

# Ensuring the Economic, Social and Cultural Rights of Ethnic Minorities in Vietnam in the Context of Globalization and International Integration

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**Abstract** Ensuring the human rights of ethnic minorities, including economic, social and cultural rights, is one of the fundamental contents, recognized and protected in international instruments and laws of the countries. The economic, social and cultural rights include the housing rights, employment rights, ownership rights, freedom of production and business, social security rights, access rights to public services, education services, health care, preservation rights of cultural identity, etc... As a member country of the International Convention on Economic, Social and Cultural Rights, the State of Vietnam has issued many guidelines, policies, legal documents and perfected the institutions to guarantee the human rights of ethnic minorities. This article analyzes the situation (results achieved, limits) and lessons learned in ensuring the economic, social and cultural rights of ethnic minorities, thereby proposing a number of measures to better protect these rights of ethnic minorities in Viet Nam in the context of globalization and international integration today.

**Keywords:** *ensuring the economic, social and cultural rights, ethnic minorities in vietnam, globalization, international integration*

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## 1. Introduction

Ensuring the rights of ethnic minorities, including economic, social and cultural rights, is a concern of the international community. Vietnam is a multi-ethnic country with 54 ethnic groups, in which, Kinh is majority and the rest is 53 ethnic minorities (only 13% of the population), they live in mountainous and remote areas, where living conditions are extremely difficult. Thus, ensuring the rights of ethnic minorities in Vietnam, including economic, social and cultural rights, is always a matter of interest to both the State and society. Theoretically, in recent years there have been many scientific works by foreign and Vietnamese scientists studying the rights of ethnic minorities in general and the economic, social and cultural rights of the ethnic minorities in Vietnam in particular.

Research on the *Rights of ethnic minorities* is one of the efforts of the United Nations to build a common framework for the theoretical analysis of the rights guarantee process of ethnic minorities about race, ethnicity, language, religion. Based on the recognition of the importance of ensuring the rights of ethnic minorities to peace and stability, the project provides an overview of the principle of non-discrimination and the special rights of ethnic minorities have been recognized in international

Conventions on human rights. Some of the contents analyzed by the project are: the state's obligations for assurance of the rights of ethnic minorities about race, ethnicity, language; the early warning mechanisms to prevent conflict; the role of non-governmental organizations in protecting and promoting the rights of ethnic minorities. Challenges in ensuring the rights of ethnic minority groups about race, ethnicity in the context of globalization are also analyzed in the final section of this study [1]. In the late 1970s (20th century), the United Nations recognized the need to study constructive and peaceful approaches for the protection of ethnic minority groups. This work was assigned to Asbjorn Eide, former director of the Norwegian Research Institute for Human Rights, Former Chair of the United Nations Subcommittee on the prevention of discrimination and the protection of ethnic minorities. The results of this study, published in 1993, its name is *Methods and solutions managing to find constructive and peaceful solutions to deal with issues relating ethnic minority groups* and it has become a document of the United Nations. According to the author, ensuring their rights is a key element of peace, stability and creates the cultural diversity in modern global society [2]. In *Multicultural Citizenship: The Freedom Theory of Ethnic minority groups*, researcher - Will Kymlicka has come from the theory of liberalism to research and analyze on the human rights of ethnic minority groups,

including migration groups and ethnical minority groups. According to the author, the interests of these two groups are similar to the principles of liberalism as well as social justice. The book contains 10 chapters with analysis topics like: the politics of cultural pluralism, individual and group rights, freedom and culture, ensuring the voice of ethnic minorities, tolerance and limits... [3]. In addition, Will Kymlicka has project on *The Rights of Minority Cultures*, Oxford University Press (1995). This study is a protection for the survival and development rights of minority cultures, mainly of ethnical and racial groups. From the theory of cultural pluralism, the book's author analyzed the current issues of the contemporary world [4]. Stephen May in *Language and rights of minor people - ethnicity, nationalism and politics of language* argue that language is not only a means of communication, but also contributes significantly to the development of multinational nations, democratic politics and cultural identity. Therefore, it should be respected, protected as a basic human right, especially for ethnical minority groups [5].

The World Bank's *Social Analysis Report on Ethnic groups and Development in Viet Nam* is a result of careful and valuable research by international scientists on issues related to the development of Vietnamese ethnic groups. The report analyzed and compared differences in conditions, opportunities and advantages, as well as difficulties and obstacles in the development of the majority group (Kinh) and some ethnical minority groups. Based on that, the report shows how social, political and cultural factors affect the opportunities and inhibit the development of integration and equality. The study also identifies a number of issues that ethnic minorities face, and emphasizes vulnerable groups that are women and girls. The report concludes that, in addition to the benefits that women and men jointly enjoy as a result of economic development, there is still evidence of the inequality existence, it really needs the legal and policy interventions [6]. Philip Taylor in the book: *Ethnic issues in general: New approaches to ethnic minorities in Vietnam*, based on a new approach to competence, the project provided a detailed and in-depth look at ethnic minority issues in Vietnam, providing the support and voice for ethnic minorities... Beyond misunderstandings and substantive understanding of what is happening in the life of ethnic minorities, this new approach will further enhance understanding about ethnic minorities in Vietnam. According to Philip Taylor, there needs to be a change in views on ethnic minorities that ethnic minorities are positive and proactive in changing their lives and this capacity will assist ethnic minorities in integrating and preserving their cultural identities [7].

In-depth studies on the assurance of the economic, social and cultural rights of ethnic minorities in Viet Nam such as: Hoang Chi Bao in the study: *Ensuring equality and enhancing the cooperation among ethnic groups in socio-economic development in our country today*, analyzed the challenges posed in the process of developing market economy, socio-economic development of ethnic minority areas in Vietnam. The author emphasizes the importance of reforming awareness and strengthening the education of national consciousness, preserving and protecting independence, sovereignty and territorial integrity; promoting the integration of ethnic minorities in the development

process associated with preserving their own nuances such as: production methods, organization of life, voice, scripts, good customs and habits... [8]. Committee on Ethnic Minority Affairs and the United Nations Development Programme have the report: *Research on the status of human resources in ethnic minority areas and propose solutions for human resource development in ethnic minority and mountainous areas*, under the Project *Strengthening the capacity of the Committee on Ethnic Minority Affairs for Ethnic Policy Development, Implementation and Monitoring*. Based on the current situation of human resources in ethnic minority areas in Vietnam, the research team focused on analyzing and evaluating the situation and the issues raised in the implementation of policies on human resource development in mountainous areas [9]. Within the framework of the project *Capacity enhancement for the development and implementation of ethnic policies - EMPCD*, Committee on Ethnic Minority Affairs and the United Nations Development Programme had a report: *Research and review of ethnic policies and proposal of the development of a national policy system up to 2020*. Based on the analysis of the socio-economic situation in ethnic minority areas, the report focuses on statistics and evaluation of the ethnic minority policy system, achievements and shortcomings in the implementation of ethnic minority policies then proposes specific directions, measures and roadmaps to develop a system of ethnic minority policies for economic and social development of ethnic minority areas up to 2020 [10]. The author - Nguyen Lam Thanh in the article: *Ensuring the rights of ethnic minorities in our country under current conditions* has developed a theoretical framework (international and Vietnamese legal regulations on ensuring the rights of ethnic minorities); analyzed the obligations and responsibilities of the Vietnamese State in ensuring the rights of ethnic minorities such as: promulgating policies, building a legal system for ensuring the rights of ethnic minorities; organizing the implementation of policies and laws for ensuring the rights of ethnic minorities in the fields of economy, politics, culture, society, education and health... [11]. Discuss the theoretical and practical basis of ensuring the rights of ethnic minorities, Author - Nguyen Xuan Dai has an article *The basis for ensuring and exercising the rights of ethnic minorities today* [12]. The article researched the results of the implementation of laws and policies on ensuring the rights of ethnic minorities in areas such as: economics, health care, education, poverty reduction. Irish Aid (Ireland), Committee on Ethnic Minority Affairs and UNDP in the document: *Overview of economic and social status of 53 ethnic minorities (May, 2017)* has shown the need to combine theoretical analysis with analysis based on detailed survey data to make recommendations on policy processes in Vietnam. On ensuring the economic, social and cultural rights of ethnic minorities, this document emphasized the characteristics and relationships that affect the way to ensure these rights suitably for ethnic minority groups in Vietnam [13]. Nguyen Thi Song Ha in the article: *Ensuring the fundamental rights of ethnic minorities in Viet Nam today* has studied the status on ensuring the rights of ethnic minorities such as economics, education, health and culture. Since then, the author has

put forward a number of solutions to improve the effectiveness in the implementation process of the policy of ensuring the economic, social and cultural rights of ethnic minorities in Vietnam today [14]. In the article: *Ensuring the interests of ethnic minorities in Vietnam today*, Author: Loan Anh commented on the current status of ensuring the economic, social and cultural rights of ethnic minorities and confirmed: "The majority of ethnic minorities have been guaranteed basic rights, such as escape from poverty and have been improved livelihoods; have been accessed to favorable production resources, infrastructure development, especially in communes with special difficulties, regions with majority of ethnic minority people living; have been accessed to employment opportunities; have been accessed to education, training and scientific and technological progress, through the construction of elementary schools, kindergartens, high schools, boarding schools; the financial support for many poor ethnic minority households in education, training,...; have been accessed to health care services in the commune and a part of the village, hamlet; have been assisted the legal affairs; have been participated in the cultural life (network of post and telecommunications services, the development of curricula of ethnic minority languages, radio and television in many ethnic languages);..." [15]. *The relationship between economic development and preservation and promotion of cultural identity of ethnic minorities in the Northern Mountains of our country today* of Hoang Thi Huong analyzed some theoretical issues of economic development, national cultural identity; preservation and promotion of ethnic minority cultural identities; the relationship between economic development and the preservation and promotion of ethnic cultural identity and the importance of ensuring this relationship in the mountainous and ethnic minority areas of our country. Analyze and assess the current status of relationship settlement between economic development and preservation and promotion of cultural identity of ethnic minorities, then propose solutions to improve the effectiveness of the relationship settlement between economic development and the preservation and promotion of cultural identity of ethnic minorities [16]. Do Thi Thom in the article *Implementation of the law on the economic, social and cultural rights for ethnic minorities in the mountainous provinces of northern Vietnam*, focused on clarifying theoretical and practical issues of the economic, social and cultural rights for ethnic minorities, assessing the current status of the implementation of the law on the rights of ethnic minorities in fields of economy, society and culture, from which to build views and propose solutions to ensure effective implementation of economic, social and cultural rights of ethnic minorities in the Northern mountainous province of Vietnam [17]. Thien Van in the article: *Ensuring the cultural rights for ethnic minorities in Vietnam* has studied the implementation of ensuring the cultural rights for ethnic minorities in Vietnam today. The author affirmed that in the process of development, the Vietnamese State always attaches great importance to the Policy of preserving and developing ethnic minority cultures and "takes care of socio-economic development, ensures security and poverty reduction, the preservation and promotion of the culture of ethnic minorities is both

urgent task and strategic meaning" [18]. Therefore, the Vietnamese State has many policies and schemes to ensure the cultural rights of ethnic minorities such as investment over 1,500 billion for the project: *Cultural preservation and development of ethnic minorities in Vietnam by 2020* and it is being deployed extensively, with priority given to the development of the culture of ethnic minorities with very few people, ethnic groups who have no conditions to protect themselves and promote their cultural heritage. Nguyen Lam Thanh in the article: *Ensuring the rights of ethnic minorities in our country under current conditions* evaluated the results of ensuring the rights of ethnic minorities in Vietnam over the past time, including the assurance of economic, educational, medical and cultural rights [19]. In the article: *Ensuring the medical care for ethnic minorities in Vietnam*, Bich Diem has studied policies to support and increase investment in basic health care in mountainous, remote, isolated and ethnic minority areas such as exemption, allowance for medical examination and treatment through forms as granting health insurance cards, partial support for the purchase of health insurance cards and other forms of support [20]. In the article: *Ensuring the rights to cultural development of ethnic minorities*, author - Thu Hoa has analyzed the policies that ensure the cultural rights of ethnic minorities in Vietnam and the implementation of policies to preserve and promote traditional cultural capital of ethnic minorities associated with the care of socio-economic development, ensure security and reduce poverty for the people here [21].

Studies on ensuring the rights of ethnic minorities of scientists in the world and in Vietnam are diverse. This illustrates the growing interest of many scientists in the issue of ensuring the rights of ethnic minorities in general, in Vietnam in particular. Although the approach to the rights of ethnic minorities is different (history, politics, philosophy, law, culture), the scientists have come up with an interpretation of the content, methods, reasons and conditions of ensuring the rights of ethnic minorities in general, in Vietnam in particular. Researchers have focused on the analysis of laws and policies on ensuring the rights of ethnic minorities in Vietnam during the renovation period, many studies have brought important practical implications which meet the requirements for overcoming some inadequacies of current laws and policies. The fact that ethnic minority groups benefit and are empowered from the law and policy will produce a real and substantial results contributing to strengthening the traditional ties between the Vietnamese state and ethnic minorities; fight against distorting activities, taking advantage of the rights of ethnic minorities to sabotage, divide the great national unity bloc in Vietnam. Scientific and practical arguments from the research work will be useful for the process of supplementing and perfecting the law and policy on ensuring the rights of ethnic minorities in Vietnam in the context of globalization and international integration. This article focuses on analyzing theoretical frameworks for studying the economic, social and cultural rights of ethnic minorities and assessing the current status of ensuring the economic, social and cultural rights of ethnic minorities in Vietnam today. It then draws lessons learned and proposes some solutions to better guarantee the economic, social and cultural rights of

ethnic minority people in the context of globalization and international integration in Vietnam today.

## 2. Content

### 2.1. Protection of Economic, Social and Cultural Rights of Ethnic Minorities - Achievements and Challenges

#### 2.1.1. Ensuring Economic and Social Rights

In line with the principles of human rights in the international documents on human rights, the Vietnamese law recognizes and fully ensures the rights of the ethnic minorities in the civil, political, economic, social and cultural fields. The 1992 Constitution - the Constitution of the Doi Moi process is the first to refer to the human rights and affirms that in the Socialist Republic of Vietnam, the human rights on politics, economics, culture and society are respected, expressed by the citizenship and are stipulated in the Constitution and the law. The ethnic minorities are equal, united, respect and help each other to develop together; acts of ethnic discrimination and division are prohibited. The national language is Vietnamese. The ethnic minorities have the right to use their own language and scripts, preserve the national identity, promote their customs, practices, traditions and culture. The State of Vietnam implements a policy of comprehensive development and facilitates for the ethnic minorities to promote their internal resources in order to develop together with the country. In order to ensure the economic, social and cultural rights of the human in general, the ethnic minorities in particular, the Constitution of Vietnam stipulates: Everyone has the right to own the legal income, wealth, house, living materials, production materials, contributed capital in the enterprises or other economic organizations; Everyone has the right to business freedom in the fields not prohibited by the law; the citizens have the right to social security; Everyone has the right to protection, health care and equality in the use of health services and is obliged to comply with the regulations on disease prevention, medical examination and treatment; The State and the society shall invest in the development of the protection and care of the people's health, the implementation of health insurance for all people and the priority policies on healthcare for the ethnic minorities, people in mountainous regions, islands and areas having extremely difficult socio-economic conditions; the citizens have the right and obligation for studying; The State prioritizes the development of education in mountainous regions, islands, ethnic minority regions and extremely difficult socio-economic condition areas; prioritizes the use and development of talents; facilitates for people with disabilities and the poor to learn culture and vocational training, etc. [22].

The regulations of the Constitution on economic and social rights of the ethnic minorities are concretized in the Law on Land, Labor Code, Laws on Employment, Education, Social Insurance, Health Insurance, etc. according to the principle: "All citizens are equal before the law", the ethnic minorities of Vietnam are fully

entitled the rights according to the law as stipulated. In addition, due to the specific factors of the development level and economic and cultural characteristics, the legal system of Vietnam also stipulates the specific provisions or relevant policies in order to ensure the implementation mechanism to provide the access and enjoyment these rights for the ethnic minorities. Along with the legal documents, the Government of Vietnam and relevant ministries have issued many policies, decisions, circulars and programs to better implement the economic, social and cultural rights of the ethnic minorities in order to ensure the rights and promote the implementation of the rights for the ethnic minorities, striving for the common goal of implementing the equality rights among ethnic groups, contributing to the integration into the common development of advance values of the humanity. On the basis of the legal system of the State and the implementation of the Government through the specific regulations, the policies and programs with strong commitments for the rights ensuring the ethnic minorities, Viet Nam has achieved great progress in the assurance of the economic, social and cultural rights of the ethnic minorities, in particular:

- *The right on the housing, residential land, production land*

Supporting the residential and production land has helped the poor ethnic minority households with difficult lives to develop their production, stabilize and improve their lives. This is the goal paid attention by most of the localities to prioritize the implementation. Implementing Decision No. 67/2008 QĐ-TTg dated 12/12/2008 on policies supporting the poor households, by the end of 2011, the country completed the housing support for 47 635 poor households, reaching 95,3% compared with the number of households according to the initial approval plan, 79,628 / 84,572 households in 62 poor districts were supported with the housing, the rate was 94%. As of May 2011, 22,053 / 22,792 poor Khmer households in the southern central provinces were supported, accounting for 97% [23]. On the support for residential land, by the end of 2012, the localities provided land for 71,713 households; supported the production land for 83,563 households [24], etc. In addition to the support of the housing, residential land, the implementation of sedentarization for the ethnic minorities in mountainous areas brought about many changes in the life of many communities. From 2007 to 30 June 2012, the sedentarization was completed for 9,827 households with 46,187 people, nearly 9,000 hectares of land and production land were reclaimed, hundreds of irrigation works, electricity, cultural house, classes of kindergartens were built newly, construction was implemented on more than 1,000 km of rural roads and for 9,827 houses of sedentarization households, contributing to the stabilization of the life and poverty reduction for shifting cultivation households [24].

- *The right on supporting the production development and economic restructuring, improving the production level of the ethnic minorities*

The aim is to improve the skills and form new production habits for the ethnic minorities, create the change in the restructure of agricultural economics, improve the income and reduce the sustainable poverty.

Since 2001, the Government allocated VND 50 billion to implement the development project of agro-forestry production, accounting for 3.2% of total investment in Program 135 (2001-2005). In the period of 2006-2010, the State budget allocated VND 2,301.86 billion for supporting the agricultural production, reaching 56.4% of capital demand. From 2016 to 2018, Program 135 has invested in the construction of 9,106 projects, repair and maintenance of 3,295 projects; the direct support of 1,512 million the poor and near poor households. Training for 103 thousand people, vocational training for 720 thousand people of the ethnic minorities, helping the youth to find the jobs. The Social Policy Bank provided loans to 1.4 million the ethnic minority households (VND 45,194 billion, accounting for 24.7% of the total outstanding loans). On average, the outstanding loans of one household was VND 30.5 million (the national average is VND 27 million/household) to develop the production, increase the income. The rate of the poor households at the end of 2017 in the poor districts reduced to less than 40% (down about 5% compared to the end of 2016); the rate of the poor households in the extremely difficult communes reduced by 3-4% [25]. In 2016, the Government prioritized the support and investment of VND 7,000 billion for the ethnic minorities and mountainous areas, in which the Committee on Ethnic Minority Affairs managed VND 6,000 billion, implemented the support for 408,000 the poor and near poor households on the plant seeds, animals, fertilizers, materials, machines, equipment and some models of production development; the support of 1,064 hectares of productive land for more than 6,500 households, nearly 29,000 the poor ethnic minority households with special difficulties to borrow capital for production development, more than 60,000 households to borrow the capital for job change [26].

In implementation of the Project 1956 on vocational training in the rural areas, in three years (2010 - 2013), 223,792 workers of the ethnic minority were trained (accounting for 25.24% of the total number of trained workers); From 2016 to August 2018, about 480,000 people of the ethnic minorities have been trained, in which, 130,000 people (accounting for 8%) of intermediate and college qualification; 350,000 people of the ethnic minorities (accounting for 21%) have been supported with elementary vocational training and less than 3 months under the Project 1956 [27]. As a result, the multidimensional approach poverty rate in the ethnic minorities and mountainous areas reduced by 2% in 2016 compared to 2015 (the country reduced about 1.3% - 1.5%). In particular, the poor districts reduced by 4%, in 2017, reduced to 40% (about 5% compared to the end of 2016); the rate of poor households in the extremely difficult communes reduced by 3-4%. There are 8 districts getting out of poverty according to Decision 30a of the Prime Minister; 14 districts getting out of policy objects such as poor districts; 34 communes are eligible for exit the investment objects under Program 135 [26].

*- The right on accessing the public services:*

To create conditions for the ethnic minority people to have opportunities for the economic development, the State of Vietnam has paid much attention to invest in infrastructure development in the mountainous areas,

improve the appearance of the rural and mountainous and ethnic minority areas. According to the statistics on the ethnic policies in the period 2011-2015 by the Committee on Ethnic Minority Affairs, in the past five years, there has been nearly VND 136,000 billion of budget allocated to the ethnic minority and mountainous areas throughout the country. The economic growth in the mountainous areas in the north was over 10%, Central and South region were 12%, Central Highlands was 12.5%. Infrastructure has also changed dramatically; up to now, 98.4% of the communes have motor roads to the center; over 98% of the ethnic minority households are using the national electricity network; 100% of communes in ethnic minority and mountainous areas have pre-schools, primary and secondary schools; 99.3% of communes have health stations, over 90% of communes are covered by radio and television; 100% of communes have fixed and mobile telephones to meet people's communication needs, etc. [26]. This is a very significant effort of the State of Vietnam in order to ensure the access to the public services, important factor, contributing to assurance and implementation of the economic, social and cultural rights of the ethnic minorities.

*- The right on accessing to the education*

Ensuring the right on accessing the education is a basic goal in the development policy of the State of Vietnam. Thanks to the right policy, in recent years, the education and training in the ethnic minority areas has achieved very positive results. The system of facilities has been built relatively synchronously in all ethnic minority communes with the school system of the villages, the system of boarding schools, day-boarding schools, along with policies of support for living expenses for the poor students, which helps the children of the ethnic minorities to have the opportunity to go to school and access to national education. The ethnic minority education has made a lot of progress. 100% of communes have the primary and secondary schools, in which 84.6% of the schools are built solidly, there is no the status of blank communes in the education. All provinces in the ethnic minority and mountainous areas have professional secondary schools, colleges, vocational schools and professional training. According to the survey of economic and social situation of 53 ethnic minorities, as of 01 August 2015, the number of ethnic minorities at the age of 15 and above that could read and write the popular letters was 79.2%, the ethnic minority people rate that knew their ethnic languages was 11,396,365 people, reaching 95.8%; The rate of school-age children attending school at the right level was 70.2%. Primary completion rate in the Northern mountainous region was 89.4%; 83.65 in the Central Highlands and 86.4% in the South West [28]. From 2016 to August 2018, there are about 480,000 ethnic minority people in vocational training, in which 130,000 people (accounting for 08%) of secondary and college education (including 62,748 people of the ethnic minorities have been supported to study in the intermediate schools and colleges in accordance with the Prime Minister's Decision No. 53/2015/QĐ-TTg); 350,000 people of the ethnic minorities (accounting for 21%) have been supported to study the elementary vocational training and less than 3 months under the policy of the Project 1956. Especially, for all ethnic minority people in the

difficult areas to have the right of accessing to the education, from 2016 to 2018, the central budget will allocate VND 11,022,269 billion to implement programs and policies to support ethnic minority pupils and students in the extremely difficult areas for the education of the ethnic minorities and mountainous areas [27].

*- The right on accessing to the healthcare services*

To ensure that the ethnic minorities have right to access to the healthcare services, the health system, especially, the grassroots health network is strengthened and expanded in remote areas, 99% of communes have health stations and 94% of villages have health staffs, 100% of districts have medical centers and doctors. As a result, the rate of malnourished under-five-year-old children reduced to 25%; Many policies on free medical treatment and health insurance for the ethnic minority people in the difficult areas are implemented. Some popular epidemics have been prevented in the ethnic minority and mountainous areas such as malaria, goiter, leprosy, tuberculosis; the works of maternal and child health protection, malnutrition prevention have achieved remarkable achievements [29]. The most successful health insurance policy for the ethnic minorities is the widespread provision of health insurance for people, almost 100% of the poor and ethnic minorities have been granted the health insurance [30]. The network of health facilities has been increasing, and the quality of medical services has been improving. In order to create the most favorable conditions for the ethnic minority people to receive medical treatment through the health insurance and social insurance cards, the localities shall sign the medical examination and treatment contracts with the health insurance in the local medical facilities, organizing the medical examination and treatment of medical insurance from the commune level to the district and province level, allowing to transfer to the levels in the medical examination and treatment of the district level in order to facilitate for the ethnic minority people to be examined and treated in all health facilities in the area without having to carry out transfer procedures. Apart from being paid for costs of medicine and medical supplies, etc., the patients who are people of the ethnic minorities living in the extremely difficult areas, will be supported with costs for transferring to hospitals during the time of treatment.

### 2.1.2. Ensuring cultural rights

Ensuring cultural rights is a particularly important right in the economic, social and cultural rights of the ethnic minorities. Concretizing the principles of the International Human Rights Law, Article 5 of the Vietnamese Constitution of 2013 clearly states: "Ethnic groups have the right to use their own language and scripts, preserve their national identities, promote their customs, practices, traditions and good culture"; "Everyone has the right to enjoy and access the cultural values, participate in the cultural life, use the cultural facilities" (Article 41); "Citizens have the right to determine their ethnic group, use their mother tongue, choose language of communication" (Article 42). This is the assertion of a particular right of the ethnic minorities, namely the right to preserve the cultural identity of the community [22].

The cultural rights of the ethnic minorities in Vietnam are also recognized in other legal documents, such as the 2005 Civil Code on the protection of personality rights,

the right to determine ethnic group and the rights to marriage among ethnic groups. The Law on Education 2005 also states: "The State creates conditions for the ethnic minority people to learn the language and scripts of their ethnic group in order to preserve and promote the national cultural identity and help the students of the ethnic minorities to easily acquire knowledge while studying in schools and other educational institutions" (Article 7). Through this regulation to ensure that the ethnic minorities have the freedom to decide their status of origin as well as to express the right to use their own language and scripts. These are main issues to affirm the equality of the ethnic minorities in the community of the ethnic groups in Vietnam. In addition, in order to preserve and promote the cultural life of the ethnic minorities, on 03 December 1998, the Prime Minister promulgated Directive No. 39 (1998) on promoting cultural, information activities in mountainous and ethnic minority areas, which requires state agencies and local authorities to focus on achieving the goal of raising the level of cultural and information enjoyment for people living in the highland, border and difficult areas, at the same time, better preserve and promote the traditional cultural essence of the ethnic minorities, collect, research, exploit and introduce and have a conservation plan for existing works, cultural addresses with typical value in the ethnic minority areas (pagodas, towers, communal houses, long ethnic houses, stilt houses, traditional handicraft villages, etc.) and other valuable cultural heritages, etc. In order to protect and promote the right to preserve the cultural identity of the ethnic groups in the new period, on 27 November 2011, the Prime Minister promulgated Decision No. 1270/QĐ-TTg on approving the Project of *Cultural preservation and development of ethnic minorities in Vietnam by 2020*, with emphasis on investment and organization of investigation and collection, study and propagation of cultural, literary and artistic values of the ethnic minorities.

To ensure the right to preserve the cultural identity of the ethnic minorities, the basic cultural institutions including: cultural houses, libraries, cultural post offices, community centers, clubs, etc. in ethnic minority areas have been directed to focus on construction in villages, hamlets, sub-hamlet, etc. Up to now, most of the hamlets, villages and sub-hamlet in the remote and difficult areas have been completed and are building the cultural houses according to the criteria for building new rural areas, creating the favorable conditions for people to organize community cultural activities. Many cultural festivals in the ethnic areas are restored, organized to preserve and promote the cultural values of ethnic groups, including ethnic minorities with very few people. The cultural life of the ethnic minorities has been remarkably improved, many cultural projects have been honored as the intangible cultural heritage of humanity such as The space of gong culture in the Vietnam Highlands, Then folk singing of the Tay – Nung ethnic minority groups in Viet Bac, etc.

In implementation of the Prime Minister's Decision No. 1722/QĐ-TTg dated 02 September 2004, in the *National Targeted Program for Sustainable Poverty Reduction 2016-2020*, there are 2 of 5 criteria's related to the assurance of the cultural rights of the ethnic minorities, which is education and access to information. Accordingly, by 2020, 100% of communes will have a network of pre-

schools, high schools, community education centers in order to meet the needs of learning and dissemination of knowledge for the people; 90% of households in poor districts and communes will be accessed and provided the information on laws and policies of the Party and the State; supported for audio-visual means for about 10,000 poor households, provided free radio for heads of villages, hamlets, prestigious people, religious dignitaries and heads of Party organizations, unions, the mass of people at village level (youth, women, farmers, veterans, etc.) in Cao Bang, Ha Giang, Lai Chau, Nghe An, Quang Nam, Kon Tum, Dak Nong, Ninh Thuan, Tra Vinh, Kien Giang, 18 heads of newspapers and magazines are provided for communes in the ethnic minority and mountainous areas and the extremely difficult areas. At the same time, the governments at all levels have implemented practical activities to improve the spiritual life of the people. Up to now, more than 90% of the ethnic minority households have listened to the Radio the Voice of Vietnam and more than 80% of the households have accessed to the television. Radio and television programs in Vietnamese and 26 ethnic languages are broadcasted extensively to the remote villages" [31].

Along with the preservation of traditional cultural heritage, ethnic minority languages are also paid attention. From 2008 up to now, the Ministry of Education and Training has issued 08 ethnic minority language programs (Cham, Khmer, Jrai, Bahnar, Ede, Hmong, M'Nong, Thai) and 06 sets of ethnic minority textbooks (Cham, Khmer, Jrai, Bahnar, Hmong, Ede). In addition, there are still some ethnic minority languages taught experimentally. The localities having needs of teaching ethnic languages continue to be researched in order to promulgate the programs and textbooks by Ministry of Education and Training in the coming time. In the school year of 2015-2016, the country has 682 schools, 5,272 classes, 121,231 students learning the ethnic languages [32].

## 2.2. Challenges for Ensuring of the Economic, Social and Cultural Rights of the Ethnic Minorities

Apart from the achievements, the assurance of the economic, social and cultural rights of the ethnic minority people in Vietnam still faces many challenges that need to be overcome, specifically:

The access to the social and economic conditions are still limited. Due to the traditional practices, the ethnic minority people in Viet Nam mostly live in the mountainous and extremely difficult socio-economic conditions areas, the poor infrastructure and unsustainable production, so the access to basic social services such as transportation, communications, labor, employment, education, medical and health care is limited. Moreover, the conditions of food security, clothing and housing and land demand for safety are still the challenge for some areas and groups of people living in the unfavorable natural environment. Comparing to the national average level, the ethnic minority and mountainous areas are still the most difficult areas: While the rate of multi-dimensional poor households in the national average is 13.15%, the rate of poor households in Northern mountainous areas is 26.99% and in the ethnic minority, North Central mountainous and

Central Coastal areas is 20.61%, in Central Highlands is 17.14%. In some provinces, the rate of poor households is higher than the national average, such as 48.14% in Dien Bien, 47.89% in Son La, 43.65% in Ha Giang, 42.39% in Cao Bang, 40, 4% in Lai Chau, 34.3% in Lao Cai, 29.4% in Bac Kan and 26.12% in Kon Tum, etc [33].

For social issues, drug trafficking, papaver somniferum plant, drug addiction, HIV infection, closely consanguineous blood marriage, accidents, free migration, trafficking and trafficking of women and children, illegal labor across borders, etc. have complicated evolutions. Besides, the developmental delays of some ethnic groups are urgent. There are 16 ethnic groups in the whole country including: Mang, La Hu, Cong, Co Lao, Si La, Lu, Pu Peo, Bo Y, Pa Then, Phu La, La Ha, Lo Lo, O Du, Chut, Brau, Ro Mam. Most of these ethnic groups live in isolated areas with difficult natural conditions, high poverty rates and very low levels of development. The ethnic groups are facing the risk of losing cultural identity, decline in quantity and quality of population.

For educational issues, quality of education and human resources of the ethnic minorities is limited. The low level of the trained labor force, the illiteracy or re-illiteracy of the population with the low level of education have become barriers to restrict the access and enjoyment of developmental achievement associated with the basic human rights criteria. On the other hand, the limited qualifications and capacities of the ethnic minorities along with the complexity and abundance of the ethnic minority people's social life and the negative effects of globalization restricts the ability of the self-protection for the basic rights of the human and the rights of citizens of individuals recognized by law.

For medical and health status of the ethnic minority people has improved but the progress is still slow compared to the national average level. The health system in the communes, villages plays a role in people's health care, but the professional skills of village health staffs are limited. With difficult budget conditions, medicine cabinets of villages have a few drugs, only common drugs such as flu, eye pain, cough. Child mortality, malnutrition rates, total fertility and mortality rate of the mothers in the ethnic minorities are still high. Some diseases such as malaria, plague, leprosy, goiter still exist in the mountainous areas. In addition, in many areas where there are, the status of environmental pollution, lack of clean water still exist in many ethnic minority people areas. According to the results of the survey on the socio-economic situation of 53 ethnic minorities in 2015, the number of households using hygienic water sources is 73.3% [28].

For cultural issues, although there have been significant advances in many aspects, the level of cultural and spiritual enjoyment of the ethnic minorities is still low; The cultural identity of many ethnic groups is at risk of being annihilated and assimilated, especially in poor communities under the affect of modern economic and social life. The impact of globalization and international integration has intensified the cultural encroachment, religious and belief intrusion and change. Many management organizations of traditional villages associated with traditional cultural space communities have been disrupted (or demolished due to the recent development policies).

On the other hand, many backward practices in funerals, weddings, etc. still persist, even tend to increase, which becomes the barriers for the development of the ethnic minorities.

### 2.3. Lessons Learned and Recommendations on the Policy

In order to ensure the human rights in general, the economic, social and cultural rights of the ethnic minorities in particular, in addition to the planning and implementation of the policies, the State of Vietnam focus on the summary, review and supplementation of the laws and policies on the economic, social and cultural rights of the ethnic minority people.

Pay attention to the training of ethnic minority cadres who have knowledge of the languages, culture and practices of the ethnic minority people. Together with the training of professional qualification for the ethnic minority staffs, the State of Vietnam attaches great importance to promoting the role of the staff working in the mountainous areas, especially the ethnic minority staff, making each ethnic minority staff clearly understand their roles and responsibilities, constantly strive for learning, moral quality, professional qualifications, profession, creativity and always enthusiastic, dedicated to the work.

Ensuring the economic, social and cultural rights of the ethnic minority people need to mobilize more resources. Therefore, enhancing international cooperation creates important conditions for the attraction of resources, investment capital, science and technology and experiences of other countries, international organizations, groups and individuals in foreign countries, supporting the economic and social development investment for the ethnic minority areas, contributing to the fast and sustainable poverty reduction and shortening the gap between the ethnic minorities.

In order to better ensure the economic, social and cultural rights of ethnic minority people in the context of globalization and international integration in Vietnam, it is necessary to continue building and perfecting the legal system in line with international law on the human rights, provide a more adequate legal basis for the protection and promotion of the human rights in general, the economic, social and cultural rights of the ethnic minorities in particular. Strengthening legislative activities of the National Assembly as a prerequisite to ensure the legitimate rights and benefits for the people, focusing on the development and completion of the legal system ensuring the human rights and the rights of citizens in the civil and political fields; the economic, social and cultural rights in general and the rights of the ethnic minority groups in particular. In the current context, the assurance of the human rights for the ethnic minorities must be considered as a priority in completing legislation to protect the benefits of this group.

In addition, the development and completion of the policies ensure the economic, social and cultural rights of the ethnic minorities, with particular emphasis on the policy development of investment in infrastructure construction, the policies on land, production land, education, labor, employment, health, poverty reduction. Renovation of approaches and policy development for the

ethnic minorities in general and the policies for development of the ethnic minority human resources in particular, ensuring scientific and effective requirements. Developing a comprehensive program on economic and social development for the ethnic minority and mountainous areas in the period of 2021-2025 in the direction of socio-economic development for the ethnic minority and mountainous areas is the most important decisive factor for the development of the human resources of the ethnic minorities.

At the same time, the comprehensive and synchronous organization and implementation of programs and policies on infrastructure, economic and social development, poverty reduction, improvement of social services and preservation of literary values in the areas of ethnic minorities ensure the social and economic rights for all people, implement the social equality and gradually reduce the gap between rich and poor in the regions and ethnic groups, which is especially important. It is necessary to have the special policies; implement these rights to comprehensively change the political, economic and cultural life of the people according to the development goals. Overcoming the overlapping, fragmentation in the construction, organizing the implementation of policies with the object of creating a strong and basic change in the infrastructure of the ethnic minority and mountainous areas, especially in difficult mountainous areas in the North, Central Highlands, South West region.

Building the endogenous capacity for the ethnic minorities is a priority to implement and integrate into their national development policy, select themselves, protect the basic values and benefits of individuals as well as communities within the legal framework in general. The positive and active international cooperation in research, legal analysis, policy as well as financial, technical and training support is to improve the capacity and quality of the access to the public services for the ethnic minorities. Well implementing the work of education, raising the quality of the human resources, enhancing the awareness and disseminating the legal education for the ethnic minority people.

## 3. Conclusion

Ensuring the human rights, in which, the economic, social and cultural rights of the ethnic minorities are the consistent policy of the State of Vietnam, consistent with the main principles of human rights as affirmed in the UN human rights instruments. However, there are still many challenges in this field, which Vietnam needs to overcome in order to achieve the goals of equity and equality for the sustainable development of the ethnic minority areas.

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