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增进和保护所有人权——公民、政治、经济、社会和文化权利，包括发展权

教育权问题特别报告员

弗农·穆尼奥斯·比利亚洛沃斯先生的报告*

增编

对蒙古的访问

(2009 年 10 月 1 日至 8 日)**

内容提要

教育权问题特别报告员弗农·穆尼奥斯·比利亚洛沃斯先生 2009 年 10 月 1 日至 8 日访问了蒙古。特别报告员访问了首都乌兰巴托市以及西部地区 Khovd Aimag 的 soums。他会见了政府官员、学校校长、教师、教育专业人员和学者、学生、家长和工会代表，并会见了民间社会代表和联合国驻蒙古各机构负责人，他访问了从幼儿园到大学等若干学校。访问的目的是了解蒙古如何落实教育权，及其为成功落实教育权和克服遇到的障碍而采取的措施。

在本报告中，特别报告员分析了蒙古教育制度的主要特点，如学习安排、教育、特别方案和成人教育的覆盖面、基础设施和资金状况。特别报告员然后着重谈到他在访问期间所看到的若干良好做法，如入学率高和蒙古社会如何重视教育；其他的例子如：流动蒙古包幼儿园和校餐、以及针对少数民族的一些教育方

* 本报告迟交是为了纳入最新资料。

** 本报告的内容提要以所有正式语文分发，报告本身附于内容提要之后，仅以原文分发。

案和远程教育刺激办法，这些做法富有创意，适于该国土地辽阔的状况和气候条件。

特别报告员然后讨论了他所注意到的蒙古教育制度面临的一些挑战，主要是学校辍学率问题和缺乏可靠的统计数据问题，各学校在获得水和卫生设施方面的基础设施条件问题，农村地区宿舍的状况问题，造成城市学校过分拥挤的国内向城市移民的现象，以及残疾儿童教育问题。

特别报告员最后强调，必须争取一种人权文化，将教育看作发展的手段，不是将其看作一种服务或商品，而是将其看作一项基本人权，特别报告员提出了若干具体建议，以迎接挑战，尽管该国面临地理、气候和经济下滑等问题。

Annex

Report of the Special Rapporteur on the right to education, Vernor Muñoz Villalobos

Mission to Mongolia (1–8 October 2009)

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I. Introduction

1. The Special Rapporteur on the right to education undertook a mission to Mongolia from 1 to 8 October 2009. The objective of the mission was to understand, in the spirit of cooperation and dialogue, how Mongolia endeavours to implement the human right to education, the measures taken for its successful realization and the obstacles encountered.

2. The Special Rapporteur visited the capital city Ulaanbaatar, including the remote district of Nalaih, as well as the Jargalant, Khovd and Myangad *soums* of Khovd *aimag* in the western region. He met with Government officials, including the Minister of Education, Culture and Science, the Vice-Minister of Education, directors of the different education departments, educational research institutes and centres, and senior officials of the Ministry of Social Welfare and Labour and the Ministry of Foreign Affairs and Trade, including the Vice-Minister. He also met with the Chief Commissioner of the National Human Rights Commission, the Rector and senior officials of the Mongolian State University of Education in Ulaanbaatar and of the University of Khovd in Khovd *soum*, as well as with school principals, teachers, education professionals and academics, students, parents and trade union representatives.

3. In addition, the Special Rapporteur conducted meetings with civil society representatives as well as with the different heads of United Nations agencies present in Mongolia. The Special Rapporteur wishes to acknowledge the assistance of the United Nations Children's Fund (UNICEF) in carrying out a successful visit and to express his sincere thanks to all those whom he met. He also expresses his deep appreciation for the frankness in the meetings he had and for the constructive self-criticism expressed by some of his interlocutors. The different meetings allowed him to appreciate the unequivocal commitment of the Government to provide education to all despite the particular situation and the challenges encountered.

II. The right to education: principles, norms and standards

A. International legal framework

4. Mongolia is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. Furthermore, Mongolia has accepted the optional individual complaints mechanisms of the Committee on the Elimination of All Forms of Discrimination against Women and the Covenant on Civil and Political Rights, and has ratified the Rome Statute of the International Criminal Court.

5. These key international human rights instruments, together with the Universal Declaration of Human Rights of 1948, enshrine the right to education. The important provisions related to this right that they contain provide a framework for legislation and policy at the national level of each State party. Moreover, States party to international human rights treaties have an obligation to give effect to the stipulations of the treaties. Of particular relevance are the provisions of the Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, together with general comments Nos.

11 and 13 of the Committee on Economic, Social and Cultural Rights on the right to education.

B. Domestic legal framework and national policies

6. Mongolia is divided, for political and administrative purposes, into 21 provinces, known as *aimags*, and one municipality or *hot*, namely the capital, Ulaanbaatar. *Aimag* centres constitute provincial capitals. Each *aimag* is divided into smaller administrative districts or *soums*, with each *soum* having a designated centre. Finally, a *soum* is divided into *baghs*, which are essentially villages. Families all have the right to be represented in their respective elected *bagh* assembly. These assemblies elect the *soum* assemblies, which in turn elect *aimag* assemblies. An *aimag* assembly proposes its governor, who must be approved by the prime minister before taking office.

7. The current Constitution of Mongolia was adopted in January 1992 and amended in 1999 and 2001. With its introduction, a semi-presidential democratic republic with a multi-party system was created. At the same time, a constitutional court was established. In its second chapter, the Constitution provides for the protection of numerous rights and freedoms. The larger part of these rights and freedoms are of a civil and political nature, such as freedom of association, the right to appeal, or freedom of conscience and religion. However, certain economic, social and cultural rights are also protected, including the right to a healthy and safe environment, the protection of health and medical care, and the right to freely engage in creative work in cultural, artistic and scientific fields.

8. In accordance with the National Human Rights Commission of Mongolia Act, passed by Parliament in December 2000, Mongolia has a national human rights institution charged with the protection and promotion of human rights. The National Human Rights Commission took up its work in January 2001. It produces a yearly report on the situation of human rights and freedoms in the country.

9. The Constitution of Mongolia establishes the right to education for all citizens in article 16, paragraph 7. It further specifies that the “State shall provide basic general education free of charge” and also stipulates that “citizens may establish and operate private schools in conformity with the Government requirements”.

10. More detailed legal provisions regulating the educational sector in Mongolia are outlined in the Education Act, which was revised in 1995 and amended in 2002. This law reflects the fundamental principles of education, including the principle of equality in education and the provision of free and compulsory education. According to the Education Act, education aims to equip citizens with the appropriate intellectual, moral and physical skills to learn, work and live independently.

11. In addition, the Mongolian Parliament has adopted the State Education Policy, the Higher Education Act and the Primary and Secondary Education Act. Each of these legal acts came into force after 1990, when Mongolia chose to change from a socialist system and planned economy to a democratic and market-oriented system. These laws explicitly define the policies of democracy and openness in educational administrative structures. They also stipulate the decentralization of public-school financing and administration. The management of schools is transferred to local governments in each *aimag*, while colleges and universities are given greater autonomy than in the past.

III. Key features of the Mongolian education system

12. When considering today's educational system in Mongolia, the country's history and its possible impacts should not be ignored. In pre-modern times, education was controlled by Buddhist monasteries and was limited to monks. Soon after the collapse of Chinese authority in 1911, secular education began to be introduced. Throughout the 1920s, education slowly expanded. It took until the mid-1940s, however, to completely implement a public school system. This system was based on the Soviet model until 1990.

A. Administration and management of the education system

13. The Ministry of Education, Culture and Science is the key governmental body responsible for the country's educational system. In relation to education, this Ministry deals with almost all publicly financed forms of education, ranging from preschool institutions to adult education. Its mandate includes the development of comprehensive and suitable education mechanisms for all, which extends to the approval and publishing of national textbooks and curricula. It is also responsible for the organization and overview of implementation of the related legal mandates. Furthermore, the Ministry of Education, Culture and Science coordinates and provides in-service training for all staff engaged in the public education sector, which includes all the teachers and educators.

14. Although education is centrally coordinated, provincial authorities in Mongolia assume responsibility on a more practical and local level. Each of the country's 21 *aimags* oversees a social policy department within its local government, which is responsible for administrating and managing Government policies and services relating to both formal and non-formal education. These departments establish, administer and manage (as well as fund) kindergartens, primary and secondary schools. They are also responsible for issuing local legislation pertaining to education and for such tasks as appointing and discharging school principals.

15. While a transfer of power from the central to local government authorities is already evident at the level of primary and secondary education, it is much more pronounced at the post-secondary level. Universities have a great deal of autonomy. Rather than being obliged to conform to regulations imposed upon it by the central or local government, a university may actively participate in decision-making progresses with the Ministry of Education, Culture and Science concerning, for example, its own budget. Universities also differ from other education institutions in that they are permitted to secure their own, additional funding from tuition fee revenues, research grants, or outside donors.

B. Basic structure of the education system

16. The Mongolian education system includes non-compulsory pre-education, namely kindergarten and nursery school. Basic education in Mongolia, following the amendment to the Educational Act of 2002, consists of five years of primary education (7 to 11-year-olds) followed by four years of lower secondary education (12 to 16-year-olds). Thereafter pupils may attend two years of upper secondary school and enrol in post-secondary education. In the academic year 2008/09, the entry age was lowered from seven to six years and hence an additional year of primary school was added. Mongolia therefore now has a 12-year school curriculum. Basic education (tuition), at the primary and lower secondary level, is free of charge for all.

17. Primary and secondary schools are often housed in the same buildings and schools up to grade 10 are generally only found in larger towns and cities. *Aimag* centre schools are typically larger than *soum* centre schools, which in turn are larger than schools found in *baghs*, reflecting the relative population size of each of these administrative divisions. Due to Mongolia's vast geographical size and its extremely low population density, the educational system is dependent on boarding schools for children from the countryside.

The Mongolian school year consists of 34 teaching weeks at the primary level, 35 weeks at the lower secondary level, and 36 weeks at the upper secondary level. The school year begins in September and is divided into two semesters.

C. Preschool education

18. Preschool education is optional and caters to children aged over two years. Private kindergartens are synonymous with day-care centres and exist alongside State kindergartens and other preschools. In accordance with the Law of Primary and Secondary Education of 1995 State-run kindergartens primarily aim to develop children's cognitive, physical and socio-emotional development. They do so by teaching the mother tongue, mathematics, the arts, physical education, music and movement. Children usually attend kindergarten five days a week, with Saturday a half-day when children attend an alternative form of training.¹

19. In recent years much of preschool education has been guided by the National Policy on Integrated Early Childhood Development, which was adopted by a joint order of the Ministers of Health, Education and Labour and Social Welfare in April 2005. The policy aims to strengthen cooperation and collaboration between various actors working in the field of early childhood development. It recognizes the importance of adequate and effective preparation of children for regular schooling and highlights the different roles played by everyone in early childhood development, including those of parents, family members and the public and private sectors.²

20. In 2007, the gross enrolment ratios in such institutions of preschool education were calculated at 58.1 per cent.³ This figure includes the total number of children, regardless of their age, as a percentage of the population in the theoretical age group for this level of non-compulsory education. The Special Rapporteur notes that the gross enrolment ratio for Mongolia has greatly increased during the last decade; in 1999, just 25 per cent of children were enrolled in preschool education.⁴ Mongolia is therefore moving away from the Central Asian regional average, which was at 28 per cent in 2007, and towards gross education ratios as experienced in most industrialized countries, where they are above 80 per cent.⁵ The Special Rapporteur praises this positive trend and hopes that the relevant authorities will take appropriate action to continue its implementation.

¹ UNESCO and International Bureau of Education (IBE), *World Data on Education – Mongolia*, p. 8.

² *Ibid.*, p. 9.

³ UNESCO and Institute for Statistics, *Global Education Digest 2009 –Comparing Education Statistics Across the World* (Institute for Statistics, Montreal, 2009), p. 66.

⁴ *Ibid.*, p. 66.

⁵ See: <http://huebler.blogspot.com/2005/07/pre-primary-education.html>; see also http://www.uis.unesco.org/template/pdf/ged/2005/ged2005_en.pdf.

D. Primary education

21. Primary education is compulsory and now covers a six-year period. Following an amendment to the Education Law in 2002, the entry age was lowered from eight to seven years. It was again lowered in 2008 from seven to six years.

22. In the 1999/2000 school year, in the context of the former educational system, there were 128 schools offering primary education only. Most of these were located in remote rural areas or *soums*. The Special Rapporteur was also informed that 216 schools offered combined primary and lower secondary education, which amounted to eight years and were seen as a whole. The full ten grades were offered by 324 schools.

23. The Mongolian primary school curriculum includes classes in the Mongolian language, mathematics, history and social sciences, natural sciences, music, fine arts and physical education. Pupils are automatically promoted from grades one through to four and assessment is conducted on a continuous basis. At the end of primary school, children sit in the school-based examination.⁶

24. The Special Rapporteur was informed that net primary enrolment rates, where the number of pupils in a theoretical age group enrolled is expressed as a percentage of the same total population, were at more than 90 per cent when last calculated in 2007.⁷ Discrepancies between statistics for the male and female population were barely distinguishable at the primary level.

E. Secondary education

25. Lower secondary education lasts four years and forms the final stage of compulsory education. Following educational reforms at the turn of the millennium, lower secondary education now encompasses grades seven to ten (the general education system is in transition to a 12-year system). Upper secondary education comprises grades eleven and twelve. Graduates from grades nine, ten and eleven may join technical and vocational training schools.

26. The curriculum for both lower and upper secondary education contains Mongolian language, Mongolian literature, foreign languages (English and Russian), mathematics, natural sciences, geography, biology, physics, chemistry, history and social studies, music, physical education, and art. As is also the case at the primary level, where pupils are subject to school-based examinations, students also sit State examinations at the end of both lower and upper secondary school. Academic achievement is assessed in each grade and in the State exams through use of the A to F marks, as well as an assessment in percentages.⁸

27. As the Special Rapporteur was informed, net enrolment rates at the secondary level are lower than those at the primary level. In 2007, of those students aged between 12 and 15 years, 86.6 per cent were enrolled in secondary education. Females are more likely to remain enrolled in secondary education than males, with the statistics revealing net enrolment rates of 88.8 and 84.8 per cent, respectively.⁹

⁶ World Data on Education – Mongolia, p. 10.

⁷ Global Education Digest 2009, p. 87.

⁸ World Data on Education – Mongolia., p. 12.

⁹ Global Education Digest 2009., p. 107.

F. Post-secondary education

28. Institutions offering post-secondary education in Mongolia include universities, colleges and vocational institutes. Bachelor's degrees usually last four to five years and comprise a minimum of 120 credits, with 30 hours of practical training amounting to one academic credit. Master's degrees require an additional one and a half to two years of study. Doctoral degrees take three to four years, on average, to complete. Vocational training courses, consisting of one to three years of study, are offered by some colleges and lead to the Higher Education Diploma.

29. Many public universities exist, including the National University of Mongolia in Ulaanbaatar, which the Special Rapporteur visited. Those in the capital city are usually specialized in certain fields, such as medicine, law, education, agriculture, etc. Most colleges offering vocational courses are also State-owned. Each of these institutions has, in recent years, come to enjoy greater autonomy with regards to academic content, the hiring of professors and the choice of admission policies. In addition, following the educational reforms of the 1990s which permitted the establishment of such institutions, a multitude of privately owned higher educational systems operate. In the academic year 2009/10, the Special Rapporteur was told that 99 private higher educational institutions existed, enrolling some 64,000 students.

30. Admission to university and non-university post-secondary programmes is through the *Gerchilgee* diploma, awarded upon successful completion of secondary school. However, all tertiary-education institutions also require students to sit a specific competitive entrance exam. This is held once a year, usually in either late June or early July. The Special Rapporteur learned that, since 1993, tuition at the post-secondary level is no longer free. However, the Government provides financial assistance, in the form of grants and loans, to students from low-income families and students who demonstrate outstanding scholastic achievement.

31. The relatively high enrolment rates in Mongolia for higher education indicate that the Mongolian society greatly appreciates the value of extensive education. The Special Rapporteur was informed that 142,411 students were enrolled at a university or similar higher education institution in 2007.¹⁰ Of these students 1,111 were international students from abroad.¹¹ Gross enrolment rates in 2007 were at 48 per cent, twice the regional average of 24 per cent. The rates are much higher for female students (around 60 per cent) than male students (around 40 per cent).¹² Also in 2007, Mongolia saw 25,938 students graduate.¹³

G. Special education

32. At the time of the visit of the Special Rapporteur, the specific educational needs of children with physical and mental disabilities could be addressed exclusively in *aimag*

¹⁰ Ibid., p. 130.

¹¹ Ibid., p. 138.

¹² Ibid., p. 130.

¹³ Ibid., p. 150.

centres and larger cities.¹⁴ The Mongolian capital, Ulaanbaatar, has six secondary special schools (4 9-year secondary special schools and 2 11-year secondary special schools). The Special Rapporteur has been informed that, in educational districts without special schools, students with disabilities do not show up in statistics pertaining to the general student body.¹⁵

33. Nevertheless, official Government sources stress that the Mongolian Constitution guarantees the right to education to all citizens, including those with disabilities. The enactment and implementation of policies concerning the education and training of children with a disability is a State responsibility. For that purpose, the Government has established the National Centre of Rehabilitation and Vocational Training for the Disabled. The six special secondary schools operating in Ulaanbaatar are all also State-run. In addition, in the academic year 2004/05, a special school for blind children was opened.¹⁶

H. Adult and non-formal education

34. The Special Rapporteur learned that the concept and practice of continuing education was unheard of under the former socialist system. He was made aware that today an estimated 100,000 of Mongolia's 1.2 million adult population is involved in some form of formal education.¹⁷ Learning opportunities for citizens outside of the school system were first provided by the Government in 1991. Although legal bases have stressed the need for and importance of non-formal education, the sector remains relatively unstructured. The Non-Formal Education Centre has been formed which aims to coordinate activities on a national basis. In 1997, the National Programme of Non-Formal Education Development was launched. This was followed, in 2002, by the National Programme for Distance Education, which also addresses alternative pathways to education.

35. The National Programme of Non-Formal Education Development places particular focus on identifying the content, form and methodology of non-formal training that best meets the Mongolian population's interests and needs. It aims, inter alia, to increase literacy and general education levels and enhance professional and vocational skills. In working to achieve these aims, Government ministries, non-governmental organizations and civil society shall actively participate. Close coordination with the United Nations Educational, Scientific and Cultural Organization (UNESCO) education development policy for the Asia and Pacific region is envisaged, but the content of non-formal education is to be developed in a country-specific manner by the Centre for Non-Formal Education.¹⁸

36. The Special Rapporteur is aware that frequently identified reasons for possible educational insufficiencies in the Mongolian adult population are the accessibility challenges due to the immense geographical distances. Therefore, it is only natural that the

¹⁴ Mercedes del Rosario, *The Mongolian Drop Out Study* (Mongolia Education Alliance, Ulaanbaatar, 2005), p. 7. Available from http://pdc.ceu.hu/archive/00002501/01/DropOut_eng.pdf.

¹⁵ *Ibid.*, p. 40.

¹⁶ Asia-Pacific Development Center on Disability, "Country Profile – Mongolia – Current Situation of Persons with Disabilities" (2009). Available from: <http://www.apcdproject.org/countryprofile/mongolia/situation.html>.

¹⁷ *The Mongolian Drop Out Study*, p. 18.

¹⁸ *Ibid.*, pp. 17–20.

National Programme for Distance Education addresses all levels of education, including adult education. Implementation plans for this programme charge the Ministry of Education, Culture and Science with management, planning, coordinating and controlling of distance education strategies. Reflecting the general educational structure in Mongolia, different administrative divisions are nonetheless expected to contribute to the overall success of the programme.¹⁹ The Special Rapporteur was also informed that those who attend vocational training receive various kinds of assistance, for example, scholarships, allowance, and boarding school charges, which means they are not charged during their study period of time. Private vocational training centres receive support from the State budget.

I. Financing of the education system

37. As is the case in most countries, financing of education in Mongolia results from a combination of Government budget allocations, student tuition fees and research grants, with the latter two sources being of particular importance at the post-secondary level. With the Education Law of 1995, the Government of Mongolia committed to maintaining education funding at a 20 per cent share of total Government expenditure.²⁰ The Special Rapporteur was informed by Government officials that, in 2008, 24 per cent of the Government budget was assigned to education, a figure that represented 7.2 per cent of the nation's gross domestic product (GDP). The breakdown of the educational budget reflects the country's geographic and climatic conditions with heating costs constituting almost 20 per cent of the total annual budget of approximately Tog 64 million.²¹

38. As a result of the impact of the financial crisis on Mongolia, such budgetary figures are expected to have changed and may continue to do so. The Asian Development Fund is currently in the process of launching the Education for the Poor – Financial Crisis Response project to ensure that access to and quality of education will be maintained and, where possible, enhanced during and beyond the economic and financial crisis. In the context of this project, a grant to the value of US\$ 17 million has been assigned to Mongolia by the Asian Development Bank for the period 2009–2012. The Government of Mongolia has committed to supplementing this amount by US\$ 9.36 million.²²

39. Since 2002, as the Special Rapporteur was informed, education financing has been centralized across the country, with the exception of the capital city, Ulaanbaatar, where a unique and parallel practice exists. A clear overview and understanding of educational spending in Mongolia was most recently provided by the 2005 Public Expenditure Tracking Survey and the subsequent analysis thereof in a 2006 World Bank report on *Public Financing of Education in Mongolia: Equity and Efficiency Implications*.²³

40. These reports indicate that finances for Mongolian schools are planned and allocated based upon a funding formula. This formula differentiates between variable and fixed spending. While variable spending is relative to estimated enrolment figures for a given

¹⁹ Ibid., pp. 21–22.

²⁰ World Data on Education – Mongolia, p. 7.

²¹ report No. 36979-MN, Washington D.C., World Bank, 2006, p. 43.

²² Asian Development Bank, Proposed Asian Development Fund Grant – Mongolia: Education for the Poor – Financial Crisis Response Project Project No. 43127 (2009), p. 6.

²³ See Public Financing of Education in Mongolia

academic year, fixed spending is based on past expenditures. The amount of funding received by a particular school is also dependent on its status as either a rural or urban school, the size of its student body and its type. *Aimags* may reallocate the total funding received, in order to compensate smaller schools.²⁴

41. Unique to Mongolia, with reference to education funding, is its system of teacher compensation. Teacher salaries are made up of three main parts, namely a base salary, salary supplements and bonuses. Base salaries are solely dependent upon experience, while salary supplements may be assigned for many different reasons, such as class size, remote location, etc. As of early 2010, the average salary rate for school teachers reached US\$ 180 per month. The criteria applied for the awarding of bonuses or making of deductions from a teacher's salary were unclear to the Special Rapporteur. The 2005 Public Expenditure Tracking Survey revealed that teachers in urban schools earn more than those in rural schools, mostly because of the class sizes.²⁵

IV. Educational good practices

A. High enrolment rates and societal value of education

42. Although conscious of the fact that there is still room for improvement, the Special Rapporteur is impressed by the high rates of school enrolment in Mongolia, particularly at primary and secondary levels. At the last count, in 2007, net primary enrolment rates were at 92.7 percent for both girls and boys. Enrolment rates at the secondary level are slightly lower, but still high, namely, at 86.6 per cent. At this level, females are more likely to be enrolled in school than males.

43. The Special Rapporteur has seen in Mongolia that significant challenges to the widespread and effective provision of education can successfully be overcome. Despite living in the most sparsely populated country with extreme weather conditions, the vast majority of Mongolian children has access to primary and secondary schooling.

44. These high enrolment rates, together with the recent changes to the school curriculum, lead the Special Rapporteur to deduce that the value of education is widely accepted in Mongolian society and increasingly so. Starting from the academic year 2005/06, Mongolian children entered primary school at seven years of age. In the academic year 2008/09, the entry age was lowered to six years. These changes allow children to benefit from schooling at an earlier age.

45. The Special Rapporteur also sees the high societal value of education reflected at the post-secondary education level. Gross enrolment rates at universities and comparable higher education institutions reached 48 per cent in 2007, which is twice the regional average. Changes to legislation governing the educational system during the 1990s allowed the establishment of new, privately owned higher education institutions in addition to State-run universities and colleges, which the Special Rapporteur views as a positive development. The introduction of tuition fees for tertiary education reflects the practice in most developed countries, although the Special Rapporteur warns against increases, especially in the present situation of the economic downturn which is affecting Mongolia.

²⁴ Ibid., pp. ii–iv

²⁵ Ibid., p. 48.

B. Mobile *ger* kindergartens and school snacks

46. The Special Rapporteur was made aware that, in Mongolia, where around 40 per cent of the population resides in rural areas, only 42 per cent of children from rural families aged between two and six have access to preschool services (kindergartens), although the number of preschool education educators reached 73.1 per cent in 2008.

47. Nevertheless, the Special Rapporteur was pleased to hear of creative idea of the Ministry of Education, Culture and Science to increase access and coverage of kindergarten facilities in rural areas by establishing the programme of the mobile *ger* kindergarten, a unique initiative to increase the accessibility and quality of preschool education. This programme benefits from the support of UNICEF and non-governmental organizations. In 2008, the initiative helped 21 remote *soums* establish 38 mobile *ger* kindergartens in order to increase the accessibility and quality of preschool education and 50 other *ger* kindergartens at 50 *soums* as part of the Education for All Fast Track Initiative.

48. In addition, specific training sessions were organized for the mobile kindergarten teachers working in remote areas to improve the quality of education services, including some with UNICEF support. By being close to rural families, mobile teachers have a better opportunity to communicate directly with parents, which enables them to provide important information about early childhood development.

49. The Special Rapporteur found that kindergartens and mobile teachers were instrumental in delivering preschool education to children in isolated areas who are unable to access formal preschool services. However, the coverage throughout the country is still limited. The Special Rapporteur therefore insists that the capacity of mobile *ger* kindergartens should be increased in order to support early childhood development and school preparation within families.

C. Education for minorities and other creative initiatives

50. The Special Rapporteur had the privilege of visiting the school of Khovd *soum* where the students, teachers and administrative staff were from the Kazakh ethnic community – which is the main minority group in Mongolia and is present especially in the Western part of the country. The Special Rapporteur was pleased to note that this community enjoys bilingual education (Kazakh-Mongol) at the primary level and that the Government is active in the development of curriculum and textbooks in the Kazakh language. The Special Rapporteur was also made aware that, although not the case in the *soum* he visited, children and adolescents of the Kazakh community can also follow secondary education in the Bayan-Ulgi *aimag* further west.

51. The Special Rapporteur was also made aware that UNICEF plans to develop similar programmes to reach the Tuvan indigenous people, a group of nomads living in the mountains of the north of the country. This openness on the part of the Government to – and the acceptance by the majority of the population of – the special educational needs of minorities and indigenous populations further demonstrate good practices that should be further developed and their outreach extended.

52. Furthermore, the Special Rapporteur also visited non-formal education centres which aim to provide learning opportunities for those who are outside or have dropped out of the school system and whose skills are no longer appropriate for daily life or the labour market. The Programme for the Promotion of Non-Formal Education started in 1995 and the Non-Formal Education Centre was recently created under the Ministry of Education to take charge of the national coordination of activities related to non-formal education

development. The Special Rapporteur was informed of some special programmes that are aimed at providing adult education programmes using radio and print materials in combination with visiting mobile teachers for rural areas. Such programmes and other initiatives rely heavily on the help of outside donors.

53. Finally, the Special Rapporteur was made aware of a creative initiative aimed at educating young generations for nature protection, as a lack of ecological education contributes to environmental degradation. In an effort to restore ecological education and awareness among the public, the Government of Mongolia approved the National Programme for Public Ecological Education in 1997. The programme includes the development of ecological training among the children in secondary schools. With the help of outside partners such as the Swiss Agency for Development and Cooperation, children are taught in and out of classes to learn more of the nature and environment and its interaction with their daily lives. Through a pilot project, 20 teachers – mainly teaching biology and geography – are involved in development of the curriculum and training on its use.

V. Educational challenges

A. School dropouts and lack of reliable statistics

54. It is estimated that almost 35 per cent of the Mongolian population is under 18 and a quarter of the population is between 10 and 19 years old. Since the collapse of the State-controlled economy and the rapid transformation towards a market-oriented economy in the early 1990s, the country has experienced deepening poverty, increasing unemployment and colossal debt servicing. New problems in the education system have also been observed, such as poorer school conditions, poorer quality of teaching and learning (especially in rural schools), inadequate recreational activities for youth outside school and an increase in school dropout rates.

55. The Special Rapporteur has been informed that dropout rates were of particularly high, especially for such a country of young people. It is estimated that school dropout numbers increased dramatically in the first years of the economic transition and have since then slowly decreased. However, the Special Rapporteur was unable to find reliable statistical data that would have provided a clear picture of the magnitude of this phenomenon. Furthermore, he was informed that official statistics and records on the dropout rate were riddled with inconsistencies. Nevertheless, it was estimated that, in 2001, around 15 per cent of children in rural areas did not attend school because they were employed in the agriculture sector (herders with their livestock), while in cities this statistic was around 8 per cent.

56. The Special Rapporteur was also informed that the majority of those who leave school are boys. It is quite unusual to have more boys than girls drop out of school. The Special Rapporteur was made aware that, especially in rural areas, families find it more economically rewarding to keep boys in farming rather than send them to school. Reports have estimated that, in 2001, the school attendance rate in urban areas among the population between 7 and 29 years was 53.6 per cent for males and 59.6 per cent for females, whereas in rural areas it was estimated at 32.8 per cent and 39.3 per cent, respectively. There is also no clear definition of dropout, which has resulted in the absence of reliable data on this issue. The Special Rapporteur also notes that the recent changes in the structure of the educational model, from a 6+2+2 model in 1990, to 3+5+2 in 1992, 4+4+2 in 1998, 5+4+2 in 2002 and the recent move to a 6+4+2 model have also affected attendance, as the pupils and their parents have often found the changes confusing.

57. The Special Rapporteur therefore calls upon the Government to look at the importance of defining the term “dropout” and its consequences. Attention must also be given to how records are kept and maintained, especially in rural schools. Teachers and social workers should be better trained at keeping and maintaining proper and uniform records of attendance and other data collection.

58. The Special Rapporteur also notes that the enforcement of compulsory education in Mongolia does not carry any weight, since there are no penalty clauses provided for non-compliance. As such, it is easy for parents to withdraw their children from school for whatever reason. The situation is amplified by the nomadic tradition of most of rural Mongolia, the harsh physical conditions of the country and the remoteness of some of the settlements.

B. School infrastructure: access to water and sanitation and state of dormitories in rural areas

59. Low population density and the nomadic lifestyle in many rural areas means that boarding schools play an important role in the Mongolian education system. In the school year 2008/09, it was estimated that the 492 public and 10 private boarding schools enrolled 42,086 students (about 8 per cent of the overall student population), of which 36,808 were herders’ children. While recognizing that the costs of maintaining small rural schools and boarding schools are high, the Special Rapporteur saw himself that often these educational institutions are outdated and in serious need of maintenance and renovation. This is most accentuated in the remote areas where investments have been slow to arrive. The disparities between rural schools and urban schools are striking and need to be addressed urgently by the Government.

60. The Special Rapporteur has also noted that the infrastructure facilities in primary and secondary schools tend to be outdated, often in a state of disrepair, and that the budgets for maintenance and renovation were totally inadequate. The Special Rapporteur calls upon the Government to assign funding for improved facilities, better instructional materials and teaching resources, better scientific equipment and improved libraries. Also of concern to the Special Rapporteur were the hygiene conditions of schools in rural areas which were in very poor state and the lack of drinking water and proper access to sanitation facilities in many establishments which endangers the health of students and teachers.

61. More striking is the absence of toilets in many of the overcrowded schools and dormitories, and the difficulties for students to maintain a minimum level of personal hygiene. These conditions constitute serious threats to the health of students as well as teachers and staff working in the schools and dormitories. It is also clear that poor health conditions in the dormitories in rural schools is a factor contributing to students dropping out, as many parents are reluctant to send their children to schools without proper sanitation facilities, especially in the first year of compulsory primary education.

62. The Special Rapporteur wishes to stress to the Government that the lack of proper sanitation in schools severely impinges upon the right to education. He recalls the observations of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, who noted that the diseases caused by the lack

of proper access to sanitation resulted in children being sick and had negative impacts on their ability to learn.²⁶

63. The Special Rapporteur would like to point out, however, that schools are often a determinant factor for initiating change by helping children to develop useful life skills, including those concerning health and hygiene. New hygiene behaviours learned at school can result in positive habits. Teachers can act as role models, not only for the children but also within the community. In turn, children often influence the behaviour of other family members, including both adults and younger siblings, and thereby contribute to more general changes in hygiene habits.

C. Migration to cities and overcrowding in urban schools

64. The Special Rapporteur has been made aware of the phenomenon of internal migration from rural areas to urban centres, particularly to the capital city and its surrounding areas, which has been occurring since the 1990s and the dismantlement of the State-planned economy. Such migration has reached new heights since the financial crisis hit the country in 2008. Although the exact nature of the consequences of the financial crisis has yet to be determined, the Special Rapporteur was informed that price increases in basic commodities and school items have been greater in rural than in urban areas. The transition to a market economy had also impacted the life of the rural population as it resulted in fewer job opportunities, lower productivity in the animal husbandry sector and the domination of the service sector.

65. All these factors have triggered inward migration to *aimag* centres and urban areas, which in turn created new peri-urban populations. Ulaanbaatar and its surroundings have especially felt the impacts of inward migration, with a doubling of its population in recent years. At the same time, rural areas are losing their once stable populations. The migration to cities has thus brought new challenges to the education sector, by substantially increasing demand for school services in urban centres. Some rural schools are now operating below capacity as a result of outflows from their catchment areas.

66. The Special Rapporteur has further observed that migration from rural to urban areas presents additional challenges to the educational authorities. In remote rural areas, schools have had to contend with decreasing enrolment and rising per capita costs, while in urban areas, notably in Ulaanbaatar and its immediate surroundings, internal migration is placing considerable pressure on school infrastructure. Many schools now operate in double or even triple shifts and pupil-teacher ratios have been on the rise.

67. The Special Rapporteur is concerned by this overcrowding in urban schools and the potential consequences it can have on the learning environment. This, combined with limited space in classes and few extracurricular activities, not only because of capacity but also because of climate constraints, further affects the development of a positive learning environment. The Special Rapporteur calls upon the Government to expand school constructions in urban and peri-urban areas as a matter of priority.

²⁶ See A/HRC/12/24, paras. 30–32; see also Committee on the Rights of the Child, general comment No. 4 (2003).

D. Education of children with disabilities

68. The Special Rapporteur was made aware that 23,969 pupils enrolled in the education system present some form of impairment requiring special educational needs. It is estimated that 10,921 pupils are affected by visual impairment (of whom 6,337 are girls); 1,862 with a mental disability; 4,529 with hearing impediments and 2,575 with various physical needs. Secondary School No. 29 in Ulaanbaatar is the leading special school, which is entitled to develop the curriculum and instructional materials for the other five secondary special schools in Ulaanbaatar. It is estimated that there are around 200 teachers in Mongolia trained to cater to special educational needs. In 1994, the Teacher Training College opened a faculty for special education teachers.

69. The Special Rapporteur noted, however, with great concern, that the educational opportunities for pupils with disabilities are still far from being met and realized. He has observed and been made aware of the segregation of these students who are being placed in non-formal education centres and not in the formal education structure. Although the Special Rapporteur identified students with light disabilities in the formal structure, he found that teachers generally do not have the skills or capacities to meet special educational needs.

70. The Special Rapporteur was also concerned by an absence of reliable statistics pertaining to children with disabilities. This reality not only prevents the identification of the number and whereabouts of these persons, but also impedes the development of public policies to address their needs, contributing to further segregation and discrimination. The Special Rapporteur calls upon the Government to move forward in the design and implementation of educational programmes that would allow the gradual inclusion of students with disabilities in the regular system, reminding it that Mongolia has ratified the Convention on the Rights of Persons with Disabilities and assumed obligations in this regard. These programmes should aim to make physical adjustments in schools, provide transport for persons with disabilities and gradually introduce curriculum adaptations and teacher training that is required in order to offer quality education to all.

E. Lack of a human rights culture

71. Throughout the many meetings conducted and the many schools and other educational institutions visited during the mission, the Special Rapporteur noticed a lack of participation of women in the public affairs of the country. He also noticed the persistence of certain gender-based stereotypes, such as one of the main characteristics of education in Mongolia being its disproportionate female representation, whereby female domination is reported throughout the education system.

72. The Special Rapporteur also noted that the overrepresentation of women in the education system is in contradiction with the lack of participation of women in the public affairs of the country.

73. Furthermore, the Special Rapporteur would like to stress the need to move away from traditional gender-based stereotypes and highlight the importance of creating a human rights culture, not only in schools, but also among the general population of Mongolia. As such, there is a strong need to strengthen the vision of human rights in educational programmes. Although some human rights are present in some parts of the curricula, these are generally included in a descriptive and superficial manner and limited to three subjects, namely social studies, history and civic education. The Special Rapporteur has noted that the State University of Education has undertaken valuable initiatives to train teachers in this regard, despite limited resources. The lack of literature on human rights available in the

Mongol language should also draw the attention of the international community and United Nations agencies, which should encourage and finance the translation of books on human rights into the Mongol language.

74. The Special Rapporteur would like to recall his observations in his recent report on lifelong and human rights learning where he insisted on the necessity of learning “to move closer to the context of human rights, as this is essential for progression to a society free from all forms of prejudice, exclusion and discrimination and the realization of a global human rights culture”.²⁷

VI. Conclusions and recommendations

75. The Special Rapporteur would like to express his appreciation to the Government of Mongolia, civil society and the United Nations agencies for all their assistance in carrying out a successful visit. The Special Rapporteur was pleased to experience such frankness in all the meetings he had, and appreciated the constructive self-criticism expressed by his interlocutors. The Special Rapporteur reminds the Government of its unequivocal commitment to providing education to all despite the particular situation of the country and the challenges encountered, and reiterates that education is the true vehicle for development and should not be seen as neither a service nor a commodity, but as a basic human right.

76. The Special Rapporteur has noted with interest the significant determination and creativity of a people who have managed to establish and maintain such an extensive system and network of schools despite the challenges of the landscape, climate and numerous economic difficulties. The high enrolment rates in the primary and secondary levels are notable for a country of such a large size with a small population and the Government should be commended for this achievement.

77. Furthermore, recent initiatives taken by the Government, such as the provision of free school snacks to all at the primary level, the programme of the mobile *ger* kindergartens and other examples mentioned could be followed by other States and reflect the innovation that the Mongol people are capable of showing with regard to their commitment to education. This innovation is also reflected in the value and importance people attach to education; even in the remotest *gers*, nomadic families have shared with the Special Rapporteur their wish for their children to pursue higher education.

78. Nevertheless, the Special Rapporteur is concerned about the dropout rates of children from the primary and secondary levels, the limited opportunities for education for children with disabilities and the absence of reliable statistics to document these and other phenomena. The Special Rapporteur also noted the outdated and sometimes inadequate conditions of school buildings and dormitories. In rural areas, the poor conditions are intensified by problematic access to water and sanitation, whereas in urban areas, schools face a situation of overcrowding as a result of internal migration move from rural to urban areas. The absence of a human rights culture is reflected throughout the public spheres where the active participation of women is clearly lacking, especially at decision-making levels.

²⁷ A/64/273, para. 63.

79. In the light of the above, the Special Rapporteur recommends that the Government of Mongolia and international agencies present in the country:

- Secure appropriate investment in education and maintain the necessary funds allocated to the budget of the Ministry of Education and Science (equal to a minimum of 6 per cent of GDP or 20 per cent of the State expenditures), paying particular attention to the importance of maintaining constant and sufficient funds despite the economic and financial crises. It is the responsibility of the State to adequately finance education and reliance on external donors and partners should not be seen to justify less financial involvement of the State;
- Urgently address the issue of school infrastructure, especially in rural areas, so as to establish a plan of action for renovation of schools, construction of proper sanitation facilities with running water and adequate heating;
- Encourage initiatives to promote the teaching of useful life skills on health and hygiene, as these behaviours learned at school lead to an improved hygiene situation for the whole society;
- In urban and peri-urban areas where schools are overcrowded, expand school constructions as a matter of priority to meet the needs of the newly settled population;
- Ensure better statistical data, especially with regard to enrolment and dropout rates: better scrutiny needs to be established to properly define “dropout” and its consequences;
- Establish better policies and guidelines on how records are kept and maintained, especially in rural schools. Teachers and social workers should be better trained at keeping and maintaining proper and uniform records of attendance and other relevant data;
- Ensure better identification through more rigorous record-keeping and statistics of children with disabilities and their educational needs, such as physical adjustments in schools, transport for persons with disabilities and teacher training;
- Design and implement educational programmes that will allow for the gradual inclusion of students with disabilities in the regular system. Mongolia has ratified the Convention on the Rights of Persons with Disabilities and has assumed obligations in this regard;
- Continue with the gradual expansion of the mobile *ger* kindergarten initiative. The Special Rapporteur has found this creative programme well-suited to the reality of the Mongol nomadic and rural population and useful in the development of early childhood and school preparation within families;
- Implement a gender perspective in education at all levels, including teacher training and encouraging women to take up higher decision-making posts in all fields, as well as participate in the public and political life of the country;
- Develop intercultural linguistic initiatives in all educational centres in Mongolia in order to strengthen harmonious coexistence between the Mongol and minority communities;
- Promote human rights literature and its diffusion throughout educational institutions. This initiative should also be encouraged and supported by the

international community and United Nations agencies, which should contribute in the translation of books on human rights into the Mongol language.

80. Finally, the Special Rapporteur also wishes to recommend that the World Bank continue the Fast Track Initiative. Since Mongolia was accepted into the Fast Track Initiative in September 2006, it has received a total of US\$29.4 million in grant resources from the initiative's Catalytic Fund to be spent on improving the access and quality of basic education in Mongolia. Given the impact of the financial crisis, the duration of this programme should be extended at minimum until a thorough economic recovery is observed.
