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Are women's rights human rights? A view on women's political participation in Vietnam

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Abstract

This paper tries to examine whether women's rights are human rights by looking at the case of women's political participation in Vietnam. Beginning with the concept of private life and public life which are defined separately for women and men by the patriarchal system, then the framework of CEDAW, particularly Article 7, is used to assess how women have been enjoying their rights to participate in the political system of Vietnam both in laws and practice. At the same time, the effectiveness of CEDAW is proven in promoting member states to follow and implement its regulations accordingly. Although the paper is written based on available research and reports, and limited only in the area of women's political participation but it also points out some rooted causes of seeing women's rights separately from human rights. Further preliminary is needed to conduct widely in different aspects of women's rights in order to reaffirm strongly that women should also enjoy their status of human being.

Keywords: Women's rights, Human rights, Political participation, CEDAW

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1. Introduction

Women's rights have traditionally been viewed as separate from human rights. As a consequence, in their daily life, women usually face with violations of their human rights in the form of gender-based violence and discrimination that considered as an infringement of women's rights to bodily integrity, personal liberty and security (UNESCAP, 1999). What is the linkage between human rights and women's rights; whether or not women's rights are being seen as human rights? The analysis of women's political participation in Vietnam might contribute to the understanding of women's rights as human rights.

According to Noreen Burrows, "for most women, what it is to be human is to work long hours in agriculture or the home, to receive little or no remuneration, and to be faced with political and legal processes which ignore their contribution to society and accord no recognition of their particular needs" (Charlesworth, 1994, p.60). The patriarchal system has constructed the society's norm of women's position which is lower than that of men and women considered as powerless at neither public sphere nor private sphere. Feminist scholars have analyzed the distinction between public and private spheres and the difference laid in the movement from central to liberalism. Accordingly, "it assumes a public sphere of rationality, order, and political authority in which political and legal activity take place, and private, "subjective" sphere in which regulation is not appreciate" (Charlesworth, 1994, pp. 68-69). Especially, it emphasized that domestic, family life is always considered as the central of private world. This ideology of gender roles has been used as a tool to place women in the private sphere as mothers and wives and to place men in the public sphere. "Despite the nuance that may exist in the border separating public from private life, the domestic sphere is still considered women's territory, while public sphere is associated with men. In order to enter the public sphere, women have to negotiate depending on their social and cultural context" (Labani et al., 2009, p.13). In this case, how can women who socially constructed to the domestic sphere and depending on men for their subsistence overcome the inequality with men who attached to public sphere of workplace, law, economics, and politics, intellectual and cultural life?

2. From private sphere to public sphere

The United Nations has played an important role in creating an international human rights standard, especially for women's rights. The Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly in 1948 could be considered as the focal step for bringing women's rights into practice. The UDHR clearly defined the equality for every citizen by "Article 1: All human beings are born free and equal in dignity and rights" and "Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...". Following UDHR, the two International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights (1966) further developed the human rights framework. But the most important one is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the General Assembly in 1979. CEDAW articulated a clear concept of gender equality; recognize that women's rights require the realization of both

civil and political rights as well as access to basic needs such as health, nutrition, education and shelter (UNESCAP, 1999). Particularly, CEDAW contributed to the understanding of the connection of women's rights and human rights that are independent and integrated to each other. In addition, the Beijing Platform for Action adopted in September 1995 by the Fourth World Conference on Women, identified the protection and promotion of the human rights of women as an issue of critical concern. This action, once again, reaffirmed that women's rights are human rights as well as improved the status of women in both public and private spheres in terms of legal framework.

Vietnam, as a state party of CEDAW since 1982, has been working on the promotion of the equality of women and men. The country has achieved many significant results but also still face with many challenges, especially when it regards to women's political participation. The Article 7 of CEDAW is the central point as regards the political participation's right of women. "It begins with a provision pertaining to state parties' obligation to undertake all appropriate measures in order to eliminate discrimination against women" (Hoang, 2007, p.27). The 1992 Constitution of Vietnam, as amended in 2002, stated that: "Male and female citizens have equal rights in all fields and all acts of discrimination against women and all acts damaging women's dignity are strictly prohibited" (UNDP Vietnam, 2010).

Regarding Item a of Article 7 of CEDAW, women's right to vote in all elections and stand for elections is guaranteed equally to men by the Law on the Election of Deputies to the National Assembly (amended in 2001) and the Law on the Election of Members of the People's Council (amended in 2001). The National Strategy for the Advancement of Vietnamese Women to 2010 set out the target as follows: proportion of female National Assembly Deputies for the Legislature 2002-2007 of 30% and the following Legislature of 33%; female members of People's Councils for the period of 2004-2009 at provincial level of 28% and the next period of 30%; district level of 23% and the next period of 25%; communal and ward level of 18% and the next period of 20% (Combined 5th and 6th periodic reports of Vietnam to CEDAW, 2005). Although gender gaps in legislative bodies still exist, in which women's representation and participation in the National Assembly and People's Council at all levels is lower than men's but the right to vote and to stand for elections of the Vietnamese women in the main ensured (UNDP Vietnam, 2010). The actual turn-out is demonstrated in the following tables:

Table 1. Ratio of women in the national assembly

Legislature	Duration	Total MPs	Female MPs	
			Number	Ratio
VIII	1987-1992	496	88	17.7
IX	1992-1997	395	73	18.48
X	1997-2002	450	118	26.22
XI	2002-2007	498	136	27.31
XII	2007-2012	493	127	25.76

Source: United Nations Vietnam, 2009

Table 2. Ratio of women in people's council at all levels

Level	1994-1999	1999-2004	2004-2009
Provincial	20.40	22.33	23.88
District	18.10	20.12	23.20
Commune	14.40	16.56	20.11

Source: United Nations Vietnam, 2009

In fact, the outcome is lower than the number set in the National Strategy for the Advancement of Vietnamese Women to 2010 but is already showed the effort of Vietnamese government in realization of women's right to political participation. Vietnam has become one of the leading countries in Asia Pacific with the highest rates of women in the National Assembly with 25, 76% of the total members of the National Assembly in the XII legislature of 2007-2012 (UNDP Viet Nam, 2010). According to the World Union of Parliaments, Vietnam ranked the 9th of 130 member countries and 2nd among countries in the Asia-Pacific region as regards female membership in the National Assembly (Norad, 2010).

Regarding Item b of Article 7 of CEDAW, women's rights to participate in the public affairs in Vietnam are ensured by legal framework and timely actions. With the commitment of Vietnamese government to the implementation of CEDAW, women have appeared in the decision making positions in different fields at different levels, especially in some top-level positions such as country's Vice President, Secretary of the Central Committee of the Communist Party of Vietnam, Ministers (Vietnam NGO Shadow Report, 2006). This specially thanks to the issuance of the 1998 Ordinance on Civil Servants (amended in 2003) which provided for a non-discriminatory treatment between men and women in employment of male and female civil servants in State administrative agencies and other public service delivery agencies (Combined 5th and 6th periodic reports of Vietnam to CEDAW, 2005).

Table 3. Women in governance bodies - At central level (%)

Title	Term (1989 - 1994)	Term 1999 - 2004
Vice President	16.67	10
Minister and relevant	9.50	11.29
Deputy Minister and relevant	7.00	12.85
Head of Department and relevant	13.30	12.10
Deputy Head of Department and relevant	8.90	8.10

Source: Ministry of Home Affair, 2003

Table 4. Women in governance bodies - At local levels (%)

Title	Provincial level		District level		Communal level	
	1994 - 1999	2004 - 2009	1994 - 1999	1999 - 2004	1994 - 1999	1999 - 2004
President	1.89	3.12	1.80	3.62	2.17	3.42
Vice President	11.60	16.08	8.05	14.48	3.11	8.84

Source: Ministry of Home Affairs, 2003

Notably, with the implementation of Grassroots Democracy Ordinance 2007 at commune and ward level, the equal opportunities are given for women and men to participate in the public affairs at the grassroots level. Women have also exercised their rights to discuss, to contribute their voice to any social-economic development plan of the local government as well as to monitor the performance of both civil servants and state agencies as regulated in the Ordinance (KAS-ACVN Project, 2009).

Regarding Item c of Article 7 of CEDAW, women's rights to participate in political and social organizations in Vietnam have been boosted from time to time. Since the adoption of Directive 37-CT/TW, there have been a substantial increase in the proportion of female cadres working in the mass organization, social-political organizations to reach a much higher number compared to those in state management and Party Committees at all levels (Hoang, 2007, p.32). For example, the proportion of female cadres in 5 mass organizations including the Confederation of Labor, Ho Chi Minh Communist Youth Union, Farmers' Union, Women's Union and Vietnam Veterans Association and Fatherland Front by 2007 as at Central level showed in the following table.

Table 5. Female cadres in mass organizations

Central level	Position	Percentage (%)
	Chairpersons	33.33
Vice Chairpersons	25.28	
Members of presidium	29.60	
Members of Executive Committee	29.91	
Directors of Departments	25	
Vice Directors of Departments	39	

Source: Hoang, 2007, p.32

It could be said that the proactive involvement of women in political and social organizations has illustrated effectively the exercise of their rights as defined in the CEDAW as well as other domestic regulations.

3. Challenges remain

From the practice of women's right to political participation in Vietnam, it shows that the view of Noreen Burrows may not be true in the situation of Vietnam. Apart from private sphere, Vietnamese women have really involved in the public sphere and their voice, their contribution to the society has been recognized in official documents as well as practical actions. The government by committing to the implementation of CEDAW has adopted many relevant regulations and paid attention to actual needs of having equal positions to men. The prospects for promoting women's rights in terms of political participation would be increased significantly if the followings are taken into consideration seriously.

Women's right to vote and right to be candidates which is granted in article 54 of the Constitution of Vietnam (1992) as well as in the Law on the Election of Deputies to the National Assembly (amended in 2001) and the Law on the Election of Members of the People's Council (amended in 2001) should be more consolidated as according to the evaluation of the Vietnamese Women's Union, women actively participate as voters in elections and its organization is in charge of providing information on government proposals so women are well-informed before voting (Labani et al., 2009).

At the same time, the government should enhance the communication on gender, CEDAW and the Law on Gender Equality 2006 in the society, especially for staffs and leaders of the government agencies as well as to change the system for organization elections to further favorable opportunities for women to run for election and be elected by increasing the role of Women's Union in the Election Committee and improving the capacity of women in the People's Council (Vietnam NGO Shadow Report, 2006).

The domestic legal documents relating to women's rights should be reviewed and adjusted in order to keep pace with the international laws, ratified conventions; so that the impacts on the promotion of the role and status of Vietnamese women will be increased (Hoang, 2007).

However, the process of realizing women's rights as human rights regarding the political participation in Vietnam still have many challenges rooted in the cultural and procedural factors. Patriarchal culture, religion and modern military state are considered as the main elements of cultural factors; in which traditionally women are excluded from high positions and women are excluded from public activities in the military culture (Kim, 2006). Especially, the Law on Military Service of Vietnam is exclusively applied for men only or the Labour Code of Vietnam still regulated different retirement age for men and women. Then, Kim (2006) also pointed that the unfair nomination process, election system and election campaigns are constructed the procedural factor. The cultural context establishes limitations to women with regard to their political and social participation. Women are responsible for all family care and they must remain at home, they lack the support of their communities and families for being involved in politics. Rural population in the country represents 75.7% and nearly 80% of Vietnamese women live in rural areas (Labani et al., 2009). In addition, the voice of women in policy making is limited because most women have been elected to very feminine fields of social sciences. Although, in the past few decades, there have been positive changes in social recognition to roles of women at home and in society, perception that power is privilege solely to men still exists. Many women also bear this perception in their mind. Therefore, many of them feel smug about women's subordinated status, leading to their little self-confidence to promote their careers. The perception

that women are supporters and sacrifice is prevalent (Vuong and Doan, 2006, p. 7). In Vietnam, the influence of Communism and the “Renovation” policy encourages women to work outside the home, so that many women participate in economic activities. And women are required to continue to work after marriage and childbirth, which places on them the double burden of a job outside the home and domestic work. But the teachings of Confucianism is still heavily influenced in the country, women’s obligations are to give birth and care for children and to engage in domestic work in order to maintain family cohesion (JICA, 2011).

4. Conclusion

“What is “public” in one society may well be “private” in another, but women’s activities are consistently devalued by being constructed as private” (Charlesworth, 1994, p.70). The born of international human rights law and other conventions, treaties have contributed to detaching women from the private sphere to integrate into the public sphere. Especially, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has laid down the foundation for seeing women’s rights as human rights. The case of Vietnam has provided effectively the practice of CEDAW in the national context to guarantee for women’s political participation in which rights to vote and stand for elections or to participate in public affairs as well as political and social organizations are considered as the most fundamental and milestone rights of women. The recognition of women’s rights in the political sphere is not only shown in the development of legal framework but also the enforcement in Vietnam. This doesn’t show fully all aspects of women’s rights that need to be addressed for fighting for gender equality but it does reflect principally that women’s rights should not be seen as separate from human rights in order to avoid discrimination, violation and inequities.

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