

Ensuring Equality in Education Access: The Dynamics and Challenges for Vietnamese Ethnic Minority Girls

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Abstract

Education access is one of the critical human rights that has been decided for the development of everyone and has been codified in the international and national legal systems. Despite important achievements in ensuring and promoting fundamental human rights in general, with the characteristics of being one of the most vulnerable in society, ethnic minority girls experienced discrimination and double inequality in benefiting their rights, including access to education. Regarding the education right of girls in the ethnic minority in Vietnam today, the following article focuses on the following matters: (i) Analysing the Vietnamese legal framework in ensuring the education right of ethnic minority girls; (ii) Presenting the difficulties and challenges in ensuring this right for ethnic minority girls in Vietnam; (iii) Proposing necessary recommendations for the Government to improve the enjoyment of the right for Vietnamese ethnic minority girls in the upcoming time.

Keywords: Education Access, Equality, Ethnic Minority Girls, Vietnam, Women's rights



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I. INTRODUCTION

Education access is a critical Human right that helps individuals develop comprehensively and reach their best potential. In recognition of its critical role in the holistic development of children, the right to education has been the center of attention of countries and the international community since the early days and has become one of the fundamental human rights. Education is considered the most effective means of providing equal opportunities for development and creating changes in the future for children who are members of ethnic minorities and living in mountainous areas. As Thanh Giang said, being out of school reduces children's potential and increases poverty and disadvantage cycles for the whole country and the world. Therefore, further promoting this group's right to access education is essential. This needs not only helps them access equal study and work opportunities but also reduces the rich and poor gap and enhances the chances for integration among ethnic groups in the country.²

The UDHR 1948 at Art 26 (1) states, "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all based on merit". Inheriting the spirit of the UDHR, Article 11 (1) ICESCR continues to affirm: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent". Articles 28 and 29 of the CRC Convention 1989 also specify that "States Parties recognize the right of the child to education, and to achieve this right progressively and based on an equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all;..."; "States Parties agree that the education of the child shall be directed to (b) The development of the child's personality, talents and mental and physical abilities to their fullest potential;...".

As a developing country with many challenges in socio-economic development, Vietnam always identifies "Education as the top priority in national development policies." Therefore, early on, Vietnam issued many policies and legal documents to recognize, respect, and protect the right to education. For children in ethnic minorities, education is the most effective means to achieve equal development and change their life. As a result, over the years, with ethnic policies built and implemented based on the principle of "equality, solidarity, respect, mutual help for progress," the Vietnam Government has focused on the interest in

² T. Giang, "Thúc Đẩy Quyền Tiếp Cận Giáo Dục [Promoting Access to Education]", Nhandan online, 2022, <https://nhandan.vn/thuc-day-quyen-tiep-can-giao-duc-post720426.html>.

enhancing education in ethnic minority areas, thereby achieving actual results, creating a foundation for equality among ethnic groups.³

Although there have been significant achievements in promoting education for children, the results of the survey on the socio-economic status of 53 minorities 2019 of the General Statistics Office of Viet Nam show that ethnic minority children in Viet Nam still face many difficulties in access to education, causing illiteracy among children has not been comminated.⁴ The lack of facilities, problems in transportation, family circumstances, poverty, and the burdens of living at a young age are the primary reasons preventing children from accessing education in ethnic minorities and mountainous areas, which are targeted areas in eradicating illiteracy.⁵

According to the survey results, there is almost no difference between socio-economic regions in Vietnam in the level of primary education universalization, but there is a difference at the lower and upper secondary levels. The rate of children attending school at the correct primary school age of 53 ethnic minorities reached 96.9%, exceeding the target "By 2020 the rate of ethnic minority children entering primary school at the correct age will reach over 94%".⁶ However, a few ethnic minorities have a primary school attendance rate below the target.⁷ Children from ethnic minorities attend school at rates of 81.6% and 47% for lower secondary and upper secondary school age, respectively. Additionally, It has been shown that a low percentage of students in many ethnic minorities attend high school at the right age (under 30%).⁸ The schooling rate at the correct age for ethnic minority girls (EMGs) is higher than that of boys; the higher the education level, the more pronounced the gender disparity.⁹

³ Committee for Ethnic Minority Affairs, General Statistics Office, 'The Results of the Survey to Collect Information on the Socio-Economic Status of 53 Ethnic Minorities in 2019' (Hanoi: Statistics Press, 2020).

⁴ General Statistics Office of Vietnam, '2019 Survey on Socio-Economic Status of 53 Ethnic Minorities', 5 September 2021, <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2020/07/ket-qua-dieu-tra-thu-thap-thong-tin-ve-hien-trang-kinh-te-xa-hoi-cua-53-dan-toc-thieu-so-nam-2019/>.

⁵ Thu Hien, 'Eliminating Illiteracy for Children in Ethnic Minorities and Mountainous Areas', 2020, <https://consosukien.vn/xoa-mu-chu-cho-tre-em-dan-toc-thieu-so-va-mien-nui.htm>.

⁶ General Statistics Office of Vietnam, '2019 Survey on Socio-Economic Status of 53 Ethnic Minorities', 5 September 2021.

⁷ General Statistics Office of Vietnam.

⁸ General Statistics Office of Vietnam.

⁹ Committee for Ethnic Minority Affairs, General Statistics Office, 'The Results of the Survey to Collect Information on the Socio-Economic Status of 53 Ethnic Minorities in 2019'.

*Rate of school attendance at the correct age of ethnic minority children by a school level¹⁰**Unit: %*

	Primary school		Secondary school		High school	
	Boys	Girls	Boys	Girls	Boys	Girls
53 ethnic minorities	96,8	97,0	80,0	83,3	43,4	50,9
Urban, Rural						
Urban	97,0	97,4	85,1	89,5	61,3	72,0
Rural	96,7	96,9	79,3	82,3	40,4	46,7
Socio-economic region						
Northern Midlands and Mountains	97,9	97,4	87,9	86,4	52,0	55,2
Red river delta	98,4	98,3	90,7	92,1	60,7	63,5
North Central and Central Coast	97,3	97,8	81,9	88,0	43,6	55,9
Highlands	93,8	95,6	62,4	75,7	21,2	37,2
South East	95,6	96,1	74,9	78,0	43,2	49,9
Mekong Delta	95,1	95,8	67,9	74,5	33,8	43,3

Also, according to the survey results of the General Statistics Office of Vietnam in 2019, the literacy rate is still relatively low among many ethnic minorities, of which the lowest are the Mang (46.2%), La Hu (46.9%), Lu (49.7%) and Butt (54.3%) ethnic groups. Ethnic minorities have high literacy rates, such as Ngai (96.5%), San Diu (95.7%), Muong (95.5%), Tay (94.9%), Tho (94.9%), Hoa (91.0%), Nung (90.0%).¹¹ In particular, there are differences in genders and between urban and rural areas in the ability of ethnic minorities to read and write fluently in a common language.

Ethnic minority men have 11.6% higher than women (86.7% compared to 75.1%) in the ability to read and write. This proportion of ethnic minorities living in urban areas is

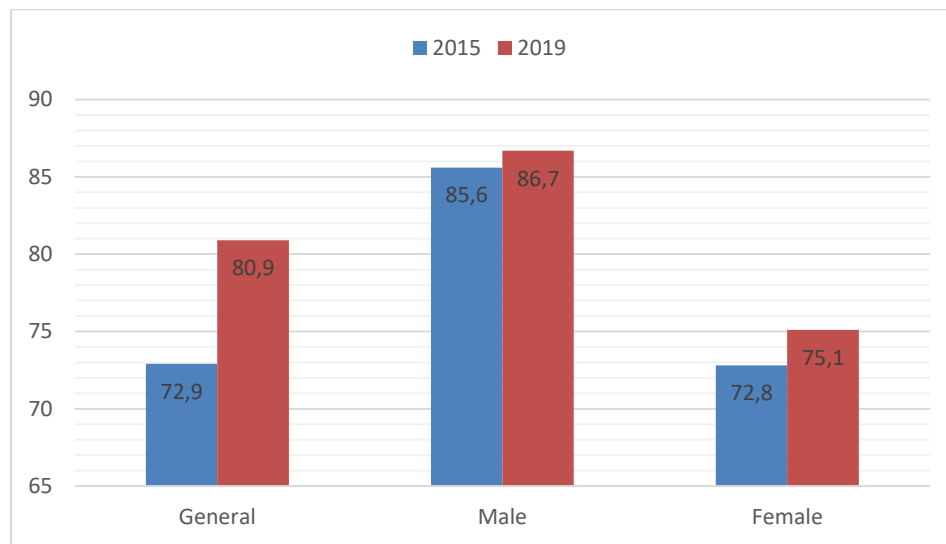
¹⁰ Committee for Ethnic Minority Affairs, General Statistics Office, ‘The Results of the Survey to Collect Information on the Socio-Economic Status of 53 Ethnic Minorities in 2019’, 2020.

¹¹ General Statistics Office of Vietnam, ‘2019 Survey on Socio-Economic Status of 53 Ethnic Minorities’, 5 September 2021.

8.9% higher than in rural areas (88.7% compared to 79.8%).¹² As also stated in the survey results of the General Statistics Office in 2019, the most significant gender gap in the literacy rate belongs to the Northern Midlands and Mountains area such as Ha Giang, Cao Bang, Bac Kan, Lao Cai, Dien Bien, Lai Chau, Son La, with the minimum difference of 4.5% (Bac Kan) and the highest up to 23.3% (Lai Chau), compared to the national average of 2.4%.¹³ The Hmong ethnic group has a sex ratio at the primary school level of only 0.95, lower than the minimum equilibrium level of 0.97, which means that Hmong girls are less likely to attend school than boys.¹⁴

The General literacy rate of ethnic minorities aged 15 and over, 2015 and 2019¹⁵

Unit: %



According to Thao Lan, for ethnic groups with a high level of development, the percentage of girls attending upper secondary school is higher than that of boys. However, for ethnic groups in remote areas and areas with particular difficulties (especially the ethnic

¹² Giang, 'Thúc Đẩy Quyền Tiếp Cận Giáo Dục [Promoting Access to Education]'; Committee for Ethnic Minority Affairs, General Statistics Office, 'The Results of the Survey to Collect Information on the Socio-Economic Status of 53 Ethnic Minorities in 2019', 2020.

¹³ General Statistics Office, 'Preliminary Results of the Population and Housing Census as of April 1, 2019' (Hanoi, 2019); Ministry of Planning and Investment and UNICEF, 'Children in Development in Vietnam - 2030 Agenda for Sustainable Development' (Hanoi, 2018).

¹⁴ N. Q. Son, 'Research on Vocational Training Model for Ethnic Minority Women in Extremely Difficult Communes in the Southwest Region, Vietnam', *Ethnic Review*, 2018, 71-79.

¹⁵ Committee for Ethnic Minority Affairs, General Statistics Office, 'The Results of the Survey to Collect Information on the Socio-Economic Status of 53 Ethnic Minorities in 2019', 2020.

groups with very few people and ethnic groups residing in the border areas), the schooling rate of girls is much lower than that of boys.¹⁶ Besides, there has been a situation where children of primary school age do not go to school. About 2 out of 100 children cannot attend class at primary school.¹⁷ Currently, 19 out of 53 ethnic minorities in the country have a proportion of children out of school over 20%, of which the Brau ethnic group has the highest rate (35.4%), Xtieng (35.3 %).

To clarify legal and practical issues related to the recognition and assurance of equal rights in access to education for EMGs in Vietnam. This fact shows the Government, state agencies, families, and society's responsibility for ensuring and promoting access to education for EMGs. How can they actively understand and exercise this right? Lack of reading and writing skills in a common language reduces EMGs' potential. Moreover, it reduces equal opportunities and increases cycles of poverty and disadvantages for all generations and the entire nation. This article focuses on solving the following problems: (i) Analysing the Vietnamese legal framework in ensuring the right to education for EMGs; (ii) Presenting the difficulties and challenges in ensuring this right for EMGs in Vietnam; (iii) Proposing necessary recommendations for the Government to improve the enjoyment of the right to education of Vietnamese EMGs in the upcoming time.

II. VIETNAMESE LEGAL FRAMEWORK IN RECOGNISING AND ENSURING GENDER EQUALITY FOR ETHNIC MINORITY GIRLS IN ACCESS TO EDUCATION

Vietnam is one of the countries deeply influenced by Confucian thought. Therefore, in the feudal period, with the concept of respecting men over women, from the law to life, the status of Vietnamese women was less respected, including the right to access education.¹⁸ After declaring independence so far, in addition to the priorities of economic development, the country also pays due attention to solving the matter of equality in all fields, including access to education. The legal framework guarantees equal rights in education has been increasingly improved. It has also been recognized in the Constitution and other important legal documents of the State.

¹⁶ T. Lan, 'Barriers to Education Access of Ethnic Minority Women', 2021, <http://laodongxahoi.net/rao-can-ve-tiep-can-Giao-duc-doi-voi-phu-nu-dan-toc-thieu-so-1319344.html>.

¹⁷ Hien, 'Eliminating Illiteracy for Children in Ethnic Minorities and Mountainous Areas'.

¹⁸ Hanoi Law University, *A Lecture Book on Gender Equality Law* (Hanoi: Hong Duc Publishing House, 2013).

A. Equal Rights in Access to Education for Ethnic Minority Girls in the Constitution of Vietnam

Ethnic minorities' right to education is recognized in the Vietnam Constitution, for example, the first Constitution in 1946 to the Constitutions of 1959, 1980, 1992, and 2013 in the direction of further improvement.¹⁹ Since the first Constitution was promulgated in 1946, Vietnam has recognized provisions to ensure equal rights in access to education for EMGs. Specifically, Articles 6 and 7 of this Constitution stated that "all citizens are equal before the law and have equal rights in all aspects: politics, economy, culture." The issue of ensuring equal rights in education access for ethnic minority women, in general, and EMGs, in particular, was also concretized through regulations such as: "in addition to equality of rights, ethnic minorities are supported in all aspects to progress to the common level quickly"²⁰; or "compulsory and tuition-free elementary education. In local primary schools, national minorities have the right to learn in their language. Poor pupils get help from the Government".²¹

The later promulgated Constitutions have more inheritance and development than the previous ones. Notably, the issue of education has always been the State's top concern in the socio-economic development strategy at different stages. Even "educational development is also identified as the top national policy".²² It is an essential foundation for implementing the policy of equality, solidarity, respect, and mutual help for development among the ethnic groups in the country.²³ At the same time, the matter of equality in access to education is still the top concern of Vietnam in its human development strategy in general and human resource development in particular. Up to now, the Constitution promulgated in 2013 is the one in effect. In addition to inheriting the values of the previous Constitutions, the guarantee of equal rights in access to education in general and equal rights to education of EMGs, in particular, have been more concretized.

The legal framework is relatively complete, creating a legal basis to ensure the right to education for ethnic minorities. In the light of the latest Constitution, relevant legal documents also cover the right to education, such as the Law on Universalization of Primary Education in 1991, the Law on Education in 2005 (amended and supplemented in 2019), Law on Vocational Training 2006, Law on Higher Education 2012 (amended in 2018) and other laws. A system of sub-law documents detailing and guiding the implementation of the Law on Education and other laws was also issued. Regarding national strategies, the Government passed the National target program on education and training for 2012 – 2015 and the

¹⁹ Dao Thi Tung, *Implementing Vietnamese Regulations on the Right to Education for Ethnic Minorities*, 2021, <http://lyluanchinhtri.vn/home/index.php/dao-tao-boi-duong/item/3512-thuc-hien-phap-luat-ve-quyen-hoc-tap-cua-nguoi-dan-toc-thieu-so-o-viet-nam.html>.

²⁰ The National Assembly, 'The 1946 Constitution of Vietnam' (1946), art. 46.

²¹ The National Assembly, art. 15.

²² The National Assembly, 'The 1992 Constitution (Revised in 2001).' (2001), art. 35.

²³ Giang, 'Thúc Đẩy Quyền Tiếp Cận Giáo Dục [Promoting Access to Education]'.

Targeted program of education in mountainous areas, ethnic minority areas, and disadvantaged areas in the 2016 – 2020 period²⁴ to ensure the education right of this vulnerable group.

The approach to equality in the 2013 Constitution remains the same as in previous Constitutions: "Everyone is equal before the law. No one shall be discriminated against in political, civil, economic, cultural or social life".²⁵ Gender equality is also central to the 2013 Vietnam Constitution, which emphasizes that citizens are equal in all aspects and that the State will have specific policies to ensure this matter in laws and practice.²⁶ In order to gradually eliminate the persistent mindset of gender discrimination, the 2013 Constitution even upholds the responsibility of the Government, society, and family to create favorable conditions for fully developed women and girls.²⁷

Following the 2013 Constitution, other relevant Vietnam laws also state that any discriminatory acts based on gender will be strictly prohibited. Although the mentioned regulations were not recorded in a specific article, they show that the recognition and assurance of the equal right to education for EMGs in Vietnam have become a constitutional principle. This concept sets a legal ground to formulate specific provisions because of the highest legal effect of the Constitution in the legal system, which means other laws or sub-law documents, whether directly or indirectly, must be in line with it. Any legal documents contrary to the Constitution must be annulled.²⁸

B. Ensuring Equal Rights in Access to Education of Ethnic Minority Girls by Provisions in Legal Documents

Equality is approached from many angles, but equality in access to education for EMGs is reflected in two aspects: (i) gender equality and (ii) equality between individuals of other ethnicities accessing education. According to the relevant legal document of Vietnam, children have the equal right to learning and educational opportunities. Moreover, improving access to education for vulnerable groups, including ethnic minorities, has always been a priority.²⁹

The recognition of gender equality in access to education is shown in detail in the Gender Equality Law in 2006. This law stipulates the principles of gender equality in society and family, measures to assure gender equality, and the responsibilities of agencies, organizations, families, and individuals in implementing gender equality in practice. This

²⁴ Tung, *Implementing Vietnamese Regulations on the Right to Education for Ethnic Minorities*.

²⁵ The National Assembly, *The 1992 Constitution (Revised in 2001)*, art. 16.

²⁶ The National Assembly, 'The 2013 Constitution of Vietnam' (2013), art. 26.

²⁷ The National Assembly, 'The 2013 Constitution of Vietnam' (2013), art. 26(2).

²⁸ Hanoi Law University, *Textbook of Vietnamese Constitutional Law* (Hanoi: Judicial Publishing House, 2019), 47.

²⁹ The National Assembly, 'The Vocational Education Act 2014' (2014), art. 6.

law prescribes specific provisions on access to education for EMGs, which clearly states that men and women are equal in age going to school, training, and fostering courses; in benefiting from educational and professional development policies.³⁰ Implementing this law also raises some necessary measures, such as: regulating the proportion of men and women participating in study and training; female workers in rural areas are supported with vocational training according to the provisions of the law. In addition, this law also stipulates the responsibilities of agencies, units, and individuals in implementing and ensuring gender equality, including gender equality in access to education.³¹

The law provides regulations on violations of the law on gender equality in the field of education and training, particularly regulations on training age, different enrolment ages between men and women; mobilizing or forcing others to drop out of school for gender reasons; refusing to enroll qualified persons in training courses for grounds of gender or due to pregnancy, childbirth or child-rearing; vocational education, compilation and dissemination of gender-biased textbooks. Persons who commit acts of violating this law in general and gender equality in education, in particular, may be disciplined, administratively handled, or investigated for penal liability, depending on the nature of the law and the seriousness of the violation. At the same time, it must compensate for any damage under the provisions of the law.³² Similarly, Article 69 of the 2014 Law on Marriage and Family³³ states that parental obligations toward their children include taking care of their studies and education, contributing to the children's comprehensive development, and becoming good citizens of society. Thus, according to this law, families are responsible for providing their children with educational opportunities. Importantly, gender discrimination by parents against their children is prohibited.

Equal rights among individuals of different ethnicities accessing education are reflected in many legal documents. These documents recognize that "all citizens, regardless of ethnicity, religion, creed, sex, personal characteristics, family origin, social status, economic situations are equal regarding educational opportunities."³⁴ According to this provision, ethnic minority women/EMGs are equal to men/boys in their community, and men and women of the majority in accessing education.

The Government launched some policies of educational development for ethnic groups with very few people from 2010–2015.³⁵ Through these policies, a system of boarding

³⁰ The National Assembly, 'Gender Equality Law of 2006' (2006), art. 14.

³¹ The National Assembly, arts. 25–33.

³² The National Assembly, art. 42.

³³ The National Assembly, 'Law on Marriage and Family 2014' (2014), art. 69.

³⁴ The National Assembly, 'The 2019 Law on Education' (2019), art. 13.

³⁵ Decision No. 2123/QĐ-TTg of the Prime Minister dated 22 November 2010 approving the Scheme on Educational Development for Very Few People in the Period 2010-2015. Decision No. 85/2010/QĐ-TTg on supporting policies for semi-boarding pupils and boarding schools for ethnic minorities, Decision No. 12/2013/QĐ-TTg on policies to support high school students in regions with extremely difficult socio-economic

schools for ethnic minority children, in general, was operated, and policies to support students and teachers in these schools were approved. Books, school supplies, lunches, and rent for accommodation (if needed) are provided for students.³⁶ Furthermore, intending to improve the quality of education, the Government has approved the Project to renew general education programs and supporting textbooks. Students' core competencies, including skills in communication, collaboration, self-study, problem-solving, and creativity, are now being promoted and concentrated in the curriculum.³⁷

The responses of Viet Nam to the list of issues concerning its combined fifth and sixth reports at the Committee on the Rights of the Child have introduced eight programs and six sets of textbooks in ethnic languages for secondary schools and conducted various studies on strengthening Vietnamese proficiency for ethnic minority children. Some Hmong, Jrai, and Khmer students have benefited from the Programme on Bilingual Education combines the mother tongues of ethnic groups and the Vietnamese language and has been piloted among preschools and primary schools in some provinces. In 2021, the National Assembly's Ethnic Council held a consultation session on restarting and expanding bilingual education programs for ethnic minority students.³⁸

Besides recognizing equal rights in access to education in Constitution and law, EMGs need other conditions such as learning environment, funding, travel expenses, accommodation, and living expenses to exercise this right. Etc. To ensure equality in access to education for EMGs, Vietnamese legislators have recognized regulations to ensure that EMGs have enough opportunities and conditions to access education. As follows:

First, the Education Law 2019 stipulates that children who are ethnic minorities can learn Vietnamese before entering the first grade. This provision can be considered the first and most important guarantee for EMGs to access national education. In addition, the State gave priorities and preferred conditions for ethnic minorities to learn their languages according to the Government's regulations.³⁹

Second, primary education is compulsory education in Vietnam. The Government has implemented mandatory preschool education for all five years old children and mandatory lower secondary education.⁴⁰ Therefore, all citizens of the specified age have a study obligation to enter mandated education and complete compulsory education.⁴¹

conditions and Decision No. 36/2013/QĐ-TTg on rice support policy for pupils at schools in particularly difficult socio-economic conditions areas.

³⁶ Committee on the Rights of the Child, 'Combined Fifth and Sixth Periodic Reports Submitted by Viet Nam under Article 44 of the Convention, Due in 2017', 3 March 2020, <https://www.ohchr.org/en/countries/viet-nam>.

³⁷ Committee on the Rights of the Child.

³⁸ Committee on the Rights of the Child, 'Replies of Viet Nam to the List of Issues in Relation to Its Combined Fifth and Sixth Reports', 2022, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FVNM%2FRQ%2F5-6&Lang=en.

³⁹ The National Assembly, 'The 2019 Law on Education' (2019), art. 11.

⁴⁰ The National Assembly, art. 14(1).

⁴¹ The National Assembly, art. 14(3).

Although this provision is mandatory, it is a provision that opens opportunities for all EMGs to have access to education. Because if education is voluntary, it will be challenging to promote the self-discipline of EMGs to attend classes when they are still worried about food, children, and family.

Third, investment in educational development in ethnic minority areas is recognized as one of the priorities in Vietnam's educational investment policy. Especially in mountainous areas, islands, ethnic minority areas, areas with extremely difficult socio-economic conditions, and industrial areas. Article 17 of the Law on Education 2019 states that in investment in education, priority must be given to mandatory educational programs. It also emphasizes the critical role of the state budget in the total investment resources for education. Regarding tuition fee policy, primary school students in public educational institutions do not have to pay, and 5-year-old preschool children in extremely difficult villages, communes, and ethnic minority areas are exempt from tuition.⁴²

Fourth, regarding grades and age attending general education, this law provides that the age of students entering first grade is 06 years old and calculated in years, while the age of students entering sixth grade is 11 years old and calculated in years, and the age of students entering the tenth grade is 15 years old and calculated in years.⁴³ However, for pupils who are ethnic minorities, the Vietnamese Government has a separate regulation that allows ethnic minority pupils "to study at an age higher than the prescribed age for each level of study."⁴⁴

According to Thao Lan, there are 14 ethnic groups where the percentage of upper secondary school students attending the right level is 30-40%. Only 14 ethnic groups have a rate of 20 - 30%. Significantly, there are 19 ethnic groups with a rate below 20%, of which there are three ethnic groups where only 8% to 9% of children go to school at the correct age. Of 53 ethnic minorities, 49 groups have a school attendance rate of less than 50%. There are three ethnic groups where the percentage of girls attending upper secondary school is less than 10%, and there are 16 ethnic groups with a rate below 20%. Some ethnic groups have a low percentage of girls attending school, such as Chut, Mang, Xtieng, Hmong, Dao, La Ha, Etc.⁴⁵

Fifth, the State conducts enrolment in intermediate schools, colleges, and universities according to the selection system for ethnic minorities pupils; exceptional pupils come from areas with challenging socio-economic conditions with few ethnic minority cadres and public servants. In addition, the State also adopted policies to create

⁴² The National Assembly, art. 17.

⁴³ The National Assembly, art. 28(1).

⁴⁴ The National Assembly, art. 28(2).

⁴⁵ T. Lan, 'Barriers to Education Access of Ethnic Minority Women', 2021, <http://laodongxahoi.net/rao-can-ve-tiep-can-Giao-duc-doi-voi-phu-nu-dan-toc-thieu-so-1319344.html>.

recruitment sources, make favorable conditions for these subjects to enter boarding schools for ethnic minorities, and increase the time of university preparatory studies.⁴⁶

Sixth, regarding financial support for the study, the State has issued a policy on scholarships for undergraduate, pre-university, and boarding high schools for ethnic minorities. In addition, ethnic minority learners can also benefit from the governmental policy of subsidizing, exempting, and reducing tuition fees.⁴⁷

In conclusion, the above regulations clearly show the position of Vietnam in ensuring equal rights in accessing education for everyone, including EMGs. Simultaneously, it also shows the commitment of Vietnam to implementing the responsibility to ensure human rights in general and the right to education of EMGs in particular. In recent years, Vietnam has made great efforts to recognize and ensure citizens' equal education rights. These provisions are consistent with the International Convention on the Rights of the Child and other relevant legal instruments.

III. DIFFICULTIES AND CHALLENGES IN ENSURING THE RIGHT OF ACCESS TO EDUCATION FOR ETHNIC MINORITY GIRLS IN VIETNAM

Although Vietnam's legal framework for recognizing and ensuring equal access to education for ethnic minority women has been relatively comprehensive, access to education of EMGs is still lower than that of boys. The statistics also show that EMGs and women are the groups most at risk of falling behind due to their "dual" vulnerability for being both women and ethnic minorities.⁴⁸

In addition to the mentioned-above data, the study by Ngo Quang Son surveying ethnic minority women and girls in three southwestern provinces revealed that the number of ethnic minorities with vocational training needs is 66.2%. Nevertheless, only 12.2% could participate in vocational training courses at Community Learning Centers, and less than 10% participated in Continuing Education, Vocational Training Centers, high school, and the vocational training courses are short-term (in three months).⁴⁹ The following can be contributing factors to the situation:

The first challenge is the disparity in economic development and the gap between rich and poor in regions of Vietnam. Economic barriers are one of the biggest challenges in accessing education for people, especially EMGs, with a vast economic development

⁴⁶ The National Assembly, The 2019 Law on Education, 2019, art. 87; Nguyen Thi Hong Yen and Nguyen Toan Thang, 'The Right to Political Participation of Ethnic Minority Women in Vietnam: Barriers and Challenges', *Asia-Pacific Journal on Human Rights and the Law* 23, no. 3 (16 November 2022): 281–314, <https://doi.org/10.1163/15718158-23030001>.

⁴⁷ The National Assembly, The 2019 Law on Education, 2019, art. 85(2).

⁴⁸ Vietnam Women's Union and Committee for Ethnic Minorities Affairs, 'The Proceedings of the National Workshop: "Challenges and Solutions for Ethnic Minority Women Not to Be Left Behind"' (Hanoi, 2019), 10.

⁴⁹ World Bank, 'The Future of Employment in Vietnam from a Gender Perspective', 2018.

disparity between the plains and the mountainous areas. Despite the fact that allocating capital to the northern mountainous provinces has been prioritized to support more equitable development, there is still a sizable disparity in the rate of development between regions, such as in mountainous provinces: Dien Bien (1,737 million VND/person/month), Son La (1,745 million VND/person/month), Ha Giang (1,835 million VND/person/month). The disparity is also more evident in comparison with other provinces with the highest average income in the country, such as Hanoi (VND 5,981 million/person/month), Bac Ninh (VND 5,439 million/person/month), Da Nang (5,284 million VND/person/month), Binh Duong (7,019 million VND/person/month), Dong Nai (5,621 million VND/person/month), Ho Chi Minh City (6,537 million VND/person/month) which shows 1.4-1.7 times higher than the national average. Indeed, low incomes and poverty, along with the significant economic disparity between urban and rural areas, between plains and mountainous regions, are the factors that directly affect Children's access to education, particularly those living in ethnic minority communities in Vietnam.⁵⁰

Secondly, limited facilities for learning: Although the network of schools, facilities, and teaching equipment has been increased, investment has not yet met the development requirements. Difficulty going to school leads to increased dropouts, becoming a challenging problem in many localities. The mobilization rate of young people in mountainous ethnic minority areas to go to school in 2011-2019 was only 56.2% compared with the country's 88.5%. The percentage of ethnic minorities attending school at the correct age is still low (about 75% at all three primaries, lower secondary, and upper secondary schools).⁵¹ In some ethnic groups such as Mong, Xtieng, Gia Rai, Mnong, Raglay, and Ba Na, the average percentage of pupils who go to school at the right age is below 60%, of which less than 30% of pupils go to school at the right age at the high school level.⁵²

The reality shows that "in remote areas, ethnic minority areas, the distance from residence to school is still far, the physical facilities and human resources for education in these schools are still very lacking".⁵³ In addition, the road system to the highland villages has not been developed yet, making travel even more difficult. This situation is concentrated mainly in the northern mountainous area. For example, in Sin Ho district of Lai Chau province, there are currently 18 villages without motorbike roads to the village. Most of these villages are far from the commune center; some have to go around by motorbike for hundreds of kilometers and then walk for many hours to reach the village. Alternatively, Tua Sin Chai commune has eight villages without motorbike access; the remotest village of the commune

⁵⁰ Committee for Ethnic Minority Affairs, General Statistics Office, 'The Results of the Survey to Collect Information on the Socio-Economic Status of 53 Ethnic Minorities in 2019' (Hanoi: Statistics Press, 2020).

⁵¹ Committee for Ethnic Minority Affairs, General Statistics Office, 45-83.

⁵² Committee for Ethnic Minority Affairs, General Statistics Office, 45-83.

⁵³ D. C. Thien, 'Inequality between Test Scores and Rural Areas in Access to Education in Vietnam', *Journal of Social Sciences*, no. 3 (2014): 73-85.

is about 17 km away.⁵⁴ This problematic situation also occurs in many other highland provinces, such as Ha Giang, Tuyen Quang, and Dien Bien.⁵⁵ Although this is not the main barrier affecting the access to education of EMGs, the difficulty of traveling also significantly impacts the problems of the children's minority classrooms. Moreover, the lack of facilities for teaching activities also makes the opportunity to go to the school for EMGs narrow to children of the Kinh ethnic group.

Thirdly is the language barrier. According to Vietnamese law, the language used in the national education system is Vietnamese; EMGs need to know this language to access education. However, EMGs are already familiar with the communication environment in their "mother tongue."⁵⁶ In the condition of communicating mainly in ethnic languages, living in ethnic communities relatively isolated from the outside, EMGs have less opportunity to communicate with Vietnamese and become more isolated from the world outside their community.⁵⁷ According to a survey, there are 12 ethnic groups with a percentage of households that can listen to mass media such as television and central and local voice stations at 30-40%. There are seven ethnic groups (Bru Van Kieu, La Ha, La Hu, Khang, Khomú, Mang, Odu), and only 20% of women listen to the mass media.

Fourth, the barrier of gender stereotypes: Traditional stereotypes about male-female roles make EMGs face many difficulties.⁵⁸ In the culture of many ethnic minorities, women have to spend most of their time doing production labor, housework, and childcare. However, they have little opportunity to communicate in the community. Ethnic minority women's perceptions are heavily influenced by gender stereotypes about the division of work in the family, imposing housework, and taking care of children, the elderly, and sick people. Family is the responsibility and obligation of women.⁵⁹ Research by Oxfam et al. (2010) clearly shows that labor in ethnic minorities is still divided according to "men's work" and "women's work." The role of women in Vietnam's highland societies is limited and almost entirely confined to the family.⁶⁰

Ethnic minority women and girls must follow their parents' instructions and try to help and take care of their parents. When they are in the position of wives, they have the same obligations to the husband and take care of the husband's parents. Even so, women still have a subordinate position to men. They have less autonomy and power but have more

⁵⁴ V. Hoang and D. Thuy, 'Difficulties in Traffic Development in Upland Villages of Sin Ho District', 6 October 2020.

⁵⁵ V. Hoa, 'The Arduous Road to School for Students in Mountainous Highlands', 2020.

⁵⁶ The National Assembly, The 2019 Law on Education, 2019, art. 11(1).

⁵⁷ Lan, 'Barriers to Education Access of Ethnic Minority Women', 2021.

⁵⁸ Lan.

⁵⁹ World Bank, 'The Future of Employment in Vietnam from a Gender Perspective'.

⁶⁰ MoH General Department of Population - Family Planning, 'Gender Inequality in Ethnic Minority Groups in the Context of Human Security: Situation and Suggestions', 2021.

responsibility for raising the family.⁶¹ Another study also showed that Raglai women work 4-5 hours more than gender per day; women's work usually takes care of crops, livestock, harvesting, and housework... for should be considered "gentle" and less critical. These things make ethnic minority women have little time to spend on personal needs, especially access to education.

Fifth, the barrier from the existence of outdated customs and traditions: The main barrier to access to education of minority women and EMGs is male chauvinism or the practice of child marriage in some ethnic minority communities.⁶² Children getting married before age 18 is far more common among ethnic minorities than among Kinh people (23.1% versus 9.2%)⁶³; as a result, EMGs have a high risk of teenage pregnancy (116/1000 girls between the ages of 15 and 19).⁶⁴ Ethnic minority women and girls are forced to spend excessive time caring for their families and children due to early marriage and motherhood. Attending classes, training sessions, or other activities is either not a priority for them, or they lack time. It also explains why EMGs and women depend more on men. Additionally, it is a contributory element strengthening various perceptions of the roles played by women and girls from ethnic minorities in the family, community, and society.

Sixth, the challenges from natural and socio-economic factors: Besides gender biases, geographic distance, rugged terrain, and unfavorable traffic, are adding to the obstacles restraining gender balance in education in ethnic minority communities. Most EMGs in remote areas currently have access to elementary education at institutions close to their homes. However, a long distance from school still is a barrier for them to attend higher levels of education; for example, children in O Du (Nghe An) must travel 52,2 kilometers to get to school.⁶⁵ Children from poor households, near-poor households or families living in difficult circumstances frequently lack the financial means to support their education. As a result, the need for work to support the family's financial situation is more urgent than going to school. This setting is especially true for girls, whose capacity to engage in labor is more varied than that of boys (such as babysitting, helping with housework, and farming).⁶⁶

Seventh, barriers from the shortage of human resources in the education sector. Some preferential educational policies for ethnic minorities in mountainous areas have not

⁶¹ General Statistics Office of Vietnam, '2019 Survey on Socio-Economic Status of 53 Ethnic Minorities', 9 May 2021, <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2020/07/ket-qua-dieu-tra-thu-thap-thong-tin-ve-hien-trang-kinh-te-xa-hoi-cua-53-dan-toc-thieu-so-nam-2019/>.

⁶² Lan, 'Barriers to Education Access of Ethnic Minority Women', 2021.

⁶³ General Statistics Office of Vietnam, '2019 Survey on Socio-Economic Status of 53 Ethnic Minorities', 9 May 2021.

⁶⁴ D.N. Anh, 'Social Isolation and Gender Inequality in the Central Highlands', *Journal of Gender and Family Studies*, no. No.3 (2017): 50–59.

⁶⁵ Committee for Ethnic Minorities, 'Project "Supporting Life-Cycle Education for Ethnic Minority Children, Pupils and Students in Ethnic Minority and Mountainous Areas"' (Hanoi: November 2022, n.d.), 16.

⁶⁶ Dao Nguyen Phuc, 'Completing Education Policies for Ethnic Minorities and Mountainous People', *Electronic Propaganda Journal*, 13 May 2021, 17, <https://tuyengiao.vn/khoa-giao-giao-duc/hoan-thien-chinh-sach-giao-duc-cho-dong-bao-dan-toc-thieu-so-mien-nui-133356>.

successfully lured staff and teachers into working in these places. The system still has a low- and poor-quality representation of ethnic minorities among educational administrators and teachers. There is a dearth of ethnic minority educators working in mountainous areas, particularly good-quality ones.⁶⁷ This condition is one of the major obstacles preventing the advancement of education in ethnic minority communities and securing equal rights for ethnic minority women and girls' access to education.

III. CONCLUSION

Vietnam has made considerable efforts to create a comprehensive legislative framework for recognizing, promoting, and protecting the fundamental human rights of all individuals, including the right to access education for EMGs, aiming to "leave no one behind" in pursuing national development. The paper proposes the following suggestions in order to advance equal access to education further and increase the empowerment of ethnic minority women and girls in the future:

Firstly, the Government needs to ensure the effective implementation of policies on hunger eradication and poverty reduction, especially in areas with large numbers of ethnic minorities. Although Vietnam's Government has had many policies and spent many resources on hunger eradication and poverty alleviation for people in remote areas and areas where ethnic minorities live, such as Program 135/1998/QĐ-TTg, Chapter 135/1998/QĐ-TTg, 134/2004/QĐ-TTg, however, not yet achieved high efficiency. Therefore, the competent authorities must continue to study to promptly issue documents guiding the implementation of State programs and projects specifically for ethnic minority areas.

Second, increase investment in education activities, especially in ethnic minority communities.⁶⁸ Schools should be located close to ethnic minority neighborhoods. A transportation system should be further invested to narrow the distance and facilitate the movement from the residence to the school. It is also critical to strengthen the common language teaching for ethnic minorities. Then, various strategies must be implemented simultaneously, including facility investment, hiring skilled teachers, providing financial support, and covering living expenses for students and teachers.

Third, continue to take measures to combat gender discrimination and discrimination toward the complete eradication of gender stereotypes in society in general and among ethnic minorities in particular. The Government should promote the role and responsibility of agencies, departments, and mass organizations, especially the role of the National Committee on Children and Committee for Ethnic Minorities Affairs, which has the function of protecting and ensuring women's rights.

⁶⁷ Phuc, 'Completing Education Policies for Ethnic Minorities and Mountainous People'.

⁶⁸ Vietnam Women's Union and Committee for Ethnic Minorities Affairs, 'The Proceedings of the National Workshop: "Challenges and Solutions for Ethnic Minority Women Not to Be Left Behind"'.

Fourth, propagating and disseminating the law on gender equality in general and gender equality in education, in particular, is an activity that plays an important role, contributing to ensuring equal rights in accessing education for everyone, including EMGs. It suggests that EMGs' access to education will be improved when outdated practices and traditions are abolished. Therefore, the Government must keep developing new strategies to increase awareness of the importance of education and the necessity of tackling illiteracy among ethnic minority communities through various forms of propaganda. Because only when there is proper and complete awareness from both sides can there be sympathy and sharing of the disadvantages that ethnic minority women and girls have to endure. In addition, it is necessary to increase the priority of human resource training for ethnic minorities and mountainous areas and areas with particular difficulties in many suitable forms, fostering ethnic minority languages, culture, customs, and habits of ethnic minorities for teachers and officials working on illiteracy eradication and re-illiteracy prevention for people, especially EMGs. To attract and keep teachers close to villages and remote areas, motivating and having more active financial support policies is essential, especially in challenging economic areas.

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