

CUSTOMARY LAWS ON GENDER EQUALITY AND THEIR APPLICATION IN GENDER EQUALITY EDUCATION IN SCHOOLS IN HA GIANG PROVINCE¹

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Abstract: Gender equality which is one of the fundamental human rights has become a global issue. In ethnic minority areas, in addition to legal frameworks, the implementation of gender equality is also influenced and shaped by customary laws. Each ethnic minority group has its own customary laws, reflecting the unique identity and characteristics of that group. To promote progressive customary practices and gradually eliminate outdated conventions, contributing significantly to the realization of gender equality in the region, Ha Giang Province has, in recent years, incorporated customary laws into the promotion of gender equality. The province has also gradually integrated positive elements of customary laws into educational efforts to raise awareness about gender equality in schools. This article identifies customary laws related to gender equality among ethnic minorities in Ha Giang Province and, based on this foundation, analyzes the application of these customary laws in gender equality education in schools across the province.

Keywords: Schools in Ha Giang Province; Gender equality education; Customary laws on gender equality.

1. Introduction

Ha Giang, a mountainous border province, has faced numerous challenges, with a poverty rate of 37,08% and a near-poverty rate of 12,87%. The population comprises 87,7% ethnic minorities, whose educational attainment remains uneven. Additionally, the male-preference mindset is still prevalent within local communities. Issues such as child marriage, consanguineous marriage, and some outdated practices persist.

In response, gender equality has received consistent attention from the province's leadership, governments at all levels, and collaboration from relevant sectors in various fields. The Provincial People's Committee has emphasized incorporating gender perspectives into legal documents and socio-economic development plans. Consequently, ethnic minorities in Ha Giang have gradually developed a more positive perception of gender equality.

Besides awareness campaigns to promote gender equality among ethnic minorities, Ha Giang has issued Resolution No. 27/2022/NQ-TU of the Provincial Party Committee on eliminating outdated customs among ethnic minorities to build a modern lifestyle. This includes addressing the negative aspects of customary laws that hinder gender equality. Therefore, identifying gender-related elements within customary laws among ethnic groups, analyzing their roles, and engaging the province's Education sector in promoting gender equality through customary laws are essential.

2. Research overview

To date, several studies have explored the impact of customary laws on social life in general and on gender equality in particular.

The research project "The Impact of Customary Laws on Social Management in the Thai and Hmong Ethnic Groups of Northwestern

¹ The article is the result of the provincial-level research project "The Influence of Customary Laws on Gender Equality in Ethnic Minority Areas of Ha Giang Province - Current Situation and Solutions", 2022-2025.

Vietnam”, featured in the proceedings of a ministerial-level scientific project chaired by Bui Xuan Truong at Ho Chi Minh National Academy of Politics (Hanoi Campus) in 1997, includes the article “Marriage and Family Laws of the Socialist Republic of Vietnam and Their Implementation Among the Thai and Hmong Ethnic Minorities.” This work provided an overview of Vietnam's Marriage and Family Laws and examined how customary laws influence their implementation in the northern mountainous provinces, specifically in areas such as marriage, spousal responsibilities and rights, and the duties of parents and children. However, the article primarily highlighted discrepancies between customary laws and the current Marriage and Family Laws, without delving into the positive aspects of customary laws or the root causes of their effects.

In 2001, Tran Minh Hang noted in her study, “Customs and Practices Affecting Reproductive Health Care for Women of Ethnic Minorities in Ha Giang Province,” that beliefs such as “many children bring many blessings” and a strong preference for male children posed significant challenges for women in exercising their reproductive rights and family planning. Many women lacked autonomy in deciding the number of children they had due to pressure from their husbands or in-laws. The study revealed that 69,7% of Hmong women and 47,5% of Dao women expressed a desire to have additional sons if they already had daughters. Additionally, child marriage was prevalent, and reproductive health care remained a pressing issue: nearly two-thirds of pregnant women did not receive prenatal care, and 60,6% of births were attended only by family members. These practices were identified as barriers to achieving gender equality in family labor among ethnic minority women in the northern mountainous regions of Vietnam.

In her 2008 article “Social Factors Affecting the Implementation of Gender Equality Laws,” published in Law Journal, Bui Thi Mung analyzed social factors, including customary laws, that significantly influence the implementation of gender equality laws in ethnic minority regions.

Nguyen Le Thu, in her 2012 article “Inferiority and Complacency of Women and Gender Inequality in H'mong Families in Ha Giang”

(published in Ethnicity and Era Journal) and her 2017 doctoral dissertation in philosophy, “Gender Equality in Family Labor Among Ethnic Minorities in Northern Vietnam Today,” discussed the challenges to achieving gender equality in family labor among ethnic minorities in the northern mountainous areas. Her research found that traditional gender stereotypes persist, with labor divisions strictly adhering to the concepts of “men’s work” and “women’s work,” which diminish the value of women’s labor. These norms restrict women’s access to and control over resources for development, limit their decision-making power, and hinder progress in achieving gender equality in family labor.

In her 2020 monograph “Achieving Gender Equality in Ethnic Minority Areas” (Social Sciences Publishing House), Dang Thi Hoa examined theoretical foundations and policies on gender equality implementation in ethnic minority areas, highlighting the impacts of customs and practices on policy outcomes.

Nguyen Thi Ha’s 2012 doctoral dissertation “Gender Relations in Ethnic Minority Families in Northern Vietnam Today” analyzed the dynamics between men and women across various aspects of family life. Her study identified the current state and evolving trends of gender relations within ethnic minority families in the northern mountainous regions.

Thus, while existing studies have explored the relationship between customary laws and gender equality, none have specifically focused on the customary laws of ethnic minorities in Ha Giang, their effects on gender equality, or their integration into gender equality education in local schools. This research aims to address these gaps.

3. Research Methods

This study employs the method of secondary document analysis. It involves examining reports on ethnic minority education, reports on the influence of customary laws on gender equality implementation in ethnic minority areas of Ha Giang province, and reports on the application of customary laws in gender equality education in schools across Ha Giang. These reports are sourced from district-level Departments of Education and Training and the Ha Giang Provincial Department of Education and Training.

Additionally, the study reviews local documents on customs, customary laws, and village-level conventions in ethnic minority areas of Ha Giang province.

This method is implemented to:

1. Identify the customary laws being practiced by various ethnic minority groups.
2. Compile and assess the application of customary laws in promoting gender equality education in schools throughout Ha Giang province.

4. Research results

4.1 The identification of Customary Laws Related to Gender Equality Among Ethnic Minorities in Ha Giang Province

Ha Giang is home to a large population of ethnic minorities, each with its own customs and traditions related to gender equality.

Currently, forced or arranged marriages, often orchestrated by parents, which have significantly decreased across the province, still persist, primarily within the Hmong and Nung communities. Women are more frequently subjected to forced marriages than men, with limited freedom to choose their partners.

Survey results reveal that the traditional Hmong practice of *Keo vợ* (Bride Kidnapping), which originally held a deeply humanistic meaning-emphasizing marital freedom and the value of women- has, in some cases, been distorted. These distortions have diminished its original humanistic essence, leading to violations of the Law on Marriage and Family, such as child marriages and forced marriages.

Although the incidence of child marriage has markedly declined in recent years, it still occurs. A more concerning trend is the circumvention of legal regulations and local conventions in marriage. Some families have allowed young couples to cohabit, with children taking the mother's surname initially. When the couple reaches the legal age, they officially register their marriage and then change the children's surname to the father's. For instance, in the first half of 2021, Tung San commune in Hoang Su Phi district reported three cases of child marriage and one case of consanguineous marriage. Such practices complicate the identification of personal records

as well as the registration of household information for citizens.

Cases of consanguineous marriage, which primarily occur within the Hmong, La Chi, and Co Lao communities, is influenced by their traditionally short genealogical lineage-three generations for men and two for women. After these timeframes, blood relations are no longer recognized. As a result, consanguineous marriages were historically complex and widespread within the La Chi community. However, thanks to interventions by authorities and local organizations, this issue has significantly declined in recent years.

In the Dao community, the practice of demanding high bride prices and emphasizing the role of shamans in numerous rituals-such as escorting the bride, expelling misfortune, determining compatibility, and conducting other ceremonies remains common. These practices often involve expensive offerings and high payments to the shaman.

Funerals among the La Chi are also elaborate and costly. Thirteen days after a person's death, a soul-calling ceremony is held, requiring offerings such as a pig weighing 50-100 kilograms, along with chickens, goats, liquor, and other items. At funerals, women eat separately from men. When a man dies, three buffaloes are sacrificed, while for a woman, only pigs are offered.

In daily life, certain ethnic groups continue to exhibit male-preferential customs, valuing sons over daughters. Among the Co Lao, girls are only taught basic literacy and are not allowed to pursue higher education. If a woman has only two daughters, she is not permitted to sit at the main table near the family altar. In some communities (e.g., Co Lao and La Chi), visiting guests eat with the men while women eat separately in the kitchen. Additionally, among the Nùng, newly married daughters-in-law who have not yet borne children are prohibited from using chopsticks to serve food to their fathers-in-law, elder brothers-in-law, or other senior family members.

Overall, most ethnic minority women face unequal treatment, lack a voice in family matters, and have no decision-making authority within their households.

Many households of the Nung, Dao Ao Dai, and La Chi ethnic groups continue the practice of free-ranging livestock or keeping them under stilted houses. Some families even build livestock pens near the entrance to showcase their wealth to neighbors and friends, often neglecting proper hygiene in these areas. Particularly among the La Chi, most households lack basic facilities like toilets and bathing areas, negatively impacting the lives and health of women, girls, and the community as a whole.

Labor distribution is often inequitable, with women bearing the burden of heavy labor, including tasks traditionally assigned to men, such as plowing and carrying firewood. Men, however, do not participate in tasks considered women's work. Furthermore, financial control and household expenditures are typically managed by men.

Superstitions related to housing architecture are still prevalent. For example, a daughter-in-law who has recently given birth (within one month) must stay in a dark room, avoids bathing or cleaning, refrains from walking past the altar, cannot use the main entrance, and must follow a restrictive diet. These practices are major contributors to health issues, malnutrition in children, and illnesses in mothers.

In funeral rituals and spiritual practices, women are often considered impure and are barred from participating in certain ceremonies, such as forest worship, ancestral offerings held behind the house, or spirit offerings in the kitchen (Nung ethnic group). During rituals that involve drinking wine from buffalo horns, women are not allowed to participate (La Chi ethnic group). At funerals, women eat separately from men. When a man dies, three buffaloes are sacrificed, while for a woman, only pigs are offered (La Chi ethnic group).

In Marriage:

Girls often do not have the right to choose their spouse. Upon marriage, they endure hard labor and discrimination within their husband's household. When a girl becomes a daughter-in-law, she is required to wake up early to handle all household chores, including boiling hot water for her in-laws to wash their faces in the morning and their feet at night. She is not allowed to sit on a

chair and must squat in the presence of her father-in-law, elder brother-in-law, or other senior family members (Dao ethnic group). Girls are more frequently subjected to forced marriages compared to men and often cannot marry the person they love. If the parents have already accepted a bride price from someone, the girl must repay an amount ranging from 20 to 30 million VND to marry someone else.

Inequality in Roles and Power Between Men and Women:

Certain customary laws create disparities in roles and power between men and women. For instance, inheritance rules often favor men, leading to inequities and injustices within families and society. Traditional customs may dictate specific roles and responsibilities for men and women, resulting in an imbalance in labor division and workload. Women are often burdened with heavier responsibilities in household tasks and agricultural labor, while men are more likely to engage in broader social and economic activities.

4.2. Incorporating Customary Laws into Gender Equality Education in Schools in Ha Giang Province

Currently, integrating content on gender and gender equality, and leveraging the influence of customary laws in gender equality education, has been a key focus for schools in Ha Giang Province.

The provincial education sector has integrated the application of customary law influences into teaching gender equality through subjects such as Biology, Literature, History, Geography, Civic Education, Physical Education, and Fine Arts. This has also been achieved through extracurricular activities, after-school programs, and dramatized performances. Schools have organized awareness and education sessions on gender, gender equality, and gender-based violence during Monday morning flag-raising ceremonies, class meetings, Pioneer Youth Union activities, and Ho Chi Minh Communist Youth Union meetings. Additionally, clubs within schools, such as cultural, art, and academic clubs, have served as platforms to educate about gender equality through thematic events and celebrations of significant holidays throughout the year.

These efforts aim to enhance awareness and

responsibility among local authorities, students' families, teachers, and students themselves regarding "Gender Equality and the Prevention of Domestic Violence Against Women and Girls." The initiatives also equip girls with skills to protect themselves from risks such as abuse.

Educational communication activities include quiz shows like *Ring the Golden Bell* to explore topics such as marriage and family law, children's rights, and the role and position of women in society. Art competitions like drawing contests on gender equality are also conducted. All educational institutions in the province engage in outreach efforts to provide knowledge about gender, gender equality, and the prevention of violence against women and girls, equipping students with related knowledge and skills.

Awareness is raised through flag-raising ceremonies, class activities, and team meetings, focusing on gender knowledge, the history of the Vietnam Women's Union, Vietnam Women's Day, and International Women's Day (March 8). Students also gain hands-on experience by participating in role-playing scenarios, drawing competitions, and visual storytelling about gender equality. Moreover, efforts are made to correct and educate students on speech, thoughts, attitudes, and behaviors that display gender biases or discrimination.

Through the implementation of propaganda activities and the integration of content into teaching that aims to eliminate outdated customs among ethnic minorities in Ha Giang, based on Resolution 27 of the Provincial Party Committee (materials compiled by the Ha Giang Department of Education and Training), and leveraging real-life examples of local customary law impacts, students are educated about gender equality. Additionally, the Plan International project on gender equality, particularly the *Girls Ready for the Future* initiative, has provided training to enhance the capacity of teachers and students, equipping them with knowledge about gender equality.

Each year, the Dong Van District Education and Training Office, following directives from higher authorities, specifies and directs schools to implement programs that promote gender equality and incorporate the positive aspects of customary

laws into gender equality education for students of various ethnic groups. They also develop plans and carry out activities related to the enforcement of the Gender Equality Law, the Gender Equality Action Month, and other initiatives, reaching 100% of school staff, teachers, and students. The district education sector has widely disseminated information to all staff, teachers, students, and parents about the Gender Equality Law; Government Decree No. 48/2009/ND-CP dated May 19, 2009, which stipulates measures to ensure gender equality; and Government Decree No. 55/2009/ND-CP dated June 10, 2009, which prescribes penalties for administrative violations regarding gender equality. These efforts aim to gradually raise awareness about gender equality. Moreover, significant attention is given to promoting legal education and raising awareness about gender equality in schools. Gender equality education is integrated through various methods, such as meetings, conferences, specialized training sessions, mass media, cultural activities within communities, thematic discussions, and the involvement of communicators, collaborators, and clubs. On special occasions such as March 8, October 20, and November 20, the education sector has organized discussions and thematic events to promote gender equality and leverage the positive aspects of customary laws in gender equality education. These discussions have reached 100% of school staff, teachers, and students, spreading awareness about gender equality, women's and children's rights, and customary laws related to gender equality. Additionally, campaigns such as the "Action Month for Domestic Violence Prevention and Control" and the "Action Month for Gender Equality and Prevention of Gender-Based Violence" have been implemented at educational institutions. These campaigns have broadly disseminated policies on social welfare, the importance of empowering women and girls in promoting gender equality, and legal policies on gender equality, along with the prevention and response to gender-based violence and the protection of women and children. Activities have included direct communication, initiatives within the "Leaders of Change" clubs, and the movement for "building friendly schools and active students."

Collaboration with the District Women's Union has focused on addressing critical issues affecting women and children and advancing gender equality. As part of this effort, 19 "Leaders of Change" clubs have been established and are operating, involving a total of 570 members under Plan 64/KH-BTV dated May 8, 2023, of the Dong Van District Women's Union. Awareness-raising efforts have been systematic and frequent, with diverse and engaging content tailored to the educational sector. These initiatives have significantly enhanced awareness and responsibility among stakeholders regarding gender equality. Schools have also worked in coordination with relevant sectors to organize awareness campaigns and provide legal support to staff, teachers, and students. Moreover, schools have effectively collaborated with local authorities and community organizations to integrate legal education on gender equality into extracurricular activities. This has included collective meetings, legal knowledge contests, family life education sessions, and campaigns promoting ethical behavior and family values. Special attention has been given to preventing child abuse within families, building prosperous, progressive, and happy households, and eliminating outdated customs and practices, particularly early marriage among ethnic minority groups. (The Dong Van District Education and Training Office, 2023).

The Bac Quang District Department of Education and Training issued the following documents to implement initiatives aimed at eliminating outdated customs, building a civilized lifestyle, and promoting gender equality and the advancement of women: Official Dispatch No. 289/PGD-CM dated July 6, 2022, regarding the signing of commitments to abolish outdated and backward customs and build a civilized lifestyle. Official Dispatch No. 535/PGD-CM dated November 22, 2022, regarding the implementation of teaching and evaluating materials on eliminating outdated customs. Official Dispatch No. 543/PGD-CM dated December 1, 2022, requesting data on the implementation of propaganda efforts to abolish outdated customs in 2022. Plan No. 61/KH-PGDDT dated July 25, 2022, for the elimination

and abolition of outdated customs and the promotion of a civilized lifestyle for the period 2022–2025. Plan No. 19/KH-PGDDT dated February 16, 2023, on life skills education, history and traditional culture, and propaganda against outdated customs for secondary school students in the district in 2023. Plan No. 33/KH-PGDDT dated March 9, 2023, on implementing the “Skillful Mass Mobilization” model for the period 2023–2025 at educational institutions in Bac Quang District. Official Dispatch No. 202/PGDDT-CM dated April 14, 2023, regarding the implementation of Plan No. 19/KH-PGDDT dated February 16, 2023, on life skills education, history and traditional culture, and propaganda against outdated customs for secondary school students in 2023. Plan No. 14/KH-PGD&DT dated February 8, 2023, on actions for gender equality and the advancement of women in the education and training sector in Bac Quang District for the period 2022–2030. Official Dispatch No. 249/PGDDT-CM dated May 9, 2023, regarding actions for gender equality and the advancement of women in the education and training sector in Bac Quang District for the period 2022–2030. Official Dispatch No. 562/PGDDT-CM dated October 26, 2023, on the implementation of the Action Month for Gender Equality and the Prevention and Response to Gender-Based Violence in 2023 (The Bac Quang District Education and Training Office, 2023).

These initiatives aim to achieve the overarching goals of abolishing outdated customs, promoting gender equality, and enhancing the status of women within the education sector.

The Department of Education and Training in the districts of Hoang Su Phi, Xin Man, Quang Binh, Bac Me, Meo Vac, and others frequently issue specific documents directing the integration of gender education and gender equality into schools at all levels. In particular, the application of positive aspects of local customs and the limitation of their negative aspects in gender equality have been incorporated into extracurricular activities, cultural and artistic events, as well as into regular lessons such as Literature and Civic Education. This includes integrating cultural preservation education with sex education and the elimination of outdated

customs in the context of gender equality.

5. Discussion

To promote the application of local customs in implementing gender equality within the ethnic minority communities in the province, it is necessary to strengthen education, raise awareness, and change those customs that cause inequality. At the same time, it is important to respect and protect the traditional cultural values of ethnic groups while adjusting the elements that cause inequality to ensure freedom and gender equality for everyone in the community.

In the coming period, it is essential to focus on implementing a comprehensive set of solutions to eliminate outdated customs and apply positive aspects of local customs in gender equality education in schools in the area as follows:

- Solution 1: Promote the role of local customs in implementing gender equality more broadly in educational institutions across the province.

It is important to raise awareness among local authorities, teachers, and students about the role, significance, and importance of applying positive elements of local customs in gender equality education within schools. This can be done through various methods such as speeches, presentations at commemorative events, traditional festivals, talks by veterans, historical witnesses, local artisans, and respected figures in ethnic minority communities. Integrate this awareness-raising work with the "Building Friendly Schools, Active Students" campaign and other major initiatives in the sector; focus on professional development and training for teachers to approach local customs and cultural values in the spirit of "cultural heritage around us."

- Solution 2: Build a strong teaching staff with cultural traditions, a sense of responsibility for preserving and developing the ethnic cultural identity, and a commitment to educating the positive elements of local customs, while eliminating customs related to gender equality for ethnic minority students.

To effectively utilize the multicultural educational environment, it is crucial to have a teaching staff with cultural traditions and a strong sense of responsibility for educating students about the cultural values of ethnic minorities. Each staff member and teacher in the schools needs to

raise awareness of their responsibility and know how to preserve the positive values of local customs. Additionally, they must have knowledge of the psychology of ethnic minorities, understand the students' needs and preferences, and be able to arrange the educational environment to positively and effectively impact the students.

- Solution 3: Innovate the content, methods, and forms of educational activities to apply the positive elements of local customs in gender equality education and the preservation of ethnic cultural values within a multicultural educational environment in schools.

Organizing training to enhance the capacity of school managers and key teachers in ethnic minority and mountainous areas about ethnic cultural education and the humanistic significance of minority customs is necessary. Organizing cultural festivals of ethnic minorities at schools, and integrating education help to eliminate outdated customs that cause gender inequality in ethnic minority communities. Continue organizing exchange activities, learning events, and activities that showcase local ethnic cultural identities, such as "traditional games festival" and "ethnic cuisine contests." Maintain and improve the content of activities like camps, cultural performances, sports, and themed educational events, incorporating gender equality education and promoting the role of local customs in the ethnic minorities' culture in achieving gender equality. Schools should organize student visits to ethnic villages and homes to interact with local people and learn about the customs of different ethnic groups. Student should be guided to be proactive, active, and creative in exploring and utilizing cultural values, including local customs, in their learning process.

- Solution 4: Invest in infrastructure, resources, and educational facilities to create a fair and diverse learning environment.

It is better to ensure that schools are equipped with textbooks, books on gender equality, and educational materials on cultural preservation and the elimination of outdated customs among ethnic minorities in the area. It is essential to create programs and activities that promote social cooperation between schools, communities, and non-governmental organizations to enhance

awareness, share knowledge, and build consensus on promoting the role of local customs in achieving gender equality in ethnic minority regions.

6. Conclusion

In the family and community life of ethnic minorities in Ha Giang Province today, customary laws still exert significant influence. Alongside progressive conventions and customs that have directly contributed to protecting women's rights, there remain persistent outdated practices and

traditions that negatively impact the status and role of women, as well as their ability to fully contribute to family and community life. This has made gender equality among ethnic minorities a critical priority in development goals and in the formulation and implementation of policies in the province. Notably, the integration of positive elements of customary laws into gender equality education has increasingly brought practical benefits to the province of Ha Giang.

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LUẬT TỤC VỀ BÌNH ĐẲNG GIỚI VÀ VẬN DỤNG LUẬT TỤC VÀO GIÁO DỤC BÌNH ĐẲNG GIỚI TRONG CÁC TRƯỜNG HỌC TRÊN ĐỊA BÀN TỈNH HÀ GIANG²

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Từ khóa: Các trường học trên địa bàn tỉnh Hà Giang; Giáo dục bình đẳng giới; Luật tục về bình đẳng giới.

² Bài viết là kết quả nghiên cứu của đề tài cấp tỉnh “Ảnh hưởng của luật tục đến bình đẳng giới ở vùng dân tộc thiểu số của tỉnh Hà Giang - Thực trạng và giải pháp”, năm 2022-2025