

# Role of Law for Women's Participation in Socio - Politic Leading: A Case Study of Vietnam

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## ABSTRACT

*From ancient times until now, Vietnamese women have had a tradition of well – done both in public society and housework. They not only do full fill their mandate in the family but also are increasingly showing their leadership in all social activities. Vietnam is one of the first countries to ratify Women’s International Conventions (CEDAW 1979 for example). Moreover, the protection of gender equality is also recognized in Vietnam’s legal system. It demonstrates that law plays a significant role in creating a strong legal framework and foundation for talented women to have the opportunity to participate in social leadership positions in all fields. In this paper, the author will analyse the role of law for women participating in leading society in Vietnam today.*

**Keywords:** laws and regulations; women; socio-politic leading; Vietnam

## INTRODUCTION

In modern society, women play an increasingly important role in economic, political and other social activities. Women no longer only play the posterior role of men, but they have gradually risen to show their social leadership skills no less than men and increasingly participate deeply in all social activities. To achieve these results, the law plays a significant role in creating a legal corridor and a solid basis for talented women to have opportunities to participate in social leadership positions in all fields. It can be seen that the law plays an extremely important role in ensuring a strong and appropriate mechanism so that every woman in society has the opportunity to demonstrate their talents and leadership. Therefore, the development of a comprehensive and complete legal mechanism is necessary and recommended task of the competent state agency. Recognizing this issue, Vietnam has actively participated in international treaties and conventions on human rights in general and women's equal rights in particular. Moreover, to concretize and implement these international commitments, we have internalized the provisions of international treaties into national legal documents on the protection of women's equal rights.

In the framework of this paper, the author will give a specific analysis of the system of legal documents in Vietnam, including international treaties on equal rights for women. From there, the author will analyse to clarify the role of the law for the political participation and social leadership of women in Vietnam in the past and now. Then, the author will also give conclusions and recommendations to further improve the construction and effective implementation of legal provisions on the protection of women's equal rights, and further improve participation in politics and social activities, women's leadership in organizations and social unions.

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## LITERATURE REVIEW

### **CEDAW Convention 1979**

Currently, in the field of International Law, the trend of legal development on human rights is increasingly strengthening and expanding the scope of women's equal rights. There are many important international legal documents such as the 1948 Universal Declaration of Human Rights, the 1966 Convention on Civil and Political Rights ... all based on the promotion of equality and women's rights. In this context, in 1979, the United Nations issued the CEDAW Convention - the United Nations Convention on the Elimination of All Forms of Discrimination against Women, which was designed to protect a wide range of rights. First of all, to ensure that women live a safe, free and sustainable life, with special emphasis on ensuring the equality of women in the enjoyment of basic human rights. This Convention took effect on September 3, 1981. Up till now, 185 countries around the world have signed or ratified the Convention, accounting for more than 90% of the members of the United Nations. The Convention officially entered into force for Vietnam on March 19, 1982.

The CEDAW Convention was born from an important perception of the international community about human rights, that equality becomes a measure of the dignity and fundamental rights of human beings in society. The CEDAW Convention was born as a result of humanity's enduring struggle for a just, democratic, humane and civilized society. The basic content of the CEDAW Convention is to focus on ways and measures to eliminate all discrimination against women in the enjoyment of basic human rights defined by international human rights treaties. With this feature, in essence, the CEDAW Convention aims to give women worldwide human rights recognized by International Law and the laws of other countries, but women have not enjoyed or enjoyed an in fact, by the discrimination against women in different countries. In addition, the CEDAW Convention specifically identifies areas of severe discrimination against women in order to identify appropriate measures to completely eliminate inequality of women in the family as well as in society. In other words, this is a special type of international convention on the fight against discrimination against women, aimed at establishing the real equal status of women in all areas of life.

### **Legal system of Vietnam on Human right and Gender Equality**

#### **Constitution**

The Constitution is the most effective legal document in the Vietnamese legal system. In this highest valid legal document, there are provisions to enforce human rights in general and gender equality in particular, including provisions on the protection of women's rights. Specifically, in Article 14, the Constitution provides for the respect of basic human rights as follows:

1. In the Socialist Republic of Vietnam, political, civil, economic, cultural and social human rights are recognized, respected, protected and guaranteed under the Constitution and law.
2. Human rights and citizenship rights can only be restricted according to the provisions of the law in case of necessity for reasons of national defence, national security, social order and safety, social ethics or strength healthy community."

In addition, Article 16 of the Constitution also stipulates that everyone is equal before the law. No one is discriminated against in political, civil, economic, cultural or social life. The recognition of gender equality and the protection of women's equal rights is the most evident in Article 26 as follows:

1. Male and female citizens are equal in all aspects. The State has policies to ensure gender equality rights and opportunities.
2. The State, society and the family create conditions for women to comprehensively develop and bring into play their roles in society.
3. It is strictly forbidden to discriminate on gender."

These regulations are the basis and foundation for Vietnam to join international treaties and develop domestic legal documents on the protection of women's equal rights.

### **Vietnam Law on Gender Equality 2006**

In order to concretize and implement international commitments in the 1979 CEDAW and the Constitution's provisions on respect for equal rights of women, the Vietnam National Assembly enacted the Law on Gender Equality in 2006. This is an example of Vietnam's political determination to continue to improve the legal system on equality of men and women, eliminate discrimination against women, fulfil commitments on human rights in general and equal rights of women in particular. The Law on Gender Equality was built with the guiding viewpoint: Internalizing appropriate provisions in international human rights conventions, especially the CEDAW Convention, affirms that Vietnam is seriously implementing its commitments at Article 2a of the CEDAW Convention.

In Clause 1, Article 19 of the Law on Gender Equality, there are measures to promote gender equality. In Chapter II of the Law on Gender Equality, 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. But all of these provisions are still in principle form. To be able to do this, it is necessary to have specific regulations by 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 regulate measures to promote gender equality. This is also the agency responsible for considering the implementation of measures to promote gender equality and deciding to terminate the implementation when the gender equality goals are achieved". The Vietnamese law and the Law on Gender Equality have focused on the policy of building a new lifestyle, combating profanity, promoting equality of men and women ... which is reflected in 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 housework" has been regulated.

The internal legislation of the CEDAW Convention, the Law on Gender Equality of Vietnam has specific provisions to eliminate all forms of discrimination with specific provisions on gender equality in specific fields: Politics; economy; labour; education and training; science and technology; culture, information, fitness, sports, healthcare and the home field ...

### **Equality stature in Vietnam's workplace**

Following the ILO Vietnam (Equality and discrimination in Viet Nam): In Viet Nam, just like in the developing world in general, women continue to form a large majority of the working poor, earn less income, and are more often affected by unemployment and precarious working conditions than men. Women in Viet Nam are principally found in lower-paid occupational sectors or vulnerable employment. The majority of women work as unpaid family workers, and in largely "invisible" areas of informal employment as migrant domestic workers, homeworkers, street vendors and in the entertainment industry. Women's position in the labour market is largely affected by socio-economic disadvantages caused by gender-based discrimination. Vietnamese women often have less access to productive resources, education, and skills development and labour market opportunities than men. In great part, this is because society assigns both a lower status and most of the unpaid care work to Vietnamese women, and expects them to engage in productive work in subsistence agriculture and the market economy.

The ILO in Viet Nam in co-operation with Navigos Search conducted a review of 12,300 job advertisements in the country's four largest job portals, backed up by two online surveys to discover whether gender-based discrimination exists in hiring practices, working conditions and promotion opportunities in the workplace.

## METHODOLOGY OF RESEARCH

### **Methodological basis**

A methodology is the theory of the method that includes a system of methods, worldviews and human views of the method used and principles to solve the problems posed.

Scientific research methodologies are divided into general methodologies for the sciences and methodologies for each science subject. The general methodology is based on Mac-Leninism. Methodologies for each science subject are specific methods based on the research object of each science subject and have suitable research methods.

### **Research Methods**

To study this topic, the author will use the combination of theoretical research methods such as the synthesis-analysis method, the interpretation-inductive method, the statistical method, the comparative comparison method, etc. to go from study the actual developments to generalize and make an assessment of the general trend.

Besides, the author makes the surveys to questionnaire people in Hanoi and Ho Chi Minh City to assess and illustrate the opinion and analysis in this working paper. Employees in some companies and officers in authority agencies in Hanoi and Hochiminh City have randomly distributed 300 copies of questionnaires in this study. Total 200 copies are retrieved, with a retrieval rate of 67%. The retrieved questionnaire data are analysed with the statistics software.

## FINDINGS AND DISCUSSION

### **Gender equality through statistics**

Gender equality is expressed in many indicators. The most general is through indicators: Gender-related development index (GDI), compared with human development index (HDI); women's role index (GEM); gender inequality index (GII). The better the HDI, GDI, and GEM indexes are as close to 1 as possible, the less close to 0; only the GII is as close to 0 as possible, the closer to 1. Vietnam's HDI, GDI, GEM, GII and ranks in Southeast Asia and the world according to UNDP's rankings are as follows:

HDI, GDI, GEM, GII AND RANKS

Objective	Index	Rank	
		Area	World
1. HDI (2012)	0.617	7/11	117/187
2. GDI			
1995	0.537	7/10	72/130
2009	0.73	5/8	94/182
3. GEM (2007)	0.554	2/7	62/138
4. GII			
2008	0.53	3/8	58/138
2012	0.299	3/9	48/131

Source: UNDP - Ranks in countries and territories with comparable data

From the above indicators, some notable comments can be drawn:

Firstly, the ranks of GDP and GEM are higher than the ranks of HDI, proving that with the attention to human development in general, Vietnam has paid more attention to gender-related development, as compared to many countries.

Secondly, Vietnam's index and ranks of GDI and GEM tend to increase over the years, reflecting Vietnam's progress in gender development and the role of women.

Thirdly, Vietnam's index and rank of GII have decreased over the years, proving that Vietnam's gender inequality has improved rapidly, and is evaluated by international organizations as a country that eliminates the gender gap fastest in 20 years. Contribution to the improvement of the above general indicators is improvement in specific areas.

Politically, more and more women are holding important positions in the leadership systems of the Party, State, socio-political organizations, socio-political-professional organizations, socio-professional

organizations. There are currently 03 female Politburo members in the Politburo in Vietnam now. In the Central Executive Committee, there are currently 09 female members. Currently, Vietnam has a female National Assembly Chairperson, National Assembly deputies are female, and Vice President is female. In the Government, there is currently just 1 female Minister. The proportion of female deputies to the National Assembly in the 1997-2002 term is 26.2%, the 2002-2007 term is 27.3%, the 2007-2011 term is 25.8% (the 31st highest in the world). 2011-2016 is 24.4% (2nd highest in the region and 43rd in the world). The proportion of women in People's Councils at the provincial level is 25.2%, at the district level is 24.6%, at the commune level is 21.7%.

In terms of population, labour and economy, women also account for a high proportion and play a very important economic role. Out of the total workforce aged 15 and over, women account for 48.5%. Among the total number of employees working in enterprises of the country, women account for 42.1% (state-owned enterprises 32.1%, non-state enterprises 36.3%, FDI enterprises 66.8%). The proportion of women working in some industries accounts for a large proportion, such as over 70% textiles, agriculture, forestry and fisheries 53.7%. The proportion of women participating in management and administration of enterprises is more than 20%, quite high compared to the region and the world. Women-owned enterprises often have more comprehensive, more sustainable development and better participation in social work. The average income per capita per month of female-headed households is higher 22.4% of the corresponding figure of male-headed households.

In terms of education and training, women have made great contributions. Teachers, an important subject of this field, women account for a relatively high rate: accounting for an almost absolute percentage in kindergardens; accounting for 70.9% of the high school level (77.4% at primary school, 67.9% for middle school, 61.2% for high school); accounting for 48.9% of university and college lecturers, 41.2% of professional secondary lecturers. The rate of female high school students reaches 49.4% (48.6% primary school, 48.5% middle school, 53.2% high school); female university and college students 49.9%; professional intermediate level reached 53.7%.

Achieving the above results is due to many reasons, including the Party's strategy and policies and the State's laws and regulations to early define men and women as equal. From the first Constitution in 1946 until Vietnam ratified the 1979 UN Convention to Eliminate All Forms of Discrimination against Women, passed the Law on Gender Equality in 2006, passed the Law on prevention of violence and combat in 2007, with Labour Code 2012, Land Law, Marriage and Family Law, Politburo Resolution number 11-NQ / TW, National Strategy on Gender Equality 2011-2020 etc. This is caused by the efforts of branches, levels, social unions and people.

In addition to the positive results, gender equality still has limitations and shortcomings and faces many challenges. The proportion of women participating in leadership and management is not as high as expected if compared with other countries. In many rural, mountainous and remote areas, women are bound by backward customs, poor women, and illiterate women. These are also issues that we need to address in implementing the national strategy on gender equality.

### **The role of law in political and social participation by women**

As mentioned above, in addition to the old tradition, Vietnamese women had people who took part in leading revolts to protect the country such as Hero Lady Tr ng, Hero Lady Tri u, or late Queen Lan replaced her husband to the regent and run the country. Nowadays, there are many women who are good at not only housework but also social affairs in leading the country. In current statistics, the number of women participating in the political system is increasingly high, typically the head of the current legislative system, the chair of the National Assembly is a woman – Mrs Nguyen Thi Kim Ngan. For these achievements, the role of law is not small. Vietnam legal system has regulations and provisions on gender equality and non-discrimination against women that have created the basis for women to stand for election to political and social leadership positions. Moreover, the law education, changing the old mentality towards men and women has gradually changed. Men have been known to share the housework, creating opportunities for women to go out

to society, study, then lead and participate in economic and political activities more and more deeply. The legal provisions on gender equality, which do not discriminate against women, have created opportunities for girls to adult women to have opportunities to study and educate in the same way. The school is equal to men and women. From there, their ideology changed, changing both men's and society's ideologies about the role of women. In the workplace, women are paid the same salary as men and are given the opportunity to run for leadership positions that were previously available to men only when they are qualified.

In addition, the legal provisions to protect the rights of women and girls have enabled them to have better health care conditions and improve their health. The law on population as well as communication, each family has no more than two children, helps women not spend too much time giving birth and taking care of their children, from which they have more time to study and then the knowledge, skills and work more, contribute more outside of society, including participating in socio-political activities.

### **Need to change the way of educating and disseminating law on gender equality and protecting women's rights to participate in politics**

Building a legal system on gender equality and ensuring women's rights is a very right and proud job under Vietnamese law. However, in order for these provisions to promote a more active role in promoting women's right to political participation and social leadership, it is necessary to take measures to propagate and disseminate the law so that the law can be realistic and more effective implementation.

In the era of technology 4.0, science, technology and communication are very developed, so the propaganda and dissemination of law is also easier with more modes. In addition to the organization and education in schools, socio-political organizations by normal training and dissemination methods, it is possible to create websites and applications on smartphones with the contents of legal regulations as well as activities related to gender equality and the protection of women's rights. The media, the press can also creatively apply various forms through social networks such as Zalo, Facebook, Twitter or YouTube to propagate and disseminate the content and legal activities about the vase gender equality and protection of women's rights. It is necessary to attach to reality and give examples of successful women in society and in political participation activities for other women to follow. As well as replicating good practices in implementing gender equality and protecting women's rights in accordance with the law.

Finally, in order to encourage and further promote the good implementation of the law on gender equality and the protection of women's rights, there should be activities to reward and reward real organizations and individuals in a timely manner. Give them the opportunity to share their own real experiences. By doing this, the law on gender equality and ensuring women's rights can really bring into play its role in creating opportunities for women to participate in political and social activities.

## **CONCLUSION**

From all of the analysis above, we can conclude that law and regulation play a very important role in promoting the participation of women in socio-political activities in Vietnam. If Vietnam has a full and clear legal framework, there will be more and more women across the provinces who have more opportunities to participate and demonstrate their talents in political activities to become excellent leaders of State agencies and socio-political organizations. However, in order to more effectively implement the provisions of the CEDAW Convention and the provisions of the Law on Gender Equality on ensuring equal rights of women. It is necessary to have specific solutions, especially promoting the propaganda works to raise awareness of the whole society about the importance of women's equal rights and measures to ensure the realization of that equal right.

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