



Received: 08-05-2024
Accepted: 18-06-2024

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

Combating Discrimination against Ethnic Minorities: From the Perspective of International Law and National Legislation

¹Dr. Nguyen Toan Thang, ²Nguyen Thi Hong

¹Hanoi Law University, Ha Noi, Vietnam

²Peoples Security Academy, Ha Noi, Vietnam

DOI: <https://doi.org/10.62225/2583049X.2024.4.3.2982>

Corresponding Author: **Dr. Nguyen Toan Thang**

Abstract

The pervasive issue of discrimination against ethnic minorities transcends national borders and affects millions of individuals worldwide. Addressing this form of discrimination necessitates strong legal frameworks and diligent enforcement. This paper seeks to analyze the international legal mechanisms established to protect ethnic minorities and assess how these frameworks are

implemented and reinforced by national legislation, with a focus on Vietnam. Through an exploration of the synergies and disparities between international law and national legal systems, this paper aims to gain a comprehensive understanding of the effectiveness and challenges involved in combating ethnic discrimination.

Keywords: Discrimination, Ethnic Minorities, International Law, National Legislation, Vietnam

Introduction

The issue of discrimination against ethnic minorities is a complex and deeply entrenched problem that has profound implications for societies worldwide. This type of discrimination takes many forms, encompassing social ostracism, economic disadvantage, and the suppression of cultural identity. Overcoming these challenges demands robust legal foundations that outlaw discriminatory behaviors and actively promote equality and inclusivity.¹

International law plays a crucial role in establishing universal standards and offering guidance for safeguarding the rights of ethnic minorities. Key international instruments like the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) provide comprehensive frameworks for combating racial and ethnic discrimination. These essential documents underscore the global community's commitment to upholding the rights of ethnic minorities and creating an environment characterized by respect and equality.²

Vietnam is home to 53 ethnic minorities, totaling 14.1 million, representing 14.7% of the country's population. These ethnic groups are distributed across all provinces and cities, ranging from those with large populations exceeding a million people to smaller groups with fewer than 5,000 individuals. Among the ethnic minority population, men marginally outnumber women, comprising 50.1% compared to 49.9%. The most populous ethnic minorities include the Tay, Thai, Muong, Mong, Khmer, Nung, Dao, Hoa, Gia Rai, and Ede groups, while the O Du, Brau, Ro Mam, Pu Peo, and Si La are among those with the smallest populations. Notably, the O Du ethnic group has the smallest population, with just 428 individuals. Economic restructuring in these areas has been slow, with over 80% of the workforce engaged in the agricultural sector, and technical infrastructure still needs to be improved to support economic and social development. Vietnam is a pertinent case study examining the interaction between international law and national legislation in the fight against ethnic discrimination. The

¹ UNESCO, *Fighting Racism and Discrimination: A UNESCO Toolkit* (2023) <<https://unesdoc.unesco.org/ark:/48223/pf0000387454>> accessed 18 June 2024.

² 'International Convention on the Elimination of All Forms of Racial Discrimination' <<https://legal.un.org/avl/ha/cerd/cerd.html>> accessed 18 June 2024.

Vietnamese government has made significant efforts to integrate international norms into its domestic legal structure, aiming to elevate the rights and living standards of its ethnic minority groups.³

The primary objective of this paper is to delve into the efficacy of these efforts by scrutinizing both the international legal frameworks and national legislation about ethnic minorities. The goal is to uncover the strengths and deficiencies in the existing legal provisions, assess the challenges related to implementation and enforcement, and propose strategies for bolstering the protection of ethnic minorities in Vietnam. Focusing on Vietnam's specifics, this study seeks to illuminate the distinct obstacles and accomplishments encountered when addressing ethnic discrimination within a national context. Additionally, it offers insights into how international legal standards can be effectively implemented at the national level to cultivate a more inclusive and fair society. Through a comprehensive examination of legal frameworks and their real-world applications, this paper aims to contribute to the broader conversation on human rights and social justice for ethnic minorities across the globe.

1. International legal framework

Recognizing the rights of ethnic minorities

Human rights can be broadly defined as the fundamental entitlements and freedoms inherent to all individuals, which, if disregarded, would inhibit them from fully experiencing their humanity. Experts and research institutions conceptualize human rights in diverse ways. However, in broad terms, human rights are the essential rights that are inherent to all individuals. These encompass economic, social, and cultural rights, as well as civil and political rights, guaranteeing individuals the right to an adequate standard of living, cultural participation, and participation in scientific progress. These rights are interconnected and interdependent, and everyone should be able to enjoy them without facing any discrimination. Human rights are upheld by domestic legislation and international treaties.⁴

Human rights, as defined by the Office of the United Nations High Commissioner for Human Rights, are not just lofty ideals but practical tools that protect all humans' fundamental rights and freedoms. These universal legal guarantees act as a shield, protecting individuals and groups from acts or omissions that may impinge upon their human dignity, fundamental rights, and freedoms. By ensuring that all people are treated with fairness, equality, and respect, human rights form the cornerstone of a just and inclusive society.⁵

³ Committee for Ethnic Minority Affairs and General Statistics Office of Vietnam, *Đặc trưng cơ bản của 53 dân tộc thiểu số/Basic characteristics of 53 ethnic minorities* (Tong cuc thong ke 2020) 53; General Statistics Office of Vietnam, 'Các Dân tộc Việt Nam/Vietnamese Ethnic Population' <<https://www.gso.gov.vn/phuong-phap-luan-thong-ke/danh-muc-cac-dan-toc-viet-nam/>> accessed 18 June 2024.

⁴ Ujjwal Kumar Singh, *Human Rights and Peace: Ideas, Laws, Institutions and Movements* (Sage India 2008); United Nations, 'Human Rights' <<https://www.un.org/en/global-issues/human-rights>> accessed 18 June 2024.

⁵ OHCHR, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (2006)

The evolution of human rights reflects the existence of three generations of rights. Civil and political rights are classified as first-generation human rights. These rights are considered "negative rights" or "passive rights." From the State's perspective, they are rights that do not require intervention, as they relate to the State's obligation to refrain from interfering with individuals' enjoyment of their rights. These are passive rights for the people, as individuals can fully exercise these rights only based on the State's respect. Therefore, individuals' fundamental freedoms in the civil and political realm are defined in national legal systems and enshrined in international conventions to ensure that countries genuinely respect and safeguard these rights.⁶

The second generation of human rights primarily includes rights related to the economic and social spheres. These rights seek to ensure equal and fair treatment for all individuals. They were initially presented in the late 19th century and received considerable attention after the Second World War. Fundamental rights in this category encompass the right to employment, social security, access to healthcare, and housing.⁷

The third generation of human rights includes fundamental rights that reflect society's evolving needs. These encompass the right to self-determination, the right to development, the right to natural resources, and the right to peace. Importantly, the list of third-generation human rights is not static, but continues to expand with recent, significant additions such as the rights to information, communication rights, and the right to participate in cultural heritage.⁸

In conjunction with the Universal Declaration of Human Rights of 1948 (UDHR), the International Covenant on Civil and Political Rights of 1966 (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights of 1966 (ICESCR) established global standards, ensuring that fundamental rights are not just for a few, but for all individuals in the civil, political, economic, social, and cultural spheres.⁹

<<https://www.ohchr.org/en/publications/special-issue-publications/frequently-asked-questions-human-rights-based-approach>> accessed 18 June 2024.

⁶ Spasimir Domaradzki, Margaryta Khvostova and David Pupovac, 'Karel Vasak's Generations of Rights and the Contemporary Human Rights Discourse' (2019) 20 *Human Rights Review* 423, 423.

⁷ Council of Europe, *Manual for Human Rights Education with Young People* (2023) <<https://www.coe.int/en/web/compass/the-evolution-of-human-rights>> accessed 18 June 2024.

⁸ M Abdul Hannan, 'Interface between the Third Generation Human Rights and Good Governance in a Globalized World' in Jeffery F Addicott, Md Jahid Hossain Bhuiyan and Tareq MR Chowdhury (eds), *Globalization, International Law, and Human Rights* (Oxford University Press 2011) <<https://doi.org/10.1093/acprof:oso/9780198074151.003.0007>> accessed 18 June 2024.

⁹ Nihal Jayawickrama (ed), 'The International Bill of Human Rights', *The Judicial Application of Human Rights Law: National, Regional and International Jurisprudence* (2nd edn, Cambridge University Press 2017) <<https://www.cambridge.org/core/books/judicial-application-of-human-rights-law/international-bill-of-human->

Ethnic minorities' rights are fundamental human rights acknowledged and safeguarded by international laws and the legislations of various nations. However, the term "Ethnic minorities" has not yet been clearly defined in any international legal document.

In the 1930 Advisory Opinion, the Permanent Court of International Justice expressed the view that: "the 'community' is a group of persons living in a given country or locality, having a race, religion, language and traditions of their own and united by this identity of race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other."¹⁰

In addition, there are various perspectives on ethnic minorities: They constitute a smaller group of individuals within their country of citizenship and often hold a marginalized position within society. They may also include citizens of a nation who represent a numerical minority and have a less influential status while maintaining distinctive race, religion, and language characteristics, setting them apart from the larger demographic. As a result, they are driven by a clear motivation and awareness to preserve their cultural heritage, traditions, religious practices, and linguistic identity.¹¹

The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities defines ethnic minorities based on characteristics such as ethnicity, race, culture, religion, and language. While there is no universally agreed-upon definition of indigenous peoples, in UN human rights documentation, the term is often used to describe a community with a relatively small population possessing distinct attributes in terms of ethnicity, race, language, and religion, which set them apart from the broader national populace. These unique features include small population size, vulnerability in society, and a conscious commitment to preserving their distinct cultural heritage and traditions, which are often different from the majority culture.¹²

The rights of individuals belonging to minority groups are comprehensively upheld in various international legal documents. For example, Article 2 of UDHR asserts that all individuals are born equal in dignity and rights, without any discrimination based on race, color, sex, language, religion, political or other opinions, national or social origin, property, birth, or other status.¹³ Article 27 of ICCPR

rights/7E72C6D396D638349DDB0F51A4CD6A56>
accessed 19 June 2024.

¹⁰ *Greco-Bulgarian 'Communities', Advisory Opinion.*

¹¹ Francesco Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities* (UN 1979); Jelena Pejić, 'Minority Rights in International Law' (1997) 19 *Human Rights Quarterly* 666.

¹² 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' (*General Assembly resolution 47/135*, 18 December 1992) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic>> accessed 19 June 2024.

¹³ 'Universal Declaration of Human Rights' (*United Nations*) <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 20 June 2024.

stipulates that in states with minority groups, individuals from these minorities have the right to enjoy their own culture, practice their religion, and use their language without discrimination.¹⁴ Furthermore, the rights of minority groups are addressed directly or indirectly in several other international treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD 1965), the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979), and the Convention on the Rights of the Child (CRC 1989).¹⁵

Non-discrimination to ethnic minorities

Human beings are born with inherent differences in race, gender, beliefs, religion, and social status. However, these differences should never be a basis for legal discrimination in enjoying rights and legal responsibilities. The right to be treated equally is not just a fundamental human right, but a responsibility we all share. It should be upheld at different levels, and its awareness and protection are crucial for a just society. This right is often linked to the right to equality before the law and should be equally protected by the law.¹⁶

In today's interconnected world, there is a growing call for equality and preventing discrimination. Modern society acknowledges the essential right to be free from discrimination as a fundamental human right. However, the term "discrimination" is not specifically defined in universally recognized international legal texts, such as treaties and conventions. The Convention on the Elimination of All Forms of Racial Discrimination is the sole legal framework that offers a specific definition for "racial discrimination." According to this convention, "racial discrimination" encompasses any differentiation, exclusion, limitation, or preference based on race, color, descent, or national or ethnic origin, with the intention or the outcome of annulling or impeding the acknowledgment, enjoyment, or exercise of human rights and fundamental freedoms on an equal basis in the political, economic, social, cultural, or any other sphere of public life. Hence, discrimination based on race, color, descent, national or ethnic origin is explicitly tackled in international human rights agreements.¹⁷

According to UDHR, all humans are born free and equal in dignity and rights (Article 1). Based on this, everyone is entitled to the rights and freedoms without discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, property, birth, or other status (Article 2). ICCPR, as a legally binding international treaty, also incorporates the principles of equality and non-discrimination. Article 26 of this Covenant

¹⁴ 'International Covenant on Civil and Political Rights' (*OHCHR*) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>> accessed 20 June 2024.

¹⁵ 'Human Rights Instruments' (*OHCHR*) <<https://www.ohchr.org/en/instruments-listings>> accessed 20 June 2024.

¹⁶ Christopher McCrudden, 'Human Dignity and Judicial Interpretation of Human Rights' (2008) 19 *European Journal of International Law* 655.

¹⁷ Michiel Hoornick, 'Addressing Statelessness through the International Convention on the Elimination of All Forms of Racial Discrimination ('ICERD')' (2020) 2 *Statelessness & Citizenship Review* 222.

states that all persons are equal before the law and entitled to equal protection without discrimination. In this respect, the law prohibits any discrimination. It ensures that all individuals are equally and effectively protected against discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.¹⁸

The protection of the rights of ethnic minorities and the prevention of discrimination are pursued through two critical approaches. Firstly, it involves acknowledging and upholding the principle of non-discrimination against ethnic minorities as an integral aspect of fundamental human rights. Secondly, it urgently necessitates the establishment of distinct rights and standards for ethnic minorities. This is crucial to ensure and promote their rights more effectively, as highlighted by the International Court of Justice in its Advisory Opinion on the Minority Schools in Albania case in 1935.¹⁹ This approach has received significant support and has been referenced in international legal documents, underscoring the pressing need for such distinct rights and standards.²⁰

2. Ensuring the non-discrimination rights of ethnic minorities in State practice

Minority ethnic groups reside in numerous countries across continents, including Europe, Asia, Africa, and the Americas. Currently, it is estimated that over 6000 languages are spoken worldwide. Nonetheless, some languages of minority ethnic groups are at risk of completely disappearing due to discrimination against these communities.²¹

In Europe, Article 22 of the European Union Charter of Fundamental Rights in 2000 states that the European Union shall respect cultural, religious, and linguistic diversity. According to the European Parliament, Article 22 emphasizes ensuring non-discrimination and is consistent with international standards on the rights of minorities.

¹⁸ Matthew Craven, 'Non-Discrimination and Equality' in Stephanie Farrior (ed.), *Equality and Non-Discrimination under International Law* (Routledge 2015).

¹⁹ 'Minority Schools in Albania, Advisory Opinion, 6 April 1935, Permanent Court of International Justice (PCIJ)' <https://www.worldcourts.com/pcij/eng/decisions/1935.04.06_albania.htm> accessed 20 June 2024; Bimal N Patel, 'Minority Schools in Albania', *The World Court Reference Guide* (Brill 2000) <DOI: 10.1163/9789004481237_058> accessed 20 June 2024.

²⁰ Florence Benoît-Rohmer and International Institute for Democracy, *the Minority Question in Europe: Towards a Coherent System of Protection for National Minorities* (Council of Europe 1996); Gaetano Pentassuglia, *Minorities in International Law* (2002).

²¹ 'A/HRC/43/47: Education, Language and the Human Rights of Minorities - Report of the Special Rapporteur on Minority Issues' (OHCHR, 9 January 2020) <<https://www.ohchr.org/en/documents/thematic-reports/ahrc4347-education-language-and-human-rights-minorities-report-special>> accessed 20 June 2024; 'HRC43 – Minority, Languages and Education: Reaction to the Special Rapporteur's Report' <<https://minorityrights.org/hrc43-minority-languages-and-education-reaction-to-the-special-rapporteurs-report/>> accessed 20 June 2024.

While the concept of "minorities" is not defined or explained in any provision, ICCPR, as one of the multilateral international treaties recognizing the rights of minorities (Article 27), does not provide a clear definition of "minorities" either. Within the European States, the Framework Convention for the Protection of National Minorities is the only international treaty on national minorities. Still, it does not provide a specific definition of "national minorities." Some countries, such as Germany, Denmark, and Sweden, submit lists of national minorities when ratifying the Convention, while others, like Germany and Austria, only protect national minorities who are citizens of their own country. Many European countries have not ratified the Convention, including Andorra, Belgium, France, Greece, Iceland, Luxembourg, Monaco, and Turkey, among which Luxembourg holds the view that there are no national minorities within its territory. For several countries seeking EU membership, including Romania, Latvia, Estonia, and FYR Macedonia, safeguarding minority groups is a crucial criterion for evaluating the eligibility for accession.²²

Estonia is a member of ICCPR and ICESCR. Within the European framework, it is a member of the Framework Convention for the Protection of National Minorities. Article 123 of Estonia's 1992 Constitution stipulates that if Estonian laws and other legislative acts conflict with international agreements ratified by the Estonian Parliament, the provisions of the international agreements shall apply. In some cases, international agreements may directly apply within Estonia's territory.²³

As a member of the Framework Convention for the Protection of National Minorities, Estonia holds the view that "national minorities" are individuals who:

- Are citizens of Estonia;
- Reside within the territory of Estonia;
- Maintain a long-term, sustainable, and continuous relationship with Estonia;
- Differ from Estonian citizens in terms of race, culture, religion, and language;
- Have a clear motivation to preserve their traditional culture, religion, and language, which form the foundation of their identity.²⁴

The Constitution of Estonia in 1992 (rev. 2015) includes various provisions concerning the rights of minorities. According to Article 12, Estonia prohibits discrimination based on nationality, race, color, sex, language, religion,

²² 'State Parties to the Framework Convention for the Protection of National Minorities' (*National Minorities (FCNM)*) <<https://www.coe.int/en/web/minorities/etats-partie>> accessed 20 June 2024.

²³ 'Protection of Human Rights' <<https://www.eesti.ee/en/republic-of-estonia/human-rights/protection-of-human-rights>> accessed 20 June 2024.

²⁴ Mikko Lagerspetz, 'Cultural Autonomy of National Minorities in Estonia: The Erosion of a Promise' (2014) 45 *Journal of Baltic Studies* 457; 'Minority Rights, Multiculturalism and EU Enlargement: The Case of Estonia' 14 *Journal on Ethnopolitics and Minority Issues in Europe (JEMIE)* 2015' <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/jemie2015&div=25&id=&page=>>> accessed 20 June 2024.

political or other opinion, national or social origin, property, birth, or social status. Article 9 further affirms equality among all individuals, including Estonian citizens, foreigners, and stateless persons residing in Estonia. However, given Estonia's stance on minority rights, the question arises as to whether Estonia can ensure genuine equality for those without Estonian citizenship, particularly stateless minorities. Regarding the rights of minorities, Article 49 of the Estonian Constitution is more direct, stating that everyone has the right to preserve their identity and traditions. Thus, in certain respects, the rights of minorities are recognized and protected by the Estonian Constitution, the supreme legal document in Estonia's legal system. The supreme authority of the Constitution is reinforced by Article 152, which stipulates that during legal proceedings, courts must not apply any legal provisions that conflict with the Constitution; the Supreme Court has the authority to declare such legal provisions invalid if they contradict the Constitution's provisions and spirit.²⁵

Estonia strongly emphasizes upholding the rights to education, culture, and language of ethnic minorities. It has implemented comprehensive policies to ensure that the younger generation of ethnic minorities receives quality education, facilitating their seamless integration into the community, proficiency in the Estonian language, and safeguarding the unique cultural identity of ethnic minorities. The approach prioritizes achieving a delicate equilibrium between fostering integration and preserving the distinct language and culture of ethnic minorities, as highlighted by the UN Committee on the Rights of the Child. It is crucial to prevent integration from leading to assimilation, which could pose a risk to the rich and diverse cultural heritage of ethnic minority groups living within the nation's borders.²⁶

The National Minorities Cultural Act enables ethnic minority groups to establish educational institutions providing instruction in their native language. Furthermore, the Private Schools Act of 1998 does not impose limitations on the establishment of private educational institutions where teaching is carried out in the language of the ethnic minority. Beginning in 2001, the Language Act stipulates that students must attain a minimum proficiency level in Estonian (intermediate level). As a result, students from ethnic minority groups have the opportunity to use multiple languages while attending private schools that conduct instruction in the language of the ethnic minority.²⁷

Latvia, in conjunction with Estonia, became a member of the European Union, solidifying its commitment to upholding human rights and minority rights through its participation in a variety of international treaties. These treaties include the Convention Relating to the Status of

Stateless Persons (1954), the UNESCO Convention Against Discrimination in Education (CADE, 1960), ICCPR, ICESCR, ICERD, and CRC. Within the European framework, Latvia is a member of the Convention for the Protection of Human Rights and Fundamental Freedoms. Latvia signed the Framework Convention for the Protection of National Minorities on May 25, 1995, and ratified it on June 6, 2005. It's essential to recognize that according to the 1969 Vienna Convention on the Law of Treaties, from 1995 to 2005, even though Latvia was not officially a member of the Framework Convention for the Protection of National Minorities, it was still obligated to abstain from acts that would undermine the goals and purposes of the Convention.²⁸

In line with the Constitution of Latvia in 1992 (rev. 2003), the international treaties that Latvia is a party hold legal status under the Constitution. They can be directly invoked in courts to resolve specific cases.²⁹ Article 114 of the Latvian Constitution guarantees the right of ethnic minorities to preserve and develop their language, ethnic identity, and cultural heritage. However, the Constitution does not clearly define the term "ethnic minorities." Furthermore, Article 91 asserts the equality of all individuals before the law and the courts and prohibits any form of discrimination without specifying what constitutes discrimination or addressing racial discrimination specifically.³⁰

Under the Law on Education (1999), public educational institutions are required to conduct instruction in the official state language. However, private schools, public schools with minority programs, or designated educational institutions may provide instruction in other languages. Similar to Estonia, Latvia has also undergone a transition in the language of education. While approximately 40% of secondary education programs in Estonia are still delivered in minority languages, nearly 100% of the programs in Latvia are taught in the state language. The transition occurred in 2007/2008 in Estonia and in 1999 in Latvia. However, this transition has not been without its challenges. International organizations have expressed concerns about the full guarantee of the rights of ethnic minorities, particularly their right to education in their native language, in Latvia.³¹

²⁸ 'Honouring of Obligations and Commitments by Latvia' <<https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=7998&lang=en>> accessed 21 June 2024.

²⁹ 'Constitution' <<https://www.saeima.lv/en/legislative-process/constitution>> accessed 21 June 2024.

³⁰ Ineta Ziemele, 'The Application of International Law in the Baltic States' (1997) 40 German Yearbook of International Law 243; Committee on the Elimination of Racial Discrimination, 'Conclusions and Recommendations of the Committee on the Elimination of Racial Discrimination, Latvia' (2001) <<http://hrlibrary.umn.edu/country/latvia2001.html>> accessed 21 June 2024.

³¹ 'Legislation and Official Policy Documents' <<https://eurydice.eacea.ec.europa.eu/national-education-systems/latvia/legislation-and-official-policy-documents>> accessed 21 June 2024; 'Latvia: UN Experts Concerned about Severe Curtailment of Minority Language Education' (OHCHR) <<https://www.ohchr.org/en/press->

²⁵ 'Estonia 1992 (Rev. 2015) Constitution' <https://www.constituteproject.org/constitution/Estonia_2015> accessed 21 June 2024; Raul Narits, 'The Republic of Estonia Constitution on the Concept and Value of Law' (2002) 7 *Juridica International* 10.

²⁶ 'United Nations Guide for Minorities' (OHCHR) <<https://www.ohchr.org/en/minorities/united-nations-guide-minorities>> accessed 21 June 2024.

²⁷ 'Fundamental Principles and National Policies' <<https://eurydice.eacea.ec.europa.eu/national-education-systems/estonia/fundamental-principles-and-national-policies>> accessed 21 June 2024.

Upholding equality and combating discrimination against ethnic minorities should be a top priority for all nations, especially when it comes to ensuring their access to education and preserving their rich cultural and linguistic traditions. It is essential to underline the importance of addressing the right to education as a primary concern for ethnic minorities. That involves providing them equitable access to high-quality education and safeguarding their ability to maintain and cultivate their cultural and linguistic identity.³²

3. Ensuring the Right to Non-Discrimination for Ethnic Minorities in Vietnam

The Legal System of Vietnam

The Constitution is the bedrock of the Vietnamese legal system and wields the highest legal authority. Although human rights and citizens' rights are acknowledged in numerous legal documents, enshrining these rights in the Constitution holds particular significance in ensuring uniformity in applying the law. Subordinate legal documents must align with the Constitution and avoid including provisions restricting human and citizens' rights. As a result, the state is steadfast in its commitment to expanding, protecting, and honoring these rights.³³

The provisions regarding citizens' fundamental rights and duties have been prominent in Vietnam's Constitutions since the country's first Constitution in 1946. These provisions were outlined in Chapter 2 of the Constitution and have since been continuously refined and expanded in the subsequent Constitutions of 1959, 1980, and 1992. The 1992 Constitution, which was revised and adopted in 2013, placed particular emphasis on fundamental principles to safeguard human rights. The 2013 Constitution includes 36 out of 120 articles (over 30%) about human rights and citizens' fundamental rights and duties. That represents a significant milestone, signifying substantial progress in protecting human rights and citizens' fundamental rights and responsibilities.³⁴

To implement the 2013 Constitution, Vietnam meticulously reviewed over 100,000 legal documents and made amendments, supplements, and enacted more than 89 laws and ordinances directly or indirectly related to ensuring human rights and citizens' rights in accordance with the 2013 Constitution. Some important laws passed by the National Assembly during this period include the 2014 Law on the Organization of the People's Procuracy, the 2014 Law

on the Organization of the People's Court, the 2014 Housing Law, the 2015 Penal Code, the 2015 Criminal Procedure Code, the 2015 Civil Code, the 2015 Civil Procedure Code, the 2015 Administrative Procedure Law, the 2015 Law on Organization of Criminal Investigation Agencies, the 2015 Law on Custody and Detention, the 2015 Law on Referendum, the 2016 Law on Belief and Religion, the 2016 Law on Children, the 2016 Press Law, the 2016 Law on Access to Information, the 2017 Law on Management and Use of Weapons, Explosives, and Supporting Tools, the 2017 Law on State Compensation Liability, the 2017 Legal Aid Law, and the 2018 Cybersecurity Law. Among these, some laws were enacted for the first time to promptly institutionalize the provisions on human rights and citizens' rights in the 2013 Constitution. Between the period spanning from January 2019 to December 2022, the National Assembly of Viet Nam effectively enacted a total of 56 laws and resolutions addressing the fundamental rights of both humans and citizens. These legislations played a pivotal role in upholding the principles outlined in the 2013 Constitution and aligning Vietnam's legal framework with its ratified international human rights treaties. Some of the significant laws passed during this period include the 2019 Labor Code, the 2020 Youth Law, the 2019 Law on Education, the 2020 Law on Residence, the Law on Entry and Exit for Vietnamese Citizens, the 2020 Law on Mediation or Dialogue at Court, the 2020 Law on Vietnamese Guest Workers, the 2021 Law on Amending and Supplementing several Articles of the Criminal Procedure Code, the 2021 Law on Drug Prevention and Control, the 2022 Law on Implementation of Democracy at Grassroots Level, the 2022 Law on Inspection, and the 2022 Law on Domestic Violence Prevention and Control. Looking ahead, the 15th National Assembly's Law-making Program (2021–2026) outlines the intent to introduce several other laws related to human rights. These include amendments to the Law on Occupation, the Law on Health Insurance, the Law on Social Insurance, the Law on Trade Unions, and the Law on Demography, demonstrating Vietnam's steadfast commitment to promoting and safeguarding human rights nationwide. Vietnam's legislative achievements are essential legal guarantees ensuring everyone has the opportunity and favorable conditions to enjoy human rights.³⁵

Vietnam implements international human rights treaties in good faith

The dedicated and sincere fulfillment of international obligations is a foundational principle critical for the effective implementation of international treaties. Article 26 of the 1969 Vienna Convention on the Law of Treaties states that all treaties in force are binding on the participating parties and must be carried out in good faith. Article 26 underscores the principle of wholehearted and sincere fulfillment of international obligations. That signifies that when a nation willingly accepts the binding nature of an international treaty, it must diligently adhere to the treaty's provisions without invoking domestic laws to justify non-compliance or incomplete fulfillment of international commitments. Breach of the treaty provisions

releases/2023/02/latvia-un-experts-concerned-about-severe-curtailed-minority-language> accessed 21 June 2024.

³² 'Minority Rights: International Standards and Guidance for Implementation' (OHCHR) <<https://www.ohchr.org/en/publications/special-issue-publications/minority-rights-international-standards-and-guidance>> accessed 21 June 2024.

³³ 'The 2013 Constitution of the Socialist Republic of Vietnam' <<https://vietnamlawmagazine.vn/the-2013-constitution-of-the-socialist-republic-of-vietnam-4847.html>> accessed 21 June 2024; Mark Sidel, *The Constitution of Vietnam: A Contextual Analysis* (Bloomsbury Publishing 2009); Vu Cong Giao and Tran Kien, 'Constitutional Debate and Development on Human Rights in Vietnam' (2016) 11 *Asian Journal of Comparative Law* 235.

³⁴ Bui Ngoc Son, 'The Discourse of Constitutional Review in Vietnam' (2014) 9 *Journal of Comparative Law* 191.

³⁵ 'Compilation of Latest State Reports' (Vietnam, CCPR/C/VNM/4, April 2023) <<https://ccprcentre.org/state-reports/>> accessed 21 June 2024.

would result in legal responsibilities under international law for the nation.³⁶

Vietnam consistently upholds international human rights commitments with unwavering dedication, continually refining its domestic legal framework to ensure the full respect, protection, and realization of human rights. Since 2014, Vietnam has diligently submitted comprehensive national reports on the implementation of various international treaties, including the International Covenant on Economic, Social, and Cultural Rights (2nd-4th cycle, 2014), the Convention on the Elimination of All Forms of Discrimination against Women (7th-8th cycle, 2015), the International Covenant on Civil and Political Rights (4th cycle, 2023), the inaugural report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2017), the Convention on the Rights of the Child (5th-6th cycle, 2018), and the initial report on the implementation of the Convention on the Rights of Persons with Disabilities (2018).³⁷

Vietnam actively engages in meaningful dialogues with various UN Committees and demonstrates a dedicated approach to considering and implementing their recommendations. Following the 2015 National Report submitted to the CEDAW Committee, the Prime Minister approved a comprehensive plan for 2017 to address and enact the CEDAW recommendations. Additionally, Vietnam's pertinent agencies are collaborating with UNICEF to devise a strategic plan for effectively implementing the CRC's recommendations.

Vietnam's significant role in UN human rights mechanisms is a testament to its active participation and commitment to human rights. The country has notably served as a member of the Human Rights Council (2014-2016; 2023-2025), the Economic and Social Council (2016-2018), and the UNESCO Executive Board (2015-2019). Vietnam's active promotion of a holistic approach, advocacy for dialogue and collaboration, and upholding the fundamental principles of international law have been acknowledged for their noteworthy contributions and innovative initiatives within these esteemed organizations.³⁸

The Legal Effect of International Human Rights Treaties

To navigate the complex interplay between international treaties and Vietnamese law, it is vital first to clarify the role of treaties within the legal framework. Article 6, Section 1 of the 2016 Law on International Treaties states that in cases where domestic legal documents and international treaties,

of which the Socialist Republic of Vietnam is a member, contain different provisions on the same issue, the provisions of the international treaty will take precedence, except the Constitution. That demonstrates Vietnam's recognition of the importance of prioritizing the application of international treaties in cases where there are discrepancies between the treaty and the domestic legal document regulating the same matter, except for the Constitution. This provision is consistent with Article 26 of the 1969 Vienna Convention on the Law of Treaties, which Vietnam ratified and has been in effect since November 9, 2001.³⁹

Methods of Implementing International Human Rights Treaties

The methods for applying treaties to which Vietnam is a party are stipulated in Clause 2, Article 6 of the 2016 Law on International Treaties: Based on the requirements, content, and nature of the international treaty, the National Assembly, the President, and the Government, when deciding to accept the binding force of the international treaty, simultaneously decide to directly apply all or part of the international treaty to agencies, organizations, and individuals if the provisions of the international treaty are sufficiently clear and detailed for implementation; decide or propose amendments, supplements, annulments, or promulgation of legal documents to implement that international treaty. Thus, Vietnam accepts both direct and indirect methods of applying international treaties.

Direct application of international treaties in the context of Vietnam's legal system means that when the treaty comes into effect, the country, its organizations, and individuals are legally bound to implement the treaty. An international treaty to which Vietnam is a party will be directly applied if its provisions are clear and detailed enough for implementation.

Apart from direct application, international treaties to which Vietnam is a party will be applied through the nationalization process, based on the decision or proposal of competent state agencies regarding amendments, supplements, or promulgation of legal documents to implement the international treaty. Given that Vietnam's legal system is still being perfected, regulations on transforming treaties are significant, contributing to clarifying many concepts and contents of international treaties.

Vietnam's commitment to fully fulfilling the obligations arising from international treaties is underscored by the role of the Government. The Government is responsible for directing ministries, departments, government agencies, and provincial and municipal People's Committees in implementing international treaties to which the Socialist Republic of Vietnam is a signatory. This high level of consensus on the obligation to implement international treaties has been institutionalized into law, creating a favorable basis for government directives and the implementation by state agencies.⁴⁰

³⁶ Anthony Aust, *Modern Treaty Law and Practice* (Cambridge University Press 2018) <<https://doi.org/10.1017/CBO9781139152341>> accessed 21 June 2024.

³⁷ 'Việt Nam đã tham gia hầu hết các Công ước quốc tế cơ bản về quyền con người/Vietnam has joined most of the primary international conventions on human rights' (15 November 2023) <[http://vpubnd.binhthuan.gov.vn/dieu-uoc-quoc-te-co-ban-ve-quyen-con-nguoi-644934](http://vpubnd.binhthuan.gov.vn/dieu-uoc-quoc-te/viet-nam-da-tham-gia-hau-het-cac-cong-uoc-quoc-te-co-ban-ve-quyen-con-nguoi-644934)> accessed 21 June 2024.

³⁸ Nguyen Ngoc Hoi, 'Ensuring and Promoting Human Rights Are Vietnam's Consistent Policy' [2023] *National Defence Journal* <<http://tapchiquptd.vn/en/events-and-comments/ensuring-and-promoting-human-rights-are-vietnams-consistent-policy/21197.html>> accessed 21 June 2024.

³⁹ Jason Odering, 'Southeast Asian Region Countries Law: Treaties' <<https://unimelb.libguides.com/c.php?g=930183&p=6722028>> accessed 21 June 2024.

⁴⁰ Hoang Van Tu and Truong Ho Hai, 'Những vấn đề đặt ra trong thực hiện pháp luật điều ước quốc tế/ssues Arising in the Implementation of International Treaty Law' [2016] *Tạp*

The right to non-discrimination of ethnic minorities in Vietnamese law

The international human rights treaties serve as the cornerstone of global law, shaping universal standards and minimum benchmarks for human rights. By the principle of *Pacta Sunt Servanda*, nations must adhere to and enforce the standards outlined in the international treaties they sign. As such, ensuring the coherence between the provisions of the Constitution and other legal frameworks of Vietnam with the international human rights treaties to which Vietnam is a party signifies Vietnam's commitment to international obligations and facilitates the practical realization of human rights.

Vietnam's objective is to fortify the solidarity of its diverse ethnic groups based on the fundamental principles of equality, unity, respect, and mutual development. This collective effort aims to construct an autonomous, cohesive, democratic, liberated, and prosperous nation. It is crucial to uphold the equality of ethnic rights and to stand against any form of infringement or division among ethnic groups while providing necessary assistance and incentives to minority ethnic communities. Additionally, ethnic groups possess the right to preserve their distinct languages, scripts, customs, traditions, and exquisite cultural heritage.⁴¹

As a conscientious member of the global community, Vietnam diligently upholds the provisions of international treaties and incorporates them into the national legal framework. This process aims to promote reverence and ensure the protection of the rights of individuals, especially those of minority ethnic groups.

General Provisions

Numerous international agreements extensively cover the topic of rights, responsibilities, and duties. Among these agreements, the focus is primarily on rights, with relatively few provisions explicitly addressing the responsibilities and duties of individuals. International human rights law mainly emphasizes rights, potentially undermining the significance of individual responsibilities and duties to the community. However, it's essential to recognize that the issue of individual responsibilities and duties is distinctly elucidated in pivotal documents of international human rights law. For instance, Article 29, paragraph 1 of UDHR underscores that everyone has duties to the community in which the free and full development of their personality is possible. Additionally, paragraph 2 of this Article asserts that while enjoying their rights and freedoms, individuals are subject to legal constraints to ensure the acknowledgment and respect of the rights and freedoms of others.

In addition to the rules mentioned earlier, the issue of individual responsibility and obligation to the community is also addressed in the Preamble, various articles of the ICCPR, and many other international human rights documents. The crux of these provisions is that, while exercising and benefiting from their own rights, every individual also bears the responsibility to honor and not

infringe upon the legitimate rights of the community and of other individuals.

From a formal perspective, although international human rights documents primarily highlight rights, it is essential to understand that international human rights law does not absolutize rights at the expense of overlooking the responsibilities and obligations of individuals. Understanding the balance between rights and the responsibilities of individuals and other entities holds significant theoretical and practical implications. It helps individuals and organizations to adopt a balanced, objective, and conciliatory approach, steering clear of extreme and aggressive actions in matters about human rights.

Under the regulations in Clause 2, Article 14 of the 2013 Constitution, Human rights, and citizen rights may only be restricted as stipulated by law in cases deemed necessary for reasons such as national defense, national security, social order, public safety, social ethics, and public health. This provision in Clause 2, Article 14 effectively adheres to the fundamental criteria of not imposing arbitrary limits on human rights and citizen rights; these restrictions are only imposed in vital instances related to national security and public order. Some noteworthy points to consider are:

- Human rights and citizens' rights are only restricted according to the provisions of the law.
- Such regulations are legitimate because the National Assembly is the sole authority empowered to enact laws concerning human rights and citizens' rights; therefore, it is the only authority authorized to limit human rights and citizens' rights. That is in line with the principle of amending, supplementing, replacing, annulling, abolishing, or suspending the enforcement of legal normative documents, under which legal normative documents may only be amended, supplemented, replaced, annulled, abolished, or suspended by legal normative documents issued by the competent state agency that initially promulgated them or suspended by documents of the state agency with authority; this also adheres to the principle that the state belongs to the people, by the people, and for the people.⁴²

Specific regulations

The right not to be discriminated against and equality before the law are addressed in Articles 1, 2, 7, and 8 of UDHR. These principles are reaffirmed in Articles 2, 3, and 26 of ICCPR. In Vietnam's 2013 Constitution, these rights are recognized in Article 16, stating that all individuals are equal before the law. No one shall be discriminated against in political, civil, economic, cultural, or social life. Article 42 recognizes that Citizens have the right to identify their ethnicity, use their mother tongue, and choose their language of communication. Article 5 further asserts that Ethnic groups have the right to use their spoken and written language, preserve their ethnic identity, and promote their

chí Nghiên cứu lập pháp/Legislative Studies Journal <<http://www.lapphap.vn:80/Pages/tintuc/tinchitiet.aspx?tintucid=208676>> accessed 21 June 2024.

⁴¹ Oscar Salemin, *Viet Nam's Cultural Diversity: Approaches to Preservation* (2001) <<https://unesdoc.unesco.org/ark:/48223/pf0000124998>> accessed 21 June 2024.

⁴² Le Quynh Mai, 'Limitation of human rights: Constitutional principle and expected values in the rights protection in Vietnam' [2021] Tạp chí Công Thương/Industry and Trade Journal <<https://tapchicongthuong.vn/limitation-of-human-rights--constitutional-principle-and-expected-values-in-the-rights-protection-in-vietnam-81769.htm>> accessed 22 June 2024.

customs, practices, traditions, and acceptable cultural values.⁴³

The Vietnamese Constitution's provisions align with international human rights law, as detailed in various legislative documents. For instance, Article 11 (2) of the 2019 Education Law emphasizes the state's support for ethnic minorities to learn and use their spoken and written language as the Government regulates. Furthermore, the Criminal Procedure Code ensures that criminal proceedings adhere to the principle of equality before the law for all citizens, without discrimination based on ethnicity, gender, religion, belief, social background, or social status (Article 5). It also guarantees equal rights in presenting evidence and documents and engaging in democratic debate before the court (Article 19). Additionally, the code provides various rights, including the right to receive copies of important documents, the right to use one's spoken and written language and the right to interpretation for the accused, the right to appeal judgments and decisions, and the right to compensation for both material and moral damages due to unlawful trial proceedings (Articles 24, 49, 182, 231, and 29).⁴⁴

Vietnam's legal framework encompasses numerous provisions dedicated to upholding the rights of ethnic minorities. These protections apply irrespective of an ethnic group's majority or minority status or level of development. They ensure equality in rights and obligations across all aspects of social life, as enshrined in the Constitution and laws. Every individual with legal capacity is guaranteed parity in civil rights without any form of discrimination and is equally safeguarded by the law concerning personal rights and property. Economic parity is established to ensure equitable treatment of the interests of various ethnic groups. The state, in its role as a protector, is entrusted with providing substantial financial assistance to underdeveloped ethnic communities, paving the way for their progress towards a level of development comparable to other ethnic groups nationwide. Moreover, cultural and social parity is upheld to preserve and nurture cultural diversity within ethnic groups, further enriching Vietnam's cultural heritage.⁴⁵

The State has enacted various policies alongside legislation, prioritizing socio-economic development in ethnic minorities and mountainous areas. These comprehensive ethnic policies cover various sectors extensively across ethnic minorities and mountainous regions. Currently, 118 effective programs and policies are in place in these areas, including 54 direct policies for ethnic minorities and 64

priority policies benefiting them. These policies are further categorized into three main groups: Particular policies tailored to specific ethnic groups, regional socio-economic development policies, and sectoral socio-economic development policies targeting areas such as production development, poverty reduction, water supply, education, cultural preservation, healthcare, and more. Implementing these policies has produced significant results in recent years, ensuring equality among ethnic groups and enhancing cooperation and support.⁴⁶

Instructing languages spoken by ethnic minority groups is a fundamental aspect of education in Vietnam. As legislated in Government Decree No. 82/2010/NĐ-CP, students in general education schools and centers for continuing education can learn six distinct ethnic minority languages. These languages, including Hmong, Cham, Khơ Me, Jrai, Ba Na, and Ê Đê, are equipped with dedicated curricula and textbooks issued by the Ministry of Education and Training. As a result, 715 schools and 4,812 classes in 23 provinces and cities across the country accommodate 113,231 students, allowing them to immerse themselves in the rich linguistic and cultural heritage of Vietnam's ethnic minorities.⁴⁷

Conclusion

In recent years, Vietnam has made significant progress in ensuring and promoting human rights, reflecting a strong commitment and continuous efforts toward nation-building, focusing on the people as the goal, motivation, and center of all policies. However, Vietnam still faces numerous difficulties and challenges. The legal framework for human rights requires further improvement, including ongoing review, amendment, supplementation, and issuance of new legal documents to align with the Constitution. Vietnam strives to overcome subjective and objective challenges to ensure the necessary resources for development. The coverage of the social welfare system remains limited, increasing inequality in access to services among different geographical areas, communities, and population groups. Globalization and the Fourth Industrial Revolution present opportunities for integration, economic development, trade enhancement, and improvement in labor productivity, but they also pose inequality-related challenges.

In the future, Vietnam's highest priority is to continue building a rule-of-law state and reforming laws to strengthen institutional, legal, and policy foundations related to the protection and promotion of human rights. Vietnam will continue to leverage new developments in institutions, laws,

⁴³ 'Viet Nam 1992 (Rev. 2013) Constitution' <https://www.constituteproject.org/constitution/Socialist_Public_of_Vietnam_2013> accessed 22 June 2024.

⁴⁴ 'Judicial Proceedings in Vietnam – CACJ' <<https://cacj-ajp.org/vietnam/legal-system/legal-system-of-vietnam/judicial-proceedings-in-vietnam/>> accessed 22 June 2024.

⁴⁵ Dao Thi Tung, 'Assuring Learning Rights of Ethnic Minority People in Vietnam - Situation and Solutions' [2020] *COMMUNIST REVIEW*; 'Promoting Fundamental Rights of Ethnic Minority People in Vietnam' (28 December 2023) <<https://english.vov.vn/en/politics/domestic/promoting-fundamental-rights-of-ethnic-minority-people-in-vietnam-post1068414.vov>> accessed 22 June 2024.

⁴⁶ 'Nghị Quyết Số 88/2019/QH14 Của Quốc Hội: Phê Duyệt Đề Án Tổng Thể Phát Triển Kinh Tế - Xã Hội Vùng Đồng Bào Dân Tộc Thiểu Số và Miền Núi Giai Đoạn 2021-2030/Resolution No. 88/2019/QH14 of the National Assembly: Approval of the Comprehensive Socio-Economic Development Plan for Ethnic Minority and Mountainous Areas for 2021-2030' <<https://vanban.chinhphu.vn/default.aspx?pageid=27160&docid=198414>> accessed 22 June 2024.

⁴⁷ Dao Thi Tung, 'Bảo đảm quyền học tập của người dân tộc thiểu số ở Việt Nam - Thực trạng và những kiến nghị' [2020] *Tạp chí mặt trận/Front Journal* <<https://tapchimatran.vn/nghien-cuu/bao-dam-quyen-hoc-tap-cua-nguoi-dan-toc-thieu-so-o-viet-nam-thuc-trang-va-nhung-kien-nghi-35664.html>> accessed 22 June 2024.

and policies, striving to overcome challenges by implementing the government's work for the people and promoting sustainable development.⁴⁸

Vietnam is dedicated to intensifying sustainable development efforts, with a strong emphasis on implementing multidimensional poverty reduction policies and diminishing regional and demographic development disparities. The country is committed to prioritizing access to education and, importantly, strengthening human rights education. This commitment is aimed at enhancing public awareness and empowering law enforcement agencies to uphold individuals' fundamental rights and freedoms, both by Vietnamese law and international human rights norms, thereby instilling confidence in our actions.

Vietnam is conscientiously fulfilling its duties outlined in international human rights conventions, which it is a signatory. The country is actively examining and preparing to engage with further international human rights agreements. In addition, Vietnam is committed to focusing on dialogues and collaboration and extending invitations to the Human Rights Council's Special Procedures in the coming period. Vietnam places significant emphasis on participating in United Nations bodies, recognizing their vital role in ensuring a peaceful and secure global environment while directly promoting the rights of all individuals worldwide.⁴⁹

References

1. 'A/HRC/43/47: Education, Language and the Human Rights of Minorities - Report of the Special Rapporteur on Minority Issues' (OHCHR, 9 January 2020) <<https://www.ohchr.org/en/documents/thematic-reports/ahrc4347-education-language-and-human-rights-minorities-report-special>> accessed 20 June 2024
2. Aust A. *Modern Treaty Law and Practice*. Cambridge University Press, 2018. <<https://doi.org/10.1017/CBO9781139152341>> accessed 21 June 2024
3. Benoît-Rohmer F. *Democracy II for the Minority Question in Europe: Towards a Coherent System of Protection for National Minorities*. Council of Europe, 1996.
4. Bui Ngoc Son. 'The Discourse of Constitutional Review in Vietnam' (2014) 9 *Journal of Comparative Law* 191.
5. Capotorti F. *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*. UN, 1979.
6. Committee for Ethnic Minority Affairs and General Statistics Office of Vietnam, *Đặc trưng cơ bản của 53 dân tộc thiểu số/Basic characteristics of 53 ethnic minorities*. *Tong cuc thong ke*, 2020.
7. Committee on the Elimination of Racial Discrimination. *Conclusions and Recommendations of the Committee on the Elimination of Racial Discrimination*, Latvia, 2001. <<http://hrlibrary.umn.edu/country/latvia2001.html>> accessed 21 June 2024
8. *Compilation of Latest State Reports*. Vietnam, CCPR/C/VNM/4, April 2023. <<https://ccprcentre.org/state-reports/>> accessed 21 June 2024
9. Constitution. <<https://www.saeima.lv/en/legislative-process/constitution>> accessed 21 June 2024
10. Council of Europe. *Manual for Human Rights Education with Young People*, 2023. <<https://www.coe.int/en/web/compass/the-evolution-of-human-rights>> accessed 18 June 2024
11. Craven M. 'Non-Discrimination and Equality' in Stephanie Farrior (ed.), *Equality and Non-Discrimination under International Law* (Routledge, 2015).
12. Dao Thi Tung. 'Bảo đảm quyền học tập của người dân tộc thiểu số ở Việt Nam - Thực trạng và những kiến nghị'. *Tạp chí mặt trận/Front Journal*, 2020. <<https://tapchimatran.vn/nghien-cuu/bao-dam-quyen-hoc-tap-cua-nguoi-dan-toc-thieu-so-o-viet-nam-thuc-trang-va-nhung-kien-nghi-35664.html>> accessed 22 June 2024
13. ——. *Assuring Learning Rights of Ethnic Minority People in Vietnam - Situation and Solutions*. *Communist Review*, 2020.
14. *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*. General Assembly resolution 47/135, 18 December, 1992. <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic>> accessed 19 June 2024
15. Domaradzki S, Khvostova M, Pupovac D. 'Karel Vasak's Generations of Rights and the Contemporary Human Rights Discourse'. *Human Rights Review*. 2019; 20:423.
16. Estonia 1992 (Rev.) Constitution, 2015. <https://www.constituteproject.org/constitution/Estonia_2015> accessed 21 June 2024
17. *Fundamental Principles and National Policies*. <<https://eurydice.eacea.ec.europa.eu/national-education-systems/estonia/fundamental-principles-and-national-policies>> accessed 21 June 2024
18. Gaetano Pentassuglia. *Minorities in International Law*, 2002.
19. General Statistics Office of Vietnam. *Các Dân tộc Việt Nam/Vietnamese Ethnic Population*. <<https://www.gso.gov.vn/phuong-phap-luan-thong-ke/danh-muc/cac-dan-toc-viet-nam/>> accessed 18 June 2024
20. Hannan MA. *Interface between the Third Generation Human Rights and Good Governance in a Globalized World*. In Jeffery F Addicott, Md Jahid Hossain Bhuiyan and Tareq MR Chowdhury (eds), *Globalization, International Law, and Human Rights*. Oxford University Press, 2011. Doi: <<https://doi.org/10.1093/acprof:oso/9780198074151.003.0007>> accessed 18 June 2024
21. *Hệ Thống Chính Sách Dân Tộc Thiểu Số và Miền Núi Ngày Càng Đồng Bộ và Toàn Diện/The Policy System for Ethnic Minorities and Mountainous Areas is Increasingly Synchronous and Comprehensive* <<https://quochoi.vn/gioithieu/Pages/default.aspx?ItemID=37748>> accessed 22 June 2024.

⁴⁸ 'Thực hiện hiệu quả chính sách dân tộc ở Việt Nam/Implementing effective ethnic policies in Vietnam.' <<https://tuyengiao.vn/thuc-hien-hieu-qua-chinh-sach-dan-toc-o-viet-nam-151644>> accessed 22 June 2024.

⁴⁹ 'Hệ Thống Chính Sách Dân Tộc Thiểu Số và Miền Núi Ngày Càng Đồng Bộ và Toàn Diện/The Policy System for Ethnic Minorities and Mountainous Areas Is Increasingly Synchronous and Comprehensive' <<https://quochoi.vn/gioithieu/Pages/default.aspx?ItemID=37748>> accessed 22 June 2024.

- <<https://quochoi.vn/gioithieu/Pages/default.aspx?ItemID=37748>> accessed 22 June 2024
22. Hoang Van Tu, Trung Ho Hai. Những vấn đề đặt ra trong thực hiện pháp luật điều ước quốc tế/ssues arising in the Implementation of International Treaty Law. *Tạp chí Nghiên cứu lập pháp/Legislative Studies Journal*, 2016.
<<http://www.lapphap.vn:80/Pages/tintuc/tinchitiet.aspx?tintucid=208676>> accessed 21 June 2024
 23. Honouring of Obligations and Commitments by Latvia. <<https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=7998&lang=en>> accessed 21 June 2024
 24. Hoornick M. Addressing Statelessness through the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD'). *Statelessness & Citizenship Review*. 2020; 2:222.
 25. HRC43 - Minority, Languages and Education: Reaction to the Special Rapporteur's Report. <<https://minorityrights.org/hrc43-minority-languages-and-education-reaction-to-the-special-rapporteurs-report/>> accessed 20 June 2024
 26. Human Rights Instruments. (OHCHR) <<https://www.ohchr.org/en/instruments-listings>> accessed 20 June 2024
 27. International Convention on the Elimination of All Forms of Racial Discrimination. <<https://legal.un.org/avl/ha/cerd/cerd.html>> accessed 18 June 2024
 28. International Covenant on Civil and Political Rights. (OHCHR) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>> accessed 20 June 2024
 29. Jayawickrama N (ed). *The International Bill of Human Rights. The Judicial Application of Human Rights Law: National, Regional and International Jurisprudence*. 2nd edn, Cambridge University Press, 2017. <<https://www.cambridge.org/core/books/judicial-application-of-human-rights-law/international-bill-of-human-rights/7E72C6D396D638349DDB0F51A4CD6A56>> accessed 19 June 2024
 30. Judicial Proceedings in Vietnam – CACJ. <<https://cacj-ajp.org/vietnam/legal-system/legal-system-of-vietnam/judicial-proceedings-in-vietnam/>> accessed 22 June 2024
 31. Lagerspetz M. Cultural Autonomy of National Minorities in Estonia: The Erosion of a Promise. *Journal of Baltic Studies*. 2014; 45:457.
 32. Latvia: UN Experts Concerned about Severe Curtailment of Minority Language Education. (OHCHR) <<https://www.ohchr.org/en/press-releases/2023/02/latvia-un-experts-concerned-about-severe-curtailement-minority-language>> accessed 21 June 2024
 33. Le Quynh Mai. Limitation of human rights: Constitutional principle and expected values in the rights protection in Vietnam. *Tạp chí Công Thương/Industry and Trade Journal*, 2021. <<https://tapchicongthuong.vn/limitation-of-human-rights--constitutional-principle-and-expected-values-in-the-rights-protection-in-vietnam-81769.htm>> accessed 22 June 2024
 34. Legislation and Official Policy Documents. <<https://eurydice.eacea.ec.europa.eu/national-education-systems/latvia/legislation-and-official-policy-documents>> accessed 21 June 2024
 35. McCrudden C. Human Dignity and Judicial Interpretation of Human Rights. *European Journal of International Law*. 2008; 19:655.
 36. Minority Rights: International Standards and Guidance for Implementation. (OHCHR) <<https://www.ohchr.org/en/publications/special-issue-publications/minority-rights-international-standards-and-guidance>> accessed 21 June 2024
 37. Minority Rights, Multiculturalism and EU Enlargement: The Case of Estonia 14 *Journal on Ethnopolitics and Minority Issues in Europe (JEMIE)*, 2015. <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/jemie2015&div=25&id=&page=>>> accessed 20 June 2024
 38. Minority Schools in Albania, Advisory Opinion, 6 April, 1935, Permanent Court of International Justice (PCIJ). <https://www.worldcourts.com/pcij/eng/decisions/1935.04.06_albania.htm> accessed 20 June 2024
 39. Narits R. The Republic of Estonia Constitution on the Concept and Value of Law. *Juridica International*. 2002; 7:10.
 40. Nghị Quyết Số. 88/2019/QH14 Của Quốc Hội: Phê Duyệt Đề Án Tổng Thê Phát Triển Kinh Tế - Xã Hội Vùng Đồng Bào Dân Tộc Thiểu Số và Miền Núi Giai Đoạn 2021-2030/Resolution No. 88/2019/QH14 of the National Assembly: Approval of the Comprehensive Socio-Economic Development Plan for Ethnic Minority and Mountainous Areas for 2021-2030. <<https://vanban.chinhphu.vn/default.aspx?pageid=27160&docid=198414>> accessed 22 June 2024
 41. Nguyen Ngoc Hoi. Ensuring and Promoting Human Rights Are Vietnam's Consistent Policy. *National Defence Journal*, 2023. <<http://tapchiquptd.vn/en/events-and-comments/ensuring-and-promoting-human-rights-are-vietnams-consistent-policy/21197.html>> accessed 21 June 2024
 42. Odering J. *Southeast Asian Region Countries Law: Treaties*. <<https://unimelb.libguides.com/c.php?g=930183&p=6722028>> accessed 21 June 2024
 43. OHCHR. Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, 2006. <<https://www.ohchr.org/en/publications/special-issue-publications/frequently-asked-questions-human-rights-based-approach>> accessed 18 June 2024
 44. Patel BN. *Minority Schools in Albania. The World Court Reference Guide Brill*, 2000. Doi: 10.1163/9789004481237_058> accessed 20 June 2024
 45. Pejic J. Minority Rights in International Law. *Human Rights Quarterly*, 1997; 19:666.
 46. Promoting Fundamental Rights of Ethnic Minority People in Vietnam, 28 December, 2023. <<https://english.vov.vn/en/politics/domestic/promoting-fundamental-rights-of-ethnic-minority-people-in-vietnam-post1068414.vov>> accessed 22 June 2024
 47. Protection of Human Rights. <<https://www.eesti.ee/en/republic-of-estonia/human-rights/protection-of-human-rights>> accessed 20 June 2024
 48. Salemink O. Viet Nam's Cultural Diversity:

- Approaches to Preservation, 2001. <<https://unesdoc.unesco.org/ark:/48223/pf0000124998>> accessed 21 June 2024
49. Sidel M. *The Constitution of Vietnam: A Contextual Analysis*. Bloomsbury Publishing, 2009.
50. Singh UK. *Human Rights and Peace: Ideas, Laws, Institutions and Movements*. Sage India, 2008.
51. State Parties to the Framework Convention for the Protection of National Minorities. National Minorities (FCNM). <<https://www.coe.int/en/web/minorities/etats-partie>> accessed 20 June 2024
52. The Constitution of the Socialist Republic of Vietnam, 2013. <<https://vietnamlawmagazine.vn/the-2013-constitution-of-the-socialist-republic-of-vietnam-4847.html>> accessed 21 June 2024
53. Thực hiện hiệu quả chính sách dân tộc ở Việt Nam/Implementing effective ethnic policies in Vietnam. <<https://tuyengiao.vn/thuc-hien-hieu-qua-chinh-sach-dan-toc-o-viet-nam-151644>> accessed 22 June 2024
54. UNESCO. *Fighting Racism and Discrimination: A UNESCO Toolkit*, 2023. <<https://unesdoc.unesco.org/ark:/48223/pf0000387454>> accessed 18 June 2024
55. United Nations. *Human Rights*. <<https://www.un.org/en/global-issues/human-rights>> accessed 18 June 2024
56. United Nations Guide for Minorities. (OHCHR). <<https://www.ohchr.org/en/minorities/united-nations-guide-minorities>> accessed 21 June 2024
57. Universal Declaration of Human Rights. United Nations. <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 20 June 2024
58. Viet Nam 1992 (Rev.) Constitution, 2013. <https://www.constituteproject.org/constitution/Socialist_Republic_of_Vietnam_2013> accessed 22 June 2024
59. Việt Nam đã tham gia hầu hết các Công ước quốc tế cơ bản về quyền con người/Vietnam has joined most of the primary international conventions on human rights, 15 November, 2023. <<http://vpubnd.binhthuan.gov.vn/dieu-uoc-quoc-te/vietnam-da-tham-gia-hau-het-cac-cong-uoc-quoc-te-co-ban-ve-quyen-con-nguoi-644934>> accessed 21 June 2024
60. Vu Cong Giao, Tran Kien. Constitutional Debate and Development on Human Rights in Vietnam. *Asian Journal of Comparative Law*. 2016; 11:235.
61. Ziemele I. The Application of International Law in the Baltic States. *German Yearbook of International Law*. 1997; 40:243.