

THE IMPACT OF POLITICAL FACTORS AND LEGAL FRAMEWORKS ON GENDER EQUALITY IN VIETNAM TODAY

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Received: 30/06/2025

Accepted: 10/07/2025

Published: 11/07/2025

DOI - <https://doi.org/10.61421/IJSSMER.2025.3402>

ABSTRACT

Gender equality has long been a global concern and constitutes one of the Millennium Development Goals that countries around the world are striving to achieve. In Vietnam, promoting gender equality is not only a matter of ensuring fundamental human rights but also a means to enhance the well-being and advancement of women, with the ultimate goal of building a just, democratic, civilized, and sustainable society. Among the various factors influencing the implementation of gender equality, political and legal factors exert a direct and profound impact, serving as a core driving force in advancing gender equality in the country. Within the scope of this paper, the author focuses on analyzing three main aspects of political and legal influences on gender equality: (1) the impact of Vietnam's international commitments on gender equality; (2) the influence of the orientations, policies, and directives of the Communist Party and the State of Vietnam regarding gender equality; and (3) the impact of the legal framework on gender equality.

KEYWORDS: Gender equality, implementation of gender equality, politics, law, Vietnam.

1. INTRODUCTION

Since the dawn of humanity, differences in biological sex have led to a gender-based division of labor, which over time became deeply rooted in human society and gave rise to inequalities between men and women. These inequalities have disproportionately disadvantaged women, particularly in exercising their fundamental human rights, including the right to make personal choices and decisions. As societies continue to develop, awareness of gender inequality has grown, prompting urgent calls for the realization of gender equality and the removal of barriers that perpetuate gender-based discrimination.

Numerous factors influence gender equality, including political and legal factors, economic conditions, cultural and educational influences, and personal or familial circumstances. Each of these excerpts have varying degrees of impact on the implementation of gender equality. Among them, political and legal factors have the most direct and powerful influence. International commitments, along with the perspectives, orientations, policies, and legislation of the Communist Party and the State of Vietnam regarding gender equality, serve as effective tools in guiding and promoting gender equality.

Clarifying the impact of political and legal factors on the implementation of gender equality in Vietnam not only enhances our understanding of their essential roles in promoting equality, but also reveals inherent limitations that need to be addressed. This, in turn, helps formulate measures to improve and complete Vietnam's current legal and policy frameworks on gender equality.

2. RESEARCH METHODOLOGY

To elucidate the research problem, the authors employed methodologies drawn from specific disciplines such as philosophy, political science, legal studies, and sociology, in conjunction with interdisciplinary approaches commonly used in the social sciences. Additionally, concrete methods such as the combination of logical and historical analysis, as well as methods of analysis, synthesis, statistics, and comparison, were utilized to clarify the research issues addressed in this study.

3. RESEARCH RESULTS

The influence of political and legal factors on gender equality in contemporary Vietnam is manifested in several fundamental aspects, as outlined below:

3.1. The Impact of International Commitments on Gender Equality

In 1945, the concept of gender equality was officially recognized for the first time in the United Nations Charter, which affirmed it as a fundamental human right. This milestone was the result of a long-standing struggle by women around the world, originating in France. In 1791, Olympe de Gouges - one of the pioneers of the feminist movement - drafted the Declaration of the Rights of Woman and the Female Citizen, demanding the recognition of women's rights as outlined in the 1789 Declaration of the Rights of Man and of the Citizen.

In 1910, the Second International Conference of Working Women, held in Copenhagen, Denmark, declared March 8 as International Women's Day - a day of global solidarity and advocacy for women, with key demands such as the 8-hour workday, equal pay for equal work, and the protection of mothers and children. The struggle for women's rights and gender equality has been long and persistent, with the United Nations playing a pivotal role in advancing these goals.

On December 16, 1966, the United Nations General Assembly adopted the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Article 3 of these covenants affirms that: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." [2]

Despite notable progress following the adoption of these covenants, outcomes remained limited and largely symbolic. In response, in 1972, the UN Secretary-General called for empirical research and surveys to inform the development of a comprehensive convention on gender equality. This led to the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the UN General Assembly in 1979, which entered into force on August 3, 1981. CEDAW is widely regarded as the international bill of rights for women. Ratifying countries are required to integrate the principle of gender equality into their legal systems, abolish all discriminatory laws, and enact legislation prohibiting gender-based discrimination. Oversight of the convention's implementation is carried out by the CEDAW Committee, comprising experts from UN member states specializing in women's issues.

Efforts to promote gender equality have gained further momentum through increasing engagement from international organizations and national governments. For instance, the Declaration on the Participation of Women in Promoting Peace and International Cooperation (1982), and the Fourth World Conference on Women (1995), reaffirmed global commitments to gender equality and human dignity as integral to social development. The Beijing Declaration and Platform for Action, resulting from the 1995 conference, is considered one of the most comprehensive global frameworks for gender equality and women's rights. It emphasized the need to strengthen legal

frameworks to ensure women's access to decision-making positions, aiming to realize a just and progressive society free from gender-based barriers.

In 2000, the UN Security Council adopted Resolution 1325 on Women, Peace, and Security, elevating gender issues to central topics of global security discussions. The resolution underscores the importance of women's full and equal participation as active agents in peace and security processes. Subsequent resolutions—including 1820, 1888, 1960, 2106, and 2467 - further stressed that sexual violence against women constitutes a crime and called on member states to strengthen their responsibility and capacity in addressing violence against women and girls.

These international commitments have positively influenced the promotion of gender equality in Vietnam. The country's ratification of CEDAW in 1982 marked a significant milestone in affirming its dedication to women's rights. Vietnam has also actively engaged in global programs, such as the Beijing Platform for Action (1995) and the Sustainable Development Goals (SDGs), with Goal 5 specifically emphasizing the achievement of gender equality and the empowerment of all women and girls.

Influenced by these international commitments, Vietnam has developed and refined a comprehensive legal framework supporting gender equality. A prime example is the Law on Gender Equality (2006), which clearly reflects the domestication of international standards. Other notable legislative efforts include the Law on Domestic Violence Prevention and Control (2007), as well as the integration of gender issues into national socio-economic development strategies, poverty reduction programs, health and education policies, and employment initiatives. International commitments have also contributed to transforming perceptions within the political system and broader community through collaboration with organizations such as UN Women, UNDP, and Oxfam. These partnerships have facilitated capacity-building programs, gender equality training, and awareness campaigns, helping the public better recognize the role and status of women in various spheres of society.

However, it is essential to acknowledge that the impact of international commitments remains limited in certain areas, such as domestic violence, trafficking of women and children, and entrenched gender stereotypes - particularly in rural regions where awareness of gender equality is still low and outdated customs persist. Moreover, gender disparities continue to exist in access to land, credit, technology, and leadership positions. Many policies remain formalistic, lack effective monitoring mechanisms, and do not sufficiently address the practical needs of women.

Despite these limitations, international commitments on gender equality have significantly contributed to legal, policy, and societal transformations in Vietnam. To ensure that these commitments yield sustainable outcomes, Vietnam must continue to implement policies in a substantive and effective manner, strengthen oversight mechanisms, invest adequate resources, and promote the active participation of women in all aspects of social life.

3.2. The Impact of the Guidelines, Policies, and Resolutions of the Communist Party and the State of Vietnam on Gender Equality

Since its inception, the Communist Party of Vietnam has always recognized and highly valued the role of Vietnamese women as a vital force in the nation's development. During the period of renovation and national construction, the Party has introduced numerous guidelines aimed at protecting and promoting gender equality, thereby contributing effectively to the cause of national development. From 1986 to 2000, the Party's viewpoints and policies on gender equality were articulated in the Resolutions of the 6th National Congress (December 1986), the 7th Congress (June 1991), and the 8th Congress (June 1996), as well as in specialized documents on women's

affairs, such as Politburo Resolution No. 04-NQ/TW "On Renewing and Strengthening Women's Mobilization in the New Context" (July 12, 1993), and Secretariat Directive No. 37-CT/TVV "On Certain Issues Regarding Female Cadre Work in the New Situation" (May 16, 1994). Notably, at the 9th National Congress (April 2001), the Party officially introduced the term "gender equality" for the first time. The Resolution of the 9th Congress emphasized the need to "ensure effective implementation of laws and policies on gender equality, provide training, vocational education, and improve women's education" [3, p.126]. The 10th National Congress (April 2006) reiterated this position, highlighting the continued improvement of all aspects of women's development and their material and spiritual life, while emphasizing the implementation of gender equality.

In continuation of these efforts, on April 27, 2007, the Politburo issued Resolution No. 11-NQ/TW "On Women's Affairs in the Period of Accelerated Industrialization and Modernization of the Country," affirming that "building and sustainably developing a contingent of female cadres commensurate with the significant role of women is an objective requirement and an important part of the Party's cadre strategy." The resolution also set a goal: "By 2020, women will have improved in all aspects, possess educational and professional qualifications that meet the requirements of industrialization, modernization, and international economic integration; have stable employment; enjoy significantly improved material, cultural, and spiritual lives; participate more actively in social work; and achieve equality in all spheres. Vietnam strives to become one of the countries with the most progressive gender equality achievements in the region" [4, p.236].

To complement and perfect the Party's guidelines on gender equality, the 11th National Congress (January 2011) emphasized the necessity of developing and implementing a national strategy for gender equality and the advancement of women, especially in regions with significant inequality or high risk of inequality; combating the trafficking of women and domestic violence; and facilitating access to education and training for women. The 12th Congress (January 2016) reaffirmed this commitment, advocating for continued reform and improvement of population policies, maternity leave, healthcare, and gender equality. One key national project, approved and funded by the government, focused on enhancing the capacity of female National Assembly deputies, female People's Council representatives at all levels, female managers and leaders, and female candidates for the 2016–2020 term.

The Government has also issued Resolution No. 28/NQ-CP on the National Strategy for Gender Equality for the 2021–2030 period, which aims to further narrow the gender gap and ensure equal opportunities and conditions for men and women to participate in and benefit equally from all areas of social life, thereby contributing to sustainable national development.

At the 13th National Congress of the Communist Party of Vietnam, the Party reaffirmed its commitment by emphasizing the need to "promote the tradition, potential, strengths, and spirit of self-reliance and aspiration for advancement among all classes of women; build the image of Vietnamese women in the new era; and improve the quality of the female workforce to meet the requirements of sustainable development and international integration." The Congress also highlighted the importance of "enhancing development programs and support initiatives to update knowledge and skills for disadvantaged women, ethnic minorities, and women in mountainous areas; improving and effectively implementing laws and policies related to women, children, and gender equality; and strictly addressing, in accordance with the law, social evils and acts of violence, trafficking, and abuse against women and children" [5, p.148]. Moreover, the Congress stressed the importance of "synchronously and comprehensively implementing solutions for youth development, gender equality, and the advancement of women; and gradually narrowing the gender gap across political, economic, cultural, social, and familial domains" [5, p.150].

The Party has also proposed important solutions to promote gender equality, such as: “reforming mechanisms, mobilizing and diversifying resources for the implementation of social policies in alignment with the needs and interests of various population strata and social groups, ensuring equal opportunities for development, particularly for workers in the informal sector” [5, p.169]; and “developing a comprehensive social security system aimed at universal coverage with policies to prevent, reduce, and remedy risks for the population, ensuring assistance for vulnerable groups” [5, p.271].

After nearly 40 years of national renovation (1986–2025), efforts in communication and education to raise awareness on gender equality have been implemented extensively from central to local levels, using diverse and innovative approaches. As a result, the gender gap in employment and income has been narrowed. However, gender equality - especially women's political participation in some areas - remains limited and sometimes symbolic. Propaganda on the Party's guidelines and policies regarding gender equality still faces certain limitations. Therefore, the Communist Party of Vietnam needs to prioritize communication efforts and enhance the responsibility of Party committees and state agencies in implementing gender-related guidelines, policies, and laws, while simultaneously developing support services for gender equality implementation. This reflects the Party's strong political commitment to promoting the role and status of women in the context of comprehensive national renovation and deep international integration.

3.3. The Influence of the Legal Framework on Gender Equality

In Vietnam, gender equality has received considerable attention from the Communist Party and the State, as reflected in the consistent efforts to develop and refine legal documents about gender equality, while simultaneously mainstreaming gender perspectives into laws and policies. A wide array of legislative measures and policies have been enacted to promote gender equality, including the Labor Code, the Land Law, the Law on Gender Equality, the Law on Marriage and Family, the Law on Prevention and Control of Domestic Violence, the Law on Children, and the Law on Social Insurance. Vietnam has also gradually fulfilled its international commitments to eliminate all forms of discrimination against women and children. Thanks to these endeavors, the country has made significant progress in advancing gender equality. However, persistent challenges remain - especially in the form of entrenched gender stereotypes and norms - that continue to pose barriers to the realization of substantive gender equality. Therefore, in addition to raising awareness, there is a pressing need to enhance the role of policy and legislation, concretize the Party's and State's guidelines, and promote women's political participation to strengthen their voices and positions in policy-making and implementation in contemporary Vietnam.

Since the establishment of the Democratic Republic of Vietnam in 1945, gender equality has been constitutionally guaranteed. Article 9 of Vietnam's first Constitution (1946) stipulated that “Women shall have equal rights with men in all respects.” The current Constitution (amended in 2013) affirms fundamental human rights, including civil, political, economic, social, and cultural rights. It ensures the right to life, freedom, self-determination, and equality for all citizens, regardless of gender, ethnicity, religion, or level of development. On November 29, 2006, the National Assembly passed Law No. 73/2006/QH11 on Gender Equality, which clearly defined the purpose of gender equality in Vietnam as “the elimination of gender-based discrimination, the creation of equal opportunities for men and women in socio-economic development and human resource development, the achievement of substantive equality between men and women, and the establishment and reinforcement of cooperative and mutually supportive relationships between men and women in all spheres of social and family life” [7]. The law defines gender equality as “the state in which men and women have equal positions and roles, and are provided with

conditions and opportunities to unleash their potential for the development of the community and family, and equally enjoy the fruits of such development” [7].

On December 8, 2013, the State President promulgated Order No. 18/2013/L-CTN to officially announce the amended 2013 Constitution. Article 26 of the revised Constitution states: “Male and female citizens are equal in all respects. The State shall adopt policies to ensure gender equality and prohibit all acts of gender-based discrimination” [6, p. 21]. This marked the first time that the term “gender equality” was explicitly incorporated into Vietnam’s supreme legal document, replacing earlier approaches that mainly emphasized non-discrimination against women, as seen in the 1992 Constitution.

In addition, Vietnam has developed and implemented national socio-economic development strategies and plans, all of which have consistently acknowledged gender equality as a priority. Notably, the National Strategy and Action Plan for the Advancement of Women; the National Strategy on Gender Equality for 2011–2020; and the National Strategy on Gender Equality for 2021–2030 have been adopted by the Government, exerting a positive impact on efforts to promote gender equality more broadly. These strategies aim to “further narrow gender gaps, create conditions and opportunities for men and women to participate in and equally benefit from socio-economic development, and contribute to sustainable national development” [1]. Specifically, in the political domain, targets have been set for women to occupy key leadership positions in 60% of state administrative bodies and local governments by 2025, and 75% by 2030 [1].

The legal framework thus plays a pivotal role in promoting and realizing gender equality in Vietnam. Its influence can be observed in the following major areas:

First, it provides a legal basis for the protection and promotion of gender equality through the enactment of numerous legal documents. These laws are instrumental in guaranteeing equal rights and responsibilities for men and women across various fields such as politics, economics, education, and family life. The domestication of international commitments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), represents a significant legal advancement.

Second, it facilitates the implementation of national policies and programs on gender equality, including the National Strategy on Gender Equality. The legal framework supports preferential policies for women in recruitment, training, and appointments to leadership roles. It also helps curb and strictly punish violations of gender equality by clearly stipulating prohibited acts such as gender-based discrimination in hiring, wage disparities, or gender-based violence, with violators subject to administrative or criminal penalties. Nonetheless, enforcement remains a challenge due to limitations in staff capacity, social awareness, or the lack of effective monitoring mechanisms.

Third, it contributes to raising public awareness about gender equality. Legal provisions play a vital role in reshaping societal norms and increasing community understanding of the equal roles and statuses of men and women. This is particularly important in a society still influenced by patriarchal values. However, the legal framework also has certain limitations, such as vague regulations, the absence of independent monitoring and evaluation mechanisms, and challenges in practical implementation. Legal gaps persist in areas such as gender-based violence, political representation rights, and equitable access to land and property.

In conclusion, the legal framework constitutes a crucial foundation for the promotion of gender equality in Vietnam. To maximize its effectiveness, it is essential to strengthen independent monitoring, refine regulations to address remaining gaps, and enhance public education and social

attitude transformation. These combined efforts are necessary to advance gender equality in Vietnam in a comprehensive and sustainable manner.

4. CONCLUSION

Political factors and the legal framework play a pivotal role in promoting and ensuring gender equality in Vietnam. Politically, the Communist Party and the State of Vietnam have demonstrated a strong commitment to the goal of gender equality through the issuance of national strategic resolutions and the integration of gender perspectives into socio-economic development policies. Vietnam was among the earliest Asian countries to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has progressively incorporated its international commitments into domestic law. The legal framework for gender equality has been increasingly strengthened through the enactment of the Law on Gender Equality, the Law on Domestic Violence Prevention and Control, the revised Labor Code, and various implementing regulations. These legal instruments have established a solid legal foundation to safeguard women's rights and promote their participation across multiple sectors such as the economy, politics, education, and healthcare. Nevertheless, a gap remains between legal provisions and their practical implementation. Some policies remain symbolic in nature, lacking effective monitoring mechanisms and enforcement procedures. Additionally, gender awareness among certain public officials and segments of the population is still limited, which undermines the actual effectiveness of gender equality policies. Therefore, while political will and legal frameworks serve as foundational and directional pillars for gender equality, their implementation must be more synchronized and effective in order to achieve substantive gender equality in Vietnam.

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