

# The Right to Education for Ethnic Minority Women and Girls in Vietnam: Challenges and Recommendations

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## Abstract

The right to education is a fundamental human right that has been widely recognized by the United Nations and in core international human rights instruments. Over the years as an active and responsible member of the international community, Vietnam has always worked on amending its laws to fulfil international commitments that would create an equal legal environment for the enjoyment of fundamental rights, including the right to access education. However, given their unique characteristics, ethnic minority women and girls still face discrimination and dual inequalities in their living environment, including those arising from both their ethnicity and gender. Difficulties in accessing education have led to a low percentage of ethnic minority women working in professional and technical jobs; most do simple jobs with low incomes. Barriers to education or employment generally arise due to gender stereotypes and male chauvinism. With this in mind, this article will focus on the following matters to address and resolve issues related to the right to education for ethnic minority women and girls in Vietnam: (i) an analysis of the international legal framework and Vietnam's law on topics of gender equality in education for ethnic minority women and girls; (ii) a discussion on the reality of adopting rights to education for ethnic minority women and girls in Vietnam; (iii) identification of barriers and challenges that ethnic minority women and girls face when pursuing their educational rights; and (iv) recommendations for Vietnam to ensure the right to education for ethnic minority women and girls in the future.

*Keywords: Human rights, minority's rights, the right to education, gender equality, women's rights.*

## I. INTRODUCTION

Education is key and is crucial to every person's development. Through education, a nation is able to nurture and empower its workforce to obtain the necessary knowledge and skills that are the basis for sustainable development. If a state lacks a

suitable workforce, development goals remain out of reach. Education is an important factor in a country's socio-economic development and is one of the most basic human rights. Protecting the right to education is a way to raise awareness and is a basic condition for implementing other human rights for all individuals. The international community widely recognizes the right to education as one of the most fundamental human rights. A study by UNICEF and Minority Rights Group International in 2009 revealed some of the traditional barriers to education that women and girls encounter. While factors relating to income and livelihoods have been identified as important economic causes of exclusion, according to the study, cultural and social factors that lead different groups to experience and value education differently are also critical explanatory factors for the limitation of access to education for ethnic minority women and girls.<sup>1</sup> CEDAW Committee's general recommendation No. 36 found that girls face more difficulty accessing primary education, especially girls from ethnic minority groups. Ethnic minority girls drop out of school more than boys at primary and secondary levels.<sup>2</sup>

Ethnic minority women and girls also have lower literacy levels due to poor infrastructure conditions in mountainous and rural areas. Lack of proper and basic infrastructure such as clean water, sanitary classrooms, toilets and cafeterias has hindered school attendance. Other socio-economic and sociocultural factors, such as child marriage, low-income households, and the traditional belief that girls must sacrifice education to return to their traditional role of caring for their families, are the main contributors to the low school attendance rate and the high drop-out rates. Limited access to mother tongue-based education for ethnic minorities is another factor contributing to the aforementioned trend. Consequently, most ethnic minority women participating in the workforce can only perform simple jobs with low wages.<sup>3</sup> Ducan Wilson stated that while increasing parity in enrolment is important, equality requires adaptation. Addressing the right to education, without addressing women's rights in education and through education may mean that compulsory attendance in education may be of limited use and relevance for truly increasing equality between the sexes. Governments are primarily responsible for ensuring the full realization of the right to education for all.<sup>4</sup> The 2012 publication "UNESCO World Atlas of Gender Equality in Education" enables readers to visualize the educational pathways of girls and boys in terms of access, participation and progression from pre-primary to tertiary education and places gender equality and related issues in a broader

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1 UNICEF & MRG (2009). *Draft General Recommendation on Girls'/Women's Right to Education (art. 10 of the Convention)* with a focus on *Minority and Indigenous Women's and Girls' Right to Education*. <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/WomensRightEducation/MinorityRightsGroupInternationalContribution.pdf>. accessed 10 November 2022.

2 CEDAW. *General recommendation No. 36*. <https://undocs.org/Home/Mobile?FinalSymbol=CEDAW%2FC%2FGC%2F36&Language=E&DeviceType=Desktop>, accessed 19 August 2021.

3 *Ibid.*

4 Ducan Wilson (2003). "*Human rights: promoting gender equality in and through education*". Paper commissioned for the EFA Global Monitoring Report 2003/4. The Leap to Equality, para.3. <https://www.right-to-education.org/resource/human-rights-promoting-gender-equality-and-through-education>. accessed 10 December 2022.

context. This publication also includes a wide range of sex-disaggregated data and gender indicators from the UNESCO Institute for Statistics.

Vietnam has continuously made efforts in recent years to comply with its commitments to international conventions of which it is a member. The Vietnamese government has proactively taken various measures, particularly in the form of regulatory reform, to ensure and facilitate an equal legal environment for the enjoyment of fundamental rights, including the right to education. Vietnam signed the ‘Millennium Development Declaration’ with 8 Goals, including ‘targets on Sustainable Development after 2015’. To successfully reach these goals, one of the critical targets is to protect and promote the rights of ethnic minority women and girls, including the right to access education.<sup>5</sup> Within recent years, Vietnam has formulated, enacted and enforced numerous regulations, policies, and national action programs to promote educational rights for ethnic minorities, especially women and girls. However, due to their distinct characteristics, ethnic minority women and girls (hereafter as EMWGs) still suffer from discrimination and dual inequalities from both their ethnicity and gender in many aspects, including access to education. EMWGs also have a lower literacy level and a higher rate of primary and lower secondary school dropout than boys.<sup>6</sup> As mentioned above, there are numerous factors contributing to the low literacy levels and the growth of dropout rates. Insufficient educational infrastructure and transportation in mountainous, remote and isolated areas, particularly shortages of sanitary water and toilets, are some of the main obstacles to school attendance. In addition, parents from households with low incomes expect their children to drop out of school to help the family earn extra income. Traditional beliefs and practices also significantly affect the low level of girls’ enrolment as girls have been forced to marry very young, and there is a belief that girls must sacrifice their education to take care of the families and allow the boys to continue their education. Boys have not faced the same difficulties as girls have. Limited access to education in the mother tongues of ethnic minorities also contributes to the high dropout rate.<sup>7</sup>

According to Thao Lan’s study, the literacy rate of ethnic minority women ages 15-24 has been on the rise. However, it is still lower than that of the dominant ethnic group (which is the Kinh ethnic group). The percentage of ethnic minority women who can read and write is still low. Their inability to use the common national language proficiently and general illiteracy create many disadvantages and difficulties in their lives.<sup>8</sup> This also remains a challenge for the Vietnamese government on the long road to the achievement of sustainable development goals in the future.

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5 Committee for Ethnic Minority Affairs of Vietnam (29 August 2017). *Care about protecting and promoting the rights of ethnic minority women and girls*. <http://ubdt.gov.vn/tin-tuc/tin-tuc-sukien/nghien-cuu-trao-doi/quan-tam-bao-ve-va-thuc-day-quyen-cua-phu-nu-va-tre-em-gai-dan-toc-thieu-so.htm>. accessed 10 November 2022.

6 *Ibid.*

7 *Ibid.*

8 Thao Lan (2021). *Barriers to education access for ethnic minority women*. Laodongxahoi, <http://laodongxahoi.net/rao-can-ve-tiep-can-giao-duc-doi-voi-phu-nu-dan-toc-thieu-so-1319344.html>. accessed 10 November 2022.

From the perspective mentioned earlier, the article will first analyse and critique the international legal framework and Vietnamese legislation in terms of their foundation for ensuring gender equality in education for EMWGs. Then, in the following parts, the article will provide insights into practices pertaining to the enjoyment of such rights and into the barriers and challenges impacting said enjoyment. On the basis of analyses and evaluation of the relevant regulations and practices, the authors will also propose recommendations for the Vietnamese government to ensure the educational rights of EMWGs.

## II. INTERNATIONAL LEGAL FRAMEWORK AND VIETNAMESE LEGISLATION ENSURING GENDER EQUALITY IN EDUCATION FOR ETHNIC MINORITY WOMEN AND GIRLS

### 1. The Universality Human Rights Standards of the United Nations for Ensuring the Right to Education of Minority Women and Girls

#### a. Principle of Equality, Non-discrimination

Equality and non-discrimination are considered core values and enshrined in a large number of international human rights instruments. The principles of equality and non-discrimination, first and foremost, are recognized in Article 2 of the UDHR and are core values in various United Nations legal instruments on human rights, such as Articles 2 and 26 of the ICCPR, Article 2(2) of the ICESCR, Article 2 of the CRC, Article 7 of the CMW and Article 5 of the CRPD. Furthermore, two of the main UN treaties on human rights were created with the aim of eliminating discrimination, namely CERD, which aimed to eradicate racism, and CEDAW, which aimed to fight against and end sexism.

From the human rights perspective, "equality" can be understood as a scenario in which everyone is equally entitled to enjoy fundamental human rights. Thus, differences in status or characteristics should not make anyone superior or inferior in rights to others in society. Therefore, when put into practice, the principle of equality requires that all individuals and communities value and accommodate human differences, including differences based on disabilities.<sup>9</sup> Thus, in a simple way, equality means that we all have the same inherent worth, regardless of our differences.

Although there is no specific and uniform definition of "discrimination" provided in international human rights instruments, the Supervisory Committee of the ICCPR defines it as any discrimination, elimination, limitation, or bias based on factors such as race, colour, gender, language, religion, political or any different views, citizenship status or social component, possessions, origins of upbringing or other

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<sup>9</sup> Nguyen Thanh (03 October 2020). *Promoting gender equality, raising the status of ethnic minority women*. Bienphong. <https://www.bienphong.com.vn/thuc-day-binh-dang-gioi-nang-cao-vi-the-cho-phu-nu-dan-toc-thieu-so-post434769.html>, accessed 19 August 2021.

positions, for the purpose or result of invalidating or reducing the recognition, reception, or operation of all rights and freedoms by everyone equally. Furthermore, according to the Committee, in related circumstances, the definitions of racial discrimination as mentioned in Article 1 of the CERD and discrimination against women as mentioned in Article 1 CEDAW also apply. In particular, Article 1 of CERD reads that “*racial discrimination shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life*”. Article 1 of CEDAW also states that the term “discrimination against women shall mean any distinction, exclusion or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, based on equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. Moreover, it is necessary to understand that, according to human rights standards, equality does not mean applying one single type of treatment to every recipient in every circumstance, and not every differential treatment is considered discrimination. If the differential treatment is chosen based on reasonable and objective conditions and is necessary to achieve equality, then it is not deemed to be against the guidelines of the ICCPR and other international legal documents.

Discrimination can have many causes and affect people from various racial, ethnic, national or social backgrounds. It can also be aimed at people with other cultural, linguistic or religious backgrounds, people with disabilities or even the elderly and, for example, people living with HIV-AIDS. Furthermore, people may be discriminated against due to their sexual orientation. Discrimination based on gender is also common even though a large number of countries have made some progress in reducing gender-based discrimination.<sup>10</sup>

In general, equality and non-discrimination are complementary and indivisible, related and interdependent with all other human rights because they play a vital role especially in ensuring the rights of women and other vulnerable groups. In reality, both males and females have been adversely affected by gender inequality. Nevertheless, women and young girls are exposed to more inequality and discrimination than men and boys. Therefore, gender equality a primary development target in many countries around the world as they aim to be more progressed, equal, and sustainable. According to the UN, gender equality means that both women and men should receive the same conditions for fulfilling their human rights, including having the same opportunities to contribute and enjoy national accomplishments in politics, the economy, society, and culture. Gender equality would free not only women but also men. When men’s roles are elevated and women’s roles are reduced, both women and men are affected.

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10 UN. Committee of CEDAW. *Report on the convention's implementation on the elimination of all forms of discrimination against women in Viet Nam 2007 - 2015*. [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/VNM/INT\\_CEDAW\\_NGO\\_VNM\\_20849\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/VNM/INT_CEDAW_NGO_VNM_20849_E.pdf). p.62-63, accessed 19 August 2021.

b. Equality in Access to Education of Ethnic Minority Women and Girls

The equal rights of women in all fields have been officially recognized in international law since the foundation of the United Nations (UN for short). The UN Charter of 1945 affirmed the equality of rights between women and men for the first time. The 1948 Universal Declaration of Human Rights established the fundamental principle that all people are entitled to equal rights and freedoms without discrimination of any kind based on their race, ethnicity, sex/gender, religion, language, political opinion or other factors (Articles 1 and 2). Following the UDHR, many other international treaties have been ratified by the UN to protect the rights of women and girls, such as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1949; the Convention on the Political Rights of Women in 1952; the Convention on the Nationality of Married Women in 1957; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages in 1962, and others. In particular, the principle of equality between men and women is affirmed in the most important international treaties: the International Covenant on Civil and Political Rights of 1966 (ICCPR) and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR).

Article 13 of the ICESCR recognizes that everyone has the right to education and indicates that “*the States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of dignity, strengthening respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations to maintain peace*”. As such, the Covenant guarantees the right to education for all on an equal basis and without discrimination of any kind based on race, colour, sex, language, religion, political opinion or other opinions, national or social origin, property, birth or another status (see Article 2. (2) of the Covenant). In its General Recommendation on the Right to Education, the Committee on Economic, Social and Cultural Rights emphasized that the prohibition of discrimination set out in Article 2(2) of the Covenant must be applied fully and immediately to all aspects of education in practice. Special provisional measures are applied to bring about de facto equality for men and women and disadvantaged groups. This is not a violation of the principle of discrimination in education as long as such measures do not perpetuate inequities or create distinct standards for different groups and as long as this mechanism will not be continued after previously set equality objectives have been met. The Committee also recommends that “States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - to identify and take measures to redress any de facto discrimination. The prohibited grounds of discrimination should disaggregate educational data”.<sup>11</sup>

Further, Article 26 of the ICCPR also “reminds” States parties to “*prohibit any discrimination and guarantee to all persons equal and effective protection against*

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11 UN. *General Comment No. 18 (1989). Paragraph 12.* <https://www.refworld.org/docid/453883fa8.html>, accessed 19 August 2021.

*discrimination on any ground such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or another status*". The United Nations Human Rights Committee has explained that: "*when a State party adopts legislation, it must comply with the requirement of article 26 that its content should not be discriminatory. In other words, the application of the principle of non-discrimination contained in article 26 is not limited to the rights provided for in the Covenant*".<sup>12</sup> In particular, Article 3 of the Covenant also commits the States Parties to undertaking and ensuring the equal rights of men and women to the enjoyment of all civil and political rights outlined in the present Covenant. Not only that, but the provisions of Articles 4 and 5 also require member states to commit to and implement the necessary measures to fulfil the rights recognized in the Covenant and to punish and correct any past and present violations. Thus, although there is no direct mention of the right to education of ethnic minority women and girls, the above provisions of the Covenant have mentioned equal status and no discrimination in any form of the enjoyment of all human rights in general, and this includes the right to education of ethnic minority women and girls.

One of the earliest legally binding international treaties regarding the right to education was the Convention Against Discrimination in Education of 1960, adopted by the UNESCO General Assembly in 2014 (hereinafter referred to as the CADE Convention). In addition to affirming and reinforcing the principles enshrined in the UDHR, the CADE Convention considers education as a fundamental human right and emphasizes the obligation of States to ensure free education, prohibiting all forms of discrimination while promoting equality of opportunity for education. Article 2(a) of the CADE authorizes the establishment or maintenance of separate educational systems or institutions for students of both sexes if these systems or institutions provide equal access to education, including providing equally qualified teaching staff and school facilities and providing equal opportunities to take the same subjects. Article 2(c) also allows the establishment or maintenance of private educational institutions provided that "*the object of the institutions is not to secure the exclusion of any group*". Thus, it can be seen that the provisions of the CADE Convention have initially laid the foundation in thought, creating an initial legally binding framework, and raising community awareness about women's freedom and equality in access to education. The Convention prohibits discrimination in education based on sex and ethnic origin, covering all types and levels of education, including access to education, standards and quality of education, and other conditions.

One international legal instrument that addresses the equal status of women in general and their rights to education explicitly is the Convention on the Elimination of All Forms of Discrimination against Women of 1979 (referred to as CEDAW Convention). The Convention is likened to a charter on essential women's rights with the aim not to establish new human rights but to propose specific mechanisms to eliminate discrimination against women as recognized in previous international

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12 UN. *Chapter 13. The Right to Equality and Non-Discrimination in the Administration of Justice in Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*. <https://www.un.org/ruleoflaw/files/training9chapter13en.pdf>, accessed 10 September 2021.

treaties. Like the CADE Convention, CEDAW reaffirms fundamental freedoms, equality, and non-discrimination enshrined in earlier instruments. The Convention also pays particular attention to discrimination against women in the enjoyment of human rights and the right to equality in education. Discrimination in these facets of life violates the principles and standards of equality, is an obstacle to the societal participation of women on an equal level with men, and makes it challenging to capitalize on the full potential of women. Article 10 of CEDAW directly requires the Member States to apply “all appropriate measures” to eliminate discrimination against women to ensure that women enjoy equal rights with men in education. To facilitate the implementation of the convention, General Recommendation 36 of the CEDAW Committee recommends that countries may consider taking and applying the following measures<sup>13</sup>:

*Firstly*, it is necessary to increase awareness in society about the importance of education as a fundamental human right by integrating education on women's human rights into the curriculum. Education is essential to people's long-term well-being and has significant impacts on their attitude towards learning and participation in other activities. Providing in-school education on human rights in general or gender equality in educational rights is a very effective means of raising awareness on the value of human rights and gender equality. Hence, it is necessary to incorporate education on female human rights into all school levels' curriculums.

*Secondly*, carry out constitutional amendments or take other appropriate legislative actions to protect and enforce the educational rights of women and girls. This includes enacting laws to govern the right to education, and abolishing and/or reforming policies, institutions, administrations and management practices that directly or indirectly discriminate against girls or women in education.<sup>14</sup> A constitution is the fundamental law in most countries around the world. Therefore, to ensure the effective enforcement of the right to education, it is essential to have this right acknowledged in the Constitution. In addition, it is necessary to internalize and acknowledge the educational rights of women and girls in legislative documents and abrogate gender-discriminating legal documents and policies.

At the same time, Article 5(a) of CEDAW also states that States Parties shall take all appropriate action to modify the social and cultural conduct patterns of men and women in order to eliminate prejudices, antiquated traditional norms and practices based on the idea of the inferiority or superiority of either sex or on the stereotypical roles for men and women. To further clarify the provisions of Articles 5(a) and 10(c), General Recommendation 36 of the Committee is explained as follows<sup>15</sup>:

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13 UN. CEDAW. *General recommendation No. 36*. <https://undocs.org/Home/Mobile?FinalSymbol=CEDAW%2FC%2FGC%2F36&Language=E&DeviceType=Desktop>. accessed 10 September 2021.

14 Phuong Lien (06 September 2021). *Continuing to education and training development in the ethnic minority*. Communist Party of Vietnam. <https://dangcongsan.vn/giao-duc/tiep-tuc-phan-tien-giao-duc-dao-tao-vung-dan-toc-thieu-so-590016.html>, accessed 05 October 2022.

15 *Supra* note 13.



*“First, to take measures to eliminate gender stereotypes in education, it is necessary to change the ideology that limits the free and whole exercise of the right to education of women and girls, to build and implement policies and programs to raise awareness on gender relations and gender equality to achieve the goal of eliminating unsound customs. This means the government needs to construct and execute policies and programs to enhance gender relations and gender equality in all school grades. Second, encourage the media to present positive images of women, including ethnic minority women and girls, promote the value of gender equality for the whole society, and revise and develop the program curriculum to eliminate gender stereotypes, organize training for teachers at all levels on gender-sensitive issues. The incorporation of gender equality and positive images of women in media products play an essential role in navigating and correcting both males and females’ behaviours, mindsets, and feelings, in gradually eliminating gender prejudice.”*

Similarly, the Convention on Child’s Rights (CRC, 1989) also prohibits discrimination based on sex. In particular, Articles 28 and 29 of the CRC stipulate legal rights and obligations to ensure equality and non-discrimination in education for children. In addition, Article 29(1) of the Convention also establishes the purposes of education, including: *“The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin”*. In addition, Article 4 of the Covenant also ensures that States Parties will take all appropriate legislative, administrative and other measures to enable the population to fully exercise the rights recognized in this Convention.

As described above, the current international legal framework only mentions equal rights in access to education of women and girls but has yet to establish specific regulations or legislative mechanisms to ensure the right to education for ethnic minority women and girls. Despite an absence of specific provisions targeted at ethnic minority women and girls, the fundamental provisions of the core human rights instruments have set the minimum standards for respecting and ensuring the human rights of women and girls, including ethnic minority women and girls.

## 2. Regulations Ensuring the Right to Education of Ethnic Minority Women and Girls in Vietnamese Law

### a. Ensure the Principle of Equality and Non-Discrimination in Access to Education

With a foundational guideline stating that ‘education and training are the top national policy priority’, the Vietnamese Party and State always support and invest in education and training activities, especially in ethnic minority areas of Vietnam. This emphasis on education is reflected in the Constitution and in a series of legal documents, such as the Law on Compulsory Primary Education; the Law on Protection, Care and Education of Children; the Law on Vocational Education; the Law on Education and the Law on University Education, among other legal documents. Many mechanisms and policies that prioritize investment and development in education and training in ethnic minority areas have been promulgated by the State, such as groups of policies on educational content and programs; a group of policies to develop the network and scale of specialized schools in ethnic minority areas; a group of policies on investment and support in material foundations for educational development in ethnic minority areas; groups of policies supporting teachers and educational administrators working in special schools in areas with challenging socio-economic conditions; a group of priority policies for learners who are ethnic minorities, among others. In addition to the central government's policies, provincial-level local governments where ethnic minority students make up the majority have also issued and implemented policies supporting students from minority groups based on the provincial budget.

The Vietnamese government has improved the statutory framework to pave the way for the implementation of the rights and duties of all citizens. One of the achievements of the recent regulatory reform conducted by the Vietnamese government is the Constitution. The Constitution is the most important and fundamental legislative instrument, and through this instrument the Vietnamese government has set out the fundamental standards encompassing social, economic and cultural rights for all citizens to ensure effective enforcement. The Vietnamese government has recognized the principle of equality and committed to eradicating discrimination on different grounds, including the social or ethnic origin and gender as seen in Article 5 of the Vietnamese Constitution of 2013.

In addition, Article 14 of the Law on Gender Equality of 2007 stipulates that men and women are equal in the age of eligibility for schooling, training and retraining, equal in freedom to choose majors and professions for study and training, and equal in accessing and enjoying benefits of policies on education, training and professional retraining. This Article also requires that female cadres, civil servants and public employees with children under thirty-six months of age be supported according to government regulations. Not only that, but the Law stipulates measures to promote gender equality in education and training, including regulating the

proportion of men and women participating in study and training. For instance, female workers in rural areas are supported in vocational training following the law.

Regarding children's rights in education, the 2016 Law on Children continues to reaffirm that "*children have the right to education and learning to develop comprehensively and reach their best potential. Children have equal access to education and learning opportunities; develop talents, aptitudes, creativity and inventions*". All children (people under sixteen years of age), who are Vietnamese citizens, have the right to education and training, and the State guarantees the exercise of this right to children through specific policies. Furthermore, Article 13 of the 2019 Education Law stipulates that: studying is a citizen's right and obligation and all citizens regardless of ethnicity, religion, creed, gender, personal characteristics, family origin, social status, and economic status are equal in terms of learning opportunities. The State implements social justice in education, creates a safe educational environment, ensures inclusive education, and creates conditions for learners to develop their potential and talents. All citizens of the specified age have an academic obligation to complete compulsory education. Families and guardians are responsible for creating conditions for relatives of the specified age to study and complete compulsory education.

Other important laws also mention equal rights in accessing education, such as the 2014 Law on Marriage and Family; Civil Code 2015; Criminal Code 2015; Criminal Procedure Code 2015, and other legal documents. In addition to the main legal documents, guiding documents play an important role in ensuring enforcement. The National Strategy on Gender Equality for the period 2011 - 2020 aimed to raise awareness and narrow the gender gap, raising the status of women in all areas of social life.<sup>16</sup> The more recent National Strategy on Gender Equality for the period 2021 - 2030 aims to narrow the gender gap further and create conditions and opportunities for women and men to participate and enjoy equal benefits in all areas of social life. Together, these strategy documents have led the way by contributing solutions for implementing sustainable development goals.

The recognitions as mentioned earlier have shown that Vietnam has built a basic legal framework to ensure the right to education for all people, including ethnic minority women and girls. These provisions are consistent with the spirit and requirements set forth in the international human rights instruments and become the important legal foundation for ensuring, respecting and promoting the right to education for everyone, including ethnic minority women and girls. Ensuring equality in education in ethnic minority areas is ensuring the right to education for all ethnic groups. It includes ensuring access to educational opportunities and relatively reasonable educational conditions among ethnic groups, in line with the actual capabilities of ethnic minorities in a given historical period'.<sup>17</sup> However, as Tran Duc

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16 Ministry of Justice (2018). *White Paper on Human Rights - Viet Nam's Achievements in the Protection and Promotion of Human Rights*. <https://pbgdpl.moj.gov.vn/qt/tintuc/pages/hoat-dong-pbgdpltw.aspx?ItemID=725>, accessed 10 September 2021.

17 Tran Minh Duc (2021). *Ensuring equality in education in ethnic minority areas in the northern mountainous provinces today*. *Journal of Political Theory and Communication*, July 2021.

Minh stated, equality in education in ethnic minority areas is also enjoying primary educational conditions according to the specific conditions of each ethnic minority region, and the socio-economic conditions of each locality.<sup>18</sup>

#### b. Establish Policies to Promote Education in Ethnic Minority Areas

Concerning the right to education of ethnic minorities in general, the State creates conditions for ethnic minorities to learn their languages in order to preserve and promote their national cultural identity and help ethnic minority students easily acquire knowledge when studying in schools and other educational institutions. The infrastructure has been built and has improved across the board in all ethnic minority communes by implementing the same system of school sites in villages, ethnic boarding schools, and day-boarding schools and by following the policy of supporting living expenses for poor students. These efforts have helped ethnic minority children have the opportunity to go to school and access national education.

The 2013 Constitution of Vietnam stated that: “*ensuring the right to education is a fundamental objective in the development policy of the State of Viet Nam. The Vietnamese law provides that the State gives priority to education development in mountainous areas, islands, ethnic minority areas and areas with exceptional socio-economic difficulties*”.<sup>19</sup> All citizens, irrespective of ethnicities, religions, beliefs, sexes, family backgrounds, social status or economic circumstances, enjoy equal studying opportunities. The State accords priority to and creates favourable conditions for young people of ethnic minority groups and families living in very difficult socio-economic settings to exercise the above rights and comply with their studying obligations.<sup>20</sup>

The 7th and 8th national report on implementing the CEDAW Conventions of Vietnam in 2012 continued to affirm the important foundational, legal basis for ensuring the right to education for women and girls, including ethnic minority women and girls, in Vietnam. In this report, the Government of Vietnam commits itself to such endeavours and emphasises that “*legal documents on education must follow and adhere to the principle of equality in education, and at the same time create necessary mechanisms and conditions for women and girl children to enjoy their equal rights in the field of education and training. Male and female students at all levels, in all types of schools, from preschool to graduate school, all attend the same class, the same program with the same study conditions, scholarships and grants, without any distinctions*”.<sup>21</sup> In particular, the government has also directed the development and promulgation of many mechanisms and policies to prioritize

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<https://lyluanchinhtrivatruyenthong.vn/bao-dam-binh-dang-trong-giao-duc-o-vung-dan-toc-thieu-so-cac-tinh-mien-nui-phia-bac-hien-nay-p25753.html>. accessed 08 October 2022.

18 *Ibid.*

19 Articles 42, 61 of the 2013 Constitution; *Ibid.*

20 Article 13, the 2019 Law on Education; *Ibid.*

21 UN, Committee on the Elimination of Racial Discrimination, *Combined the fifteenth to seventeenth reports submitted by Viet Nam under article 9 of the Convention*. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fVNM%2f15-17&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fVNM%2f15-17&Lang=en). para.96-97, accessed 10 September 2021.

investment in education in ethnic minority areas to meet the learning needs of ethnic minorities and ensure social equity in education, such as Decree No. 86/ND-CP dated October 2, 2015, stipulating the policies of tuition fee exemption and reduction and financial support for study expenses; Decree 116/ND-CP dated July 18, 2016, stipulating policies to support students and high schools in extremely difficult communes and villages; and Decree 57/2017/ND-CP dated May 9, 2017, stipulating the policy of prioritizing enrolment and learning support for preschool children, pupils and students of ethnic minorities.<sup>22</sup> Accordingly, students of ethnic minority boarding schools and pre-university schools are guaranteed the State accommodation, meals and study expenses without gender discrimination. For instance, students at a semi-boarding high school for ethnic minorities are supported with rice for nine months every year. Elementary, junior high, and high school students who are ethnic minorities will be supported with a monthly meal allowance equal to 40% of the base salary for nine months of the year and also supported through housing subsidies. Each month housing support consists of 10% of the base salary and is given for nine months of the year for students with self-sufficient accommodation because the school cannot arrange half-boarding.<sup>23</sup>

In addition, the provisions of the law also prohibit behavior that interferes with children's learning in general. Legal documents always pay attention to regulating mechanisms and policies to protect that right, especially those that involve the responsibilities and obligations of families, schools, state agencies and social organizations. Article 69 of the 2014 Law on Marriage and Family clearly states that parents' obligations to their children are "*to take care of their studies and education so that their children can develop healthily physically, intellectually, and morally, and become good children, good citizens to society*" and that parents "*must not discriminate against children based on gender*". This regulation attaches an obligation to the state and society. It places this responsibility first and foremost on families to create conditions for children to enjoy the right to access education.

For the teachers working in the ethnic minorities and mountainous areas, the Government has also issued many preferential policies, such as Decree 61/2006/ NĐ-CP dated June 20, 2006 which included policies for teachers and educational managers working in special schools or in the areas with especially difficult socio-economic conditions and stipulated preferential policies for teachers and managers at the specialized schools, especially the ethnic minority boarding high school including additional allowances for visits, studies and professional training; or Decree No. 19/2013/NĐ-CP dated February 23, 2013 which amended and supplemented a number of articles of the Government's Decree No. 61/2006 / NĐ-CP of June 20, 2006, on policies for the teachers and educational managers working in specialized schools, the areas with especially difficult socio-economic conditions, the

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22 Dang Thi Hoa (2019). *Overview of policies and practices on some social issues that barriers the development of ethnic minority women*. Proceeding Policies Conference: Challenges and Solutions, so that ethnic minority women are not left behind, Institute For Family and Gender Studies, Vietnam Academy of Social Sciences, 8/2019, Hanoi, p.82-102

23 *Ibid*.

beneficiaries are added as particularly difficult communes in the ethnic minority regions.<sup>24</sup>

### III. THE REALITY OF ENSURING THE RIGHT TO EDUCATION OF ETHNIC MINORITY WOMEN AND GIRLS IN VIETNAM

According to the 2018 White Paper on the Human Rights of Vietnam, education and training in areas with a large population of ethnic minorities have achieved many significant accomplishments. The school system at all levels has expanded. Since 2012, 100% of communes have met the standard of primary school universalization, many communities have reached the standard of secondary school universalization, and the average national rate of correct age primary education enrolment has reached nearly 98%, ensuring that 95% of ethnic minority children can go to school. All provinces and regions with a large number of ethnic minorities have professional secondary schools, colleges, vocational schools and professional training programmes in agriculture, economic management, finance, education and health. Preservation of speech and writing for ethnic minorities is a priority issue in the education policy of the State of Vietnam.<sup>25</sup> In addition, education equality between men and women is increasingly being ensured, and the proportion of women educated at all levels is increasing. School access is available to everyone, especially girls. Gender equality has been achieved in preschool and primary education.

The mountainous areas of Vietnam are the main residence of the 53 ethnic minorities, representing 13.38 million people and 14.6% of the country's population. Among them, the total number of men is 6.72 million, or 50.2% of the minority population, and the total number of females is 6.66 million, accounting for 49.8%. Although there have been many efforts to promote the access and enjoyment of education rights for ethnic minorities in general and for EMWGs in particular, some recent studies show that the gender gap among ethnic minority groups and between ethnic minority groups and the Kinh group is still large and persistent in many socio-economic fields in which ethnic minority women and girls are still exposed to more disadvantages and vulnerabilities.<sup>26</sup>

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24 Le Van Loi (2018), *Policies on Support of General Education for Ethnic Minorities in Vietnam in the Current Context*, American Journal of Educational Research. Vol. 6, No. 12, 2018, p. 1678-1687. <http://pubs.sciepub.com/education/6/12/14> accessed 30 November 2021.

25 Ministry of Justice (2018). *White Paper on Human Rights - Viet Nam's Achievements in the Protection and Promotion of Human Rights*. <https://pbgdpl.moj.gov.vn/qt/tintuc/pages/hoat-dong-pbgdpltw.aspx?ItemID=725>, accessed 10 September 2021, p.45-46

26 Dao Thi Tung (2020). *Ensuring education rights of ethnic minorities in Vietnam - Current and proposed*. Communist Journal. [https://www.tapchicongsan.org.vn/web/guest/van\\_hoa\\_xa\\_hoi/-/2018/816728/bao-dam-quyen-hoc-tap-cua-nguoi-dan-toc-thieu-so-o-viet-nam---thuc-trang-va-nhung-kien-nghi.aspx](https://www.tapchicongsan.org.vn/web/guest/van_hoa_xa_hoi/-/2018/816728/bao-dam-quyen-hoc-tap-cua-nguoi-dan-toc-thieu-so-o-viet-nam---thuc-trang-va-nhung-kien-nghi.aspx), accessed 10 September 2021.

### 1. Ethnic Minority Women and Girls have Low Literacy

According to 2019 data from the General Statistics Office of Vietnam in 2019, the literacy rate is still quite low among many ethnic minorities, the lowest of which are the Mang (46.2%), La Hu (46.9%), Lu (49.7%), and Butt (54.3%). On the other hand, some ethnic minorities do 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%), and Nung (90.0%).<sup>27</sup> There are gender differences in urban and rural areas regarding ethnic minority people's ability to read and write fluently in common letters. Ethnic minority men have an 11.6% lead over ethnic minority women (86.7% versus 75.1%). The literacy rate for ethnic minority people living in urban areas is also 8.9 percentage points higher than in rural areas (88.7% versus 79.8).<sup>28</sup>

**Table 1**

*Literacy Rate by Age (General, Women, Ethnic Minorities) Period 2013 - 2018 (Unit: %)*

School Year	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
1. Literacy rate ages 15-35	99,07	98,69	98,2	97,92	98,87
- Literacy rate of women	-	98,67	98,0	97,77	98,7
- Literacy rate of ethnic minorities	96,95	95,82	95,2	94,16	96,38
2. Literacy rate ages 15-60	98,23	97,73	96,9	97,35	97,57
- Literacy rate of women	-	97,56	96,6	97,05	97,32
- Literacy rate of ethnic minorities	93,76	92,53	92,4	92,56	92,55

(Source: Ministry of Education and Training for the period 2013 - 2018)

Statistical results in the table above show that the percentage of literate females in the age ranges (15-35; 15-60) is almost identical to the national rate. However, the literacy rate of ethnic minority people is significantly lower than the national rate and is generally unstable from year to year. The underlining reason driving this low literacy rate is the prevalence of outdated views held by some ethnic minorities who believe that women and girls should maintain their traditional roles at home, tending to children or elders. Those traditional norms discourage women and young girls and sabotage their educations. Even if illiteracy causes little or no impact on their daily lives, as a consequence of being unable to read and write, these women and girls cannot understand the common language and must increasingly depend on men. Therefore, men tend to be the decision-makers directing their personal and family lives.

27 General Statistics Office of Vietnam. *2019 Survey on Socio-Economic Status of 53 ethnic minorities*. [https://www.gso.gov.vn/wp-content/uploads/2020/07/01-Bao-cao-53-dan-toc-thieu-so-2019\\_ban-in.pdf](https://www.gso.gov.vn/wp-content/uploads/2020/07/01-Bao-cao-53-dan-toc-thieu-so-2019_ban-in.pdf). accessed 10 September 2021.p.72-80.

28 *Ibid.*

## 2. The Percentage of Ethnic Minority Women and Girls Participating in All Levels of Education Is Still Limited, Especially at the Upper Secondary, University and Professional Education Levels

The 2019 data of the General Statistics Office of Vietnam also show a clear division among some ethnic groups.<sup>29</sup> For ethnic groups with a high level of development, the percentage of female students attending upper secondary school is higher than that of men, but for ethnic groups in remote areas and particularly disadvantaged areas, the schooling rate of girls is much lower than that of men, especially with regards to the ethnic groups residing in the border areas. According to the above survey results, the percentage of ethnic minorities with a high school diploma or higher accounted for 20.2% of the total population of ethnic minorities aged 15 years and older, lower 16.3% of the national rate.<sup>30</sup>

Only 33% of ethnic minority female students attend upper secondary school at the right age compared to 72% of Kinh female students. The percentage of working ethnic minority women who have undergone professional and technical training is only 7.2% compared to Kinh and Hoa female workers with 17.6% having done so. The level of training acquired by Hmong women is the lowest among ethnic minorities. Only 1.4% have undergone professional and technical training.<sup>31</sup> In 2014, the professional training of ethnic minority female workers was only 7.2% compared to Kinh-Hoa female workers with 17.6%. By 2020, the percentage of female workers from ethnic minorities who had received professional training increased by more than 10% compared to the rate for Kinh-Hoa female workers, which was about 20%. The educational gap between ethnic minority men and women is also quite high, especially among the Lu, Khang, Lao, Si La, Mong, La Ha, Ha Nhi, Co Lao and Xinh Mun ethnic groups (each over 28%).<sup>32</sup>

## 3. The Shortage of Skilled Labor in Ethnic Minority Areas

Statistics in the General Statistics Office's 2019 socio-economic survey report also showed that among the 53 ethnic minorities, the rate of female labourers who cannot read and write in general is 24.9%, which is higher than the rate of that of male labour from ethnic minorities is 11.6%.<sup>33</sup>

The percentage of female labour of all 53 ethnic minorities with technical training is 8.90%, lower than the corresponding rate of minority male labour of whom

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<sup>29</sup> *Supra* note 27.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Supra* note 22; General Statistics Office of Vietnam. *2014 Survey on Women and Children's Targets*. <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2019/04/mics-viet-nam-2014/>. accessed 22 August 2021. p. 190.

<sup>32</sup> MOLISA. *Policies Conference: Challenges and Solutions, so that ethnic minority women are not left behind*. <http://www.molisa.gov.vn/Pages/tintuc/chitiet.aspx?tintucID=219401>, accessed 22 August 2021.

<sup>33</sup> *Supra* note 27.



11.70%.<sup>34</sup> Moreover, according to this survey result, ethnic minority workers are concentrated primarily in “Simple labour” with 68.6% (male 48.9%, female 51.1%) working in this field; “Skilled labourers in agriculture and forestry” account for 9.9% (male 65.9%, female 34.1%) of the ethnic minority workforce; “Manual labour” for 6.6% (male 70.4%, female 29.6%) and “Sales and services” for 5.3% (male 40.8%, female 59.2%).<sup>35</sup> This scenario is a result of several factors, such as low self-esteem, shyness to communicate with the community, marriage and family customs, and others. It is also partly due to poor economic conditions and inadequate physical facilities in addition to the poor and low level of education, limited service network and other factors that also hamper access to higher employment opportunities for ethnic minority women.

#### IV. IDENTIFY BARRIERS IN ENJOYING THE RIGHT TO EDUCATION OF VIETNAMESE ETHNIC MINORITY WOMEN AND GIRLS

##### 1. The Problem of Gender Stereotypes

One of the significant challenges in ensuring the equal rights of ethnic minority women in general and in accessing education in Vietnam today is the prominence of social stereotypes regarding the empowerment, opportunities and educational accessibility of ethnic minority women and girls. Gender stereotypes respect men and disrespect women and manifest themselves in the choice of sex at birth that automatically gives priority to boys and results in investments in education and learning opportunities for them. Social division by gender in ethnic minority communities means that men are considered the economic backbones of their households. Unwritten community norms of ethnic minorities that affect all aspects of life from land ownership and inheritance to respect for men and women and other cultural factors remain the main barriers that prevent ethnic minority women from having abundant opportunities to access education.<sup>36</sup> The notion that women mainly take care of housework, child and elder care and other traditional roles at home limits and hinders their access to development opportunities and increases their dependence on their husbands in family and society.

Illiteracy is associated with not knowing the common language and limited communication with people outside the community. As a result, women become self-deprecating, not boldly participating in social activities and not absorbing scientific advances. This is one of the biggest barriers to the development of ethnic minority women today. It also means they are unaware of and cannot receive scientific and technical advances or preferential policies and development support for their families and themselves from the government. All information comes to ethnic minority women through the lens of their husbands or other men in the family. When women depend on men, they always accept the stereotypes set by men.

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<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> *Supra* note 8

## 2. Gender Awareness and Gender Equality

The next barrier that ethnic minority women and girls face is the limited awareness of the ethnic minority community about gender equality, qualifications and roles of ethnic minority women in the family and community. Men play a pivotal role in the economy as the breadwinners and decision-makers on significant issues that affect families and communities; Meanwhile, the role of women in the tradition of many ethnic minorities is often limited to the family, having the responsibility and duty of nurturing and taking care of parents, husbands and children.

Limitations on the full enjoyment of the right to education often come therefore from ethnic minority women and girls. Due to gender stereotypes and traditional familial and societal role assignments, ethnic minority women and girls often have low self-esteem and heavily rely on men for their directions and decisions. Their role and position in the family and society have yet to be highly appreciated and respected. Therefore, it is common for ethnic minority women and girls to drop out of school. The reasons given to explain the dropout, especially among ethnic minority girls, are: coming from a low-income family; schools being too far from home, especially in mountainous, remote areas; and unsound and negative customs, such as discouraging girls from continuing their studies to higher education and/or child marriage. Research by Duong Thi Thanh Huong and Nguyen Minh Nguyet also shows that: the habit of using their mother tongue to communicate with most other ethnic minority women is also a reason why EMWGs do not want to learn Vietnamese fluently.<sup>37</sup> As a result, it is difficult for this population to improve their educational level, access social services and learn new things. In addition, they often have low self-esteem regarding their gender. Their self-awareness is always associated with either the idea that women are less valued than men, the idea that women lack significant knowledge compared to men, or the idea that women are less intelligent than men. They often believe that women also do not have a strong spirit and must easily surrender to and accept the circumstances when their families face economic difficulties, choosing between continuing to study or leaving school to join the labour market. When participating in learning, women and girls have little time to study, do not study practical content, and ultimately do not find the value of education, so it is no surprise that they quickly abandon their studies.<sup>38</sup>

## 3. Gender Mainstreaming Issues

Implementing gender mainstreaming in socio-economic development policymaking is an ongoing process aimed at changing societal ways of thinking and changing gender relations between men and women and their ways of working. Gender mainstreaming is an essential aspect of the effective legal governance of society. It

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37 Duong Thi Thanh Huong & Nguyen Thi Minh Nguyet (2019). *On-site education - Solutions to raise the skills and skills of ethnic minority women in the midlands and northern mountains*. Policies Conference: Challenges and Solutions, so that ethnic minority women are not left behind, Hanoi, 2019. p.251-266.

38 *Ibid.*

ensures that institutions, policies, and programs are responsive to the needs and concerns of women and men and distributes benefits fairly between women and men. Gender mainstreaming will contribute to social, economic and cultural progress and bring equality to women and men, thereby enhancing the ability of the government to bring about all achievements for all citizens.<sup>39</sup>

However, the effectiveness of mainstreaming gender equality in building legal policies that guarantee the right to education for women and girls, especially ethnic minority women and girls, is not high. Although the work of law dissemination and widespread education on gender equality has been proactive and positive, it has not yet made a significant change in societal attitudes about the equality of men and women.

On the other hand, staff training activities on gender equality mainstreaming have not yet been the subject of significant political focus, so the quality of gender mainstreaming is still low. In addition, within some levels of authority, the awareness and understanding of gender and gender mainstreaming are still limited. Therefore, efforts to direct gender mainstreaming into social, economic and cultural development plans have not been given due attention yet. An assessment of gender's impacts on lawmaking was mandated by the Law on Promulgation of Legal Normative Documents in 2015 and by the Law on Gender Equality in 2006. However, the implementation of this mandate is still formal and not yet practical.<sup>40</sup>

#### 4. Regarding the Priority Policies of the State

The State's priority policies in education are still in the process of being finalized. Although there have been many policies to support ethnic minority students, there is no priority policy for female students who are entering pre-university schools, professional secondary schools or other higher education institutions, a policy which would be especially beneficial for some small, special ethnic groups that do not yet have a high quality labour force.<sup>41</sup> In addition, due to limited resources, the implementation of policies is still incomplete. The implementation level of specific policies on education and training in ethnic minority areas is not good, especially those regarding recruitment and training by address. Due to insufficient awareness of the policy, some localities have not actively implemented such policies. The teachers had neither been provided with the knowledge nor involved in the practices of the policies related to teaching ethnically diverse students. Instead, they had been educated following a program prescribed by the national curriculum framework. Despite their ethnic background and orientation to teaching students of the shared ethnicity, they were not instructed nor encouraged to construct lessons that embodied

39 Chu Thi Van Trang (2004). *Gender mainstreaming in the development and application of laws to protect women's equal rights*. <http://laphap.vn/Pages/tintuc/tinchitiet.aspx?tintucid=208861>. accessed 10 November 2022.

40 Tran Thi Minh Chau (10 February 2020). *Integrating the issue of gender equality in the development of laws for female cadres, civil servants and public employees in Vietnam*. <https://tcnm.vn/news/detail/46333/Long-ghep-van-de-binh-dang%C2%A0gioi-trong-xay-dung-phap-luat-doi-voi-can-bo-cong-chuc-vien-chuc-nu-o-Viet-Nam.html>. accessed 10 November 2022.

41 *Supra* note 22.

the knowledge and practices that would be appropriate to the ethnic minority students. As Chinh Duc Nguyen & Xuan Ha showed, for teachers who had been educated at universities located in metropolitan cities, knowledge and practices related to teaching ethnically diverse students were almost completely ignored. When teachers were recruited and appointed to schools in ethnic minority communities, no formal training or induction was provided to enable teachers to familiarise themselves with local students or indigenous cultures.<sup>42</sup>

Some policies for teachers, staff, and students in ethnic minority areas are still inadequate in terms of the benefits, norms, duration, support methods, and complicated administrative procedures. On the other hand, most of the localities in ethnic minority areas also have difficult socio-economic conditions, so although they are given priority, due to the limited budget, they cannot meet the needs of investment for education and training.<sup>43</sup> The participation of the whole society has not been mobilized for education and training in ethnic minority areas; some policies have been issued, but there is no funding for implementation, or the allocation of funds has not been timely.<sup>44</sup>

In addition, regarding financing the education of ethnic minorities and others in mountainous areas, Le Van Loi also showed that investment resources allocated from the state budget are unsatisfactory for the characteristics of mountainous areas, and equipment for teaching and learning activities is inadequate. Many general education assistance policies for ethnic minorities are still sparse, and there is no integration, coordination and consistency among ministries and sectors, leading to overlaps and shortcomings in the implementation of the regulatory policies.<sup>45</sup>

### 5. Regarding Facilities for Education and Training in Ethnic Minority Areas

Infrastructure for education in ethnic minority areas still faces many difficulties. Most localities in ethnic minority areas have a high poverty rate and extremely difficult socio-economic conditions, so despite being given priority, due to limited budget resources, they cannot meet the need for investment funds to fulfil education and training objectives. These limitations have directly affected the guarantee of the right to education for ethnic minorities.

The network of schools, physical facilities, and teaching equipment has grown. Still, investment has not yet met the practical requirements for developing and

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42 Chinh Duc Nguyen & Xuan Ha (2021): '*Even studying higher, we just end up with earning a living by picking coffee cherries: challenges to educational equity for ethnic minority students in Vietnam*', *A Journal of Comparative and International Education*, DOI: 10.1080/03057925.2021.1976622, p.9. <https://www.tandfonline.com/doi/abs/10.1080/03057925.2021.1976622>. accessed 30 November 2022.

43 *Supra* note 31, p.190.

44 Dao Nguyen Phuc (13 May 2021). *Completing education policies for ethnic minorities and mountainous people*. Propaganda Journal. <https://tuyengiao.vn/khoa-giao/giao-duc/hoan-thien-chinh-sach-giao-duc-cho-dong-bao-dan-toc-thieu-so-mien-nui-133356>. accessed 10 November 2022.

45 *Supra* note 24, p. 1678-1687.

improving the quality of education, especially in some specialized schools in ethnic minority areas. Some communes with ethnic minorities and in mountainous regions do not have preschools. At present, schooling network systems are still insufficient to meet students' demands. Due to geographical barriers, fewer schools are in mountainous areas, thus preventing students from attending. Even once attending schools, students from minority communities often do not have the opportunity to receive a high-quality education. There is a lack of conformity in school levels, schooling programmes, and grades. Classroom quality is low, and there are even "short-term" classrooms in some areas.<sup>46</sup> There is still a significant shortage of classrooms, day-boarding houses, kitchens, sanitation facilities and other living and learning facilities that would support students from minority communities in mountainous areas. In addition, both the rate of re-illiteracy and the percentage of school dropouts are still high, especially among female students from families with low incomes.<sup>47</sup> The infrastructure of ethnic minority boarding schools is insufficient and undeveloped. Most of them lack basic facilities such as kitchens, dormitories, clean water and restrooms<sup>48</sup>, which further hinders the attendance of students.

In summary, the level of education of ethnic minorities is still quite far from the national average. The learning quality of ethnic minority students is still low, and a big gap still exists between the education of ethnic minority students and Kinh students. Although the legal framework guaranteeing the right to study for ethnic minorities has improved gradually, it is still inconsistent.

## V. CONCLUSION AND RECOMMENDATIONS

Ethnic minorities mainly reside in mountainous areas with difficult socio-economic conditions and physical facilities, so their enjoyment of human rights in general and of the right to access education in particular has many limitations. With the policy of "leaving no one behind", over the years, Vietnam has implemented many short-term and long-term action programs and strategies to narrow the gap between ethnic minorities and Kinh people as well as the gap between ethnic minorities to ensure equality of human rights enjoyment. Although specific achievements have been made in guaranteeing access to education for ethnic minority women and girls, the goal of universalizing education to ethnic minority areas is still limited due to many objective and subjective factors. Therefore, to ensure equal rights and expand educational access opportunities for ethnic minorities in general and ethnic minority women and girls in particular, the authors propose the following solutions:

*Firstly*, disseminate information on the role of education and the right to study and raise awareness on the importance of ethnic minority learning, thereby eliminating the prejudices of the community and of men regarding the roles and

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46 Dao Thi Tung (2021). *To implement legislation on the right to education of ethnic minorities in Vietnam*. Journal of Political Theory. Issue 1/2021. <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-vietnam.html>, accessed 19 August 2021.

47 *Supra* note 40.

48 *Supra* note 37.

positions of ethnic minority women and girls. In particular, in addition to guidelines, policies and laws of the Party and State ensuring the educational rights of ethnic minorities, it is necessary to focus on information campaigns that emphasise the role of education and training, the right to learning and training, and the role of ethnic minority women in the family and community. These will encourage ethnic minority women and girls to study and participate in both family and social work. These also engender positive shifts because these changes can also make space for a shift in thinking and perception.

*Secondly*, continue to review policies and laws related to ensuring the right to education of ethnic minorities and focus on developing specific policies for ethnic minority women and girls in education. Review policies for teachers, learners and educational institutions in ethnic minority areas, and propose that the National Assembly, government and relevant ministries amend and supplement the existing legislation in addition to issuing new policies on education and training development in ethnic minority and mountainous areas that would be suitable to new conditions and situations. At the same time, it is necessary to strengthen coordination with press agencies to disseminate information about the Party's and State's guidelines, policies and laws on ethnic education.<sup>49</sup>

*Thirdly*, promote gender mainstreaming in socio-economic development strategies and policies in ethnic minority areas, including education and training issues. In fact, due to gender inequality, ethnic women hardly go to school. Low enrolment consequently makes them more vulnerable and exposed to more risks and difficulties in life. Therefore, the government needs to promote gender mainstreaming with the aim of summarizing and evaluating each implementation stage, thereby drawing lessons from experience and making more appropriate adjustments to achieve the goals of equality and gender stereotype elimination for ethnic minority women and girls. In addition, the government needs to regulate the responsibilities of ministries and sectors that do not seriously implement gender equality mainstreaming, including gender equality in education and access for ethnic minority women and girls. At the same time, enhance the responsibilities of relevant agencies in appraising law-making dossiers, verifying the integration of gender equality issues in law projects, ordinances and draft resolutions, identifying gender issues and ensuring the basic principles of gender equality are preserved and the regulations are feasible.<sup>50</sup>

*Fourthly*, build a pool of teachers in the upland areas that is sufficient in quantity, stable in quality, and capable of integrating and developing community spirit. Renovate educational programs and teaching methods to make them suitable for the socio-economic conditions of ethnic minority areas. Expand teaching in and of ethnic minority languages in all ethnic minority areas and increase the number of ethnic languages being taught (currently teaching six ethnic languages). For education methods in ethnic minority areas, it is advisable to develop educational models suitable to the unique characteristics and needs of the ethnic minority communities. The on-site education model is attracting the attention of many researchers and

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49 *Supra* note 40.

50 *Supra* note 37.

educators. On-site education is also understood as the connection of learning with the community and the surrounding world. In particular, on-site education can be organized in a way that allows students to study anywhere and leverages available resources as provided by the communities. On-site education students are engaged in learning designed to experience the local culture, develop insights into the environment and particular occupations and earn more living experience in coping with difficulties in life. It is a flexible, cost-effective option that would benefit ethnic minority women in groups from small to large by allowing them to save on travel costs. These programs can be supported by governmental women's organizations or by non-governmental organizations and programs.<sup>51</sup>

*Fifthly*, continue implementing economic development goals, hunger eradication and poverty reduction programming in ethnic minority communities, mainly focusing on investing resources to develop education for ethnic minorities and mountainous people. Build an inspection and evaluation mechanism that is both compact and effective in operation for overseeing the implementation of projects in ethnic minority areas.

In summary, education is always a significant issue for each country and nation because it is not only the foundation of knowledge but also the basis for training talented, intelligent and intellectual people, which in turn contributes to the general development of families, communities and overall society. Ethnic minority women and girls are an important part of every family, community and society, so leaving them behind on the path to awareness and development is unacceptable. Although the right to education and access to educational opportunities is one of the economic, social and cultural rights which depends on the resources of each country, it is still a fundamental human right. Therefore, it is essential to recognize, respect and guarantee these rights for everyone, especially women and girls of ethnic minorities. Education will help them confidently overcome barriers to integration in life and push them to step out of their comfort zone. It is a truism that education is the primary key to opening the door of every person's life.

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<sup>51</sup> *Supra* note 26.

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