

**VIETNAM:
A BRIEFING ON GENDER AND THE
CONSTITUTION**

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**Maternity Leave, Political Representation,
Domestic Violence, Reproductive Rights and Access
to Property**



INTERNATIONAL HUMAN RIGHTS CLINIC

INTRODUCTION¹

International human rights treaties reflect the commitments of the government to their inhabitants and the global community. However, these rights and protections are only truly available to individuals when incorporated into national law and policy. The drafters of the Universal Declaration of Human Rights, widely considered to be the cornerstone of the international human rights framework, were explicit in their intention that the principles in the UDHR become a part of national legal structure, adapted to various cultures, governments and value systems.

Constitutions have long been viewed as a natural and promising source of domestication of international human rights law. States that incorporate human rights into their constitutions are viewed as taking a significant step towards ensuring accessibility of human rights to the country's inhabitants. However, the role of constitutions varies depending on country context as well as its efficacy in ensuring women's rights and gender equality. This briefing is composed of a three-country case study – Morocco, Zimbabwe and Vietnam - that investigate how a newly revised or reformed constitution is impacting women's human rights and gender equality in particular country contexts. These briefings focus on five key areas of women's rights: maternity leave, political representation, domestic violence, reproductive rights and access to property. All briefings were prepared by a student team following in country engagements in the relevant countries.

BACKGROUND

Today, Vietnam is one of South East Asia's fastest-growing economies, but only twenty years ago it was one of the poorest countries in the world.¹ The devastation of the Vietnam War left behind damaged infrastructure, thousands of lost lives and millions more injured.² After Vietnam's formal reunification in 1976, foreign presence in the South along with centralized control and planning in the North adversely impacted both regional economies. High levels of inflation, food scarcity, low productivity, energy shortages, and poor health indicators contributed to deteriorating living standards through the mid-1980s.³ Reforms from 1986 opened new doors of opportunity and shifted Vietnam towards a market-based economy.⁴ Because of these reforms, the percentage of the population living in extreme poverty dropped from over 50% in early 1990 to 3% today.⁵ Vietnam is composed of approximately 54 ethnic nationalities, the majority of whom are Kinh (Viet), who account for 87% of the population.⁶

Vietnam has made significant progress in promoting gender equality in a number of areas over the last decade. Constitutional reform and legislative enactments, including the Law of Gender

¹ This briefing paper was prepared by students at the University of Chicago Law School: Dylan Cowart, Brittany Ellenberg, Salwa Shameem and Nathan Maxwell. Information is current as of September 2017.

Equality in 2006 and the Law on Prevention and Control of Domestic Violence in 2007, have advanced women's equality.⁷ Women's participation in the labor force, at 79.34%, is one of the highest in the region.⁸ However, employed women are disproportionately represented in the informal labor market.⁹ Moreover, despite the Domestic Violence Law, three out of every five women experience some form of violence.¹⁰ The national sex ratio, which was estimated in 2009 to be 112 boys to 100 girls at birth, continues to increase.¹¹ The sex ratio is skewed due to cultural norms privileging sons over daughters and the use of ultrasounds and abortion to select for gender.¹²

Vietnam has retained a one-party political system, structuring the government in three parts: the Communist Party of Vietnam ("CPV"), the State system, and the Father Land Front ("VFF") and its members.¹³ The CPV is responsible for leading the state and society by determining which political programs, strategies, and policies are to be implemented.¹⁴ The State system is composed of the National Assembly, the State President, the Government, the Supreme People's Court, Supreme People's Procuracy and local authorities.¹⁵ The National Assembly is the highest limb of the People, and its primary duty is to create and amend laws.¹⁶ The State system's policies are largely controlled by the CPV. Finally, the VFF is a voluntary political coalition of political organizations and social organizations that span across socio-economic classes and ethnicities. Its objective is to strengthen political consensus and create unity.¹⁷ Additionally, it seeks to implement CPV's guiding programs and policies following constitutional rules and national laws.¹⁸

Internationally, Vietnam ratified CEDAW in 1982 with a reservation to Article 29 on CEDAW's optional Protocol.¹⁹ Vietnam also acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights later in 1982.²⁰

CONSTITUTIONAL REFORM PROCESS

Vietnam most recently revised its constitution in 2013. Prior to the most recent revision, the country had adopted three constitutions since the reunification of the Socialist Republic of Vietnam. Revisions in the 1980s aimed to establish a post-war national and cultural identity.²¹ Over a decade later, the 1992 constitution clearly enumerated, for the first time, the rights of citizens and provided basic language for women's rights in a limited number of spheres.²² The 2013 revised Constitution, in turn, expanded these rights significantly, ensuring gender equality through Article 26 and committing the state to take affirmative measures to "guarantee equal gender rights and opportunities."²³

The Government maintained significant control over the revision process but provided citizens an opportunity for input through online mechanisms as well as through public forums. According to government stakeholders and ministry representatives, the expansion of women's constitutional rights in the final draft was a result of civil society advocacy, high levels of economic growth, and a desire to meet international goals and standards.²⁴ The most notable example of oppositional civil society advocacy is a petition and draft constitution signed by the Group of 72, a movement of well-known intellectuals, party members, and retired high-ranking CPV members, in early 2013.²⁵ By some accounts, prior to the mobilization around constitutional reform, civil society remained relatively inactive on legal reform.²⁶ Civil society advocacy regarding the Constitution also spilled over into legislative reforms.²⁷ In May 2013, a group of twenty organizations convinced the National Assembly to postpone revisions to the Land Law in order to allow for

public comment.²⁸

MATERNITY LEAVE

A. BACKGROUND

While women are almost equally represented in the workforce, they disproportionately make up the informal labor market, a labor sector saddled with lower wages and fewer formal protections.²⁹ Only 24.5% of women are formal wage-earning workers, compared to 35.4% of men. Twice as many women (49%) as men work in the informal sector.³⁰

Even in the formal sector, it is not uncommon for enterprises to ignore gender equality goals in recruitment of employees.³¹ As the CEDAW Committee noted in its concluding observations, Vietnam has often failed to remove unfavorable conditions for female workers, including both discriminatory practices relating to maternity and pregnancy and the lack of any regulatory framework for the informal sector.³² Additionally, according to stakeholders, requirements for female workers to postpone marriage or, if they are married, a determined period of employment before they can have children and receive benefits still exist.³³

B. MATERNITY LEAVE IN THE CONSTITUTION

Article 63 in the pre-reform constitution, which guaranteed maternity leave, was not included in the 2013 version. In its previous iteration, the constitution stated “[w]omen who are State employees and wage-earners shall enjoy paid pre-natal and post-natal leaves during which they shall receive all their wages and allowances as determined by law.”³⁴ This provision was limited to government employees in the formal sector.

Vietnam’s 2013 constitution contains no provision on maternity leave, but it prohibits discrimination both generally and in employment in Articles 16 and 35, and it guarantees gender equality in rights and opportunities in Article 26.³⁵

C. MATERNITY LEAVE IN LEGISLATION, POLICY AND PRACTICE

Paid maternity leave, however, has been provided for in legislation since 2002. The Labour Code originally provided four months of maternity leave, and was amended in 2012 to increase maternity leave to six months.³⁶ This increase was apparently aimed at facilitating longer breastfeeding periods to possibly improve health outcomes for children.³⁷ The law also allows working mothers with children under one year old to take a breastfeeding break of one hour a day and covers five post-natal doctor’s visits.³⁸

The Labour Code’s maternity leave mandate also suffers from significant limitations. Most importantly, the law only covers women in formal employment, which, as noted above, only constitutes 24.5% of women in Vietnam. This means that over 75% of women have no access to maternity leave.

In addition to these gaps in women’s access to benefits, use of maternity leave may negatively impact the ability of women to advance their careers.³⁹ The private sector often discourages

women from taking leave or offers short-term contracts to avoid leave obligations. Labor unions, which typically monitor such unlawful practices, do not always effectively expose maternity leave violations.⁴⁰

EQUALITY IN POLITICAL REPRESENTATION

A. BACKGROUND

Currently, the percentage of women representatives in the National Assembly is at its lowest since 1997.⁴¹ In 2001, the CEDAW Committee expressed concern about the slow increase in the number of women elected to Vietnam's National Assembly and the low representation of women in decision-making positions at both the national and local levels.⁴²

At the sub-national level, women's representation is higher, although there has been little progress over the last decade, and the target of having women account for 30% of representatives by 2011 has not yet been achieved.⁴³ There has been, however, a significant rise at the commune level from 16.1% in 1994 to 27.7% in 2011.⁴⁴ The number of women leaders in key positions such as in the Politburo, the Central Committee, and the Secretariat remains low. For instance, out of the nineteen seats on Politburo (the highest body of the Communist Party), only two are held by women. Moreover, the percentage of women as Chairs in Provincial, District and Commune People's Councils is extremely low, ranging from 1.56% at the provincial level to 4.09% at the commune level.⁴⁵ The number of women as Vice Chairs, however, has increased significantly over the last decade. Over 20% of Vice Chairs at the Provincial level are now women, compared to 8% in the 1999-2004 term.⁴⁶

B. EQUALITY IN POLITICAL REPRESENTATION IN THE CONSTITUTION

As noted above, Article 26 of the Constitution states that “[m]ale and female citizens have equal rights in all fields. The State has a policy to guarantee equal gender rights and opportunities.”⁴⁷

C. EQUALITY IN POLITICAL REPRESENTATION IN LEGISLATION, POLICY AND PRACTICE

Vietnam has numerous supportive policies, decrees, and resolutions promoting representation of women in government. For instance, the National Strategy for the Advancement of Vietnamese Women to 2010 (“National Strategy”) sets out specific targets for the participation of women at every level of government. For instance, Objective 1 of the National Strategy states “[r]ates of female members of the National Assembly and People's Councils at different levels will reach 30% and above between 2011 and 2015.”⁴⁸ While those goals were not met, the National Strategy on Gender Equality 2011–2020 was introduced to supplement and extend those goals.⁴⁹ In addition to the National Strategy, the National Programme on Gender Equality was funded with \$46 million to reach these goals.

While the National Strategy is strong in theory, there are significant institutional barriers to the realization of its goals. Most importantly, the National Strategy is implemented through a target system that seeks to diversify the ballot, not the representative body. There are targets for minorities, youth, non-party members as well as women. For instance, the Law on Elections stipulates that 35% of all nominated candidates shall be female (at all levels).⁵⁰ A similar target of

18% applies for ethnic minority candidates at the National Assembly level only. A woman is often selected to meet many targets, which may decrease her electability due to discrimination. Moreover, anecdotal evidence indicates that women candidates are placed on ballots against men with more experience and higher qualifications.

The mandatory retirement age is 55 for women, five years earlier than for men. Civil society has argued that the difference in retirement age limits women's professional development in both the private and public sectors.⁵¹ In the public sector, most women officials must be no older than 50 to be considered for a promotion, as opposed to 55 for men.⁵² The World Bank notes that the earlier retirement age contributes to women earning on average 12% less in rural areas and 13% less in urban areas.⁵³ One study also found that early retirement for women places a heavy burden on the social security system and represents 0.4% of Vietnam's GDP.⁵⁴

There are also concerns of high levels of proxy voting, where a family member (usually the patriarch in Vietnam), votes on behalf of other family members.⁵⁵ One Oxfam/UNDP study found that as many as 30% of women's votes are cast by a proxy.⁵⁶ Even though proxy voting is only legal in village elections, it is widely believed to occur in National Assembly and People's Council elections as well.⁵⁷

DOMESTIC VIOLENCE

A. BACKGROUND

Domestic violence has remained a cause of national concern over the past decade.⁵⁸ According to the 2010 National Survey on Domestic Violence in Vietnam, one in three Vietnamese women have experienced physical beatings or forcible sexual intercourse at some point in their lives.⁵⁹ These statistics vary across urban and rural areas; in the South East region, 42% of women report having experienced physical or sexual violence.⁶⁰ There are also significant differences between ethnic groups, with lifetime prevalence rates of domestic violence ranging from 8% (H'Mong) to 36% (Kinh).⁶¹ The effects of domestic violence and abuse towards women have critical consequences for the way women are able to participate in political, social, economic, and cultural life in Vietnam.⁶²

B. DOMESTIC VIOLENCE IN THE CONSTITUTION

Although there is no explicit provision protecting women against domestic violence, the constitution provides in Article 20 that "[e]very one shall enjoy inviolability of the person and the legal protection of his or her life, health, honor and dignity; and is protected against torture, harassment and coercion and any form of violation of his or her life and health, and offence of honor and dignity."⁶³ This provision has generally been interpreted to prohibit all forms of violence, including domestic violence, and to apply to private actors.⁶⁴

Unfortunately, implementation of this provision as it relates to domestic violence has been complicated by another provision in the constitution, Article 60, on the preservation of the family. Article 60(3) states, in pertinent part, that "[t]he State and society shall provide favorable environment for the construction of the Vietnamese family which is well off, progressive, and happy."⁶⁵ The notion of a "happy family" has led some to conclude that any state protections for

domestic violence victims must be sensitive to the protection of the family structure.⁶⁶ Multiple civil society groups have stated that the notion of a “happy family” has led to fewer prosecutions in favor of “reconciliation” processes, as elaborated upon below.⁶⁷

C. DOMESTIC VIOLENCE IN LEGISLATION, POLICY AND PRACTICE

The Law on the Domestic Prevention and Control (“Domestic Violence Law”) 2007 is the first legal document that specifically addressed domestic violence in Vietnam. Article 2 of the Domestic Violence Law defines domestic violence as acts and behaviors by family members that result in physical, psychological, sexual and economic abuse.⁶⁸ Article 5 of the Domestic Violence Law stipulates that survivors have a right to access support services, such as counseling services, temporary shelters and other necessary services. The Law also includes provisions for prohibition of contact (also known as orders of protection) from the abuser.⁶⁹

The effectiveness of the Domestic Violence Law is unfortunately lessened by the Law’s emphasis on reconciliation and family dispute mechanisms. The Law allows for processes of reconciliation in non-criminal cases.⁷⁰ As the CEDAW Committee has noted, the use of reconciliation undermines protections against domestic violence because “women seeking redress through alternative dispute mechanisms . . . [a]re at enhanced risk of being discriminated against due to the imbalance of power and absence of judicial safeguards.”⁷¹ UNODC found that 77% of reconciliation cases did not produce the expected outcome and that violence continued.⁷² In Vietnam, stakeholders report that often survivors are told that their husbands will be imprisoned if women complain, meaning a potential loss of the household’s entire income, especially in rural areas.⁷³ Article 5(2) of the law also requires domestic violence victims to provide information to government agencies and individuals, which can result in reluctance of victims to come forward.⁷⁴ Moreover, civil and administrative fines involved in pursuing such cases are costly to families and so serve as a separate deterrent.⁷⁵

Overall, the Law Against Domestic Violence, though a clear legislative advancement for women’s equality, reflects the tension found in Vietnam’s new Constitution between gender equality, the right to be free from violence, and the focus on family resolution of private matters. However, the new Constitution’s provisions that prohibit gender discrimination (Article 26 - gender equality in rights and opportunities) and ensure equality between husband and wife (Article 36 – equality in marriage) indicate overall gains for women’s equality. The combination of these constitutional amendments and Vietnam’s ongoing obligations under CEDAW provide new avenues to advocate for policies reframing domestic violence as a matter of gender equality, rather than one of family unity.⁷⁶

REPRODUCTIVE RIGHTS AND HEALTH

A. BACKGROUND

Viewing health as an investment for sustainable development, the Vietnamese Government continues formulating and enacting new policies to ensure access to health services for women and girls. Available data shows the success of national population and reproductive health programs in the past fifteen years.⁷⁷ However, research findings also indicate that, although maternal mortality has declined in recent years nationally, there are concerning disparities in

maternal mortality among regions.⁷⁸ This indicates an uneven distribution of health services. In remote and ethnic minority regions, maternal health status is far behind national targets.⁷⁹ Moreover, sex selection is a continuing problem, with birth rates of 112 boys for every 100 girls.⁸⁰

B. REPRODUCTIVE HEALTH IN THE CONSTITUTION

Article 58(2) provides the following: “It is the responsibility of the State, society, the family and the citizen to ensure care and protection for mothers and children and to carry into effect the family planning.”⁸¹ The article, while comprehensive, is an obligation on both the state and individuals. It is unclear who must implement the provision and what, specifically, the government is obligated to undertake.

C. REPRODUCTIVE HEALTH IN LEGISLATION, POLICY AND PRACTICE

There are multiple legislative and policy initiatives that seek to improve the health of women and mothers nationwide. These include the Strategy for Protection, Care and Improvement of Peoples Health 2011- 2020, and the Strategy for Population and Reproductive Health 2011-2020. Yet even with these comprehensive plans, anecdotal evidence shows that there is poor streamlining of services and that it is difficult for civil society to empower women.⁸² Multiple stakeholders commented that health insurance plans do not cover comprehensive reproductive health, but noted that all women are entitled to free prenatal check-ups and that the availability of village midwives in rural areas has significantly decreased maternal mortality.⁸³ The World Health Organization estimates that maternal mortality has decreased from 139 deaths per 100,000 live births to 58 deaths per 100,000 live births from 1990 to 2010.⁸⁴ Still, maternal mortality remains high in remote and mountainous regions.⁸⁵

UNFPA found that the two-child policy (which is enforced across the board, except in the few cases where the total population of a minority group is under 1000) has skewed the sex ratio.⁸⁶ Article 7 of the 2003 Population Ordinance bans sex selection in any form, and Article 40 emphasizes that sex selection violates the law.⁸⁷ Civil society and UNFPA point to male-oriented kinship systems and the practices of ancestor worship as the social determinants of sex selection. Anecdotal evidence also suggests that increased availability of ultrasounds, and thus the ability to determine the sex of the child, has further skewed the sex ratio.⁸⁸

EQUAL ACCESS TO PROPERTY OWNERSHIP

A. BACKGROUND

In 1988, households were granted individual long-term use rights of land.⁸⁹ Although the Land Law requires that both men and women are listed on the Land Use Rights Certificate (“LURC”), studies have shown that implementation of that requirement is uneven and understanding of a woman’s right to property is lacking.⁹⁰ In one study, only 1% of plots in Long An and 35% in Hung Yen were registered in both spouses’ names.⁹¹ The same study found significant gaps in people’s knowledge of the law, and noted that rural areas sometimes follow village rules because there is limited enforcement of property rights.⁹²

B. EQUAL ACCESS TO PROPERTY OWNERSHIP IN THE CONSTITUTION

Article 54(2) provides: “Organizations and individuals are entitled to land assignment, land lease, and recognition of the land use right by the State. Land user has the right to transfer the land use right, and practice related rights and duties in concordance with the law. The land use right is protected by the law.”⁹³ Article 26 guarantees equal rights to women, including equal property rights.⁹⁴ Given the Constitution’s supremacy over all other laws, any local or customary laws or policies that are not consistent with Constitution, including its non-discrimination provisions, are unlawful.⁹⁵

It should be noted that Vietnam does not have “private property” in the Western sense of a freehold estate. Instead, Article 53 states that “[t]he land, water resources, mineral resources, wealth lying underground or coming from the sea and the air, other natural resources, and property invested and managed by the State are public properties, coming under ownership by the entire people represented and uniformly managed by the State.”⁹⁶

C. EQUAL ACCESS TO PROPERTY OWNERSHIP IN LEGISLATION, POLICY AND PRACTICE

In response to the low levels of registration by both husband and wife, the 2013 Land Law requires that “the full names of both [husband and wife] must be recorded on the [LURC] . . . *unless* husband and wife agreed to record the full name of only one. A new certificate which records both . . . may be granted upon request of either.”⁹⁷ This means that the wife’s name is to be recorded by default.

Women’s equal rights in property ownership are also reflected in the 2014 Law on Marriage and Family. Article 29 of the Law on Marriage and Family states that “[h]usband and wife have equal rights and obligations in the creation, possession, use and disposition of their common property without discrimination between housework labor and income-generating labor.”⁹⁸ The 2014 Law also recognizes that property, real and personal, gained after marriage is the common property of husband and wife.⁹⁹

Many stakeholders noted that, in patrilineal communities, the wife will move in with her husband and her in-laws.¹⁰⁰ The LURC will remain under the name of her husband’s parents in order to circumvent the loss of any property upon divorce.¹⁰¹ Exacerbating the lack of redress for women seeking a divorce are cultural norms that require wives to honor the elders of their husbands’ families after marriage.¹⁰² Anecdotal evidence supports the assertion that the lack of property, money, and social pressures may prevent women from leaving unwanted marriages.¹⁰³

¹ *Vietnam Overview*, World Bank, available at <http://www.worldbank.org/en/country/vietnam/overview> (last visited Nov. 29, 2016).

² Raymond J. Ahearn, *Vietnam’s Transition to a Market Economy*, CRS Issue Brief 96-489 F (May 30, 1996).

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- ³ Ahearn, *supra* note 2.
- ⁴ Ahearn, *supra* note 2.
- ⁵ Ahearn, *supra* note 2.
- ⁶ *Ethnic Groups in Vietnam*, Socialist Republic of Viet Nam Government Portal (2016), available at <http://www.chinhphu.vn/portal/page/portal/English/TheSocialistRepublicOfVietnam/AboutVietnam/AboutVietnamDetail?categoryId=10000103&articleId=10002652>.
- ⁷ *Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors*, U.N. Women at 8-9 (2015).
- ⁸ *Social Determinants of Gender Inequality in Vietnam: Findings of a Research Study Between 2012-2015*, Institution for Social Development Studies at 42-43 (2015), available at http://vietnam.embassy.gov.au/files/hnoi/ISDS_Report_Binh%20dang%20gioi_EN_PDF-2.pdf.
- ⁹ *Social Determinants*, *supra* note 8.
- ¹⁰ *Access to Justice*, *supra* note 7 at 12.
- ¹¹ *Recent Change in the Sex Ratio at Birth in Vietnam*, UNFPA Viet Nam at 48 (2009), available at <http://www.unfpa.org/publications/recent-change-sex-ratio-birth-viet-nam>.
- ¹² *Recent Change in the Sex Ratio*, *supra* note 11.
- ¹³ *Ready for Success: Training Manual for Potential Women Candidates in the 2016 Election*, UNDP in Viet Nam at 18-23 (2015), available at http://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/training_manual_for_potential_woman_candidates.html.
- ¹⁴ *Ready for Success*, *supra* note 13.
- ¹⁵ *Ready for Success*, *supra* note 13.
- ¹⁶ *Ready for Success*, *supra* note 13.
- ¹⁷ *Ready for Success*, *supra* note 13.
- ¹⁸ *Ready for Success*, *supra* note 13.
- ¹⁹ *Access to Justice*, *supra* note 7 at 27.
- ²⁰ *Ratification Status for Vietnam*, OHCHR, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=192&Lang=EN (last visited November 30, 2016).
- ²¹ *See Constitutional History of Vietnam*, International Institute for Democracy and Electoral Assistance (2016), available at <http://www.constitutionnet.org/country/constitutional-history-of-vietnam>.
- ²² VIET. CONST. 1992 art. 63 (“Any discrimination against women and violation of women's dignity are strictly prohibited”).
- ²³ VIET. CONST. 1992 art. 26 (amended 2003).
- ²⁴ In-Country Stakeholder Engagements, Vietnam (March 2016), information on file with researchers.
- ²⁵ Bui Ngoc Son, *Petition 72: The Struggle for Constitutional Reforms in Vietnam*, Int'l J. Const. L. Blog, available at <http://www.iconnectblog.com/2013/03/petition-72-the-struggle-for-constitutional-reforms-in-vietnam/> (last accessed Nov. 29, 2016).
- ²⁶ Engagements, *supra* note 24.
- ²⁷ Engagements, *supra* note 24.
- ²⁸ Engagements, *supra* note 24.
- ²⁹ See Nguyen Duy Loi, et al., *EADN Working Paper No. 84: Employment, Earnings and Social Protection for Female Workers in Vietnam's Informal Sector*, East Asian Development Network (2014).
- ³⁰ *EADN Working Paper*, *supra* note 29 at 23.
- ³¹ Engagements, *supra* note 24.
- ³² *Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Viet Nam*, CEDAW CEDAW/C/VNM/CO/7-8 at 8-9 (2015).
- ³³ Engagements, *supra* note 24.
- ³⁴ VIET. CONST. 1992 art. 63
- ³⁵ VIET. CONST. 1992 art.s 16, 35, 26 (amended 2013).
- ³⁶ Labour Code of the Socialist Republic of Vietnam, 35/2002/QH10 art. 114 (2002); Labour Code of the Socialist Republic of Vietnam, 10/2012/QH13 (2012).
- ³⁷ Mai Duc Thien, *Maternity Protection of Viet Nam: The Investment Case*, Ministry of Labor, War Invalids and Social Affairs of Vietnam (2015).
- ³⁸ Labour Code, *supra* note 36 at art. 157.
- ³⁹ Engagements, *supra* note 24.

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- ⁴⁰ See *Union Urged to Protect Women's Rights*, VIET NAM NEWS (Jul. 11, 2016), available at <http://vietnamnews.vn/politics-laws/299344/union-urged-to-protect-womens-rights.html>; Dezan Shira & Felicia Romain, *Maternity Leave in Vietnam*, Vietnam Briefing (Dec. 4, 2015), available at <http://www.vietnam-briefing.com/news/maternity-leave-vietnam.html>; Wendy N. Duong, *Gender Equality and Women's Issues in Vietnam: The Vietnamese Woman—Warrior and Poet*, 10 PAC. RIM. L. POLY. J. 191, 295 (2001).
- ⁴¹ *Ready for Success*, *supra* note 13 at 6.
- ⁴² *Concluding Observations of the Committee on the Elimination of Discrimination Against Women*, CEDAW, A/56/38 at 9 (2001).
- ⁴³ *Ready for Success*, *supra* note 13 at 7 (noting that the percentage of women in the National Assembly increased substantially between terms IX and X (18.84% to 26.22%), increased in term XI to 27.31%, and declined in terms XII and XIII (to 25.76% and 24.4% respectively)).
- ⁴⁴ *Ready for Success*, *supra* note 13 at 6.
- ⁴⁵ *Ready for Success*, *supra* note 13 at 7.
- ⁴⁶ *Ready for Success*, *supra* note 13.
- ⁴⁷ VIET. CONST. 1992 art. 26 (amended 2013).
- ⁴⁸ National Strategy for the Advancement of Women for the 2001-2010 Period, Objective 1, available at <http://siteresources.worldbank.org/INTVIETNAM/Resources/Draft-National-Strategy.pdf>.
- ⁴⁹ See National Strategy on Gender Equality for the 2011-2020 Period, Decision 2351/QĐ-TTg (Dec. 24, 2012).
- ⁵⁰ Law on Election of Deputies to the National Assembly and Deputies to People's Councils (2015); *Law on Election of Deputies to the National Assembly and Deputies to People's Councils*, Vietnam Law & Legal Forum (Dec. 6, 2016), available at <http://vietnamlawmagazine.vn/law-on-election-of-deputies-to-the-national-assembly-and-deputies-to-peoples-councils-5215.html>.
- ⁵¹ Hoa Thi Mong Pham, *The Facts About Women's Retirement Age in Vietnam*, in *Gender Equality as Smart Economics*, World Bank (Sep. 2008).
- ⁵² Pham, *supra* note 51.
- ⁵³ Pham, *supra* note 51.
- ⁵⁴ Pham, *supra* note 51.
- ⁵⁵ Tan Qiuyi, *Vietnam Declares Election a Success Despite Proxy Voting Allegations*, Channel News Asia (Singapore) (Jun. 9, 2016), available at <http://www.channelnewsasia.com/news/asiapacific/vietnam-declares-election/2858890.html>.
- ⁵⁶ *Between Trust and Structure: Citizen Participation and Local Elections in Vietnam*, Oxfam & UNDP (Aug. 2015), available at http://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/citizen-participation-and-local-elections-in-viet-nam.html.
- ⁵⁷ Qiuyi, *supra* note 55.
- ⁵⁸ Engagements, *supra* note 24.
- ⁵⁹ *New Study Shows High Prevalence of Domestic Violence in Vietnam*, Gender Statistics Office of Viet Nam, United Nations (Nov. 25, 2010), available at <http://www.un.org.vn/en/media-releases3/69-un-press-releases/1643-new-study-shows-high-prevalence-of-domestic-violence-in-viet-nam.html>.
- ⁶⁰ *Domestic Violence in Vietnam*, *supra* note 59.
- ⁶¹ *Domestic Violence in Vietnam*, *supra* note 59.
- ⁶² *Domestic Violence in Vietnam*, *supra* note 59 (noting that “compared to women who have never been abused, those who have experienced partner violence are almost two times more likely to report poor health and physical problems, and three times more likely to have ever thought of suicide”).
- ⁶³ VIET. CONST. art. 20.
- ⁶⁴ Engagements, *supra* note 24.
- ⁶⁵ VIET. CONST. art. 60.
- ⁶⁶ *Access to Justice*, *supra* note 7 at 53-4.
- ⁶⁷ Engagements, *supra* note 24.
- ⁶⁸ Law on Domestic Violence Prevention and Control, No. 02/2007/QH12 (Nov. 21, 2007), art. 2.
- ⁶⁹ Law on Domestic Violence, *supra* note 68 at art. 5.
- ⁷⁰ Law on Domestic Violence, *supra* note 68 at arts. 12-15.
- ⁷¹ *Access to Justice: Concept Note for Half Day General Discussion*, Committee on the Elimination of Discrimination against Women, 53rd Session, at 10, available at <http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessToJustice/ConceptNoteAccessToJustice.pdf> (last accessed December 1, 2016).

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- ⁷² *Research on Law Enforcement Practices and Legal Support to Female Victims of Domestic Violence in Vietnam*, U.N. Office on Drugs and Crime at 14 (2011), available at http://www.unodc.org/documents/southeastasiaandpacific/2011/09/domestic-violence/Research_English_version_final.pdf (last accessed December 1, 2016).
- ⁷³ Engagements, *supra* note 24.
- ⁷⁴ Engagements, *supra* note 24.
- ⁷⁵ Engagements, *supra* note 24.
- ⁷⁶ See General Recommendation No. 12, “Violence Against Women,” CEDAW (Eighth Session, 1989).
- ⁷⁷ *Compendium of Research on Reproductive Health in Vietnam for the Period 2006-2010*, UNFPA Viet Nam (2012).
- ⁷⁸ *Compendium*, *supra* note 77 at 8-9.
- ⁷⁹ See Emilia Goland, Dinh Thi Phuong Hua, & Mats Målqvist, *Inequity in Maternal Health Care Utilization in Vietnam*, INT’L J. EQUITY HEALTH 11, 24 (2012); *Success Factors for Women’s and Children’s Health*, Ministry of Health, Viet Nam & World Health Organization at 25 (2015), available at http://www.who.int/pmnch/knowledge/publications/vietnam_country_report.pdf.
- ⁸⁰ *Recent Change in the Sex Ratio*, *supra* note 11 at 48.
- ⁸¹ VIET. CONST. 1992 art. 58(2) (amended 2013).
- ⁸² Engagements, *supra* note 24.
- ⁸³ Engagements, *supra* note 24.
- ⁸⁴ *Maternal Mortality in 1990-2015*. World Health Organization, available at http://www.who.int/gho/maternal_health/countries/vnm.pdf (last accessed Dec. 1, 2016).
- ⁸⁵ *Success Factors*, *supra* note 79.
- ⁸⁶ *Recent Change in the Sex Ratio*, *supra* note 11 at 15-16.
- ⁸⁷ Population Ordinance, No. 06/2003/PL-UBTVQH11 (Jan. 9, 2003).
- ⁸⁸ Engagements, *supra* note 24.
- ⁸⁹ Gina Alvarado, et al., *Women, Land and Law in Vietnam*, International Center for Research on Women at 5 (2015).
- ⁹⁰ Alvarado, *supra* note 89 at 3.
- ⁹¹ Alvarado, *supra* note 89.
- ⁹² Alvarado, *supra* note 89 at 18-21.
- ⁹³ VIET. CONST. 1992 art. 54(2) (amended 2013).
- ⁹⁴ VIET. CONST. 1992 art. 26 (amended 2013).
- ⁹⁵ VIET. CONST. 1992 art. 146 (amended 2013).
- ⁹⁶ VIET. CONST. 1992 art. 53 (amended 2013).
- ⁹⁷ Land Law, No. 45/2013/QH13 cl. 4, art. 98 (2013).
- ⁹⁸ Law on Marriage and Family, No. 52/2014/QH13 cl. 1, art. 29 (2014).
- ⁹⁹ Law on Marriage and Family, *supra* note 98 at cl. 4, art. 98.
- ¹⁰⁰ Engagements, *supra* note 24.
- ¹⁰¹ Engagements, *supra* note 24.
- ¹⁰² Engagements, *supra* note 24.
- ¹⁰³ Engagements, *supra* note 24.