

Government Strategies of Vietnam for Narrowing's Ethnic Minority Education Gap

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ABSTRACT : Despite notable national achievements in expanding access to education, Vietnam continues to face persistent disparities in educational outcomes between the ethnic majority Kinh and ethnic minority groups, particularly in remote and socioeconomically disadvantaged areas. This article critically examines the Vietnamese government's strategies aimed at narrowing the ethnic minority education gap. It focuses on key policy interventions, including targeted financial assistance, bilingual education reforms, teacher recruitment and retention programs in marginalised regions, and investments in educational infrastructure. Drawing on recent policy analyses, government reports, and academic studies, the article evaluates the effectiveness of these measures in promoting equitable access and improving learning outcomes for ethnic minority students. The findings indicate that while government initiatives have contributed to reducing some aspects of the gap—especially in school enrollment and basic literacy—challenges remain in addressing deeper structural inequalities.

KEYWORDS – Ethnic, Education, Minority, Government, Policy

I. INTRODUCTION

Vietnam has 54 ethnic groups, of which the Kinh ethnic group accounts for the majority, with a rate of 85.3% (82,085,729 people). The remaining 53 ethnic minorities comprise 14.7% (14,123,255 people).¹ Ethnic minorities live scattered across 63 provinces and cities, mainly concentrated in rural areas (86.2%), mostly in mountainous and remote areas, of which only the Chinese are ethnic minorities living mainly in urban areas.² Most ethnic minorities reside in areas with challenges related to geographical location and access to information, educational programs, and other societal resources. Children are not able to be independent and still need the care of their parents, so most ethnic minority children currently live with their families in these areas. Therefore, with the viewpoint of "Education development is the top national policy"³, Vietnam is constantly proposing programs and policies to promote effective educational activities, in which education for ethnic minority children is also very focused, with many supporting policies. to invest resources to ensure the right to education of ethnic minority children.

¹ Vietnam Population Census on 1-4-2019

² The General Statistics Office and the Committee for Ethnic Minorities, Survey results to collect information on the socio-economic status of 53 ethnic minorities in 2019, Hanoi, Statistics Publishing House 2020.

³ National Assembly, Law on Education 2019, No. 43/2019/QH14.

In this section, the article focuses on summarising the basic aspects of current policies and laws in ensuring the right to education for ethnic minority children

II. MAIN TEXT

2.1. Status of Vietnamese law provisions on ensuring the right to study of ethnic minority children

The right to education of ethnic minorities, in general, and ethnic minority children, in particular, is enshrined in all Vietnamese Constitutions, from the first Constitution in 1946 to the Constitutions of 1959, 1980, 1992, and 2013, in a progressively more comprehensive direction. The 2013 Constitution stipulates: "Citizens have the right and obligation to study" (Article 39); "1. Education development is the leading national policy to improve people's knowledge, develop human resources, and foster talents. 2. The State shall prioritize investment and attract other investment sources for education; ... 3. The State shall prioritize the development of education in mountainous areas, islands, ethnic minority areas and areas with extremely difficult socio-economic conditions..." (Article 61).

On the basis of the Constitution, the right to study and regulations to ensure the right to education for ethnic minority children, the State of Vietnam has more specifically stipulated in legal documents such as the Law on Universalization of Primary Education in 1991, the Law on Education in 2005 (amended, supplemented in 2019); Law on Vocational Training in 2006, Law on Higher Education in 2012 (amended in 2018) and other relevant laws and regulations.

To effectively implement the Law on Education and laws related to the right to study of ethnic minorities in general, and children in particular, the Government has issued numerous decrees that detail and guide their implementation. From 2010 to 2017, the Government and relevant ministries and branches issued 42 legal documents related to ethnic minority education, according to their respective competencies.⁴ The system of legal documents has been promulgated relatively completely, creating a legal basis to ensure the right to study of ethnic minority children.

From the specific contents stipulated in Vietnamese law, the assurance of the right to education of ethnic minority children can be divided into the following items: Equal rights in access to education; Regulations on teaching languages; Facilities for learning; Priority policies on learning for ethnic minority children and remuneration policies for teachers in ethnic minority areas and sanctions for acts that hinder the right to learning of ethnic minority children

2.1.1. Equal access to education of ethnic minority children

Equal rights in education are a fundamental, important right to ensure that all people receive equal access to education. This right is documented in numerous high-value legal documents within the Vietnamese legal system.

When it comes to the right to education, the Constitution recognizes that "Education development is the top national policy to improve people's knowledge, train human resources and foster talents".⁵ In the context of Article 61, the Government of Vietnam considers and prioritizes education as a long-term strategy to develop both people, society and national economic growth. According to Article 61(2) of the Constitution, the Vietnamese government "ensures compulsory primary education, the State does not collect tuition fees". That shows a priority for investing in education to universalize other levels and forms of education and provide sustainable financial aid and scholarships. Clause 3 of Article 61 refers to the Vietnamese Government's concern for the development of education among ethnic minorities: "The State prioritizes the development of education in mountainous areas, islands, ethnic minority areas and areas with extremely difficult socio-economic conditions; prioritize the use and development of talents; creating conditions for people with disabilities and the poor to learn culture and vocational training". That forces the State to pay more attention to this group of subjects when providing and developing education and vocational training.

Regarding the protection of equality and non-discrimination, the State of Vietnam clearly states in the

⁴ Committee for Ethnic Minorities: Summary report on the implementation of the law on ethnic minorities, 2017.

⁵ National Assembly, "Constitution of the Socialist Republic of Vietnam" (2013), Article 61, Clause 1.

Constitution the intention to respect and protect the equality of the people in all aspects of life. This intention is inferred from Article 16, "all citizens are equal before the law" and "no one shall be discriminated against in political, civil, economic, cultural or social life". In accordance with Article 16, Article 14(1) indicates that "human rights in the political, civil, economic, cultural and social spheres shall be recognized, respected, protected and guaranteed in accordance with the Constitution and the law". Thus, the right to study is also "recognized, respected, protected and guaranteed" by the Constitution.

Besides the Constitution, equality in education is also protected under other laws such as the Children's Law and the Education Law. The Education Law also provides for an open education system where everyone has equal access to education at all levels and in all forms⁶ and the right to education is recognized under Article 13 of the Education Law "The State implements social justice in education". Moreover, everyone has an equal right to study "regardless of ethnicity, religion, belief, gender, personal character, family background, social status, economic circumstances".⁷ In addition, the Children's Law also once again clarifies the importance of equal opportunities in learning and education: "Children are equal in learning and educational opportunities; to develop talents, talents, creativity and inventions".⁸ The children mentioned here do not distinguish between ethnic minority children or ethnic minority children.

From the above specific provisions, it can be seen that the right to study of ethnic minority children is not stipulated separately but is integrated into the right to study and the right to study of children in general. Thus, it can be affirmed that the right to education of ethnic minority children is an equal right among all groups of people in society, protected by the Constitution and laws of Vietnam. Children of ethnic minorities must be guaranteed equal access to the right to education as children belonging to ethnic minority groups. In addition, ethnic minority children are also in the group of beneficiaries of the rights of minority groups, which are separate priority policies of the State to ensure justice in society.

2.1.2. Regulations on teaching languages to ensure the right to learning of ethnic minority children

Language barriers directly affect the access to education of ethnic minority children. In the face of not being able to use Vietnamese, not keeping up with class lessons, and unable to read and understand learning materials, children in ethnic minority areas will increasingly feel unmotivated to learn and lack confidence in their abilities at school.

Recognizing the negative impact of language barriers on ethnic minority children, especially in rural and mountainous areas, the Government of Viet Nam has issued a clear legal framework and implemented policies to address this problem. One of the most notable solutions to this problem is the implementation of bilingual education for ethnic minority children.

The idea of learning in the mother tongue of ethnic minorities was first mentioned in the 1946 Constitution "In local elementary schools, minorities have the right to learn in their own language".⁹ In the 2013 Constitution, this provision is no longer available but instead is a regulation to ensure the freedom of language choice of ethnic groups "The national language is Vietnamese. Ethnic groups have the right to use their voices and writings, preserve their national identity, promote their good customs, customs, traditions and culture"¹⁰ and "Citizens have the right to identify their ethnicity, use their mother tongue, and choose the language of communication".¹¹ Until now, the Government has made efforts to turn the idea of teaching in ethnic minority languages into a practical tool to realize the right to education of ethnic minority children. According to the Education Law, although the official language of learning is Kinh (Vietnamese), the Government of Vietnam also facilitates and encourages ethnic minority groups to use their mother tongue for learning and communication.¹² In addition, the Government

⁶ National Assembly, Law on Education, Article 4, Clause 3.

⁷ Huu Phuoc Ngo, "Gender equality in education – A comparative perspective between international law and the legal system, practice in Vietnam" (2021) 7(2) Journal of Human Rights and Peace Studies.

⁸ National Assembly, Children's Law, Article 16, Clause 2.

⁹ National Assembly, Constitution of the Socialist Republic of Vietnam (1946) article 15.

¹⁰ National Assembly, Constitution of the Socialist Republic of Vietnam 2013, Article 5, Clause 3.

¹¹ Ibid, Article 42

¹² Law on Education, Article 11, Clauses 1 and 2.

has issued an important policy, Decree No. 82/2010/ND-CP dated July 15, 2010 on regulations on teaching and learning both spoken and written languages of ethnic minorities in school environments.¹³ Accordingly, "The State focuses on investing in and prioritizing the teaching and learning of ethnic minority languages for ethnic minorities".¹⁴ In addition, the voices, writings and fine cultural traditions of ethnic groups are included in the curriculum in general schools, boarding schools, semi-boarding schools, continuing education centres, community learning centres, vocational schools, vocational secondary schools, colleges and universities suitable to ethnic minority areas.¹⁵

These are important legal policies, a solid legal basis for ethnic minority children to ensure their right to study. In terms of teaching language, Vietnam's legal system has strict, practical and systematic regulations, from the Constitution to Laws and Decrees. However, for a country with up to 53 ethnic minorities, it will not be easy to implement these policies effectively. Therefore, the issue requires lawmakers and law enforcers to pay special attention, study and promulgate detailed and specific legal policies guiding the implementation of regulations on teaching languages for ethnic minority children.

Language barriers not only reduce the ability of ethnic minority children to absorb information in the school environment, but also reduce their self-esteem when they are unable to express themselves or interact with people. Therefore, solving this problem will make it easier for ethnic minority children to absorb knowledge, thereby improving their learning spirit and having the opportunity to learn to higher levels.

2.2. Policies on development of material foundations in service of education for ethnic minority children

Most ethnic minorities reside in rural and mountainous areas, with lower educational conditions than in urban areas. For example, school sites are often inaccessible due to poor roads or because ethnic minority children in these areas have to travel a long distance from home to densely populated areas where schools are located. Therefore, ethnic minority children in these locations are difficult to access, unable to go to class or pursue their learning journey.

To ensure that ethnic minority children can study in the best conditions, over the past time, the Party and the State have constantly made efforts, focusing on building educational infrastructure for ethnic minority areas, especially in mountainous and remote areas. According to the Education Law, the state budget plays a leading role in the total investment resources for education, however, the Vietnamese government facilitates and welcomes legal investment from other organizations both domestically and internationally. In particular, the State prioritizes investment in education universalization and development in mountainous areas, islands, ethnic minority areas, areas with extremely difficult socio-economic conditions, and areas with industrial parks.¹⁶ The introduction of the model of specialized schools for ethnic minority children, namely boarding schools, boarding schools and pre-university schools, has shown efforts to ensure the right to study for this group of people. Accordingly, "The State shall establish boarding schools for ethnic minorities, semi-boarding schools and pre-university schools for learners who are ethnic minorities, learners from families who have settled for a long time in areas with extremely difficult socio-economic conditions" and "Boarding schools for ethnic minorities, semi-boarding schools, pre-university schools are prioritized in arranging teachers, facilities, equipment and budget".¹⁷

Many programs and policies to support the construction and development of boarding schools have been implemented such as: Decision 1719/QD-TTg approving the National Target Program for socio-economic development in ethnic minority and mountainous areas for the period of 2021 - 2030, Decree 116/2016/ND-CP stipulating policies to support students and high schools in communes, etc the village is particularly difficult,... Accordingly, the objectives of the programs and policies aim towards:

- To support investment capital for the construction of a system of semi-boarding and

¹³ Decree 82/2010/ND-CP of the Government regulating the teaching and learning of ethnic minority languages and scripts in general education institutions and continuing education centers.

¹⁴ Decree 82/2010/ND-CP, Article 2.

¹⁵ Decree No. 05/2011/ND-CP on ethnic affairs, Article 10, Clause 6.

¹⁶ Law on Education, Article 17.

¹⁷ Law on Education, Article 61, Clause 2, Clause 3.

boarding ethnic minority schools across the country, especially in mountainous areas, ethnic minority areas and economically disadvantaged areas.

- Supporting equipment, repairing, renovating, upgrading and expanding essential items of ethnic minority schools.
- To support the development of roads in this area in order to create conditions for ethnic minorities in general and children in particular to travel and go to school.

In addition, the Government has also implemented many other policies on education for ethnic minority children, such as Decision No. 85/2010/QD-TTg on policies to support boarding students and boarding schools for ethnic minorities or Decree No. 57/2017/ND-CP of the Government dated May 9, 2017 stipulating preferential and support policies for children in preschools, pupils and students of ethnic minorities are very few. Thanks to both of these policies, 876 boarding schools have been established.¹⁸ These schools for ethnic minority children can connect students with similar backgrounds, such as ethnic minority groups, locations, and family circumstances.

It can be seen that the group of policies aimed at developing educational institutions and facilities to create good learning conditions for ethnic minority children has been paid special attention by the State and integrated into general development programs and policies for ethnic minority areas in general and ethnic minority children in particular. However, there are still overlapping policies, content that is stipulated in many different programs and policies, but is not specific and clear. Therefore, it is necessary to develop a separate legal document that specifically and clearly stipulates policies for the development of educational facilities for ethnic minority children.

2.3. Priority policies in education for ethnic minority children

2.3.1 Financial support policy, tuition fee and scholarship policy

Finance is one of the factors that has a direct impact on the access to education of ethnic minority children. The majority of ethnic minority households in Vietnam are poor and near-poor¹⁹, so parents do not have the funds to send their children to school or ethnic minority children have to leave school early to support their parents' work. In order to remove these difficulties, Vietnam has now issued many policies to provide financial support for ethnic minority children in education, helping to ensure the right to access education for ethnic minority children, especially in mountainous and remote areas. The economic region is particularly difficult.

Regarding the policy of tuition fee exemption and reduction: Even in the 2013 Constitution, tuition fees are exempted for primary school levels. According to the Constitution, this content is also specified in Clause 3, Article 99 of the Law on Education. This is a general regulation implemented on all primary education institutions across the country, therefore, primary school students who are ethnic minority children are also entitled to this tuition fee exemption policy. In addition, 5-year-old preschool children in villages and communes with special difficulties, ethnic minority areas, and remote areas are also eligible for tuition fee exemption according to the provisions of the Law on Education.²⁰

In addition, the Government's Decree No. 86/2015/ND-CP dated 02/10/2015²¹ also stipulates in detail the subjects who are not required to pay tuition fees at public educational institutions, including: Primary school students; Pedagogical students and students; Learners of specific professional disciplines meet the requirements of socio-economic development, national defense and security according to the provisions of the Law on Higher Education.²² Thus, ethnic minority children who are the above subjects do not have to pay tuition fees like ethnic

¹⁸ UN Committee on the Rights of the Child, "Fifth and Sixth Periodic Synthesis Report submitted by Viet Nam under Article 44 of the Convention" (2018) CRC/C/VNM/5-6, p.136.

¹⁹ The poverty and near-poverty rate of ethnic minority households is still 3.5 times higher than the overall poverty and near-poverty rate of the whole country, according to the General Statistics Office and the Committee for Ethnic Minorities, the results of the survey to collect information on the socio-economic situation of 53 ethnic minorities in 2019. Hanoi, Statistics Publishing House 2020.

²⁰ Law on Education, Article 99, Clause 4.

²¹ Decree No. 86/2015/ND-CP dated 02/10/2015 of the Government stipulates the mechanism of tuition fee collection and management for educational institutions in the national education system and the policy of tuition fee exemption and reduction, support for learning expenses from the academic year 2015-2016 to the academic year 2020-2021.

²² Ibid, Article 6.

minority children. In addition, according to this decree, students of boarding schools for ethnic minorities, pre-university schools, pre-university faculties, and students and students of ethnic minorities in areas with difficult or extremely difficult socio-economic conditions according to the regulations of competent agencies will be exempt from tuition fees.²³ Also according to Decree No. 86/2015/ND-CP, kindergarten children and students who are ethnic minorities (not very few ethnic minorities) in areas with extremely difficult socio-economic conditions according to the regulations of competent agencies are entitled to a 70% reduction in tuition fees.

Regarding learning support: Decree No. 05/2011/ND-CP on ethnic minority affairs also sets out policies on education and training development, including: Stipulating specific and appropriate conditions and measures to support ethnic minority pupils and students; settlement of accommodation, scholarships and loans during the study period suitable to the training disciplines and residence areas of ethnic minority students. Students from ethnic minorities, in areas with difficult and extremely difficult socio-economic conditions, are exempt from tuition fees at all levels and disciplines.²⁴ Particularly for ethnic minority children, the Government's Decree No. 57/2017/ND-CP stipulating the policy of prioritising enrollment and learning support for preschool children, pupils and students of ethnic minorities has specified the specific levels of learning support as follows:

- Very few ethnic minority preschool children studying at preschool education institutions are entitled to a learning support level equal to 30% of the base salary/child/month.
- Very few ethnic minority students studying at primary schools, lower secondary schools and high schools are entitled to learning support equal to 40% of the base salary/student/month.
- Very few ethnic minority students studying at boarding schools or boarding students at public high schools with boarding students are entitled to a learning support level equal to 60% of the base salary/student/month.
- Very few ethnic minority students studying at boarding schools are entitled to learning support equal to 100% of the base salary/student/month.²⁵

In case preschool children, pupils and students are eligible for many support policies of the same nature, they are only entitled to one policy with the highest level of support.²⁶

Regarding the scholarship policy: Article 85 of the Law on Education stipulates that the State has a policy of granting scholarships to encourage learning for students of the elective system, students of pre-university schools, and boarding schools.

The level of policy scholarships and other supports shall comply with the provisions of Article 3 of Decision 53/2015/QD-TTg on boarding policies for students studying at colleges and intermediate schools. Accordingly, the policy scholarship level is stipulated as follows:

- 100% of the base salary/month for pupils and students of ethnic minorities belonging to poor, near-poor households and people with disabilities;
- 80% of the base salary/month for pupils and graduates of boarding schools for ethnic minorities; pupils and students of the Kinh ethnic minority who are persons with disabilities who have permanent residence in areas with extremely difficult socio-economic conditions, ethnic minority areas, borders, etc, islands.
- 60% of the base salary/month for students of the Kinh ethnic minority belonging to poor households and near-poor households with permanent residence in areas with extremely difficult socio-economic conditions, ethnic minority areas, borders and islands.

In addition, every year, the Party, the State, and many organisations and unions award numerous valuable scholarships to students from typical ethnic minority backgrounds and those with excellent academic achievements. For example, the "Scholarship to support ethnic minority students and poor students" program is managed, operated, and funded by the Labour Newspaper, in coordination with many provincial unions across the country and various scholarship programs of Study Promotion Associations in the provinces. Scholarship

²³ Ibid, Article 7, Clause 7, Clause 11.

²⁴ Decree No. 05/2011/ND-CP on ethnic affairs, Article 10, Clause 3.

²⁵ Decree No. 57/2017/ND-CP of the Government dated May 9, 2017 stipulating preferential and support policies for children in preschools, pupils and students of ethnic minorities, Article 4, Clause 1.

²⁶ Ibid, Article 4, Clause 3.

programs are valuable not only materially but also spiritually, motivating and encouraging ethnic minority children to make an effort and excel in their learning.

Regarding social subsidies, pupils and students in highlands, deep-lying areas, and those with extremely difficult socio-economic conditions are subsidised 140,000 VND per month to study at public, regular, and long-term training schools.²⁷

In addition to legal policies directly related to financial issues, helping ethnic minority children increase their access to education, the State of Vietnam also promulgates and implements many policies to develop the economy, eradicate hunger and reduce poverty in areas where ethnic minorities live such as: Decision No. 1719/QD-TTg approving the National Target Program on socio-economic development in ethnic minority and mountainous areas, the National Target Program on socio-economic development in ethnic minority and mountainous areas for the period of 2021 - 2030; National target program on building a new countryside in the 2021-2025 period, Sustainable poverty reduction program in the 2021-2025 period,... Only when the economy of ethnic minority areas is improved can children born and raised in these areas be guaranteed the right to study without being affected by financial problems.

It can be seen that the State is very interested in ensuring children's right to education through various preferential policies, financial support, tuition fee waivers, and learning support. The policies are diverse, covering many ethnic minority children from various educational backgrounds. However, policies are spread across many different legal documents, issued by many agencies, leading to overlap, making it difficult for ethnic minorities to fully access policies related to their rights.

2.3.2 Priority policies in enrollment

Children of ethnic minorities are more disadvantaged than children of ethnic minorities (Kinh ethnic group, with the mother tongue of Vietnamese) not only in terms of language of education but also in terms of access, learning materials, facilities, and teaching staff. Therefore, for competitive enrollment programs between these two groups, ethnic minority children need to be given more priority in order to ensure fairness in education.

In college and university enrollment, children from ethnic minority areas are entitled to priority in grades, as per the regulations of the Ministry of Education and Training, to improve equity in access to education. Specifically, based on the provisions of Clause 4, Article 7 of the Regulation on university enrollment issued together with Circular 08/2022/TT-BGDDT, there are 2 groups of priority subjects when considering university admissions. In particular, there is a record of priority when considering admission for ethnic minorities as follows:

Priority group 1 will be added 2 points, which are Vietnamese citizens who are ethnic minorities with permanent residence registration (during the period of high school or intermediate school) for more than 18 months in Region 1, including: Communes in Regions I, II, III in ethnic and mountainous areas according to regulations applied during the time of candidates studying high school or intermediate school; communes with special difficulties in coastal and island areas; communes with special difficulties, border communes, and communes in safe zones included in the investment category of Program 135 according to the Prime Minister's regulations;

Priority group 2 is added 1 point, including Vietnamese citizens who are ethnic minorities with permanent residence outside the prescribed area in subject 01.

In addition, particularly for children of ethnic minorities, Article 3 of Decree No. 57/2017/ND-CP of the Government²⁸ stipulates that preschool children, pupils and students of ethnic minorities are prioritised to study at appropriate educational institutions according to their wishes:

- Kindergarten children are educated at preschools, public kindergartens, and classes.
- Primary school students can study at semi-boarding schools and primary schools.
- Students who complete the primary program are admitted to boarding schools, semi-

²⁷ The Prime Minister's Decision No. 194/2001/QD-TTg of December 21, 2001 on adjustment of policy scholarships and social allowances for ethnic minority pupils and students studying at public training schools specified in the Prime Minister's Decision No. 1121/1997/QD-TTg of December 23, 1997. Article 1, Clause 2.

²⁸ Decree No. 57/2017/ND-CP of the Government stipulates the policy of prioritizing enrollment and learning support for kindergarten children, pupils and students of ethnic minorities.

boarding schools, and junior high schools.

- Students graduating from lower secondary schools are directly recruited to study at boarding schools, high schools, vocational education institutions training at primary and intermediate levels.

- Students graduating from high school are considered for direct admission to schools, pre-university faculties, higher education institutions, and vocational education institutions.

In addition, the State shall enroll students in intermediate schools, colleges and universities according to the recruitment regime for students who are ethnic minorities; ethnic minority students in areas with extremely difficult socio-economic conditions who do not have or have very few cadres, civil servants and public employees who are ethnic minorities; have policies to create sources of recruitment, create favorable conditions for these subjects to attend boarding schools and increase the time of pre-university study.²⁹ Decree No. 141/2020/NĐ-CP stipulating the recruitment regime for ethnic minority pupils and students issued by the Government on December 8, 2020 clearly stipulating the subjects, criteria, targets, processes, training and funding for the implementation of the recruitment regime; admission, job arrangement, reimbursement of scholarships and training expenses for recruited learners and organize the implementation of the recruitment regime.

It can be seen that the current priority policy for enrolling ethnic minority children is appropriate. These policies have made a significant contribution to ensuring equity in access to education for ethnic minority children in Viet Nam today.

2.3.3 Policies for teachers and education officials working in ethnic minority areas

Currently, there are no specific regulations governing policies for teachers and education officials working in ethnic minority areas. However, remuneration policies for teachers and educators working in areas with ethnic minority populations are integrated into the general regulations governing teacher policies. According to the provisions of the Law on Education, teachers working at boarding schools, semi-boarding schools, and pre-university schools are entitled to allowances and preferential policies.³⁰ In addition, remuneration policies for teachers teaching in ethnic minority areas are also integrated into policies that encourage and provide preferential allowances and other benefits for teachers working in areas with extremely challenging socio-economic conditions.³¹ In addition to salaries, teachers and education officials working in these areas are entitled to allowance policies such as: preferential allowances, extra-seniority allowances, responsibility allowances, attraction allowances, transportation allowances for buying fresh and clean water, itinerant allowances and a number of other allowances, subsidy for relocation, first-time subsidy, study subsidy, professional and professional foster; policies on teaching and learning ethnic minority languages and scripts, lump-sum allowances when moving work out of areas with extremely difficult socio-economic conditions or retirement. These policies are specified in Decree 76/2019/NĐ-CP on policies for cadres, civil servants, public employees, employees and salaried persons in the armed forces working in areas with extremely difficult socio-economic conditions and Clause 1, Article 7 of Circular No. 32/2021/TT-BGDDT of the Ministry of Education and Training: Guiding the implementation of a number of articles of the Government's Decree No. 82/2010/NĐ-CP dated July 15, 2010 regulating the teaching and learning of ethnic minority languages and scripts in general education institutions and continuing education centers.

In addition to policies on salaries and allowances, policies on training and fostering teachers at boarding and semi-boarding schools are also very important. As analyzed above, teachers are the bridge for ethnic minority children to access education, and at the same time, the language of communication and teaching is also a major barrier for ethnic minority children in learning. Therefore, to implement bilingual teaching programs for ethnic minority children, it is necessary for teachers not only to have professional capacity but also to have language ability, here it is necessary to be fluent in both Vietnamese and ethnic minority languages.

To address this issue, the Ministry of Education and Training has issued Circular 09/2023/TT-BGDDT, which regulates the organisation of training, fostering, and issuance of certificates in ethnic minority languages.

²⁹ Law on Education, Article 87, Clause 1.

³⁰ Ibid, Article 77, Clause 2.

³¹ Ibid, Clause 3.

Accordingly, the subjects enrolled in the training program for teachers of ethnic minority languages are Vietnamese citizens who have a diploma from a pedagogical college or higher or a university or college diploma and have a certificate of pedagogical professional training; who speak the ethnic minority languages of the training program. Priority is given to enrollment for ethnic minorities who have graduated from pedagogical universities and colleges and are permanently residing in ethnic minority and mountainous areas.³² The training and retraining program is built in a variety of organisational forms, helping to create conditions for teachers of ethnic minority languages to improve their language capacity. In addition, teachers of ethnic minority languages who do not meet the training standards for teaching ethnic minority languages are entitled to short-term training to obtain a certificate of teaching ethnic minority languages.³³

Although there have been preferential policies, in fact, the salaries and allowances for teachers and education staff working in ethnic minority areas are not high, which is not suitable for the difficulties and challenges faced by this team. Therefore, the policies have not attracted teachers and education officials to work in schools for ethnic minority children, leading to a shortage of teachers, directly affecting children's right to learning.

2.4. Sanctions for acts of obstructing the right to study of ethnic minority children

Currently, there is no specific sanction for the act of obstructing the right to study of ethnic minority children. The right to education of ethnic minority children is a constituent part of the right to education of all children, protected and recognised by law. Therefore, the law also stipulates acts that are considered to prevent children's right to study and sanctions for such acts.

Article 10 of Decree 71/2011/NĐ-CP detailing the implementation of a number of articles of the Law on Protection and Care of Children on obstructing children's learning, including:

- Taking advantage of prestige, using force, threatening to use force or using material or authority to seduce, entice or force children to drop out of school or drop out of school.
- Forcing and luring children to drop out of school or quit school to exert pressure, lawsuits, and illegal protests.
- Disrupting or obstructing the operation of educational institutions, destroying material foundations and learning and teaching equipment of educational institutions.
- Deliberately failing to fulfill the obligation to contribute to children's learning in accordance with the law, failing to ensure learning time and conditions for children.
- Destroying children's books, notebooks, and school supplies.
- Refuse to admit or exert pressure to obstruct the admission of children with learning disabilities, children who are infected, suspected, at risk or whose parents are infected with HIV to study at educational institutions in accordance with law.

Thus, any of the above behaviors is considered an act of obstructing children's right to study. If such acts against ethnic minority children will be considered as acts of obstructing the right to study of ethnic minority children and shall be handled according to the Government's Decree No. 144/2013/NĐ-CP on sanctioning administrative violations on social protection and protection, take care of children. Accordingly, for minor acts, a warning and a fine of up to 500,000 VND, for serious acts, a fine of from 1 million to 10 million VND.

Although there are specific and detailed regulations on acts of preventing children's right to study as well as sanctions for violations, however, in fact, it is always difficult to identify and denounce acts, because some subjects and subjects of acts are usually parents, relatives and acquaintances of children, besides, ethnic minorities do not understand the law well to speak out, protect and denounce wrongful acts. Therefore, the sanction rarely occurs in practice.

From the specific regulatory contents analysed by each item, a number of specific policies have been

³² Circular 09/2023/TT-BGDDT regulating the organization of training, fostering and issuance of certificates of ethnic minority languages, Article 5, Clause 1.

³³ Ministry of Education and Training, Joint Circular No. 50/2011/TTLT-BGDDT-BNV-BTC guiding the implementation of Articles 3, 4, 5, 6, 7, 8 and 9 of the Government's Decree No. 82/2010/NĐ-CP dated July 15, 2010 regulating the teaching and learning of ethnic minority languages and scripts in general education institutions and continuing education centers.

developed for ethnic minorities and ethnic minority children in particular, some of which are integrated into a general education development program. The Ministry of Education and Training is responsible for implementing most policies to ensure that the basic education needs of ethnic minorities are met. Specific policies for ethnic minorities are chaired by the Committee for Ethnic Minorities, and other general policies are implemented by the Ministry of Planning and Investment, the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Home Affairs, the Ministry of Agriculture and Rural Development, the Ministry of Information and Communications and the Ministry of Health.

In general, policies to ensure basic education for ethnic minority children have been promulgated more comprehensively and extensively. The Government has implemented numerous programs and projects to create conditions for children and ethnic minorities to access basic education, mobilise most school-age children and ethnic minority students to learn Vietnamese, their ethnic minority languages, and basic social science subjects, as well as exchange experiences, access to information, science and technology.

However, policies to ensure basic education services for ethnic minority children are still scattered, overlapping, and not linked to access to resources. Therefore, the desired results have not been achieved, and the gap between ethnic minorities and the Kinh people has not been shortened as expected. Moreover, the demand for educational infrastructure remains high, while the capital allocated for its implementation is still insufficient. There are many different policy documents implemented by many units, leading to overlap in management, a lack of close coordination between relevant agencies and organisations and a lack of responsible focal points. Unreasonable or non-decentralised policies can make it difficult for local governments to be proactive. The process and procedures for public investment are not suitable for the specific conditions of ethnic minorities and mountainous areas. Additionally, the mechanism for monitoring and evaluating policies is ineffective.

III - CONCLUSION AND DISCUSSION

Over the years, the process of implementing legal policies to ensure the right to education for ethnic minority children has shown some improvements, yielding many positive results. Ethnic minority children have had the opportunity to access basic education in a better way, helping to narrow the gap with the Kinh people; however, there are still problems that need to be solved.

3.1 Results achieved

Children of ethnic minorities are respected, equal in learning opportunities, and provided with adequate information, knowledge, and talent development in learning

Currently, it can be observed that fairness and equality in education for ethnic minority children have been implemented at all levels of education and training. Appropriate education policies are formulated based on this factor while ensuring consideration of historical, cultural factors and uneven economic development across regions, peoples and groups. In order to create the best conditions for ethnic minority children to study, the State budget has spent tens of trillions of VND to build schools, classes, purchase teaching equipment and supplies and implement many programs to support learning costs, living expenses, etc ... As a result, the right to be respected and guaranteed learning opportunities, to be provided with full information, knowledge and talent development in learning of ethnic minority children is increasingly ensured, and the scale and quality of education in ethnic minority areas have also changed markedly.

The most obvious result in the implementation of policies to ensure the right to education of ethnic minority children is that 100% of communes have primary and secondary schools, no longer have the status of "white communes" in education. The school and classroom system is built spaciously and solidly, and facilities for the teaching and learning process are also invested, creating good learning conditions for students, gradually improving the quality of teaching and learning. In addition, many kindergartens and high schools have met national standards, many places have reached secondary universalisation standards, and many places have established continuing education centres and community learning centres. Along with the expanded system of

heads and classes, ethnic minorities also have many options for different forms of learning from cultural learning to vocational training, such as intensive learning, non-concentrated learning, formal learning, in-service learning, specialised training, supplementary training, day learning or evening learning, etc.

..³⁴Currently, the country has four pre-university schools, one boarding school under the Ministry of Education and Training, which provides training in the pre-university system for ethnic minorities, and three pre-university faculties at Central Highlands University, Can Tho University, and Tra Vinh University, with a student enrollment of more than 5,000 pre-university students/year. Educational institutions have been well implementing the creation of training sources for ethnic minority students in localities with extremely difficult socio-economic conditions, meeting the urgent requirements of cadre training. The quality of education of ethnic minorities in general and ethnic minority children in particular is improving day by day. Between 2016 and 2019, more than 500 outstanding and typical ethnic minority students were recognised by the Government, alongside 30 ethnic minority youth who successfully established their businesses, creating a positive influence and encouraging ethnic minority students to strive for excellence. The achievements have enhanced the quality of education in ethnic minority areas, ensuring the right to respect and equality of learning opportunities, and providing ethnic minority children with adequate information, knowledge, and opportunities to develop their talents.

Children of ethnic minorities are educated in a safe and healthy educational environment, develop comprehensively and promote their maximum potential

Over the past time, the State and localities have invested in many programs and projects to develop education in ethnic minority areas. To date, the network of schools and classes, spanning kindergarten to high school, in ethnic minority areas has been strengthened and developed. Localities have effectively eliminated the situation of 3-shift learning and temporary classrooms, creating conditions for millions of students to study in stable and safe classrooms and providing accommodations for tens of thousands of teachers, allowing them to work with peace of mind. By 2019, the rate of school construction has reached 91.3%, and school facilities and equipment have been invested in and built, contributing to accelerating the construction of schools meeting national standards.

Due to the difficult geographical conditions and characteristics of most ethnic minority areas, the State has built a system of boarding and semi-boarding high schools for ethnic minorities to create favourable conditions for ethnic minority children to go to school. This model has made a significant contribution to helping children access education and improve the quality of education in ethnic minority areas. By the end of the 2019-2020 school year, there were 325 boarding schools nationwide in 49 provinces/cities directly under the Central Government with nearly 106 thousand students; there were 1,124 boarding schools with more than 237 thousand students. 15.2% of the number of boarding schools are recognized as meeting national standards. The rate of boarding students completing primary school reached 98.9%, junior high school reached 92%.³⁵ The curricula not only aim to provide cultural knowledge according to common standards but also to help ethnic minority children develop their qualities and competencies comprehensively. Many activities are regularly organised, such as life skills education, communication skills, dissemination and education of legal knowledge, education on health care, epidemic prevention, prevention of school violence and many cultural, artistic, physical training and sports exchange activities,... At boarding high schools for ethnic minorities, a friendly and open learning environment between teachers and students, between families and schools, is also very focused.

In general, with the attention of the State and society, the quality of education in ethnic minority areas has been gradually improved. The percentage of ethnic minority students completing the primary school program has reached 95%; the high school graduation rate has increased from 95.64% to 99.8% over the years. Currently, the

³⁴ Committee for Ethnic Minorities, Summary report on the implementation of the law on ethnic minorities, 2017.

³⁵ Committee for Ethnic Minorities, General Statistics Office: Results of collecting information on the socio-economic status of 53 ethnic minorities in 2019, Statistics Publishing House, Hanoi, 2020.

country has over 13 thousand ethnic minority people with degrees from universities, colleges and more than 78 thousand people with professional secondary school degrees have basically carried out the cause of illiteracy eradication and universalisation of primary and lower secondary education.³⁶

Children of ethnic minorities have the right to learn in the spoken and written languages of ethnic minorities

Ethnic minorities have the right to use and access their mother tongue in addition to the common language, Vietnamese. To effectively implement this provision of the law, over the past few years, many localities in ethnic minority areas have developed their own and specific policies on teaching and learning ethnic minority languages and scripts. Currently, the Ministry of Education and Training has developed a program and issued textbooks for 6 ethnic minority languages being taught and studied at high schools, namely: Hmong language, Cham, Khme, GiaRai, Ba Na and Ede. The program is implemented in 22 provinces and cities of Vietnam with a scale of 756 schools, 5,267 classrooms and 174,562 students. Teaching ethnic minority languages not only helps ethnic minority children to be confident in communication, easily absorb knowledge, leading to improved learning results, thereby promoting the spirit of effort and greater effort to learn. In addition, the teaching of the mother tongue of ethnic minorities also contributes to the preservation and promotion of traditional, cultural and linguistic values.

To achieve this, the Ministry of Education and Training has implemented numerous training programs for teachers of ethnic minority languages, enabling teachers in ethnic minority areas to use both Vietnamese and their respective ethnic minority languages. These programs are being actively implemented by educational and training institutions. Currently, Viet Nam is studying the practice of bilingual education on the basis of the mother tongue implemented by the Ministry of Education and Training, in collaboration with the United Nations Children's Fund (UNICEF).

Ethnic minority children are entitled to the State's priority policies in learning

The system of policies to prioritise and create conditions for ethnic minority children to exercise their right to study includes: scholarship policies, tuition fee exemption and reduction, social allowances, support for food, accommodation and study expenses; recruitment policies, prioritising enrollment in universities and colleges; education development policies for ethnic minorities... have basically met the expectations of ethnic minorities. For example, over time, ethnic minority students have been prioritised, creating favourable conditions in the process of accessing high-level education at the university and college levels through recruitment policies. According to statistics of the Ministry of Education and Training, from July 2017 to July 2022, there were 104,219 turns of children, pupils and students of 16 ethnic minorities with a population of less than 10,000 who benefited from learning support policies according to Decree No. 57/2017/ND-CP, dated May 9, 2017 of the Government. In 2021 alone, implementing Government Decree 116/2016/ND-CP dated July 18, 2016, students and high schools in communes and villages with extreme difficulties received support worth VND 3,446 billion. The General Department of State Reserves has exported an average of about 68,556 tons of rice per school year to support boarding students. This not only helps to improve the educational level of ethnic minority children but also creates a source of high-level ethnic minority cadres in the future. Over the years, thousands of ethnic minority children have been recruited to study at secondary schools, colleges, and universities, helping to create equality in society.

The implementation of policies prioritising the development of education in ethnic minority areas has been carried out by Party committees, authorities, and local education and training sectors in a synchronised, serious, and effective manner. Regimes and policies for officials, teachers, and students at all levels are fully implemented in accordance with the State's regulations. Teachers working in areas with difficult socio-economic conditions are

³⁶ Committee for Ethnic Minorities: Summary report on the implementation of the law on ethnic minorities, 2017.

entitled to the following benefits: preferential allowances, attraction allowances, extra-seniority allowances, regional transfer allowances, learning allowances, professional development, and professional training. In addition to the State's priority policies, many organisations and individuals also participate in supporting education in ethnic minority areas, contributing to alleviating difficulties for localities with a large number of ethnic minority people, ensuring the right to education of ethnic minorities in general and ethnic minority children in particular.

3.2 Limitations and difficulties

In addition to the positive results achieved, the implementation of the law on the right to education of ethnic minority children is still facing many difficulties and challenges that need to be addressed.

Regarding the right to be respected, equality of learning opportunities, to be provided with full information, knowledge and talent development in learning

Although in recent years, the quality of education of ethnic minority children has improved compared to the national level, the intellectual level of ethnic minority people is still low, and the difference in access to education compared to Kinh people is still quite large. especially ethnic groups living in areas with difficult economic and social conditions. For ethnic minorities themselves, the gap in access to basic education is still very large. The rate of 5-year-old preschool attendance is very low in the Xtieng (49.87%), Brau (66.67%), Cham (68.09%), Khmer (69.06%), Gia Rai (72.34%) ethnic groups, while the Bo Y, Si La, Ro Mam, O Du, Khang, San Giay, San Diu and Ta Oi ethnic groups have a high rate (over 98%). Primary school enrolment rates are still low in the Lo Lo, Brau, Ro Mam, Khmer, Pa Tet and Raglay ethnic groups (below 83%). On the other hand, the top 5 ethnic groups to achieve the Millennium Development Goals for ethnic minorities (over 94% of children attending primary school at the right age) are: Si La, O Du, Laos, Ha Nhi and Lu. For the secondary level, many ethnic groups have a school attendance rate of less than 50% such as Xtieng, La Hu, Gia Rai, Mong, Raglai; but there are also ethnic groups such as San Diu, Pupeo, Muong, Co, Tay with a rate of over 85%. However, this rate is considered quite far from the target of 94% of secondary school-age students going to school.³⁷

Teachers in ethnic minority and mountainous areas are still in short supply, especially preschool teachers. The capacity, training standards, and pedagogical skills of a part of teachers in highland areas are still weak, and there are not many conditions to approach new teaching methods. Communes in ethnic minority areas still have 700 teachers with qualifications below high school.³⁸ The policy on using and remunerating teachers in ethnic minority and mountainous areas is still inadequate, not creating material and spiritual motivation to encourage and attract teachers to be enthusiastic about the profession.

Regarding the right to study in a safe, healthy educational environment, comprehensively develop and promote the maximum potential of learners themselves

Programs and projects to support and invest in educational infrastructure in ethnic minority areas are still facing many difficulties in terms of resources. The system of schools, facilities and teaching equipment has seen increased investment and improvement day by day, but it still does not meet the development requirements. In some ethnic minority communes in remote areas, there are still no kindergartens. In many areas, there are still temporary classrooms, bamboo and leaf painting rooms,... that are not solid enough and lack living and learning conditions such as semi-boarding houses, kitchens, sanitation works, and running water,... Some localities, due to the lack of facilities, have implemented the accumulation of classes and school sites, leading to the situation that many ethnic minority children have to travel very far to go to school. In particular, some areas also have difficult

³⁷ The Prime Minister, Decision 1557/QD-TTg approving a number of targets for the implementation of the Millennium Development Goals for ethnic minorities in association with the post-2015 sustainable development goals.

³⁸ Committee for Ethnic Minorities, General Statistics Office: Results of collecting information on the socio-economic status of 53 ethnic minorities in 2019, Statistics Publishing House, Hanoi, 2020.

terrain and a lack of transportation. The difficulty of attending school leads to an increase in school dropouts, posing a dilemma in many localities.

Some localities, especially high-altitude provinces, where the natural terrain is unfavourable, result in rugged and challenging school construction sites, along with irregular and timely inspections of facility quality, which can lead to potential accidents and cause injury to students. In some educational institutions, there is also school violence, and the living environment is not clean and safe.

Regarding the right to learning in the language and writing of ethnic minorities

In fact, there is a shortage of teachers who are competent and can speak both Vietnamese and other ethnic minority languages. In addition, the concept of bilingualism has limitations when the education system still treats it as a subject rather than a language to be formally taught and learned in the classroom. The outcome of the bilingual education policy raises questions about its feasibility. At the same time, there are still many limitations in the education of ethnic minority languages in schools such as teachers, documents, and management processes, which have not met the quality and requirements. Some languages of ethnic minorities are in danger of disappearing, including languages that are almost completely lost such as: Co Lao Do in Chongshan, Ha Giang, O Du in Con Cuong, Nghe An, Tu Di (Bo Y) in Muong Khuong, Lao Cai... Some languages are currently only used by very few people, such as Pu Péo, Co Lao Trang, La Chi in Ha Giang; Ruc, Eyebrows, Sach, Arem in Quang Binh. Without concrete and practical solutions to overcome language barriers, ethnic minority children continue to face the risk of illiteracy and being trapped in poverty.

Regarding the right to enjoy the State's priority policies in learning

Due to limited resources, the implementation of policies is still incomplete, and the implementation is sometimes delayed, resulting in a lack of synchronisation. The implementation of several specific policies on education and training in ethnic minority areas has been inadequate, particularly policies such as recruitment and training by address. Although these policies have been implemented in a practical manner, their effectiveness has been lacking, and the quality of training and implementation is not high. Due to insufficient awareness of the policy, some localities do not actively implement it. Some policies for teachers, staff, and students in ethnic minority areas are still inadequate in terms of beneficiaries, norms, entitlement time, support methods, complicated and cumbersome administrative procedures, etc. On the other hand, most localities in ethnic minority areas have difficult socio-economic conditions, so although they are prioritised, due to limited budgets, they have not met the needs of investment funds for education and training objectives.

REFERENCES

- [1] Committee for Ethnic Minorities, *Summary report on the implementation of the law on ethnic minorities* (2017).
- [2] General Statistics Office, *Vietnam Population Census*, 1 April 2019.
- [3] General Statistics Office; Committee for Ethnic Minorities, *Survey results on the socio-economic status of 53 ethnic minorities in 2019* (Hanoi: Statistics Publishing House, 2020).
- [4] Government of Viet Nam, Decree No. 05/2011/ND-CP on ethnic affairs.
- [5] Government of Viet Nam, Decree No. 57/2017/ND-CP dated 9 May 2017 stipulating preferential and support policies for children in preschools, pupils and students of ethnic minorities.

- [6] Government of Viet Nam, Decree No. 82/2010/ND-CP regulating the teaching and learning of ethnic minority languages and scripts in general education institutions and continuing education centers.
- [7] Government of Viet Nam, Decree No. 86/2015/ND-CP dated 2 October 2015 stipulating the mechanism of tuition fee collection and management for educational institutions and policies on tuition fee exemption, reduction and support for learning expenses.
- [8] Ministry of Education and Training; Ministry of Home Affairs; Ministry of Finance, Joint Circular No. 50/2011/TTLT-BGDDT-BNV-BTC guiding the implementation of Decree No. 82/2010/ND-CP.
- [9] Ministry of Education and Training, Circular No. 09/2023/TT-BGDDT regulating the organization of training, fostering and issuance of certificates of ethnic minority languages.
- [10] National Assembly, *Constitution of the Socialist Republic of Vietnam* (1946).
- [11] National Assembly, *Constitution of the Socialist Republic of Vietnam* (2013).
- [12] National Assembly, *Law on Education*, No. 43/2019/QH14 (2019).
- [13] National Assembly, *Children's Law*.
- [14] Ngo, Huu Phuoc, Gender equality in education – A comparative perspective between international law and the legal system and practice in Vietnam, *Journal of Human Rights and Peace Studies*, 7(2), 2021.
- [15] Prime Minister, Decision No. 1557/QD-TTg approving targets for the implementation of the Millennium Development Goals for ethnic minorities in association with post-2015 sustainable development goals.
- [16] Prime Minister, Decision No. 194/2001/QD-TTg dated 21 December 2001 on adjustment of policy scholarships and social allowances for ethnic minority pupils and students.
- [17] UN Committee on the Rights of the Child, *Fifth and Sixth Periodic Synthesis Report submitted by Viet Nam under Article 44 of the Convention* (CRC/C/VNM/5–6, 2018) 136.