with international standards²¹.

29. Mongolia is encouraged to develop self-regulatory mechanism in the media.

30. Mongolia must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards²². It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

Cultural rights

31. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²³ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²⁴, Mongolia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Mongolia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

²¹ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

²² See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

²³ See UNESCO. 2012. Mongolia Periodic Report on the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. <http://www.unesco.org/culture/ich/doc/download.php?versionID=18499>

²⁴ See UNESCO. 2012. Mongolia Periodic Report on the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Heritage. http://www.unesco.org/culture/cultural-diversity/2005convention/data.php?1405510742&dir=reports&link=Mongolia_Report_OwnFormat_EN_2012.pdf

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

32. With regard to contribution of science and technology to development, Mongolia is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.