

## Law on Right to Education of Ethnic Minorities in Vietnam



Nguyen Duy Quy

The University of Danang, University of Science and Education, Vietnam

**ABSTRACT:** The article aims to clarify the law on the right to education of ethnic minorities in Vietnam. Based on document sources, especially documents of the Vietnamese government and state, the article analyses three basic issues: 1). Legal provisions on the right to study of ethnic minorities in Vietnam; 2) Achievements and limitations of human rights law enforcement in Vietnam; 3) Some suggestions on improving the effectiveness of the enforcement of the right to education of ethnic minorities in Vietnam. The research results contribute to shed light on ensuring the educational rights of digital-savvy ethnic groups in Vietnam now and in the future.

**KEYWORDS:** human right, Ho Chi Minh, ethnic group, right to education.

### I. INTRODUCTION

Throughout the revolutionary process, the Party and State have always consistently maintained the viewpoint: "The main objective and driving force of development is for the people, by the people" (Communist Party of Vietnam, 2017), including right to education of the people in general, right to education of ethnic minorities in particular always receive special attention. For the past time, the issue of ensuring the implementation of the law on right to education of ethnic minorities in our country has gained remarkable achievements, besides, in the process of putting policies into life for right to education of ethnic minorities to gain many achievements, it is still needed to be further researched, improved, adjusted and supplemented in the coming time.

### II. RESULTS AND DISCUSSION

#### 1. Vietnamese law on right to education of ethnic minorities

Vietnam is a country with 54 ethnic groups living together, in which Kinh ethnic group accounts for the majority with the rate of 85.3% (82.085,729 million people), the remaining 53 ethnic minorities account for 14.7% of total national population (14,123,255 million people) who mainly reside in the Northern Midland and Mountainous regions and the Central Highlands (Thang, 2019). With the determination that "Along with education and training, science and technology are the leading national policy and the driving force for socio-economic development..." (Communist Party of Vietnam, 2020), right to education is one of the most fundamental human rights. For recent years, education and training in ethnic minorities have received special attention from the Party and State. In our country today, the system of legal documents is relatively fully promulgated, covering the main fields of social life, creating a legal basis to ensure right to education of ethnic minorities. The Constitution 2013 institutionalizes human rights, fundamental obligations of citizens, which states: "Citizens have right and obligation to learn" on the other hand, "...The State gives priority to the development of education for mountainous regions, islands, ethnic minority areas and regions with extremely difficult socio-economic conditions" (The Government, 2013). From the above contents, the state agencies, based on the assigned functions and tasks, have institutionalized in other legal documents such as the Law on Education, the Law on Vocational Training, the Law on Higher Education.

According to the report of the Committee for Ethnic Minority Affairs, in 2010 - 2017 period, the Government, ministries and branches issued 42 legal documents related to education for ethnic minorities under the competence. Policies and laws on right to education of ethnic minorities are currently focused on the following specific contents:

*Firstly, policies for teachers and educational managers working in special schools and regions with extremely difficult socio-economic conditions.* The Government issued a new regulation on allowance for teachers, specifically: "Teachers whose working term expires in regions with extremely difficult socio-economic conditions but have not been transferred back to their place of residence or final workplace, they continue to receive an attraction allowance equal to 70% of the current salary and stop receiving the allowance for long-term work. In addition: "Teachers and education managers, when transferred to a region with extremely difficult socio-economic conditions, are entitled to a first-time allowance equal to 10 months of the common minimum salary at the time of executing the transfer as stated in the transfer decision" (The Government, 2013).

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*Secondly, the policy gives priority to learners who are ethnic minorities.* This policy group includes the policy on tuition fee exemption/ reduction and study cost support specified in Decree No. 86/2015/ND-CP dated October 2, 2015. Under the legal provisions, in the national education system, subjects eligible for tuition exemption/ reduction include: “Students of Ethnic Minority Boarding School, pre-university schools, and pre-university faculties. Students of ethnic minorities with very few populations in regions with difficult or extremely difficult socio-economic conditions as prescribed by competent authorities” (The Government, 2015). On the other hand, 70% of tuition fees will be reduced for “Kindergarten children, pupils and students who are ethnic minorities (not ethnic minorities with very few population) in regions with extremely difficult socio-economic conditions under the regulations of competent authorities (The Government, 2015). In addition to the policy on tuition fee exemption and reduction, the current policy on enrollment priority and study support for preschool children, pupils and students of ethnic minorities is also applied under Decree No. 57/2017/ND-CP. This Decree prescribes the policy of enrollment priority and study support for preschool children, pupils and students of ethnic minorities who are studying at educational institutions under the national education system. Specifically: “Preschool children are entitled to study in preschools; public kindergarten schools and classes. Primary school students can study at ethnic minority boarding schools, ethnic minority semi-boarding schools and secondary schools. Students who complete the primary education program are directly admitted to ethnic minority boarding schools, ethnic minority semi-boarding schools and high schools. Students graduating from secondary schools are admitted directly to ethnic minority boarding schools, ethnic minority semi-boarding schools, high schools, vocational education, and training institutions for elementary and intermediate levels. Students graduating from high school are admitted directly to universities, pre-university faculties, higher education institutions and vocational education institutions (The Government, 2017).

*Thirdly, policies on training and employing ethnic minority cadres, civil servants and employees.* It is consistent in the revolutionary viewpoint of the masses. The task of economic, cultural, and social development in ethnic minority regions and shortening the development gap, besides the consensus of the people nationwide, needs to bring into full play the intellect, strength and enthusiasm of the people and especially ethnic minority cadres as well as cadres working in ethnic minority regions. Clause 4, Article 5 of the Constitution of the Socialist Republic of Vietnam (2013) clearly states: “The State implements a comprehensive development policy and creates conditions for ethnic minorities to promote their internal strengths for develop the country together” (Constitution of the Socialist Republic of Vietnam 2013, 2014). In addition, in our country, the Law on cadres and civil servants; The Law on Employees and other legal documents have contents that refer to ethnic minority cadres, civil servants and employees.

*Fourthly, invest in developing educational contents, programs and policies on teaching languages and writings for ethnic minorities.* The issue of teaching languages and writings of ethnic minorities is currently regulated in Decree No. 82/2010/ND-CP, thereby the State focuses on investing, prioritizing the teaching and learning of ethnic minority languages for ethnic minorities. As specified in Article 3, Decree No. 82/2010/ND-CP: “Ethnic minority people have aspiration and demand to learn ethnic minority languages. The script of ethnic minority languages taught and learned in schools must be the traditional script used by the community, identified by a specialized agency or approved by a competent authority. Ethnic minority language programs and textbooks are compiled and appraised under the regulations of the Minister of Education and Training (The Government, 2021). In addition, in order to create favorable conditions for ethnic minority students to study in the general education program, the Prime Minister issued Decision No. 1008/QĐ-TTg approving the Scheme of "Strengthening Vietnamese language for preschool children and primary school students in ethnic minority regions", thereby: "Strengthening Vietnamese language for preschool children and primary school students in ethnic minority regions, ensuring that they have fundamental skills in using Vietnamese to complete preschool and primary education programs; create a premise for learning and acquiring knowledge of the following educational levels; contribute to improving the quality of life and sustainable development of ethnic minorities, contributing to the progress and development of the country (The Government, 2021).

## 2. Results of implementing the law on the right to education of ethnic minorities

### 2.1. Gained achievements

Regarding the implementation of policies towards teachers, education managers working in special schools, in regions with extremely difficult socio-economic conditions. Currently, teachers and educational managers working in special schools and extremely difficult socio-economic regions, besides enjoying benefits of policies for teachers under the general regulations, are also entitled to receive separate regimes and policies as prescribed by the government: preferential allowance, responsibility allowance, attraction allowance and allowance for teaching in spoken and written language of ethnic minorities. With the implementation of the above-mentioned supportive policies, it contributing to timely motivating and encouraging teachers to feel secure to stick with extremely difficult socio-economic regions in a long time, where many ethnic minorities are residing. Teachers and educational managers working at schools in remote, isolated and border regions are important factors contributing to ensuring right to education of ethnic minorities.

Implement priority policies for learners who are ethnic minorities. With the application of many supportive policies from the central and local levels for ethnic minority learners at all educational grades and levels, including policies for boarding and semi-boarding students: provision of rice, meals, scholarships, tuition fee exemption, study cost support, direct admission to higher education,

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recruitment priority after graduation, thanks to the above policies, pupils and students who are ethnic minorities today have better learning conditions. For the past time, the policy of direct admission to higher education for ethnic minority students after graduating from high school to continue studying at colleges and universities has contributed to helping ethnic minority students have conditions to access high level education, creating a source of grassroots cadres of ethnic minorities in the future, contributing to the successful implementation of the ethnic and mountainous policy in Vietnam today.

Regarding the implementation of policies on training and use of ethnic minority cadres, civil servants and employees. The work of planning, training, fostering, arranging and using cadres, civil servants and employees of ethnic minorities is concerned by the Party committees and local authorities. In the provinces and cities under the Central authority, there are currently more than 160,000 cadres, civil servants and employees who are ethnic minorities, accounting for 14.5% (of which women have nearly 80,000 people, accounting for 49.2%), of which nearly 11,000 people (accounting for 17.2%) hold leadership and management positions. There are 13 ethnic minority cadres participating in the 13th Central Executive Committee, accounting for 6.5%, 86 cadres participating in the 14th National Assembly (accounting for 17.4% of total number of National Assembly representatives), representing 38/53 ethnic minorities in Vietnam (Hung, 2021). In addition, the cadres who are ethnic minorities are constantly younger, have good professional qualifications and are diverse in ethnic composition. Specifically: "At the end of 2018, there were 51,000 turns of ethnic minority cadres trained and fostered in knowledge, expertise and operations. The implementation of the project on strengthening cadres to the grassroots level has attracted and arranged 580 young intellectuals to serve as vice chairmen of commune People's Committees in 62 poor districts of the country (Hung, 2021).

Regarding the implementation of policies on educational contents and programs for ethnic minorities. Along with the implementation of the general policy on national education contents and programs, localities where ethnic minorities reside also implement the separate and particular policies in education such as teaching of languages and writings of ethnic minorities, illiteracy eradication and Vietnamese language enhancement for students. In 2011-2020 period, 06 ethnic minority languages in the system of high schools were taught and learned nationwide (the Ministry of Education and Training compiled textbooks and promulgated training program): H'Mong, Cham, Khmer, Gia Rai, Ba Na and Ede in 22 provinces and cities nationwide, with a scale of 756 schools, 5,267 classes, 174,562 students learning ethnic minority languages (Linh, 2020). Illiteracy eradication for ethnic minorities also gained many remarkable achievements. According to a report of the Ministry of Education and Training: "In 2011-2020 period, with the efforts of localities, the education sector mobilized about 30,000 illiterate people aged 15-60 to participate in eradication illiterate classes (grades 1 to 3). As of May 30, 2018, the literacy rate of people aged 15-60 of ethnic minorities is 92.55%" (Tung, 2020). The strengthening of Vietnamese language for ethnic minority children before entering grade 1 is paid attention in most localities. Notably, some localities, depending on actual conditions, compiled appropriate documents on content, thereby bringing about positive results in preparing Vietnamese for children.

### **2.2. Shortcomings and limitations**

The fact showed that the implementation of the law on right to education of ethnic minorities for the past time obtained positive results as described above. However, ensuring right to education for ethnic minorities in our country today still faces many difficulties and challenges, specifically:

Regarding policies for teachers and education managers working in special schools, in regions with extremely difficult socio-economic conditions. In fact, the policy system for teachers and educational managers currently working in regions where ethnic minorities reside has been still not synchronized, the content overlaps in many different legal documents. Some policies have been effective and enforceable but localities have not applied them yet, or applied them slowly, making the life of teachers working in remote regions still become difficult.

Regarding the priority policy for learners who are ethnic minorities. The process of applying policies to learners who are ethnic minorities revealed many shortcomings and limitations in terms of beneficiaries, support norms and allowance duration and support methods. Regulations in Circular No. 109/2009/TTLT-BTC-BGDĐT on guiding a number of financial regimes for students in ethnic minority boarding schools are no longer appropriate and adjusted or supplemented in a slow manner. Specifically as follows: In Clause 2, Article 2, the scholarship regime is prescribed as follows: "Students studying at ethnic minority boarding schools under the Ministry of Education and Training, provinces, districts and pre-university schools for ethnic minority students are entitled to a policy scholarship equal to 80% of the State's minimum salary and 12 months of the year" (Ministry of Education and Training, 2020). Currently, because market prices are always fluctuating in an upward direction, the scholarship level for students is equal to 80% of the base salary which does not guarantee a daily living standard for them. In addition, a number of special policies on education and training in ethnic minority regions have not been implemented well, such as: the policy of direct admission to higher education and training by address, despite of practicality, has not been implemented synchronously and the training and use quality are not high, causing loss and waste.

Regarding the implementation of policies on training and employment of ethnic minority cadres, civil servants and public employees. The work of building, training and fostering ethnic minority cadres in our country in response to the requirements of the renovation cause, promoting industrialization and modernization of the country still has many shortcomings. The shortage of grassroots cadres who are ethnic minorities occurs in many places, in which the Northern mountainous region, remote districts in

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the Central Highlands, the Southeast and the Mekong Delta region. Currently, the provinces with a large number of ethnic minority residents still have not balanced the number of local cadres, from leaders, managers to professionals, so it is still needed to strengthen cadres from other localities. The high school teachers, doctors, finance, banking, science - technology human resources working in regions with extremely difficult socio-economic conditions are mostly assigned from the plains.

The implementation of policy on educational content and program for ethnic minorities. The teaching and learning of ethnic minority languages still has many limitations during the implementation: many localities have not paid attention, the quality of teaching and learning is not high, most training institutions lack ethnic minority language teachers, tools, means and materials for teaching and learning are still insufficient. Under the statistics from localities, so far 20.8% of ethnic minorities (equivalent to 2.8 million people) have currently failed to read and write Vietnamese fluently. For some ethnic minority groups such as Ha Nhi, Co Lao, BRau, Mang and La Hu, the number of illiterates accounts for 50% of the population. Many localities have not done well in promoting Vietnamese language for ethnic minority children, leading to many children's difficulty in the learning process. In general, the learning quality of ethnic minority students is still low, there is still a big gap compared to Kinh ethnic group's students.

The causes of limitations in the implementation of the law on right to education of ethnic minorities in our country stem from: scattered ethnic minority residence areas, divided mountainous terrain, limited people's intellectual level, many outdated depraved customs, inadequacies in the implementation of policies to support and invest in education, ineffective propaganda of the Party's guidelines and policies and the State's laws on right to education of ethnic minorities, slow supplement and adjustment of policies on education in ethnic minorities, non-strictness and lack of inspection and supervision in the process of policy implementation. In addition, the limitation is due to the awareness of the ethnic minorities of their right to education.

### 3. Some recommendations contributing to ensuring right to education of ethnic

Firstly, promote propaganda on the role of education and right to education, raise the self-study awareness of ethnic minorities. Implement and enhance the propaganda and advocacy activities throughout the society on the guidelines and policies of the Party and State on the role of education, on right to education of ethnic minorities in the poverty reduction of ethnic minorities, improve knowledge, improve quality of life and promote sustainable development in ethnic minorities. Accordingly, sustainable development must be based on comprehensive and advanced education and training that is always renewed, and the people's right to education is always guaranteed. Localities need to step up the propaganda, raise the people's awareness of self-study and self-training in general and ethnic minorities in particular and build a learning society.

Secondly, review policies and laws on right to education of ethnic minorities, adjust and supplement in line with the practical requirements. Continue to implement current policies and laws fully and promptly on ensuring right to education of ethnic minorities. On the other hand, review the current policies and laws, thereby, propose and recommend to the National Assembly, the Government and relevant ministries and agencies to amend, supplement and promulgate policies and laws on ensuring right to education of ethnic minorities in the new period in line with the actual requirements.

Thirdly, pay attention to building teachers and educational managers that meet the requirements of education and training innovation. Build the planning, training and retraining plans for teachers and managers in accordance with educational innovation requirements. Improve the quantity and quality of ethnic minority staff, cadres, and teachers at all levels of educational management and in educational institutions, do well the direct admission to higher education, attach the training with the employment, ensure the quantity, structure, professions, qualifications, and titles by address, ensure the work requirements, build up a staff of qualified ethnic minority teachers. In addition, implement regimes and policies for teachers and managers properly, fully, and promptly, especially give priority to teachers working in remote and extremely difficult regions so that they feel secure with their careers and stick with the cause of "growing human".

Fourthly, research and improve learning methods, contents, programs and textbooks suitable for ethnic minorities. Continue to renovate education fundamentally and comprehensively in the direction of strongly shifting from training and fostering knowledge to comprehensive development of capabilities and qualities of learners. Build an open, practical education, ensure conditions for improving the quality of education. In addition, it is necessary to continue implementing poverty reduction and raising the living standards of ethnic minorities, with a focus on people in highland, deep-lying and remote regions - this is a precondition for ethnic minorities to enjoy the right to education.

Fifthly, regarding the training and use of cadres and civil servants who are ethnic minorities. It is necessary to overcome the situation of training that is not associated with use in training ethnic minority cadres and civil servants. Party committees and local authorities need to follow up the sources of cadres being trained at colleges and universities, soon put into planning, and use these sources right from the time they are at schools. In addition, it is necessary to issue a priority policy for ethnic minority grassroots cadres. Due to objective circumstances, ethnic minority cadres suffer from many disadvantages and face many difficulties compared to cadres in cities and lowland areas, so such cadres still has limitations in expertise and operations.

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### CONCLUSIONS

The law on right to education of ethnic minorities needs to be implemented in a synchronous manner with many solutions. With the appropriate guidelines and policies of the Party and laws of the State, along with the initiative from localities, education in ethnic minority regions will increasingly develop, ensuring the compliance with the law on the right to education of ethnic minorities so that they can contribute more and more to the sustainable development of the country.

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