

[Working Paper Series: The Protection of Minority Rights in Asia – Part 1]

Protection of Minority Rights in Mongolia

Ukhnaa Tuya & Damba Ganbat
(Academy of Political Education)

Overview

Mongolia is located in the eastern part of Asia, bordered by Russia to the north and China to the south. It covers an area of 1.6 million square km, with a population of 3.5 million, making it the world's most sparsely populated nation. Mongolia is the world's largest landlocked country that does not border a closed sea, and much of its area is covered by grassy steppe, with mountains to the north and west and the Gobi desert to the south. Ulaanbaatar, the largest city and the capital, is home to roughly half of the country's population.

The Mongols constitute one of the principal ethnographic divisions of Asian peoples. Their traditional homeland is centered in Mongolia, a vast plateau in Central Asia. Physical anthropologists in the 19th century introduced the terms “Mongol” and “Mongolian” as descriptive of “racial type,” even though the Mongols exhibited a wide range of physical characteristics.¹ Today, the Mongols are recognized as a group of peoples bound together by a common language and a common nomadic tradition.

The Mongols have always been nomads; however, nomadism is the seasonal movement of livestock and camps from one pasture to another, not unfettered wandering. Legend and folklore show that among the premodern Mongols, the common people considered livestock to be private property and land to be collective property. Traditional society was based on blood relationships traced through the common male ancestor who gave his name to the clan, though evidence exists of a more ancient system of matrilineal descent. Marriage between members of the same clan was forbidden, giving rise to complicated marriage alliances (and also feuds) among the clans. As clans grew, the most successful families tended to arrogate to themselves claims to ancestry and territory. Weak clans fell to a subordinate but not servile status: they owned their own cattle and had their own headmen, but paid tribute to the ruling clan and moved, camped, pastured, and fought under its orders. Today, approximately 30% of the population is nomadic or semi-nomadic, and horse culture remains integral.

¹ Chauncy D. Harris, Owen Lattimore, and Alan J.K. Sanders, “Mongolia,” 2021.

Ethnic Background, Languages, and Religion

The Mongols are ethnically quite homogeneous. There are 24 ethnic groups mentioned in the 2020 National Census.² The Khalkh make up the majority and comprise over 84.5% of the population.³ The Khalkh (also spelled Khalkha or Halh) are the dominant ethnic group of Mongolia. As the majority group that controls the ancestral homelands of all Mongol people, the Khalkh people see themselves as the direct ancestors of Genghis Khan, and therefore the true standard-bearers of authentic Mongolian culture. They uphold Khalkh traditions and beliefs as the official Mongol traditions, and Khalkha Mongol is the official language of the nation since all other Mongol languages are dialects of this common tongue. Considering their history, it is really not surprising to learn that the Khalkh are extremely proud of their heritage, and encourage the preservation and continuation of traditional Mongol, by which they mean Khalkh, culture. For a long time, this led the Khalkh, who dominate Mongolian politics, to shut off Mongolia from outside influences. Today, however, Mongolia is much more open and has even permitted limited entry of Christianity into a nation that traditionally practices Buddhism. Other Mongolian groups, including the Dörvöd, Buryat, Bayad, and Dariganga, account for nearly half of the rest of the population.

Much of the remainder consists of Turkic-speaking peoples, mainly Kazakhs, some Tuvas, and a few Tsaatans (Dhukha), who live mostly in the western and northern parts of the country. There are very small numbers of Russians and Chinese, who are found mainly in the towns. All Mongols recognize their kinship to each other in varying degrees through legend, written history, and especially language. Dialects vary from east to west more than from north to south, but few are unintelligible to other Mongols. Ethnicity is defined by common origins (ethnic groups are descendants of tribes or clans), dialects, and cultural differences. However, except for the Kazakh and Tuva minority groups residing in Western Mongolia, all ethnic groups speak Mongolian dialects that are comprehensible to speakers of Khalkh and to each other. Khalkh Mongolian is the official national language and is used at all levels of administration, is the language of instruction in most schools, and is used in all national exams.

Besides the Tsaatan, the Kazakh, the Tuva, and to some extent the Khoton, cultural differences among ethnic groups are minor. Mobile pastoralism has traditionally been practiced within Mongolia, and this common nomadic way of life has fostered a relatively uniform Mongol culture, with people sharing similar livelihoods, having frequent contact with speakers of other dialects, and developing close social and cultural practices. The majority of Mongolia's ethnic groups share similar customs, traditions, and systems of production as the Khalkh. Ethnicity is mainly revealed in distinct clothing styles and ways of preparing food, as well as in musical and oral traditions.

Ethnic distinctions can thus be qualified as relatively minor, although some groups may have a stronger sense of their own identity than others. This is the case for the traditionally nomadic reindeer-herding Tsaatan people in Khuvsgul aimag (province); the Kazakhs, who have stronger cultural differences added to language and religious distinctions (Kazakh language and Islam); and the Tuvas (Tuva language). However, Kazakh and Tuva livelihoods are not significantly different from those of the Mongol subgroups; only the Tsaatan are characterized by a specific system of

² Government of Mongolia, "Mongolia: Aimags and Soums Green Regional Development Investment Program," *Asian Development Bank*, April 2020, pp. 5.

³ Ariunzaya Ayush et al., "2020 Population and Housing Census of Mongolia," *National Statistics Office of Mongolia*, 2020, pp. 54.

production. Most of the Mongol minority groups, and even many Khalkh people, still live in semi-nomadic pastoral bands that move continually across the Steppe, the high-altitude plains where their ancestral culture originated. However, many worry that nomadic herding is no longer sustainable, as climate change is drying up the land and major cities are developing throughout the nation in places where more economic opportunities are available.

Although Mongolia has a fair amount of ethnic group diversity, this has not led to major problems. The Khalkh people are generally not challenged in their claims to represent true Mongol culture, or in their widespread control that simply comes from having much greater numbers. This does not mean, however, that things are always perfect. Every now and then one of the ethnic minority groups will bring their lack of political representation into national politics or will question decisions made by the government for Mongolia's future. However, while racial tension does exist in these cases, the disputes are almost always resolved peacefully and diplomatically.

The official language of Mongolia is Mongolian, and is spoken by 95% of the population.⁴ The government has given increased attention to respecting and protecting the languages and cultural rights of Kazakhs, Tuvas, and other minorities. The vast majority of the population speaks Mongolian, and nearly all those who speak another language understand Mongolian. A variety of Oirat and Buryat dialects are spoken across the country. In the western part of the country, Kazakh and Tuva, both Turkic languages, are also spoken. Mongolian Sign Language is the principal language of the deaf community. Today, Mongolian is written using the Cyrillic alphabet in Mongolia, although in the past it was written using Mongolian script. An official reintroduction of the old script was planned for 1994, but has yet to take place as older generations encountered practical difficulties. Schools are reintroducing the traditional alphabet. In March 2020, the Mongolian government announced plans to use both Cyrillic and the traditional Mongolian script in official documents by 2025.⁵

The Mongols originally followed shamanistic practices, but over time they broadly adopted Tibetan Buddhism (Lamaism), with an admixture of shamanistic elements. On the fall of the Qing in the early 20th century, control of Mongolia lay in the hands of the Javzandamba (spiritual leader) and of the higher clergy, together with various local khans, princes, and noblemen. The new regime installed in 1921 sought to replace feudal and religious structures with socialist and secular forms. During the 1930s, the ruling Communist party, which espoused atheism, destroyed or closed monasteries, confiscated their livestock and landholdings, induced large numbers of monks (lamas) to renounce religious life, and killed those who resisted.⁶

In the mid-1940s, the Gandan monastery in Ulaanbaatar was reopened, and the communist government began encouraging small numbers of lamas to attend international Buddhist conferences, especially in Southeast Asia, as political promotion for Mongolia. The end of one-party rule in 1990 allowed for the popular resurgence of Buddhism, the rebuilding of ruined monasteries and temples, and the rebirth of the religious vocation. Buddhists, predominantly of the school headed by the Dalai Lama, constitute nearly one-third of the Mongolians who actively profess religious beliefs. According to the 2020 National Census, among Mongolians aged 15 and above, around 50% were Buddhists,

⁴ Ayush et al., “2020 Population and Housing Census of Mongolia.”

⁵ “МОНГОЛ ХЭЛНИЙ ТУХАЙ (The Law on Mongolian Language)” (МОНГОЛ УЛСЫН ХҮҮЛЬ [Law of Mongolia], Ulaanbaatar, 2015), Articles 7.2, 24.2.

⁶ Harris et al., “Mongolia.”

while 39% were non-religious. Approximately one-third of the population adheres to traditional shamanic beliefs. A relatively small number of Muslims, who are found mostly in the western part of the country, are nearly all Kazakhs, and a much smaller community of Christians live mainly in the capital. A significant proportion of the people are atheistic or non-religious.⁷

Buddhism is the majority religion, with the non-religious being the second-largest group. Islam is the second-largest religion, concentrated among ethnic Kazakhs. Most citizens are ethnic Mongols, with roughly 5% of the population being Kazakhs, Tuvas, and other minorities, who are especially concentrated in the west. Of the Kazakhs in Mongolia, 81.9% practice Islam, while 27% of Tuvans and 60.5% of Tsaatan people practice shamanism. About 95% of all Muslims in Mongolia are Kazakhs.⁸

Minority-related Legislation

The rights of ethnic minorities are guaranteed by the Constitution of Mongolia (1992) which states: “no person may be discriminated on the basis of ethnic origin, language, race, age, sex, social origin or status, poverty, occupation or post, religion, opinion, or education”.⁹ The constitution also protects the right of ethnic minorities to practice their own culture and use their own language, guaranteeing “the right of national minorities of other tongues to use their native languages in education and communication and in the pursuit of cultural, artistic, and scientific activities”.¹⁰

The government of Mongolia has no specific law or regulation related to indigenous peoples or ethnic minority concerns and issues. A few of Mongolia’s laws, such as labor law (Article 7(1)) and the criminal code (Article 5(1)), for example, guarantee equality among ethnic groups. As such, there is no specific branch of government designated as responsible for addressing the concerns of ethnic and indigenous peoples. However, in Article 20(3) of the 2006 parliament law, a standing committee is designated to formulate state policies on ethnic minority languages, cultures, and traditions.

Some Concerning Issues

In the early 2010s, international organizations and UN Special Rapporteur reports included the following comments and concerns.¹¹

- The Special Rapporteur commended Mongolia’s efforts to protect the rights of ethnic minorities, including the right to mother tongue education, under the National Human Rights Program, and significant progress has been made in protecting the rights of ethnic minorities.

⁷ Ayush et al., “2020 Population and Housing Census of Mongolia,” 61.

⁸ Ayush et al., “2020 Population and Housing Census of Mongolia,” 62.

⁹ “The Constitution of Mongolia,” Article 14(2).

¹⁰ “The Constitution of Mongolia,” Article 8(2).

¹¹ Human Rights Council, “Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, on her mission to Mongolia (December 3 to 7, 2012),” *United Nations*, A/HRC/23/36/Add.2, 2013.

- In the framework of Mongolia's regular reports on the implementation of international human rights instruments, the UN Treaty Organization expressed its concern regarding the following issues related to Mongolia's ethnic minorities.¹²
- Lack of appropriate policies to address challenges for ethnic minorities to ensure their interests, including poverty, unemployment, and lack of access to education in their mother tongue;
- Compared to the national average, fewer people from Kazakh, Tuva and Tsaatan minorities have access to primary, general and higher education;
- In terms of quality, education provided to minorities is not good, as evidenced by the fact that students from ethnic minority and indigenous communities do not perform well in university entrance exams; and
- In Bayan-Ulgii aimag, discrimination still exists for minorities who seek to enter public service.

Mongolia has enshrined the Law on Education, the Law on Primary and Secondary Education, and the Law on the Mongolian Language in the Constitution to ensure and protect the rights of ethnic minorities, including the right to education and the right to mother tongue education. For example:

- Article 8(1) of the Constitution of Mongolia states that the Mongolian language is the official language of the state, and stipulates that Section 1 of this article shall not affect the right of national minorities of population to use their native languages in education and communication, and in their pursuit of cultural, artistic, and scientific activities.
- Article 5(1)(4) of the Law on Education specifies, "conditions to learn in one's mother language shall be provided," while Article 30(1)(12) provides that "activities shall be organized to create conditions for ethnic minorities to receive education, inherit their culture and customs, and communicate in their native languages in the school environment."
- Article 4(1)(1) of the Law on Primary and Secondary Education states that the content of education shall be aimed at teaching students to speak their mother tongue correctly, to express their thoughts clearly, and to read and write in their mother tongue.
- Article 13(1)(4) of the Law on Mongolian Language states that "if the majority of students are ethnic minorities with a different language, learning shall be conducted in a bilingual program and the content of the bilingual program shall be approved," while Article 13(1)(5) of the law states, "activities shall be organized to create conditions for ethnic minorities to receive education in Mongolian and their mother tongue, to inherit their culture and customs, and pursue scientific activities."

It can be concluded that Mongolia's inclusive education policy has shifted from a special education policy to a more inclusive education concept and policy. In other words, we as a country seek to promote inclusive education, regardless of disability status, language, or cultural differences. In this context, the government has actively been implementing reforms to meet the specific educational needs of the Kazakh and Tuva ethnic minorities and to improve access to and the quality of education since the mid-2000s.

¹² Committee on the Elimination of Racial Discrimination, "Combined twenty-third and twenty-fourth periodic reports submitted by Mongolia under article 9 of the Convention, due in 2018." *United Nations*, CERD/C/MNG/23-24, 2018.

Policies and guidelines for ensuring education for children from the Tuva and Tsaatan (Dhukha) minorities were reflected in the “Program for Supporting Reindeer Husbandry and Improving Tsaatan People’s Livelihood” approved by the government in 2007, and the 2013 Presidential Decree titled “Guiding the Government.” For example, the program provides for equal access to education for Tsaatan children and includes the following measures to prevent students from dropping out:

- To make preschool education accessible to Tsaatan people
- To ensure that Tuva language courses are included in the elementary school curriculum by adding the course into the study hours managed by schools
- To provide support for translating some textbooks and teaching materials into Tuva
- To improve educational materials and facilities
- To make sure that university tuition and dormitory fees for Tsaatan children living in the forest and taiga will be covered by the government.

In the resolution “On some measures to be taken to improve the quality of educational services for Kazakh children” approved by the government in 2010, the following actions were included:

- To establish a research unit within the Institute of Education to conduct research on preschool, primary, and secondary education for Kazakh children;
- To review the curricula and syllabi of Kazakh-language secondary schools and improve the quality of education by setting study hours for Mongolian and Kazakh language based on scientific research; and
- To take specific measures to strengthen the management and human resource capacity of educational institutions in Bayan-Ulgii aimag and to improve the Mongolian language skills of Kazakhs.

As part of the implementation of the aforementioned government policies and decisions, some progress has been made by establishing a specific unit within the Institute of Education which is tasked with performing research on education for ethnic minorities and Mongolian children abroad, and translating textbooks for primary school students into Kazakh and Tuva. For example, in most secondary schools in Bayan-Ulgii aimag, students study all subjects in their mother tongue at the primary school level, and start learning the official state language in 2nd grade or after becoming literate in their mother tongue. Primary school textbooks have been translated into Kazakh and Tuva and distributed to primary school children who are being taught in their mother tongue.

In implementing the decree issued by the president of Mongolia in 2013, a university quota was set for Tsaatan people living in Khuvsgul aimag. As a result, five children who graduated from the school in Tsagaannuur soum (county) enrolled in university in 2017. Eleven Tsaatan children studying at universities received grants from the State Education Fund.

Looking at the 2020 Population and Housing Census of Mongolia, it can be concluded that some progress has been made in education as a result of measures taken for ethnic minorities. The 2020 Population and Housing Census of Bayan-Ulgii aimag found that:¹³

- The proportion of the aimag’s population aged 10 and over that is educated is 93%, which is an increase of 7.2 percentage points from the previous census.

¹³ Ayush et al., “2020 Population and Housing Census of Mongolia.”

- The percentage of illiterate people between ages 15 and 19 in the aimag declined by 0.7 percentage points compared to the previous census.
- 70.4% of children aged 10 to 14 have a primary education, which is an increase of 17.7 percentage points from 2010.

However, the attention should be paid to the fact that the literacy and school enrollment rates of the population in Bayan-Ulgii aimag are lower than the national average, and the majority of children who drop out of school live in this province. According to data collected from 2013 to 2017 by the Research Unit of Education for Children from Ethnic Minorities and Mongolian Children Abroad of the Institute of Education under the Ministry of Education, Culture, and Science, there has been no significant change in the quality of education for ethnic groups. For example, according to the data collected by the Research Unit, in the academic year 2016-2017, on average, minority students scored 59% on the Kazakh language test, 58.2% on the Tuva language test, and 38.7% on the Mongolian language test¹⁴.

According to a UNICEF study, the basic reading skills of Kazakh students are 14 to 17 points lower than that of Khalkh children.¹⁵ A qualitative research study conducted by the “All for Education!” National Civil Society Coalition NGO highlighted the following concerns:¹⁶

- a) In Mongolia, there are currently no didactic or optimal curricula that support children of ethnic minorities with different cultures and languages in learning multiple languages
- b) No data specific to children from ethnic minorities and other language and cultural groups was collected to evaluate their school enrollment and academic achievements.
- c) There is a lack of effort to educate bilingual and multilingual teachers and improve their teaching skills to make education accessible for ethnic minorities. ■

¹⁴ Research Unit of Education for Children from Ethnic Minorities and Mongolian Children Abroad. Data collected in 2013-2017. Institute of Education under the Mongolian Ministry of Education, Culture and Science – Institute of Education. (in Mongolian)

¹⁵ Tserennadmid Nyamkhuu et al., “Mongolia Education Fact sheets 2020,” UNICEF, 2020.

¹⁶ Y. Munkhchimeg et al., “Equal Education, Good Practice for Child Protection,” ‘All for Education!’ National Civil Society Coalition, 2020. (in Mongolian)

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- **Ukhnaa Tuya** is a member of the Academy of Political Education, Ulaanbaatar.
- **Damba Ganbat** is the Chairman of Board at the Academy of Political Education, Ulaanbaatar.

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For inquiries:

Jinkyung Baek, Director of the Research Department/Senior Researcher

Tel. 82 2 2277 1683 (ext. 209) j.baek@eai.or.kr

The East Asia Institute
1, Sajik-ro 7-gil, Jongno-gu, Seoul 03028, Republic of Korea
Phone 82 2 2277 1683 Fax 82 2 2277 1697
Email eai@eai.or.kr Website www.eai.or.kr