

# TRAINING TOOLKIT

Vietnam Land Access for Women (LAW) Program

Photograph courtesy of ISDS



## Rights and Gender in Vietnam



**USAID**  
FROM THE AMERICAN PEOPLE



This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of ICRW and ISDS and do not necessarily reflect the views of USAID or the United States Government.

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Rights and Gender in Vietnam



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# About this Toolkit

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The right to access, use, and have control of land is a fundamental right enshrined in the Universal Declaration of Human Rights (and Convention on Elimination of all forms of Discrimination Against Women). Access to and control of land are important because property allows people to build a home and/or to sustain a livelihood for themselves and their families. Individual ownership of homes and land can increase individuals' power within their households, communities, and states. However, the ability to own and use land depends on the complex interaction between legal and social contexts. While both men and women may be denied their land (and property) rights, women are more frequently marginalized due to gendered social and legal norms that block their exercise of these rights.

The Vietnam Land Access for Women (LAW) Program addresses this gap in (women's) land and property rights. The LAW Program is carried out Washington-based International Center for Research on Women (ICRW) and Hanoi-based Institute for Social Development Studies (ISDS) with the support of the U.S. Agency for International Development (USAID). This Program aims to increase farmers' awareness of land rights, facilitate their ability to exercise these rights, collect evidence on the (key) barriers farmers face in upholding land rights, and strengthen the capacity of local civil society organizations and mass organizations to advocate for gender equitable application of existing laws. A key activity in the project is the organization and support of teams of Community Volunteers for Gender Equality Advocacy (CVGEA) to help farmers, particularly women farmers, in the northern province of Hung Yen and the Mekong Delta province of Long An to improve their understanding of land rights.

The Property Rights and Gender Training Toolkit for CVGEA seeks to strengthen understanding of property rights—specifically those to land—for

women and men as equal citizens. However, because women are often not treated as equal citizens, the materials pointedly highlight their rights throughout the manual, in order to fully inform participants about what rights women do have, how to communicate effectively on the topic, the obstacles preventing women from having and/or exercising their rights, and how to address those issues in practice.

With the help of the Property Rights and Gender Training Toolkit for CVGEAs, ICRW and ISDS aim to:

- Increase women's knowledge of their legal rights to land according to current law, and increase their understanding and recognition of women's and men's equality before Vietnamese law, particularly their access to land rights;
- Raise awareness of gender-based challenges in implementing land rights in rural areas;
- Increase awareness of how women can exercise and protect their own land rights while respecting the rights of their fellow citizens.

ICRW and ISDS believe that the first step to securing land rights requires raising awareness of *everyone's* legal rights, and emphasizing that women's rights are protected by law and are just as important as men's.

The toolkit has five modules:

- Rights and Gender in Vietnam
- Land Law and Gender
- Land Rights in Marriage and Family
- Inheritance Law, Wills, and Women
- Monitoring Skills for the CVGEA

The modules are designed so that trainers can choose to do all of the modules, or focus on a particular one. However, we recommend beginning with Module 1, Rights and Gender in Vietnam, especially for CVGEAs who have received little previ-

ous training in either gender or human rights. The module uses a human rights-based approach to introduce women’s rights, land rights, and gender, which the toolkit originators—Institute for Social Development Studies (ISDS) and ICRW—have found to be a positive starting point for discussions on women’s land rights.

The modules use five different methods to engage participants.<sup>1</sup>

- Background sections introduce new material, explain new concepts, and discuss the gendered aspects of the module topic. Facilitators can use the background information as a short lecture, a reading exercise for participants, or as introduction to new topics.
- Lecture sections provide specific information about the module topic. Facilitators

need to present all of the information in lecture sections clearly.

- Discussion sections promote group conversation, encouraging participants to ask questions and share their experiences, which highlights differences between custom and written law. The facilitator’s role is more to guide the conversation than to present information.
- Exercise sections give participants a chance to practice a new skill or idea. Exercises can be used to make ideas in the Background, Lecture, and Discussion sections more concrete.
- Handouts and Resources, featured at the end of every module, can be used during the training, and also by community rights workers in their own outreach or sensitization work.

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1. This toolkit is inspired by previous work by ICRW and the Uganda Land Alliance (ULA) with paralegals in Uganda.

This toolkit was designed to serve as a guide for training Community Volunteers on Gender Equality (CVGEA). The modules contain legal reference material for the CVGEAs to support their delivery of legal advice and community sensitization activities in this capacity. Specifically, the handouts presented in this module are meant to be used only by the CVGEAs as part of preparation for sensitizations or legal counseling services.

# Rights and Gender in Vietnam

Women rights are human rights. These rights, including the right to own property, are often ignored or violated everywhere in the world. This is also the case in Vietnam. Women's rights and gender equality are not just a matter of individual women, but also a concern of humanity. The evolving rights of citizens in general, and women's rights in particular, mark the legacy and innovation of each era.

In Vietnam, everyone is born with equal rights, which are protected by law without any distinction. Citizens are equally entitled to the same rights and obligations without discrimination based on gender, religion, or wealth. Equal rights should be reflected in all areas of life, especially in economics, politics, culture, and the judicial system. Though women and men are equal under Vietnam's laws, women often are denied their rights in practice. This is especially true regarding their rights around property and land, which are very much tied to culture and custom. This module teaches CVGEAs about human rights, property and land rights, as well as what the law of Vietnam says about women's and men's equality. It creates space for safe discussion and exploration of participants' own views on gender equality and the relationship of culture to women's rights.

The Law on the Rights and Gender Issues include:

- Constitution of the Socialist Republic of Vietnam
- The Civil Code
- The Marriage and Family Law
- The Law on Gender Equality

Gender equality is not a new element in the law of Vietnam. The Constitution of 1946 states that women and men are equal. Women's equality to men's under the law is also mentioned in the Constitution of 1959<sup>1</sup>,

1. Constitution of 1959 stipulated: "Women of The Democratic Republic of Vietnam have equal rights with men in all aspect of political, economic, cultural, social and family." (Article 24).

1980<sup>2</sup>, 1992 and its amendment in 2001<sup>3</sup>, as well as the Constitution of 2013<sup>4</sup>. Vietnam also has a law on Gender Equality. The 2006 law on Gender Equality highlights the quality of women's rights in Vietnam.

The Social Insurance Law (2006), Law on Residence (2006), the Law on Domestic Violence Prevention (2007), and the Nationality Act (2008) also contain provisions to protect the rights of women. Accordingly, some specific rights guaranteed women: equality; freedom of speech; labor rights; social security and social welfare protections; the right to vote or stand for election; the right to participate in social management, state management; freedom of religion; inviolable rights body, life, and health; the right to respect, honor, and dignity.

## Module Objectives

CVGEAs will *understand*:

- What rights are
- Provisions on women's rights and gender issues in Vietnam
- The rights of men and women prescribed by law

2. Constitution of 1980 stipulates: "All citizens are equal before the law." (Article 52) This is a general provision for all, showing no gender discrimination. The Constitution further asserted: "Citizens, irrespective of ethnicity, gender, or social status, has the right to vote from 18 years old and older. Those 21 and over are eligible for candidate for election to the National Assembly and the People's Councils of all levels." (Article 54) "Male and female citizens have equal rights in all aspects of political, economic, social, and family. All acts of discrimination against women and women's dignity are prohibited". (Article 64)
3. In Constitution of 1992 (as amended and supplemented in 2001), Articles 53, 54, 63, and 65 are unchanged. They confirm the value of women's rights, which have been identified and promoted over two decades.
4. In addition to stating that no one should be subject to discrimination in Article 16. This Constitution also states that "1. The State shall adopt policies to guarantee the right to and opportunities for gender equality. 2. The State, society and family shall create the conditions for women to develop comprehensively and to advance their role in society. 3. Gender discrimination is prohibited." (Article 26)

- How the gender barrier affects the rights of women

CVGEAs will be able to *communicate*:

- Legislation related to gender equality in Vietnam
- How women and men have equal rights, both in general and specifically with respect to land and property ownership

CVGEAs will *bring to their communities*:

- Knowledge of the rights of men and women prescribed by law
- Awareness that women and men have equal rights, in general and in respect to land and property
- Understanding of Vietnam's commitment to the principle of gender equality

## Handouts

At the end of the module, there are three handouts that can be used both during the training and by CVGEAs in their own outreach or sensitization in their communities.

- Handout 1: Gender and Other Important Terms the 2006 Law on Gender Equality
- Handout 2: Constitution of the Socialist Republic of Vietnam
- Handout 3: Women's Rights and Property Rights Prescribed by Law
- Handout 4: "A Woman with Property" Illustration

**Total time:** 8 hours

# Learning about Gender, Gender Prejudice and Gender Inequality

## Background

Women's and men's rights have changed over time, usually reflecting mainstream gender norms in every society. This section will discuss what gender means and how gender equality is connected to our work on women's rights.

## Exercise: Distinguish Between Gender and Sex (30 minutes)

1. The trainer writes the characteristics of sex and gender on color cards. Features of Gender might be strong, coy, modest, breadwinners, housewives, crying; some characteristics of Sex could be beard, breast, testes, penis, uterus, vagina, etc.
2. Divide the table into three columns, the first column is "Men," the second is "Women," and the last column is "Both." After laying all the prepared color card on the floor, the trainer makes a request:
  - Please stand up and determine if these characteristics belong to men, women or both genders?
3. After all students have put color cards into three columns, the trainer asks if students want to change their answer. If they want to change, they can rearrange the cards.
4. The trainer will analyze all the traits to see which gender the trait truly belongs to.
5. After the sorting is completed, the trainer will merge the characteristics from column "Men" and column "Women" into one group and use open-ended questions to ask students:
  - According to you, where do these traits come from?
  - Are these specifications identical in regions, time, and culture?
  - Can these characteristics be changed?

6. Finally, the trainer introduces the concepts of Gender and Sex using Handout 1:

The 2006 Law on Gender Equality defines the following concepts:

- Gender indicates characteristics, position and role of women and men in all social relationships.
- Sex indicates the biological characteristics of male and female.

Gender and sex are differentiated in the 2006 law. The biological characteristics of male and female (sex) are natural, innate, unchanging, and identical everywhere. The fundamental difference between women and men is that women have menstruation, pregnancy, childbirth, or breastfeeding. Men are capable of producing sperm for women to conceive.

The social characteristics of men and women (gender) are unavailable from birth, but are behaviors, roles and positions of the person which are taught, socially expected, and regarded as belonged to men, women, boys, and girls. Gender varies by region and religion, and can change when political, economic, and social conditions evolve.

## Discussion: What Is Gender Prejudice? What Is Gender Inequality? (30 minutes)

1. In this section, the trainer can have the discussion in a large group or divide the class into three groups. Ask the participants: Please list the folk stories and proverbs about the identity of man and woman.
2. After students complete listing, the trainer analyzes each saying to highlight indications of bias, and to illustrate how the prejudices created inequalities in society.
3. Trainers introduce the concept of gender prejudice and gender inequality using Handout 1.

One reason to talk about women's property rights is because gender norms affect whether women can have or use property, have property taken from them, get help to reclaim property, earn an income and support themselves, or live on a piece of land.

*Gender norms* are the expectations society has about the roles, rights, responsibilities, abilities, behavior and importance of women, men, girls, and boys. Gender norms influence the rules that people live under and influence the opportunities and choices available to men and women, their decision-making power, their relationships, and their personal identities.

Gender is about:

- The tasks women, men, girls, and boys do.
- Women, men, girls, and boys have resources to do their tasks. Resources may include time, tools, assets, knowledge, and land.
- Benefits women, men, girls, and boys expect to gain from their efforts.
- Decision-making power women, men, girls, and boys have about the tasks they will do, the resources they will have, and the benefits they receive.
- Expectations women, men, girls, and boys have of each other and of themselves.

### **Exercise: Gender Norms (30 minutes)**

On the board or fresh sheets of paper, write "Women," "Men," "Girls," and "Boys." Assign small groups to each category. Ask the groups to write examples of:

- What people in their category do and do not do
- Resources they do and do not access
- Benefits they do and do not receive
- Decisions they do and do not make

When they have finished, ask the group to explain the norms they gave. Ask if they know of any woman, man, girl, or boy who does tasks, has resources, has decision-making, or has expectations outside the gender norms given. Then discuss how the norms influence their work as community rights workers. For example, it may affect the types of cases that come to them, what persons or parties they need to consult with, where they refer people to, the overall approach that they take, etc.

Women's property rights are important, not just for women, but for their families and villages because women affect everyone around them. See Handout 4: "A Woman With Property."

# The Constitution: The Highest Law of the Socialist Republic of Vietnam

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## **Discussion: Supremacy of Constitution** **(30 minutes)**

1. Explain that, in Vietnam, the Constitution is the supreme law. Ask the participants:
  - What is the Constitution?
  - Why would you say the Constitution is the fundamental law with the highest legal effect?
  - What does the Constitution say about the rights of women?
2. After participants answer, teachers read Article 119 of the Constitution (if possible have copies of the Constitution available).

### **Article 119**

1. The Constitution is the fundamental and supreme law of the Socialist Republic of Vietnam.

All other legal documents must conform to the Constitution.

All violations of the Constitution shall be dealt with.

2. The National Assembly and its agencies, the President, the Government, People's Courts, People's Procuracies, other agencies of the State, and all the People shall defend the Constitution.

The mechanism to defend the Constitution shall be prescribed by law.

### **Customary Law in Vietnam**

To a certain extent, customary law has a role because social values regulate social relations and help maintain stability in the community, ensuring community survival and development. Customary law is not law but rather the social norm that limits the behavior of individuals and communities in accordance with common interests. Customary law does not reflect the will and aspirations of the

whole community, so it is not a tool to maintain social dominance of a class, but it is a tool to adjust and regulate social relations between different members of the community.

Customary law covers and specifies the standards of ethics, social justice, cultural values, spirit, and traditions.

Customary law is not issued by an individual or supreme power, but instead emerges organically from a communities' shared belief about what is appropriate, and is passed down from generation to generation. There is no authoritative entity to enforce it but it is instead self-enforced by a communities' desire not to transgress these boundaries of appropriateness and of what they consider right and wrong.

Like the law, customary law is normative and coercive. However, customary law and the law are not consistent with each other, as outlined in the comparison table of the next page.

Thus, customary law maintain and order stability necessary for the development of society, adjust social relations.

### **Value of Customary Law**

- Customary law in a certain range, and in some areas most likely to replace formal law
- Customary law has additional roles for formal law in certain conditions
- Support for legislation in many areas, the role of customary law is especially important in the current period when the laws have not found a way of impacting the consciousness of individuals in ethnic minority groups. Further, the management from the State to the community does not penetrate people's lives. Therefore, customary law replaces formal law in many areas.

	Customary Law	Law
<i>Scope</i>	An ethnic group or a group of people, including many hamlets and villages	Effective in society, national
<i>Legal</i>	Simple, loose	Close
<i>Enforcement</i>	Voluntarily, enforcement by community	State enforcement
<i>Form</i>	Primarily transmitted orally through the “words that rhyme,” such as songs, singing worship, poetry, or through social practice activities. In general, the simple structure, perceived by human intuition.	Delimitation of the nature of the phenomenon is expressed in the form of state documents, structured closely with strictly issued procedures.
<i>Used</i>	Benefit to the location, maintain community order	Benefit to country, maintain public order
<i>Nature</i>	Peculiar local	General
<i>Knowledge</i>	Specific local knowledge	General knowledge
<i>Characteristics</i>	Soft, flexible, consensus of the community, in association with the cultural system	Principles, fixed. Directed from above. Beyond cultural system
<i>Goal</i>	Towards unity, solidarity	Towards the equal
<i>Means</i>	Word of mouth or documentation	Document

- In addition, customary law can substitute for existing legislation. Formal law does not anticipate reality perfectly, so customary laws acts as complementary forces that regulates social relations. The role of customary law is detailed, specifying rules that suit the actual circumstances.
- For example, legislation prohibits fishing using a number of means and methods of that are harmful. Customary law prohibits catching fish using chemical means.
- The role and value of customary law is to complement law, not replace it. Therefore, customary law must not contradict the basic principles of law. Experience shows that customary law is used in two ways:
  1. State grants to local agencies competence on certain issues that take effect within a residential unit in accordance with the provisions of law.
  2. The State recognizes the existence of customary law and customary law is considered as a part of the law. Legislation

only solves the problems that arise when local customary law is not resolved.

- The concept of customary law: Principles of conduct are unwritten and are based on morals, manners, customs, beliefs, and religion that—after being long applied—become a tradition that everyone follows.
- The content of customary law: Synthesis of the social norms that meet the requirement of maintaining and strengthening the unity of a community. They shape standards of conduct in social activities, establish hierarchy, and order the regulatory framework of social relations.
- Today, customary law guides case management and exploitation of resources, community relations, marriage and family, habits and customs, as well as beliefs and rituals.

### **Characteristics of Customary Law**

- The most highly developed form of customary law is both mandatory and done voluntarily by all the members in the community.

- Customary law reflects the unique cultural identity and social circumstance of the local community.

For example, according to customary law within an ethnic minority group in La ha, Nam Pam, Muong La, Son La, before getting married, the husband has to live with the wife's family for more than ten years, during which they may have children. After that time, the wife's parent agrees to a wedding. The husband brings the gifts to the wife's family and takes the bride and children to his house.

### **Exercise: Spot the Rights (1 hour)**

This exercise is intended to help the CVGEA become familiar with the Constitution, especially as it/they relate(s) to human rights.

1. Divide the participants into four groups and give each group a copy of Constitution.
2. Ask the first two groups to identify as many human rights as they can and to write them out in simple language.
3. Ask the next two groups to identify as many rights as they can about land or other property and to write them out in simple language.
4. Have the groups present what they have written.
5. After the presentations, the teacher summarizes, emphasizing that men and women have equal rights and that discriminatory behavior is prohibited. This is very important; it helps the CVGEA to express the rights of the community.
6. Wrap up the discussion by having the participants answer the questions.

See provisions on human rights in Articles 14, 15, 16, 26, and 32 of The Constitution of the Socialist Republic of Vietnam. (Handout 2, page 23)

# Rights & Human Rights

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## **Background: Rights**

The law is based on an understanding of rights. CVGEAs need to understand what rights are, where rights come from, and their own role in protecting and promoting rights, in particular property rights. CVGEAs may need to challenge negative perceptions some communities hold about the notion of rights. It is important that the CVGEAs can explain the concept of “rights” in a way that will promote community support, not resistance.

## **Discussion: What Are Rights? (30 minutes)**

1. Every culture has a concept of human rights. We use the word “rights” in our everyday language. We say things like, “She had a right to do that,” or, “We have a right to do this.” Ask participants to give examples of the use of the word “rights” from their own experiences.
2. When you feel that the group has a common understanding of what is meant by the word “rights,” open a discussion by asking participants:
  - What are rights?
  - What rights do we have?
  - From where do we get our rights?
  - Who gave them to us?
  - Can they be taken away?
3. Ask open-ended questions that expand on the discussion. You may have to ask contrary questions to enrich the discussion.
  - The law gives us rights?
  - Can the law decide which rights we have and which we don't?
  - Do men and women have the same rights?
  - Who can take away our rights?

## **Discussion: Human Rights (30 minutes)**

This is meant as a reflective discussion where participants slowly come to see the assumptions behind their beliefs. The aim is not to come up with a correct answer but to get people thinking about the concept of human rights.

1. Ask the participants to discuss in groups of two. Begin the discussion by asking the following questions:
  - What do you think the term “human rights” means?
  - Where do human rights come from?
  - Who can take away human rights?
2. Ask participants to give examples of human rights violations they have witnessed in their lives.

Some key points you may want to further introduce in the discussion include:

- Every person has human rights just because they are human.
- We are born with human rights, and they cannot be taken away.
- States confirm human rights in laws to reinforce protections for human rights.
- Every right comes with responsibilities. For example, because I have a right to live free of violence, I have a responsibility to respect others' right to safety.
- When a person's rights are violated, this is an act of injustice.
- Respect for other people's human rights is not an act of kindness, but a responsibility and an obligation.
- When people demand their rights, they are fighting for the justice they deserve. They are

not asking for welfare, kindness, or pity. When you promote anyone's rights, including women's rights, you are fighting for justice, not appealing to people's good will.

See provisions on human rights in Articles 14, 15, 16, 26, and 32 of the Constitution of the Socialist Republic of Vietnam. (Handout 2, page 18)

See provisions on human rights in Articles 29, 32, 37, 38, 39, 40, 41, 42, 44, 46, 47, 48, 49, 50, and 164 of The Civil Code. (Handout 2, page 21)

### **Exercise: Understanding Rights in Theory and in Practice (30 minutes)**<sup>5</sup>

In reality, sometimes people are unable to benefit from their human or legal rights. For a written legal right or a human right to become real, society must know about it and enforce it. This exercise will help participants understand how easily our basic rights can be denied.

1. Gather all participants together in a circle and ask them to hold hands.
2. Separate a female participant and place her out of hearing range.
3. Tell the other participants that the separated participant will be placed in the middle of the circle and that under no circumstances are they to allow her to get out.
4. Tell the separated participant to go inside of the circle and await instruction.
5. Once the participant is inside the circle, walk away, and then call out and tell her to come over to you.
6. Continue calling the participant inside the circle to come to you and watch as she increasingly tries to break free from the circle at different points.
7. Stop the exercise before the energy level gets too high.

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5. Popular Education for Human Rights: 24 Participatory Exercises for Facilitators and Teachers, by Richard Pierre Claude, University of Maryland, 2000.

8. Leave the circle intact with the separated participant still inside. Ask *each of the following questions* to ensure that participants recognize the difference between rights in theory and in practice, and understand the role of communities in both upholding and violating rights.

- Does the participant inside the circle still have freedom of movement in theory? ("Yes" should be the response because you have just taught about the inherent nature of human rights in the last exercise.)
- In practice, does this participant have freedom of movement right now? If not, why not?
- Who violated her human rights? If everyone agreed to keep her inside, is it still a violation of her rights?
- Whose responsibility is it to ensure that she has the right to freedom of movement?
- Who took away that right in practice? The facilitator? The participants?
- Even if participants were following instructions, they violated her human rights. No one questioned the facilitator's authority to make the rules; no one allowed her the freedom of movement that is hers by right. Thus, every person played a role in denying this person her human right.

9. Ask the participants to relate this exercise to how women's rights are restricted in the family/community/nation and what can be done to prevent the violations.

10. Continue the discussion by asking, "If all people are entitled to rights by the fact of their being human, why do we single out women's rights?"

### **Background: Exploring Rights With Respect to Property and Land**

Before introducing the law, it is crucial to begin with what participants believe regarding women's property rights, particularly concerning land. Exploration of their own beliefs is a good way to prepare participants to learn the law. The exercises are not intended to single out participants who may

be struggling with the notion of women's right to own property, or their rights to manage, use, or allocate land. Rather, the aim is to provide a safe space for participants to declare and investigate their own long-held beliefs about women's land rights and to help their evolution towards a highly-informed view. The session is the start of a life-long journey toward protection and promotion of women's land rights.

### **Exercise: Where Do I Stand? (45 minutes)**

This exercise will allow you to start the dialogue about the participants' beliefs around women's land rights.

1. Make three "islands" in room. The first island is called "Agree," the second one "Disagree," and the third one "Not Sure."
2. Explain that you will read a statement (see possible statements below) and the participants have to rush to the island that corresponds with what they think. For example, you could say, "Women have their names on the certificate of land use rights." If the participant agrees, he/she has to rush to the island of "Agree." Those who disagree must rush to the island of "Disagree." Those unsure move to the island of "Not Sure." Explain that everyone should choose an island according to personal beliefs, and not what he thinks the law is, or what you wish to hear.
3. After each statement, ask some people to explain why they chose that island. If there is sufficient time, ask each island group to write their explanations on a large sheet of paper and present to the entire group. Encourage people on the other islands to ask questions or comment respectfully.
4. If there are people on the "Not Sure" island, participants from other islands may try to persuade them to join their island by explaining their point of view.

It is best to choose only four or five statements, in order to leave time for discussion. You can create your own or choose from the following:

Possible Statements:

- All human beings are equal in rights and obligations.
- A wife's dowry will become the property of both wife and husband.
- Men are the owners of their families and have the right to decide everything without the wife's agreement.
- Girls have the right to receive a share of property left by parents when they get married, just like sons.
- Women should have equal decision-making powers in the home as men.
- Women should be able to inherit land both from their parents and from their husbands.
- A man should not tell his wife about all his land/property because women cannot be trusted.
- If women want to have their names on the certificate of land use rights, they should contribute to buying it.
- Women should have their name on the certificate of land use rights in case the marriage does not work out.

### **Optional Exercise: Personal Reflections (15 minutes)**

After the group presentations, ask the participants to reflect individually on what beliefs they may need to change to become better champions of women's land rights. They can write this individual reflection in their notebooks or you may ask them to share their thoughts in pairs.

One way to help participants further explore what they believe regarding women's land rights is to explore their own practices through questions such as:

- Do you have your name on any certificates of land use rights?
- Does your spouse have their name on a certificate of land use rights that you are living on?

- On the certificate of land use rights, does your family have the name of the couple or not?
- Do you view the land of your family as the man's or as shared between both spouses?
- Do you and your spouse share decision-making over your land?
- Do your girl children own land or a house?
- Would you give land or a house to your girl children?

# Property Rights

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## **Background: What are Property Rights?**

*Property* is something that is owned or possessed, including materials, money, valuable papers, and property rights. (Article 163, Civil Code) There are two main categories of property: real property and movable property. *Real property* (also called *immovable property*) is relatively permanent and cannot easily be moved from one place to another, such as land, house, pond, garden, and other assets attached to land. *Movable property* is more temporary and can be moved from one place to another. Examples are animals, furniture, bicycles, tools, clothing, bowls, and jewelry. (Article 174, Civil Code)

*People are not property.* According to the Constitution of Vietnam, all women, *regardless of marital status*, are equal citizens, as “all people are equal according to the law,” according to Chapter 2, Article 16 of the 2013 Constitution.

*Property rights* are claims people have on property and what they can do with a piece of property. Property rights include a bundle of rights about using the property, earning income from the property, transferring the property to others, and deciding who may use the property. For a given property, it may be that only one person has all of these rights. Many people also can have different rights over the same piece of property. Consider the following examples:

- The husband was given a motorcycle by his parents. Every day, the husband used the motorcycle as a taxi to transport passengers.
  - The motorcycle is the property of the husband, so the husband has the full rights to sell or lease the motorcycle.
  - The money earned from the passengers is the common property of the couple.
- A woman borrows two dairy cows from their parents. Every day, she and her husband milk

the cows. They use part of the milk for daily use and sell the rest.

- The woman and her husband have the right to use the cows and the proceeds from the sale of milk. The cows remain under her parents’ ownership. Her parents have the right to give, lease, or lend the pair of cows.
- A woman grows crops on a plot that was allocated to her by her husband’s family, as her husband’s family possesses the Red Book for this plot. She uses some of the land to produce food to feed her family and sells the rest. However, she cannot sell or rent the plot without the permission of her husband’s family.
  - The woman has use rights over the land and the right to income earned from the land. The rights to make transactions on the land are with the husband’s family.

See provisions on ownership in Article 32 of The Constitution of the Socialist Republic of Vietnam. (Handout 2, page 23) Also see Articles 164, 165, 169, and 170 of The Civil Code. (Handout 3, page 25)

## **Discussion: Sharing Experiences About Property Rights (30 minutes)**

Ask the group to use their experiences to give examples of or stories about each of the rights below:

- Right to use property
- Rights to sell, rent, or give away property
- Rights to decide how property will be used (for example, what crops will be grown on a plot)
- Right to control earnings from property (for example, who in a family decides what to do with income from selling crops)

### **Background: Who Makes Property Rights?**

- The Constitution of the Socialist Republic of Vietnam
- Specific laws
- Local customs

### **Background: Who Enforces Property Rights?**

Enforcing property rights happens not only when there is a problem or dispute, but every time that people use property, transfer property, or make decisions about property. By building people's knowledge of *everyone's* property rights, we also help to enforce property rights. People who enforce property rights include:

- Community volunteers for gender equality advocacy (CVGEA)
- Community members
- Clans, traditional leaders, and religious leaders
- Police
- Magistrates' Courts and other government bodies

### **Exercise: Women's Property Rights Benefit Everyone (45 minutes)**

Divide the class into three groups. Each group draws three columns on the board or a large piece of paper. Label the first column "Woman." Label the second column "Family." Label the third column "Village." You can also draw pictures of a woman, a family or a house, and a village.

Ask the groups to write or draw examples in each column of how a woman having access to or control over property (land, housing, animals, etc.) is good for her, benefits her family, and benefits her village or community. Ask the participants to explain their examples. An example of what the groups might come up with is given in Handout 3, "A Woman with Property," at the end of this module.

### **Discussion: Women's Property and Land Rights in Vietnam (45 minutes)**

1. Explain that Vietnam has many different cultures and traditions, and ask the participants to name several of the ethnic groups in Vietnam and tell some Vietnamese traditions that reflect the equality of women
2. Ask the participants to read the examples below of the rights women do and do not have according to different customs.
  - In some areas of the Muong ethnic group (Hoa Binh province), the women have the right to use livestock and products harvested on the land of their family or their husband's family. However, they may not have their name on the certificate of land use rights. When they get married, their parents divide their land among their sons, not daughters. There is a notion that when a girl gets married she belongs to her husband's family. Therefore, sons always inherit the property the parents leave.
  - "Women are not equal to men, so when parents divide land, the girls' share should be less than boys." (Officer, Tan An commune, Long An province)
  - "Women do not have the right to dispose of assets, or to rent or sell land. That is mostly a man's decision." (Officer, Long An province)
  - "In this region, few women enjoy the right to dispose of assets. A family has a fish pond, and both husband and wife take care of the pond. But when they sell the fish, the husband decides the sale date, price... Women are not realizing their rights; they still think men should decide everything." (Officer, Duong Quang commune, Hung Yen province)
  - "Most land here is divided amongst the sons. Because the girl is usually married and stays in her husband's house, while the son stays with his parents. Only in the case that there are no sons will the girl inherit property." (Officer, Hung Yen province)

3. Use the questions below to start a discussion about community perceptions of women's property ownership.
- According to your own culture and custom, can women own land? Does it matter if a woman is married or not?
  - Do you know any women in your communities who have land or other property? What property do they have? How are the women and their families different from others in your communities? How are the women and their families like others?
- Do you know any husbands and wives that own land or property together? How are they different from other couples? How are they like other couples?
  - What good or bad things would people in your community say about a woman who owns land?
  - What good or bad things would people in your community say about a man whose wife owns land?

# Handout 1

## Gender and other Important Terms in the 2006 Law on Gender Equality

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### Articles 5 and 6 of the 2006 Law on Gender Equality define the following terms:

1. Gender indicates the characteristics, positions, and roles of men and women in all social relationships.
2. Sex indicates biological characteristics of man and woman.
3. Gender equality indicates that man and woman have equal position and role; are given equal conditions and opportunities to develop their capacities for the development of the community and family; and equally enjoy the achievement of that development.
4. Gender preconception represents a negative attitude, acknowledgement, and assessment of the characteristics, position, role, and capacity of a man or woman.
5. Gender discrimination is an act of restricting, excluding, not recognizing, or not appreciating the roles of men and women, leading to inequality between men and women in all fields of social and family life.
6. The measure to promote gender equality is the measure aimed at ensuring substantial gender equality set forth by state authorities in cases where there remain considerable disparity between the positions, roles, conditions, and opportunities for men and women to reach their full potential, and to enjoy the achievement of the development reached by Vietnam wherever the application of equal regulations for man and

woman cannot remove this disparity. The measure to promote gender equality is to be implemented for a certain period of time and shall end when the gender equality goals have been achieved.

7. Mainstreaming gender equality in the process of making legal normative documents is aimed at achieving the goal of gender equality by defining gender issues, and forecasting the gender impact of documents, responsibilities, and resources to deal with gender issues in the social relations that are impacted by legal normative documents.
8. Gender equality activities are activities implemented by agencies, organizations, families, and individuals to achieve the gender equality goal.

### Article 6 states the following basic principles on gender equality:

1. Man and woman are equal in all fields of social and family life.
2. Man and woman are not discriminated against in terms of gender.
3. Measures aimed at promoting gender equality are not considered gender discrimination.
4. Policies aimed at protecting and supporting mothers are not considered gender discrimination.
5. Ensuring gender mainstreaming in the process of development and implementation of laws.
6. Exercising gender equality is the responsibility of agencies, organizations, families, and individuals.

## Handout 2

# The Constitution & Rights of All Citizens

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The Constitution was adopted on November 28, 2013, at the 6<sup>th</sup> session of the XIIIth National Assembly of the Socialist Republic of Vietnam. It consists of 11 chapters and 120 articles, and addresses most of the basic political, civil, economic, social, cultural, and human rights.

### **The Constitution provides equal rights for everyone**

“In the Socialist Republic of Vietnam, human rights and citizens’ rights in the political, civil, economic, cultural, and social fields shall be recognized, respected, protected, and guaranteed in accordance with the Constitution and law.” (Clause 1, Article 14)

The rights and obligations of citizens are not subject to discrimination by gender, ethnicity, creed, religion, wealth, social background, or status. Under the same conditions, citizens enjoy the same rights and obligations and have the same legal status. But the extent of rights and obligations depends very much on the possibilities, conditions, and circumstances of each person. The state should have an important role in ensuring that citizens exercise their rights and obligations equally. Citizens need to properly implement the obligations stipulated in the Constitution and laws to determine the conditions for the use of their rights.

### **The Constitution provides that everyone has the right to ownership of land and property. All people are equal in rights and obligations**

“Land, water resources, mineral resources, resources in the sea and airspace, other natu-

ral resources, and property managed or invested in by the State are public property, owned by all the people, and represented and uniformly managed by the State.” (Article 53)

Land is public property owned by the people, but the State represents owners and unified management. Women and men have equal rights to land. Everyone has the right to own property alone or property ownership with other.

### **The Constitution provides that citizens are obliged to:**

- To respect the rights of others. (Clause 2, Article 15)
- To be loyal to the Fatherland. (Article 44)
- To defend the Fatherland. (Clause 2, Article 45)
- To obey the Constitution and law, participate in the safeguarding of national security and social order, and observe the rules of public life. (Article 46)

### **The Constitution provides that the court enforces the rights and freedom of all citizens**

The rights of citizens are recognized and protected by the State. The People’s Courts are the judicial bodies of the Socialist Republic of Vietnam that exercise judicial power. The People’s Courts have the duty to safeguard justice, human rights, citizens’ rights, the socialist regime, the interests of the State, and the rights and legitimate interests of organizations and individuals. (Article 102).

The Constitution recognizes and guarantees human rights in accordance with international treaties, to which Vietnam is a signatory party. The Constitution also clarifies the rights and obliga-

tions of citizenship and fundamental responsibility of the State to ensure the implementation of human rights, civil rights, demonstrate the democratic nature of our State. Articles 14, 15, 16, 26, and 32 recognize human rights, civil rights, property rights; encourage equality and prohibit discrimination.

#### **Article 14**

1. In the Socialist Republic of Vietnam, human rights and citizens' rights in the political, civil, economic, cultural, and social fields shall be recognized, respected, protected, and guaranteed in accordance with the Constitution and law.
2. Human rights and citizens' rights may not be limited unless prescribed by a law solely in case of necessity for reasons of national defense, national security, social order and safety, social morality, and community well-being.

#### **Article 15**

1. Citizens' rights are inseparable from citizens' obligations.
2. Everyone is obliged to respect the rights of others.
3. Citizens shall perform their obligations toward the State and society.
4. The exercise of human rights and citizens' rights may not infringe upon national interests and others' rights and legitimate interests.

#### **Article 16**

1. All people are equal before law.
2. No one is subject to discriminatory treatment in political, civil, economic, cultural, or social life.

#### **Article 26**

1. 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.
2. The State, society and family shall create the conditions for women to develop comprehensively and to advance their role in society.
3. Gender discrimination is prohibited.

#### **Article 32**

1. Everyone has the right to ownership of his or her lawful income, savings, housing, chattels, means of production, and capital contributions to enterprises or other economic entities.
2. The right to private ownership and the right to inheritance shall be protected by law.
3. In cases of extreme necessity for national defense or security reasons; or in the national interest, a state of emergency, or in response to a natural disaster, the State may compulsorily purchase or requisition the property of organizations or individuals and pay compensation at market price.

# Handout 3

## Property Rights & Women's Rights under the Law

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After hundreds of years of struggle, women's rights have become recognized and respected across the world. Many international treaties and multinational organizations have highlighted women's rights as a responsibility of the civilized world. In Vietnam, women's rights have been an issue since Vietnam gained independence from colonial powers. After the war, Vietnam enacted legislation on civil rights and women's rights.

### The Civil Code

#### Article 5: The principle of equality

In civil relations, the parties shall be equal and shall not invoke differences in ethnicity, gender, social status, economic situation, belief, religion, educational level, and occupation as reasons to treat each other unequally.

#### Article 29: The right to registration of birth

Individuals, when born, shall have the right to have their births registered.

#### Article 32: The right to safety of life, health, and body

1. Individuals shall have the right to safety of life, health, and body.
2. When a person discovers another person had an accident or is sick whereby his/her life is threatened, the person who discovers him/her shall have the responsibility to deliver such person to a medical establishment; the medical establishment must not refuse to provide treatment to the person, and shall have to utilize all available means and capabilities to cure him/her.
3. The application of new curative methods on the

body of a person and the anesthetization, surgery, amputation, implantation, and grafting of body organs must have his/her consent; if the person is a minor, has lost the civil act capacity, or is an unconscious patient, the consent of his/her father, mother, guardian, or next of kin is required. In cases where there is a threat to the life of a patient which cannot wait for the opinions of the above-said persons, a decision of the head of the medical establishment is required.

4. A post-mortem operation shall be performed in the following cases:
  - a) Where it is so consented by the decedent before his/her death;
  - b) Where it is so consented by the decedent's father, mother, wife, husband, adult children, or guardian when there is no opinion of the decedent before he/she dies;
  - c) Where it is so decided by a competent medical organization or a competent state agency in cases of necessity.

#### Article 37: The right to protection of honor, dignity, and prestige

Individuals' honor, dignity, and prestige shall be respected and protected by law.

#### Article 38: The right to personal secrets

1. An individual's rights to personal secrets shall be respected and protected by law.
2. The collection and publication of information and materials on the private life of an individual must be consented by that person. In cases where that person has died, lost his civil act capacity, or is under full fifteen years old, the consent of his/her father, mother, wife, husband, adult children, or representative is required, ex-

cept for cases where the collection and publication of information and materials are made by decision of a competent agency or organization.

3. Letters, phone calls, telegrams, and other forms of electronic information of individuals shall be safely and confidentially guaranteed. The inspection of an individual's letters, phone calls, telegrams and/or other forms of electronic information may be performed only in cases where it is so provided for by law and decided by competent state agencies.

### **Article 39: The right to marriage**

Men and women who have fully met the conditions for marriage in accordance with the law on marriage and family shall have the right to marry at will.

The freedom of marriage between persons belonging to different ethnicities and/or religions, between religious and non-religious persons, and between Vietnamese citizens and foreigners shall be respected and protected by law.

### **Article 40: The right to equality between husband and wife**

Husband and wife are equal to each other, shall have the same rights and obligations in all respects in family and in civil relations, and shall together build a plentiful, equitable, progressive, happy, and lasting family.

### **Article 41: The right to enjoy mutual care among family members**

The members of a family shall have the right to enjoy mutual care and assistance in accordance with the fine moral traditions of the Vietnamese family.

Children and grandchildren who are minors shall benefit from the care and upbringing of the mother, father, and grandparents; children and grandchildren shall have the duty to respect, care for, and support their parents and grandparents.

### **Article 42: The right to divorce**

A wife or husband, or both the wife and the husband, shall have the right to request the Court to resolve their divorce.

### **Article 44: The right to adopt a child and the right to be accepted as an adoptive child**

An individual's right to adopt a child and right to be accepted as an adoptive child shall be recognized and protected by law.

The adoption of a child and the process of being accepted as an adoptive child shall comply with the provisions of law.

### **Article 46: The inviolable right to place of residence**

Individuals shall have the inviolable right to their places of residence.

The entry into the place of residence of a person must be consented by that person.

The search of a place of residence of a person shall be performed only in cases where it is so provided for by law and where there is a warrant from a competent state agency; the search must comply with the order and procedures specified by law.

### **Article 47: The right to freedom of belief and religion**

1. Individuals shall have the right to freedom of belief and religion, including the right to not adhere to any religion.
2. No one may infringe upon the freedom of belief and religion, or abuse beliefs or religions, or to infringe upon State interests, public interests, or legitimate rights and interests of other persons.

### **Article 48: The right to freedom of movement, freedom of residence**

1. Individuals shall have the right to freedom of travel and freedom of residence.
2. An individual's freedom of travel and/or freedom of residence may be restricted only by decision of a competent state agency and in accordance with the order and procedures specified by law.

### **Article 49: The right to work**

Individuals shall have the right to work.

Every person shall have the right to work, the freedom

to choose a job or occupation without being discriminated against on the ground of his/her ethnicity, sex, social status, belief, or religion.

#### **Article 50: The right to freedom of business**

Individuals' right to freedom of business shall be respected and protected by law.

Individuals shall have the right to choose the forms, areas, and lines of business, to establish enterprises, to freely enter into contracts and hire labor, and other rights in accordance with the provisions of law.

#### **Article 164: Ownership rights**

Ownership rights comprise an owner's rights to possession, to use, and to disposition of his/her property in accordance with the provisions of law.

Owners are individuals, legal persons, or other subjects, having all three rights, which are the right to possession, the right to use, and the right to disposition of their property.

#### **Article 165: The principle for exercising ownership rights**

Owners may perform all acts on their own will with respect to their property without causing damage to or affecting State interests, public interests, or legitimate rights and interests of other persons.

#### **Article 169: Protection of ownership rights**

1. Ownership rights of individuals, legal persons, or other subjects shall be recognized and protected by law.
2. No one may be illegally restricted in or deprived of his/her ownership rights to his/her property.
3. Owners shall have the right to protect their ownership rights by themselves, to prevent any person from infringing upon their ownership rights, to search for and reclaim property that has been possessed, used, or disposed of by other persons without legal bases.
4. In cases of extreme necessity for reasons of national defense, security, or national interests, the State may effect a compulsory purchase or requisition with compensation of the property of

individuals, legal persons, or other subjects in accordance with the provisions of law.

#### **Article 170: Basis for establishing ownership rights**

Ownership rights to property shall be established in the following cases:

1. Through labor or lawful production and business activities;
2. Ownership rights are transferred under an agreement or a decision of a competent state agency;
3. Yields and profits gained;
4. A new thing created from merger, mixture, or processing;
5. Inheritance of property;
6. Possession under conditions specified by law of ownerless things, or things which have been let drop on the ground or left over out of inadvertence or buried, stray domestic animals or poultry, or raised aquatic animals which naturally move in;
7. Possession of property without a legal basis but in good faith, continuously and openly in accordance with the statute of limitations specified in Clause 1, Article 247 of this code;
8. Other cases specified by law.

## **The Law on Gender Equality**

#### **Article 5**

1. Gender indicates the characteristics, positions, and roles of men and women in all social relationships.
2. Sex indicates biological characteristics of men and women.
3. Gender equality means that men and women have equal positions, roles, and opportunities to develop their capacities for the benefit of their family and community, and to equally enjoy earnings from such achievements.

4. Gender preconception is a negative attitude pre-judging the characteristics, position, role, and capacity of a man or woman.
5. Gender discrimination indicates the act of restricting, excluding, not recognizing, or not appreciating the role and position of man and woman, leading to inequality between men and women in all areas of social and family life.

**Article 11: Gender equality in the field of politics**

1. Man and woman are equal in participating in state management and social activities.
2. Man and woman are equal in participating in the formulation and implementation of village codes, community regulations, agencies, and regulatory organizations.
3. Man and woman are equal in self-nominating as candidates or in nominating candidates to the National Assembly or people’s councils; and are equal in self-nominating as candidates and in nominating other candidates to leading agencies of political organizations, socio-political organizations, socio-political and professional organizations, social organizations, socio-professional organizations.
4. Man and woman are equal in terms of professional qualifications and age when they are promoted or appointed to the same posts of management and leadership in agencies and organizations.
5. Measures to promote gender equality in the field of politics include:
  - a) To ensure the appropriate proportion of female members in the National Assembly and people’s committees, in accordance with national gender equality goals.
  - b) To ensure the appropriate proportion of women to hold titles as appointed officials in state agencies, in accordance with the national gender equality goals.

**Article 12: Gender equality in the field of economy**

1. Man and woman are equal in setting up a business, carrying out business and production activities, managing business; and are equal in accessing information, capital, markets, and labor sources.
2. Measures to promote gender equality in the field of economy include:
  - a) Enterprises employing many female workers shall be given tax and financial preferential treatment, according to the regulations of the law.
  - b) Female workers in rural areas shall be given credit and encouraged to expand agriculture, forestry, and fishery, according to the law.

**Article 13: Gender equality in the field of labor**

1. Man and woman are equal in terms of qualifications and age in recruitment; are treated equally in workplaces regarding work, wages, pay and bonus, social insurance, labor conditions, and other working conditions.
2. Man and woman are equal in terms of qualifications and age when they are promoted or appointed to hold titles in the title-standard professions.
3. Measures to promote gender equality in the field of labor include:
  - a) To provide for proportion of man and woman to be recruited;
  - b) To train and enhance capacity and capability for female workers;
  - c) Employers create safe and hygienic working condition for female workers in some hard and dangerous occupations, or those that have direct contact with harmful substances.

#### **Article 14: Gender equality in the field of education and training**

1. Man and woman are equal in terms of age for schooling, training, and fostering courses.
2. Man and woman are equal in choosing professions and occupations for learning and training.
3. Man and woman are equal in accessing and benefiting from the policies on education, training, fostering of professional knowledge, and skills.
4. Female officials and public servants bringing along their children less than 36 months of age when participating in training and fostering activities shall be given assistance and support as provided by the Government.
5. Measures to promote gender equality in the field of education and training include:
  - a) To provide for the proportion of men and women participating in the study and training;
  - b) To assist female workers in rural areas in vocational training under the law.

#### **Article 15: Gender equality in the field of science and technology**

1. Men and women are given equal opportunities in science and technology.
2. Men and women are given equal opportunities to participate in training courses in science and technology, to disseminate the results of scientific and technological studies, and to file patents.

#### **Article 16: Gender equality in the fields of culture, information, and sport**

1. Man and woman are equal in participating in cultural, information, and sport activities.
2. Man and woman are equal in enjoying culture, and in using sources of information.

#### **Article 17: Gender equality in the field of public health**

1. Man and woman are equal in participating in the activities of education and communication on

health care, reproductive health, and in using health services.

2. Man and woman are equal in choosing and deciding on contraceptive measures, and for protection against HIV/AIDS and other sexually transmitted infections.
3. Poor ethnic minority women residing in remote and mountainous areas, excluding those who pay compulsory social insurance, shall be supported when giving birth to a child in accordance with the population policy, as provided by the Government.

#### **Article 18: Gender equality within families**

1. Wife and husband are equal in the civil relationship and other relationships related to marriage and family.
2. Wife and husband have equal rights and duties in possessing common assets and are equal in using their common income and family resources.
3. Wife and husband are equal in discussing and deciding the appropriate family planning measures, and using leave to take care of their children, as provided by the law.
4. Boys and girls are given equal care, education, and provided with equal opportunities to study, work, enjoy, entertain, and develop by the family.
5. Female and male members in the family have the responsibility to share housework.

#### **Article 28: Responsibility of the people's committee at all levels**

1. To develop a plan to implement the national goals of gender equality at the local level.
2. To submit to the people's councils to promulgate the legal normative documents on gender equality within its jurisdiction.
3. To implement law on gender equality at the local level.
4. To inspect, examine, and handle violations against the law on gender equality within its jurisdiction.
5. To organize and conduct the outreach campaign on gender equality for the local people.

### **Article 29: Responsibility of the Vietnam Fatherland Front and its member organizations**

1. To participate in the development of policies and laws and to participate in state management of gender equality under the law.
2. To ensure gender equality in the organizations.
3. To participate in overseeing the implementation of the law on gender equality.
4. To propagate and mobilize the people and members of associations or organizations to exercise gender equality.

### **Article 30: Responsibility of the Vietnam's Women Union**

1. To implement the regulations in Article 29 of this Law.
2. To conduct activities in support of women and contributing to the fulfillment of the gender equality goals.
3. To coordinate with relevant agencies and organizations to foster and recommend qualified women as candidates to the National Assembly and people's councils; and to recommend qualified women to participate in management of agencies at all levels in the political system.
4. To exercise the representative function, protecting the legitimate rights and interests of women and girls under the law.
5. To conduct social opponency against policies and laws concerning gender equality.

### **Article 33: Responsibility of the family**

1. To create favorable conditions for family members to raise their awareness and knowledge about gender equality, and to participate in gender equality-related activities.
2. To educate members of the family to be responsible for sharing housework and allocating housework to members of the family in an appropriate manner.
3. To take care of reproductive health and create favorable and safe conditions to support women in motherhood.

4. To equally treat and provide equal opportunity to boys and girls in their study, work, and participation in other activities.

### **Article 34: Responsibility of citizens**

Male and female citizens have the responsibility:

1. To study to improve knowledge and awareness of gender and gender equality.
2. To guide other people to exercise reasonable behaviors on gender equality.
3. To criticize and prevent any acts of gender discrimination.
4. To oversee the implementation and ensure gender equality within communities, organizations, agencies, and among citizens.

### **Article 40: Violations of the law on gender equality in the fields of politics, economy, labor, education and training, science and technology, culture, information, sports, and public health**

1. Violations of the law on gender equality in the fields of politics include:
  - a) Impeding a man or woman from self-nominating as candidate and/or from nominating candidates to the National Assembly, people's councils, to leading agencies of the political organizations, socio-political organizations, socio-political and professional organizations, social organizations, social and professional organizations for gender preconception reasons;
  - b) Impeding or otherwise not carrying out the appointment of a man or woman to the posts of managers, leaders, or professional titles for gender preconception reasons;
  - c) Making and carrying out gender discriminatory village codes and community conventions, or in the regulations of the agencies and organizations.
2. Violations against the law on gender equality in the field of economy include:
  - a) Impeding or preventing a man or woman from

- setting up a business, or carrying out business activities, for gender preconception reasons;
- b) Conducting commercial advertisements that cause adverse consequences to a business owner or trader of one certain gender.
3. Violations of the law on gender equality in the field of labor include:
    - a) Applying different qualifications in recruiting male and female workers to the same job that both male and female workers are qualified for and have the same level and ability to perform, except for cases requiring the application of measures to promote gender equality;
    - b) Refusing to recruit, limiting recruitment, firing, or dismissing workers for gender reasons or because of pregnancy, childbirth, or childcare needs;
    - c) Implementing discriminatory allocation of jobs between men and women leading to income inequality, or applying different pay levels for workers of the same qualifications and capacity for gender reasons.
    - d) Not carrying out specific provisions for female workers in the labor law.
  4. Violations against the law on gender equality in the field of education and training include:
    - a) Laying down different ages for training and enrolling between man and woman;
    - b) Agitating or forcing other people to leave school for gender reasons;
    - c) Refusing to enroll those that are qualified for training and fostering courses for gender reasons, or because of pregnancy or children;
    - d) Career-oriented education, compilation, and dissemination of textbooks that contains gender preconception.
  5. Violations against the law on gender equality in the field of science and technology include:
    - a) Impeding men or women from participating in science and technology activities;
    - b) Refusing the participation of one gender in training courses on science and technology.
  6. Violations against the law on gender equality in the field of culture, information, and sport include:
    - a) Impeding a man or woman from composing music, writing literary and artistic criticism, performing, or participating in other cultural activities for gender reasons;
    - b) Composing, circulating, and authorizing the publication of works under any genre or form to encourage or propagate gender inequality and gender preconception;
    - c) Campaigning—independently or by inciting other people—to advance gender discrimination in any form.
  7. Violations of the law on gender equality in the field of public health include:
    - a) Impeding, inciting, or forcing other people not to participate in the activities of health education for gender preconception reasons;
    - b) Choosing a fetus for its gender or inciting or forcing other people to abort because of a fetus's gender.

**Article 41: Violations of the law on gender equality in the family**

1. Impeding family members qualified under the law from participating in the determination of assets of common family property for gender reasons.
2. Not allowing or impeding family members from contributing their opinion to the use of common assets of the family, from conducting income earning activities, or satisfying other needs of the family for gender preconception reasons.
3. Unequally treating family members for gender reasons.
4. Constraining or forcing family members to leave school for gender reasons.
5. Imposing family work and the management of contraceptive measures as responsibilities of members of certain gender.

## **Article 42: Forms of handling violations of the law on gender equality**

1. Those who commit any violation of the law on gender equality, depending on the nature and level of the violation, shall be subject to disciplinary measures, administration sanctions, or criminal prosecutions.
2. Agencies, organizations, or individuals whose violations of the law on gender equality have caused damages shall have to provide compensation in compliance with the law.

## **The Marriage and Family Law**

### **Article 17: Equality in obligations and rights between husband and wife**

Husband and wife are equal to each other, having equal obligations and rights in all aspects of their family.

### **Article 21: Respect for honor, dignity, and prestige of husband and wife**

Husband and wife respect each other and preserve each other's honor, dignity, and prestige.

### **Article 22: Respect for the right to freedom of religion and belief of husband and wife**

Husband and wife respect each other's right to freedom of belief and religion.

### **Article 23: The rights and obligations of learning, working, participating in political, economic, cultural, and social activities**

Husband and wife discuss things together; help create conditions for each other to study and raise their educational level, professional qualifications, and skills; take part in political, economic, cultural, and social activities.

### **Article 29: General principles about property regime of husband and wife**

1. Husband and wife are equal in rights and obligations in creating, possessing, using, and disposing of common property, not distinguishing between labor in the family and labor for income.

2. Husband and wife are obliged to ensure conditions meet the basic needs of the family.

### **Article 30: Consequences of the division of common property of husband and wife**

Where common property of husband and wife is divided, yields or profits arising from the divided property shall belong to the ownership of each person; the undivided property portion remains under the common ownership of husband and wife.

### **Article 32. Personal property of husband and wife**

1. Husband and wife have the right to own personal property.

Personal property of husband and wife includes property owned by each person before their marriage; property inherited and/or given separately during the marriage period; property separately divided to husband or wife under Clause 1, Article 29 and Article 30 of this Law; personal belongings and jewelry.

### **Article 33: Common property of husband and wife**

1. Common property of husband and wife includes property created by husband and wife, incomes generated from labor, production, business activities, and other lawful incomes of husband and wife during their marriage, except for cases prescribed in Clause 1, Article 40 of this law. Property jointly inherited, or given to both, and other property agreed upon by husband and wife is common property.
2. The land use right obtained by husband and wife after their marriage is their common property. The land use right obtained before the marriage or personally inherited by husband or wife shall be common property only if so agreed upon by husband and wife.
3. Common property of husband and wife falls under common ownership by integration, used only to ensure the family's needs and perform their common obligations.
4. Where there is no evidence proving that a property being in dispute between husband and wife

is his/her personal property, such property is common property.

**Article 103: The rights and obligations between family members**

1. Family members have rights and obligations of concern, care, support, and respect. Rights, legitimate interests, and personal property of the family members stipulated in this law, the Civil Code, and other relevant laws are legally protected.
2. If living together, family members are obliged to participate in labor creating income or other assets to maintain the family's life in accordance with their actual capabilities.
3. The State has policies to help each other, in order to preserve and promote the good tradition of families in Vietnam, as well as to encourage individuals and organizations in society to participate in the preservation and promotion of the family.

## Handout 4

# “A Woman with Property” Illustration

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# A WOMAN WITH PROPERTY

## ADVANCES HERSELF BY:



Earning more money



Starting other business activities



Caring for her health



Improving education and skills

## ADVANCES HER FAMILY BY:



Generating more income



Family life is improved



Providing healthcare for family members



Assisting family members to advance learning and formal education



Procuring necessary household equipment

## ADVANCES HER VILLAGE OR COMMUNITY BY:



Contributing wealth



Creating jobs for others in the community



Contributing to reduce political instability



Improving the lives of people in the village/community



Supporting the health of members in the village/community



Strengthening the solidarity of the villages/communities



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