

**Papers of 10th International Conference on
Gender & Women's Studies 2023**



24 - 25 July 2023

Bangkok, Thailand

Published by

Unique Conferences Canada

admin@uniqueca.com

www.uniqueca.com

Published in Canada

December 2023

ISBN 978-1-988652-70-2



@UCC December 2023

All rights reserved.

10th International Conference on Gender & Women's Studies 2023

(GWS2023)

Conference Convener

Dr. Prabhath Patabendi
International Center for Research & Development, Sri Lanka

Keynote Speakers/ Resource Persons

Dr Rafidah Hanim Mokhtar,
Professor of Gender and Cardiovascular Physiology
Faculty of Medicine and Health Sciences
Universiti Sains Islam Malaysia

Dr. Madhu Sharan
President - Hand in Hand, India

Dr. Saskia Ravesloot
Gender & Human Rights Expert
Paris School of International Affairs (Sciences Po), France

Dr. Michelle Philip
Associate Professor and Head,
Department of English, Wilson College, Mumbai, India

Dr Ambreen Salahuddin
Assistant Professor of Gender Studies, Department of Gender Studies,
University of the Punjab, Lahore, Pakistan

Conference Organizer

International Center for Research & Development (ICRD)

Conference Partner

Unique Conferences Canada

**10th International Conference on Gender & Women's Studies 2023
(GWS2023)**

GWS2023 Faculty

Conference Advisors

Dr. Lesley Ljungdahl, University of Technology Sydney, Australia

Prof. N.S. Cooray, International University of Japan

Dr. Rafidah Hanim Mokhtar, Universiti Sains Islam Malaysia

Prof. Cher Weixia Chen, George Mason University, USA

International Scientific Committee

Dr. Helen Peterson (Sweden)

Prof. Cher Weixia Chen (USA)

Prof. Risa Morimoto (United Kingdom)

Dr. (Mrs) Upena D Dalal (India)

Dr Rafidah Hanim Mokhtar (Malaysia)

Dr. Madhu Sharan (India)

Dr. Grace V. S. Chin (Malaysia)

Prof. Timothy F. Yerima (Nigeria)

Prof. Donathan Brown (USA)

Dr. Anuradha Benerjee (India)

Dr. Kana Takamatsu (Japan)

Dr. Ambreen Salahuddin (Pakistan)

Dr. Dang Thi Hoa (Vietnam)

Dr. Michelle Philip (India)

Unique Conferences Canada

DISCLAIMER:

All views expressed in these proceedings are those of the authors AND THEREFORE THE AUTHORS HOLD RESPONSIBLE FOR THE VIEWS CONTAINED IN THIS PUBLICATION and THE PUBLISHERS do not necessarily represent the views of, and should not be attributed to, the International Center for Research & Development and Unique Conferences Canada.

The publishers do not warrant that the information in this publication is free from errors or omissions.

The publishers do not accept any form of liability, be it contractual, tortuous, or otherwise, for the contents of this publication for any consequences arising from its use or any reliance place on it.

The information, opinions and advice contained in this publication may not relate to, be relevant to, a reader's particular interest.

Portions of this publication are copyrighted. Except as permitted under the Copyright Act, the copyrighted parts may not be copied or reproduced by any process, electronic or otherwise, without the specific written permission of the copyright owners. Neither may information be stored electronically in any form whatsoever without such permission.

Unique Conferences Canada

admin@uniqueca.com

www.uniqueca.com

Proceeding Note for 10th International Conference on Gender and Women Studies 2023 (GWS2023)

It is great pleasure that I compose this Proceeding Note for the 10th GWS International Conference on Gender and Women Studies, held on July 23rd and 24th in Bangkok, Thailand. With over 45 participants from 21 countries and 31 papers being presented and deliberated upon, the conference was engaging, stimulating, and invigorating!

Dr. Prabhath Patabendi, the Convener, initiated the conference by extending a warm welcome to the participants and providing a brief overview of the sessions and logistics. The event featured two insightful keynote addresses; Prof. Dr. Rafidah Hanim Mokhta shared intriguing insights on "Gender Affirmations in Children," followed by Dr. Madhu Sharan's presentation on "The Role of SHG Federations in Promoting Women's Economic and Social Empowerment."

Aligned with the core theme, the first session delved into various aspects of 'Issues in Women's Rights.' Topics included Surrogacy in Australia, the Role of the International Committee on the Rights of Women in Vietnam, The Aurat March and Women's Rights in Pakistan, the 'Anti-feminism' Discourse on Vietnamese social media, and Challenges in Guaranteeing the Marriage Rights of Ethnic Minority Women in Vietnam. The session was skillfully moderated by Dr. Kakanang Yavaprabh.

The post-lunch session, focusing on 'Gender Equality and Justice,' chaired by Prof. Dr. Hanim Mokhtar, addressed immersive issues such as Intersectional Gender Inequalities in Sierra Leone, Barriers and Challenges faced by Transgender People in Employment in Vietnam, Climate-Resilient and Gender-Responsive Interventions for Agricultural Communities in the Philippines, Gender Equality through Education in Japan, and Gender Equality and Women's Unpaid Care Work in Families in Vietnam.

Later in the day, a session on 'Emerging Studies in Sexual Diversity' explored contemporary issues. Papers discussing Role Models and Sexual Minority Well-Being in Japan, Types of Visibility in Contemporary Politics in Vietnam, The Politics of Menstruation in Slovenia, and Same-Sex Marriages in Vietnam from the Perspective of International Human Rights Law were presented and expertly moderated by Dr. Geetanjali Gill.

Day two commenced with a focus on 'Studies on Women Empowerment,' chaired by Dr. Ronli Sifris. Presentations covered a spectrum of topics, including women's empowerment and social capital among the Rohingyas of Nepal, the influence of religion and culture on Saudi Women's Academic Careers, perspectives of well-educated commercial sex workers in Iloilo City (Philippines), an ethnographic study on the discourse of Anemia among 'Adivasi' Women in Sundarbans, West Bengal (India), and an insight into the 'Thai Bhikkhuni Movement and Facebook' by Dr. Kakanang Yavaprabhas (Thailand).

Multiple and multilayered issues relating to 'Violence among Women,' was deliberated upon in the next session chaired by Dr Madhu Sharan (India). Thought provoking papers on topics of 'Types of Bystanders Among South Koreans Based on Their Subjective Reactions to Intimate Partner Violence;'

'Tackling with Re-emerging Violence against Women;' 'Intersectionality-Based Approach to Gender-Based Crimes by The South African Police Service;' 'Legal Response Initiation in South Korea against Stalking;' 'Legal Provisions on Vietnam Protection of Women's Personal Data;' 'Widow and Bereaved Mother Relations After Loss of Husband or Son: A Double Perspective;' were presented by Dr. Sihyun Park (S Korea), Dr. Akiko Nanami (Japan), Prof. Emma Lubaale (South Africa), Hyunji Woo (S Korea), Prof. Nguyen Thi Long (Vietnam) and Dr. Einav Segev (Israel).

Post-lunch discussions featured Studies from Different Countries, ranging from understanding modern Indian women from an Institutional Theory Perspectives to examining the effectiveness of controlling mechanisms in addressing sexual harassment in higher learning institutions in India, and exploring power relations among female and male youth vegetable farmers in Tanzania.

This led to an invigorating panel discussion on 'The Future of Gender: Examining the Evolving Concept of Gender and its Implications for Future Societies,' moderated by Dr. Michelle Phillip (India). Panelists, including Dr. Madhu Sharan (India), Prof. Emma Charlene Lubaale (South Africa), Dr. Nguyen Toan Thang (Vietnam), Dr. Einav Segev (Israel), Dr. Akiko Nanami (Japan), and Ronli Sifris (Australia), delved into various interrelated issues, drawing active participation from the audience.

The conference concluded with closing remarks from Dr. Michelle Phillip and Dr. Madhu Sharan. Dr. Prabhath Patabendi, the Conference Convener, expressed gratitude to the participants for their enthusiastic and meaningful engagement, making the conference a resounding success. On behalf of the conference committee, I, Dr. Madhu Sharan, extend sincere thanks to the organizers and participants for their stimulating contributions, presenting and deliberating on critical themes covering the diverse and interconnected aspects of gender and women studies.

Dr. Madhu Sharan,

Co-Chairperson GWS2023

President, Hand in Hand, India.

TABLE OF CONTENTS

Abstract Titles	Presenting Authors	Page No.
Empowering Women for Gender Equality: A Comprehensive Study of Women's Universities	Kaori Mori Want	1
Vietnam and the Implementation of International Commitments and Obligations on the Rights of the Women	Dr. Thi Kim Ngan Nguyen	7
Demanding Women's Right in Muslim Societies: A Critique of Transnational Feminism.	Laraib Khan	17
Why Well-Educated Sex Workers in Iloilo City Choose this Profession	Joeylyn Hingco Terania	23
Gender Equality in Unpaid Care and Domestic Work (UCDW): Analyses and Policy Recommendations for Vietnam	Dr. NGUYEN Thi Hong Yen and NGUYEN Phuong Dung	35
Empowerment in Motherhood and Employment: A Study of Myanmar Diasporic Mothers in the Greater Toronto Area (GTA)	Ame Khin MAY-KYAWT	45
Feminist vs. Nationalist: The Making of Anti-Feminism Discourse by Nationalist Narrative on Vietnamese Social Media	Pham Khanh Linh	58
Challenges in Guarantee the Marriage Rights of Ethnic Minority Women in Vietnam	Ha Pham Thi Bac and Thuy Tran Thi Thu	68

Empowering Women for Gender Equality: A Comprehensive Study of Women's Universities

Kaori Mori Want

English Department, Konan Women's University,

Abstract

In some countries, women's universities have turned into co-ed universities, and some even claim that women's universities are detrimental to the development of gender equality. Yet women's universities are still surviving. Why? It is because gender equality is not achieved in many countries and women's universities have functioned to provide gender-oriented education so women can deal with hardships they may encounter in male-dominated society.

This paper looks at the education of the following women's universities: Konan Women's University, Japan; Women's College, Aligarh Muslim University Women's College, India; Agnes Scott College, USA. This paper examines the three schools' education contents in their homepage, and researches each country's gender problems by looking at World Economic Forum's Global Gender Gap Report 2022 Insight Report.

The three women's universities, which will be examined for this paper, mention in their mission statement that gender equality is their educational mission. I will look at their attempt of how they try to achieve their mission goal through education and argue the important contribution that women's universities have made/and will make for the attainment of gender equality all over the world.

Keywords: *Educational mission of women's universities, Gender equality through education, Challenges and possibilities of gender education*

Introduction

When universities were first open, they were only for men, and women were not allowed to be the students of universities. Women's universities were opened in order to provide higher education opportunity for women. Their mission has been to empower women through education from their beginning.

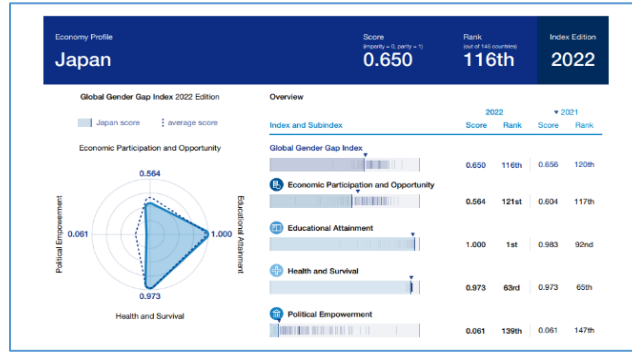
However, in some countries, women's universities have turned into co-ed universities, and have disappeared. Some even claim that women's universities are detrimental to the development of gender equality. Nevertheless, women's universities are still surviving in some countries. Why? It is because gender equality is not achieved in many countries and women's universities have functioned to provide gender-oriented education so women can deal with hardships they may encounter in male-dominated society. Graduates from women's universities have clearer understanding of patriarchal social structures of their society. They gain knowledge and power to challenge the patriarchal social status quo at women's universities. Empowering women through education is one of the important missions of women's universities.

The objective of this paper is to look at the education contents of three women universities of the world, analyze their mission, and examine in what way they contribute to the making of gender equality in their own country. Further, this paper will argue the future of women's universities.

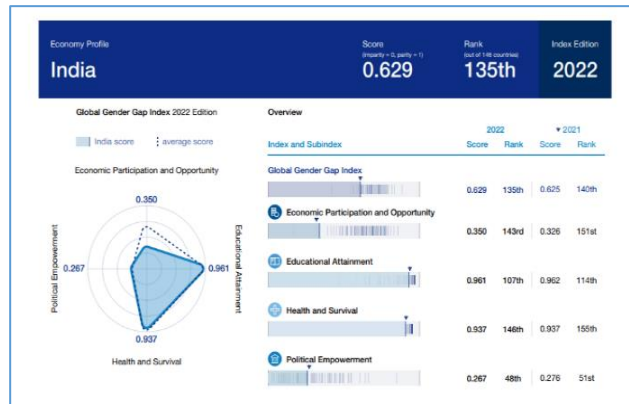
Methods and Materials

This paper analyzes the education of the following women's universities: Konan Women's University, Japan; Women's College, Aligarh Muslim University Women's College, India; Agnes Scott College, USA. I will get information on the education contents of the schools from their HP and use official data of each country's gender equality condition from World Economic Forum's *Global Gender Gap Report 2022 Insight Report*.

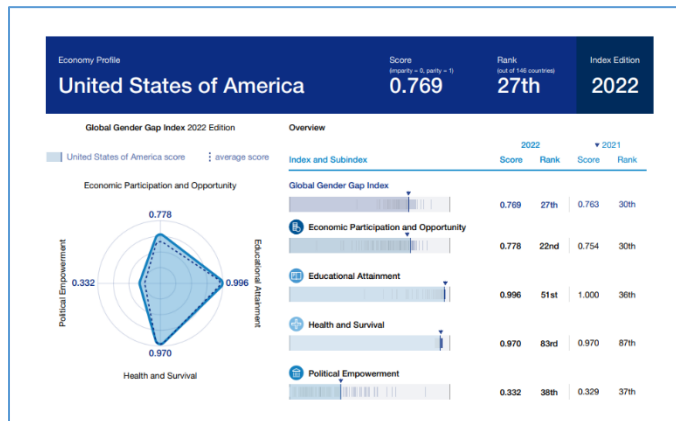
The three countries listed above are still facing gender problems in their own way. For example, Japan's gender gap index is 116 out of 146 in 2022 despite its high economic power. Women's low participation in political and economic decision-making contributes to the result.



India's gender gap index is 136 out of 146 in 2022. Women's economic participation is quite low, but above all, women's health and survival rank 146. The report says, in terms of the scores for Health and Survival, "Afghanistan, Pakistan and India are among the worst-performing countries globally. Sex ratio at birth remains relatively low in large" (23). Women and girls' lives are at risk in India.



USA's gender gap index is 27 out of 146 in 2022, and this ranking may look quite better than India and Japan. Yet, the USA is facing its own gender problems such as the abortion rights, the complex intersectionality of race and gender, and so on. The three women's universities, which will be examined for this paper, mention in their mission statement that gender equality is their educational mission. I will look at their attempt of how they try to achieve their mission goal through education and argue the important contribution that women's universities have made/and will make for the attainment of gender equality all over the world.



Discussion

<USA>

According to Susan Ladika, “the number of women’s colleges and universities in the United States has dwindled, from 230 just five decades ago to 45 today.” Ladika writes that the decrease is partly because “there have been questions about the continuing need for women’s colleges in North America and Western Europe in today’s world.” She also reports that “just 2 percent of high school students say they’re interested in attending a women’s college.”

The USA’s gender equality index suggests that the Economic Participation and Opportunity, educational attainment, health and survival rating is high. Yet, political empowerment is low. The report writes that

Despite leading across other subindexes, North America has the third- widest regional gap on Political Empowerment, only ahead of East Asia and the Pacific and South Asia. While women occupy an equal or near equal share of ministerial roles in both countries, the progress has not been sufficient to improve the overall levels of parity at parliamentary level. In both countries, women occupy less than 31% of seats. Furthermore, to date the United States has never elected a female head of state (22).

The report makes it clear that there are not enough women leaders in politics. Women’s universities may function to overcome the lack of female political representations.

Agnes Scott College is founded in 1889 in Atlanta, Georgia. Its mission is as follows:

Agnes Scott College educates women to think deeply, live honorably and engage the intellectual and social challenges of their times.

Agnes Scott College provides a dynamic liberal arts and sciences curriculum of the highest standards so that students and faculty can realize their full creative and intellectual potential.

Agnes Scott College fosters an environment in which women can develop high expectations for themselves as individuals, scholars, professionals and citizens of the world.

Agnes Scott College strives to be a just and inclusive community that expects honorable behavior, encourages spiritual inquiry and promotes respectful dialogue across differences (“Mission and Values”).

The school is acknowledged as the most innovative liberal arts university in the USA. It has a unique program called Summit Program, which nurtures students’ global leadership through liberal arts education. Summit program provided for 1st and 2nd year students. It consists of Leadership 101 seminar (1st year), and Sophomore Class Atlanta Leadership Experience (2nd year). The purpose of Leadership 101 seminar is below:

LDR 101 seminars explore how the liberal arts inform good leadership. They engage every first-year student in the exploration of an interesting topic while providing the intellectual orientation and skills foundational to college learning and effective leadership. All LDR 101 seminars, regardless of topic, share specific learning goals based on the faculty's conviction that all good leaders work well with others, think analytically, and communicate effectively. For these reasons, all LDR 101 seminars place special emphasis on five fundamental intellectual and leadership skills: critical thinking, writing, public speaking, digital literacy, and teamwork.

Partly as a result of strengthening women’s global leadership in their education, Agnes Scott has attracted international students and 13% of its students are international students (Ladika 30). Other women’s colleges in the USA are also accepting more and more international students. Josh Moody concludes that “In spite of the shrinking numbers of all-women colleges, a rise in application numbers in recent years suggests that the sector remains vibrant.” Young women all over the world may find that Agnes

Scott College's education could empower them and prepare them as a future leader in many areas of society.

<Japan>

According to the article, "The decreasing number of Women's Universities in Japan," Japan had 98 women's universities in 1998, and its number has declined down to 75 because some women's universities turned into co-ed universities. The article lists the three reasons of the decline number of women's universities. First, the Japan's population itself is quickly declining and the number of students enrolling universities is also declining. Second, female students prefer big co-ed universities. Third, women's universities used to offer majors such as home economics or literature and have failed to meet the changing demands of female students. More and more female students want to study in the academic fields such as law, economics, and computer science, which used to be occupied by male students. In fact, Konan Women's University is struggling with the dwindling number of new enrollments.

Responding to these criticisms against women's universities, and to reassess the educational value of women's universities, professors and staff at Konan Women's universities tried to redefine the mission of women's university in the book, *Women's University's Mission to Empower Women* in 2021.

Shiho Nozaki, one of the editors of the book admits that "women's universities may fail to show their educational strength enough" (Nozaki, 14). She explains that the strength of women's universities is that they can teach only for women, and they can concentrate on the education to empower on women (ibid., 13). Co-ed universities cannot do this.

As shown in the gender gap index, women's economic and social status in Japan is extremely low. Providing education focusing on the empowerment of women is important in order to attain gender equality at all levels in Japan. Women's universities could play an important role for the advancement of gender equality in Japan.

As concrete educational attempts, Konan Women's University makes it mandatory for all students to take at least one gender class before they graduate. Further, all teachers need to incorporate gender perspective in their teaching. Through these attempts, the school intends to survive by appealing its educational mission to female students, and to educate young women so they could change the patriarchal Japanese society after they graduate.

<India>

Compared with the US and Japan where women's universities are struggling to survive, Ladika writes that the situation is different in India. She contends,

While women's universities in the United States generally must compete for students, that's a contrast to the situation in places such as China and India, where students compete for places in universities, because there are more students interested in receiving a university education than there are seats available.

In some developing countries, "There's so much hostility to getting women educated in some places," Renn says (Ladika). Women's universities are therefore a sanctuary where women can get education without fearing gender-oriented criticism and hostility.

This paper introduces the education of Aligarh Muslim University Women's College in India. The university held an "International Conference on Gender Equality for A Better World: Issues and Challenges" in 2020 and I was the one of the participants. The conference was organized by the faculties of the university. Some papers presented at the conference were published as a book titled, *Rising up to Gender Equality: Pasts and Possibilities* in 2022. The book "alerts us to the pressing need to work towards gender equality" (Hasan 5). As shown in their endeavor to hold international conferences and book publication, we can see that the university is quite active in their engagement in women's education.

The school's mission statement is as follows:

The Women's College came into being as part of philanthropy and a conscious awakening first, which has evolved into a gateway to excellence with time. As a key

institute of Aligarh Muslim University, the College takes pride in its history of 115 years dedicated to the cause of Female Education in India. [...] It has played a perennial role in educating the Muslim women specially those who faced more rigid barriers in their efforts to get empowered. ("Aligarh Muslim University Women's College").

The school not only has Indian students but international students from Turkmenistan, Yemen, Thailand, Nepal, Indonesia, Mauritius and Bangladesh. They are are studying in the seven faculties: Arts, Social Sciences, Science, Life Sciences, Agricultural Science (Home Sc.), Commerce and Theology. Through the education, the university empowers women who may not be otherwise.

As a women's college, the school has a facility called the Centre for Skill Development and Career Planning. According to their Home Page, "this Centre provides vocational training to girls and prepares them for economic independence while counseling them on a possible future career." (ibid.) The school supports their students to be financially independent through its career program. The college also has a facility called The Day Care Centre for children and supports their students to be both mothers and students. Through their commitment to the development of students' intellectual as well as vocational ability, Aligarh Muslim University Women's College occupies a unique educational position in India.

Conclusion

This paper examined the education of women's universities in three countries. Since the USA is lacking female leaders, Agnes Scott College is offering leadership education. Konan Women's University in Japan is tackling with the country's deep-rooted gender inequality through providing gender education. India's Aligarh Muslim University Women's College is giving a safe education space for Muslim women. The educational contents are different in three universities, and each country is facing different gender issues, but they share the same goal, which is gender equality.

It is true that we are not sure to what extent women's universities really contribute to the making of a more gender equal society. *Global Gender Gap Report 2022 Insight Report* shows the still unequal gender social structure of USA, Japan, and India. It seems what women's universities can do to change the society is quite little. Further, women's universities in USA and Japan are failing to attract female students. They may disappear in a future.

Yet, women's universities are making efforts by providing education, which coed universities cannot do, such as female leadership program, gender-specific career education, etc. With their strong and continuing commitment to empower women and pursue gender equality, it would not be denied that women's universities take an important place in higher education, and they may thrive in a future while tackling with difficulties.

Reference

Hasan, Nazia. 2022. *Rising up to Gender Equality: Past and Possibilities: Past and Possibilities*. Aligarh Muslim University,

Ladika, Susan. "Women's Universities around the World: Develop Global Leaders." *International Educator*. Jan/Feb 2017
https://www.nafsa.org/sites/default/files/ektron/files/underscore/ie_janfeb17_global_leaders.pdf

Moody, Josh. "A Guide to Women's Colleges"
<https://www.usnews.com/education/best-colleges/articles/a-guide-to-womens-colleges>

Nozaki, Shiho, etc. 2021. *Women's University's Mission to Empower Women*. Akashi.

World Economic Forum. *Global Gender Gap Report 2022 Insight Report*. July 2022.
https://www3.weforum.org/docs/WEF_GGGR_2022.pdf

"Aligarh Muslim University Women's College"
<https://amu.ac.in/departments/womens-college> "Four-Year Experience"
<https://www.agnesscott.edu/summit/four-year-experience/index.html>

"LDR 101: Leadership Prologue"
<https://www.agnesscott.edu/summit/leadership-development/leadership-prologue.html>

"Mission & Values." <https://www.agnesscott.edu/about/mission-values.html>

"The decreasing number of Women's Universities in Japan." March 14, 2023. Nippon.Com.
<https://www.nippon.com/ja/japan-data/h01616/>

Vietnam and the Implementation of International Commitments and Obligations on the Rights of the Women

Thi Kim Ngan Nguyen, PhD

Associate Professor of Law, Vice Dean of Postgraduate Department, Hanoi Law University,
Vietnam

Abstract

Protecting human rights, including women's rights, has always been a consistent and top priority policy of the State of Vietnam. Vietnam has ratified more than ten basic international human rights instruments. Many instruments have recognized women's rights. This paper aims to analyze and evaluate Vietnam's implementation of international commitments on women's rights enshrined in international human rights treaties to which Vietnam is a state party, especially the obligation of fulfilling these commitments recommended by the United Nations Human Rights Council (UNHRC) through its Universal Periodical Review (UPR) mechanism, and by the mechanism of Committee on the Elimination of Discrimination against Women (CEDAW Committee). The paper points out the principal obligation that the state party shall follow, as well as identifies the Vietnam state's achievements in establishing a more effective mechanism for the protection and promotion of the rights of women in Vietnam. The paper also proposes several solutions to realize international human rights, including reforming Vietnam's legal, judicial, and executive institutions, significantly improving the existing mechanism for implementing women's rights in Vietnam today, including establishing an independent national human rights institution.

Keywords: Human Rights, Women's rights, CEDAW, UNHRC, UPR.

Introduction

Since the adoption of the Universal Declaration of Human Rights (UDHR), 16 fundamental international instruments on human rights have been signed within the framework of the United Nations (UN). As a member of the UN, Vietnam has ratified 12 fundamental international human rights instruments.¹ Many international treaties that Vietnam is a member have recognized women's rights, such as International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)... . They are all based on upholding equality in dignity and rights for women. Art. 2 ICCPR states that: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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".² Similarly, Art. 2.2 ICESCR recognizes: "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".³

Among the international human rights treaties, CEDAW is important in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the

¹United Nations Treaty Collection – Chapter IV: Human Rights. Available in: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>. Accessed on: 15 June 2023

²International Covenant on Civil and Political Rights. Available in: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en. Accessed on: 15 June 2023

³International Covenant on Economic, Social and Cultural Rights. Available in: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en. Accessed on: 15 June 2023

UN: to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and the equal rights of men and women. The Convention establishes not only an international bill of rights for women but also an agenda for action by countries to guarantee the enjoyment of those rights. In its preamble, the Convention explicitly acknowledges that “extensive discrimination against women continues to exist”. It emphasizes that such discrimination “violates the principles of equality of rights and respect for human dignity”. The Convention gives positive affirmation to the principle of equality by requiring States parties to take “*all appropriate measures, including legislation, to ensure the full development and advancement of women, to guarantee them the exercise and enjoyment of human rights and fundamental freedoms based on equality with men*” (Art.3).⁴

Vietnam is also a member of the International Labour Organization (ILO) and has so far acceded to 25 ILO Conventions, including seven of the eight fundamental conventions and two fundamental conventions directly pertinent to the elimination of discrimination, which are the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).⁵

Vietnam has actively internalized international human rights treaties into the national legal systems. Constitution of the Socialist Republic of Vietnam (2013) insists that: “*Male and female citizens have equal rights in all fields. The State shall adopt policies to guarantee the right to and opportunities for gender equality*” (Art.26.1). Vietnam implements many legislative, executive and judicial measures to protect and promote the rights of women. In Vietnam, women’s rights are respected, protected, and implemented with constant progress and achievements.

1. Vietnam’s obligations under international commitments and recommendations on the rights of the women

After ratifying an international human rights treaty, a member state is obliged to fully, conscientiously, and in good faith implement the contents set out in such international treaty or its political commitments, especially concerning international treaty – an instrument that is legally binding for member states. The performance of obligations derived from international treaties is a mandatory requirement. Hereunder are the obligations Vietnam needs to fully implement as a member of international human rights treaties, including CEDAW.

a. Legislative reforms

This obligation includes incorporating principles and norms of international treaties on women’s rights into the legal system of Vietnam. The process of internalizing the provisions of international treaties to which Vietnam is a member has been carried out step by step and continuously supplemented and perfected in the national legal system. Vietnam has unceasingly improved its legislation and policies on human rights over the decades. Constitution of the Socialist Republic of Vietnam (2013) insists that: “*Male and female citizens have equal rights in all fields. The State shall adopt policies to guarantee the right to and opportunities for gender equality*” (Art. 26.1). From 2015 to present, Vietnam has been making efforts to amend, supplement and issue documents to meet the requirements of CEDAW, specifically as follows:⁶

- The Law on Promulgation of Legal Documents (2015), amended and supplemented in 2020, prescribes the principles of formulation and promulgation of legal documents to ensure gender mainstreaming in legal documents; and establishes the requirements for administrative procedures reform (Art. 5).

⁴ Convention on the Elimination of All Forms of Discrimination Against Women. Available in: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en. Accessed on: 15 June 2023

⁵ ILO, Ratifications for Viet Nam. Available in: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004. Accessed on: 15 June 2023

⁶ CEDAW Committee. *Ninth periodic report submitted by Vietnam under article 18 of the Convention*. Available in: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FVNM%2F9&Lang=en. Accessed on 23 June 2023.

- The Law on Election of Deputies to the National Assembly and People's Councils (2015) stipulates that women constitute at least 35 percent of the total number of candidates on the official list of the National Assembly and at least 35 percent of the total number of candidates on the official list of the People's Council are women.

- The Law on Organization of the Government (2015) stipulates that gender equality is one of the principles of the organization and operation of the Government; it specifies the Government's duties and powers in ensuring equal rights for men and women in politics, the economy, culture, society, and family issues; stipulates, in principle, the Government's duties and powers in the health and social sectors to ensure equal rights for men and women in every aspect.

- The Penal Code (2015), amended and supplemented in 2017, stipulates a series of principles of the criminal policy for dealing with those who commit crimes. One of these principles deeply reflects the spirit of the Constitution on gender equality, which is that *"all individuals who commit crimes are equal before the law regardless of gender, ethnicity, belief, religion, social circumstances and status"* (Art. 3). In addition, the Penal Code (2015) contains amendments to the constitution of crimes that infringe upon women's equal rights. The Penal Code also contains several provisions related to the protection of women's rights in general, including groups of offenses: (a) sexual abuse; (b) human trafficking; (c) sex work; and (d) infringement on the regime of marriage and the family. The Penal Code also provides new stipulations on several special measures to protect mothers and children in criminal law.

- The Civil Code (2015): To continue ensuring women's rights to equality in civil relations before the law, this Code stipulates that all individuals are equally protected by law in terms of personal and property rights. In particular, the Civil Code (2015) stipulates the right to gender reassignment (Art. 36), gender affirmation or transitioning (Art. 37), change the name of a person who has their gender re-assigned or transitioned (Art. 28).

- The Law on Legal Aid (2017) marks an important milestone in completing the legal aid institutions in particular and implementing the Constitution 2013 in general, especially the provisions on human rights, the basic rights and obligations of citizens, rights of access to justice, equality before the law, non-discrimination towards legal aid beneficiaries, most specifically women and girls, helping them to access and enjoy free state legal aid services in criminal, civil and administrative areas; ensuring that they are truly equal before the law and have access to justice to protect their legitimate rights and interests. The Law on Legal Aid (2017) reflects the issue of gender equality and the protection of the rights of "disadvantaged" people, including women and girls.

- The Law on Support for Small and Medium-Sized Enterprises (2017) defines a woman-owned small and medium-sized enterprise (SME) as an SME in which one or more women own 51 per cent or more of its charter capital, of whom there is at least one executive officer managing the business (Art. 3). Priority is given to supporting women-owned SMEs, and those SMEs that employ more women.

- The Law on Statistics (2015) introduces several indicators, which are included in the National Gender Development Indicators Set, into the Law. Then, the Ministry of Planning and Investment issued Circular No. 10/2019/TT-BKHDT stipulating the National Gender Development Statistical Indicators Set with 78 indicators; this was also a step forward and showed Vietnam's strong commitment to gender equality.

- The Law on the State Budget (2015) sets out the principle of confirming the budget allocation to realize the gender equality goal as a priority and requires gender equality budgeting in the formulation of annual state budget estimates.

- The Labour Code (2019) with many progressive revisions to protect and ensure equal rights of women workers, men workers; combat gender-based discrimination in employment, recruitment, labour contracts, salaries, wages, working hours, occupational safety, occupational hygiene.

- The Education Law (2019) stipulates educational programmes must ensure the scientific and practical criteria meet gender quality goals and international integration requirements. The educational programmes are the basis for ensuring the quality of comprehensive education.

- The Law on Children (2016) stipulates that the family, society, economic organizations, social organizations, and the State have a responsibility to ensure the implementation of children's rights and

obligations, without discrimination, in the best interests of the children, ensuring equality between girls and boys. It is necessary to respectfully listen to children's opinions when formulating policies on children, and children must be consulted.

Currently, the law on domestic violence prevention and control is being formulated (in substitution of the Law on Domestic Violence Prevention and Control in 2008) with amendments aimed at concretizing domestic violence acts and consolidating and intensifying more domestic violence prevention and control mechanisms. In particular, the draft law has supplemented the definition of “gender-based domestic violence”, and supplemented emergency and long-term forms of support regarding employment, mental and psychological health for survivors of domestic violence.

Vietnam commits to comply with international human rights treaties to which Vietnam is a member. Simultaneously, the application of legal documents in the country must not impede the implementation of international treaties to which the Socialist Republic of Vietnam is a signatory. In cases where a domestic legal document and an international treaty to which the Socialist Republic of Vietnam is a signatory contain divergent provisions on the same issue, the provisions of such international treaty shall prevail, except the Constitution.⁷ Based on the requirements, contents and nature of the international treaty, the National Assembly, the State President and the Government, when deciding to accept the binding of the treaty while deciding to directly apply the whole or a part of that international treaty for agencies, organizations or individuals in cases where the provisions of the international treaty are clear enough and detailed enough for execution; shall decide or propose to amend, supplement, annul or enact a normative legal document for the execution of such international treaty.⁸

In parallel with the codification and internalization of the provisions of the international treaties on women's rights, Vietnam has been implementing overall measures to reform and perfect the legal system. Regarding legislative reform activities, the National Assembly of the Socialist Republic of Vietnam has constantly been enhancing its role and promoting its supreme authority in formulating and enacting laws related to the implementation of obligations of the international human rights treaties to which Vietnam has signed or acceded. Through supreme supervision (such as supervision of judicial activities, supervision of complaint and denunciation settlement of citizens ...), the National Assembly has made an essential contribution to the assurance and implementation of international treaties. The National Assembly has also strengthened the role and capacity of its standing agencies, specialized agencies of the National Assembly, members of the National Assembly, and its delegations.

b. Executive and Judicial Reforms

Along with the strong development of the legal system, the executive and judicial systems have been continuously improved in effectiveness and efficiency to promote and ensure women's rights are expressed in the international human rights treaties to which Vietnam is a signatory. Reform of the legislative, executive, and judicial systems must be carried out closely; therefore, the State of Vietnam has been accelerating the overall reform of these systems.

The guarantee of human rights is not only in law but also in practice. Therefore, the role of the judiciary and executive agencies is very important in promoting respect and ensuring human rights, including women's rights, expressed in international human rights treaties, and defined in the Constitution and laws of Vietnam. The State of Vietnam is step by step perfecting the judicial system, especially the People's Courts and the People's Procuracy, to play a key role in the implementation of the obligations of international human rights treaties as well as to assure legitimate rights and interests of women

The State of Vietnam has also been constantly building and perfecting the judicial, and executive apparatus to make a legitimate state of the people, by the people and for the people, laying the foundation for the law formulation and enactment activities, law enforcement and implementation activities are effective and better ensure the respect, guarantee, and promotion of human rights, including women's rights. Along with the building and completion of the apparatus, organization and selection of full-time deputies

⁷ Art.156.5 Law on Promulgation of Legal Documents (2015).

⁸ Art.6.2 Law on Treaties (2016)

to the National Assembly, the training of cadres, officials and civil servants for the judiciary and government agencies from the central to the local level is taken a special interest. The team of judges, prosecutors, investigators, and lawyers have been gradually being supplemented and constantly improved in expertise and profession, as well as knowledge of international law and human rights...

In the sphere of gender equality (GE), the Government performs the unified state management of GE work. The National Committee for the Advancement of Women was established to assist the Prime Minister in this work with an effort to coordinate the activities among ministries and sectors. The Ministry of Labour, Invalids and Social Affairs (MOLISA) is the agency that assists the Government in the state management on GE; sociopolitical organizations, especially the Vietnam Women's Union (VWU) and women's unions at all levels, play a very important role in executing and monitoring the performance of work to achieve GE by state agencies.

c. National measures and action plans

From 2015 to 2019, the Government of Vietnam implemented various strategies and action plans which clearly identified the objectives of gender equality and integrated the promotion of gender equality. These changes have contributed to improving women's position in the family, community, and society; they have enhanced their access to social services, especially women and girls in rural, ethnic minority, and mountainous areas; and human trafficking, mainly in women and girls, was mitigated. The main implemented strategies and action programs include: National Strategy on Gender Equality (2011–2020); National Program on Gender Equality (2016–2020); Decision No. 668/QĐ-TTg dated 16 May 2017 by the Prime Minister approving the plan to implement recommendations of the CEDAW Committee; Program on preventing and combating human trafficking (Program 130/CP) 2016–2020; National Action Program for Children 2012–2020; National Target Program on Social Assistance System Development 2016–2020...

Apart from the above-mentioned national target programs, the Government also implemented various schemes directly related to gender equality, including: Program on the “Enhancement of Women's Equal Participation in Leading and Management Positions at Policy-Making Levels 2011–2030”; Scheme on the Implementation of Measures to Ensure Gender Equality for Women Officials, Civil Servants and Public Employees 2016–2020; Scheme on Prevention and Response to Gender-based Violence 2016–2020 with Vision to 2030; Scheme on Reduction of Child Marriage and Close-kin Marriage in Ethnic Minority areas 2015–2025; National Strategy on Population and Reproductive Health 2011–2020 (Decision No. 2013/QĐ-TTg dated 14 November 2011)...

In addition to the above programmes and schemes, other national programs of Vietnam were instituted by the Prime Minister to integrate gender equality and administrative reform objectives so that women have access to the policies and support resources of such programmes.

d. National reports under international treaties mechanism

One of the essential obligations of member states in implementing international commitments of international human rights treaties is the preparation and submission of periodic national reports. Vietnam attaches great importance to the Universal Periodic Review (UPR) process of the UN Human Rights Council (UNHRC). To date, Vietnam has presented the national report under the first cycle of UPR in 2009, the second cycle in 2014, the third cycle in 2018, and will have the fourth cycle in 2024. Vietnam has thoughtfully implemented the UPR recommendations that Vietnam accepted, introducing a National Master Plan for the implementation of Vietnam's accepted UPR third cycle recommendations of the UNHRC and having launched a voluntary UPR mid-term report on the performance of these recommendations in March 2022, which includes the issues related to the elimination of all forms of discrimination against women.

For ICCPR and ICESCR, Vietnam has submitted national reports on civil and political rights (4 reports) as well as economic, social and cultural rights (5 reports) under the process of ICCPR Committee and ICESCR Committee. In 2023, Vietnam has prepared and submitted the ninth national report on implementing the CEDAW. In parallel with the Commission for the Advancement of Women - the main national authority responsible for the drafting of the CEDAW Convention report - submits the official report of the Government of Vietnam, all ministries, departments, branches, agencies and relevant organizations

are fully involved in drafting and building national reports on the implementation of obligations to the international human rights treaties. Reports on implementing the CEDAW submitted to the Convention's Sub-Committees are highly appreciated. One of the most outstanding points in drafting, submitting and defending national reports on the implementation of international human rights treaties recently is the participation of NGOs in Vietnam.⁹

e. Other obligations to protect and promote the rights of women

The Vietnamese authorities have closely and effectively coordinated in the propaganda, dissemination, and education of the international human rights treaties of which Vietnam is a member. Along with closely coordinated activities between scientific agencies and relevant ministries and agencies, civil organizations and mass media have participated effectively and significantly contributed to this. Thereby, the awareness of human rights, including women's rights, and the content of the international human rights treaties of leaders, social managers, the team of legislators, bookmakers, law enforcement officers, lawyers, scientists, and especially the people, have been markedly improved and enhanced.

One of the essential contents of the implementation of the obligation is to cooperate closely with relevant Committees and sub-committees of international human rights treaties associated with submitting and defending national reports, as shown above, as well as receiving and responding to letters of appeal, receiving and processing general comments and recommendations from sessions of committees, sub-committees, etc. This spirit of international cooperation is also reflected in the general recommendations on the improvement and perfection of the judicial, executive and legislative system related to the obligations to conventions enforcement. International cooperation in the implementation of international human rights treaties also includes the research and development of mechanisms to monitor and enforce international human rights treaties as well as national human rights agency.

2. Vietnam's main achievements in women's rights

One way to help measure the level of gender equality, thereby assessing the protection of women's rights, is through indicators. Currently, the assessment of gender equality is carried out through three fundamental indicators: Gender-related Development Index (GDI), compared with the Human Development Index (HDI); The Gender Empowerment Measure (GEM); and Gender Inequality Index (GII). According to the 2020 Human Development Report, with a GDI of 0.997, Vietnam ranks 65th out of 162 countries and is in the highest group of 5 groups in the world¹⁰. According to the 2021/2022 Human Development Report, Vietnam's Gender Inequality Index (GII) was 0.296, ranked 71st out of 170 countries¹¹. This shows that Vietnam is increasingly ensuring women's rights, narrowing and rapidly improving gender inequality. Providing women's rights is demonstrated through the results that Vietnam has achieved in all fields of social life.

a. Civil and political rights of women

Vietnamese Women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and social life. The 2015–2020 term was the first time when there were three women in the Politburo (accounting for 15.78 per cent). Women made up 14.3 per cent of the secretariat. For the party committees at central level agencies, 10.7 per cent of executive committee members and 19.4 per cent of standing committee members were women. At the provincial level, 14.2 per cent of executive committee members and 10.9 per cent of the standing committee members were women. From 2016 to 2020, 10 out of 63 secretaries and 14 out of 128 deputy secretaries of provincial party committees nationwide were women.

Vietnamese women are not only present in state agencies, including legislation, law enforcement and justice but also participate in political organizations, political-social organizations, and political-social-

⁹ CEDAW Committee, *Supra* 6.

¹⁰ UNDP, The 2020 Human Development Report. Available in: <https://hdr.undp.org/system/files/documents/hdr2020pdf.pdf>. Accessed on 28 October 2023.

¹¹ UNDP, The 2021/2022 Human Development Report. Available in: <https://hdr.undp.org/content/human-development-report-2021-22>. Accessed on 28 October 2023.

vocational organizations. Vietnamese Women's Union is a vast political organization working towards women's equality and development by taking care of and protecting the legal and legitimate rights and interests of women. This organization operates nationwide from the center to the local levels and at the grassroots with local women's unions.

The quality of women's participation in the political field is also increasing in terms of qualification and management capacity. Many women become leaders and managers or hold key posts in the agencies they are working in. With the distinguished characters of Vietnamese women, many of them become prominent leaders

b. Economic, social and cultural rights of women.

Vietnam is narrowing the gender gap in the economic, labour, and employment domains; increasing the access of poor rural women and ethnic minority women to financial resources and labour market. As per the Report on the Labour Force Survey for the second quarter of 2020, the workforce aged 15 or over in the second quarter of 2021 was estimated at 51.8 million people, a reduction of 2.4 million compared with the previous quarter and a drop of nearly 2.6 million compared with the same period last year. Women workers comprised 46.9 percent of the total number of people employed.¹²

The quality of women's human resources has been rising, gradually ensuring equal participation of men and women in the education and training domain. The gender gap in general education attendance in Vietnam has been eliminated. The gross literacy rate in 2019 for the population aged 15 years and older in the whole country was 95.8 percent. The figure for boys was 97 percent and 94.6 percent for girls. The ratio of enrolled female students in line with their age group is the same as that of male students. 42% of people with master's degrees and 21% of people with doctorates are women. Women's workforce participation is 72.5%, while 27.8% of enterprises have women leaders.¹³

Vietnam also ensures gender equality in access to and benefit from healthcare services, in socio-economic and cultural welfare. With efforts made by all levels and sectors, the sex ratio at birth has been under control and relatively stable. The rate of pregnant women receiving antenatal care at least three times was more than 90 percent, while the rate of delivery cases supported by trained health workers reached 98 percent. Finally, the rate of mothers and newborns receiving care in the first week after birth reached 81 percent.¹⁴

The Bank for Social Policies gives priority to supporting women to get access to capital for production development and income enhancement, thereby enhancing the status of women in the family as well as in society. Credit support for women has increased in both quantity and quality ... The policy credit helps women gradually change their perception and mindset about production and business. The scheme on "Supporting Women's Start-ups 2017–2025" and the campaign on "Building Families with 5 Nos 3 Cleans" associated with new rural area development, as well as the scheme on "Communication, Education, Advocacy and Support for Women in Solving some Women-related Issues 2017–2027" has created a consensus and drawn a great deal of attention and response from a large number of women, households and policy beneficiaries.

Communication activities on GE continue to be carried out by relevant authorities at all levels and sectors. Every year, MOLISA launches a nationwide action month on GE and gender-based violence prevention and response. Many wealthy and diverse activities in response to the action month were organized by all sectors at all levels. These have attracted the active participation of agencies, organizations and residents in the community, aiming to spread messages and images on GE and build a safe and non-violent living environment for women and children.

The above results show that Vietnam has built and increasingly improved policies and laws; vigorously promoting and ensuring women's rights. Vietnam's commitments have been realized, creating

¹² Human Rights Council. Working Group on the Universal Periodic Review. Thirty-second session. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21- Vietnam. Available in: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/340/13/PDF/G1834013.pdf?OpenElement> . Accessed on 24 June 2023.

¹³ *Ibid.*

¹⁴ *Ibid.*

opportunities and conditions for women to promote their role as owners, participate equally, and actively contribute to the country's development in all aspects of social life.

3. Solutions to enhance women's right protection mechanism in Vietnam

Although Vietnam ranks among the leading countries in the world regarding the number of National Assembly female deputies, there remains a considerably big gap between men and women, mainly when occupying leadership positions. The decreased number of women's representation in the 13th Party Congress and the 13th Politburo has shown that progress towards targets is not steady. There remain obstacles related to families and society towards women's representation in political and social work. The number of young female cadres is still low. Their conditions are limited for showing their capacity and promoting their role. The position of leadership and management does not correspond to their potential while shortcomings are not timely overcome to have proper policies in building sources of female cadres. Female cadres are often arranged to take over the work related to the cultural-social field. The implementation of policies towards female cadres currently relies on the concern of leaders in each unit¹⁵.

Besides that, in the recognition of gender, there remains the stereotype of valuing men above women, which comes from the influence of Confucianist culture. This is an issue of much concern because it is not only the gender prejudice of society, families and men against women but also the prejudice and inferiority complex of women themselves in terms of their own leadership and management capacity or women's belief in the leadership capacity of their same-gender leaders. This leads to a feeling of smugness and diminishes women's will. This is also a big challenge that requires women to overcome their own barriers.

Enhancing women's rights plays a crucial and important role in increasing women's position in society in general and in implementing gender equality in particular. Vietnam should bring forward comprehensive solutions to exercise the implementation at all levels, sectors and localities as well as for the awareness of each member in society and women themselves:

- Improving legislation to protect women's rights and interests. A legal system on protecting women's rights and interests based on the Constitution and comprised of sectoral laws, administrative decrees, and local regulations, has come into being. Vietnam should continue to incorporate gender equality into new and revised laws in the future.

- Promulgating guiding documents to implement regulations to ensure women's equal rights in the most effective way; review the current system of legal documents in order to promptly adjust and remove regulations that are detrimental to the implementation of gender equality.

- Strengthen sanctions and handling measures for violations of regulations on gender equality to ensure the deterrence of the law. At the same time, the mechanism to ensure the implementation of regulations related to women's equal rights must be strictly implemented.

- Education and propaganda on gender equality and women's rights should be given more importance and widely deployed. The main cause of gender inequality, women's inability to exercise their legitimate rights and interests is still gender prejudice. In addition, the majority of women do not have access to legal information on equal rights. Therefore, the work of ideological education and propaganda on gender equality in our country in this field should be given proper attention. With the current era of 4.0 technology, the development of network platforms and information transmission means is a favorable condition for ideological education, propaganda on gender equality and eradication of gender stereotypes.

- Proactively strengthen international cooperation in realizing gender equality goals; take advantage of technical, financial and professional support from foreign countries, organizations and individuals in the field of gender equality and women's rights.

- Strengthen the legislative, executive, and judicial agencies system to protect women's rights effectively. To study the possibility of establishing a national human rights agency following the structure

¹⁵ Nguyen Thi To Uyen, Implementing political rights of women in Vietnam nowadays, *Political Theory (online Journal)*. Available in: <http://lyluanchinhtri.vn/home/en/index.php/theory-research/item/578-implementing-political-rights-of-women-in-vietnam-nowadays.html>. Accessed on 28 October 2023.

of the state apparatus and the specific political, economic, cultural, and social conditions of Vietnam, according to recommendations of The Universal Periodic Review (UPR) mechanism, has been accepted by Vietnam.

In order to carry out the solutions mentioned above, it is important to increase the role of the Government and organizations performing the task of ensuring women's rights in Vietnam. That is the role of the Vietnamese Women's Union, the National Committee on the Advancement of Women, the Vietnamese General Confederation of Labour as well as other relevant agencies. Only thus can Vietnam expect changes in the awareness of society towards women's roles not only within families but also within the political system. That is the fastest way to ensure the implementation of women's rights in Vietnam at the present time.

Conclusion

As a member of many international human rights treaties, Vietnam has been steadily and progressively improving its legislative, executive and judicial measures for a better mechanism to protect and promote human rights, including women's rights in international integration, socio-economic development, the process of law and policymaking. Vietnam's achievements in fulfilling the international commitments on human rights have been remarkably significant and impressive. Vietnamese women have full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and social life. The gender gap in all fields is narrowed. The equal participation of men and women is ensured. With the achievements in human rights in general and women's rights in particular, Vietnam was elected a non-permanent member of the UN Security Council, the UN Human Rights Council, and many other international and regional institutions. At the same time, Vietnam has contributed significantly to reforming international human rights institutions and ensuring better and better enjoyment of human rights, making peace, security, international cooperation, development, and prosperity in the region and the world. However, Vietnam still faces difficulties and obstacles in ensuring women's rights. Vietnam will have to carry out comprehensive solutions to exercise the implementation at all levels, sectors and localities to ensure women's rights better.

References

1. CEDAW Committee. *Ninth periodic report submitted by Vietnam under article 18 of the Convention*. Available in: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FVNM%2F9&Lang=en . Accessed on 23 June 2023
2. Convention on the Elimination of All Forms of Discrimination Against Women. Available in: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en. Accessed on: 15 June 2023
3. Human Rights Committee. Fourth periodic report submitted by Viet Nam under article 40 of the Covenant, due in 2023. Available in: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FVNM%2F4&Lang=en. Accessed on 24 June 2023.
4. Human Rights Council. Working Group on the Universal Periodic Review. Thirty-second session. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21- Vietnam. Available in: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/340/13/PDF/G1834013.pdf?OpenElement> . Accessed on 24 June 2023.
5. International Covenant on Civil and Political Rights. Available in: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en. Accessed on: 15 June 2023
6. ILO, Ratifications for Viet Nam. Available in: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004. Accessed on: 15 June 2023
7. International Covenant on Economic, Social and Cultural Rights. Available in: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en. Accessed on: 15 June 2023
8. United Nations Treaty Collection – Chapter IV: Human Rights. Available in: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>. Accessed on: 15 June 2023
9. UNDP, The 2020 Human Development Report. Available in: <https://hdr.undp.org/system/files/documents/hdr2020pdf.pdf>. Accessed on 28 October 2023.
10. UNDP, The 2021/2022 Human Development Report. Available in: <https://hdr.undp.org/content/human-development-report-2021-22>. Accessed on 28 October 2023.
11. Nguyen Thi To Uyen, Implementing political rights of women in Vietnam nowadays, *Political Theory (online Journal)*. Available in: <http://lyluanchinhtri.vn/home/en/index.php/theory-research/item/578-implementing-political-rights-of-women-in-vietnam-nowadays.html>. Accessed on 28 October 2023.

Demanding Women's Right in Muslim Societies: A Critique of Transnational Feminism.

Laraib Khan

PhD. In Humanities at York University, Canada

Abstract:

This conference paper will focus on an event that takes place yearly in Pakistan, a parade- 'The Aurat March', which translates to "Women Parade". It is a socialist event in which issues related to sexual abuse and human rights are raised. This parade is a significant movement that deals with gender-based violence in Pakistan and showcases the grassroots approaches women organizations, and academic organizations are taking in Pakistan to combat patriarchal culture of Pakistan. In March 2019, this movement led to a huge political dilemma in Pakistani politics, media, and Muslim societies worldwide; in this paper, I intend to analyze the cultural and political tensions within through a transnational feminist lens. I argue that issues related to women's rights are neglecting in Muslim societies due to cultural and political agendas but are blamed on Islamic doctrines. Islam itself does not do injustice to women, it in fact demands justice but due to colonial and patriarchal mindsets, women are facing violence in the name of religion. Through evaluating the outrageous consequences of the women parade in Pakistan, and analyzing scholarships from Transnational feminists such as Mohanty, I propose to discuss the need to decolonize knowledge production of Islamic doctrines, the need to shift the existing colonial frameworks within the Global South, specifically in the South Asian context and look back at the indigenous knowledge of Islam to gain justice for women in Muslim countries.

Keywords: *Islamic feminism, Women's Right, Injustice, Transnational feminism, Patriarchal Culture*

Introduction

This paper will dwell into the problems associated with the women's right parade in Pakistan called 'The Aurat March' with a transnational feminist lens. Transnational feminism is a branch that emerges out of feminism, in which questions pertaining to the imbalance of Western feminism versus the Global South are explored (Rafia, 2). While transnational feminism pertains to global sisterhood seeking to defeat patriarchal structures and gender inequalities, it fails to acknowledge the difficulties women face in diverse situations around the globe. Transnational feminism thus far follows the colonial structure of dealing with conflicts and fighting for equality and fails to contextualize the problems women face in different situations. In "Feminist activism and solidarity across borders" Chandra T. Mohanty speak to the power imbalance between women in the global North and in the global South. Mohanty suggests for an immediate need to shift the colonial mindset and approach in feminist work to minimize power imbalance in the North (Mendoza, 295).

The decolonization needs to start at ground level; thus, the global South requires a shift away from the western forms of knowledge and perhaps dig into indigenous formats of knowledge production in attempts to resolve inequalities and injustices at home. Through a critical analyzes of the Women's Parade, *Aurat March* that started in 2018 in Pakistan, I argue that the main concerns for women are being ignored due to their westernized way of rebellion, thus there needs to be a shift in the ways in which women position themselves in relation to their societies, and not fall into the colonial paradigm of western feminism. Through evaluating the outrageous consequences of the parade, and questioning scholarships from Transnational feminists, I propose the shift in the existing colonial frameworks specifically in the South Asian context, the need to decolonize knowledge production of Islamic doctrines, and looking back at the indigenous knowledge of Islam to gain justice for women in Muslim countries.

Background of Aurat March

The parade is a yearly gathering, and a socialist event that raises awareness towards issues related to sexual abuse and human rights. This parade is a significant movement that deals with gender-based violence in Pakistan and showcases the grassroots approaches women organizations, and academic organizations are taking in Pakistan to combat patriarchal culture of Pakistan (Zia, 3). In March 2019, this event led to a huge political dilemma in Pakistani politics, media, and Muslim societies worldwide (Zia, 4). This paper will speak to the complexities of the event and how even microscopic subject such as the terminology can either harm or benefit the causes of the parade itself.

In her article, "Who Is Afraid of Pakistan's Aurat March?" Afiya Shehrbano Zia exposes the issues which arose mainly due to the terminology used in the parade. To begin with, the word "feminism" itself is specifically associated with Western ideologies, so when it is used in non-western societies such as Pakistan, there are pre-conceived misconceptions about the term itself which derail people from the purpose of the protest itself (Zia, 2). The parade consists of different NGOs, women's organizations, national committees, and academic institutions of Pakistan which condemn gender-based violence. The issues raised in the parade ranged from issues of domestic abuse, freedom to choose to marry, rights for the trans community, legislation discrimination; all related to gender-based violation embedded in the patriarchal culture. However, such significant issues were being discounted due to the westernized ways of approaching them.

Cultural and Political Reactions to the March

One of the reasons for the political outrage resulting from the parade, was how the movement "dishonors the religion or [is] too westernized" (Zia,1). In connection to being 'too westernized', the actual terms used in the parade or on slogans held by those engaged in the movement was one of the root problems and confusion amongst the national. For instance, the slogan '*Mera Jism, Meri Marzi*', which translates to "my body, my rules" arose multiple controversies (Zia, 12). Instead of looking more in-depth at the issues raised in the parade, much of the country found the parade to be too "outrageous" due to the offensive slogans. The usage of words such as "body" publicly, is seen as spreading indecency in the society according to majority of Pakistanis (Zia, 12). As a result of these 'indecencies', violent reactions such as rape threats, murder notes, publicly insulting women and name-calling were seen in response. Thus, these reactions showcase how the patriarchal nationalists and the Pakistani society at large tend to ignore feminist concerns; women who ask for their rights are deemed indecent, merely due to the format they present themselves in.

It appears women in Pakistan aren't approaching the matters of sexual cruelty and other inhumane, unequal treatments to them in a culturally appropriate way. The question then arises, how can women speak out? What is acceptable way in which girls can speak out about being sexually harassed? The men are offended by the usage of "jism" in the slogan meanwhile they are ignoring their sons who rape young girls. How can women in such context stand up for their safety without being too "western" or offending the biased religious laws?

This I believe is due to the lack of sensitivity, lack of education and due to a patriarchal egoistic notion, that is imbedded in the colonial generation of Pakistani families in the name of Islam. These reputable men argue that women should not be on streets chanting, because it's indecent, it isn't proper Muslim behavior. Headlines on national television in some regions of Pakistan declared "an inquiry into the foreign hands behind the Aurat March" (Zia, 2). Therefore, the fear of Western involvement in the so-called Islamic way of life in Pakistan was a major concern. However, this fear too is a product of imperial and colonial outcomes. It is a different form of Islamophobia that is embedded into the minds of Muslims from western colonial powers to maintain power imbalance. Zia points out "feminists [have been] strategizing on how to depoliticize the weaponization of Islamic laws and their patriarchal interpretations" (Zia, 4). However, in the retelling of the events after the parade, Zia asks critical questions regarding the

positionality of feminisms and activism in Pakistan, however, she fails to further take on the subject herself. She asks:

Will 2020's marchers be invested in justifying how their demands are not against Islam and 'our culture' or, will they take the risk and demand their rights without negotiating their credibility as measured against Islamic and cultural propriety, regardless of who defines these boundaries? Simply saying 'we must avoid binaries' does not cut it and is a cop-out for which the price will be high. (5)

By contrasting the 'risk' and 'demanding rights' with "Islamic and cultural propriety", Zia fails to acknowledge that Islamic proprieties can be an alternative form to ask rights. It appears Zia also falls under the colonial mindset of white feminism, where native knowledge is depicted as opposing feminism. In her article, she too seems to be leaning with the colonial ways of asking and demanding rights and failing to investigate Islamic or cultural ways that could perhaps be more just than their current laws.

Analysis of Islamic Teachings vs. Societal Interpretations

The answer I believe is to revisit the religion laws themselves, learn them, deconstruct them, and produce knowledge that does not have a personal, patriarchal agenda. For societies, in this context specifically a Muslim country that claim that women who are standing up for their rights are dishonoring Islam, do not have the proper knowledge of what Islam entails. An example from the parade is the issue of honor killing, which Muslim societies have legalized in the name of Islam, with the backup of the Human Rights Watch. Honor killing as Rafia Zakaria describes in the chapter "Honor Killings, FGC, White Feminist Supremacy" from her book *Against White Feminism*:

Honor killings are acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonor upon the family. A woman can be targeted by individuals within her family for a variety of reasons, including refusal to enter an arranged marriage, being the victim of sexual assault, seeking a divorce – even from an abusive husband – or (allegedly) committing adultery. The mere perception that a woman has misbehaved in a way that 'dishonors' her family is sufficient to trigger an attack on her life. (141)

This vague definition is the perfect example of how policies are created to carry out unjust practices. It showcases the power given to men without any actual bases on religion whatsoever. The fact that this statement is a legal definition speaks a lot about the reactions that the parade got. In a country where policies are written in the favor of men on the bases of corrupted religious doctrines, there needs to be systematic deconstruction. This needs to be challenged, the falsification of religion and then using it to silence women, that needs to be addressed, in Pakistan and in a broader context in transnational spaces. Indigenous knowledges need to be studied in order to demand justice for women in different contexts.

For example, Amira Mashhour's article "Islamic Law and Gender Equality: Could There Be a Common Ground?" elaborates on the fact that Islamic law or Sharia "is not static, rather evolving" and that it "posits an evolutionary quality based in *Ijtihad* (independence juristic reasoning)" which allows it to respond to contemporary society. In particular, the concept of *Ijtihad* can "fulfill gender equality to its fullest" when applied to feminist issues (Mashhour, 565). Therefore, using the principle of such concepts, laws that are based on "Islam" needs to be re-evaluated in a non-gender format, however, colonial powers do not allow such clarification to occur due to political gains.

The Role of Transnational Feminism

Therefore, transnational feminism needs to recognize the role of colonial powers in driving narratives which have promoting Islamophobia regarding the role of women both in public and private spheres, not only in the Western society, but as well in Muslim communities. I argue that there is a role of Western feminism in being ignorant about such political agendas of western politics in maintaining biases in Muslim societies. Transnational feminists' spaces need to decolonize their mindsets when religion or culture is involved. As Zakaria points out in speaking about violence against women:

The rhetoric around violent crimes, just as in the sphere of internal development, of war, of sexual freedom, celebrates white women as having gone further in their battle for equality than feminist of colour have. This hierarchical relationship with women of colour suits the interests of white men, whose violence is seen as qualitatively different from and superior to the violence of people of colour. Thus divided, white and non-white feminists are much less likely to create trouble at home or take collective action against patriarchy at the global level. (166).

Hence, the divide between the global North and global South stays even stronger due to the stereotyping of crimes. Again, the colonial terminology is at play in creating and maintaining the divide between nations. Violent acts such as honor killings in the name of Islam, is associated with religion and with the people of colour, and if the same crime is done to a white woman, culture plays no part. Zakaria analyzed the patterns of abuse in the American domestic abuse shelters she first resided for a few years and then later become an attorney for. She writes "the same despicable taxonomies of misogyny, entitlement and dominance appeared again and again in abusers' language and in their behavior" regardless of their colour, culture or religion. (166)

Therefore, it is evident that abuse has nothing to do with religious teachings, and so blaming Islamic laws to keep women silent in Pakistan needs to change. And change could only be achieved through solidarity and by recognizing differences among the forms of freedom. The idea of epistemic humility where you listen to the concerns of other women and understand (Mendoza, 295). If women in Pakistan are blamed for being too western, then perhaps they could use indigenous knowledge of Islam to ask for rights and produce knowledge to shift the patriarchal practices. The idea of learning to unlearn and go back to indigenous knowledges particularly for women's right. This idea should be applied to analyze the uproar and the struggles of women in Muslim countries. In a context where cultural relativism or misuse of religious laws are excuses used to exercise power over women, contemporary scholars need to sharpen their positionality. By analyzing such events, one can produce knowledge of the needs of women at grassroot. If the idea of rallying and speaking out seems out of context in Pakistan, perhaps developing radical ways to shift the system through educating the conservative population. Developing decolonial system of knowledge where native traditions of Islam are shown through a non-masculine lens. Islamic knowledge, and especially that which concerns women has always been through a colonial and patriarchal lens.

Recommendations & Conclusion

The decolonizing of knowledge production is necessary, viewing religious doctrines from a gender-neutral lens is required. Many Islamic feminists have started to tackle questions such as Zakaria's, which are looking at decolonializing the system of imperial knowledge production. Strategies which look back into indigenous knowledges of Islamic teaching that are far more just and unbiased in the matters of women and their rights.

Drawing on the work of the Islamic feminist scholar Fatima Mernissi, injustice and patriarchal practices in Muslim communities are due to misquoting specific religious phrases out of context and

bending the original translation of the Quran to validate cultural norms. As stated by Rebecca Barlow and Shahram Akbarzadeh in their article “Women's Rights in the Muslim World: Reform or Reconstruction?”, for over four decades, Fatima Mernissi has advocated for a shift in the treatment of women in Muslim countries: “The problematic position of women in Muslim societies, [Mernissi] argues, is a result of male-dominated, (mis)interpretation of the holy texts of Islam, rather than of the essence of Islam itself” (1483). In her book, *The Veil, and the Elite Men*, Mernissi talks about the necessary separation of patriarchal cultural practices and the teachings of Islam and focuses on the “essence” of the religion. Mernissi argues that Islam does not suppress women, but rather promotes justice and empowers women and that it is the cultural practices that demean the actual religion.

There is a need to shift the colonial paradigm and the universal form of demanding rights and freedom for women around the globe. Transnational feminism should be the umbrella that has the potential of accepting differences and transformative possibilities for women of colour around the globe. Acknowledge that that society you are living in is different than the global North and then tackle and bring out your issues based on indigenous knowledges can perhaps advocate a shift in the ways the nation reacts to significant concerns. It appears as if the Pakistani nationalists and conservatives are dehumanized where issues such as rape, domestic violence and psychological manipulation of misogynistic men isn't seen as the real problem. And when women do speak up, they are labelled as westerner and dishonoring. Therefore, to tackle injustice towards women in a global context, where complications such as religious and cultural relativism are used as weapons to silence justice, transnational feminists could provide a place for knowledge production for women in the global South. Academies and policy makers in Muslim countries need to recognize the male-dominated over tones in laws, especially those that are backed up with Islamic teachings; and the need to reproduce them in a gender-neutral way to establish a just society for women in Muslim countries. Providing essential tools to dig into indigenous knowledges, funds to further scholarships in areas such as Islamic feminisms and becoming a source of validation on a global platform could be some of the way in which women in different contexts speak up with confidence and are not victims of silence and shame.

Works Cited

- Barlow, Rebecca, and Shahram Akbarzadeh. "Women's Rights in the Muslim World: Reform or Reconstruction?" *Third World Quarterly*, vol. 27, no. 8, 2006, pp. 1481–1494. JSTOR, www.jstor.org/stable/4017691.
- Mashhour, Amira. "Islamic Law and Gender Equality: Could There Be a Common Ground: A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt." *Human Rights Quarterly*, vol. 27, no. 2, 2005, pp. 562–596. JSTOR, www.jstor.org/stable/20069797
- Mendoza, Breny "Transnational feminisms in question". *Feminist Theory, Volume 3, Issue 3*, 2002pp. 295-314.
- Mernissi, Fatima. *The veil and the male elite: a feminist interpretation of women's rights in Islam oleh Fatima Mernissi*. New York: Addison Wesley Publishing Company, 1991.
- VIDC: Interview with Chandra Talpade Mohanty at "Feminist activism and solidarity across borders" - YouTube
- Zia Shehrbano, Afiya. "Who Is Afraid of Pakistan's Aurat March?" *Economic & Political Weekly*. 2020, pp. 1-16.
- Zakaria, Rafia. *Against White Feminism. Notes on Disruption*. W.W.Norton & Company, 2021.

Why Well-Educated Sex Workers in Iloilo City Choose This Profession

Joeylyn Hingco Terania, MaEd.
University of the Philippines Visayas, Philippines

Abstract

As the Philippines has significantly made progress in the enhancement and availability of opportunities and welfare for women since the colonial years, there is still a wide gap between men and women as a result of colonial imprints. Issues like commodification, objectification, sexual abuse, and exploitation are some of the struggles Filipino women have experienced on top of economic challenges. Those who engage in sex work are considered highly vulnerable due to the nature of income source intertwined with danger of abuse and exploitation from the clients, who are mostly men. This recognizes the importance of sex workers perspectives, for they are a primary source of narrative to effectively convey experiences and stories of economic empowerment. This showed that sex workers opt to do sex work to meet and provide economic demands despite their high educational attainment. This study is qualitative in nature by use of informant method, purposive sampling and the critical feminist theory. As a result, it is known that educational attainment is not enough to access more competitive salaries, safer jobs, and more comprehensive benefits. The labor market requires high qualifications, competent experience, and extensive skills. Training, certificates, seminars, and units of specialization that are relevant to the line of work are needed entailing additional financial needs, which are not a priority for people who are trying to provide and survive daily.

Keywords: *Philippines, qualitative research, sex workers, well-educated, economic motivations, gender issues.*

I. Introduction

Education plays a vital role in the progress and development of society. It aided in the process of shaping the course of society and history. Nowadays, an individual's academic achievement and educational attainment are generally associated with identity, capacity, and capability. The higher the degree, the wider the opportunities to access social, political, and economic benefits (Economic and Social Research Council 2014).

The Gender Checklist of the Asian Development Bank (1998) stated that education is a right and not a privilege. It is an essential tool to achieve equality, development, empowerment, and peace. Despite the increasing availability of education, only those who can afford to participate, compete, or have greater access to opportunities can obtain a good quality of education, not to mention the prospect of better career opportunities. The inaccessibility of a better life increases as society sets a high standard of educational and professional qualifications, resulting in a wider gap between the privileged and the underprivileged.

Under a microscopic lens, many Filipinos tend to choose a path that is dangerous and at risk, even with a high educational background, due to poverty and economic needs. One of the most controversial yet unconventional lines of work is prostitution, now termed "sex work." In this paper, the term used is sex work due to the participants' self-identification as sex workers rather than a prostitutes. Thompson (2007) stated that prostitution is the world's oldest profession, later winged into the sex industry as a legitimate work, while prostitution is justified as dehumanizing and a form of commodification, exploitation, and objectification. Lim (1998) argued that prostitution is a legitimate work, and it needs to ensure the proper working conditions to secure protection from exploitation and discrimination; thus, the utilization of the word sex work is necessary for lobbying purposes.

The Preda Foundation (2012) claimed that the Philippines was dubbed the biggest brothel in Asia. In 1987, there were around 300,000–500,000 recorded sex workers and prostituted individuals, mostly women. The Anti-Prostitution Act, or Senate Bill No. 2341, highlighted that there are at least 800,000

women who engage in prostitution and sex work. The Philippines is a third-world country in the Southeast Asian region, and one of its provinces is Iloilo.

The focus of this research is Iloilo City, a metropolitan area outside of Manila. Javier (2010) claimed that many of the sex workers are educated in the Philippines, the same as in the locality of this study. Many are forced to do so due to financial difficulties, student loans, or other financial needs. Some choose to engage in sex work as they consider this type of activity similar to any laboring body, which brings good money and connections. Johnson (2011) stated that the problems lie in how the system works, resulting in stigma, exploitation, abuse, discrimination, racial and gender violence, etc.

Sex work is taboo and illegal; groups and individuals involved are often labeled as people who engage in criminal activities, specifically in the Philippines. To further expand the narratives, it is important to include the primary subject, specifically the well-educated women who reached and finished college, as they are believed to have wider opportunities for safe and appropriate jobs than the others. 38 out of 131 recorded sex workers are college undergraduates, and 2 out of 131 are graduates; the remaining are high school graduates and undergraduates. This led us into the question of why many Filipinos opt to do sex work despite having a higher educational background and attainment. The sex work industry is composed of different genders and background; however, this study will solely focus on female sex workers. A microscopic presentation of a small sample size to fully focus on the experiences and perspectives of directly engaged individuals. Thus, the results and findings do not represent the whole population of sex workers.

II. Methods and materials

This research solely focused on the city's registered and regularized sex workers, ages 20–40 years old, all of whom are women, as they were the most willing and open to sharing during the conduct of this study. This was limited to Iloilo City, Philippines; anyone belonging to the category of sex workers who reside and work outside the premise was excluded. Participants who are migrants from other provinces but are currently residing and engaging in sex work around the city area were included. Purposive sampling was used in the conduct of the study as it needed the approval and willingness of the participants. All three (3) participants were female college graduates and undergraduates.

This research is qualitative in nature and conducted through the informant method. The participants were chosen through the city health clinic's official list of regular sex workers, and interviews were conducted in accordance with the participants' time and comfortability. Identities were validated through pink and green cards. These cards are issued to sex workers who are under regular monitoring at the health clinic and serve as proof of their health status and safe engagement. A signed confidentiality agreement was provided and given to the participants to ensure anonymity. There were five (5) open-ended questions limiting to the participant's educational attainment, definition of sex work and engagement, and perspective on why they opted to do sex work despite their high educational background. These questions were validated by a group of panel members and experts. The interview was then audio-recorded with pen and paper notetaking, and it used critical feminist theory to describe experiences.

III. Results and discussion

The Philippines attained significant development in the enhancement and availability of opportunities after the colonization years of the country. Women can now freely study degree programs and do work that is considered "men's work." Along the trend of development, there are women who have opted to work illegally to provide for basic needs and address economic difficulties. Women experienced commodification, abuse, exploitation, and objectification, and by engaging in such activities, they increased exposure to unwanted risks and dangers. The three (3) participants in this research experienced the same, as sex work increases the risk of exploitation, abuse, health issues, violence, and discrimination. The result of this research showed reasons as to why the well-educated sex workers of Iloilo City opted to do sex work. Generally, they stated that being educated provides a vantage point in terms of ideal competence as

well as accessibility to better job opportunities. However, this does not automatically translate into a better standard of living. Participants need to work various menial jobs to satisfy financial needs and, at the same time, fund and sustain professional growth and increase their knowledge and skillset, as demanded in the labor market. It requires additional expenses for training, seminars, certificates, and higher educational attainment to access livable wages and provide for basic needs. The three (3) participants stated that they struggled to finance college education and that payment for additional training was impossible due to priorities such as food, bills, and the needs of families.

3.1. Definition of sex work in accordance to Iloilo City's sex workers

Sex work is defined as the exchange of sexual services, performances, or products for material compensation and is recognized as a voluntary action (Freeman, 1989). It involves a sex worker and a client, frequently joined by a third party acting as the negotiator. Mostly women, some men, and transgendered people receive money or goods in exchange for sexual services and consciously define these activities as income-generating (Overs, 2002). The debate on the terminology of whether it should be labeled as sex work or prostitution has been continuous within the academic community, researchers, and advocates. Those who questioned the authenticity and function of the label "sex work" wanted to retain its old term, known as prostitution, to expose its nature of exploitation and commodification (Thompson, 2007). However, proponents of the label wanted to call it sex work to insist on its legitimacy as a form of work that requires legal protection and security (Lim, 1998). In the definition of terms and functions, there is a need to explore and consider how people see this line of work according to their own experiences, perspectives, and conclusions.

The Iloilo City sex workers considered this a legitimate source of income regardless of the risks and dangers, stating that all the money associated with it can provide for their daily needs in the same way as any other type of work. Sex workers experienced acts of disrespect and sexual abuse from clients and other people due to stigma. There is a need for a safe place to operate and secured protection under the law to minimize abuse and assault instead of legally placing sex work as a criminal offense. Regardless of the work and engagement, each has a right that needs to be protected and regularized.

In Iloilo City, sex workers defined sex work as the act of offering sexual activities in exchange for goods, favors, or money. Categorizing sex work activity as a legitimate source of income should be considered since it involves benefits that are necessary for needs and survival, as shown in this study. It is evident in the studies of Adams (n.d.) and Taylor (2015), which state that many of the sex workers had high educational attainment and chose to work in the industry to acquire a higher income and meet necessities. In the Philippines, specifically in Iloilo City, sex workers stated that each night of engagement can earn a total income of 3,000–10,000 pesos depending on the number of clients, and this is higher than the usual salary of a regular worker. Sexual services can last from fifteen (15) minutes to three (3) hours, depending on the type of activity the client wants. Typically, sexual intercourse, foreplay, hand and blowjobs, chit-chatting, or sitting and drinking with the clients are some of the activities involved. Green and pink cards are part of Iloilo City's sex workers operation. These cards are presented for regular check-ups and health monitoring by the Iloilo City Social Hygiene Clinic. It includes personal information such as name, address, birthdate, and health checklists to be performed weekly or prior to operation. Additionally, this is a way for the health clinic and city government to minimize child trafficking, sexual exploitation, and sexually transmitted diseases.

One of the participants defined sex work as "*Para sa akon ang ubra nga sex worker daw ubra man. Ubra man siya kay relate man siya sa kwarta mo, that is why nga nakakadto ko di kay involved ang money nga kinahaglan sa matag-adlaw*" (For me, sex work is still work since it is related to money, and I am here because money is needed daily). Another participant stated that in her perspective, "*kapit ka na sa patalim kay no choice ka na. Kinahanglan mo kwarta para magastusan tanan nga kinahanglan. Kwarta ang rason ngaa ari ako diri nga ubra pareho man sa iban nga klase sang ubra*" (for me it is my last option since I am left with no choice. We need money to sustain all our needs. Money is the main reason why I am here, the same way as to other type of work). The last participant stated "*daw budlay hindi mo makilala ang taho*

nga masugata mo. May taho nga sa ubra nga amo ni gusto nila blowjob, hand job pero part of sex man na siya tapos may iban man nga gusto lang nila kaistorya samtang gainom. Ginaubra na gyapon namon kay kinahaglan namon kwarta, kay amo ina ang nagapahulag sang amon kabuhi kag nagasuporta sang amon kaugalingon kag pamilya. Bal an namon nga illegal ini, pero mas pillion namon diri kesa sa wala kami makaon kay pobre" (It is hard since we do not know the people we are engaged with. In this work, our activity involve blowjob, hand job since it is part of sex. Other clients just wanted company while talking and drinking. We are doing this as we needed money, it sustain and support our self and family needs. We also know that this is illegal, but we choose to be here rather than getting hungry due to poverty). In context, one participant stated that through sex work, she saved up money and financed her whole college education. She decided to continue working in this type of activity since money in this business is fast, enough to sustain needs, and less competitive than in the labor market. She was able to start her own business and finance the processing fees of job application abroad and her sibling's education. The second participant stated that she needed money to provide for the necessities of her children, which was greatly compounded by the effects of the COVID-19 pandemic. A single mother of three (3) children who lacks support from the father. The last participant opted to do sex work as she needed money to finance her sister's hospitalization and college education. She worked as a saleswoman after she left college; however, the money she earned was not enough to provide for the needs of her family. After nineteen (19) years of engagement, she is still pursuing sex work to save and provide for the needs of her children and grandchildren. She bought a parcel of land, built her own house, provided for household needs, and bought a motorcycle for business.

People who are involved in this line of work are often labeled as criminals due to systemic, ethical, and moral standards. Critical Feminist Theory states that, all are equal and should be recognized as such under the law in terms of safety, welfare, and protection. Sex workers, regardless of educational attainment, have the same reasons and motivations, mainly seeing it as an alternative source of livelihood. In general, the participants highlighted that sex work is a legitimate source of income and considered having a pragmatic purpose in any kind of work in order to provide and survive. It is a high-paying job requiring less work, time, and competitiveness in terms of academic background, skills, and capacity.

Sex workers and education

One of the contributing factors to the development of an individual's role and participation in society is access to and opportunity for higher education. However, the participants' narrative highlighted the struggle to find a better job despite their educational background due to the high standard of educational and professional qualifications in the labor market. Participant 2 stated that *"Mayo man siya tani syempre nakaeskuela ka nakatapos ka. Amo na bala nga tani makakita ka sang tarong na ubra galing kis a gadalok man ang ubra sa amon. Budlayan ka mag apply, ang iban daan 4 years degree ang ginapangita, taas ang qualification tapos may mga experience pa kalabanan. Syempre ako wala pa ko experience kay bag o pa lang, amo na nga nabudlayan ako kag nakapalapit ako diri para makapangita income* (It is good, you have education and you graduated. It is expected to find a better job, but sometimes what we seek is not for us. It is hard to apply for work, they are looking for a 4-year degree graduate, requiring high qualification and experience. In my case, I do not have any experience. I am new, that is why it is hard for me, and I decided to engage in this work). Participant 1 stated *"Importante gid ya nga makatapos ka kay bal an mo nga amo na ang tawag bala nga bisan diin ka makadto amo na pambato mo. Pero amo lang na sa pangitaay sang tarong na ubra naman ang mabudlay* (It is important to finish your studies; you have a weapon wherever you go, but it is hard to find a better job). Participant 3 stated that she applied as a cashier in different establishments, but she was not qualified due to the following: (1) a height requirement; (2) 2-4 years' relevant work experience; and (3) a pleasing personality. Mentioning that it is somewhat discriminatory and not necessary for workers to meet those standards as education, skills, dedication, and the right attitude should be the basis of employment. In general, they opted to do sex work, though they are well-educated, as money is easier and can provide basic needs. Working in malls as a saleswoman, cashier, or security guard cannot guarantee the needs of families. Most are breadwinners, mainly financing education, health,

rent, food, transportation, and other expenses. The daily wage working in malls in the Philippines costs 300–600 pesos a day according to the participants, while as sex workers, it can range around 3,000–10,000 pesos a day depending on the number of customers accepted and entertained. The three participants are the eldest, a mother, and a wife, who are not new to the culturally acquired responsibilities of taking charge of the economic and educational needs of the family in the country. In 2020, the employment rate of the Philippines reached a record of 10.3% in comparison to the 2019 rate of 5.1%, which is equivalent to 4.5 million Filipinos who do not have jobs (Business World, 2021). Graduates are expected to undergo additional training, seminars, examinations, and workshops for a higher chance of employment in any private or public office. As stated by the participants, not all are capable of continuing higher educational training; this is primarily hindered by finances.

Using the critical feminist perspective, this study highlighted the importance of an interconnected movement to maximize the impact of women's struggle in terms of economic, political, cultural, and social aspects. Firstly, the equal rights form pointed out the equality of people under the law, such as the right to protection for everyone regardless of race, economic status, gender, educational attainment, and religion. Secondly, the revolutionary form highlighted the need for restructuring the system to eliminate any form of subjugation and discrimination among the people. The supremacist form focused on the differences and characteristics of each group to understand the different struggles and identities of its interconnected agendas. The separatist form focused on the recognition of differences to create a collective formation and attain effective leadership. The inclusion of the sex worker's perspective, especially those who are considered well-educated, can aid in the creation of solutions that are suitable and sustainable in order to provide long-term solutions.

The sex workers of Iloilo City, despite their educational attainment, still experienced harassment, subjugation, judgment, and discrimination attached to the nature of their work. Chela Sandoval's argument stated that the four forms of critical feminist theory are divided in the process of attaining change, leading to slow movement among the feminists. Evidently, this study observed that the experiences and reasons of well-educated women engaging in sex work are interweaving. Society needs an interconnected movement to attain empowerment and change, as the challenges and issues are not separate from each other.

Participant 2 stated that "Huo eh, Depende sa imo kapalaran bala. Ako sang una, wala man ko nag expect nga makasulod ko ni nga ubra, kay sang una palahikay ko sa amo na nga ubra. Pero kay na hospital manghod ko kag wala ko kabalo diin makuha amo na nga nagsulod ko di. Nanugunan ko kay wala ko ka graduate, kung maka graduate ka kag may ubra ka makakuha ka benefits pareho sang SSS kag Pag-ibig nga sa ulihi magtigulang ka may ara ka na. Kay sa amon ubra wala na di, kung gusto mo SSS ma self-employed ka (That depends in our fate. Before, I never expected to enter this work since I judge this job. However, my sibling got hospitalized and I do not know where to seek help, that is why I accepted the offer. It is a waste if you have not graduated, if you graduate and have a job you can avail benefits such as SSS and Phil Health. In our line of work we do not have that, if you want you can have SSS, but self-employed).

The availability of education in the Philippines is wider and accessible to all walks of life. Quality education is a requirement for safe and appropriate employment. The role of education in the development process and economic growth of a certain nation is not questionable, especially in terms of efficiency and productivity. According to the general perspectives of the participants, education has a correlation with economic stability and security. Access to benefits such as SSS and Pag-ibig is a challenge; sex work is classified under the law as illegal and unregulated. The research participants, being well-educated, are victims of the system, resulting in a cycle of struggle. Education is considered a tool of empowerment; it teaches people the idea of responsibility and independence. At the same time, securing the position of people within the social ladder. As mentioned by Oxaal (1997), education can increase people's eligibility for paid employment in the formal sector to reduce illegal activities and engagements. In the case of Iloilo City's sex workers, they opted to do sex work due to economic reasons and high competition in the labor market. Sex workers consider this line of work the last option.

The popular saying in the Philippines to describe this situation and decision is "*kapit sa patalim*." This means, regardless of the risks and dangers posed by sex work, people involved in these activities choose to engage as it can provide for their needs without investing beyond means of time and money, such

as seminars and competency-building activities. Income can be used purely for family and other personal necessities. *Life priority, easy money, time, and fewer qualifications and requirements* are the common motivations of the sex workers in the Philippines. *Attaining a high educational background* for sex workers provides a better avenue for a daily function such as understanding laws and policies. Knowing rights, learning about health safety and protection, and the risks and dangers posed by sex working activities. As an example, participant 1 stated that “*Gamayan lang ako ma rape kay abi ya okay lang tungod nga amo ni akon ubra*” (I almost got raped since he thought it was okay since this is my work). While the other two participants stated the same narrative of how they experienced abuse, disrespect, and discrimination, adding that in this line of work, regardless of your educational background, people will see you undeserving of respect and disregarding boundaries. These unfortunate situation and experiences are considered by the sex workers as fate, attached to the nature of work. Knowing the law and health security increase safe physical care and interaction for the sex workers. On the other hand, sex workers are at a disadvantage in times of abuse and disrespect, seeking protection from the police are not a viable option.

3.2. Well- educated Iloilo City Sex Workers and the Critical Feminist Theory

Advocates of ending sex work argue that the major reason for women to engage is economic, as confirmed by the motivation of Iloilo City's sex workers. Additional challenges occurred in times of engagement as a result of an unregulated and unprotected environment and vulnerability to different work hazards such as assault, rape, and sexually transmitted diseases (STDs).

Proponents of legalizing sex work pointed out that there is a need for a proper working environment and secured operations to protect sex workers, which are basic human rights. Legalization is beneficial for the local government to track trafficked women and children. One of the participants stated that in Iloilo City, minors are easily identified and reintegrated through intervention programs. As per this study's argument, no option is left for sex workers to access safe and suitable jobs without legal recognition and protection. A pool of choices, such as in the system's policy and social welfare, may result in the empowerment of sex workers without causing immediate damage to the income source of a vulnerable sector.

The results of this study amplified what critical feminist theory posits: the experiential knowledge of women that is valid, legitimate, and critical to understanding issues. The struggle of women involved in sex work is not only limited to physical safety but also includes mental, financial, and legal rights. Equal rights argue that everyone is in an equivalent position. It is necessary for sex workers experiencing double prejudice, discrimination, and abuse (both as women and with sex work) to be recognized and protected under the law. Participants highlighted harassment and legal discrimination but chose not to pursue action due to fear, judgment, and imprisonment. Economic reasons are the commonality among the participants since many cannot compete in the labor market as it requires high qualifications and a set of criteria leading to sex work. Priorities are not focused on practicing degrees or increasing academic competency, as the urgency of provisions for the family and themselves mattered. Reality-wise, wages are not enough to provide needs such as food, transportation, education, and healthcare, among others. As such, there is a need to revisit the system of educational and professional qualifications to meet the needs of those who have high educational attainment in college but cannot afford to pay for training, seminars, and certifications. Companies and businesses should realign the standard of qualifications, especially for fresh graduates, to offer a higher chance of accessing safer jobs.

Critical feminist theory highlights that the individual efforts of each feminist movement will result in the division of organizational goals. As such, it is necessary to create an interconnected and interweaving movement to address issues faced by women, especially those who are engaged in sex work. Calling for drastic change and the criminalization of sex work is a death sentence for many people. Change is a long-term process, and while waiting for an outcome of genuine change, a move to protect sex workers is necessary to lessen the risk of discrimination, prejudice, abuse, and health diseases. The empowerment of people, specifically sex workers, along with other people of the same status and experiences, entails recognition of rights and access to legal protection. This requires a reconsideration of safety while in

operation. Such a policy must allow sex workers to have individual agency and choices when opting to do sex work. Whether done out of necessity or forced by the current situation and social standing, enshrined in the said policy is the capacity to uphold dignity through the protection of life and the continuous provision of personal and family's basic needs.

As a result, this paper acknowledges that sex work is work, along with regularization and legalization. It is neither safe and good in accordance with ethical and moral standards nor harmless. There is a need to legislate and regulate sex work to provide a safe working environment and prevent abuse and other risks. Sex work is a subject of violence, and the sex workers of Iloilo City are no different. No justice was given or provided as it lacks regulation or legislation to protect the involved individuals. This was proven when the participants mentioned experiences of sexual harassment and assault by the clients. Article III, Section I, of the Philippine Constitution, also known as the Bill of Rights, states that "no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws". The demand to consider sex work as work, regularization, and legalization is valid.

According to **Azucena's Labor Code Annotations** (n.d.), work is considered broader and more inclusive than labor. It covers all forms of physical or mental exertion, both combined, for the attainment of some object other than recreation or amusement. A worker is considered broader than an employee, as the term encompasses those who are self-employed as well as those rendering services subjugated by another, regardless of rank, title, or nature of work. Article 13 of the Labor Code argues that any member of the labor force, whether employed or unemployed, is considered a worker. This is in contrast with the term "employee" which is defined narrowly as a salaried person working for another who control and supervise the means, manner, or method of doing the work. Thus, the motivations of the sex workers engaging in this line of activities are valid—economically and politically. It is not for recreation or amusement but for survival, provision of economic demands and needs. As defined above, workers are composed of the employed and the unemployed. The sex workers are categorized as self-employed, such as in accessing Philhealth, SSS, and the like. These women are indirectly connected under an establishment, resort, or spa and has direct control over the means, manner, and method to secure productivity and profit the same way as in any public or private employment. The decisions of sex workers are the result of each agency, influenced highly by economic needs and situations. Sex workers, in context of this study, are empowered women, as they took the role of heading the family and provide the needs. On another significant perspective, although empowered, sex workers are victims of various circumstances such as inequality of accessing better jobs, training, competencies, poverty, unsecured workplace of operation, weak healthcare system, discriminatorily rights, among others.

This study showed that the sex workers are empowered as they took the risks to provide and survive, but they are a laboring body that needs acknowledgement and protection under the law. With secured legal protection, it will encourage victims to speak against abuses and violations. It can increase empowerment as sex workers are recognized, regulated, and protected. This embodies the core point of Chela Sandoval's fifth form—aimed at challenging the dominant power that oppresses women through interconnected and interweaving solutions. The unity of all goals to attain genuine social justice and empowerment among groups, governments, and individuals involved, as the primary duty-bearers in creating impact on the situation of sex workers, is highly important to attaining genuine change.

The meaning of sex work relies on how sex workers define engagement and activities: empowered, yet victims of economic circumstances influencing the practice of individual agency—autonomy, values, and choice of work. The body is the capital—the same way as in any other type of work—for the sole purpose of economic provisions and survival. In recognition, people who can afford self-care and non-laboring body activities are those who have greater access to economic wealth and power. What makes sex work dangerous is the prejudice and stigma, resulting in a lack of legal protection and a secure working environment. The majority of sex workers are silenced by the system (criminalization and discrimination), afraid to demand change and justice in fear of consequences, economically and politically, such as loss of income and imprisonment. The sex workers can become the primary challengers of the system if empowered legally. A victim of circumstance, yet a potential actor of change who has agencies and capabilities.

IV. Conclusion and recommendation

There is an increasing empowerment of women, especially in the availability of opportunities, rights, and welfare. As such, it should advocate and lobby for an inclusive change that is not selective and divided. For women engaging in sex work, it is considered a highly vulnerable sector as a result of unregulated and unprotected activities. Intertwined with risks and danger per the frequency of engagement with unknown people of different backgrounds and desires.

The well-educated sex workers of Iloilo City proved that despite their educational backgrounds, the labor market is too competitive and inaccessible to those who lack additional resources, qualifications, skills, and competencies. The experiences of Iloilo City's sex workers strengthened the literature on sex work that is based on the perspective of those directly engaged. Iloilo City's sex workers consider the work a legitimate source of income and define it as an exchange of goods, favors, or money. It is a financial source to meet economic necessities and sustain daily provisions. Highlighting the need for a safe and regulated working environment to ensure protection from clients who are abusive and disrespectful. The three participants stated that regardless of educational attainment, they still experience the same treatment from the clients, such as violence, discrimination, and disrespect. As such, regularization and decriminalization of sex work will offer women a safe and secure working environment. The perspectives gained from the research participants are important in strengthening the validity and legitimacy of sex workers experiences in pursuance of feminist forms of struggle and movement for change. It showed the need for inclusive advocacy and systemic change to increase empowerment, specifically for the sex workers in this study.

From a critical feminist perspective, it highlighted the need for the reconstruction of the system to eliminate any forms of subjugation with the participation of those involved. Engagement in the sex work of the participants does not totally mean acceptance; some choose sex work as a last resort and option to meet ends. Others are agnostic but accept the idea of good pay and income. An acknowledgement is needed that sex work is work to protect and provide security. Society's prejudice and stigma resulted in criminalization and dogmas intertwined with discrimination, dangerous acts, and exploitation towards people engaging in sex work, thereby increasing exposure to unsafe environments. The participants' perspective as to why access to appropriate and safe jobs is a scarcity is due to high requirements in educational and professional qualifications. The participants lack competency and financial capacity, which are limited and hampered by their present economic status.

This research recommends the following: revisit and revise existing educational standards as required by employing establishments, thoroughly looking into the different levels of qualifications suitable for jobs. The same step must be executed for the eligibility and other pertinent requirements of prospective job applicants. It is also viable to increase the number of trainings, seminars, and specializations for students, subsidized or shouldered by the public and private sectors, to provide minimum qualifications until they are able to compete in the labor market. Establishments should adjust the standards of qualifications based on the type of job needed, especially for fresh graduates to enter the labor market. By doing so, this increases the opportunity for people to accumulate additional skills and knowledge that are related to their field of study or work. Inclusivity and active participation of all parties are necessary to increase the chance of restructuring the system that oppresses; thus, government and other related organizations are necessary. The organization for sex workers, the social hygiene clinic, non-government offices (NGOs), and the government of Iloilo City should continue to make efforts to protect the sex workers. At the same time, increase the options for alternative livelihoods that are sustainable and manageable in the long run.

References

- Adams, N. (n.d.). Listen to sex workers- we can explain what decriminalization would mean. <https://www.theguardian.com/commentisfree/2014/nov/06/sex-workersdecriminalisation-amendment-modern-slavery-bill>
- Aguilar, M. (2020). Why should Sex Tourism and Prostitution be Legalized in the Philippines. *International Journal of Management, Technology, and Social Sciences (IJMTS)*, 5(1), 251-260. DOI: <http://doi.org/10.5281/zenodo.3862797>.
- Azucena, C. (2016). *The Labor Code with comments and cases*. Rex Book Store.
- Freeman, J. (1989). The feminist debate over prostitution reform: Prostitutes' rights groups, radical feminists, and the (im)possibility of consent. *Berkeley Women's Law Journal*, 5(1), 75-109.
- Javier, M. (2016). Perspective towards schooling opportunities of a most at-risk Population of Iloilo City. https://serpp.pids.gov.ph/documents/CPU/CPU_2016-06.pdf.
- Johnson, K. (2011). Sex workers in higher education. *Daily Sundial*. <https://sundial.csun.edu/47959/news/sex-workers-in-higher-education/>.
- Lim, L. (1998). *The Sex Sector: The economic and social bases of prostitution in Southeast Asia*. International Labor Organization.
- Overs, C. (2002). Sex workers: Part of the Solution. An analysis of HIV prevention programming to prevent HIV transmission during commercial sex work in developing countries.
- Oxaal, Z. (1997). Education and poverty: A Gender Analysis. *Bridge development- gender*. Institute of Development Studies. https://www.who.int/hiv/topics/vct/sw_toolkit/115solution.pdf.
- Thompson, L. (2007). A preface to the "Chart of preferred terminology for sex trafficking and prostitution." *Social Work and Christianity*.
- Taylor, D. (2015). Most sex workers have had jobs in health, education, or charities-survey. *The Guardian*. <https://www.theguardian.com/society/2015/feb/27/most-sex-workers-jobs-health-education-charities-survey>.
- Asian Development Bank. (1998). *Gender Checklist on Education*. 6 ADB Avenue, Mandaluyong City, Metro Manila, Philippines.
- Business World. (2021). Unemployment rate hits record high in 2020. <https://www.bworldonline.com/unemployment-rate-hits-record-high-in-2020/>
- Economic and social research council. (2014). The well-being effect of education. <https://esrc.ukri.org/news-events-and-publications/evidence-briefings/the-wellbeing-effect-of-education/>.
- National Commission on the Role of Filipino Women. (2005). *RA 9208 Anti-trafficking in persons act of 2003, implementing rules and regulations*. Published by the National Commission on the role of Filipino Women and the United Nations Population Fund.
- Preda Foundation. (2012). *Prostitution in the Philippines; A time for change*. Preda Foundation, Inc. preda.org/2012/prostitution-in-the-philippines-a-time-for-change/.

Gender Equality in Unpaid Care and Domestic Work (UCDW): Analyses and Policy Recommendations for Vietnam

¹Dr. NGUYEN Thi Hong Yen, ²LL.M. NGUYEN Phuong Dung

1. Senior Researcher & Lecturer, Head of Public International Law Division, Hanoi Law University (HLU), Vietnam; Orcid: <https://orcid.org/0000-0003-2703-2363>

2. Associate Lecturer (Law), The Business School, RMIT University Vietnam: LL. B (Hanoi Law University – Class of 2009-2013); LL.M (Newcastle Law School, Newcastle University, the United Kingdom – Class of 2013-2014) Orcid: <https://orcid.org/0000-0002-1882-2956>

Abstract:

Unpaid Care and Domestic Work (UCDW) entails unpaid activities performed by family members within the household, including cooking, cleaning, laundry, child and elderly care, and others, which are aimed at upholding family welfare and functioning. Although UCDW is significantly time-consuming and contributes to improving and developing the quality life of families and communities, women who mainly perform this work do not receive adequate respect from family members, especially men and others in the community. UCDW has become a burden that women are obligated to shoulder, causing them to sacrifice numerous valuable opportunities in developing their careers and life to fulfil such obligations. To relieve the pressure of UCDW placed on women, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) urges states to provide support in public services, particularly the establishment and development of a child and elderly care systems, so that parents, especially women being mothers, can redress the balance between family obligations, careers, and participation in the community. However, there is a visible gender-based gap regarding UCDW in numerous developing countries including Vietnam. Worldwide, women undertake more than twice the amount of UCDW compared to men, resulting in a dual burden, particularly for the most disadvantaged women in developing countries, who are burdened by both paid and unpaid work. According to the policy brief “UCDW – Make a House become a Home” that the Gender Equality Department, Government of Vietnam collaborated with ActionAid to publish in September 2016, Vietnamese women spend more than 5 hours on average every day on UCDW, outnumbering men up to 2.5 hours. It is attributable to different factors, the main one being gender prejudice. There is also a lack of understanding regarding the full societal and economic repercussions stemming from the unequal allocation of UCDW. Considering the gravity of the gender inequality in UCDW in Vietnam, in this article, the authors will (i) analyse relevant regulations, policies, and perspectives in light of international legal instruments, (ii) present the reality and express the authors’ views regarding the gender-based gap related to UCDW in Vietnam, and (iii) lastly elucidate several contributing factors to the present situation, before proposing recommendations to the Government of Vietnam to promote and ensure gender equality in terms of performing UCDW. The authors’ overarching objective throughout this paper is for it to serve as a helpful reference, contributing to an in-depth understanding of UCDW and its ramifications on women’s engagement in social and economic spheres. Additionally, the paper aims to propose policy recommendations for acknowledging, reducing, and equally redistributing UCDW to further women’s enjoyment of rights and well-being.

Keywords: *gender equality, unpaid work, women’s studies, human rights*

I. Introduction

In Vietnam, traditional gender roles have been significantly influenced by Confucianism and a history of patriarchal traditions, which were introduced during the country’s thousand-year Chinese rule. These norms have solidified a hierarchical societal structure that emphasizes distinct roles and virtues for men and women. Throughout the historical development of the Vietnamese society, men have been

predominantly viewed as the primary breadwinners and pillars of households, responsible for financial support and taking on leadership roles within both families and society. Women, on the other hand, have been expected to adhere to traditional ideals and norms, with an emphasis on their roles as dutiful wives and obedient daughters, involving tasks such as housework, child and elderly care, and other domestic responsibilities (Dao & Nguyen, 2022). Nevertheless, the work undertaken by women within family households are unpaid and often goes unrecognized.

UCDW holds a fundamental position in the fabric of our societies and the functioning of the economy. It serves as the backbone of various essential tasks, encompassing crucial duties such as nurturing children, attending to the needs of the elderly, providing support for individuals with physical and mental ailments or disabilities, and managing the day-to-day household chores including cooking, cleaning, laundry, repairing, and acquiring necessary resources. These responsibilities are of utmost importance, and their fulfilment is indispensable. Without individuals dedicating their time, effort, and resources to these essential tasks, the very foundations of communities, workplaces, and entire economies would be severely compromised. The performance of UCDW is indispensable for enhancing individuals' well-being and ensuring the smooth functioning of the market economy (UN Women, 2017, pp. 6–7).

The quantification of UCDW has provided valuable insights into its economic significance, often assessed by the time invested in performing these duties. The International Labour Organization (ILO) estimates that UCDW constitutes approximately 9% of the global Gross Domestic Product (GDP), equivalent to a staggering USD 11 trillion. Notably, the contribution of women's UCDW accounts for around 6.6% of the global GDP, amounting to USD 8 trillion. Within the specific context of Vietnam, based on a comprehensive nationwide time use study, a study conducted by ActionAid across nine provinces revealed that UCDW represents approximately 20% of the country's total GDP. Nevertheless, if women were to redirect their time towards paid work within the care economy instead of engaging in UCDW, their annual economic contribution would approximate VND1.1 trillion. Moreover, such a transition has the potential to augment household incomes by an estimated VND920,972 (approximately USD38.94) per month (UN Women, 2021a, p. 127).

UCDW is an urgent concern that violates fundamental human rights and hinders progress towards gender equality and poverty reduction. The onerous task of balancing productive and reproductive responsibilities has detrimental effects on women's lives. These consequences encompass the curtailment of economic opportunities and a reduction in their power dynamics within households. The allocation of time towards UCDW significantly impacts the distribution of women's and men's time dedicated to paid work, education, social engagements, and reproductive activities. Devoting more time to UCDW inevitably results in less time available for other pursuits, especially for women who already allocate less time to paid employment. In Vietnam, like many other developing countries, a significant gender gap persists, with women bearing a disproportionate burden of unpaid work compared to men. Despite the increasing participation of men in housework, there remains a prevailing gender disparity whereby the majority of household chores are still primarily undertaken by women and girls in present times.

Given the situation of UCDW, the authors in this article will (i) analyze relevant regulations, policies, and perspectives in alignment with international legal instruments, providing a comprehensive understanding of the current landscape, (ii) shed light on the reality of the gender-based gap associated with UCDW in Vietnam, presenting the authors' perspectives on this issue, (iii) identify and explore the contributing factors that have led to the existing situation, delving into the root causes and complexities involved, and (iv) provide recommendations to the Government of Vietnam to foster and ensure gender equality in the realm of UCDW, aiming to address the disparities and create a more equitable society.

II. An Analysis of the International and Vietnamese Legal Frameworks for the Protection of Women's Rights in UCDW within the Family Context

Gender-responsive laws and policies are crucial in fostering enduring and sustainable transformations. Without a robust policy framework, progress in achieving gender equality and empowering women may not be effectively sustained over time. Therefore, developing and implementing effective

policies are paramount in safeguarding and promoting women's rights.

2.1. International Legal Framework

Multiple international instruments underscore the crucial necessity for societies to acknowledge the substantial value of UCDW. These instruments emphasize the importance of providing appropriate support services and promoting equitable distribution of responsibilities within households and families.

CEDAW acknowledges women's substantial, yet often undervalued, contributions to family welfare and societal progress. It underscores the social significance of maternity and recognizes the roles assumed by both parents in shaping family dynamics and engaging in the upbringing of children (CEDAW, 1979, art. 16). Moreover, CEDAW obliges countries to provide necessary social services to support parents in balancing family obligations with work responsibilities and participation in public life. This includes promoting the establishment and development of a network of childcare facilities.

Under core human rights treaties like the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), although not explicitly focused on UCDW, there are numerous rights that women are entitled to. Failure to comprehensively address UCDW can infringe upon these rights. In particular, the right to education (ICESCR, 1966, art. 13; CEDAW, 1979, art. 10) can be severely impacted, hindering girls' life chances when they are burdened with care responsibilities from an early age. Girls are often given care responsibilities from an early age, which can result in withdrawal from school entirely. Women has the right to decent work (ICESCR, 1966, arts. 6 and 7; CEDAW, 1979, art. 11) which could be obstructed in many ways by heavy and unequal unpaid care responsibilities, limiting their access to the labour market and exacerbating poverty. The right to social security (ICESCR, 1966, art. 9) is compromised when women are compelled into informal jobs with precarious employment conditions, leading to limited or no access to social insurance benefits like paid maternity leave. Women who manage to balance UCDW with formal-sector employment often face lower social security contributions compared to men due to lower wages and "interrupted" work histories resulting from child-rearing or other unpaid care responsibilities. The norms and practical obligations associated with care work impose constraints that potentially violate women's right to participation, safeguarded by human rights treaties such as ICESCR, CEDAW, and ICCPR (ICCPR, 1966, art. 25). Women living in poverty encounter barriers to meaningful engagement in public and political life due to gender stereotypes, which depict men as workers and leaders while relegating women to caregivers confined to the home. Furthermore, the time devoted to care work presents a tangible hindrance to participating in decision-making processes, particularly exacerbated by limited access to affordable childcare options. (Carmona & Donald, 2014, pp. 444-447)

The 1995 Beijing Declaration and Platform for Action highlights the significance of UCDW as a constraint to women's rights, calling for countries to recognize and acknowledge women's contributions to the national economy. It aims to promote the harmonization of work and family responsibilities for women and men, allowing women to maximize their opportunities (Beijing Declaration and Platform for Action, n.d., para. 66(b) and 85(b)).

Furthermore, the United Nations' Sustainable Development Goal (SDG) 5 "Achieve gender equality and empower all women and girls" (United Nations, n.d.) places importance on recognizing and valuing UCDW. This is to be achieved through the provision of public services, infrastructure, and social protection policies, as well as the promotion of shared responsibilities within households and families, tailored to each nation's context.

2.2. Vietnamese Legal Framework

Vietnam has gained recognition as a prominent country in the Asia-Pacific region for its establishment of a comprehensive legal and policy framework aimed at promoting gender equality. This framework is rooted in the country's Constitution, which enshrines the fundamental principle of equality between men and women (2013 Vietnam's Constitution, 2013, art. 26). To translate this principle into action, Vietnam has implemented a wide array of laws and policies across various spheres of life, reflecting the resolute political determination of the Party and State. These efforts signify Vietnam's commitment to fulfilling its international obligations outlined in international law on gender equality.

With a particular emphasis on promoting gender equality within families, their efforts have been concentrated on addressing the distribution and alleviation of housework responsibilities. These endeavors reflect the government's recognition of the influential role that well-designed policies play in advancing gender equality and fostering a more equitable society. Within the Vietnamese context, the extent of women's UCDW has emerged as a topic of discussion. The successive National Strategies on Gender Equality (NSGEs) have established a clear objective to diminish the proportion of time allocated by women to household chores and unpaid family care work in relation to men. This deliberate focus on reducing the burden of such responsibilities signifies the Government's proactive stance in tackling gender disparities and promoting a more balanced division of labour within households.

The former NSGE, implemented from 2011 to 2020, focused on promoting gender equality within family life and progressively eliminating gender-based violence. One of the specific objectives was to reduce the disparity in the time spent on household chores between women and men. The target aimed to narrow this gap to 2 times by 2015 and further to 1.5 times by 2020 (NSGE 2011-2020, 2010, n. Objective 6, Target 1). This demonstrates the government's strong commitment to fostering equal participation and shared responsibilities within households, creating a more equitable and harmonious family environment.

Showcasing the government's strenuous efforts in promoting gender equality and empowering women In March 2021, the Vietnamese Government demonstrated its unwavering commitment to gender equality by enacting Resolution No. 28/NQ-CP. This resolution approved the National Strategy on Gender Equality (NSGE) 2021-2030. The NSGE 2021-2030 sets forth a primary objective of narrowing gender gaps and creating equal opportunities for women and men to participate in and benefit from all aspects of society. In the realm of family life, the Vietnamese Government has made a commitment to reduce the average burden of unpaid household and caregiving responsibilities borne by women. The goal is to narrow the gap to 1.7 times less than that of men by 2025 and further decrease it to 1.4 times less by 2030 (NSGE 2021-2030, 2021, n. Objective 3, Target 1).

The formulation of objectives and targets within the NSGE 2021-2030 was meticulously undertaken, considering the prevailing socio-economic development landscape in Vietnam. This strategic approach recognizes the country's new era and its commitment to international economic integration. Ultimately, the NSGE aims to align with the United Nations' SDGs and contribute to their achievement by 2030.

In accordance with the 2006 Law on Gender Equality, it is a legal requirement for all members of the family, irrespective of their gender, to share the responsibility of housework (Law on Gender Equality, 2006, art. 18.5). Furthermore, this law acknowledges the rights of both husbands and wives to utilize their leave entitlements for the purpose of attending to the needs of their sick children (Law on Gender Equality, 2006, art. 18.3).

Article 19 of the 2014 Law on Marriage and Family establishes the legal obligations for both husbands and wives to demonstrate love, faithfulness, respect, care, mutual assistance, and equitable division of household responsibilities (Law on Marriage and Family, 2014, art. 19). This Law endorses the underlying principle that property relations should be resolved in a manner that safeguards the rights and legitimate interests of women and children. Furthermore, the law recognizes that housework and other responsibilities associated with maintaining the family's life should be regarded as labour that generates income.

III. The Contemporary Landscape of Uncompensated Care Work Undertaken by Women within the Family Context

A pioneering study conducted in 2016 aimed at estimating the time allocation to UCDW by women and men determined that women and girls predominantly shoulder the primary responsibility for undertaking UCDW. The study revealed that women and girls devote an average of over 5 hours/day to these duties, surpassing men by a substantial margin of up to 2.5 hours (ActionAid, 2016, pp. 26–27). Subsequently, a comprehensive analysis utilizing the labour survey data from 2019 revealed that women and men devoted 18.84 hours and 8.93 hours/week, respectively, to fulfill their housework obligations. This examination highlighted a notable discrepancy, whereby women expended more than double the amount of

time in comparison to men on UCDW (UN Women, 2021a, pp. 126–127).

The 2021 Labor Force Survey findings showed that a considerable portion of Vietnam's employed population, approximately 45.8% or 22.5 million individuals, fell into the vulnerable category due to their status as “own-account” and “unpaid family workers”. These individuals confront various challenges as they grapple with unstable employment and the absence of social security benefits. Notably, the percentage of vulnerable workers is lower than that of wage workers, who make up 51.9% of the employed population. These statistics underscore the urgent need for targeted interventions and policy measures to address the vulnerabilities faced by “own-account” and “unpaid family workers”, ensuring their access to secure employment opportunities and comprehensive social security coverage. Significantly, there is a discernible gender disparity within this context. Compared to their male counterparts, the percentage of female workers engaged in their own account and unpaid family work surpasses them by 8.5% (GSO, 2021, p. 36). Furthermore, a national survey conducted by the World Bank in 2022, which involved 6,000 Vietnamese individuals of working age, revealed that men's paid employment hours outnumbered those of women by one hour. However, women spent an additional 3 hours on UCDW. Alarmingly, one-third of women in the surveyed group reported not having any leisure time (World Bank, 2023).

The Review Report on the implementation of the National Strategy on Gender Equality (NSGE) 2011-2020 by UN Women reveals a significant disparity in the allocation of household chores between women and men. The report indicates that women spent 2.1 times more time on housework compared to men. Specifically, women dedicated approximately 39 hours/week to paid labour and productive activities and an extra 18.9 hours to unpaid housework. On the other hand, men allocated 40 hours/week to paid labour and productive activities, with 8.9 hours spent on unpaid housework. These findings clearly demonstrate that the targeted goal set by the NSGE 2011-2020 to reduce the disparity in housework was not achieved (UN Women, 2021b, p. 65). In a recent report by the Vietnamese Government regarding the progress of gender equality targets, it was documented that in 2022, women allocated an average of 2.35 hours/day to UCDW, a figure 1.78 times greater than the 1.32 hours/day dedicated by men to UCDW. While the time spent by women doing UCDW for the family saw a decline between 2021 and 2022, offering hope for achieving the goal of reducing the average UCDW ratio for women compared to men to 1.7 times by 2025, there remains a considerable path to traverse for Vietnam to achieve this objective (Government of Vietnam, 2023, p. 11).

Despite the considerable investment of time and effort in UCDW, which serves as a crucial contributor to the enhancement of family and community well-being, women, who bear the primary responsibility for these responsibilities, often encounter insufficient acknowledgement and appreciation from their family members, particularly men, and the broader community. Consequently, UCDW have evolved into burdensome obligations imposed upon women, depriving them of valuable prospects for career advancement and personal fulfilment. The burden associated with UCDW presents significant impediments to girls and women's educational and professional progress, exerting adverse effects on various spheres, including girls' school attendance and access to further education and training opportunities. Gender disparities in education, particularly in higher levels of education such as graduate and vocational programs, can be partly attributed to the gendered caregiver role imposed on women. An extensive study exploring the determinants of gender equality in Vietnam unveiled that 20% of surveyed women and approximately 7% of men identified the need to assist with household chores as one of the foremost reasons for discontinuing their education. In terms of the proportion of employees who have received training, the training rate has consistently been higher for men compared to women. There has been an upward trend for both women and men from 2015 to 2018. The percentage of trained women ranged from 18 to 19%, while for men, it ranged from 23 to 24% during this period. Notably, the rate of trained workers is particularly low among female workers in rural areas (11.8%), female workers in the agriculture, forestry, and fishery sector (3%), and female workers in the non-state sector (11.1%) (UN Women, 2021a, pp. 127–128).

This gendered pattern reveals a greater prevalence of women in vulnerable work arrangements. Addressing this disparity is of paramount importance in advancing gender equality and ensuring that women have equitable access to stable and secure employment opportunities. Consequently, it is imperative to implement measures aimed at promoting gender-responsive policies, enhancing labour protections, and

fostering a more inclusive and equitable labour market for all.

IV. Challenges and Recommendations

4.1. Addressing Shortcomings and Towards Policy Reform

To address the challenges of UCDW, a comprehensive approach known as the 4Rs (Recognition, Reduction, Redistribution, and Representation) is essential, as highlighted by international experiences. The 4Rs encompass:

- (i) Recognition: Acknowledging care as a necessary job with social and economic value.
- (ii) Reduction: Minimizing the burdensome and strenuous aspects of care work, enhancing individuals' autonomy in self-care.
- (iii) Redistribution: Equitably sharing caregiving responsibilities among various actors within households (including women, men, the state, the private sector, and the community).
- (iv) Representation: Ensuring the inclusion of care workers, individuals in need of care, and women's organizations in decision-making processes.

In addition to the 4Rs, a two-pronged strategy is crucial. This strategy involves promoting care-focused public policies and interventions while mainstreaming the 4Rs into public policies and programs (UN Women, 2017, p. 21). Incorporating the 4Rs framework into Viet Nam's Action Plan for the Implementation of Agenda 2030 is crucial to address the challenges surrounding UCDW. Several key steps should be taken to ensure the effective integration of the 4Rs principles into Viet Nam's Action Plan for the implementation of SDG 5 and other relevant SDGs. First, it is crucial to concretize national targets and indicators, specifically aligning them with the 4Rs framework. This involves clearly defining measurable goals that address the recognition, reduction, redistribution, and representation of UCDW. Second, providing technical support is essential for the successful implementation of the 4Rs strategy within the Action Plan. This support should encompass the provision of expertise, conducting research, and offering guidance to policymakers. Furthermore, the development of monitoring tools is vital to track the progress and implementation of the 4Rs framework within Viet Nam's SDG monitoring system. These tools will enable regular assessments of the Action Plan's effectiveness, identify areas requiring attention, and facilitate evidence-based decision-making to ensure the successful integration of the 4Rs principles (UN Women, 2017, p. 23).

The term "UCDW" is not commonly used. Instead, phrases like "housework" (việc nhà) or "family work" (công việc gia đình) or "household work" (công việc nội trợ) are frequently employed across various documents, including the 2006 Law on Gender Equality, the 2014 Marriage and Family Law, the NSGE 2011-2020, and the NSGE 2021-2030. However, these terms carry diverse interpretations. They are often viewed as matters pertaining solely to individual households when addressing gender equality within the family. Furthermore, the utilization of these terms unfortunately conveys a perception of these tasks as insignificant "small chores", inadvertently undermining the true value and significance of the work itself. This approach fails to acknowledge the dedication and effort invested by individuals who dutifully carry out these responsibilities. The misconception surrounding UCDW renders them invisible and results in their underestimation as a fundamental pillar of economic activities. Consequently, this issue is prone to being overlooked and neglected in public policies (UN Women, 2017, pp. 8 and 16, 2021a, p. 126). Therefore, obtaining a comprehensive and nuanced understanding of the nature and extent of UCDW is essential for promoting meaningful policy actions and facilitating transformative changes in policy design. By delving into the intricacies and extent of UCDW, policymakers can gain valuable insights for crafting informed policies that address the needs and challenges women face.

The Labor Code and the Social Insurance Law prescribe that mothers are eligible for six months of paid maternity leave, while fathers are granted five days of paternity leave to attend to the needs of their newborns, with the possibility of an extended period under special circumstances (Labour Code, 2019, art. 139; Law on Social Insurance, 2014, art. 34). Although this provision for leave is generous and aims to facilitate women in taking time off from work to fulfill their childcare responsibilities, the leave entitlements

are non-transferable between mothers and fathers, perpetuating the notion that women are primarily responsible for caregiving. Additionally, certain benefits in the Labor Code, such as reduced working hours for mothers of young children, further reinforce traditional gender norms regarding women's caregiving roles. To challenge existing societal perceptions and promote more equitable distribution of caregiving responsibilities, it would be beneficial to enhance access to paternity leave and consider introducing transferable entitlements for caregivers of young children. These measures have the potential to reshape assumptions about the roles of men and women in caregiving and enable fathers to assume greater care responsibilities. Furthermore, private employers who employ both men and women should also assess how workplace policies can support employees in their caregiving duties (ActionAid, 2017, p. 31). Moreover, international experiences have demonstrated that the reduction and redistribution of UCDW can be achieved through the implementation of policies related to maternity, paternity, and parental leave. Maternity and paternity leave policies enable women and men, respectively, to take leave, while parental leave allows both parents to share the caregiving responsibilities. Although the Labour Code and the Law of Social Insurance mandate six months of fully paid maternity leave for women, this entitlement is limited to women in the formal sector, leaving those in the informal sector without such benefits. The Maternity Protection Convention established by the ILO guarantees maternity leave entitlements for women employed in both formal and informal sectors (C183, 2000). Ensuring compliance with the ILO's minimum standards poses a significant challenge in Vietnam. Despite the existence of relevant laws, various obstacles hinder women's access to maternity leave policies (UN Women, 2017, p. 18). Additionally, it is important to assess and appraise the efficacy of the existing maternity leave policy as outlined under the Labour Code and the Social Insurance Law to refine and expand the maternity protection system to encompass all women, including those in the informal sector. It is also necessary to evaluate the impact of paternity leave on gender dynamics to enable timely policy and regulatory reforms that promote shared family responsibilities within households (UN Women, 2017, p. 23).

In addition, traditionally, the eldest son and his wife were responsible for caring for elderly parents, with the expectation that they would reside with their married son's family, and daughters-in-law would play a significant role in caregiving. However, societal changes, including labour force participation shifts, rural-to-urban migration, and evolving social norms, have led to a decline in traditional family arrangements. Multi-generational households now comprise less than half of all family structures, giving rise to new complexities in elderly care provision. Furthermore, Vietnam is confronting the implications of an aging population, with a steady increase in the proportion of individuals aged 60 and above. While the Law on the Elderly has established various support schemes, encompassing monthly allowances, healthcare benefits, and access to care facilities for low-income individuals or those lacking family support, the current system heavily relies on family members, predominantly women, to shoulder primary caregiving responsibilities. As more women enter the workforce and the elderly population continues to expand, the caregiving burden on women is anticipated to intensify. Addressing the multifaceted challenges associated with elderly care necessitates a comprehensive policy response that spans health, employment, and social security domains. Implementing strategies to enhance elderly health, such as medical programmes and preventive initiatives, can help meet the increasing demand for home-based care. Furthermore, enhancing and augmenting social pension benefits allow elderly individuals to access vital services while enabling family members, especially women, to balance caregiving and other commitments. Thus, policies should adapt to changing family structures and diverse aging needs, considering social dynamics, cultural contexts, and care availability (ActionAid, 2017, p. 25).

4.2. Challenging Predicaments of Traditional Social Norms and the Imperative of Awareness-Raising

Women are hindered by social norms and attitudes that perpetuate their subordination, preventing them from fully benefiting from educational, political, and economic opportunities available to them. Gender stereotypes and traditional norms regarding gender roles have become deeply ingrained in Vietnamese society, perpetuating the notion that men should engage in paid work outside the home while women are responsible for household chores. Despite the increasing participation of women in various economic activities and their integration into the workforce, these societal expectations persist. While

Vietnam has made notable advancements in improving overall well-being and reducing gender disparities in areas such as education, health, and employment, little progress has been made in challenging and transforming traditional gender norms pertaining to the division of labour within households. Consequently, women continue to bear the primary burden of UCDW, which serves as a significant underlying factor contributing to gender inequality. These gender stereotypes manifest at both the individual and institutional levels, shaping the development of policies and practices. Effectively addressing and dismantling these deeply rooted gender norms necessitate a comprehensive and sustained approach, involving the collaboration of multiple stakeholders. (UN Women, 2017, p. 15)

In order to promote gender equality and facilitate the equitable distribution of caregiving responsibilities, it is recommended that government agencies, socio-political organizations (such as the Vietnam Women's Union, Youth Union, and the Fatherland Front), and social organizations allocate resources towards the implementation of comprehensive training and capacity-building programs specifically targeting men and boys. These programmes should be designed to challenge deeply ingrained gender stereotypes associated with caregiving, while emphasizing the intrinsic value of shared care. Additionally, they should provide practical skills in parenting and housework to empower men to actively participate in these domains. An effective step towards achieving this objective could involve initiating and developing the "Father's Caring Hands" program, as outlined in Target 5.4 of Vietnam's National Strategy for SDGs implementation. Furthermore, promoting gender equality and transforming prevailing social norms requires a collaborative effort among various stakeholders, including government agencies, private companies, and media outlets. It is imperative for these entities to join forces and launch targeted awareness-raising initiatives aimed at empowering both women and men to challenge and transcend traditional gender roles (ActionAid, 2017, p. 45). To challenge traditional gender roles and shift societal perceptions of men and women's roles, the Government should prioritize raising public awareness regarding the significance of UCDW in overall development. This can be achieved through structured communication campaigns, gender equality workshops in educational institutions and workplaces, aimed at educating individuals about stereotypes, underlying principles, and the advantages of equal participation in UCDW. Simultaneously, the Government should initiate media campaigns that challenge entrenched gender norms and endorse shared family responsibilities. This outreach can encompass TV commercials, social media platforms, and printed materials. Parent education programs should be introduced, emphasizing shared caregiving responsibilities, mutual support among couples in child-rearing and equal treatment of boys and girls (UN Women, 2017, p. 22; CARE, 2021, pp. 32–33).

4.3. Limitations and Improvement of Public Services and Infrastructures

Limited access to early childhood care and education services (ECEC) is another factor contributing to women's time poverty. Only 22.7% of children under three years old are enrolled in ECEC programs nationwide, with even lower rates in specific regions such as the Mekong River Delta (6.8%) and the Central Highlands (6.2%). Taking care of young children significantly adds to women's caregiving responsibilities. While the government has recognized the importance of ECEC and has taken steps to expand the network of preschools and teachers, the focus has primarily been on child development without directly addressing women's caregiving burden. (UN Women, 2017, p. 17)

Women play a crucial role in upholding the stability of the market economy by providing valuable but undervalued labour that is often low-cost or unpaid. Furthermore, they shoulder the burden of caregiving responsibilities, which ideally should be the public sector's responsibility. One approach to reducing the time women spend on UCDW in Vietnam is to improve basic social services and infrastructure. Investments in water and sanitation, electrification, health centres, and education, particularly expanding the preschool network, can have a positive impact. Although the government's initiatives, such as the National Target Programmes (NTPs) on New Rural Development and Poverty Reduction for the 2016-2020 period and later for the 2021-2025 period, have led to improvements in infrastructure and basic public services, challenges still persist, particularly in remote and economically disadvantaged areas, including mountainous regions (2016-2020 NTP on Rural Development, 2016; 2016-2020 NTP on Poverty Reduction, 2016; 2021-2025 NTP on New Rural Development, 2022; 2021-2025 NTP on Poverty Reduction, 2022; UN Women, 2017,

p. 21). Access to water systems, electrification, roads, and healthcare remains limited in these areas. In terms of access to improved water sources, progress has been made since 2014. However, discrepancies exist between different socioeconomic groups. While all households in the top quintile have access to improved water sources, only 74% of households in the poorest quintile do. Moreover, only 11% of rural households have piped water in their own dwelling or yard, compared to approximately 59% of urban households. The disparity is particularly pronounced in ethnic minority communities, where women and girls bear the disproportionate burden of water collection. The investment in piped water systems within domestic premises would alleviate this burden on women. It is crucial to shift towards a more holistic and inclusive approach to childcare and education, considering it not only as a means of human capital development but also from a gender perspective. This approach would support the development of children and alleviate women's caregiving responsibilities, contributing to a more equitable distribution of UCDW. By improving essential social services and infrastructure, such as water and sanitation systems, electrification, and expanding the network of early childhood care and education services, women's time spent on UCDW can be reduced. (UN Women, 2017, pp. 16–17; ActionAid, 2017, p. 44)

The Vietnamese Government has taken significant steps to prioritize access to childcare and promote social responsibility through a series of decisions and decrees. Decision 161/2002/QĐ-TTg (ActionAid, 2017, p. 20), followed by Decision 60/2011/QĐ-TTg and the latest Decree 105/2020/ND-CP, specifically aim to ensure access to childcare in poor, remote, and rural areas, as well as the establishment of public kindergartens in urban areas and industrial zones with a large employee population. Furthermore, the latest instrument outlines supportive policies and agendas to improve childcare services. These include the provision of financial support for lunch meals for kindergarten children and children of workers in industrial zones. The Government has also implemented measures to enhance the salary and benefits of kindergarten teachers, particularly those working in remote and mountainous areas.

Notwithstanding, according to the available data from 2020-21, the enrolment rates for pre-primary children in kindergarten and primary children are remarkably high, reaching 97.6% and 98.2%, respectively. These indicate that the coverage of childcare services is extensive for older children. However, in contrast, crèche enrolment remains significantly lower, with 80.5% of children aged 36-59 months enrolled during the same period (UNICEF, 2021, p. 1). The enrolment rate for children under the age of 3 in daycare nurseries is notably low, estimated at approximately 28.2% (Vietnamnet, 2022). This indicates a significant disparity between the demand for daycare services and the available capacity. The country has a limited number of daycare nurseries, with only 13 operating nationwide during the 2018-2019 period. Regrettably, this number further decreased to 8 in the subsequent year of 2019-2020. However, the total number of children requiring daycare exceeds 5 million, highlighting a substantial shortfall in meeting the demand for such services (MOET, 2021). Consequently, a considerable proportion of children predominantly rely on family care, with mothers assuming the majority of caregiving responsibilities. The statistical findings emphasize the urgent need to address the current gap in childcare provision and alleviate the challenges faced by mothers. To effectively bridge this gap and support women in their childcare responsibilities, it is imperative for the Vietnamese Government to prioritize and invest in expanding daycare facilities. By constructing additional daycare nurseries, women would receive crucial support, enabling them to participate more extensively in the labour force and engage in productive activities. This expansion would not only alleviate the burden on mothers but also contribute to gender equality, economic empowerment, and overall societal well-being.

Furthermore, it is essential to recognize that addressing the caregiving burden extends beyond childcare alone. Increased investment in nursing homes, financial support for home-based caregivers, and the development of community-based nursing services are necessary measures. These actions can help alleviate the burden shouldered by family members in caregiving responsibilities (ActionAid, 2017, p. 25). Furthermore, in alignment with the nation's development policies like the NTPs, the Vietnamese Government should take proactive measures to enhance the provision of public services, with a particular focus on child and elderly care. This can be accomplished through collaborations with diverse stakeholders, including international organizations, non-governmental organizations, and private sector engagement in public service provision. The Government should encourage and enable the participation of these

stakeholders through government co-financing or public-private partnership models for delivering public services. This can be facilitated by providing investment incentives, preferences, tax reductions, and streamlined licensing procedures. Notably, investments should be channelled into gender-responsive infrastructure, encompassing initiatives such as the establishment of childcare centres with a particular emphasis placed on investments in the ECEC network for preschool-aged children, especially in rural and ethnic minority regions. Fundamental infrastructures in rural and mountainous areas, including piped water systems, sanitation facilities, and village roads, should receive more investments. The quality and quantity of public healthcare systems, specifically at the grassroots level in remote and economically disadvantaged areas, should be further enhanced. Additionally, attention should be given to elder care facilities and advisory or consulting services to address the growing demand for elder care within nuclear families (UN Women, 2017, p. 24; CARE, 2021, pp. 32–33).

V. Conclusion

Gender-based stereotypes perpetuate the notion that women bear primary responsibility for domestic duties, resulting in an unequal division of Labour and hindering women's equal enjoyment of rights. Although women globally shoulder a larger share of UCDW, the burden and its impact on rights are particularly pronounced for women facing poverty, migration, or belonging to marginalized groups. Neglecting the issue of UCDW exacerbates existing inequalities, amplifying the disadvantages faced by women, especially those from marginalized backgrounds.

Empirical evidence and recent research substantiate that women are heavily engaged in UCDW compared to men, leading to reduced participation in paid work. To address this, it is essential to analyze the intricate relationship between paid and unpaid work and devise strategies to redistribute UCDW from the informal care sector to the formal paid care sector. While there has been a reduction in the gap in time allocated to UCDW between women and men in recent years from 2011 to 2022, it still remains significant. Vietnam must intensify its efforts to attain the national gender equality target of reducing women's average hours spent on UCDW by 2025.

Efforts to address UCDW should encompass a comprehensive range of measures. These include evaluating and reforming policies and regulations to integrate the 4Rs of UCDW and extending maternity protection to encompass women in all sectors, including those in the informal sector, in accordance with international legal instruments. Moreover, fostering partnerships with various stakeholders, including private sector businesses, is essential to facilitate investments and improvements in the provision of public services and infrastructures, particularly in rural and economically disadvantaged areas. These improvements may involve the establishment of affordable childcare and eldercare facilities, water and road systems. Additionally, raising awareness and challenging traditional beliefs regarding women's roles through communication and media campaign are critical steps to advance gender equality and UCDW recognition and valuation. By adopting a human rights-based approach, the Vietnamese Government can create an enabling environment where women's rights are protected, and their contributions to society through UCDW are acknowledged and supported. Thereby, achieving gender equality in UCDW carries profound societal and economic benefits, extending beyond women's empowerment. Vietnam can make significant strides towards achieving gender equality, ultimately leading to an improvement in the well-being and prosperity of not only women but the nation's economy and society as a whole.

Bibliography

- ActionAid. (2016). *Unpaid Care Work: Make a House becomes a Home* (Policy Brief; p. 32). ActionAid.
https://vietnam.actionaid.org/sites/vietnam/files/ucw_policy_brief_-_en.pdf
- ActionAid. (2017). *Unpaid Care Work: Redistribution for Sustainable Development*. ActionAid.
https://vietnam.actionaid.org/sites/vietnam/files/ucw3_0.pdf
- CARE. (2021). *Report on Unpaid Care and Domestic Work—Project on Advancing Women Economic Empowerment in Vietnam (AWEEV)* (p. 38). CARE. https://care.org.vn/wp-content/uploads/2022/08/CARE-AWEEV_UCDW-Full-report-ENG.pdf
- Carmona, M. S., & Donald, K. (2014). What does care have to do with human rights? Analysing the impact on women's rights and gender equality. *Gender & Development*, 22(3), 441–457.
- Dao, D. T., & Nguyen, V. N. (2022). Roles of Vietnamese Women in the Society: A Historical Perspective. In *Pham Quang Minh, Nguyen Thi Thuy Trang (ed.), Country Report Vietnam—Independent semi-annual information on politics, economy and society of a country in transition* (Vol. 5, pp. 21–31). Thanh Nien Publishing House.
https://southeastasia.hss.de/download/publications/50_Country_Report_Women_in_VietnameseSociety-web.pdf
- National Strategy on Gender Equality 2021-2030, 28/NQ-CP (2021).
<https://datafiles.chinhphu.vn/cpp/files/vbpq/2021/03/28.signed.pdf>
- Government of Vietnam. (2023). *Report on the Implementation of the National Targets on Gender Equality in 2022* (95/BC-CP; pp. 1–20).
<https://datafiles.chinhphu.vn/cpp/files/vbpq/2023/4/95bc.signed.pdf>
- GSO. (2021). *Report on labour force survey 2021* (p. 215). General Statistics Office (GSO).
<https://www.gso.gov.vn/wp-content/uploads/2023/03/Sach-Bao-cao-LD-viec-lam-TA-Can-1.pdf>
- Maternity Protection Convention, 183 (2000).
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C183,/Document
- MOET. (2021). *Statistics on Early Childhood Education Statistics for the period 2019-2020* (p. 4). Ministry of Education and Training (MOET). <https://moet.gov.vn/thong-ke/Pages/thong-ke-giao-duc-mam-non.aspx?ItemID=7385>
- Law on Gender Equality, 73/2006/QH11 (2006).
http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=76089&p_count=96243&p_classification=05&p_classcount=3262

- Law on Social Insurance, (2014). <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99775/126463/F-1921723198/VNM99775%20Eng.pdf>
- Labour Code, 45/2019/QH14 (2019).
https://boluatlaodong2019.molisa.gov.vn/lang_en/topic/viet_nam_labour_code/index
- National Strategy on Gender Equality 2011-2020, 2351/QĐ-TTg (2010).
<https://chinhphu.vn/?pageid=27160&docid=98308&tagid=6&type=1>
- National Target Programme on New Rural Development for the 2016-2020 Period, 1600/QĐ-TTg (2016).
<https://chinhphu.vn/?pageid=27160&docid=186013&tagid=4&type=1>
- National Target Programme on Poverty Reduction for the 2016-2020 Period, 1722/QĐ-TTg (2016).
<https://chinhphu.vn/?pageid=27160&docid=186132&tagid=4&type=1>
- National Target Programme on New Rural Development for the 2021-2025 Period, 263/QĐ-TTg (2022).
<https://chinhphu.vn/?pageid=27160&docid=205378&type=1&tagid=4>
- National Target Programme on Poverty Reduction for the 2021-2025 Period, 90/QĐ-TTg (2022).
<https://vanban.chinhphu.vn/?pageid=27160&docid=205180>
- The 2013 Constitution of the Socialist Republic of Vietnam, (2013). <https://vietnamlawmagazine.vn/the-2013-constitution-of-the-socialist-republic-of-vietnam-4847.html>
- Law on Marriage and Family, 52/2014/QH13 (2014). <https://vbpl.vn/TW/Pages/vbpgen-toanvan.aspx?ItemID=11018#:~:text=The%20National%20Assembly%20promulgates%20the%20Law%20on%20Marriage%20and%20Family.&text=This%20Law%20prescribes%20the%20marriage,the%20marriage%20and%20family%20regime.>
- Beijing Declaration and Platform for Action, 277. Retrieved June 30, 2023, from
<https://www.icsspe.org/system/files/Beijing%20Declaration%20and%20Platform%20for%20Action.pdf>
- UN Women. (2017). *Unpaid Care and Domestic Work: Issues and Suggestions for Viet Nam* (p. 28) [Discussion Paper]. UN Women. <https://asiapacific.unwomen.org/en/digital-library/publications/2017/01/unpaid-care-and-domestic-work>
- UN Women. (2021a). *Country Gender Equality Profile Viet Nam 2021* (p. 281). UN Women.
https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2021/10/vn-CGEP_Full.pdf
- UN Women. (2021b). *The review report on the implementation of the National Strategy on Gender Equality (NSGE) 2011—2020* [Review report]. UN Women.
<https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2021/08/vn-BC-RA-SOAT-17x25cm-ENG.pdf>

UNICEF. (2021). *Viet Nam SDG indicators on Children and Women Survey 2020-2021: Key indicators and findings: Education* (p. 3). Unicef.

<https://www.unicef.org/vietnam/media/8686/file/Education.pdf>

United Nations. (n.d.). *SDG 5*. Retrieved June 30, 2023, from <https://sdgs.un.org/goals/goal5>

International Covenant on Civil and Political Rights, (1966).

<https://www.ohchr.org/sites/default/files/ccpr.pdf>

International Covenant on Economic, Social and Cultural Rights, (1966).

<https://www.ohchr.org/sites/default/files/cescr.pdf>

Convention on the Elimination of All Forms of Discrimination against Women, (1979).

<https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

Vietnamnet. (2022, September 23). *Mỗi năm còn khoảng 300.000 trẻ mẫu giáo chưa được đến trường* (“*Annual Count Reveals Around 300,000 Preschoolers Remain Out of School*”).

[https://vietnamnet.vn/moi-nam-con-khoang-300-000-tre-mau-giao-chua-duoc-den-truong-2062892.html#:~:text=T%E1%BB%B7%20%E1%BB%87%20tr%E1%BA%BB%20nh%C3%A0%20tr%E1%BA%BB,tu%E1%BB%95i\)%20%C4%91i%20h%E1%BB%8Dc%20c%C3%B2n%20th%E1%BA%A5p.](https://vietnamnet.vn/moi-nam-con-khoang-300-000-tre-mau-giao-chua-duoc-den-truong-2062892.html#:~:text=T%E1%BB%B7%20%E1%BB%87%20tr%E1%BA%BB%20nh%C3%A0%20tr%E1%BA%BB,tu%E1%BB%95i)%20%C4%91i%20h%E1%BB%8Dc%20c%C3%B2n%20th%E1%BA%A5p.)

World Bank. (2023). *Time-Use Survey 2022*. World Bank.

<https://microdata.worldbank.org/index.php/catalog/5844/study-description>

Empowerment in Motherhood and Employment: A Study of Myanmar Diasporic Mothers in the Greater Toronto Area (GTA)

Ame Khin MAY-KYAWT
York University, Toronto, Canada

Abstract:

This article focuses on “empowered mothering and employment” in relation to first-generation migrant women from Myanmar (Burma) who have relocated to Canada. Specifically, I investigate how employed Myanmar diasporic mothers construct their own accounts of “good mothering” via the perspectives of empowerment and resistance in relation to the challenges associated with motherhood in the Canadian host country through the lenses of two feminist theories: maternal theory and feminist mothering theory. My investigation is based on a review of relevant works of maternal theorists and feminist migration scholars who explore the lived complexities of migrant mothers within the context of Southeast Asian migration to Western countries, as well as conducting a qualitative survey interview with eight employed Myanmar Diasporic mothers in GTA. This article contributes to the existing literature on motherhood studies by providing an overall caregiving narrative that focuses on the minority of employed Myanmar diasporic mothers who have been under-researched regarding their perceptions of “successful motherhood.” Based on the findings, I argue that the sociocultural constructions of motherhood that are embedded in patriarchal society do not preclude attempts of migrant mothers to actualize power/agency via creative mothering ideologies and practices despite the challenges of adapting across cultures.

Keywords: Myanmar diasporic mothers, good mothering, empowered mothering, feminist mothering

Introduction

In the Canadian context, many studies have discussed narratives of employed mothers from the following perspectives: changes in patterns of combining employment and domestic responsibilities; problems and delights experienced in relation to juggling workloads; similarities in paid work experiences and household strategies of employed women despite their diverse backgrounds; and the reproduction of gender differences and divisions in relation to heterosexual couples (Duffy 1989; Mandell 1989; Pupo 1989; Fox 2009). With regard to diasporic employed mothers in Western countries, some scholars explore the diversity of viewpoints of variously employed mothers in relation to mothering and labour market participation (e.g., full-time, part-time, work-at-home), in addition to outlining how these mothers attempt to find the power within marginalized positions by reshaping, reclaiming, and resisting cultural expectations that are placed upon them as they reconstruct their own accounts of “good mothering” (Guerrina 2014; Maitra 2013; Limpangog 2016). However, little research has been done to identify how the cultural values, family relations, and the varied concepts of gender equality in the sending countries affect the maternal ideologies of female migrants in relation to their children when it comes to reconstructing new accounts of “good mothering” in the host country. In particular, motherhood scholars have not yet adequately discussed the narratives of employed diasporic mothers who have migrated from a patriarchal-centred society. As Black scholars, Patricia Hill Collins and bell hooks have argued, the term “feminism” is understood to be a “white” term for many Black women (qtd. in O'Reilly, “*Matricentric Feminism*” 193).

Notably, this also extends to women in contemporary Myanmar, in which both “feminism” and “feminists” are regarded with particular fear by many Myanmar women when it comes to political, cultural, and religious contexts, though younger people are expressing a growing interest in feminism due to social media (Than, Tharaphi, et al. 2018, 2-12). In the contemporary era (1990 to present), both “feminism” and “feminist” are sensitive and often scary terms for the people of Myanmar. Indeed, the terms are even problematic for the female politicians who came to power in the wake of the military coup that occurred over five decades ago, during which women’s political activism entailed that women endure great personal

sacrifices such as long periods of imprisonment and separation from their families and children (Than, Tharaphi, et al.; Tun, Aye Lei, et al.; Harriden).

In her article “What ‘Feminism’ means in Myanmar”, Nora Pistor discusses the contemporary debate about what feminism means to the people of Myanmar. Specifically, she focuses on two groups. The first group is largely composed of older conservative members who express an attachment to pre-colonial times and view established gender relations as being fine, whereas the second group is composed of younger progressive members who work in newly established networks (e.g., NGOs and community-based organizations) and believe that such established gender roles are discriminatory, repressive, and in need of systemic change (2). Based on a review of the literature of various researchers and scholars, the social rejection of feminism in Myanmar and the attendant reluctance to self-identify as a feminist is primarily based on five interrelated factors.

Firstly, there has been no actual Burmese translation of “feminism,” which is mostly referred to as “ei-hti-ya-wada” (female ideology), which means something that focuses only on women’s issues. In this regard, most Burmese people perceive feminism as being biased in favour of women or as being an ideology that promotes female dominance and misandry. Such a misperception has cultivated divergence and competition between men and women rather than social cohesion and gender complementarity. As a result, many men tend to perceive feminists as misandrists. Additionally, the Burmese method of translation and negative labelling has turned many people away from feminist causes (Tun, Aye Lei, et al. 15; Than, Tharaphi, et al. 1-2). As Maber has discussed, the very term “feminism” has been viewed as problematic within various contexts of Myanmar society, where English language terms are employed for a variety of strategic reasons that include both emphasis and obfuscation (423).

Secondly, traditional groups and state-sponsored women’s groups in Myanmar (e.g., the Maternal and Child Welfare Association [est. 1991]; the Myanmar National Committee for Women Affairs [est. 1996]; and the Myanmar Women’s Affairs Federation [est. 2003], which was formed by the military government and led by the wives of generals and other authorities regard feminism as a tool of Western neo-imperialism that allows the West to exert control over developing countries. These traditional groups believe that feminism demands radical imposed change while ignoring the values of local people. Moreover, these state-sponsored women’s organizations only served to strengthen traditional and patriarchal notions of femininity, thereby beginning a rivalry of ideology between the traditional femininity that existed inside the country and the progressive feminism that existed outside the country (Tun, Aye Lei, et al. 10, 15).

Thirdly, in the historical context, the power of patriarchal (Buddhist) religious institutions exerts influence over communities not only from religious perspectives but also from political perspectives. Overall, extreme Buddhist nationalist groups, patriarchal religious institutions, concepts of national unity based on non-secular ideology, participation of Buddhist monks in independence struggles under the British rule and the junta, and the interdependence between State and religious power (i.e., Buddhism) have distorted the rise of feminist ideology (Tun, Aye Lei, et al. 15-16). Fourthly, an examination of Burmese Buddhist literature and beliefs reveals contrasting images of women. The practice of Myanmar Buddhists is typically characterized as favouring patriarchal values in spite of a non-discriminatory clause between men and women in Buddhist literature, which has influenced the development of gender roles and stereotypes ((Tun, Aye Lei, et al. 15; Harriden 23). For example, in Buddhist literature, women’s maternal roles and nurturing qualities are praised, though a binary has often been upheld, which depicts “bad women” as greedy and undisciplined temptresses who stand in opposition to “good women,” who show devotedness and subservience to their husbands (Harriden 25).

Fifthly, the issue of male-dominated decision-making and power in politics, rooted in the growth of military power (1962- present), has been a major challenge to improving women’s rights in political, economic, and social circumstances. Under military rule, economic and educational policies have been informed by a conservative, patriarchal, and chauvinistic ideology that has reinforced cultural norms that have historically restricted women’s socioeconomic progress. This acknowledged while ethnic (minority) women are often regarded as victims of State-sponsored (i.e., the dominant Burmese state army) violence that has been orchestrated to enforce masculine power, some women have become more politically active as a result of their experiences. This is especially true in regard to women’s participation in the 1988 uprising

(Tun, Aye Lei, et al. 16; Harriden 188-204). However, women's political activism has involved great personal sacrifices that have entailed that women risk facing long periods of imprisonment and separation from their families and children (Harriden 230).

Orchestrated by the military regime, the 2008 constitution allows the military to appoint 25% of parliamentary seats, with the qualification criteria for president requiring someone well acquainted with the affairs of the country and knowledgeable of the military-supported male-dominated leadership, which limits the number of female representatives in parliament and deters a woman from running for the presidency (Pistor 3; Tun, Aye Lei, et al. 13). In this regard, feminism is still perceived as a radical perspective and many women's rights activists are even reluctant to accept feminism.

In the context of Southeast Asian women's migration to Canada, some motherhood scholars have explored women's experiences of first-time mothering in a new land in relation to the following issues: embracing life-altering experiences of pregnancy and childbirth during the resettlement and integration process in a new country (Meiyappan and Lohfeld 2013); women's interpretations of motherhood via engagement with the labour market and the challenging of traditional gender responsibilities and career reconstitution dilemmas (Limpongog 2016); and women's redefining of their roles as working mothers in new communities with regard to conflicting economic forces and life trajectories (Maitra 2013). However, while the in-depth interviews in these studies cover migrant women from the Philippines, India, Bangladesh, Pakistan, and Sri Lanka, they do not include women from Myanmar. On the other hand, other scholars (e.g., Duncan and Wong 2014; Tiu Wu 2017; Hsiao 2016) provide important aspects of migrant mothering practices within an overarching set of stereotypes and controlling images such as the authoritarian approach, the Western approach (i.e., facilitating the child's interest), and the tradeoff approach (i.e., a balance between authoritarian and Western concepts) in the context of South East Asian communities in Western countries.

These motherhood scholars acknowledge and highlight the ongoing need for empirical studies and personal experiences of motherhood-mothering in diverse historical and sociocultural contexts, as well as concerns about the inclusiveness of minority and invisible groups. By contrast, the politics of terminology in research and presentation seem problematic, especially as they relate to the emergence of stereotypes and controlled images of Southeast Asian communities in Western countries. For instance, "East Asian" is sometimes assumed to refer only to those of Chinese, Japanese, and Korean backgrounds; South East Asian refers to Asian Americans and Asian Canadians; and Asian North American is frequently used to denote communities of Asian descent in both the U.S and Canada (Duncan and Wong 2014, 162). These flaws in the literature position diasporic Myanmar-employed mothers as essentially being invisible. They underline the knowledge gap about some under-researched minorities like the Myanmar (who are also part of the South East Asian migrant community), while also undermining women's narrativizations of their identities as employed mothers and their experiences of mothering (i.e., raising their children) in the given host country.

This paper addresses this previously under-researched area by looking at the lived experiences of Myanmar diasporic employed mothers who have migrated to Canada. It also examines the impact of migration on their mothering ideologies and practices in their new homeland. It investigates how employed Myanmar diasporic mothers construct their own accounts of "good mothering" via the perspectives of empowerment and resistance in relation to the challenges associated with motherhood in the Canadian host country through the lenses of two feminist theories: maternal theory and feminist mothering theory. My study has two main objectives: Firstly, it examines the experiences of employed Myanmar diasporic mothers in the GTA who seek to challenge normative motherhood and the patriarchal culture of the sending country via the perspectives of empowerment and resistance in relation to the challenges associated with motherhood in the Canadian host country. Secondly, my findings contribute to the existing literature on motherhood studies by providing an overall caregiving narrative that focuses on the minority of employed Myanmar diasporic mothers who have been under-researched with regard to their perceptions of "successful motherhood."

Method and Materials

My analysis employs both primary and secondary data. With regard to the secondary data, I engage with the relevant works of maternal theorists such as Andrea O'Reilly, Sara Ruddick and others who explore mothering and motherhood in relation to experience, identity, institutions, ideology, and empowerment. To achieve my research objectives, I also analyze the work of a variety of feminist scholars (Aimee Tiu Wu, Cirila P Limpangog, Karen Christopher, Srabani Maitra, and Yu-Ling Hsiao) who discuss and theorize the lived complexities of working-class, and employed migrant mothers within the context of South East Asian migration to Western countries. Regarding my primary data collection, my thesis employs an interpretive methodology via a qualitative research survey method, which is structured and standardized with fifty questions including some open queries.

Eight GTA mothers were recruited from employed heterosexual couples in the Myanmar diaspora. Since there is no adequate database of the Myanmar diaspora in the GTA from which to select respondents, a sampling of research subjects was achieved via a combination of convenience and snowball techniques (Bryman and Bell 2016, p. 245). Participants recruited (i.e., mothers) met four specific requirements: (i) older than twenty, and first-generation migrant women; (ii) husbands must be of any ethnic origin also from Myanmar; (iii) living with at least one child under thirteen, and; iv) employed (e.g., part-time, full-time, self-employed, working-from-home) and contributing to the household income. The analysis of my interview questionnaire follows a process of compiling, reviewing, cataloguing, and analyzing the answers by relating them to the issues raised in the literature review via the two feminist theories of *motherhood* and *feminist mothering*. The names of the participants are presented in my findings and my discussion section via pseudonyms.

Results and Discussions: Mothering in a New Culture

Normative motherhood is defined as the dominant discourse that determines what is expected and required of mothers to do, for to do otherwise would result in one being deemed a "bad mother." Generally, as O'Reilly has discussed, *good mothers* are portrayed as primary caregivers who put the needs of their children before their own by being available to their children whenever needed ("Matricentric Feminism" 12-13). When scripting their profiles of being *good mothers* in a new land, none of my participants spoke about the physical proximity of mother and child or the importance of mothers being home with their children. Instead, it seems that all of the participants had an understanding of being a *good mother* that was centred on the benefits and needs of their children and the importance of determining and observing the "pros" and "cons" of childrearing in a new environment (i.e., Canada). My interview findings underline how Myanmar diasporic mothers had a collective investment in generating personal scripts of "good mothering" that emphasized the importance of certain characteristics or qualities that they believed *good mothers* should possess.

Traditional values in the modern world:

Some participants acknowledged the learning opportunities for migrants in Canada while also citing the challenges of raising their children in a new socio-cultural environment of the host country. They believed that they should be able to observe the positive and negative aspects of raising their children in the host country via a "take it" or "leave it" outlook. When it came to educating their children, there were certain key aspects of Canadian diversity that they prized, and these tended to relate to certain personal characteristics that they valued, such as being hardworking, honest, self-motivated, and prone to avoid "immoral" behaviour.

For instance, when it came to Cherry, who migrated as a teenager with her mother under the family sponsorship category (she is now a mother of two children, ages eleven and seven), regarded the challenges of schooling in a new, unfamiliar educational system as allowing her opportunities for intellectual growth like learning French. She devoted most of her time to studying, as she knew that she would not have access to private tutoring as she did back home. This experience transformed her into a hardworking, confident Canadian woman. Still, she does not appreciate seeing people who are taking social welfare from the

government, as she personally thinks that many of these individuals are capable of working. In this regard, she asserts that working hard, being honest, and earning income based on her own abilities rather than expecting free things are important personal values that she must instil in her children in order to be a *good mother*. Cherry stated that:

“ [...]I hate seeing people who don't work and get an allowance from the government while others are working hard and paying taxes even though they are capable of working. That's why I always preach my kids to work hard and have pride in being honest. Nothing is free in this world and do not think of wanting to have free things in life. Earn your own income and earn the respects from your own ability. Most people respect others who are honest and work hard.”

Similarly, Mar Mar, who is the mother of a twelve-year-old daughter, expressed concerns about the opportunities and challenges posed by the Canadian educational system and its pedagogical approaches, while also noting key concerns about her daughter with regard to related social matters. As Mar Mar notes,

“one thing in Canada is that teacher will not force the student to learn so student must have self-motivation [.....] I also worry about social-related matter such as if my daughter is having friends who use drugs or drink alcohol in teenage. I tried to educate her about the bad image of using drugs and alcohol. I showed movies related to those to my daughter and encouraged her to more focus in education.”

Mar Mar suggests that one potentially negative aspect of general Canadian pedagogical approaches is that they essentially depend on students motivating themselves. Consequently, she has no worries about her daughter coping with education in Canada, however she is very concerned about her daughter becoming friends with someone at school who uses drugs or drinks alcohol. As a result, Mar Mar has sought to educate her daughter about the dangers of using drugs by showing her movies about this issue, in addition to encouraging her to become a self-motivated individual who can remain focused on attaining a good education in Canada.

Participants believed that they should set boundaries and apply discipline when it came to letting children know what they can and cannot do with respect to traditional Myanmar cultural values and religious concepts (Buddhist/Christian). The majority of participants suggested that being a *good mother* entails being a coach for one's child(ren) and training them to be morally responsible so that they can meet the requirements of good citizenship in their given community. In other words, the participants applied the cultural values and religious concepts of the sending country as a framework when constructing their notions of “good motherhood” in a new land.

The following illustrates a summary of the perceptions of some respondents, who believed that they had an obligation to teach and discipline their children in the following ways:

- | | |
|---------|--|
| Cherry | <i>[.....] I always preach my kids to work hard and have pride in being honest. I told my children to be humble and do not act arrogant and never forget to put yourself in someone else's shoes [.....] I strive to raise them (children) to become responsible, kind, loving and caring adults [.....]</i> |
| Mar Mar | <i>I educate my daughter to be an obedient, polite and respectful person.</i> |
| Maywin | <i>As a first-generation immigrant mother, I believe it is important to teach them (children) self-control, to be humble and to be self-confident.[.....] My expectations for my children here in Canada are to be responsible citizens.</i> |

Lily *I have been guiding him (my son) to be a good person who is respectful, kind, working hard and caring about parents and elders, and then contribute to family and society as a good citizen.*

In essence, my interviews highlight how traditional Myanmar values and religious beliefs shape their mothering practices in Canada. The traditional Myanmar cultural values that the respondents perceived as important to introduce to their children and discipline them in accordance with were in line with the following personal qualities: humble, respectful, honest, kind, hardworking, obedient, and caring about parents/elders. Interestingly, all of the participants who identified their religion as being either Buddhist or Christian believe that introducing basic religious concepts and teaching their children to follow them are essential duties of mothers when it comes to coaching their children to become morally responsible individuals in their homes, schools, and communities. In this regard, both the Buddhist temple and church are religious institutions that Myanmar migrant mothers rely on and send their kids to on a regular basis. For example, Lily said,

"I drive him (my son) to Sunday school provided by Burmese Buddhist temple which is a bit far from home, in order to give him opportunity to learn how to become a morally acceptable good person at home and in the community. Another reason is I am unable to teach some religious aspects in English which are very important to become a morally good person at home and in society. Now my child knows some Buddhist concepts of do and don't in socialization with family, friends, teachers and others."

For Maywin, her satisfaction with the attitudes of her children in relation to society is also supported by the compliments that she receives about them from the pastor at the local church that she attends with them. She notes, *"I experience satisfaction through the awards and feedback from the teachers at school. At home, I experience satisfaction when they listen and be respectful, and at church, when the pastors compliment my children's behaviour/attitude. My expectation for my children here in Canada is to be responsible citizens"*.

Role Modeling and Metaphysical Attitude:

In constructing a *good mother* profile, each of the participants placed a strong emphasis on being a facilitator or supporter of the general well-being and interests of their children. For example, Lily, a mother of a seven-year-old child, said: *"To be a good mother, I wanted to provide appropriate accommodation, education, and healthy lifestyle to my child, while simultaneously coaching him to be a good citizen"*. In order to fulfil her definition of being a *good mother*, Lily made a deal with her husband to not have a baby until they could manage to purchase a house in Canada. According to Lily, she had to work two part-time jobs in two different cities, as she was unable to find full-time employment at that time. When she became pregnant, she also attended maternity workshops provided by the neighbourhood community centre in order to learn how to take care of her child from infancy until toddler age. As for Cherry, she notes, *"I want to encourage them (my children) to reach their goals and let them soar on their own. I will not be the person who decides their future endeavours but instead, I will only be guiding them towards their goals"*. Notably, seven of the eight participants indicated that a *good mother*, no matter how busy she was, had to devote attention to her child/ren by constantly observing their strengths (i.e., interests or talent) and encouraging their talent in these areas. By contrast, it was expected that these mothers also try to focus on the weaknesses of their child/ren and figure out how to correct these problem areas.

Another characteristic pertaining to the varied accounts of being a *good mother* centred on establishing an overall "do and don't" model of parenting. For the participants, the construction of being a *good mother* was influenced by the sending country's cultural norms and values in addition to its religious concepts, regardless of whether these concepts be Buddhist or Christian. As Sara Ruddick has explained, the maternal thinking of these mothers in reconstructing an account of good mothering includes three stages in the process of framing what a *good mother* is. These three stages are as follows: (i) developing

“intellectual capacities”; (ii) assuming metaphysical attitudes; and (iii) affirming values for the process of good mothering (Ruddick 2007, 96). Firstly, the respondents emphasize the importance of the characteristics or qualities they should have in order to develop “intellectual capacities” and observe the new opportunities that come about in a new environment. Secondly, they make their own “judgements” about good (i.e., “take it”) and bad (i.e., “leave it”) practices when it comes to educating their children. Moreover, the respondents also realize that children need clear boundaries when it comes to establishing life principles and teaching them what they can and cannot do with respect to various reasons and their corresponding outcomes. Thirdly, they claim that metaphysical attitudes, which they believe are good to have, affirm a set of values that relate to the sending country’s cultural norms and respective religious concepts. At the same time, these migrant mothers show their children how they should behave with respect to embracing the principles that they role model.

Feminist Mothering: In the Context of Myanmar Diasporic Mothers

As O’Reilly has explained, “feminist mothering is constructed as a negation of patriarchal motherhood and functions as a counter-narrative of motherhood in order to imagine and implement a view of mothering that is *empowering* to women.” The difference in theorizing feminist mothering in relation to other feminist theories is that it is determined more by what it is not with respect to patriarchal motherhood, which causes mothering to be limiting or oppressive to women (“Matricentric Feminism” 136). I have analyzed my interview findings by relating to O’Reilly’s summarization of eight interrelated rules of “good” motherhood as dictated by patriarchal ideology, which is as follows: (i) children can only be properly cared for by the biological mother; (ii) mothering must be provided 24/7; (iii) mothers must always put their children’s needs before their own; (iv) mothers must turn to experts for instruction; (v) the mother must be fully satisfied, fulfilled, completed, and composed in motherhood; (vi) mothers must lavish excessive amounts of time, energy, and money in the rearing of their children; (vii) the mother has full responsibility but no power from which to mother; and (viii) motherwork and childrearing are specifically regarded as personal and private undertakings with no political import (“Matricentric Feminism” 145-146).

The findings from the interviews appear to be in contradiction to most – but not all – of the eight interrelated rules of “good” motherhood as dictated by patriarchal ideology. In fact, as explored in an earlier section, the participants reconstructed their own definitions of being a “good mother” and embracing “good mothering” practices. These reconstructions did not completely challenge the varying ways in which patriarchal motherhood becomes oppressive to women as described in accordance with the eight aforementioned themes theorized by O’Reilly. In particular, there have been nuances in the various ways that my participants practice empowered mothering with respect to its potential benefits to themselves and their children. Such benefits are measured in relation to the overall extent to which they contribute to the general practice of feminist mothering. For example, my participants reconstructed motherhood-mothering in relation to their perceptions of successful motherhood, which were strongly centred on the needs and benefits of their children rather than on the anti-sexist childrearing and women-centred practices of mothering. This general finding illustrates how mothers put their children’s needs before their own, thereby conforming to the third rule of “good” motherhood as dictated by patriarchal ideology (O’Reilly “Matricentric Feminism” 146).

Another example is the “supermom model” (i.e., a mother who successfully manages a home and raises her children while also being employed) developed by Myanmar migrant mothers becomes further complicated when it comes to analyzing whether it is empowering to them. Being positioned under the supermom model has created extra emotional work, which Hochschild (1997) identifies as constituting a “third shift” that establishes efforts that are required to plan and schedule quality time for children in addition to necessitating the need to manage children’s resistance in the host country (qtd. in Gazso 270). Some participants from my sample indicated that they felt confident and had an overall sense of life security as a result of being a supermom. These mothers believe that they hold the power in their households as income contributors to their families, and they feel that they are able to maintain their own lifestyle choices (whether being home for their children or working outside the home) while also upholding their personal mothering ways.

For instance, Cherry works as a customer relations manager of a family-owned business. She justifies her paid work because it allows her to be a role model for her children given that she is a hardworking mom who is contributing her earnings towards investment opportunities for the family and its overall life security. At the same time, Cherry felt that she could maintain self-confidence and function as a successful woman (both in business and mothering), thereby contributing to society. Lily's justification for her employment is similar to that of Cherry's justification, but she explains hers in more detail:

"I decided to continue working after becoming a mother: to contribute income to family that is very important to facilitate my child's needs; to let my child learn that a good mom or a house wife does not mean to be with kid always at home; I want to be a successful woman in both career and mothering; only relying on husband's income is risky as employment may not be 100% secure to everyone and everywhere; and I believe mother should have their own choices of lifestyle whether being home for children or work outside but with their own mothering ways."

"Supermom" discourse, in the context of employed Myanmar diasporic mothers, appears as a modified version of normative motherhood via which mothers perform paid and unpaid work with help from partners or other sources, thereby emphasizing how these mothers focus on fulfilling their children's needs rather than their own. Nonetheless, the participants believe that this overall discourse made them feel that they were authentic mothers for their children, thereby gifting them with an "empowered" sensibility that allowed them to overcome any feelings of oppression by making them feel happy and fulfilled in their motherhood roles.

In fact, the majority of the participants were simply engaging in additional roles via the notion of being the "woman" of the house (e.g., decision maker, financial controller, advisor, and administrator). These roles entailed an overload of unpaid domestic work, though the women embraced this extra labour and proudly regarded it as imbuing them with power. This is another finding that partially contradicts O'Reilly's seventh rule of patriarchal ideology, which holds that "*the mother has full responsibility but no power from which to mother*" (O'Reilly "Matricentric Feminism" 146).

"My role in the family includes but not limited to be the decision maker of important decisions such as applying for a mortgage, house moving, financial decisions, etc. This is due to the fact that my husband is not fluent in English and has not adapted as well as I have"(Maywin).

"I control cash flow of household income to balance expense and total income. My husband is very honest to me and report me any single dollar income of him. He is an Engineer and he knows that he is not good in financing and budgeting" (Lily).

Notably, the participants expressed their additional roles with confidence, pride, and kindness rather than complaining that their husbands lacked skills. Such behaviour clearly results in the participants managing domestic issues in the household via a certain power related to their given gender roles. Some examples are: "My husband is very honest to me and report me any single dollar income of him" (Lily); "My husband also always ask me to make a decision for child matters despite he may suggest something" (Cindy); "I am advisor of the family because I enjoy to suggest better ways" (Myat); "I make most of the final decisions on my own because I want to share the burden of responsibility of my husband and help him keep his peace of mind"(Cherry).

In essence, Myanmar migrant mothers in my sample possessed an understanding of empowered mothering in the host country that was different because of the three interrelated factors: (i) the influence of the sending country's values and customs; (ii) the general attitude towards "gender equality" with respect to married couples, which related to "doing our gender roles, no problem"; and (iii) the lack of challenges

in gender renegotiation between spouses (in the host country) via the assumption that women's employment contributes to the maintenance of a happy married life.

My respondents' perceptions of being a "primary caregiver" are associated with the amount of time spent with their children during out-of-school hours, attempts to decipher the needs and desires of children, and the replacement of a mother's absence while working with family members, spouses, or appropriate programs for the child(ren)'s well-being. Such perceptions relate to the "intensive mothering" ideology outlined by Sharon Hays (qtd. in Christopher 75), even though biological mothers do not devote their entire physical, emotional, and intellectual being on a 24/7 basis to their children. The central aim of feminist mothering is to reclaim the power that the mother lost as a result of the patriarchal profile. As for the participants, they do not limit childrearing to themselves as the biological mother, get fathers to be involved in childcare, and create a happy life outside of motherhood via the notion of "empowered mothering" but with more nuances (i.e., they seek to attain the following attributes of empowered mothering without challenging normative gender roles: agency, authority, autonomy, authenticity, and activism-advocacy).

Some participants redefined mothering as being political or maternal activism rather than a personal practice. They accomplished this by justifying their decisions to work after they became mothers. However, as Ericka Horwitz has observed, some women who believe they resist the dominant discourse of mothering but they may or may not identify as feminists (qtd. in O'Reilly "Feminist Mothering" 190). In other words, from a theoretical perspective, a feminist researcher may observe that her research participants tend to apply a "feminist mothering" practice, which is a negation of patriarchal motherhood that functions as a counter-narrative of normative motherhood. By contrast, not all of these respondents will self-identify as feminists and their very processes of resistance may involve embracing different choices and ideologies depending on how they want to practice mothering.

In this regard, O'Reilly contends that empowered mothering signifies a general resistance to patriarchal motherhood. On the other hand, feminist mothering refers to a particular style of empowered mothering via which this resistance is developed and expressed through a feminist identification or consciousness ("Feminist Mothering" 190). Moreover, feminist mothering attempts to balance the needs of women in managing multiple identities (e.g., mother, wife, caregiver, and student/employee) via the primary focus of "empowered mothering," which recognizes how women, children, and society at large benefit when women live their lives as mothers from positions of agency, authority, authenticity, and autonomy ("Feminist Mothering" 191). Therefore, a feminist mother is a woman whose mothering, in theory, and in practice, is shaped and influenced by feminism. Feminist mothers resist patriarchal motherhood in order to have gender equality, and they refuse to raise children in a sexist environment and patriarchal culture. In essence, they demand more involvement from fathers and insist on a life outside of motherhood (O'Reilly "Matricentric Feminism" 143).

In this project, the concept of gender equality in the context of the sending country contributes to the employed Myanmar migrant mothers' reconstruction of their own "good mothering" accounts via their perspectives of empowerment and resistance with respect to motherhood challenges in the host country. All of the respondents spoke about how they enjoyed gender equality in their homes, appreciated the benefits of co-mothering with spouses, and felt that the "supermom model" reinforced the maintenance of a happy married life. The majority of the participants noted how their employment was important for their children, as it provided them with learning opportunities and a life beyond their children. In essence, they felt that a *good mother* does not need to be at home 24/7, and they believed in the benefits of co-mothering. Moreover, some participants felt that their employment impressed their husbands and gained them additional respect from them.

From my feminist researcher's point of view, I conclude that most of the participants tend to seek feminist mothering via their perceptions of empowered mothering, though this quest does not fully occur via anti-sexist childrearing practices, and it does not result in the challenging of normative gender roles. Interestingly, when I asked the participants whether they self-identify as a feminist, six responded "yes" and cited their reason of supporting and practising gender equality at home while simultaneously advocating the idea that no one is superior because of their gender role. Some of the mothers who self-identify as feminists still follow Myanmar traditions, such as offering the first choice morsel to their husbands when

having a meal together and considering the husband as “Lord of the forefront of the house” or “*Ein Oo Nat*” via notions of “respect” and “love.” This was regardless of whether or not they identified with a religion (i.e., Buddhist/Christian) in the questionnaire. Cherry and Lily expressed their concerns about the “gender equality” issue for other women in society, even though they maintained that they enjoyed gender equality at home. In other words, these two mothers emphasize the importance of “gender equality” beyond the family (i.e., more political than personal issues).

By contrast, two participants (Mar Mar and Thidar) simply answered the same question by indicating that they are not feminists and do not have gender issues at home where they enjoy gender equality. For these two mothers, the issue of “gender equality” is more personal than political. On the other hand, Mar Mar and Thidar are empowered mothers whose mothering practices signify a general – though not total – resistance to patriarchal motherhood. Specifically, these two mothers consistently emphasized the importance of co-mothering when enduring employment and motherhood challenges in Canada, thereby contending that co-mothering is one of the key factors when it comes to reframing “good mothering” and engaging in a renegotiation of gender roles in a new land. Overall, the participants from my sample signified a general resistance to patriarchal motherhood via their own choices and ideologies, which arose in relation to how they wanted to practice mothering.

Conclusion

My research reveals how cultural and traditional beliefs travel via mothering practices from the Global South to the Global North, thereby contributing to the existing literature on motherhood studies by providing an overall caregiving narrative that focuses on the minority of employed Myanmar diasporic mothers who have been under-researched in mothering and migration scholarship. Moreover, the findings from my work outline how the culture and values of the sending country play an overall determinant role in shaping the “sense of self” possessed by various migrant mothers when it comes to their relationships with their spouses and families. The findings from my sample relate to the research of other scholars (e.g., Bandana Purkayastha, Usha George and Saira Maiter, Sangeeta R. Gupta, Shamita Das Gupta and Diya Kallivayalil), who note the following: “[M]others are not passive transmitters of South Asian Culture, rather, they play an active role in setting the terms and conditions in which culture is reproduced in the South Asian diaspora” (qtd. in Sangha and Gonsalves 2013, p 5).

Overall, the general discussion that runs throughout in previous section highlights the intersectionality of culture, race, and gender thereby drawing attention to how they all matter in reshaping the mothering ideologies of migrant mothers with respect to balancing family and work responsibilities in the host country. In particular, my literature review and the findings from my thesis suggest that it is problematic to define “who exactly are the patriarchal mothers or non-patriarchal mothers” with respect to migration and work. This acknowledged, that the women performed their roles as economic contributors after migration while simultaneously enduring not only the burden of the double shift but also the third shift (i.e., emotional work in making efforts that are required in planning and scheduling quality time with children). This issue appears rooted in the traditional patriarchal beliefs and cultural beliefs in the context of the sending countries, which influences subjective aspects of “feeling oppressed” and the objective measure of developing different types of mothering.

Nonetheless, in each of these situations, either working-class or employed mothers remake their womanhood/motherhood and renegotiate intra-family gender dynamics in the following ways: via reactive mothering activities (e.g., using informal daycare or sometimes sending their kids back to the sending country to receive care from their female kin before they reach school age); via the strategic bargaining of their creative economic activities (e.g., home-based paid work); and via gender re-negotiation with their spouses (e.g., co-mothering and sharing domestic duties). All of these mothers attain power/agency in their households by choosing a particular mothering way. In this regard, I argue that sociocultural constructions of motherhood (i.e., those embedded in a patriarchal society) do not preclude attempts of migrant mothers to actualize power/agency via creative mothering ideologies and practices despite the crossing of borders and continents. Moreover, the mothering experience can be envisioned as an overall position of

empowerment and agency for migrant women in the host country via a challenging and renegotiation of gender stereotypes that are embedded in the cultural norms and related social practices of the sending country.

Most of the participants from my sample tend to seek feminist mothering via their own perceptions of empowered mothering. However, they do not emphasize anti-sexist childrearing and maternal activism, which are the essential tasks required by feminist mothering. In the Myanmar cultural context, it seems that firm gender divisions between men and women are not perceived as discriminatory but rather as upholding feminine privilege that is oriented towards fairer gender concepts (i.e., women are treated as the weaker sex, but only in relation to their own perceived virtues of feminine modesty and feminine privilege, which are respected and protected by men (Jotikadhaja and Nyunt 1-2). Such beliefs about “gender roles” and “gender equality” in the context of the sending country reinforce how men perform the role of the “good man” of the house and women perform the role of the “good woman” of the house. The foundational belief for Myanmar women pertains to upholding the overarching cultural belief that mothering is their normal duty – a belief that is unrelated to notions of oppression.

The majority of my participants’ husbands have non-patriarchal mindsets that significantly contribute to how my participants form empowered mothering ideologies that are “doable” in the host country. Some of the mothers from my sample still adhere to certain traditional cultural values with respect to their husbands, though their husbands do not demand that they do so. In particular, some men do not accept the idea that educated mothers should stop working due to mothering duties. Additionally, it should be noted that such men do not reject co-mothering, as my findings indicate that their participation in domestic work and mothering duties are not limiting for them even though they are actively engaged in full-time work. Moreover, most of the participants indicated that their husbands respected their decisions to return to work after becoming mothers and tried to help them with domestic work and childcare. These findings relate to the research findings of Nicole L. Willey, who writes, “*Breaking down rigid gender roles in the home is one way to ensure that such patterns do not replicate in the next generation [...] will prevent the reproduction of traditional gender roles*” (Willey 25).

In her book *Maternal Thinking* (1995), Sara Ruddick terms the fit between fathering and feminism a “revolutionary” idea, noting, “It is argued that the most revolutionary change we can make in the institution of motherhood is to include men in every aspect of childcare” (qtd. in Doucet “Feminist Fathering/Fathering Feminists” 12). Ruddick’s notion of pairing fathering and feminism to fight against patriarchy was an incredibly important development for feminist scholarship. To make Rich’s dream come true for the current and next generation of parents, I agree with Willey’s suggestion that fathers “do” fathering outside of current gender roles, thereby enabling a future of gender equality (24). While the primary finding of my thesis reveals that most of my participants tend to avoid challenging normative gender roles by seeking partial feminist mothering via their own perceptions of empowered mothering, my secondary finding reveals that most of my participants’ husbands practice non-patriarchal fathering/parenting.

My analysis does not cover the issues of class differences among the migrant mothers of Myanmar diaspora due to my intention, which is to explore the mothering experiences of employed Myanmar diasporic mothers in terms of their cultural and traditional beliefs, and gender renegotiation process between the spouses in the context of heterosexual Myanmar migrant couples regardless of their immigration status in GTA. If a researcher looks at the settlement and integration experiences (from displacement in exile/refugee camps to the resettlement process in third countries), specifically of the ethnic refugee women of Myanmar, the migration pattern of these refugee women and their very process of mothering and gender renegotiation in a host country could be different with eight participants of my sample in this thesis. In this regard, migration scholars are advised to explore more nuances of the overall caregiving narrative that focuses on the specific minority ethnic women who were socially dislocated in exile before journeying to third countries via refugee status.

References:

- Bryman, Alan, and Edward Bell. *Social Research Methods*. Fourth ed., Oxford University Press, 2016.
- Christopher, Karen. "Extensive Mothering: Employed Mother's Constructions of the Good Mother." *Gender & Society*, vol. 26, no. 1, Feb. 2012, pp. 73–96., doi:10.1177/0891243211427700.
- Duffy, Ann Doris. "The Traditional Path: Full-Time Housewives." *Few Choices: Women, Work and Family*, edited by Ann Duffy et al., Garamond Press, 1989, pp.18-44
- Duffy, Ann, et al. "Women's Work and Family Patterns: Constraints and Options." *Few Choices: Women, Work and Family*, Garamond Press, 1989, pp. 9–16.
- Duncan, Patti, and Gina Wong. Hsiao "Mothering in East Asian Communities: Challenges and Possibilities." *Mothers, Mothering and Motherhood Across Cultural Differences*, edited by Andrea O'Reilly, Demeter Press, 2014, pp. 160–182.
- Fox, Bonnie. *When Couples Become Parents: The Creation of Gender in the Transition to Parenthood*. University of Toronto, 2009.
- Guerrina, Roberta. "Working Mothers: Performing Economic and Gender Ideologies." *Mothers, Mothering and Motherhood Across Cultural Differences*, edited by Andrea O'Reilly, Demeter Press, 2014, pp. 467–486.
- Harriden, Jassica. *The Authority: Women and Power in Burmese History of Influence*. NIAS Press, UK, 2012.
- Hsiao, Yu-Ling "Isolation and Negotiation: A Case Study of Chinese Working-Class Immigrant Women's Mothering Experiences." *The Migrant Maternal: "Birthing" New Lives Abroad*, edited by Anna Kuro Schultes, Demeter Press, 2016, pp. 159–173.
- Jotikadhaja, MahaSaddhamma and Nyunt, Khin Maung. "The Status of Myanmar Women in Myanmar History and Culture." *Global New Light of Myanmar*, Mar. 2018.
- Limpongog, Cirila P. "Mothering Duties Come First." *The Migrant Maternal: "Birthing" New Lives Abroad*, edited by Anna Kuroczycka Schultes and Helen Vallianatos, Demeter Press, 2016, pp. 190–209.
- Maber, Elizabeth Jane Tregoning. "Finding Feminism, Finding Voices? Mobilizing Community Education to Build Women's Participation in Myanmar's Political Transition." *Gender and Education*, vol. 28, no. 3, 6 Apr. 2016, pp. 415–430., doi:10.1080/09540253.2016.1167175.
- Mandell, Nancy. "Juggling the Load: Employed Mothers Who Work Full-Time for Pay." *Few Choices: Women, Work and Family*, edited by Ann Duffy et al., Garamond Press, 1989, pp. 17–43.
- Maitra, Srabani. "Perspectives on Work and Family Lives: Exploring the Lived Experiences of South Asian Immigrant Mothers Working from Home in Toronto." *South Asian Mothering: Negotiating Culture, Family and Selfhood*, edited by Jasjit K. Sangha and Tahira Gonsalves, Demeter Press, 2013, pp. 150–162.

Meiyappan, Soumia, and Lynne Lohfeld. "New Mothers in a New Land: The First Time Mothering Experiences of Sri Lankan Tamils." *South Asian Mothering: Negotiating Culture, Family and Selfhood*, edited by Jasjit K. Sangha and Tahira Gonsalves, Demeter Press, 2013, pp. 85–100.

O'Reilly, Andrea. "Between the Baby and the Bathwater." *Journal of the Association for Research on Mothering*, vol. 8, no. 1, ser. 2, 2006, pp. 323–330. 2.

O'Reilly, Andrea. "Feminist Mothering." *Mothers, Mothering and Motherhood Across Cultural Differences*, edited by Andrea O'Reilly, Demeter Press, 2014, pp. 183–206.

O'Reilly, Andrea. *Matricentric Feminism: Theory, Activism, and Practice*. Demeter Press, 2016.

Pistor, Nora. "What 'Feminism' Means in Myanmar." *The Myanmar Times*, 29 Jul 2014, <https://www.mmmtimes.com/special-features/195-women-of-asean/11217-what-feminism-means-in-myanmar.html>.

Pupo, Norene. "Balancing Responsibilities: The Part-Time Option." *Few Choices: Women, Work and Family*, edited by Ann Duffy et al., Garamond Press, 1989, pp. 45–74.

Ruddick, Sara. "Maternal Thinking." *Maternal Theory Essential Readings*, edited by Andrea O'Reilly, Demeter Press, 2007, pp. 96–113.

Sangha, Jasjit K., and Tahira Gonsalves. "Contextualizing South Asian Motherhood." *South Asian Mothering: Negotiating Culture, Family and Selfhood*, edited by Jasjit K. Sangha and Tahira Gonsalves, Demeter Press, 2013, pp. 1–13.

Than, Tharaphi, et al. "Lost in Translation: Feminism in Myanmar." *Independent Journal of Burmese Scholar*, 8 Dec. 2018

Tun, Aye Lei, et al. *Feminism in Myanmar*. Friedrich-Ebert-Stiftung (FES) Myanmar, 2019, pp. 1–22, *Feminism in Myanmar*.

Tiu Wu, Aimee. "'Tigerish Mom' in the Dragon's Den." *Mothers, Mothering, and Globalization*, edited by Dorsia Smith Silva et al., Demeter Press, 2017, pp. 110–127.

Willey, Nicole L. "Fathering and Feminism: Notes toward Understanding." *Feminist Fathering/ Fathering Feminists: New Definitions and Directions*, edited by Nicole L. Willey and Dan Friedman, Demeter Press, 2020, pp. 19–38.

Feminist vs. Nationalist: The Making of Anti-Feminism Discourse by Nationalist Narrative on Vietnamese Social Media

PHAM, Khanh Linh

Ewha Womans University, Woman's Studies Department, South Korea

Abstract

In Vietnam, the language and knowledge of feminism is often viewed as a product of Western epistemology; to the women study scholarship in contemporary Vietnam intellectual society, 'feminism' is identified as a product being created by the social turmoil of civilization project by French colony. As a result, anti-feminist rhetoric can be interpreted as an attempt to oppose the colonial legacy by nationalists. To rationalize this project of constructing the anti-feminism discourse, nationalist narrative on social media often vilify the "modern feminism" discourse produced by activists, claiming it is unnecessary, superfluous, and inappropriate for Vietnam's situation. They argue that women's rights are entirely guaranteed through the "state feminism" discourse produced by the Communist Party of Vietnam, which is represented by the Vietnam Women's Union and is appropriate for Vietnam's post-war situation.

At first glance, this project may seem naive, an attempt to avoid using "Western products" to show how these nationalist narratives are allergic to colonialism. However, the paper argues that there is a calculated political interest behind this phenomenon. The framing of feminism as a "Western product," and therefore unable to be vernacularized to Vietnam's human rights language, can also serve the ultimate purpose of maintaining the essence of gender ideology and the gendered division of labor according to the governing Party's desires.

Keywords: *nationalist sentiment, anti-feminism, state-feminism*

1. Research topic

The hegemonic understand of feminism originality can be traced back to the late 18th French civil right revolution and continued to be expanded in the Global North through coloniality. From the academe scholarship of gender study to the mainstream understanding, the notion of 'feminism' in Vietnam is identical in term of the location it is framed for. To the women study scholarship in contemporary Vietnam intellectual society, 'feminism' is a product being created by the social turmoil of civilization project by French colony; 'feminism' is said to be introduced by the French and had an undeniable impact on public consciousness back in the early 20th century. (Cao, 2019; Chi, 2018). Adding on that is the national identity of Vietnam is often seen in these studies as possessing high flexibility and low resistance that accommodated 'Westernization' and 'exotic' ideologies due to prolonged colonialism. For the abovementioned reason, feminism is framed as being imported from the West. With the coloniality of power and the lack of national dialogue about women's movement, this locating of 'feminism' remains unchangeable to the mass public today. Feminist researcher in contemporary Vietnam has shown concern over this issue, stating that feminism in Vietnam is understood as 'mimicking Western, importing exotic/inappropriate notions from Vietnamese's social situation' (Khuat, 2016).

Taking advantage of that mass framing and understanding of 'modern feminism', the anti-feminism movement in Vietnam can be interpreted as an endeavor to resist against imperialism, neo-colonialism and various form of foreign domination. One of the primary arguments against feminism in Vietnam is that it is seen as a threat to the traditional family structure, to the role of women as wives and mothers and to gendered labor division. In 2021, there is an event that engages the public opinion through social media and the press about 'modern feminism'. The sub-heading of an article reporting about this event said 'A TikTok content creator posted content opposing the fact that women had to wash dishes for men to sit and

drink at family gatherings and 'triggered a debate about 'feminism' on social networks.'¹⁶¹⁷. In the same article, the writer went on to explain that 'Young people usually borrow Western ideology about feminism which is not suitable for Vietnamese culture [...] The concepts of "four virtues, three obediences" from Confucianism have been changed in accordance with modern society, but that does not mean that modern women forget the traditional values of family etiquette and family hierarchy. In any era, these virtues remains valid for the modern woman to reflect on herself'. These language/attitude in this article showed the anxiety over the possibility that 'modern feminism' can toxicate young women into being deviant 'Westernized' women. Elaborating on this standpoint of the article about this TikTok content, Tifosi¹⁸ – a Pro-regime blogger with 250.000 followers on Facebook wrote: 'It seems that many people are being extreme with 'feminism', on television, we see images of women openly following the "Western" trend, claiming they don't do housework, don't want to do housework.'. Other bloggers writing to support the original Tik Tok's content by claiming that the burden of doing domestics work is still critical for most Vietnamese women would be called out to be 'xenocentric' and 'toxic feminist' according to pro-regimes nationalist bloggers.

In Vietnam so far, there has been no momentous collective discussion on feminist theories/approaches/methodology, which led to the fact that 'feminism' can be employed in the same discussion with totally different notions and interpretations. The portrayal of "modern feminism" as a Western creation creates the idea that being feminist is anti-nationalist, and that being anti-feminist means resisting colonialism or neo-colonialism. This notion is made too convincing. As a result of this reasoning, feminists are demonized as selfish, aberrant women who are trapped in a Western knowledge system. This approach is harmful because it restricts the ability to express the belief in human rights through feminism and hinders the expansion and amplification of feminist activism/scholarship in Vietnamese society. It is crucial to expose this strategy, which frames feminism as being against nationalism in Vietnam, in order to create more opportunities for feminism to become a relatable, helpful, and harmless ideology to the public in Vietnam. Therefore, my research suggested to look into several pictures of how is 'modern feminism' defined and framed in the online discussion of nationalist bloggers as well as what can possibly the strategy behind this framing of feminism as a Western liberal idea in Vietnam.

The process of reconstructing the nation post-colonialism, the making of ideal citizen in most countries is required and the role of constructing this idealized citizen is in the hand of the political elite. The political elite in Vietnam society post-war is Communist/Socialist revolutionist (Berger, 2003). The writer of this paper argues that this making of 'idealized citizen' in the Socialist state came with an unavoidable issue that any façade of 'feminism' in which the 'women' of beneficiary is not the 'idealized women' that was constructed by the State can become a threat to the making of nation's 'women right' discourse. These facades that threaten to reconstruct or deface/discredit the ideology would eventually have to face opposition under the 'nationalism' guise. Especially for the case of Vietnam, 2 reasons (1) the adoption by the government of socialist policies aimed at promoting gender equality and empowering women into participating in 'public' area, (2) strong matriarchal heritage and the fact that the position of household's breadwinner has traditionally been granted to the Mother; have made it seem like women are granted with enough 'right'. Therefore any other facade and endeavour of 'feminism' besides making spaces for women in the public sphere or empowering women to participate in economy/politics can be framed as unnecessary for the Vietnam society. From here, nationalism-driven anti-feminism discourse can be rooted from the accusation of 'modern feminism' as betraying the women's right discourse that has been

¹⁶ The People's Intellectual Newspaper (Báo dân trí), '4 misunderstandings about modern feminism (4 điều ngộ nhận của giới trẻ về nữ quyền hiện đại)' Accessed at: 4 điều ngộ nhận của giới trẻ về nữ quyền hiện đại | Báo Dân trí (dantri.com.vn) (Published at Sept 7th, 2022)

¹⁷ The Pioneering Paper (Báo Tiền phong), 'From the dishwashing issue of GenZ Tiktoker to the discussion of feminism (Từ chuyện rửa bát của nữ Tiktoker Gen Z đến tranh luận nữ quyền hay lười biếng)' Accessed at: Từ chuyện rửa bát của nữ Tiktoker Gen Z đến tranh luận nữ quyền hay lười biếng (tienphong.vn) (Published at Sep 8th, 2021)

¹⁸ <https://www.facebook.com/tifosi.hpo>

idealized, propagandized and practiced for a worth-while of history by the State.

While the term 'gender' (giới) is widely used by Vietnamese intellectuals and political interests, 'feminism' does not have a literal translation, the closest translation for it into the Sino-Vietnamese term is 'thuyết vị nữ' which can be translated into 'a theory for women' (Nguyễn et Rydstrom, 2022). This is where 'feminism' in Vietnam is viewed occasionally as being 'anti-male'. However, the author claimed that 'feminism', despite having no equivalent term in Vietnamese, does not mean it does not exist nor relate to Vietnamese context. In fact, the term reflected a movement in Vietnam which has been consolidated as 'state feminism' represented by the Women's Union (Hội Liên Hiệp Phụ Nữ Việt Nam). This movement focused on the enhancement of women's status through policy advancement and academic work. Nguyễn and Rydstrom research further explored the waves of state feminism and the biopolitics of Vietnam Communist Party. Along the analysis, this work coined 'state feminism' as 'perspective on women endorsed by the Communist Party of Vietnam (CPV)' and reminds readers that while feminism in Vietnam cannot be understood exclusively in terms of state-feminism, the dominant role of State's discourse of gender equality is obvious. The metaphor of waves here divides this politics into 3 time phase: the first wave highlights the critique and overthrow of Confucian directive to women and girls, the second wave recorded the establishment of Vietnam Women's Union and the third wave is defined loosely as 'a differentiated field, distinguished by its more nuanced analysis of women, gender, and society, comprising a multiplicity of perspectives, and drawing on a variety of sources, including state-feminism, social activism, and domestic and international scholarship'. While state feminism has a refined definition as well as history, the 'modern feminism' is an undefined, non-specified, under-discussed term. In this case, Vietnamese scholars have come to a realization that the conversation on gender/feminism in the contemporary society, which I shall call 'modern feminism' need a shift, a different language, a new identification from 'state women's right' notion. As can be clearly seen, Nguyễn also defined the phase post- state feminism here as Vietnam's feminism's 'third wave'. However, they could not make clear of what contains in this 'third wave' and how is it constructed; just as how the meaning of 'modern feminism' in Vietnam has never been collectively defined nor discussed. Because of this lacking of the theorization of the 'feminism' post-war, it is almost impossible for the practice of Vietnamese feminist advocacy in recent years to take place to be vernacular. In my paper, I aim to sketch out the picture of post-war contemporary feminism with the existence of a variety of discourses on feminism staying outside the circular of dominated of Nation-state's women's right discourse in Vietnam. With that work being done, the question of whether the nationalism-driven anti-feminism sentiment in modern day Vietnam is purely/entirely rooted from the anti-colonialism sentiment or also from the anxiety of 'modern day feminism' harming Nation-state's women's right discourse can be explored with nuanced understanding in this paper.

2. Research method

For data collection I used the method of online observation, digital archive analysis and discourse analysis. For my first sampling process I looked at the reaction coming from nationalist blogger whose the majority of contents surrounding around anti-Imperialism/demanding justice for war victims/speak against neo-colonialism from soft power powerful countries,... when it comes to the discussion surrounding 'feminism' created by personal blogger/content creator from Facebook. Furthermore, I looked into the nation-state's discourse of women's right in Vietnam to analyze how it is interpreted and use by the Party, the nationalist blogger and feminist activists.

3. Findings

(1) Feminism as Western product – a strategy to villainize feminism

As being said, feminism is often subjected to be delegitimize and villainized on the social media platform, especially by so-called nationalist pages; this delegitimization is not ignorance but strategical. Discourse that is stated the most frequently would title feminism as 'Toxic feminism' and complaint that modern feminism has degenerated and becomes superficial ('nữ quyền biến tướng và trở nên thương

đăng')¹⁹. Anti-feminism statement in the present day always back-handedly claimed that the person who produce such statement is not misogynist but on contrary, supports women's right before calling out feminist to be superficial, deviant, ignorant, uneducated. The word 'modern feminism' itself is a void word for the variety of ideology/movements contenting in it, yet, without classifying nor determining which is the feminist ideology that should be criticized; anti-feminism statement compared 'modern feminism' to 'traditional feminism' (implying state-owned women's right discourse). The examples of 'modern feminism' being used to make counter-argument in these anti-feminism posts are usually neoliberal feminism-coded, nationalist blogs would purposefully interpret an argument from a feminist writer in a way that highlight individualism, Western-oriented 'human right' discourse and erasure of traditional value. Neoliberal feminism itself is criticized for its being a positivist theory, emphasis on capitalism/capability to present the entrepreneurship of self of middle-class women, exclusion of economically marginalized women (Fraser (2009), Rottenberg (2012, 2018)). The fact that anti-feminism discourse in Vietnam identify and assume 'neoliberal feminism' to be the whole package of modern feminism without considering the diversity of narratives joined in the modern feminism scenario is problematic. Neoliberal feminism is a doctrine with flaws, gaps and shortcomings, neoliberalism itself is obscured with cautious as 'a dangerous doctrine' by Vietnamese state-owned mass media²⁰; the act of purposefully analyzing and criticizing feminist struggle as a product of neoliberalism being conducted by the nationalists is strategical with the purpose of degrading the feminist voices on online platform.

Counter-argument to an online post written by an influential feminist writer asserting that the state-feminism propaganda which was made by the Northern communist party during the war against French colonization has become outdated therefore created more unnecessary expectation for 21st century working women is written as below:

'It's strange how some people are fighting for feminism. These people are begging women to "don't wear a bra" and "put away all your makeup" because it's the sign of coercion and oppression toward women, saying that it is uncivilized, Western women do not wear bra or makeup anymore, Vietnamese modern women have to take off their bras, have to be bare-faced,... (...) A blogger, who claims to be a fighter for women's rights - N., recently criticized the slogan: 'Excellent at housework, excellent at nation's affair. (...) Sometimes, you have to see the truth like this, there are some feminists in Vietnam who are very crazy, when we praise women, they say that society is putting pressure on women, if we don't praise, they say that society is failing and being condescending to women... Feminist movement comes from the West, many feminists are mistakenly thinking that anything from the West is good, civilized and advancing. But the nature of Eastern society is different from the West, there are many things that Westerners do very well, but there are also things they do extremely badly. Many feminists in Vietnam, it seems that they are not fighting for the rights of the majority of women, they are not fighting for the big things but bumping into the little unnecessary details.' (March 11th, 2021).²¹

This argument plays as a significantly popularized and familiar prototype of the national-driven anti-feminism discourse in Vietnam, which claim with assurance that the modern feminism being adopted from the West tore up sisterhood by fighting for individual problem instead of systematic communal issue like other social movement should. With communism being the vector for social development, propaganda motto that encourage citizens to sacrifice their self/their selfishness for the well-being of the national unity/solidarity has become the ultimate purpose of social revolutionary in Vietnam. Unity and solidarity is

¹⁹ <https://www.facebook.com/tifosi.hpo/photos/a.106962967366372/527962265266438/>

²⁰ The People Newspaper (Báo Nhân Dân), 'Neoliberalism, a dangerous doctrine (Chủ nghĩa tự do mới, một học thuyết nguy hiểm)', Accessed at: Chủ nghĩa tự do mới, một học thuyết nguy hiểm (nhandan.vn) (published at April 8th, 2006)

²¹ https://www.facebook.com/tifosi.hpo/posts/527972758598722/?locale=hu_HU

a political essence that it is usually emphasized that "solidarity" is the core value, "great national unity" is the strategic line, the source of strength and the main driving force of the Vietnamese revolution, and has the meaning to decide all the victories of the Vietnamese revolution and expand network of Vietnam in the construction and defense of the Socialist Fatherland'²². Thus, considering a politics starting from the personal issue and solving political struggle starting from solving personal suffering is a threat to the systematic wholeness of the national social movement tactic. Moreover, the scholarship of cultural studies in Vietnam often being found to highlight and amplify the binary difference of the Eastern/Western, therefore, unavoidably limit the Vietnamese culture under the umbrella of Eastern culture in which it is natural for the individuality to be suppressed for the good of a bigger community deed. This flow of thinking hinders the growth of feminism as a social movement focusing on making the voice of subjugated individual being heard instead of ignoring individual difference to merge the 'women's voice' into one. As a result, it is not surprising that feminism in nationalism-driven anti-feminism discourses is continuously framed to be in conflict with the Vietnamese cultural identity, therefore, can only be a product of Western bourgeois which is contrary to the pure form of socialist women liberation's desire.

Here, I considered the readers/followers of this blogs share the same ideology with the blogger, which means they would identify themselves as pro-regime nationalist. On the post, the most liked comments are as below:

'Women in the past fight for their right to education, political participation, the right to work, demanding justice in labor, being given priority to access less arduous/sketchy work. Women nowadays fight for their right to be braless and be lazy.' (March 11th, 2021)

'Toxic feminist is a group of: (1) the majority of single moms, (2) girl teenagers who read information without verifying sources, (3) girls that are not smart, they would study abroad by parents' money, go to the West to learn some Western knowledge and return pretending to be civilized. Their characteristics are (1) don't have good looking appearance (2) easily being led by fake news (3) cannot think logically, very irrational' (March 13th, 2021)

There are two issues that can be discussed from these comments. The first one is foreseen and universalizing, about how the image of feminist, as a category, is depicted by the follower of this nationalism blog. Feminist are demonized by being described as women who are not liked by men (read: don't have good looking appearance), it is even pointed out that there is a sentiment within anti-feminist humor that feminists are 'unattractive' and that this works to 'bolster claims of irrationality' attributed to feminists (Hill et. Allen (2021)). Moreover, they would be depicted as the traitor of the country for adopting the Western knowledge system which is deemed as vain and harmful. The second issue that can be read from this comment is the 'nostalgia' and 'regret' for the women's movement of the past - which is said to be by far more meaningful and is not selfish than the modern feminist movement being supported by today's young feminists. Here, the 'women's movement of the past' that I mentioned is identical to the Nation-state's women's right discourse of which core value is the empowerment of women to participate in the public sphere (national's affair).

At this point, if feminists are attacked, it is disguised under the resistance of nationalism. The problem that, this justification which make anti-feminism act as tool for the resistance of imported good and neo-colonialism would transfer the blame for structural inequality and systematic injustice onto women (Huang, 2022). In that sense, the focus on Vietnamese (Eastern)/Western dichotomies and contradiction of values would become an effective strategy to circulate and re-produce anti-feminist discourse that aimed at suppressing women's voices once again. Attack on feminism is well-justified by the understanding that

²² The news portal of Quang Ngai province, Great national unity - The source of strength, the main driving force of the Vietnamese revolution (Đại đoàn kết dân tộc – Cội nguồn sức mạnh, động lực chủ yếu của cách mạng Việt Nam), Accessed at: Đại đoàn kết toàn dân tộc – Cội nguồn sức mạnh, động lực chủ yếu của cách mạng Việt Nam - Bảo vệ nền tảng tư tưởng của Đảng - ĐẢNG BỘ TỈNH QUẢNG NGÃI (dcs.vn) (published at: Jan 18th, 2022)

Vietnamese social/political characteristics (Socialism, Communism, Orientalism) can not be co-existed and confronted with the ‘nonsense ideology of the West’. It is made impossible for the language of feminism to be translated into the language of Vietnamese cultural values.

(2) Problematizing Nation-state’s women’s right discourse

In Vietnam, after 1945, any discussions/discourses of feminism/women’s issue have to be put in a bigger context of nationalism. Feminist discourse has largely been shaped by the country's political history and its experience of war and revolution. During the Vietnam War, women played a significant role in the struggle for independence, and their contributions to the revolution were recognized by the government. Vietnam Women Union was founded in 1930 to promote the Communist Party ideology of the role of women in war time. Vietnamese Communist Party along with the help of Vietnam Women Union build on a framework of women emancipation in the war – nation’s political affair as a fighter against their struggle being created by Western colonialism and Feudalism. The propaganda which portrayed the expectation of the State to women at that time was “When the enemies come, even women must fight!”; this can be interpreted as the discourse on women’s strengths and equal footing with men, accentuated during and after the war, has familiarized the society with a progressive mindset on the role and position of women.

After the war, the government adopted socialist policies aimed at promoting gender equality and empowering women, which has become the most dominant and influential feminist discourse in the country. In the centre of the economic reformation program – which is widely known as ‘Đổi Mới’ – starting from 1980 is the project to re-locate the role of women in the economy. Founded from 1989 by the Vietnamese Communist Party through the initiation of Vietnam General Confederation of Labor, ‘Excellent at housework, excellent at nation’s affair (Giỏi Việc Nước, Đám Việc Nhà)’ - the concept encouraging women to excel in their professional lives while also fulfilling their traditional roles as caregivers and nurturers within the family, has become the historically longest existing, most well-known, most used emulation movement when it comes to the Vietnamese’s women affair, with the longevity of 34 years and is still counting. This emulation has become influential to the point that it has been developed into new virtue standard for the Vietnamese women.

Socialist emulation was a political tool that was developed in Soviet Russia in order to be used as a way to increase labor productivity and promote modernization in order to compete against the expansion of capitalism (Scherrer, 2014). Individual would be encouraged to meet up to the requirement and expectation as a labor resource that can enhance the quality of the labor force of the state. In Vietnam, this concept is expanded to include ‘patriotism emulation’, or calling for participation in the resistance against economical backwardness and colonialism (Nguyen, 2020). Being initiative as a socialist emulation with the purpose of nation’s wealth and modernization, ‘Excellent at housework, excellent at nation’s affair’ has always been seen as a mission to prove one’s patriotism. The closest proof can be found today in 2023. In an article with the title “The ‘Excellent at housework, excellent at nation’s affair’ emulation is becoming more effective’ posted on Vietnam General Confederation of Labour’s Web portal, this emulation is included as one of ‘patriotic emulation movements among female union members and workers’²³. While it is true that encouragement for politics participation and the enhancement of women’s role in economy raise the standard of women’s life post-war; the number of gender struggles that was not included in the purpose of Party’s ‘right’ rhetoric was ignored and untouched by the Nation-state’s women’s right discourse. In the name of dedication to the country/patriotism, with the principle that national interests always come first, women are asked to succeed with excellency to complete the 2 Excellences to the expectation of the State. To a certain extent, such political discourse contains in itself a contradiction: praising women while at the same time imposes a lot of pressures and obligations on them that are overwhelming and even impossible.

²³ The Union of Workers Vietnam, The emulation of ‘Excellent at housework, excellent at national affair’ is getting more effective everyday (Phong trào giỏi việc nước – đảm việc nhà’ ngày càng hiệu quả), Accessed at: Phong trào “Giỏi việc nước - Đảm việc nhà” ngày càng hiệu quả - Tổng liên đoàn lao động Việt Nam (congdoan.vn) (published at March 17th, 2023)

Writing about the emulation, nationalist blogger Tifosi commented:

"The origin of the emulation "Excellent at housework, excellent at nation's affair" stems from President Ho Chi Minh's progressive thinking about women position. Uncle Ho himself affirmed that: "Women and daughters are also among the people. If the whole nation is free, of course they will also be free... There has never been a time in the revolutionary history where women and girls have not participated." During the time of the August Revolution, not all Americans could vote, but in Vietnam, anyone, young or old, big or small, male or female can vote - Vietnam is the youngest country in the world to successfully implement women's participation in politics. In the education movement to mass public, all women from old to young were able to learn how to read and write. Uncle Ho welcomed women to join the resistance government (read: Communist Party). During the years of fighting against the French and American, he always honored the sisters. Women, emphasizing their great position and great contributions to the mission of defending the Fatherland. The movement "Excellent at housework, excellent at nation's affair" was originated in 1989 and was inspired by Uncle Ho's deeds."²⁴

The emulation was surely a successful one considering its role in the war time and in postcolonial endeavor of the nation-state. Hence, potential dangers about asking women to fit into an idealized mold of who they should be as a woman of the state in order to show their patriotism for the country suggest the obvious weakness of this discourse. Femininity is governed by the state, working-class woman is unable to be accepted to the Party if they are not assured to complete the mission being given. 'Housework' and 'national affair' for Vietnamese women are not separate jobs, they do intertwine as becoming political tool. Reproductivity and sexual health of women is also a tool to control the population, thus, a tool for nation governance. In Vietnam, if a woman who is a party member and/or an official public employee, yet, gives birth to more than two children, she will be criticized and disciplined by her company union and/or the Party for she goes against the population control program of the state²⁵. Reproductivity (the 'private sphere' labor) in this case will become a tool for her to show how good she is in conducting her service as a citizen. It is noticeable that the state's discourse has terribly excluded many individuals who are made unworthy of the 'right'. If the state feminism honor the working mothers who is able to attain achievement in both 'housework' and 'national affair', where do non-working-mother stand within this discourse is worth being pondered about. In the age of mobiling and globalisation which result in the feminization of immigrants, the question of who can be liberated and benefited by state feminism becomes even more complex to answer. The reproductivity of immigrating woman whose body exceed borders cannot simply become a tool for population control in national making project anymore, in that case, it is doubtful whether they can be considered 'excellent at national's affair' and further be considered worthy of protection under state women's right discourse.

It is necessary to define this Nation-state's women's right discourse because with the single-party political system of modern Vietnam, any feminist movement that does not involve the discourse of Nation-state's woman's right can be rendered as susceptible to Party politics (Duong, 2001). From here the anti-feminist discourse can be created because it is understood by the nationalist voices that 'feminism' has been guaranteed to be conducted by the state with a wide range of 'support' that the State has created to 'help' women participate in the public area therefore any other feminist discourse/movement outside of that Nation-state woman's right discourse is thought to be produced with the purpose of reactionary.

²⁴ https://www.facebook.com/tifosi.hpo/posts/527972758598722/?locale=hu_HU

²⁵ The Library of Law (2023), *If a Party member has the 3rd child, in how long would they be disciplined according to the Constitutional law? (Đảng viên khi sinh con thứ 3 thì trong bao lâu sẽ bị xử lý kỷ luật đảng theo quy định pháp luật?)*, Accessed at: <https://thuvienphapluat.vn/phap-luat/dang-vien-khi-sinh-con-thu-3-thi-trong-bao-lau-se-bi-xu-ly-ky-luat-dang-theo-quy-dinh-phap-luat-hie-148604-60494.html> published at Jan 4th, 2023.

CPV has been examined and continuously draw a border to the understanding of the 'liberation' and 'equality' in their discourses of women movement. As being said, the role of women in their 'progressive' participation in the labor force is emphasized thoroughly. Namely, the Political Bureau of CPV Central Committee brings to the fore the need to promote the role and great potential of women in the cause of industrialization, modernization, national construction and defense (by project of gender equality)²⁶. However, these discourses also express the Party's concern that the younger generation has misunderstood the idea of gender equality as 'individual freedom to fight against the demands and expectations of the patriarchal family culture' rather than 'an element that would work its magic in serving the national collective interest'. Always in support of the Party's ideas, publication of nationalist bloggers incessantly voiced their concern that Gen Z/the youth is currently misinterpreting feminism. In such publication, representatives of government agencies constantly assert that 'women's right in Vietnam is clearly present' through 'modern participation of women in any field of life and the affirmation of the position of their women, from the field of culture and art to politics or socio-economics'²⁷.

The nationalist bloggers on Vietnamese social media are constructing an anti-feminist discourse that is not simply a reaction against Western ideology or resistance against colonialism. It is being utilized to prevent the growth and development of feminism in Vietnam, allowing only the notion/framework/discourse of 'women's rights' promoted by the nation-state to exist. This framework emphasizes the essence of gender, maintains the 'natural' positions of men and women in binary public-private roles, and reinforces the 'vocation' of women, thus not challenging the power hierarchy in a patriarchal society. Framing feminism as deviant and Western is not an act of patriotism or nationalism but rather a behavior to maintain power interests. This is driven by anxiety that with the diversification and enhancement of feminist activism and scholarship, the hierarchy of power would be weakened or even dismantled.

Conclusion

In Vietnam, modern feminism is being depicted by nationalist narrative as a product of Western epistemology that needed to be resistant against to erase the coloniality/colonial legacy that may harm the 'righteous' ideology and patriotism of younger generation. From such threatening construction of 'feminism', nationalist-driven narratives in Vietnam create their own branch of anti-feminist in which they claim that the language of Western liberal feminism is unable to coexist/incorporate with the social values of Vietnam, or that, the values of 'feminism' is simply not vernacular to Vietnamese understanding of social equality. In order for these anti-feminist rhetoric to make sense, the most outstanding strategy is to claim that gender equality and women's rights have been guaranteed through emulation movements encouraging women to participate in the 'public sphere' initiated by the Communist Party of Vietnam. From this believing, they would frame any remark/statement/claim of feminism that is not in the same agenda with state feminism as reactionary and 'traitor of the nation'.

When the purpose of feminist movement are tied to the ideological direction of the nation state and other dominant powers rather than prioritizing the voices of individuals, that movement has already be weaken. Vernacularization and translation of the global used feminism language should have also be done in Vietnam with the co-join of activists, scholars whose ideology may not exactly resembles that of the nation's state. Since anti-Western movement is seen as natural for every post-colonial state must have the desire to resist against coloniality, the framing of 'feminism' as colonial legacy by nationalists to create

²⁶ Central Council of Theoretical Studies (Hội đồng Lý luận Trung Ương), Communist party of Vietnam's view of point on the women's movement and gender equality (Quan điểm của Đảng cộng sản Việt Nam về công tác phụ nữ và bình đẳng thời kì đổi mới), Accessed at: [Quan điểm của Đảng Cộng sản Việt Nam về công tác phụ nữ và bình đẳng giới thời kỳ đổi mới \(hdll.vn\)](#) (published at Oct 28th, 2021)

²⁷ The People's Intellectual Newspaper (Báo dân trí), '4 misunderstandings about modern feminism (4 điều ngộ nhận của giới trẻ về nữ quyền hiện đại)' Accessed at: [4 điều ngộ nhận của giới trẻ về nữ quyền hiện đại | Báo Dân trí \(dantri.com.vn\)](#) (Published at Sept 7th, 2022)

anti-feminism phenomenon may sound naive at first, however, it is a possibility that this may not be as simple as it seems. The opposition of 'feminism' conducted by nationalists in this case may have calculated political-ideological benefits. When some feminist claims may possibly harm the ultimate power of the ruler in the mobilization of gender within public/private sphere, it would be better to shut down the possibility for these doctrines to be promoted by frame it against patriotism and nationalism.

This paper aims to address the lack of an environment in Vietnam where feminist activists and scholars can freely express their beliefs about "women's rights" without being subjected to dominant discourse or being vilified. I propose the creation of a space where these individuals can speak up and share their thoughts and ideas without fear of backlash or negative consequences. The understanding of gender equality and the amount of feminism doctrine in Vietnam is still in its infancy and needs to be expanded and made mainstream for the betterment of society. It is crucial to create an environment where these topics can be openly discussed without fear of being labeled as "reactionary" or "stuck-up". It is necessary to change the perception of these conversations from 'sensitive' to 'necessary' in order to encourage more people to participate in the ongoing discussion.

Reference

- (1) Berger T. 2003. Decolonisation, Modernisation and Nation-Building: Political Development Theory and the Appeal of Communism in Southeast Asia, 1945-1975. *Journal of Southeast Asian Studies*, 34(3), 421–448. <http://www.jstor.org/stable/20072531>
- (2) Cao L. 2019. Women, Feminism, and Confucianism in Vietnam in the Early 20th Century. *SUVANNABHUMI*, 11(1), 185-202.
- (3) Chi V. 2018. Vấn đề nữ quyền ở Việt Nam đầu thế kỉ XX (Feminim issue in Vietnam in the first 20th century). *Vietnam Studies Research Yearbook*. Vietnam National University
- (4) Duong W. 2001. Gender Equality and Women's Issues in Vietnam: The Vietnamese Woman—Warrior and Poet, 10 Pac. Rim L & Pol'y. 191. Available at: <https://digitalcommons.law.uw.edu/wilj/vol10/iss2/2>
- (5) Fraser N. 2009. Feminism, Capitalism and the Cunning of History: An Introduction (Retrieved in 2012). Accessed at: <https://shs.hal.science/halshs-00725055>
- (6) Hill L. and Allen K. 2021. 'Smash the patriarchy': the changing meanings and work of 'patriarchy' online. *Feminist Theory* 22(2):165–189
- (7) Huang Q. 2022. Anti-Feminism: four strategies for the demonisation and depoliticisation of feminism on Chinese social media. *Feminist Media Studies*. DOI: 10.1080/14680777.2022.2129412
- (8) Nguyễn H. and Rydstrom H. 2022. *Feminism in Vietnam: Women's Studies, Gender Research and Intersections*. Routledge Handbook of Contemporary Vietnam 1st Edition, Routledge
- (9) Khuat H. 2016. Women and Development in Vietnam: Caught between Social Tradition and Economic Globalization. *Regions & Cohesion*, Volume 6. 110-119. 10.3167/reco.2016.060207.
- (10) Rottenberg A. 2012. *The Rise of Neoliberal Feminism, Heretical Thought* (New York, 2018; online edn, Oxford Academic, 23 Aug. 2018, <https://doi.org/10.1093/oso/9780190901226.001.0001>,
- (11) Scherrer J. 2014. 'To catch up and overtake' the West: Soviet discourse on socialist competition, in K Miklóssy & M Ilic (eds), *Competition in Socialist Society*, Routledge, New York, pp. 10-22.
- (12) Trần N. 2012. 'Woman as Nation: Traditional and Modernity Narratives in Vietnamese Histories' *Constructing Vietnamese Womanhood and the Problematisation of domestic violence in Vietnam*. 40.

Challenges in Guarantee the Marriage Rights of Ethnic Minority Women in Vietnam

¹LLM. Ha Pham Thi Bac & ²LLM. Thuy Tran Thi Thu²⁸

¹ Lecturer of Public International Law Division, Hanoi Law University, Vietnam

² Lecturer of Public International Law Division, Hanoi Law University, Vietnam

Abstract:

Child marriage and inbreeding threaten the present and future lives of girls and women around the world, especially in Vietnam, making them lose the right to self-determination; miss out learning and training opportunities; exposing them to violence, discrimination, and abuse; limits their participation in the economic, political, and social spheres. Child marriage and inbreeding are also often associated with early pregnancy and heavy childbirth, leading to increased maternal mortality.

The paper focuses on answering the following questions: (1) How are the marriage rights of ethnic minority women in Vietnam being regulated and enforced? (2) When ensuring the implementation of this right in practice, how does Vietnam face difficulties and challenges? (3) How to solve those difficulties. The methods we use in this paper include analyzing case study, comparative legal analysis such as Vietnam compared with international instruments.

Keywords: marriage rights, ethnic minority women, Vietnamese law.

Introduction

In Vietnam, there are 53 ethnic minorities (EMs) with 14.12 million people, accounting for 14.7% of the total population of the country. According to Report of Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019 of the General Statistics Office, ethnic minorities are distributed all over the country and are especially concentrated mainly in the Midlands and the northern high mountains. The population of EM people in Vietnam approximately 14 million people.ⁱ In which, here are 7,045,349 women, accounting for more than 49.8% of EM people. Although they account for the same proportion as men, ethnic minority women are a disadvantaged group and they have to suffer many disadvantages because of the different forms of discrimination, the negative impacts of outdated customs, and their own perception of their position and role in the family. Thus, regarding EM community, many human rights are not fully accessed. One of them is the right to marry of EM women. Practice on outdated marriage-related customs such as such as wife robbery, child marriage, consanguineous marriage, stringing custom,²⁹ polygamous marriage have been existing.

Marriage practices in ethnic minorities not only affect women's right to marry, but also their other rights such as the right to access education, the right to reproductive health, as well as consequences for their offsprings. Early marriage, teenage pregnancy and childbirth, when the mother's body is not fully developed, lack of knowledge, experience and is not psychologically ready for pregnancy and childbirth affects have a great impact on maternal health, normal development of fetus and newborn. This is the cause of an increase in the rate of malnutrition among ethnic minority children,ⁱⁱ an increase in the mortality rate of ethnic minority children under 1 year of age and under 5 years of age,ⁱⁱⁱ and an increase in maternal mortality of ethnic minorities related to pregnancy.^{iv}

Towards human values, international law has recognized and has a mechanism to promote ensuring the right to marry of nations. Towards human values, international instruments from the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), The Convention on the

²⁸ Authors contribute equally to the paper.

²⁹ Also known as "Tục nối dây" or "Jue nue" is the custom in which when the woman dies, A husband who wants to remarry is required to marry a woman in his wife's family and vice versa.

Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Political Rights of Women, and Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages both have recognized and promoted the guarantee of the right to marry.



Map. The distribution of 53 ethnic minorities in Vietnam

Source: Committee of Ethnic and The General Department of Statistics Vietnam, 2019. Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019.

Despite regulations, the results of the survey to collect information on the socio-economic status of 53 ethnic minorities in 2019 showed that the violation of the right of marry of Ems. In details, the rate of getting into early marriage in 2018 was 21.9%, a decrease of 4.7% compared to 2014 (26.6%). However, the rate of child marriage is still high in areas where many ethnic minorities live, such as the Central Highlands 27.5%, the Northern Midlands and Mountains 24.6% and the North Central and Central Coast 22.4%. By ethnicity, the highest rate of child marriage was Mong 51.5% (male 52.7%, female 50.4%), Co Lao 47.8% (male 34.0%, female 63.0%), Mang 47.2% (male 42.7%, female 50.7%), Xinh Mun 44.8% (male 42.5%, female 46.9%), Ma 39.2% (male 31.7%), female 51.3%). The rate of child marriage among ethnic minority women is still higher than that of ethnic minority men (with 23.5% and 20.1% respectively). According to professional and technical qualifications, only 1.1% of Ems people who get married early have professional and technical qualifications, while this rate is nearly 18 times higher among Ems people who don't get into early marriage (18.8%).

The purpose of this article is to clarify the challenges that Vietnam faces when it wants to ensure the marriage rights of ethnic minority women, in order to minimize the consequences caused by outdated customs and practice, bringing a better life for ethnic minority women and children.

Methods and Materials

The methods we use in this paper include analyzing case study, comparative legal analysis such as Vietnam compared with international instruments. In this paper, the authors use the data from Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019 of Committee of Ethnic and The General Department of Statistics Vietnam, 2019 and other documents of UN and Vietnam.

Results and Discussion

1. International legal framework on the marriage rights

The right to marry, to establish a family and to be equal in marriage is first mentioned in Article 16 of the Universal Declaration of Human Rights (UDHR). The provisions of the UDHR were subsequently reaffirmed and concretized in Article 23 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of International Covenant on Economic, Social and Cultural Rights (ICESCR). Therefore, when grouping related rights into a common group, namely family rights, this general group will be characterized and sometimes classified as both civil rights and social rights. Specifically, in terms of kinship and property relations, family rights belong to the group of civil rights, however, in terms of social security, this right belongs to the group of social rights. This rights also has stipulated in Article 23 of the ICCPR.

In the field of marriage and family, the rights of women are specified in Article 16 of The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The main purpose of this Convention is to prevent and combat all forms of discrimination against women in both private and public life. Although, compared with previous treaties, CEDAW which does not establish the new rights for women, but has a big difference that sets out the ways and measures to eliminate discrimination against the women in the enjoyment of human rights which they have been admitted, including the adoption of temporary measures to allow women to have equality of rights, participation and opportunity with men.

Article 16 of CEDAW refers to the elimination of discrimination against women in the private sector is very important to the lives of people in general and women in particular, which is marriage, family. The fact that, in most societies, women often suffer unequal treatment in family, expressed in the forms of forced marriage (or installation), right decisions about children, property management... The discrimination against women in this field are often rooted in traditional practices - aspects largest inertia. In return, the change in this field is considered to be one of the factors which is crucial to women achieve full equality with men.

Concerning Article 16 of CEDAW, in General Recommendation No. 21, the CEDAW Committee stated that the concept of the family can understand different between other countries, however, no matter how it is understood in the family model, the treatment of women must also comply with the provisions of Article 16 (paragraph 13). The Committee also said that polygamous marriage regime is contrary to the equal rights of men and women and their children. Therefore, the Committee recommended that States Parties prohibit polygamy (paragraph 14). The Committee also recommended that States Parties prohibit forced or arranged marriages to guarantee the right to choose a spouse.

The CEDAW Committee also stated that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, States are urged to repeal existing laws and regulations and to remove customs and practices which discriminate against and cause harm to the girl child. Article 16 (2) and the provisions of the Convention on the Rights of the Child preclude States parties from permitting or giving validity to a marriage between persons who have not attained their majority. In the context of the Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". Notwithstanding this definition, and bearing in mind the provisions of the Vienna Declaration, the Committee considers that the minimum age for marriage should be 18 years for both man and woman. When men and women marry, they assume important responsibilities. Consequently, marriage should not be permitted before they have attained full maturity and capacity to act. According to the World Health Organization, when minors, particularly girls, marry and have children, their health can be adversely affected and their education is impeded. As a result their economic autonomy is restricted.

2. Vietnam's legal framework on the marriage rights of ethnic women

The law on marriage and family in Vietnam has improved over the time. Vietnam experienced the feudal and colonial period with many feudal practices recorded in law such as polygamy or involuntary marriage. Accordingly, Vietnamese law has been gradually developed to repel such marriage customs. Equal rights between men and women in all aspects are recognized from the first Constitution of Vietnam - the 1946 Constitution. Now, Article 36 of the 2013 Constitution affirms: "*Men and women have the right*

to marry and divorce. Marriage is on the principle of voluntary, progressive, monogamous, equal, and mutual respect between husband and wife". Besides, the State "protects marriage and family, and protects the rights of mothers and children". Thus, women including ethnic minority women are equal with men in enjoying the right to marry.

On the basis of the Constitution, the National Assembly promulgates legal documents stipulating the right to marry and mechanisms to protect the right to marry, including the right to marry of ethnic minority women. In particular, there are 133 articles in Law on marriage and family. In which, Article 8 to Article 16 regulates conditions for marriage; marriage registration; right to request the annulment of an illegal marriage; legal issues on handling illegal marriages ; legal issues on dealing with the consequences of men and women living together as husband and wife without registering their marriage; rights and obligations of parents and children in case men and women live together as husband and wife without marriage registration; settling the property relations, obligations and contracts of men and women living together as husband and wife without marriage registration. Provisions of Law on marriage and family 2014 are specified in some documents are listed as below:

Table 1. List of current legal documents of Vietnam relating to right of marry

No.	Laws/regulation
01	Constitution 2013
02	Civil Code (2015)
03	Criminal Code in 2015, amended and supplemented in 2017
04	Law on Civil Status (2014)
05	Law on Handling Administrative Violations (2012), amended and supplemented in 2020
04	Law on marriage and family (2014)
05	Decree no. 82/2020/ND-CP of Government on penalties for administrative violations in the filed of judicial support, administrative justice, marriage and family, civil judgment execution, business bankruptcy cooperative.
06	Decree no. 126/2014/ND-CP dated 31 December 2014 of the Government on detailing some articles and measures for implementation of the law on marriage and family.
07	Joint Circular no. 01/2016/TTLT-TANDTC-VKSNDTC-BTP of The supreme People's court of the socialist republic of Vietnam, The supreme People's Procuracy of Vietnam and Ministry of Justice on guidelining for implementation of some provisions of the law on marriage and family.

In Vietnam, in addition to legal documents, custom on the marriage and family are respected insofar as they are compatible legal documents. Customs on the marriage and family means code of conduct which has clear content on rights and obligations of parties in a marriage and family relationship, repeated over a long period of time, and is recognized widely in a region or community.

3.1. Regulation on marriage

According to Article 3 (5) Law on marriage and family, marriage means the establishment of a husband and wife relationship by a man and woman in accordance with law on marriage conditions and marriage registration. In which:

Regulation on conditions for marriage

In Vietnam, same-sex marriage is not recognized. Therefore, a man and a woman can get married when they meet the following conditions:

- Male from full 20 years old, female from full 18 years old
- The marriage is decided by the man and the woman voluntarily
- The man and the woman do not lose their civil act capacity

An individual's civil act capacity is the ability of an individual to establish and perform civil rights and obligations by his/her own actions. When reaching 18 years old and having normally developed intelligence, an individual who understand and control their act can establish and exercise thier civils rights.

- The marriage does not fall into one of the cases where marriage is prohibited according to the provisions of the law of marriage and family, including:

- + Fake marriage, fake divorce;
- + Child marriage, forced marriage, cheating on marriage, obstructing marriage;
- + A married person who marries or lives together as husband and wife with another person or is unmarried or unmarried but marries or lives as husband and wife with a married person;
- + Marrying or living together as husband and wife between people of the same direct bloodline; among people with surnames within three generations; between adoptive parents and adopted children; between a person who used to be a father, an adoptive mother with an adopted child, a father-in-law with a daughter-in-law, a mother-in-law with a son-in-law, a stepfather with a stepchild of a wife, a stepmother with a stepchild of a husband;
- + Claiming wealth in the marriage;
- + Forcing divorce, cheating divorce, obstructing divorce;
- + Giving birth using assisted reproductive technology for commercial purposes, surrogacy for commercial purposes, fetal sex selection, asexual reproduction;
- + Domestic violence;
- + Taking advantage of the exercise of marriage and family rights for human trafficking, labor exploitation, sexual abuse or other acts for the purpose of self-seeking.

Regulation on marriage registration

The marriage is recognized only when it is registered at the commune-level People's Committee of the place where the man or the woman resides with the following procedure:

- Firstly, the man and the woman submit marriage registration declarations according to the prescribed form to the civil status registration agency, and they are present at the time of marriage registration.

- Secondly, immediately after receiving all the papers as prescribed, if finding that they are eligible for marriage as prescribed by the Law on Marriage and Family, the judicial and civil status officer shall record the marriage in the civil status book. After that, the judicial and civil status together with both parties sign in the civil status book.

- Thirdly, both the male and female parties sign the Marriage Certificate.

- Finally, the judicial and civil status civil servants shall report to the President of the commune-level People's Committee to organize the awarding of marriage certificates to the male and female parties.

In case it is necessary to verify the marriage conditions of both male and female parties, the time limit for settlement shall not exceed 05 working days.

3.2. Penalties for violation

The violation of regulations on right of marry of any organization or individual shall be punished by twomain kinds of penalties, including administrative penalties, and criminal penalties.

- Administrative penalties

An administrative violation is acts at fault committed by individuals, and organizations that violate the provisions of law on State management, which is not a crime and do not constitute crimes, must be administratively sanctioned as provided in law(Viet Nam National assembly, 2012a). Sanctioning of administrative violations means the application of sanctioning forms and remedial measures by persons with sanctioning competence to individuals or organizations that commit administrative violations in accordance with law on sanctioning administrative violations. For administrative violations with the right to marry, Decree No. 82/2020/ND-CP of Government on penalties for administrative violations in the filed of judicial support, administrative justice, marriage and family, civil judgment execution, business bankruptcy cooperative has specified the fine levels:

- + Regarding the child marriage:

According to Article 58 of Decree No. 82/2020/ND-CP, a fine ranging from 1,000,000 VND (~ 43 USD) to 3,000,000 VND (~ 128 USD) shall be imposed for organizing marriage for underage person. Furthermore, a fine ranging from 3,000,000 VND (~ 128 USD) to 5,000,000 VND (~ 214 USD) shall be imposed for maintaining an illegal husband and wife relationship with an underage person even though there is a legally effective judgment or decision of the Court.

+ For acts of violating regulations on marriage, divorce and violations of the monogamous marriage regime

A fine of between 3,000,000 (~ 128 USD) VND and 5,000,000 VND (~ 214 USD) shall be imposed for one of the acts of getting married or living together as husband and wife between adoptive parents and adopted children; getting married or living together as husband and wife between a former father, an adoptive mother with an adopted child, a father-in-law with a daughter-in-law, a mother-in-law with a son-in-law, a stepfather with a step-child of a wife, a stepmother with a step-son of a husband.

Additionally, 10,000,000 VND (~ 428 USD) to 20,000,000 VND (~ 855 USD) shall be the penalty for one of the acts of marrying or living together as husband and wife with someone of the same direct bloodline or between relatives within three generations.

- *Criminal penalty*

The violations of the right to marry which constitutes a crime shall be criminally sentenced under the Criminal Code. Specifically,

+ Those who organize the marriage or marriage for people who have not yet reached the age of marriage, have been administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between 10,000,000 VND (~ 428 USD) and 30,000,000 VND (~ 1,282 USD) or non-custodial reform for up to 2 years;^v

+ The act of having intercourse or performing other sexual acts with a person under the age of 13 constitutes the crime of rape of a person under the age of 16 and the minimum penalty frame for this crime is 07 years and the maximum penalty is death.^{vi} The use of tricks to make people from full 13 years old to under 16 years old who are in a state of dependence or in dire straits to have sexual intercourse or reluctantly perform other sexual acts. This crime has a minimum of 5 years and a maximum of life imprisonment.^{vii}

+ Acts of intercourse or other sexual acts with a person from full 13 years old to under 16 years old which are criminally charged with the crime of intercourse or performing other sexual acts with a person aged full from 13 years to under 16 years old shall be sentenced of 1 year to 15 years of imprisonment (depending on the nature of each violation).^{viii}

+ For acts of forcing others to marry against their will, preventing others from marrying or maintaining a voluntary, progressive or coercive marriage relationship, or preventing others from getting a divorce by torturing, mistreating, mentally threatening, claiming wealth or by other tricks, have been administratively sanctioned for this act but continue to commit it, shall be subject to warning, non-custodial reform for up to 03 months. years or imprisonment from 3 months to 3 years.^{ix}

3.3. Policy to promote voluntary and progressing marriage for ethnic minority

In the spirit of the law, aiming to protect the rights of vulnerable groups, a series of solutions to protect the marriage rights of ethnic minorities have been proposed.

The National Assembly promulgates Resolution No. 88/2019/QH14, dated November 18, 2019 of the National Assembly approving the National Target Program (the Master Program) for socio-economic development in ethnic minority and mountainous areas in the 2021- 2030 with the general goal towards “...*preserving and promoting the good cultural identity of the ethnic minorities in parallel with the eradication of outdated customs and practices...*”. In addition to the Master Program, a number of specific policies have been approved and implemented in practice, such as: the Program to reduce child marriage and consanguineous marriage among ethnic minorities in the period 2015-2025; Program on supporting gender equality activities in ethnic minority areas in the period of 2018-2025.

The programs focus on solving the core causes leading to violations of the marriage rights of ethnic minorities. On that basis, the program has suitable solutions. Specifically, measures are implemented to improve the effectiveness of propaganda and law dissemination, raise people's awareness about the right to

marry, about gender and gender equality, and promote economic development - socio-cultural in ethnic minority areas besides preserving intangible culture.

3. Achievements and challenges in ensuring the marriage rights of ethnic women in Vietnam

3.1. Achievements

Firstly, from a legal perspective, Vietnam has built a relatively complete system of legal documents on the right to marry and guarantees the right to marry in general, especially of ethnic minority women in particular. This is the legal basis for the implementation and guarantee of the marriage rights of ethnic minority women.

Second, an institutional system from the central to local government (and even to each village in some cases) is established to take action to promote voluntary and progressing marriage for ethnic minority.

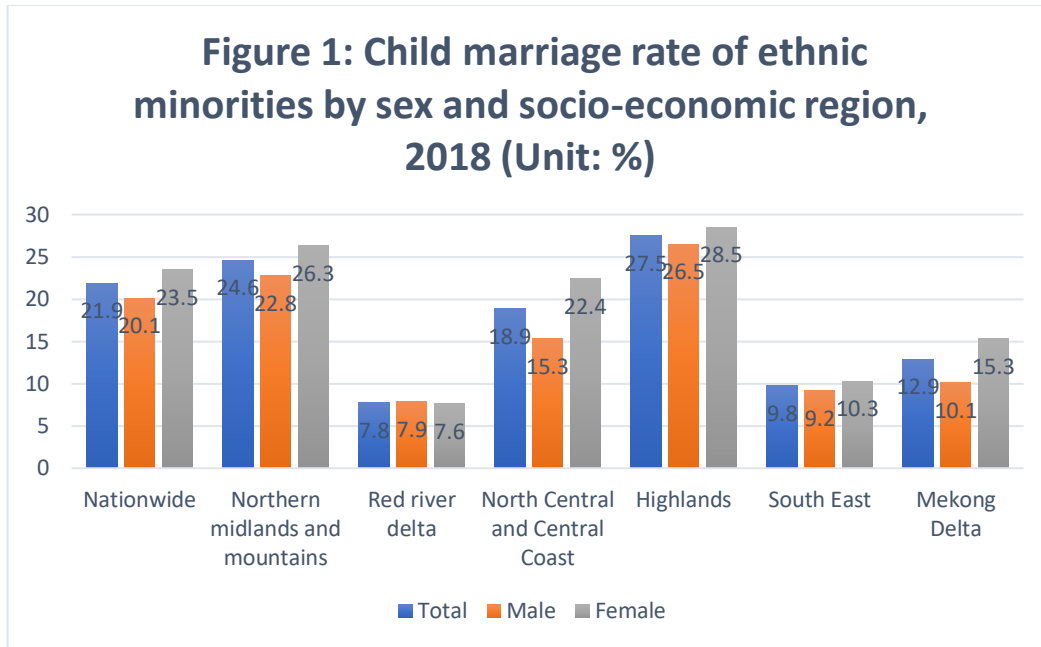
Party committees, local authorities, schools (including boarding schools for ethnic minorities) have paid close attention to directing the implementation of the Scheme. Especially the role of village elders, village heads, reputable people, and a team of mediators has timely propagated, educated and persuaded cases where child marriage and consanguineous marriage can be carried out in the locality.

In addition, the establishment of a consulting group with mostly village officials with the support of provincial, district and commune officials has done a good job of regularly carrying out communication, counseling and support for the local community households in the village often or when there are cases that can lead to child marriage and consanguineous marriage (in Vietnamese language and ethnic languages) has brought high efficiency. The provinces have built, maintained and replicated models and clubs up to 2,892-point models in 3,481 communes, villages, hamlets. Organized 211,805 consultations and propaganda on child marriage and LC for 494,838 people in communes implementing the pilot model.^x In addition to propagating and consulting according to the model's activities, members also know how to integrate it in meetings to propagate. The consulting group is the people who understand the customs, habits, thoughts and aspirations of the people, combined with the trained knowledge, which has made the propaganda and advocacy work effective, contributing to the organization and implementation of the project more model.^{xi}

Thirdly, national program developed specifically to repel backward customs and improve the material and spiritual life of ethnic minorities have brought initial results.

The program Reducing child marriage and consanguineous marriage in ethnic minority areas, phase I (2015 - 2020) has achieved many positive results, contributing to raising awareness of ethnic minorities. ethnic minorities on the harmful effects of child marriage and consanguineous marriage.

The state of consanguineous marriage has so far decreased by 4.7% compared to 2014 (26.6% in 2014 and 21.9% in 2018; an average decrease of 0.94% per year). The rate of consanguineous marriage of 53 ethnic minorities in 2018 is 0.56%, compared with the rate of ethnic minorities getting consanguineous marriage in 2014 is 0.65%, which has decreased by 0.1% (average decrease of 0.02% per year). According to survey data on socio-economic status of 53 ethnic minorities in 2019, among 6 socio-economic regions, the Central Highlands continued to have the highest rate of child marriage in 2018 at 27.5%, but it also decreased 2.1% compared to 2014; followed by the Northern Midlands and Mountains with 24.6% (decreased by 5.1% compared to 2014) and the North Central and Central Coast with 22.4% (decreased by 3.2% compared to 2014). The Red River Delta, where not many ethnic minorities live (3.3%), is the region with the lowest percentage of ethnic minorities in child marriage in the country in 2018 (7.8%). Compared with 2014, the rate of child marriage among ethnic minority men has decreased by 5.9%, higher than the corresponding decrease of 3.6% for ethnic minority women (2014: 20.1% male and 23.5% female).^{xiii} This is also a good sign, proving that the awareness of ethnic minorities about the harmful effects of child marriage and consanguineous marriage has been significantly increased.



Source: General Statistics Office, 2019. Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019

Fourth, the awareness of EMs about has gradually improved

Through different forms of propaganda, knowledge about gender, marriage rights, women's role, gender equality, domestic violence prevention, etc. is gradually being accepted by ethnic minorities. Awareness of the consequences of customs on health and forms of handling violations gradually promotes people's awareness in reducing and moving towards elimination of backward customs. The evidence of the reduction in the rate of child marriage in ethnic minorities are partly proof of this.

3.2. Challenges

As analyzed above, Vietnam has built a system of legal bases as well as agencies to ensure the enforcement of legal provisions on marriage and family, in order to ensure this right for Vietnamese citizens. For ethnic minority women, Vietnam has also developed its own policies to ensure human rights in general and the right to marry in particular. However, it cannot be denied that Vietnam still faces difficulties and challenges when trying to ensure the marriage rights of ethnic minority women.

Firstly, regarding the legal framework, although Vietnam's legal regulations on marriage are quite complete, they are currently scattered in different legal documents. Therefore, it is not easy for an ethnic minority to access and fully understand the regulations related to the marriage rights.

Secondly, related to the operation of state agencies Despite great efforts, state agencies face difficulties in accessing and capturing information about people in some ethnic groups and in funding to implement the National Program. Specifically, in regard to accessing, capturing and disseminating information to ethnic minorities. Due to the characteristics of some ethnic minorities, nomadic cultivation, they do not reside in a stable area and sometimes do not have accurate information about their identity papers. Therefore, It's not easy to guarantee right of marriage for EMs.

Another obstacle for the implement states polices is the funding. The local budget is used for the implementation of the project in the locality. However, most of the mountainous provinces find it difficulties to balance their own funding sources for the implementation of the National Program, so they need support from the central budget every year. It's because of the lack of funding for implementation, the selection of subjects and locations for implementation of activities is limited, the forms of propaganda are limited, leading to low efficiency.

Thirdly, outdated customs and habits persist in the lives of ethnic minorities.

With efforts in implementing policies and projects specifically for ethnic minorities, the rate of child marriage among ethnic minorities has improved significantly. However, the rate of child marriage is still high, especially in Central Highlands of Vietnam with more than a quarter of people entering marriage when they are under the age of marriage (27.5%)^{xiii}. It's noticeable that the rate of child marriage among ethnic minority women is always higher than that of men in all regions (with 23.95% and 20.1%, respectively).^{xiv} Additionally, in 2018, although there are no consanguineous marriage case in some ethnic groups such as Ma, Mang, Co Ho, Khang, Chut. However, that figure increased in some ethnic groups such as La Chi, Bru Van Kieu, Lo Lo, Gia Rai, and La Ha.

Outdated customs are really obstacles to sustainable development in ethnic minority areas in particular and the development of the whole country in general. Those bad customs not only violate the law but also leads to many consequences for women and children, for families and society, for the value of human right, and for the social progress. Customs such as pulling a wife, stealing a wife, capturing a wife or connecting a wire are very clear evidence of the inequality between men and women. The most noticeable inequality is that men are considered the head of the family when up to 74% of men in ethnic minority households have independent names in terms of land ownership and credit. Therefore, ethnic minority men know how to read and write much higher than women. Some ethnic minorities such as Mong, Ha Nhi, La Hu, Lu... only about 20-30% of women can read and write. It can be seen that ethnic minority women have very few opportunities to develop and practice their own capacities because they do not go to school. So when the girls who are still at an innocent age, they have to get married to become the wife and mother in the family.

Equal rights between men and women in general and in marriage in particular are human rights protected by international and Vietnamese laws. However, the custom is deeply embedded in the minds of EMs. It's likely that most women accept the custom that happens. These acts of violating the right to marry break the law. However, many cases go undetected sanctions and cannot be prevented.

In addition, there are challenges stemming from a number of objective factors such as: inequality between men and women among ethnic minorities, language barriers, awareness levels, etc. A large proportion of the population's minorities do not have adequate knowledge about marriage and related marriages. The level of knowledge and awareness of a part of ethnic minorities in the locality is still low and uneven, especially the majority of women in the locality who disagree about the language, so they do not understand the Law well. Although they have been supported a lot with related documents, a large number of ethnic minority people have no conditions to study and are illiterate, so it is difficult for them to understand the content conveyed in books and newspapers. Some ethnic minority families with economic difficulties often let their children join the labor force early, get married early (over 10 years old), reduce family economic pressure.

Conclusion

On the basis of analyzing the provisions of the law as well as the challenges that Vietnam faces when carrying out activities to ensure the marriage rights of ethnic minority women, the article proposes some directions to further improve the effectiveness of this activity as follows:

Firstly, Vietnam should develop a more specific legal document on the right to marry and guarantee this right. Specifically, at present, the marriage registration procedure and order specified in the civil status law can be completely incorporated into the Law on Marriage and Family. Specific regulations in the same document make it easier for people, especially ethnic minorities, to learn and grasp legal regulations. From there, it will also be easier for them to be aware of their rights and obligations.

Second, strengthen the leadership and direction of Party committees and authorities at all levels for propaganda and mobilization in ethnic minority areas to preserve their cultural identity, traditional religious beliefs, remove outdated concepts and customs affecting cultural and spiritual life, especially the rights of women and girls in ethnic minority areas. To promote the synergy of propaganda forces at the grassroots level, in which special attention is paid to the role of village elders, village heads, family heads, and prestigious representatives in villages and hamlets. staff working at the facility.

Third, improve socio-economic life and develop application of science and technology to the lives of ethnic minorities. The State formulates development policies and applies science and technology to the lives of ethnic minorities. The delivery of electricity and internet to each village in remote and remote areas is still being implemented in Vietnam, but it is not yet able to cover all areas where ethnic minorities live. Through technological advancement and daily access to a lot of information, support to improve the understanding of women and children in particular and ethnic minorities in general. Since then, continuing to innovate and improve the quality and effectiveness of propaganda on the mass media to create consistency in the awareness and actions of the Party committees, authorities, cadres, party members, and employees ethnic minorities in overcoming and repelling outdated customs affecting women and girls here.

Fourth, promote economic development, improve material and spiritual life for ethnic minorities. The existence of backward customs also comes from economic problems. This is most evident in the customs of funerals and marriages. Therefore, in order to abolish the custom, there must be solutions to help the people develop their economy, stabilize their lives, and create trust and a foundation for cognitive and behavioral change.

Fifth, raise awareness of ethnic minorities on gender equality. Gender equality is at the core of ensuring the right to marry. Vietnam has been a member of the CEDAW Convention since 1982 and has implemented the National Strategy on Gender Equality for the 2021-2030 period with the goal: "Continuing to narrow the gender gap, create conditions and opportunities for women and men participate and enjoy equal rights in all fields of social life, contributing to the country's sustainable development". Gender equality content is gradually being included in the educational curricula in the national education system and will be officially taught in pedagogical schools from 2025. When ethnic minority women and children understand their rights, they find equality in their interests, they will have the opportunity to protect themselves as well as have a voice to reduce outdated customs and practices.

Acknowledgments

The authors wish to express our grateful thanks for the contribution of the members in reporting on "Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019", chaired by the Committee of Ethnic and The General Department of Statistics Vietnam.

Reference List

1. Committee for Ethnic Minority Affairs, *Implementation of the Program "Reducing child marriage and consanguineous marriage in ethnic minority areas: Looking back for more effective implementation*, <http://www.cema.gov.vn/tin-tuc/tin-tuc-su-kien/kinh-te-xa-hoi/thuc-hien-de-an-%E2%80%9Cgiam-thieu-tinh-trang-tao-hon-va-hon-nhan-can-huyet-thong-trong-vung-dtts-nhin-lai-de-trien-khai-hieu-qua-hon.htm>
2. Committee for Ethnic Minority Affairs, *Some results of the implementation of the Program "Reducing child marriage and consanguineous marriage in ethnic minority areas phase I and directions and solutions for the implementation of the Phase II program*, <http://dtg.ubdt.gov.vn/nghien-cuu-trao-doi/mot-so-ket-qua-trien-khai-thuc-hien-de-an-%E2%80%9Cgiam-thieu-tinh-trang-tao-hon-va-hon-nhan-can-huyet-thong-trong-vung-dan-toc-thieu-so-giai-doan-i-va-phuong-huong-giai-phap-thuc-hien-de-an-giai-doan-ii.htm>
3. Convention on the Elimination of All Forms of Discrimination against Women (1979)
4. Committee of Ethnic and The General Department of Statistics Vietnam, Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019, 2019.
5. Government of Viet Nam (GOV) (2013) Decree no. 126/2014/ND-CP dated 31 December 2014 of the Government on detailing some articles and measures for implementation of the law on marriage and family.
6. Government of Viet Nam (GOV) (2013) Decree no. 82/2020/ND-CP of Government on penalties for administrative violations in the filed of judicial support, administrative justice, marriage and family, civil judgment execution, business bankruptcy cooperative.
7. Government of Viet Nam (GOV), Program on supporting gender equality activities in ethnic minority areas in the period of 2018-2025.
8. Government of Viet Nam (GOV), Program to reduce child marriage and consanguineous marriage among ethnic minorities in the period 2015-2025.
9. International Covenant on Civil and Political Rights (1966).
10. International Covenant on Economic, Social and Cultural Rights (1966).
11. Mbuya, Nkosinathi Vusizhlobo; Atwood, Stephen J.; Phuong, Huynh Nam, *Persistent Malnutrition in Ethnic Minority Communities of Vietnam : Issues and Options for Policy and Interventions*. International Development in Focus Washington, D.C. : World Bank Group: <http://documents.worldbank.org/curated/en/369601561716089327/Persistent-Malnutrition-in-Ethnic-Minority-Communities-of-Vietnam-Issues-and-Options-for-Policy-and-Interventions>
12. The supreme People's court of the socialist republic of Vietnam, The supreme People's Procuracy of Vietnam and Ministry of Justice (2016), Joint Circular no. 01/2016/TTLT-TANDTC-VKSNDTC-BTP on guideline for implementation of some provisions of the law on marriage and family.
13. UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations*, 1994.
14. UN Women and Committee for Ethnic Minorities (2015). Summary of the situation of ethnic minority women and girls in Vietnam; https://vietnam.un.org/sites/default/files/2019-08/Briefing_note_Vie.pdf
15. Universal Declaration of Human Rights (1946).
16. Viet Nam National assembly (2012) Law on Handling Administrative Violations, amended and supplemented in 2020.
17. Viet Nam National assembly (2013) Constitution.
18. Viet Nam National assembly (2014) Civil Status
19. Viet Nam National assembly (2014) Law on marriage and family
20. Viet Nam National assembly (2015) Civil Code .
21. Viet Nam National assembly (2015) Criminal Code, amended and supplemented in 2017.
22. Vietnam National Assembly, National Target Program (the Master Program) for socio-economic development in ethnic minority and mountainous areas in the 2021- 2030.

End Notes:

ⁱ Committee of Ethnic and The General Department of Statistics Vietnam, 2019. Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019. See also: https://www.gso.gov.vn/wp-content/uploads/2020/07/01-Bao-cao-53-dan-toc-thieu-so-2019_ban-in.pdf

ⁱⁱ Committee of Ethnic and The General Department of Statistics Vietnam, 2019. Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019. See also: https://www.gso.gov.vn/wp-content/uploads/2020/07/01-Bao-cao-53-dan-toc-thieu-so-2019_ban-in.pdf

ⁱⁱⁱ Mbuya, Nkosinathi Vusizihlobo; Atwood, Stephen J.; Phuong, Huynh Nam.

Persistent Malnutrition in Ethnic Minority Communities of Vietnam : Issues and Options for Policy and Interventions. International Development in Focus Washington, D.C. : World Bank Group: <http://documents.worldbank.org/curated/en/369601561716089327/Persistent-Malnutrition-in-Ethnic-Minority-Communities-of-Vietnam-Issues-and-Options-for-Policy-and-Interventions>: Out of 3 ethnic minority children, 1 child is stunted; and 1 out of 5 children is underweight.

^{iv} Committee of Ethnic and The General Department of Statistics Vietnam, 2019. The results of the Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019 show that the Infant Mortality Rate (IMR) of the 53 ethnic minorities in 2019 is 22,13‰; in which, for boys is 24.82‰, for girls is 19.29‰. There is a large difference in IMR between ethnic groups, the IMR of La Hu ethnic group is the highest among the ethnic groups (66.23‰), 5.5 times higher than that of the Hoa ethnic group (11.94‰).

^v Art. 183 Criminal Code in 2015, amended and supplemented in 2017.

^{vi} See Article 142 (Art.) and Art. 24 Criminal Code in 2015, amended and supplemented in 2017.

^{vii} See Article 142 (Art.) and Art. 24 Criminal Code in 2015, amended and supplemented in 2017.

^{viii} See Art. 145 Criminal Code in 2015, amended and supplemented in 2017.

^{ix} See Art. 145 Criminal Code in 2015, amended and supplemented in 2017.

^x Committee for Ethnic Minority Affairs, *Implementation of the Program "Reducing child marriage and consanguineous marriage in ethnic minority areas: Looking back for more effective implementation*, <http://www.cema.gov.vn/tin-tuc/tin-tuc-su-kien/kinh-te-xa-hoi/thuc-hien-de-an-%E2%80%9Cgiam-thieu-tinh-trang-tao-hon-va-hon-nhan-can-huyet-thong-trong-vung-dtts-nhin-lai-de-trien-khai-hieu-qua-hon.htm>

^{xi} Committee for Ethnic Minority Affairs, *Some results of the implementation of the Program "Reducing child marriage and consanguineous marriage in ethnic minority areas phase I and directions and solutions for the implementation of the Phase II program*, <http://dtg.ubdt.gov.vn/ngghien-cuu-trao-doi/mot-so-ket-qua-trien-khai-thuc-hien-de-an-%E2%80%9Cgiam-thieu-tinh-trang-tao-hon-va-hon-nhan-can-huyet-thong-trong-vung-dan-toc-thieu-so-giai-doan-i-va-phuong-huong-giai-phap-thuc-hien-de-an-giai-doan-ii.htm>

^{xii} Committee of Ethnic and The General Department of Statistics Vietnam, 2019. Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019

^{xiii} Committee of Ethnic and The General Department of Statistics Vietnam, 2019. Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019, page 61. See also https://www.gso.gov.vn/wp-content/uploads/2020/07/01-Bao-cao-53-dan-toc-thieu-so-2019_ban-in.pdf

^{xiv} Committee of Ethnic and The General Department of Statistics Vietnam, 2019. Survey and collect information on the socio-economic status of 53 ethnic minorities in 2019, page 61. See also: https://www.gso.gov.vn/wp-content/uploads/2020/07/01-Bao-cao-53-dan-toc-thieu-so-2019_ban-in.pdf