

Original Article

Implementing Constitutional Provisions on Gender Equality in Vietnam

¹Tran T. Tuyet Nhung, ²Pham Thanh Nga, ³Dang Thi Ha

^{1,2}Youth Academy, Vietnam.

³College of Law - Hue University, Vietnam.

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Abstract: Vietnam's Constitution recognizes gender equality in all social activities. This is demonstrated by the fact that Vietnam is one of the first countries to ratify and join the international convention on Combating Discrimination Against Women (CEDAW 1979). Furthermore, the Vietnamese legal system recognizes the preservation of gender equality. The establishment of a legal pathway and a strong foundation for skilled women to engage in socio-political endeavors is largely facilitated by the law. Within the article, the authors will synthesize legal documents and analyze the role of law in the participation of women in socio-political activities in Vietnam today.

Keywords: Constitution, Law, Implementing, Gender equality, Women, Vietnam.

I. INTRODUCTION

According to ancient tradition, Vietnamese women have participated in leading uprisings to protect the country, such as Ba Trung, Ba Trieu, or former concubine Ý Lan, who replaced her husband and children as regent and ran the country. Today, there are many women who are good at working in the country, taking care of the housework, and participating in leading the country. Women are becoming more and more influential in political, social, and economic spheres in today's society. Not only do women no longer perform the role of men's rearguard, but they have also progressively emerged as social leaders with equal talent to males and are becoming more involved in all aspects of society. The constitution and legislation are crucial in establishing a legal pathway and a strong foundation for gifted women to be able to engage in social leadership roles across all domains in order to accomplish these goals. It is evident that legislative policies are crucial in guaranteeing a strong and suitable framework that allows all women in society to showcase their abilities and assume leadership roles. Thus, it is imperative that capable governmental authorities construct a thorough and comprehensive legislative framework and process. Vietnam has actively participated in international treaties on women's equal rights in particular and human rights in general because it recognizes this issue. In addition, we have incorporated the terms of global agreements on the protection of women's equal rights into national legal instruments and our constitution in order to formalize and carry out these commitments worldwide.

Within this article, the authors will provide a specific analysis of the Vietnamese constitution and other legal documents, including international treaties on equal rights for women. Then, the authors will analyze to clarify the role of law in women's political participation and social leadership in Vietnam in fact. From there, the authors will take away conclusions and solution suggestions to further improve the development and effective implementation of legal regulations on protecting women's equal rights as well as enhancing their participation in socio-political leadership in organizations and associations.

II. RESEARCH METHODS

To complete this article, the authors have combined the use of different scientific research methods such as analysis-synthesis method, interpretation-induction method, statistical method, and comparison method for reference to have an overview of the research problem, make objective comments and assessments of factors affecting women's participation in socio-political activities in Vietnam from the past to present. From there, suggestions and solutions are proposed to further increase women's participation in the future.

III. THE CONSTITUTION AND LEGAL SYSTEM ON GENDER EQUALITY IN VIETNAM

A) Constitution

In the judicial system of Vietnam, the constitution is the most important and potent document. Rules establishing gender equality in general and human rights in particular, especially those safeguarding women's rights, are contained in this most significant legal instrument. In particular, the Socialist Republic of Vietnam is required by the constitution to respect fundamental human rights, as stated in Article 14. The constitution and laws recognize, uphold, safeguard, and ensure the



political, civil, economic, cultural, and social dimensions of human and civil rights. Only in situations when it is absolutely necessary for the purposes of social safety and stability, community health, national security, social ethics, or national defense may civil and human rights be restricted in accordance with the law.

Article 16 of the Constitution further states that all people are equal before the law. In the realms of politics, civil rights, business, culture, and society, discrimination is strictly prohibited. Article 26 best illustrates the protection of women's equal rights and the acknowledgement of gender equality. After that, all citizens, male and female, are on an equal footing. The state has laws to guarantee advantages and protections for gender equality. The family, the community, and the state all foster the full development of women and advance their place in society. Discrimination based on gender is absolutely forbidden. Vietnam's adherence to international treaties and the development of national legislation safeguarding women's equal rights are both predicated on these restrictions.

B) CEDAW 1979 Convention

Women's equal rights are currently being strengthened and extended in scope by the trend of growing human rights law in the sphere of international law. Numerous significant international legal texts exist, including the 1948 Universal Declaration of Human Rights and the 1966 Convention on Civil and Political Rights, among others. Founded on granting women's rights and advancing equality. In this regard, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), established by the UN in 1979, aims to safeguard a multitude of women's rights. First and foremost, guaranteeing women's freedom, safety, and sustainable development, with a focus on their equality in the pursuit of fundamental human rights. September 3, 1981, was the formal date this Convention went into force. Over 90% of the nations that are part of the United Nations have ratified or signed the Convention thus far, with 185 countries having done so. Vietnam was subject to the Convention as of March 19, 1982.

The CEDAW Convention comes from the international community's important awareness of human rights, which is that equality becomes a measure of the value of human dignity and basic rights in society. The progressive human race's long-term fight for a fair, democratic, compassionate, and civilized society produced the CEDAW Convention. The fundamental goals of the CEDAW Convention are to end all forms of discrimination towards women in the exercise of their fundamental human rights, as guaranteed by global human rights agreements. Because of this, the CEDAW Convention effectively seeks to grant women everywhere the fundamental freedoms that are acknowledged by national and international law but that they have not yet been able to enjoy due to prejudice against them in many different countries. Furthermore, the CEDAW Convention has identified sectors in which there is now serious discrimination against women, allowing for the appropriate implementation of measures to end gender inequality in the home and in society as a whole. Stated differently, the goal of this particular kind of international treaty on anti-discrimination against women is to make sure that women really have equal standing in all spheres of life.

C) The Law on Gender Equality in Vietnam

To concretize and implement international commitments when joining the 1979 CEDAW convention and the provisions of the constitution on respecting women's equal rights, the National Assembly of Vietnam promulgated the Gender Equality Law in 2006. This is a testament to the political determination of Vietnam to continue perfecting the legal system on equality between men and women, eliminating discrimination against women, and implementing commitments in international human rights law in general, and women's equal rights in particular. The Law on Gender Equality was developed with the guiding perspective: Internalizing appropriate regulations in international conventions on human rights, especially CEDAW, affirming that Vietnam seriously implements its commitments in Article 2a of the CEDAW Convention.

Clause 1, Article 19 of the Law on Gender Equality stipulates measures to promote gender equality. In Chapter II of the Gender Equality Law, a number of measures to promote gender equality are prescribed. Specifically, Clause 5, Article 11, Clause 2, Article 12, Clause 3, Article 13, and Clause 5, Article 14. However, all of these regulations are still in principle form. To be able to do this, it is necessary to have specific regulations from the competent authorities. Therefore, the Law on Gender Equality stipulates in Clause 2, Article 19: *"The National Assembly, the National Assembly Standing Committee, and the Government have the authority to prescribe measures to promote gender equality. This is also the agency responsible for considering the implementation of promotion measures gender equality and deciding to stop implementation when the goal of gender equality has been achieved"*. Vietnamese law and the Law on Gender Equality have focused on policies to build a new way of life, combat bad customs, and promote equality between men. Women are expressed through Article 7 of the Law on Gender Equality. It is worth noting that for the first time, as a law, the issue of *"creating conditions for men and women to share household chores"* has been regulated.

Internalizing the CEDAW Convention, Vietnam's Gender Equality Law has specific regulations to eliminate all forms of discrimination with specific regulations on gender equality in specific fields such as politics, economy, labor, education and training, science and technology, culture, information, fitness, sports, health and family.

IV. DISCUSSION AND RECOMMENDATION

A) *The Role of Law in Women's Political and Social Participation*

The foundation for women to run for political and social leadership roles is provided by laws pertaining to gender equality and nondiscrimination against women. Furthermore, legal education has gradually changed the old mentality of favoring men over women. Men have learnt to divide household chores, which has given women more and more opportunities to study, get out into society, develop their leadership skills, and take part in economic and political activities. From the outset, legal requirements pertaining to gender equality and nondiscrimination against women have facilitated possibilities for girls and adult women to receive an education in a secure atmosphere on par with those of males. From then on, their thoughts changed completely. Men's and society's ideas about the role of women. In the working environment, women are paid the same as men. They are given the opportunity to run for leadership positions that were previously only available to men when they are qualified.

In addition, the law protecting the rights of women and girls has helped them have better health care and physical conditions. Every family is only allowed to have two children, thanks to population laws and media representation. This allows women to devote less time to childrearing and studying, allowing them to gain additional expertise and abilities, work longer hours, and make greater contributions to society outside of the home, such as taking part in social and political operations.

B) *Women's Participation in Socio-Political Activities in Vietnam Today*

Politically, more and more women are holding important positions in the system of the Communist Party and State leadership agencies, socio-political organizations, socio-political-professional organizations, and socio-professional organizations. In the Politburo, there are currently two female Politburo members. In the Secretariat, there are 02 female members. In the Central Executive Committee, there are currently 9 female members. Vietnam had a female President of the National Assembly, a female Head of the National Assembly Delegates Working Committee, and a female Vice President. There is currently two female Ministers in the Government. The proportion of female National Assembly deputies for the 1997-2002 term was 26.2%, for the 2002-2007 term was 27.3%, for the 2007-2011 term was 25.8% (31st highest in the world). 2011-2016 is 24.4% (second highest in the region and 43rd in the world). The proportion of female People's Council representatives at the provincial level is 25.2%, at the district level is 24.6%, and at the commune level is 21.7%.[4]

Women make up a large share of the workforce, the population, and the economy. They also have a significant economic impact. 48.5% of workers who are over the age of 15 are women. Women make up 42.1% of all workers in businesses across the country (32.1% in state-owned businesses, 36.3% in non-state businesses, and 66.8% in FDI businesses). The proportion of women working in a number of industries accounts for a large proportion, such as textiles and garments over 70%, agriculture, forestry-fishery 53.7%, and trade. The proportion of women participating in business management and administration is more than 20%, quite high compared to the region and the world. Businesses owned by women often have more comprehensive, sustainable development and better participation in social work. The average monthly income per capita of households headed by women is 22% higher. 4% compared to the corresponding figure for male-headed households [4].

Women have made significant contributions to the fields of education and training. A key topic in this sector, teachers, have a relatively high percentage of female teachers: 70.9% of high school teachers and nearly all kindergarten teachers are female (elementary school 77.4%, middle school 67.9%, high school 61.2%), accounting for 48.9% of university and college lecturers, 41.2% of professional intermediate lecturers. The proportion of female high school students reached 49.4% (elementary school 48.6%, middle school 48.5%, high school 53.2%); female university and college students reached 49.9%; professional intermediate level reached 53.7% [4].

Many factors contributed to the achievement of the accomplishments above, including the Party's directives and programs as well as state legislation that established equal privileges for men and women in the beginning. Vietnam joined the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in 1982, following the adoption of the first constitution in 1946 until 2006 passed the Gender Equality Law, and in 2007 passed the Law on Preventing and Combating Domestic Violence, along with the Labor Law, Land Law, Marriage and Family Law, Resolution 11-NQ/TW of the Politburo, National Strategy on Gender Equality 2011-2020, etc. The cause is the efforts of sectors, levels, social organizations and people.

Besides positive results, the issue of gender equality still has limitations and shortcomings and faces significant challenges. When contrasted to other nations, the proportion of women in management and leadership roles is lower than would be predicted. Women are still restricted by outdated conventions and practices in many rural, hilly, and isolated places,

and the percentage of impoverished and illiterate women remains high. When putting the national strategy on gender equality into practice, these are other concerns that we must deal with.

C) Proposing Solutions

From the above analysis, we see that, to increase women's participation in socio-political activities further, it is necessary to change the way of educating and disseminating laws on gender equality and protect women's right to political participation. Creating a legal framework that prioritizes gender equality and protects women's rights is a commendable and righteous endeavor of Vietnamese law. However, in order for these rules to be more actively involved in advancing women's rights to social leadership and political involvement, more practical and efficient means of enforcing the legislation must be taken.

In the age of technology 4.0, science, technology, and communication are very developed. Thus, propagating and disseminating laws are also easier with more methods. In addition to organizing and educating in schools and socio-political organizations through conventional training and dissemination methods, it is possible to create websites and applications on smartphones with content that includes legal regulations as well as activities related to gender equality and the protection of women's rights. Press agencies and the media can also use social networking sites like Facebook, Twitter, Zalo, and YouTube in innovative and various forms in order to spread and communicate legal content and activities on justice, gender equality, and the preservation of women's rights. It is imperative that we remain grounded in reality and set a positive example for other women by showcasing successful women in both society and political engagement. In addition, best practices for enforcing gender equality and defending the legal rights of women should be emulated.

Finally, to further encourage and promote good implementation of laws on gender equality and the protection of women's rights, it is necessary to have activities to commend and reward real organizations and individuals in a timely manner. Create opportunities for them to share their practical experiences. Only laws on gender equality and ensuring women's rights truly promote their role in creating opportunities for women to participate in political and social activities.

V. CONCLUSION

In conclusion, implementing the constitution and law plays an extremely important role in promoting not only gender equality but also increasing the participation of women in leading socio-political activities in Vietnam. However, for more effective enforcement of the constitution's provisions on Gender Equality as well as the other national or international legal documents on ensuring women's equal rights, there needs to be specific solutions, especially promoting public equality.

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