

THE IMPACT OF CUSTOMARY LAW ON GENDER EQUALITY IN VARIOUS ASPECTS OF SOCIAL LIFE IN ETHNIC MINORITY AREAS OF TUYEN QUANG PROVINCE

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Abstract: *Gender equality is one of the Sustainable Development Goals (SDGs) to which both the United Nations and the Government of Viet Nam have committed. However, in ethnic minority areas, the progress toward achieving gender equality still faces significant obstacles due to the persistence of outdated customary norms that are inconsistent with legal provisions on gender equality. Customary law not only reflects distinctive cultural values but also embodies traditional gender stereotypes, which often create barriers to the equal participation of women and girls in various aspects of social life. This article examines the current impact of customary law on gender equality across different domains of social life in ethnic minority communities of Tuyen Quang Province. On that basis, it discusses several solutions aimed at promoting the positive role of customary law in advancing gender equality in the province.*

Keywords: *Impact of customary law on gender equality; Domains of social life; Tuyen Quang Province; Ethnic minority areas.*

1. Introduction

Tuyen Quang is a mountainous province located in the northern midland and mountainous region of Viet Nam (established after the merger of the former Ha Giang and Tuyen Quang provinces on July 1, 2025). It has a natural area of 13,795,50 km² and a population of approximately 1,865,270 people. More than 20 ethnic groups reside in the province, including the Kinh (accounting for about 43,2%), Tay (26,2%), Dao (13,4%), Hmong (2,7%), and over 14% belonging to other ethnic minorities, among whom the Co Lao make up about 5,4%. This multi-ethnic composition has resulted in a diversity of customary laws, an element that directly influences social institutions and shapes gender roles and positions within each specific ethnic community.

In this context, a systematic and comprehensive study on the impact of customary law on the implementation of gender equality across various aspects of social life in ethnic minority areas of Tuyen Quang Province is of great importance. The research findings not only help clarify the relationship between customary law and gender issues in social domains but also

provide crucial empirical evidence for formulating policies that promote gender equality in accordance with the province's specific socio-cultural conditions, thereby contributing to the effective realization of sustainable development goals at the local level.

2. Research overview

Numerous studies by Nguyen Van Huy (2002), Tran Ngoc Them (2004), Vu Quoc Khanh (2011), and the Institute of Ethnology (2015) have shown that customary law plays a regulatory role in traditional social relations, ranging from marriage and family, property ownership, to dispute settlement and community relations. However, customary law also contains conservative elements that perpetuate gender inequality. Among some ethnic groups such as the Hmong, Dao, Tay, and Nung—who have a large presence in Tuyen Quang—customary law still exerts strong influence, especially in family and community life. Research by Dang Nghiem Van and Nguyen Van Chinh (2003) revealed that Hmong customary law is often associated with patriarchal systems and primogeniture, whereas Dao customary law emphasizes ritual practices that privilege men. Nonetheless, certain positive

aspects of customary law are also highly valued, such as maintaining community cohesion, protecting the environment, and preserving cultural identity, provided that they are applied flexibly and in line with the modern context.

With regard to gender equality, over the past two decades, many studies have analyzed the relationship between gender and development in ethnic minority regions. The work of Dang Kim Son, Nguyen Doan Khanh, and Nguyen Minh Phong (2011), adopting a sustainable livelihood perspective, argued that gender inequality persists in multiple forms, while current gender equality policies lack sufficient sensitivity to the socio-cultural contexts of individual communities. Reports by UNDP, UN Women, and the Committee for Ethnic Minority Affairs (2021) also pointed out that ethnic minority women are disadvantaged in accessing land, education, healthcare services, and leadership positions. Some studies have directly highlighted the link between customary law and gender inequality, such as those by the Vietnam Academy of Social Sciences (2019) and Oxfam (2020), warning that gender policies, if not tailored to the particularities of local customary law, may backfire and create value conflicts between state law and traditional norms.

Although many studies have addressed customary law as well as gender and development in ethnic minority areas, in-depth research specifically examining the impact of customary law on the implementation of gender equality across domains of social life in particular localities such as Tuyen Quang Province remains limited. Existing studies often stop at describing phenomena or criticizing inequitable elements of customary law without clarifying the mechanisms by which customary law affects the actual implementation of gender policies; nor have they adequately evaluated the potential positive elements of customary law that could be harnessed to promote gender equality in a sustainable manner. Therefore, this study adopts an interdisciplinary approach, combining ethnology, gender sociology, and law, with the aim of: (1) identifying and analyzing the elements of customary law that influence gender equality in various aspects of social life among

selected ethnic minorities in Tuyen Quang, and (2) discussing solutions to leverage the positive values of customary law to enhance the effectiveness of gender equality implementation in the province's economic, political, and socio-cultural domains.

3. Research methods

This study employs secondary document analysis, drawing on works by domestic and international scholars on customary law, gender equality, and their interrelations. In particular, it utilizes the results of a survey consisting of 1,110 questionnaires – 900 for local residents and 210 for local officials – conducted in three former districts (Dong Van, Bac Quang, Hoang Su Phi), targeting key ethnic minority groups such as the Tay, Hmong, and Co Lao in Tuyen Quang Province. The survey examined customary law, gender equality, and the impact of customary law on gender equality, within the framework of the research project “The Impact of Customary Law on Gender Equality in Ethnic Minority Areas of Ha Giang Province – Current Situation and Solutions” (Vu Thi Thanh Minh, 2025). The findings serve as the basis for synthesizing and assessing the aspects of customary law that affect gender equality in various areas of social life. They also provide practical evidence for policymakers to address gender equality issues in the ethnic minority regions of Tuyen Quang in the current period.

4. Results

The influence of customary law on gender equality among ethnic minorities in Tuyen Quang Province has both positive and negative aspects. On the one hand, customary law contributes to maintaining social stability, strengthening community cohesion, and preserving ethnic cultural identity. On the other hand, these traditional norms can become barriers to the realization of gender equality rights in various areas of social life, particularly for women and girls. The impacts of customary law on gender equality in social life are manifested in the following domains:

4.1. *The Impact of Customary Law on Gender Equality in the Political Sphere*

The degree to which customary law affects the implementation of gender equality among

ethnic minorities in Tuyen Quang varies considerably. Analysis of 900 survey responses from local residents of different ethnic groups, conducted under the project “*The Impact of Customary Law on Gender Equality in Ethnic Minority Areas of Former Ha Giang Province –*

Current Situation and Solutions”, revealed the extent to which communities support the nomination, candidacy, and election of women to leadership and management positions at the local level.

Table 1. Nomination, Candidacy, and Election of Women to Local Leadership and Management Positions

Options	Mong (%)	Tay (%)	Co Lao (%)	Hoa (%)	Dao (%)	Giay (%)	Nung (%)	La Chi (%)
Yes	20,7	58,0	27,1	0,0	31,3	27,1	62,5	20,4
Yes, but rarely	71,0	40,3	70,8	100,0	65,6	70,8	37,5	79,6
No	8,3	1,7	2,1	0,0	3,1	2,1	0,0	0,0

Source: Survey results from 900 respondents under the project “*The Impact of Customary Law on Gender Equality in Ethnic Minority Areas of Former Ha Giang Province – Current Situation and Solutions.*”

The table shows that the percentage of respondents answering “yes” to nominating, candidating, or electing women to leadership and management positions exceeded 50% among the Nung and Tay, while the proportions among the Hmong, Co Lao, Giay, and La Chi were below 30%. The number of respondents who chose the option “yes, but rarely” was highest among the Hoa (100%), followed by the La Chi (79%), Hmong (71%), Co Lao (70,8%), and Tay (40,3%). The percentage of respondents who chose “no” was highest among the Hmong (8,3%), followed by the Dao (3,1%), Giay (2,1%), and Co Lao (2,1%).

These results indicate that, in the political sphere, outdated customary norms inconsistent with gender equality legislation—such as son preference, the notion that women should not participate in social activities but should remain homemakers—exert little influence among the Nung and Tay, but still strongly affect the Hmong, Hoa, La Chi, Co Lao, and Giay. Survey data on participation in village and commune meetings reveal similar patterns. Most Tay and Nung respondents reported that both husband and wife regularly attended village meetings, whereas among other groups such as the Hmong, Co Lao, and Giay, husbands were reported to attend far more frequently than wives.

This reflects that, in the political sphere, the Tay and Nung are now less affected by outdated customary norms inconsistent with gender equality law, while the Hmong, Co Lao, Giay,

and some other groups remain significantly influenced—especially the Hmong. These lingering customary elements continue to obstruct the realization of gender equality for many groups, including the Hmong, Dao, Giay, and La Chi. The enduring influence of customary law has hindered women’s advancement, limiting their participation in political activities, their ability to engage in political relations, and their capacity to realize their potential and strengths in building local political life.

4.2. The Impact of Customary Law on Gender Equality in the Economic Sphere

The influence of customary law on gender equality in the economic domain remains particularly pronounced among the Hmong, while it is less significant among other ethnic groups. In response to the question: “*In your family, who is the primary laborer?*”, survey results showed that among the Hmong, 59,8% answered both husband and wife, 31,1% said the husband, and only 8,8% said the wife. Among the Tay, 96,8% responded that both husband and wife were the main laborers, with only very small proportions indicating either the husband or the wife alone. Among other groups, the proportion stating that both spouses were primary laborers was lower than among the Tay, but the difference between those identifying the husband or wife as the main laborer was not large.

Division of labor remains one of the most unequal areas between men and women in ethnic minority households in Tuyen Quang today.

Tasks often considered “simple” or “light” entail an extremely heavy workload for women, who must devote their physical and mental resources to a dual role: engaging in productive labor equal to men, while simultaneously bearing the responsibilities of childbirth, childrearing, and household management.

Decision-making authority over economic matters also differs among groups. Among the Hmong, patriarchal and patrilineal traditions remain deeply embedded in customary law, with husbands holding authority over most major economic decisions, while wives typically only

manage routine daily expenditures. This economic inequality profoundly shapes women’s control over household finances. Among the Tay and Nung, over 80% of respondents indicated that both husband and wife jointly made economic decisions. For other groups, the percentages were lower, but the gap between those stating the husband decided and those stating the wife decided was not substantial. The negative influence of customary law on gender equality in the economic sphere is relatively limited among the Tay and Nung, but remains significant among the Hmong and Co Lao.

Table 2. Decision-Making on Economic Matters in Hmong Households

Tasks in Production and Daily Life	Wife	Husband	Both Husband and Wife
Use of Capital	4,4	3,7	91,9
Changes in Production and Business	4,4	30,6	59,9
Daily Expenditures (rice, food, etc.)	30,7	12,5	56,8
Purchase of Expensive Items	1,7	29,3	68,7
House Construction and Repairs	2,7	65,5	31,8
Purchase and Sale of Land	3,7	39,9	56,4

Source: Survey of 300 Hmong respondents conducted under the project “*The Impact of Customary Law on Gender Equality in Ethnic Minority Areas of Former Ha Giang Province – Current Situation and Solutions.*”

Except for the use of capital in production—where a high level of agreement between husband and wife was observed (91,9%)—the proportion of joint decision-making in other matters was below 70%, in some cases as low as 31,8%. This indicates that consultation and consensus between husband and wife on economic decisions remain limited. Patriarchal patterns in economic decision-making are evident in the large disparities: while the proportion of respondents stating that the husband made decisions ranged from 12,5% to 65,5%, the proportion attributing decision-making to the wife generally stayed below 5%, and in some cases as low as 1,7%.

In contemporary family life, wives have in fact become crucial to building household economic well-being. Their participation in production-related decision-making has elevated women’s roles to levels comparable with men, allowing them to share decision-making authority and economic functions within the family. However, in practice, women are rarely the primary decision-makers regarding changes in

crop and livestock structures, labor allocation, procurement of inputs and tools, business activities, and product sales. In many respects, their role is limited to that of executors, subordinated to their husbands’ decisions—whose authority can outweigh that of their wives several times over, particularly in Hmong and Co Lao families.

Among the Tay, household asset management is largely shared between husband and wife. According to the same survey, 33,3% of respondents said the wife kept the money, 65,6% said both spouses kept it, and only 1,1% said the husband alone did so. Decisions on capital use, daily expenses, purchase of expensive goods, and other matters were generally made jointly, though wives had greater decision-making authority over daily spending. This indicates that asset management among the Tay is typically a joint responsibility, with wives having more control over routine expenditures while husbands more often decided on major investments. Inheritance distribution was carried out primarily according to legal regulations.

In Hmong households today, wives are usually responsible for managing cash. Although they may decide on important household expenditures and hold financial resources, in practice, keeping money does not equate to full authority to use it as they wish. Hmong women are allowed to manage money and cover “minor expenses” of daily life, such as purchasing inexpensive goods at local markets. Major expenditures, however—those with significant impact on the family economy—are usually decided by men.

Women in Co Lao, La Chi, Nung, and Dao families are more often in charge of household money than Hmong women. However, to equate women’s role as income managers with genuine equality is misleading, since even when they keep the money, they cannot spend it autonomously. Inheritance distribution in Tuyen Quang families still reflects the ideology of son preference, with continuing inequality between sons and daughters. Comparative data show that Tay families are relatively more egalitarian, as the intention to allocate inheritance to daughters is twice as high as in Hmong families.

Women are often excluded from inheritance of their natal families’ assets, based on the belief that they will benefit from their husband’s family property. Yet, in their husband’s family, they are again excluded on the grounds that the assets belong to the husband’s lineage, not to the woman herself. Consequently, customary law dictates that farmland and property are inherited only by sons, a practice so internalized that many women in ethnic minority groups accept it without question. This results in women, despite playing a more substantial role than men in agricultural production, not being landowners or land-use right holders, as these are usually granted to men. From a gender perspective, wives’ decision-making power in families is markedly lower than that of husbands. This imbalance places women at a disadvantage in the household, limiting their dynamism and creativity in contributing to family economic development.

4.3. The Impact of Customary Law on Gender Equality in the Social Sphere

The impact of customary law on gender

equality in the social domain remains particularly pronounced among the Hmong, while it is less significant among other groups. This is most evident in women’s and girls’ rights in marriage, education, training, healthcare, labor division, and access to basic social services. To this day, Hmong women and girls face more disadvantages in these areas compared to women from other ethnic groups in the province.

Customary norms in some communities prescribe that schooling is primarily for boys, leading many parents not to prioritize girls’ education. In Hmong areas, many girls leave school as early as grade 6 or 7 to help with household chores or marry early. This bias in family educational investment results in girls being deprived of opportunities for schooling, employment, and social integration. Consequently, the gender gap widens in access to education, healthcare, social services, and developmental opportunities, creating significant disparities in educational attainment between men and women. Limited educational opportunities also leave women with insufficient knowledge and skills to participate in economic development, access technology, or understand the law.

In many ethnic minority communities, particularly the Hmong, customary law clearly delineates male and female roles. Men are considered family heads, responsible for heavy labor, social relations, and major decision-making. Women, by contrast, are confined to cooking, childcare, and auxiliary farming tasks. Women thus have fewer opportunities for education, personal development, community participation, and voicing their opinions. This severely constrains their development and social status. Among the Tay, Nung, and Dao, gender inequality in marriage, education, healthcare, and access to basic social services is less pronounced, enabling women in these groups to have better opportunities for advancement compared to Hmong women.

Gender stereotypes and numerous customs and practices that are particularly restrictive for women have had profound impacts on all aspects of the lives of women and girls.

In-depth interview, female cadre, 45 years

old, Tung San Commune, former Hoang Su Phi District

There are still many customary laws that perpetuate discrimination against women and girls, causing them to suffer significant disadvantages in life. Numerous outdated customs and practices diminish the role and contributions of women to the community and society.

In-depth interview, male, 60 years old, community elder, Tung San Commune, former Hoang Su Phi District

Box 1. Source: Project “The Impact of Customary Law on Gender Equality in Ethnic Minority Areas of Former Ha Giang Province – Current Situation and Solutions”, interviews

4.4. The Impact of Customary Law on Gender Equality in the Cultural Sphere

Customary law has a profound influence on gender equality in the cultural life of ethnic groups, particularly among the Hmong. While certain customs remain appropriate, helping preserve and highlight ethnic cultural identity and the beauty of women in each group, many customary laws have hindered the realization of gender equality in the cultural domain. This is evident in the daily lives of the Hmong, Dao, and Co Lao, manifested through practices such as son preference, child marriage, consanguineous marriage, and unequal participation in cultural and spiritual activities within families and communities—particularly in rituals, funerals, and religious practices.

Several customary rules explicitly discriminate against women, such as: women being barred from participating in spiritual ceremonies; forbidden from entering sacred forests, forbidden groves, or temples; and the persistence of home births. In cases of illness or accidents, reliance on shamans and beliefs in spirits not only results in costly expenses and missed opportunities for proper medical treatment but also causes significant harm to both women and men due to superstition.

At present, customary law continues to exert negative influence over funeral, spiritual, and religious practices among ethnic minorities. For instance, when asked, “*Does your community still keep the deceased in the house for several*

days before burial?”, 66,3% of Hmong respondents answered “yes,” compared with only 5,0% among the Tay and 11,7% among other groups.

Survey results show that customary law still significantly affects funeral practices among the Hmong, while the influence is weaker among other groups. Outdated funeral customs consume resources, harm health, and contribute to illness, poverty, and family distress, thereby undermining gender equality. Additionally, excessive rituals, misappropriated customs, and negative practices persist—such as ritual healing ceremonies, debt obligations for funerals, and excessive alcohol consumption. These customs negatively affect health, reproductive quality, and family well-being, contribute to domestic violence, increase economic burdens, and widen gender gaps within families and communities.

5. Discussion

Customary law strongly shapes gender relations within ethnic minority communities. Analyzing its influence on gender equality in the economic, political, cultural, and social domains of Tuyen Quang reveals both its positive contributions and its limitations in the current development context.

In politics: In some groups such as the Hmong and Co Lao, customary law emphasizes male representation of lineages and community organizations, leaving women with limited opportunities to participate in decision-making, whether at the community level or within village self-governing institutions.

In the economy: Certain groups recognize both men’s and women’s rights to labor and livelihoods, particularly in agricultural, forestry, livestock, and small-scale trading activities. Many communities practice a relatively flexible gender-based division of labor, adapting roles according to capacity and circumstances rather than rigid gender rules. This positively enhances women’s roles in household economies. However, other customary laws hinder women’s equal participation in economic resources—especially inheritance practices that prioritize sons or male relatives. This restricts women’s ability to accumulate productive assets, access land, and obtain credit. The findings highlight the

need for measures to eliminate such inequities in access to property and economic opportunities.

In culture: Cultural depth in ethnic traditions often honors mothers and celebrates women's nurturing roles in festivals. Yet, negative aspects of traditional culture remain entrenched in customary law, including early marriage, consanguineous marriage, son preference, ritual restrictions on women during weddings, childbirth, and ancestral worship. These practices are now becoming barriers to women's comprehensive development and must be addressed objectively, with adjustments aligned with progressive cultural values.

In society: In some cases, customary law helps maintain family harmony and protects women against violence by enforcing sanctions against unethical behaviors such as wife-beating, unjustified divorce, or adultery. However, certain provisions are inconsistent with modern social norms—for example, biased divorce settlements, assigning the childcare burden solely to women, or restricting freedom of marital choice. This underscores the need for dialogue between traditional institutions and state law to harmonize cultural traditions with human rights principles.

From the multifaceted impacts of customary law on gender equality in Tuyen Quang's ethnic minority communities, it can be affirmed that customary law is not only a cultural and historical product but also a social institution capable of adapting to developmental needs. Therefore, promoting its positive aspects while mitigating its negative impacts requires a flexible approach—balancing cultural preservation with progressive values.

Key recommendations include:

1. Amending and supplementing customary rules to align with modern gender equality standards.

Many customary rules have become outdated, particularly those reinforcing patriarchal systems and limiting women's roles. A review should categorize provisions for preservation, revision, or elimination. Revisions should be based on community consultations involving both men and women, especially respected figures such as village leaders and female ethnic minority officials. Adjustments should aim to:

- Encourage women's participation in community activities and local self-governing bodies such as village development boards, mediation teams, and dispute resolution councils.

- Recognize and protect women's rights in inheritance, land ownership, marriage, and family affairs, thereby enhancing their autonomy and community status.

2. Enhancing education and awareness on gender equality in connection with traditional cultural values.

Deep-rooted gender stereotypes are a major cause of inequality. Education and awareness programs should systematically and flexibly incorporate local realities, promoting positive customary values such as mutual support, shared household responsibilities, and respect for women in ethnic rituals, while discouraging harmful practices like son preference, early marriage, and consanguineous marriage. Communication strategies should be diversified in both local languages and Vietnamese, with special attention to male audiences.

3. Strengthening the role of local governments and social organizations in promoting customary law transformation toward gender equality.

Grassroots authorities, socio-political organizations (e.g., the Fatherland Front), and NGOs should be considered drivers of social change, responsible for guiding customary law toward compliance with state law and sustainable development norms. Development projects in ethnic minority areas should actively involve women, enabling them to benefit from and contribute to local programs in economics, culture, education, and health.

6. Conclusion

Customary law influences gender equality across all areas of social life. While it has some positive effects in politics, economy, society, and culture, its negative impacts remain significant. These negative aspects are the leading cause of gender inequality across multiple domains.

Long-standing gender stereotypes and patriarchal norms have severely hindered women's participation in politics and social life. Inequitable customs and traditions have constrained women's and girls' development, leading to economic disparities. Outdated cultural

practices have fostered cultural inequality. Deeply rooted in daily life, customary law continues to shape gender relations in ethnic minority communities.

Therefore, it is essential to identify and promote progressive customs while decisively eliminating outdated practices that have serious negative impacts on gender equality in all aspects of social life.

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ẢNH HƯỞNG CỦA LUẬT TỤC ĐẾN BÌNH ĐẲNG GIỚI TRÊN CÁC LĨNH VỰC CỦA ĐỜI SỐNG XÃ HỘI Ở VÙNG DÂN TỘC THIỂU SỐ CỦA TỈNH TUYÊN QUANG

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Từ khóa: Ảnh hưởng của luật tục đến bình đẳng giới; Các lĩnh vực của đời sống xã hội; Tỉnh Tuyên Quang; Vùng dân tộc thiểu số.