

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**IMPLEMENTING THE LAW ON
WOMEN'S POLITICAL RIGHTS IN VIETNAM**

SUMMARY OF DOCTORAL THESIS

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**The thesis can be found at the National Library and
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INTRODUCTION

1. The necessity of the thesis

In Vietnam, paying attention to women's works is a consistent viewpoint of the Party and State throughout the revolution. In the Testament, President Ho Chi Minh wrote: In the cause of fighting against America, saving the country, our country's women made great contribution in combat and in production. The Party and the Government need to have a practical plan to foster, raise and help so that more women are in charge of every job, including leadership jobs. Women themselves must strive to rise. It is a revolution that leads to true equality for women.

In particular, during the Doi moi period, the Party's policy on gender equality and women's empowerment was reflected throughout the resolutions of the Party Congress, resolutions and directives of the Party Central Committee, the Politburo, The Secretariat on mass work, the mobilization of women, the work of female cadres. From the policy of the Party, the State has promulgated a number of specific policies and laws to create conditions for women to develop and promote gender equality, in which the most important thing is to ensure and create conditions for Vietnamese women to exercise their political rights.

Equality between men and women was determined right from the first constitution of 1946 by the Democratic Republic of Vietnam. This issue continues to be inherited in the 1959, 1980, 1992, and 2013 Constitutions, and is subject to specific laws and regulations. A series of legal documents of the State have been issued to enhance the status of women in society and to implement gender equality such as the Civil Code, Labor Code, Marriage and Family Law, the Population Order, The Law on Gender Equality, the Law on Domestic Violence Prevention and Control, etc. The legal system and policies on women have been increasingly improved, especially with the promulgation of the Constitution 2013, Human rights in which women's rights are asserted to be important motivators for social development. In line with the promulgation of the law, Vietnam ratified and acceded to the Universal Declaration of Human Rights in 1948 and most of the fundamental international treaties on human rights, including conventions relating to women's rights such as the International Covenant on Civil and Political Rights (1966), the Convention on Economic, Social and Cultural Rights (1966), the Convention on the

Elimination of All Forms of Discrimination Against Women Against Women (1979, CEDAW); Convention on the Rights of Persons with Disabilities ...

Laws of Vietnam basically have internalized international standards on human rights, including women's political rights, in line with the general development trend of humanity and the Vietnamese characteristics, therefore motivated women to overcome obstacles to meet practical requirements, affirm their position in the family and in society. Results of election of deputies to the XIV National Assembly, women accounted for 26.6% of the total delegates. This is a high percentage of votes cast in the National Assembly and has placed Vietnam as one of the countries with the highest percentage of female legislators in Asia and the world (over 25%). The ratio of female deputies to the National Assembly in our country is higher than that of China, India, Japan and many other countries in the region. According to the Union of Parliaments, Vietnam was ranked 37th out of 188 countries in the world in terms of percentage of women in the legislature (as of January 31, 2011, basing on reports of different countries' legislatures).

However, in addition to the achievements made in ensuring that women are exercising the rights provided for by law, it must be recognized that the implementation of the law on women's rights, including political rights, still has many limitations. Although Vietnam was ranked high in the world in terms of percentage of female deputies, there is still a large gap between male and female (73.4% and 26.6%); Especially in the percentage of women holding key positions (chief level). There are still barriers from family and society towards women when participating in social and political works. The proportion of women attending the government has not met the requirement; Discrimination on the career advancement opportunities for women leads to a lack of leadership and management of women remains a major challenge; Laws on political rights and public morality on women's political rights in our country are not fully recognized as a tool for the management of society and the protection of legitimate rights and interests of women. Violation of the law on women, especially violations of the law on women's political rights still occurs in some places, which hinder the process of promoting democracy, strengthening legislation, building a socialist rule-of-law state, going against the good nature of the society that we are building.

The shortcomings mentioned above are due to the following reasons: The legal system of women's political rights is lack of synchronism with low

feasibility; awareness of subjects regarding women's political rights is not sufficient; Capacity of the subjects in implementing the law is limited; The work of directing, inspecting and supervising the delay of the implementation of the law is insufficient and indecisive in handling, which leads to improper and inadequate implementation.

The question is why Vietnam is considered one of the countries with a good legal system from the perspective of gender equality, but the proportion of women attending the government tends to decrease, the shortage of women's participation in the 2015-2020 term mandate, including the term 2020-2025, is a reality at all levels; The voice of women in important areas of the country has not been emphasized ... This poses the need for research to find out the results, limitations and causes of results, limitations in implementing the law so as to propose solutions to ensure the implementation of political rights of women in Vietnam.

Thus, the PhD candidate selects the topic: "Implementation of the law on political rights for women in Vietnam today" to study within the scope of doctoral thesis on law, specialized in the theory and history of the State and the law.

2. Research purposes and research tasks

2.1. Research purposes

From studying the theories and practices of the implementation of political rights of women in Vietnam nowadays, the thesis explains and defines the perspectives and solutions to ensure the implementation of political rights of women in Vietnam today.

2.2. Research tasks

To achieve the above purposes, the dissertation shall perform the following tasks:

Firstly, to analyze, clarify the concept of political rights, the law on women's political rights; Subjects, contents, forms, roles, factors guaranteeing the implementation of political rights of women; drawing open remarks for Vietnam from the experiences of implementing political rights of women in some countries in the world.

Secondly, analyzing to show the results, limitations, causes of the results and constraints of the law and the implementation of political rights of women in Viet Nam nowadays.

Thirdly, explaining, defining the views and proposing solutions to ensure the implementation of political rights of women in Vietnam today.

3. Research subjects and scope of research

3.1. Research subjects

From a theoretical and historical perspective, the thesis studies the theoretical and practical issues of law and implementation of political rights for women. Since then, the dissertation has demonstrated the scientific basis and proposed the views, solutions to ensure the implementation of political rights of women in Vietnam today.

3.2. Research scope

- Scope of content: Research on the implementation of political rights for women in Vietnam.

- Spatial scope: Research on the territory of Vietnam.

- Scope of time: Research the law and the implementation of political rights for women from 1945 to present.

4. Theoretical basis and research methodologies

4.1. Theoretical basis

The dissertation was based on dialectical materialism and historical materialism of Marxism-Leninism and Ho Chi Minh's ideology on the state and law, on human rights and citizenship; The Party and the State's undertakings, views and policies on gender equality and women's political rights, on solving social issues, building socialist rule-of-law state, continue to build and perfect the legal system, promoting the human factor; Ensuring human rights and citizenship, including the political rights of women in the current trend of integration and development.

4.2. Research Methodologies

In Chapter 1, the author uses the method of secondary document study, analysis and synthesis used to obtain information from available sources relating to the subject of implementation of political rights for women in our country today.

In Chapter 2, the author mainly uses analytical methods to formulate concepts; Analytical methods used to study subjects, contents, forms and factors guaranteeing the political rights of women in our country; Comparative legal methodology is used to refer to international norms and experiences on the political rights of women in some countries in the world and references to Vietnam.

In Chapter 3, the author uses a statistical method to assess the current political rights for women in Vietnam, and to evaluate and analyze the results, limitations, reasons for the results and limitations, from which the author clarified the content of the thesis.

In Chapter 4, the author mainly uses analytical and synthesis methods to provide scientifically sound opinions and solutions that contribute to ensuring the political rights of women in our country.

5. New contributions of the thesis

5.1. In theory

- The dissertation has developed the concepts, clarified the subjects, contents, forms, roles and factors that guarantee the political rights of women.

- From the study of international norms on women's political rights, the experiences in implementing the political rights of women in some countries in the world, drawing lessons for Vietnam.

5.1. In practice

- The dissertation is the first one to clearly assess the legal status and the implementation of political rights of women, analyzing the advantages, limitations and causes of the strengths and limitations of the political rights for women in Vietnam since 1945.

- The thesis argues the views and makes recommendations on solutions to ensure the political rights of women in Vietnam at present.

6. Theoretical and practical significance

- The thesis contributes to illuminating the theoretical and practical issues of implementing political rights for women in Vietnam, being a reference in the process of amending, supplementing and issuing legal documents on women's political rights in Vietnam.

- The dissertation provides scientific arguments and materials for agencies in the political system, social organizations to educate to enhance the awareness of the law and the organization of the implementation of political rights for women in Vietnam.

- The dissertation is used as a reference for teaching and learning about the law of human rights in general and the law on women's rights in particular.

7. Structure of the thesis

Apart from the introduction, conclusions and list of references, the content of the dissertation consists of 04 chapters, 09 sections.

Chapter 1

OVERVIEW OF RESEARCH SITUATION RELATING TO THE THESIS AND THE ISSUES THAT NEED FURTHER STUDYING

1.1. SUMMARY OF THE RESEARCH SITUATION RELATING TO THE THESIS

Through the survey and evaluation of the results of research on the implementation and implementation of political rights for women, there are many scientific works presented in different forms to study the aspects of political rights, the political rights of women, and the guarantee of the implementation of political rights for women. However, in our country, there are no comprehensive researches on the political rights of women in Viet Nam in the current period. The study of theoretical and practical background of the general situation of implementation, and the implementation of political rights of women in Viet Nam in particular is also a field that has not been properly researched. This is the limitation, the gap left open in legal science research as well as the science of women's political rights in Vietnam today.

1.2. PROBLEMS NEED FURTHER STUDYING

The dissertation examines the theoretical basis of the implementation of political rights for women, focusing on theoretical analysis of basic concepts, subject, content, form, role and factors to ensure the implementation of political rights of women; The dissertation focuses on assessing the current status of the political rights of women in Vietnam; Analyzed, systematized and developed guiding views, proposed solutions to address the causes and overcome shortcomings and weaknesses to ensure the political rights of women in Vietnam nowadays.

With the research results of the related scientific works and based on the available theories, the thesis set out the research hypothesis as follows: Implementation of the law on political rights for women in Vietnam still has many limitations. Facing the practical requirements of social life and the demanding task of building a socialist rule-of-law state, it is necessary to improve the quality of implementation of the provisions of law. Proper awareness of the law and proper implementation of the law are decisive factors in ensuring that women's political rights are guaranteed.

Hence, the thesis raises important research questions that need to be answered: Understanding what is political rights, the law on political rights, and implementation of political rights for women? What are the contents, characteristics and roles of women's political rights law? Who is responsible for the implementation of the law on political rights of women in Viet Nam today? What are the contents, form and roles of the implementation of political rights for in women? What are the required factors in order to ensure the implementation of political rights for women? What is the value of reference for the study of political rights for women in some countries around the world? What are the results and limitations in the law of Vietnam and in the implementation of political rights for women? Are there any reasons that affect those results? What are the views, solutions to ensure the implementation of political rights in Vietnam today?

Chapter 2

THEORETICAL BASIS OF THE IMPLEMENTATION OF THE LAW ON POLITICAL RIGHTS FOR WOMEN IN VIETNAM

2.1. CONCEPTS OF POLITICAL RIGHTS, LAW ON POLITICAL RIGHTS OF WOMEN, IMPLEMENTATION OF THE LAW ON POLITICAL RIGHTS TO WOMEN

2.1.1. The concept of political rights, the law of political rights, the content, the characteristics and the role of the law on women's political rights

- On the basis of the study of concepts at home and abroad, the PhD candidate gives the following definitions: Women's political rights are one of the fundamental rights in the system of human rights, recognized by the State in legal documents and implementation guaranteed; It establishes the legal capacity of women in the process of women's direct or indirect participation in state management and social management; The law on women's political rights is a system of general rules of conduct promulgated by the State and ensured to be implemented; adjusting social relations arising in the course of ensuring the right to participate directly or indirectly in state management and social management in order to create conditions for women to enjoy their political rights and to build up a society oriented towards the objectives of prosperous people, strong country, democracy, justice and civilization.

- The content of the law on women's political rights is to address specific legal norms aimed at establishing and protecting the capacity and legal status of women in the political field.

- Legislative characteristics of women's political rights: Legislation on women's political rights recognizes and develops measures to ensure human rights and citizenship; The law on women's political rights expresses the State's responsibility towards women in creating conditions and opportunities for women equal to men; The law on women's political rights institutionalizes the views, guidelines and policies of the Party and State on women.

- The role of the law on women's political rights: Institutionalizing the Party's policies, guidelines and viewpoints on women's political rights; Creating a solid legal foundation for the implementation and protection of women's political rights; Encouraging, motivating and creating legal basis for women to fight for their political rights.

2.1.2. Concept of the implementation of the law on political rights for women

Studying, referring to current legal science viewpoints, the PhD candidate has come up with the concept: Law enforcement is the overall purposeful activities of legal subjects in order to realize the rules of law into into real and legal acts of the subjects through specific activities in order to bring into full play the role of law in regulating social relations; the Concept: implementation of the law on political rights for Vietnamese women nowadays is the overall purposeful activities aimed at the realization of the law on women's political rights in the Socialist rule of law of Viet Nam into practical and legal acts of the subjects through specific activities for the purpose of ensuring that women enjoy political rights and promote their capacity and role in building up the fair, civilized people's society.

2.2. SUBJECT, CONTENT, FORM, ROLE AND FACTORS ENSURING THE ENFORCEMENT OF THE LAW ON POLITICAL RIGHTS FOR WOMEN

2.2.1. Subjects implementing the law on political rights for women

Subjects implementing the law on political rights for women are legal persons and natural persons who directly or indirectly participate in the enforcement of the law on political rights for women, including: the Socialist Republic of Viet Nam and government agencies constituting the state apparatus;

Vietnam Fatherland Front and mass organizations; Vietnamese women and other subjects.

2.2.2. The content of the implementation of the law on political rights for women

Implementing the law on political rights for women in Vietnam in the current period includes the following contents:

First of all, the State in general and agencies and authorities in particular carry out activities to organize and implement policies and laws in general and for women in particular, in life, to women and the subject.

Secondly, state agencies and competent persons organize the implementation of activities on the application of the law on women's political rights and the settlement of complaints and denunciations in the course of exercising rights, or handling and settling legal disputes, problems and violations or other legal events arising in the course of organization of implementation; Reward, honor the positive behavior.

Thirdly, organization so that subjects, in particular the women, implement the law on political rights for women, facilitate and assist the subjects in the practical implementation of their rights and obligations.

2.2.3. Forms of implementation of the law on political rights for women

Compliance with the law on political rights for women is a form of legal implementation that restrains legal entities from practicing illegal activities. Compliance with law is to take legal action (mainly required for compulsory and prohibited practices). It consists of activities that the subject performs, follows consciously, but is passive based on requirements and contents described in the law (keep true, do right, obey the requirements and contents set out).

The use of the law on political rights for women is a form of law enforcement where the subject exercised his or her rights and legal freedom. These rights and freedoms are defined by the law in the form of potential that the subject may or may not perform without the compulsory or prohibited law. Consequently, the use of the law is broader and includes compliance with the law.

Enforcement of the law on women's political rights: The form in which legal entities perform their duties by acting in a positive way. It is the implementation of the requirements of specific norms, not the obligation of

general compliance such as compliance with the law. In this form, the law requires the subjects to fulfill obligations fully and seriously. These subjects do exactly as required by law so that the law is implemented in practice. The legal norms that are enforced are mandatory norms. Legal compliance is obeying the law. Not observing the law is not in compliance with the law (breaking the law).

Applying the law on political rights for women: This is a special form of legal enforcement, only by the competent authority. The State shall, through a competent authority or a person authorized by the State to organize the implementation of the provisions of law or by himself / herself, shall base himself / herself on the provisions of law to make decisions on the application of law in the Specific case. Applying the law is both a public agency's activity and a form of public service, which is a way for the State to organize the public with the right to freedom of thought.

2.2.4. The role of the implementation of the law on political rights for women

First of all, implementing the law on political rights of women is the most basic and effective way of applying the Party's policies and laws, especially the policies on gender equality that is expressed in legal norms, into real life, becoming reality in practice.

Secondly, implementing the political rights of women is one of the means to uphold the nature of our State as the State of the people, by the people and for the people, as a means of promoting the responsibility of the authorized agencies and persons to ensure social justice; implementing gender equality.

Thirdly, implementing the law on the political rights for women is a way to help women raise their sense of law, foster their capacity for mastery of the state and society, and handle the common work of the community. .

Fourthly, implementing the law on political rights for women is a measure to prevent illegal activities and crimes, and to strengthen socialist legislation.

2.2.5. Factors guaranteeing the implementation of the law on political rights for women

- Political and socio-economic factors.
- Legal elements.
- Organizational factors.
- Some factors negatively affect the implementation of the law on political rights for women in Vietnam today.

2.3. IMPLEMENTING LAWS ON POLITICAL RIGHTS FOR WOMEN IN SOME COUNTRIES AND THE REFERENCE VALUES FOR VIETNAM

The study of the experiences of some countries in the world on the enforcement of the law on political rights of women shows that this is a matter of great concern, with many different uses, depending on the socio-political and economic conditions, and circumstances of each country, in each historical period. From the experiences of each country in the enforcement of the law on women's political rights, it is possible to inherit, develop and apply creatively in the current situation in Vietnam.

Chapter 3

ACTUAL SITUATION OF THE LAW AND THE IMPLEMENTATION OF LAW ON POLITICAL RIGHTS FOR WOMEN IN VIETNAM NOWADAYS

3.1. ACTUAL SITUATION OF THE LAW ON POLITICAL RIGHTS OF WOMEN IN VIETNAM

The study of the legal status of women's political rights in Vietnam shows that in each period of history, the content of legal policies on women's political rights in our country changes in accordance with the practice towards perfecting direction, the content of the legal policy is relatively comprehensive, regulating the areas related to the settlement of social issues, with the focus on women and gender equality, linking economic development with social justice. Concerning the form, it is reflected in many different legal documents, programs, policies and projects on gender and gender equality. Basically, the law on women's political rights has met the requirements of reality, affirming the position, role and promotion of the adjustment effect. However, the practice shows that it has exposed a number of shortcomings, constraints and inadequacies that need to be further improved to meet the practical requirements of the country.

3.2. ACTUAL SITUATION OF THE IMPLEMENTATION OF OF THE LAW ON POLITICAL RIGHTS FOR WOMEN IN VIETNAM NOWADAYS

3.2.1. The research results and causes of the results in the implementation of the law on political rights for women in Vietnam today

3.2.1.1. Results of the implementation of the law on political rights for women in Vietnam

Firstly, the results of the implementation of the law of the subjects responsible for the exercise of women's political rights

- The level of compliance with the law on women's political rights.
- The extent to which women's political rights are exercised to exercise the rights of the subject.
- The level of law enforcement on women's political rights to perform the obligations of the subject.
- The level of application of the law on women's political rights by competent state agencies:

Secondly, the results of the implementation of the law on political rights for women on specific rights groups.

* Right to vote, to stand for election

From the research on the legal status of women's political rights in Vietnam from 1945 to date in Section 3.1, it can be seen that, with each revolutionary phase, each stage of socio-economic development of the country, The State has issued a suitable legal norms system to ensure the right to vote and stand for women. At the same time, the implementation of the provisions of the law on the right to vote and stand for election is also carried out to realize the above regulations into life.

The rate of female deputies to the National Assembly increased gradually through courses: course III (1964-1971) with the rate of 16.7%; Course IV (1971- 1975) with a ratio of 29.7; Course V (1975- 1976) rate of 32%. This is a very difficult period when the North built socialism, devoted to the South; Southern people fight against the America and the puppet, completing the democratic national revolution, reunification of the country. However, the participation of women in the National Assembly with a significant increase reflects the concern of the Party and the State in the work of female cadres. The rate of female deputies in term V (1975-1976) (32%) also reflects a practice at this stage, that is, this is the period of our country devoting full power for the liberation, unification of the country. The rate of female deputies of the National Assembly recently increases, decreases unstably; there is a downward trend in three consecutive terms: the 10th term of 1997-2002 reached 26.2%; Xith term : 27.3%; XIIth term reduced to 25.8%; the XIIIth term decreased to 24.4% (although previously, the Standing Committee of the 12th Legislature had

issued document No. 442 / UBTVQH12 dated 16/2/2011 intended to allocate the number, structure and composition of the National Assembly, Deputies of the National Assembly are women: 150 deputies (30%) ", the XIV National Assembly increased the proportion of female deputies to 26.6% (132 deputies) but there were still 18 people fewer than expected.

This is quite impressive compared to the average of 19% of Asian countries and 21% of the world. However, the National Assembly from term VIII to XI has tended to increase, but this rate tended to decrease in the National Assembly XII and XIII and this reflects, the proportion of women participating in the National Assembly lack of sustainability.

The result of the election of National Assembly deputies and the People's Council term XIV was evaluated as "basically ensuring the planned targets, the percentage of deputies being women, ethnic minorities, young delegates, having higher education level is higher than the previous term, reflecting the broad representation for all classes of people, the quality of the delegates raised to full capacity to operate with higher quality and efficiency. " However, the figure of 133 people (26.80%) being female deputies of the XIV National Assembly is still far from the National Strategy for Gender Equality 2011-2020. This rate also corresponds to the election of the People's Councils at all levels.

*About the right to participate in state management

Women in Congress: Although the relative position of female deputies compared to male deputies is more disproportionate in Congress, the practice of female representation has also proven that they are effective participants in activities in the field they are assigned. The promotion of women's participation in the state's highest state power body has contributed positively to promoting gender equality, contributing to the improvement of material and spiritual well-being, promoting the capacity and role of women, ensuring that women carry out their functions and are fully and equally involved in all aspects of social life.

However, the female members of the National Assembly (in the eleventh, twelfth, thirteenth and fourteenth terms) are mainly involved in the National Assembly's socio-cultural organizations such as the Committee on Social Problems, the Committee for Culture, Education, Youth and Children, the National Assembly's Ethnic Council (see Table 3.3). Opportunities for women to take key positions in important areas such as finance, budget, economics, foreign affairs, and the law of the National Assembly are still far off.

Women in the Party, socio-political organizations, ministries and ministerial-level agencies: According to a report of the Government (2012), the proportion of women in key posts occupies quite a bias compared to men, with only 18.75% of women being in key positions in the Party. In the eleventh and twelfth tenure of the Party, the top four leaders of the Party and the State are the General Secretary, the State President, the Prime Minister and the National Assembly Chairman, of which no position involves female representative; In XII term, only 1 out of 10 members is female members, in Politburo, 3/19 are female members. In the last three terms, the percentage of women in the Central Executive Board has been around 8-9% (see Table 3.4). According to the results of the 12th National Party Congress, the percentage of women taking part in the Central Executive Committee did not increase compared to the previous term, with only 10% (20/100).

For the socio-political organizations, ministry and ministry agencies, according to a report by the Government (2012), only 18.75% of women in socio-political institutions' keypositions compared to 81.25% of men; there were 7.91% of women in key ministries and agencies positions, compared with 92.09% of men; Out of the total of 22 ministers, only two women held the post of minister, accounting for 9% and there were 10 female deputy secretaries out of a total of 128 deputy ministers, accounting for 8%. At department level, there are 7% of directors and 12% of deputy directors are female. Of the 18 ministries, only one female minister, nine without female leaders, and nine with only one female leader. This evidence shows that women who are appointed to key posts at central agencies are biased against men and are not commensurate with the potential and existing female human resources. In localities, the Government report (2012) also shows that in the total of 63 provinces and centrally-run cities, only 24 provinces and cities have female leaders, accounting for 38, 1%, and only 8.51% of female leaders hold the key leading position in the provinces and cities compared to 91.49% of men. This has further strengthened the findings of earlier studies by suggesting that men are more dominant than women in the "political" district from central to local and this is in line with the research on women in many countries around the world.

Women in People's Committees at all levels: People's Committees elected by the People's Councils are the executing bodies of the People's Councils, the local state administrative organs, organized at provincial, district and commune levels. According to the report of the Committee for Social Affairs (2009), the

number of female members of People's Committees at all levels in 2004-2011 has also improved. However, the number of women occupying deputy positions is quite high compared to the position of chairman. Specifically, 3,12% of women held the post of chairman at the provincial level, 16.8% are vice president; at District level: female Chairman occupying 3.62%, female Vice Chairman occupies 14.48%; at the commune level: these rates are 3.42% and 8.84% respectively. This result shows that, in People's Committees at all three levels, women account for less than 10%. The percentage of female vice chairpersons is higher, but still much lower than the proportion of women in the People's Council (People's Council election). The proportion of women chairpersons of the provincial People's Committees increased from 1.64% in 1999-2004 to 3.12% in 2004-2009, however the percentage of women chairpersons of district and communal People's Committees decreased.

* On freedom of association and freedom of assembly

In fact, in Vietnam, there are many active associations, civil groups. According to the statistics of the Ministry of Home Affairs, as of December 12 2014, the country has 52,565 associations, of which 483 associations operate nationwide and 52,082 associations operate in each locality. Some associations are defined as socio-political organizations, socio-political- occupational organizations. The remaining associations are defined as socio-professional organizations, social organizations and humanitarian organizations, operating on the principle of voluntariness and self-financing. There are 31 organizations that are funded by the State to facilitate their activities, as they are the areas where the State is also responsible for implementing or encouraging the implementation, to promote the literature of the country, developing social benefits.

On October 20, 1930, the Vietnam Women's Union (now renamed the Vietnam Women's Union) was officially established, to mark this event, the Communist Party of Vietnam decided to select the date 20/10 Every year as the traditional day of the organization, as well as the celebration of the Vietnamese Women's Day, which is named "Vietnamese Women's Day". The Vietnam Women's Union is a socio-political organization in the political system, representing legal and legitimate rights and interests of Vietnamese women's classes; strive for the development of women and gender equality. The Association is a member of the Vietnam Fatherland Front, a member of the Federation of International Democratic Women and Federation of ASEAN Women's Organizations.

In addition to the Viet Nam Women's Union (VWU) with the members being Vietnamese Women, to promote the role of female representatives in National Assembly in meeting the requirements of regional and international integration, the Standing Committee of the National Assembly issued Decree No. 620/2008 / UBTVQH12 dated 15/5/2008) and the Standing Committee of the National Assembly (Resolution No. 04 / NQ-UBTVQH13 dated 4/10/2011) on the establishment of the Group of Female MPs of Vietnam/Female deputies of Vietnam National Assembly (Chairman of the National Commission on Science and Technology of Vietnam (EVN) Truong Thi Mai has been the chairman since 2008).

Thus, by not restricting, even encouraging, creating conditions for women to form and participate in associations and groups with the goal of mutual assistance, protection and promotion of mutual development, contributing voice of the sub female in deciding the major issues of the country.

3.2.1.2. The cause of the results achieved in the implementation of the law on political rights for women

* Objective reasons:

Firstly, with the human and social development of human beings, the content of human rights for women continues to grow. International human rights law, in which women's rights are constantly developing and the perception of women's human rights worldwide has increased steadily. The international legal system of human rights includes soft laws and hard laws. "Hard" laws consist of legally binding international treaties with participating States (through accession or ratification), of which the most important are the Convention on the Civil and politics Rights in 1966 and the CEDAW Convention in 1979.

Secondly, the international community has recognized the important role of promoting gender equality and empowering women: Equality is not only seen as a cornerstone of peace, stability, democracy and progress, but also the fundamental factor of human rights and the core issues in ensuring human rights of women and girls are guaranteeing equal rights between men and women.

Thirdly, Vietnam has participated in almost all international conventions on human rights, including the Convention on the Rights of Women (CEDAW), so it must seriously respect the obligations of a member state: Upon the ratification or accession of an international treaty on human rights, member

states have the responsibility to organize the implementation of the Convention on the principle of: conversion of the treaty into the national legal system (if the law of that country, the international treaty has no direct effect on the national territory; widespread publicity of the convention; to formulate action programs for the implementation of treaties; Integrate the contents of the treaty into the social programs and policies of the State; To set up specialized agencies to organize and monitor the implementation of treaties; Report on the implementation of the treaty.

Fourthly, in the current context of integration and development, the prestige of a nation on the international stage depends on the international recognition of the level of democracy and human rights of the nation, in which promotes gender equality and women empowerment are considered one of the criteria for assessing the achievement of a country's human rights record. On the other hand, respecting and assuring the rights of women is an important condition in order to create opportunities for more than half of the national population to contribute and enjoy, thus contributing significantly to the stability and sustainable development of the people and the nation.

* Subjective reasons:

Firstly, the development of the Party's theoretical understanding and awareness of different classes of the people concerning the importance and significance of human rights issues, including the political rights of women, have been significantly improved. Legal institutions of the rule of law have been formed and increasingly perfect, providing a framework for the protection of human rights, including the political rights of women. Market economy institutions have also been formed and gradually improved, facilitating the material premise guaranteeing the political rights of women. The rapid development of science and technology, especially information technology, provides an opportunity for society, including women, to access information resources to better understand the meaning, importance and responsibility of the society in ensuring the rights of women.

Secondly, the attitude of understanding, goodwill and practical relations is established between the international organizations and the Government of Vietnam and the local authorities to support the institutions, experiences and finances in economic development, hunger eradication and poverty alleviation, democracy expansion in our country contributes significantly to promoting the rights of women.

Thirdly, women themselves - the beneficiaries of political rights, have made efforts to overcome barriers to access and enjoy political rights.

3.2.2. Limitations and causes of restrictions in the implementation of the law on political rights for women in our country today

3.2.2.1. Limitations in the implementation of the law on political rights for women

Firstly, the limitations in the implementation of the law of the subjects being responsible for enforcing the law on political rights of women can be seen:

- On the extent to which women's political rights are exercised to exercise the rights of the subject.

- On the level of compliance with the law on women's political rights to perform the obligations of the subject.

- Regarding the level of application of the law on women's political rights by competent state agencies.

Second, limitations in ensuring women's political rights in practice.

- The proportion of female members of the National Assembly increases not sustainably through the courses.

- In addition to the achievements, the election of deputies to the National Assembly and the People's Council of XIV is still limited.

- The planning, arrangement and use of female cadres step by step receiving the leadership and direction from the central to local levels should have more changes.

- The state management in the implementation of the law on women's political rights is limited, not implemented at all levels and branches; Not regularly monitoring, inspecting, urging and guiding agencies, ministries, branches and establishments.

- The regulation on the discrimination of working age and retirement creates barriers in planning, training, promotion and appointment of many female cadres.

- The assignment and arrangement of female leaders and managers are largely gender-based (usually in charge of commune literacy, education, emulation, mass organizations ...), being subjective, not basing on the level, capacity, and trained professions.

- The promulgation and implementation of regimes and policies for female cadres is not uniform at present, depending on the awareness and interest of leaders of each agency or unit.

- Many leaders of the Party committees and authorities at all levels and sectors are not aware of and fully grasp the work of female cadres who are important in the work of the Party cadres, being an objective requirement.

3.2.3.2. Causes of limitations in the implementation of the law on women's political rights

* Objective reasons:

Firstly, gender stereotypes persist in the people and in the leadership. With the idea of "respect for men and not for women", the discrimination against women of the subject leads to misleading behavior, limiting the results of the work of ensuring the rights of women; Preventing women from exercising equal rights in the political field, causing difficulties in the implementation of policies and legislation on gender equality; Considering women are only suitable for housewives, housework, kitchen work,...

Secondly, the socio-economic situation in recent years has had a considerable impact on the rights of women. According to the Political Report of the 11th Central Committee of the Party Central Committee, term 2010-2015 at the 12th National Congress, in the last 5 years, besides the opportunities, advantages, the world and regional situations have had many complex developments; slow recovery in the world economy, political crisis in many places, many countries; competition in many aspects is increasingly fierce among the major countries in the region; complicated developments in the South China Sea ... have adversely affected our country.

* Subjective reasons:

Firstly, the work of communication and dissemination of gender knowledge and gender equality law has not been diversified, not linked to cultural and community activities and not suitable to each target group. The implementation has not become a compulsory criterion that is associated with the evaluation and assessment of emulation of organizations, families and individuals every year.

Secondly, the State management agency on gender equality remains confused, not timely guiding unifiedly, specifically, urging, checking and inspecting the agencies in the governmental system, implementing the law on gender equality; Women's Unions at all levels are limited in counseling, organizing the performance of their duties and tasks in accordance with the law on gender equality (especially the introduction of election personnel, social reflection on gender equality ...).

Thirdly, the orientation of leadership, direction and methods of mobilizing women is not specific and not suitable for each target group, locality and region, especially for rural women. There is a lack of dignity in directing implementation or directing formal development.

Fourthly, the implementation of coordination responsibilities among different levels, branches, localities and units in the implementation of gender equality and the advancement of women have at times been inadequate, infrequent, not yet often and ineffective.

Fifthly, the quality of staff working in the work of women is insufficient and weak. The system of state management of gender equality was established after the Government's Decree No. 186/2007 / ND dated December 25, 2007 stipulating the functions, tasks, powers and The organizational structure of the Ministry of Labor, War Invalids and Social Affairs and the State management of gender equality are assigned to the Ministry of Labor, War Invalids and Social Affairs, therefore the contingent of cadres carrying out the tasks of gender equality have just been established, still lacking of quantity, with limited knowledge about gender, skills to integrate genders to meet the requirements assigned, especially in the grassroots level.

Sixthly, the role of socio-political organizations in protecting the rights of women in rural areas has not been fully developed. Especially, the supervision and social criticism has not been well implemented. The activities of supervision and social criticism are still of formality and has low quality; are still confused in selecting the contents and objects to monitor; Monitoring the implementation of the findings, recommendations after supervision has not been paid attention. The quality of analysis, evaluation, conclusions and opinions expressed in the review activities is not high. Many drafts of laws, programs, projects ... are not implemented to get comments from the Front and Women's Union, especially at the grassroots level.

Seventhly, in the legal norm documents on election of leaders, managers, deputies of the National Assembly, the election of deputies of the People's Councils at all levels, the required percentage of women to guaranteeing the principle of gender equality is not specified but only general provisions as "suitable female ratio"; There is no mechanism to ensure the implementation of the principle of gender equality in the work of personnel organization in general, and in training, appointment and promotion of female cadres in particular.

Eighthly, in fact, the work of organizing, planning, arranging, promoting cadres is the work of the Party, having their own procedures. Resolution No. 11-NQ / TW dated 27/4/2007 of the Politburo on the work of women in the period of industrialization and modernization has not assigned responsibility to competent agencies (the Organizing Committee, the Inspection Committee ...) in collaboration with specialized agencies to institutionalize, "legalize" into legal normative documents, ensuring the process of planning, arranging and promoting staff in accordance with the principle of gender equality; The specific responsibilities of heads of agencies and organizations are not specified in the Law on Gender Equality; There is no specific responsibility of female leaders, senior management in detecting, mentoring, introducing and recruiting female staff of lower levels.

Ninthly, there are no regulations specifically guiding the process of receiving and handling dossiers in order to consider and handle violations of the law on gender equality in the political field so that the ideas and habits "Gender prejudice" is still quite common in agencies, organizations and cadres, civil servants and officials.

Tenthly, the provisions of the law on the retirement age of female workers (especially female cadres, civil servants) is unreasonable, not in line with the principle of gender equality as well as general trend of the world concerning gender equality, but slowly revised.

Eleventhly, the introduction of female candidates in the election of deputies to the National Assembly, the People's Council at all levels in many places is still of formality, not matching (in terms of qualifications, positions, degrees ...) to the male cadres so that this is often referred to as "green troops".

Twelfthly, women themselves do not have enough knowledge, experiences, methods, skills, confidence, bravery to defend their legitimate rights and interests. Many female cadres, civil servants and employees, are either smug, or incompetent and not qualified, not supported by the heads and the units; There are even cases where female officials do not support each other, compete with each other...

Chapter 4

VIEWPOINTS, SOLUTIONS TO ENSURE THE IMPLEMENTATION OF THE LAW ON POLITICAL RIGHTS FOR WOMEN IN VIETNAM NOWADAYS

The study of current political views and solutions to the enforcement of the law on women's political rights in Viet Nam is a necessity. The viewpoints concerning the implementation of the law on women's political rights are indispensable and objective, reflecting the real needs of the country's development and the need to improve the legal system for women as well as the implementation of the law on political rights for women, therefore, needs to be built in accordance with the requirements, sticking to the characteristics of the socialist rule-of-law State of Vietnam placed under the leadership of the Party towards the goal of prosperous people, strong country, democracy, justice and civilization, people are to have a prosperous life, freedom, happiness, conditions to develop comprehensively and close to our real situation. Each point of view has its own content and requirements and requires the participation of stakeholders, especially government agencies, civil servants, and party members, especially women and related stakeholders, to fully and thoroughly grasp and implement the law on political rights for women.

4.1. IMPORTANT LEGAL GUIDELINES FOR POLITICAL RIGHTS FOR WOMEN IN VIETNAM

Firstly, grasping the views of Marxism-Leninism, the Ho Chi Minh's ideology and the Communist Party of Vietnam on gender equality and the role of women in the implementation of the law on political rights for women.

Secondly, raising the State's responsibility to improve and organize the implementation of gender equality and women empowerment policies.

Thirdly, ensuring the inheritance, development, absorption of cultural quintessence of humanity in the trend of integration and development.

Fourthly, ensuring the leadership of the Party and promoting the role of the political system in the implementation of the law on political rights for women.

Fifthly, implementing the law on political rights for women must be linked to fighting against the idea of "Gender prejudice".

4.2. SOLUTION TO ENSURE ENFORCEMENT OF THE LAW ON POLITICAL RIGHTS FOR WOMEN IN OUR COUNTRY NOWADAYS

Firstly, the group of solution to raise awareness of all subjects in the society about political rights and the implementation of the law on political rights for women.

Secondly, the group of solutions to perfect the legal system and mechanisms for implementing the law on political rights for women.

Thirdly, the group of solutions to promote the role of organizations in the political system, especially the Vietnam Women's Union in implementing the law on political rights for women.

CONCLUSION

1. Legislation on women's political rights is a legal system taking women as the central subject, stipulates responsibilities of the State of the Socialist Republic of Vietnam, recognizes and establishes ensurances to achieve gender equality, to show the Party's and State's direction on the role of women in order to build a society aimed at the goal of having prosperous people, strong countries, democracy, justice and civilization. The law on political rights for women has the following characteristics: i) Recognition and establishment of measures to safeguard human rights and citizenship; ii) Law on women's political rights demonstrates the State's responsibility towards women in creating conditions and opportunities for women equally as men; iii) Law on women's political rights institutionalizes the viewpoints and policies of the Party and State on women.

2. Implementing the law on political rights of Vietnamese women nowadays are the overall purposeful activities of the subjects, especially the responsibility of the Party and the State, in order to realize the law on political rights of women of the Vietnamese Socialist rule-of-law state into real and legal acts of subjects through specific activities for the common goal of a prosperous people, strong country, democracy, justice and civilization. There are four forms of legal implementation: complying with the law on women's political rights; To abide by the law on political rights for women; Using the law on political rights for women and applying the law on women's political rights. These forms are associated with the requirements of the socialist rule-of-law State of Vietnam. Each form has specific requirements for each type of subject with different contents and requirements.

3. Given the current state of the implementation of the law on women's political rights, it has achieved policy objectives that has a positive impact on public life and the law; Promoting democracy, strengthening legislation, ensuring human rights, citizenship, building a rule-of-law State, perfecting the legal system, contributing to the successful implementation of social policies. The mechanism of implementing the law on political rights for women has

gradually been improved. The law on women's political rights has come into being, becoming the lawful act of the subjects. Legal awareness and a sense of compliance, the observance of the law on the political rights of women and the subject is raised. The institutions of the law enforcement and the institutions supporting and helping the women in implementing the law are strengthened. The capacity of organizing the implementation of the Law on the political rights of women in agencies and organizations is raised. The inspection, supervision and requirements ensuring the implementation of the law are put greater importance. However, it has also revealed a number of shortcomings, limitations that require further refinement to suit the practical requirements.

4. The implementation of the law on political rights for women in Vietnam now needs to be based on five guiding principles: i) thoroughly grasping the viewpoints of Marxism-Leninism, Ho Chi Minh's ideology and the ideology of the Communist Party of Vietnam on gender equality, and the role of women; ii) Understanding the nature of the Vietnamese socialist rule-of-law state, strengthening and furthering the State's responsibility for the improvement of the legal policy in general, developing legal policies on gender equality and enforcing those legal policies for women; iii) The implementation of the law on women's political rights must be regular, continuous, flexible and creative; inheriting, developing the achievements, overcoming the existing limitations and inadequacies, absorbing the quintessence of human culture and in accordance with the development trend of the era; iv) The process of perfecting the law on women and political rights for women must ensure the leadership of the Party, promoting the role of the members of the party, promoting the strength of the whole nation combined with the power of the times; v) The implementation of the law on gender equality is associated with firmly and persistently fighting against the notion of "gender prejudice", discriminating against women.

5. To ensure that the implementation of the law political rights of women in Viet Nam, it is necessary to synchronously implement the following three groups of solutions: i) Group of solutions to raise awareness of all subjects in the society concerning political rights and social justice for women; ii) Group of measures to improve the legal system, including the law on women's political rights; improve the general mechanism of the law and the law on political rights for women in particular; iii) Group of solutions to promote the role of organizations in the political system, especially VWU in the implementation of the law on political rights for women.

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