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ABSTRACT PROCEEDINGS

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SESSION 1

FEMINIST LAW: VISION AND IMPLICATION

FEMINIST LAWMAKING

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Feminist visions of how the law could be more inclusive of women date back many centuries. One of the earliest examples was Olympe de Gouges' 'Déclaration des droits de la femme et de la citoyenne', a rewriting of the French revolutionary *Déclaration des droits de l'homme et du citoyen* from the perspective of women and with women rather than men as the subjects. For much of the period following this landmark intervention, feminists seeking to change the law in the interests of women were compelled to do so indirectly, by convincing male legislators, lawyers and judges of the merits of their cause or their arguments.

More recently feminists have become legislators, lawyers, judges and members of international committees, and have therefore been able to exercise greater agency as lawmakers. Laws and judicial decisions inspired by feminist campaigns and feminist thought have become more prevalent, and have been widely documented, in national jurisdictions and internationally.

The latest 'wave' of feminist lawmaking has returned to the example of Olympe de Gouges and is engaged in more extensive and systematic initiatives to inscribe feminist theory into law, through feminist court processes, feminist judgment projects and feminist legislation projects, which aim to demonstrate how laws and judicial decisions could be different if informed by a feminist perspective.

In this paper I will review the variety of ways in which feminists have influenced, tried to influence, imagined or prefigured changes to the law, and will reflect on what this history tells us about the evolving relationship between feminism and law.

INTEGRATING FEMINIST LEGAL THEORY INTO VIETNAMESE LAW

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Historically, in feudal and colonial times, Vietnamese women shouldered the burden of breadwinners alongside their conventional role as caregivers, while men devoted their time to military services or mandarin education and careers. Women's rights, particularly property rights, were recognised in feudal codes, but these did not empower women's position in society. Instead, they were primarily a means to maintain the economy within a patriarchal system of political power. The first constitution, in 1946, after the country gained independence from France, acknowledged equal voting rights for men and women. Also, Vietnam became a state party of the CEDAW in 1982 and enacted the Law on Gender Equality in 2006. The paper argues that despite the effort to achieve the same treatment as a standard of gender equality today, the Vietnamese legal system lacks a theoretical framework to delve into the complex interplay between law and gender. By exploring how Vietnamese law has addressed women's issues, the paper seeks to demonstrate the identity of Vietnamese feminism and discuss how to adopt feminist legal theory in this context

MAINSTREAMING GENDER INTO POLICY AND LAW: FROM THEORY TO PRACTICE

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Mainstreaming gender in policy and law is a strategic solution to promote gender equality in a profound way. Gender mainstreaming helps increase people's trust in the government, promote transparency and reduce gender stereotypes. However, how to mainstream gender in policy and law is still a difficult problem that requires discussion and sharing. This paper discusses how to mainstream gender in policy and law, focusing on gender mainstreaming in the policy-making stage and the practice of mainstreaming gender in a specific draft law, the draft Law on Juvenile Justice. On that basis, the paper promotes recommendations to ensure gender equality for this draft law. The paper shows that to effectively mainstream gender in laws and policies, it is necessary to strengthen practice, in addition to the communication about the importance of gender mainstreaming. How to mainstream gender in policy and law? That question has been risen throughout in the paper. The paper also provides answers along with specific recommendations to help ensure gender equality in the mentioned draft law.

Keywords: Gender mainstreaming; gender mainstreaming in policy and law; recommendations to ensure gender equality; draft Law on Juvenile Justice; gender equality.

THE CONTRIBUTION OF FEMINIST LEGAL THEORY TO THE ANALYSIS OF GENDER STEREOTYPES

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The legal analysis of gender stereotypes has gained momentum among human rights scholars and legal philosophers over the past decades. Attention has been drawn to the definition of stereotypes as generalizations about traits and roles of specific social groups, their classification into descriptive and prescriptive ones, as well as the conceptualization of their (individual) harms, with a specific focus on judicial reasoning. Recent scholarship has also explored the implications of intersectionality theory in the analysis of stereotyped arguments.

Despite decades of research, the study of gender stereotypes keeps eliciting inquiries to fine-tune their legal definition, the scope of their harms, and their function.

This paper will shed light on the contributions of feminist theory and method to the study of gender stereotypes. It will delve on how feminist insights on the dilemma of difference, the individual vs structural debate, and contextual analysis are essential to the analysis of gender stereotypes. It is argued that feminist legal theory has a great and yet unexplored potential to illuminate the gray spots that persist in our understanding of gender stereotypes.

Keywords: gender stereotypes; feminism; feminist legal theory; generalization; context

LEGAL EPISTEMOLOGY VERSUS EPISTEMOLOGY OF FEMINIST JUDGMENT PROJECTS. THE CASE OF POLAND

Lidia M. Rodak

The presuppositions of feminist epistemology stand in opposition to the epistemology of law, particularly that based on the doctrine of legal positivism or legal centralism. These are two distinct ways of thinking, belonging to separate paradigms, theoretically irreconcilable. Feminist jurisprudence points out the differences between the two narratives: the distinct vision of the individuals and of social relations, which at the level of epistemology amounts to objectivity and rationality belonging to the traditional legal narrative, and subjectivity/positionality on the side of feminist jurisprudence. Operating at two opposite poles of thought may lead to the conclusion that Feminist jurisprudence has nothing to offer beyond its critical potential, while the traditional jurisprudence is unable to absorb women's experiences and perceptions. Does this imply that, therefore, we are doomed to the failure of speaking separate languages, using separate concepts and remaining locked in oppositional oppositions?

The main aim of this presentation is first of all to reconstruct the epistemology of Feminist Judgment Projects, and secondly to analyse how it extends the foundations of traditional thinking by integrating women's experiences and perspectives into jurisprudence without disorganizing it. In particular, I will analyse a Polish case of sexist advertisement (I ACs 1034/12) as a part of the Feminist Judgments Project in Central and Eastern Europe.

Key words: feminist epistemology, legal epistemology, feminist judgment project, feminist jurisprudence

GENDER EQUALITY, NEOLIBERALISM, AND THE LAW: A CRITICAL DISCOURSE ANALYSIS OF VIETNAM'S 2006 GENDER EQUALITY LAW

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This paper critically analyzes Vietnam's 2006 Gender Equality Law (VGEL) through Foucauldian discourse analysis, highlighting its neoliberal underpinnings and failure to address structural gender inequalities. VGEL's emphasis on formal equality promotes the neoliberal ideal of the "self-empowering woman," sidelining collective action and systemic change. Drawing on Carol Smart's feminist legal critique, this paper argues that VGEL reinforces patriarchal structures. In a context lacking a strong feminist tradition, discourse analysis offers a starting point to compensate for this historical gap, advocating for a feminist legal studies framework in Vietnam to challenge deep-rooted inequalities and move beyond neoliberal limitations.

Keywords: Foucauldian discourse analysis, phallogentrism, gender equality, formal equality, feminist legal studies

ENSURING WOMEN'S RIGHTS IN LEGAL DOCUMENTS ISSUED BY THE VIETNAM NATIONAL ASSEMBLY

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The following article analyzes and evaluates how Vietnamese legal systems have ensured women's rights through the following key aspects: the regulations on women's participation in governmental activities; the regulations ensuring women's rights in labour and marital family life; and the regulations on handling violations of laws related to women. Subsequently, the authors examine practical cases of protecting women's rights in Vietnam. Based on these analyses, the article provides recommendations to improve the legal framework to better ensure women's rights protection in Vietnam.

Keywords: ensuring women's rights, political participation, labour, marriage and family, handling violations.

VIETNAMESE LAWS AND THE ISSUE OF ENSURING RURAL WOMEN'S RIGHTS

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In Vietnam, rural women are the primary labour force in agricultural production, primarily responsible for household chores, child-rearing, and preserving the nation's fine cultural traditions. They play a crucial role in the household economy and overall rural development. Recognizing their indispensable role, the Communist Party and the State of Vietnam have always paid particular attention to the rights of rural women. This has led to a gradual improvement in their status and empowerment throughout the country's renovation process.

However, the legal system on women's rights in general and rural women in particular still needs to be genuinely comprehensive. Some regulations do not take into account the specific characteristics of rural women. Additionally, the implementation of measures to ensure women's rights in rural areas is ineffective and inconsistent; consequently, rural women in Vietnam are still facing numerous obstacles in exercising their human rights and civil rights.

Within the scope of this article, the author delves into the current situation of ensuring rural women's rights in Vietnam. From there, identifying barriers and challenges serves as a basis for proposing practical solutions to improve the effectiveness of ensuring rural women's rights in practice, making an essential contribution to perfecting the core values of Vietnam's Socialist rule-of-law State which recognizes, respects, ensures and protects human rights and civil rights.

Keywords: Vietnamese law, human rights, civil rights, rural women, gender equality, policy implementation

SESSION 2

WOMEN'S ACCESS TO RESOURCES AND JUSTICE

THE IMPACT OF CLIMATE CHANGE ON WOMEN AND THE DEVELOPMENT OF LAWS TO SUPPORT THE ENJOYMENT OF RIGHTS AND PREVENT VIOLATIONS AGAINST WOMEN

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In addressing climate change and safeguarding the rights of vulnerable groups, the international community is increasingly focused on these issues. Vietnam, among the five Asia-Pacific countries most impacted by climate change, has approximately 74% of its agricultural land and 80% of its rural population dependent on agriculture. Consequently, natural disasters exacerbated by climate change severely affect the lives of the Vietnamese people. Climate change results in more frequent natural disasters, which cause considerable damage to people and property and lead to waves of migration to avoid adverse effects. Migrant women face greater challenges in securing employment compared to men, while also shouldering the responsibility of caring for their families and communities. This article examines the impact of climate change on women, highlighting the role of law in enhancing women's resilience, promoting their participation in decision-making, and protecting their rights. It also discusses improving access to food, healthcare, clean water, housing, and education for women and girls. Additionally, the role of law is explored through regulations and measures to prevent and address crimes exploiting women's responses to climate change. The article will review international legal experiences and assess current Vietnamese regulations related to supporting women's rights and preventing legal violations against women in the context of climate change.

Key words: Impact; climate change; law making; women protection; beneficiary support

THE INTERSECTION OF HEALTH LAW AND FEMINIST LEGAL THEORY: PATIENT CHOICE AND RELATIONAL AUTONOMY

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In the healthcare sector, the principle of respect for patient autonomy is often considered an ethical imperative. Studies in health communication usually emphasize the importance of patient-centered care based on the principle of respect for patient autonomy. Two critical functions of patient-centered care are to engage patients in decision-making and provide them with the necessary resources for self-management. However, in Vietnam, gender inequality in decision-making and the use of family resources is also an obstacle to women's access to health care services. Especially under the pressure of the patriarchal ideology, decisions about the body, as well as the decision to give birth or have an abortion, are not determined based on the woman's will. The article focuses on: analyzing inequality and gender in health care to show insights about identity and oppression in women's health care decision-making in Vietnam raises questions about the exact level of women-patient autonomy in the contemporary biomedical context when patient-centered care models are asserted from a legal perspective; researching feminist legal theory perspectives on autonomy and choice decision-making in health care; suggesting a few recommendations to rewrite the regulations from feminist legal reform towards the ultimate goal of building a patient-centered health system without eliminating any individual because of ideological reasons.

Keywords: Health law, Feminist Legal Theory, Vietnamese Women, Autonomy, Vietnam Law

CREDIT POLICY FOR THE DISADVANTAGED AND ACCESS TO CREDIT FOR WOMEN IN VIETNAM

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Credit policy for the disadvantaged is one of the State's significant policies that positively impact people's lives, including those of many poor women in difficult circumstances. Through this policy, access to credit for women in Vietnam is somewhat improved, thereby enhancing women's position in the family and society and contributing to gender equality. The article uses analysis, synthesis, and comparison methods to highlight the essential contents of the credit policy for surrogates and the impacts on access to credit for women in Vietnam today. On that basis, proposals were also developed focusing on two major issues: i) recommendations to improve credit policies for disadvantaged people and credit for women in particular, and ii) solutions to improve access to credit for women in Vietnam.

Keywords: access to credit, women, social policy credit, credit for women.

REDEFINING GENDER INEQUALITY IN INTELLECTUAL PROPERTY LAW: CREATIVE BUT CONSERVATIVE

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Intellectual Property (IP) Law has long been a domain where creativity and legal conservatism intersect, shaping the contours of innovation and economic power. Despite the general assumption that IP has evolved beyond its antiquated prejudices and purely supports creativity, it is also argued that the gender gap is not just a historical artifact but a present-day reality across various IP dimensions for creators, practitioners, and researchers. This paper illuminates how entrenched norms and values continue to dictate legal outcomes and access to IP protections through a detailed examination of IP regimes - including patent, copyright, and trademark laws. Drawing on contemporary data from diverse sources to expose the pervasive gender inequalities that influence and shape the field and reveal how deeply these disparities are embedded in the fabric of IP, the research underscores the urgent need for reform to achieve a genuinely inclusive and equitable IP law system for intellectual and creative endeavors.

Keywords: Intellectual Property Law; IP Rights; Inequality IP Law; IP law's prejudices; Inclusive IP Law.

CHALLENGES AND PROSPECTS FOR LEGAL REFORM ON FEMINISM IN VIETNAM

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Học viện Chính trị khu vực III

The law on women's rights plays a crucial role in gender equality in Vietnam, contributing to enhancing the status and ensuring equal rights for women; at the same time, minimizing discriminatory treatment and establishing equal opportunities for women's development in Vietnam. Utilizing qualitative research methods, particularly legal norm analysis, this paper demonstrates that Vietnam has established a relatively comprehensive system of legal regulations concerning women, providing numerous opportunities for the protection and advancement of women. However, many challenges still exist in Vietnam. Firstly, women's rights are difficult to enforce in practice due to the general, inconsistent, and non-comprehensive nature of the legal regulations. Furthermore, traditional social concepts remain burdensome, and there is a limitation in resources to support reform programs. In the context of globalisation and the digital age, Vietnam has many prospects for reforming the law on women's rights. These reforms not only enhance the status of women in society but also promote sustainable and equitable development of the country.

Keywords: gender equality, women's rights, laws on women's rights, challenges, prospects, Vietnam.

IMPACT OF LEGAL POLICY ON WOMEN'S SME IN VIETNAM

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In this article, the author will summarize and analyze the policies and regulations of Vietnamese legal system on small and medium-sized enterprises owned by women. From there, evaluate the actual impact of these legal policies on the activities of SMEs owned by women. Finally, the author delivers conclusions and recommendations to further improve the legal policies regulating SMEs owned by women in the coming time.

Keywords: legal policy, impact, SME, female entrepreneur.

PROTECTING THE RIGHTS OF FEMALE VULNERABLE CONSUMERS

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Vulnerable consumers are those likely to suffer adverse impacts on access to information, health, property, and dispute resolution when purchasing or using goods and services. Women, including those who are pregnant or raising children under 36 months of age, are particularly vulnerable and in need of legal protection in consumer relations, especially in the current economic climate. Vulnerable female consumers often face difficulties in consumer relationships due to psychological factors, changes in health status and physical condition, financial constraints, and other challenges. This research article examines the legal provisions related to the rights of vulnerable female consumers, the current status of their protection, and proposes solutions to effectively implement specialized protection mechanisms for these consumers.

Keywords: Protection; Consumer rights; Vulnerable consumer; Female, Act to protect the interests of consumers.

THE RIGHT OF ACCESS TO JUSTICE FOR WOMEN IN VIETNAM

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This paper aims to provide a comprehensive understanding of the legal framework and challenges, thereby proposing measures to improve access to justice for women in Vietnam. As revealed by the authors, the right of access to justice is exercised in Vietnam through the state legal system, state-support systems, and non-state systems. The state legal system, which has established fundamental conditions to guarantee access to justice, is the primary avenue for legal recourse. However, local women often express reluctance to use this system due to a perceived lack of trust in its problem-solving efficiency and protection. The state-support system assists the State in substantially adhering to the rules of the state legal system, and its operation supports the state legal system. While the least influenced by state law and reflecting traditional and cultural notions, the non-state legal system lacks the means to ensure non-discrimination. The authors believed that enhancing access to justice is critical in Vietnam in the coming years. It is urgent that numerous legal documents need to be revised and upgraded to protect women's rights, eradicate discrimination against women, and promote gender equality.

Keywords: Access to justice, women, human rights, CEDAW, Vietnam

A GENDERED ANALYSIS ON ACCESS TO RICE FARMING TECHNOLOGY IN THE VIETNAMESE MD: FROM POLICY TO PRACTICE

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This study aims to analyze the gendered accessibility of farming technology in the rice industry of the Mekong Delta (MD). It seeks to examine the current situation and establish a framework that aligns with sustainable development objectives and promotes gender equality. Various data collection methods were employed, including Key Informant Interviews, Focus Group Discussions, and household surveys involving 135 farmers. The study covered three provinces: An Giang, Kien Giang, and Dong Thap. Findings reveal significant variations in access to scientific and technical information based on geographic location and educational attainment. A significant disparity exists in decision-making authority regarding the adoption of technology in rice cultivation, with men predominantly occupying positions of power. Addressing gender disparities in accessing training and making decisions about rice farming technology is crucial for achieving sustainable development goals and promoting gender equality in the agricultural sector. It is essential to prioritize efforts that provide equal opportunities for both men and women to access scientific information, training, and decision-making processes, enabling them to fully utilize their knowledge and skills. By building policies and legal frameworks that specifically address gender inequalities, ensuring that women have equal access and opportunities in the agricultural sector.

Keywords: rice farming, policy, technology, gender equality, the MD.

EMPOWERING WOMEN THROUGH ACCESS TO FINANCIAL SERVICES IN THE DIGITAL ECONOMY

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In today's rapidly digitalizing world, a growing number of new tools are available to increase access to the financial services that people need to save, invest, and conduct daily business activities, especially for women. Digital financial services are important for women's economic empowerment because they can provide women with greater access to financial tools like savings, credit, and insurance.

However, to fully harness the benefits of these digital financial services (DFS) to close gaps in gender equality, policymakers must consider the unique challenges women face in accessing formal financial services. The article is based on information and secondary documents, through the reports of the authorities, the perspectives of experts, data from the World Bank, and practices in Vietnam to access barriers for women in accessing financial services in the digital economy, limitations and risks in financial services for women, thereby recommending solutions to consider when developing and perfecting legal policies related to financial services to ensure women's rights and the ability to effectively promote women's empowerment, solutions to improve legal policies and organize the implementation of relevant laws

Keywords: financial services (DFS), digital economy, women, empowerment, gender equality.

PROTECTING THE RIGHTS OF ECONOMICALLY DISADVANTAGED WIFE UNDER VIETNAMESE MARRIAGE AND FAMILY LAW

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Income is one of the factors that determines a person's status within the family. Although the connection between husband and wife is based on emotions, it is certain that material elements play an important part in maintaining a long-term and stable family life. According to studies, males tend to earn more than women. As a result, husbands tend to make larger financial contributions to the family economy than their wives. This disparity might result in an inequality in decision-making authority in financial concerns and other areas. In order to limit this situation, Vietnam's Marriage and Family Law has made an effort to develop regulations that seek to empower women and balance the interests of both spouses. In addition, low- or no-income women are protected by the law even in the event of a divorce. This study is aimed to examine how the Marriage and family Law 2014's provisions can affect the rights of economically disadvantageous or non-earning wife in a family. The purpose of the study's findings is to assist the women cultivate a positive self-perception of their positions in the family while alleviating feelings of inferiority that some women might feel due to the patriarchal ideas of the breadwinner in Vietnamese culture.

Keywords: gender pay gap, inequality in marital relations, low income wife, unpaid work, Vietnam's Marriage and Family Law

ENSURING WOMEN’S EQUITABLE ACCESS TO MEDICINES UNDER TRIPS AGREEMENT

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Women’s ability to have equitable access to all medications required to reach their full potential for good health is essential to their overall well-being. Equitable access to all essential medicines is crucial for women’s well-being, particularly regarding their reproductive health. Women’s ability to have equitable access to all medications required to reach their full potential for good health is essential to their overall well-being. Not only do women often have different needs in this area, but many of the deadly diseases that strike women in underdeveloped nations have something to do with their reproductive systems.

This paper investigates how the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) affects women’s access to medications. Although TRIPS seeks to foster economic growth and innovation, it may make it more difficult for women to obtain necessary medications. The conflicts between protecting intellectual property and issues of public health that are particular to the demands of women’s health, especially in developing countries, are examined in this paper.

Additionally, it also covers possible obstacles and restrictions on applying the approaches beyond TRIPS that could be employed to ensure women’s equitable access to life-saving medications. By highlighting the specific legal challenges faced by women in accessing essential medicines, the paper aims to recommend new legal regulations that promote a more equitable and gender-sensitive in Vietnamese health system.

Keywords: TRIPS, women’s health, medicines, gender equality, feminism.

SESSION 3

WOMEN IN PRIVATE LAW: A FEMINIST CRITIQUE

FEMINIST LEGAL THEORY AND APPLICATION TO THE CASE OF OBSTETRIC VIOLENCE AGAINST WOMEN

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The feminist movement was strongly formed in the 60s and 70s of the 20th century after the successful liberation of women, thereby contributing to shaping feminist legal theories to protect women's rights in every aspect of social life regulated by law. Obstetric violence includes physical abuse, insult, and any infringement of the rights of women when they are in the fragile stage of childbirth. This is a serious problem that negatively affects the physical and mental health of pregnant women. In 2014, the World Health Organisation started the prevention and elimination of disrespect and abuse during facility-based childbirth. The statement positioned mistreatment during childbirth as a violation of rights and trust between women and their healthcare providers. From the perspective of the feminist movement, it can help pregnant women avoid obstetric violence and form laws regulating this issue. However, obstetric violence receives little attention and is not even recognized in some countries around the world. Within the scope of this article, the authors analyze feminist legal theory and apply it to clarify the case of obstetric violence against women, thereby orienting the application of feminist legal theory to obstetric violence.

Keywords: feminism; feminist legal theory; obstetric violence; maternity; violence against women.

DISCUSSION ON WOMEN'S DIVORCE RIGHTS IN SOME ASIAN COUNTRIES

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Pursuing happiness is a fundamental human right. Traditionally regarded as a union between two human beings, marriage carries profound significance, symbolizing commitment, partnership, and, often, societal validation. However, marriages can face myriad challenges, ranging from communication breakdowns to irreconcilable differences, infidelity, or abuse. In such instances, divorce, the legal dissolution of marriage, becomes a recourse for individuals seeking to end an unsustainable union.

The legal rights and societal norms surrounding divorce for women in ASEAN (Association of Southeast Asian Nations) countries represent a complex and evolving landscape. While many ASEAN nations have made strides in recent decades to enshrine gender equality in divorce proceedings, significant disparities persist that uniquely impact women. This article examines the current state of women's divorce rights across selected ASEAN countries, the key challenges women face in accessing and navigating divorce, and the socioeconomic consequences they often endure. The analysis not only highlights how religious and cultural traditions and economic dependency constrain women's ability to exercise their full divorce rights in countries but also how legal frameworks do. Moreover, the writer also discusses the efforts of legal reforms to promote gender equality in divorce laws and processes throughout the ASEAN region. Last but not least, the author also examines the implications of the right to divorce in same-sex marriage.

Keywords: gender equality, divorce rights, same-sex marriage, Asian countries.

SOME GENDER ISSUES VIEW FROM THE DRAFT LAW ON GENDER AFFIRMATION

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Initially recognized in the 2015 Civil Code, Vietnam's commitment to gender reassignment rights has evolved towards a dedicated law. Since then, the Draft Law on Gender Reassignment has been developed to safeguard citizens' right to freely choose their gender identity. The final draft of this Law is expected to be presented to the National Assembly for review by the end of 2024. Throughout its development, lawmakers have meticulously examined the procedures, criteria, facilities, and legal implications of gender transition to ensure the effectiveness of the final law. However, certain aspects of the draft warrant further deliberation to fully protect the right to live in accordance with one's desired gender, particularly when considering women's rights within the broader context of gender equality. This article will analyze relevant sections of the Second Draft of this Law and, drawing upon lessons learned from the relevant laws in some countries, propose recommendations to enhance Vietnam's gender reassignment rights legislation, ensuring that women's rights are adequately addressed even from a feminist perspective.

Keywords: gender, transgender rights, feminism, Draft Law on Gender Reassignment, fight for feminism

GENDER EQUITY IN LAND GOVERNANCE IN VIET NAM– TOWARD SOCIAL JUSTICE

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Gender inequality ideologies and views stem from reality; due to the influence of religious factors and social and physiological prejudices, women's rights are often violated and women are subjected to discrimination.

Gender equality plays an important role in the process of promoting equality and democracy in society. Women and men have equal conditions for the full realization of human rights and have equal opportunities in the exercise of their rights. These are recognized in international legal documents as well as in many national legal documents, like the CEDAW Convention, ICCPR, the Law on Gender Equality, Land Law, etc.

Viet Nam's policy and legal framework around gender and land governance are strong support for equality for all citizens, regardless of sex or other differences. However, in practice, there are still many inadequacies directly affecting women's equal rights in land governance, such as the right to decision-making; the land use rights certification, etc. To promote the gender equity in land governance in Viet Nam, towards social justice, it is necessary to have solutions in the legislative and executive aspects; to review and adjust policies and laws that are closely related to gender equal rights, such as in the fields of land governance.

Key words: gender; women; men; land governance; rights; equality; social justice

VIETNAMESE PRIVATE INTERNATIONAL LAW FROM THE LENS OF FEMINIST LEGAL THEORY

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Private international law (PIL) is a collection of legal rules that determine court jurisdiction and law applicable to civil relations with foreign elements, including but not limited to procedures of recognition and enforcement of foreign court judgments. Unlike the PIL of some countries such as Belgium, Japan and Switzerland, Vietnam's PIL is not codified into a separate legal document, but its contents are scattered in other legal documents, such as the 2015 Civil Code, the 2014 Marriage and Family Law, the 2015 Civil Procedure Code, etc. It can be said that PIL's conflict rules are built objectively, "genderless" in the way that they do not specifically refer to gender, ethnicity, religion, age, class, etc. Therefore, it is usually believed that PIL is a neutral field of law in which gender factors are not expressed. And it is not even dissected by feminists as deeply as they do with other obvious fields of law, for example, family law, labor law or criminal law. However, is this belief really right? The article evaluates the impact of Vietnam's PIL regulations on the rights of women, especially Vietnamese women in marriage and family relationships, through the perspective of Feminist legal theory so that we can see positive and negative aspects of Vietnam's PIL in ensuring human's rights and citizen's rights, which is recognized as one of the goals that must be achieved in the country's development strategies.

Keywords: Feminist legal theory; private international law; women's right, human's rights and citizen's rights, Vietnamese law.

WOMEN'S RIGHT TO TERMINATE PREGNANCY IN THE PROVISIONS OF VIETNAMESE LAW AND INTERNATIONAL LAW

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Pregnancy and childbirth are among the sacred responsibilities that nature has bestowed upon women. However, for one or more reasons, women must terminate their pregnancies. However, up to now, whether women have the right to terminate their pregnancies, or in other words, whether women have the right to abortion, is still an issue with many different views in countries around the world.

This article will explore the concepts of the right to terminate pregnancy from the perspective of women's rights in accessing other rights. The article uses the method of legal document analysis and legal comparison to present different views on the regulation of termination of pregnancy in international law and the laws of some countries. Finally, the article studies the current legal framework of Vietnam regulating women's right to terminate pregnancy to clarify the legal status as a basis for future directions to improve the law. The article also concludes that the conflict of views is because each country has different cultural, political, and religious characteristics. Therefore, the legal provisions prohibiting or allowing completely or allowing with conditions must also ensure a balance of individual and social interests and, above all, protect human rights, including women's rights.

Keywords: termination of pregnancy, abortion, law, pregnancy, fetus, women's rights, Vietnam

SPECIFIC PERFORMANCE AND PROTECTING WOMEN’S RIGHTS IN SURROGACY CONTRACT: A VIEW FROM VIETNAM REGULATION

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Motherhood is a sacred right of women. Surrogacy contract – a humane agreement, showing women’s rights and help them do their vocation. This is a typical contractual relationship of women and women play an important role in contract performance. In Vietnam, surrogacy is determined as a civil agreement contract from 2014. Like any other types of contracts, specific performance can be applied when breach of contract occurs and related to freedom of contract. For this reason, specific performance, associated with basic human rights and women’s rights in surrogacy contracts are considered to ensure humanitarian values and balance with women’s rights. From there, this paper will clarify the viewpoints and experiences of law in some countries the world and in Vietnam on this issue.

Keywords: basic human rights, specific performance, surrogacy contract, women’s rights.

LAW ON PROTECTION OF WOMEN'S RIGHTS AND BENEFITS WHEN NON – COURT DIVORCE FROM THE PERSPECTIVE OF FEMINIST LEGAL THEORY

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In Vietnam, the divorce process is currently conducted exclusively through the courts, unlike in many countries where non-court divorces have long been established and familiar. This article aims to analyze and evaluate several current legal regulations in Vietnam regarding divorce, based on a comparative framework with feminist legal theory. From this analysis, the author proposes recommendations for establishing non-court divorce procedures, using feminist legal theory as a methodology to assess whether these legal regulations, when applied in practice, adequately protect women's rights and benefits.

Keywords: Divorce, court, feminist legal theory, women's rights, equality.

SPECIFIC PERFORMANCE AND PROTECTING WOMEN'S RIGHTS IN SURROGACY CONTRACT: A VIEW FROM VIETNAM REGULATION

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Income is one of the factors that determines a person's status within the family. Although the connection between husband and wife is based on emotions, it is certain that material elements play an important part in maintaining a long-term and stable family life. According to studies, males tend to earn more than women. As a result, husbands tend to make larger financial contributions to the family economy than their wives. This disparity might result in an inequality in decision-making authority in financial concerns and other areas. In order to limit this situation, Vietnam's Marriage and Family Law has made an effort to develop regulations that seek to empower women and balance the interests of both spouses. In addition, low- or no-income women are protected by the law even in the event of a divorce. This study is aimed to examine how the Marriage and Family Law 2014's provisions can affect the rights of economically disadvantaged or non-earning wife in a family. The purpose of the study's findings is to assist the women cultivate a positive self-perception of their positions in the family while alleviating feelings of inferiority that some women might feel due to the patriarchal ideas of the breadwinner in Vietnamese culture.

Keywords: gender pay gap, inequality in marital relations, low income wife, unpaid work, Vietnam's Marriage and Family Law

CUSTOMARY LAW SHAPING GENDER POWER IN THE CULTURAL BEHAVIOR OF THE RAGLAI

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This article investigates how customary law shapes gender power within the Raglai community and its influence on cultural behavior. The study focuses on analyzing key aspects of customary law, such as inheritance rules, marriage customs, and property rights, and how these legal structures define the roles and responsibilities of men and women, thereby influencing power dynamics. Through the lenses of legal anthropology, ethnographic fieldwork, and gender analysis, the article explores both the traditional expressions of gender power and the contemporary changes in Raglai life. The findings highlight the significant role that customary law plays in reinforcing gender hierarchies, while also adapting to modern societal transformations. This research contributes to broader discussions on gender relations and cultural practices among ethnic minorities in Vietnam, offering insights for policy development aimed at promoting gender equality and cultural preservation.

Keywords: Customary Law, Gender Power, Cultural Behavior, Raglai, Ethnic Minorities

SESSION 4

GENDER IN THE TRANSNATIONAL CONTEXT: A FEMINIST ANALYSIS

FEMINIST PRINCIPLES FOR INTERNATIONAL LAW: GENDERED EXPERIENCES AND TENSIONS

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There is no one set of feminist principles, or understanding of international law, or feminist understanding of international law. Yet in this paper we seek to identify and explore the key principles and frameworks which comprise a feminist approach to international law.

We can see feminism as a method with the objective of ‘developing a more inclusive international legal system that takes seriously the interests of all women, and by doing so also opens the way to reimagining possibilities for change that may permit the promise of international law for peaceful co-existence and respect for the dignity of all persons to become a reality’.¹ If so, we might then ask, who are ‘women’, or ‘all women’, or ‘all persons’? How, when, and whom do such categories assist? Can any ‘inclusive international legal system’ of this type exist? Who or what will make it so? Who, or what, might still be left out? Is it even possible, given international law’s founding in patriarchy, racism, colonialism, humanist attitudes, militarism – and persistent intersections with apathetic or destructive forms of power and climate change – for such a dignified reality to manifest? And if so, who will say it has reached this possibility, and who will disagree, or be silenced?

These are some of the questions that some feminist and gender-focused scholars and practitioners concerned about international law grapple with. Others (or the same, at other times) might focus on proposing and implementing practical institutional changes, or translating or adapting norms using changing arguments, or amplifying the voices of those often hidden or silenced, or asking how seemingly “neutral” policies or laws affect or construct people of all genders and intersect with race or other power dynamics.

¹ Christine Chinkin, ‘Feminist Interventions into International Law’ (1997) 19 *Adelaide Law Review* 13, 13.

While ‘female international lawyers’ have been identified as characteristically ‘a group of elite women’,² those who engage with international law and are attentive to gender are in all communities, doing “the work” – the day-to-day care, speaking up and advocating, overcoming challenges, finding a way through violence, conflict, disaster, repression – living the daily intersections of international law with our geopolitics, relationships, consumption, and environments.

This paper presents the framework for a forthcoming book manuscript applying “feminist principles” to particular areas of international law, such as recent climate justice efforts, the United Nations architecture, prosecuting apparently “gender neutral” international crimes with gender competence, or the experiences of “women human rights defenders”. After analysing gender-focused and feminist scholarship on international law, it seeks to collect and offer a set of “feminist principles” for that task. It asks how the ways that “feminist principles” are *performed* in gendered and gender-competent efforts to deploy law for global challenges might reconcile persistent scholarly tensions, such as those concerning structural bias and institutional reform, inclusion and recognition, methods of listening or interruption, and abolition versus accountability.

² Jaya Ramji-Nogales, ‘Revisiting the category “women”’ in Susan Harris Rimmer and Kate Ogg (eds), *Research Handbook on Feminist Engagement with International Law* (Edward Elgar Publishing, 2019) 240, 240.

UNDERSTANDING AND ADDRESSING FORCED MARRIAGES:

THE INDISPENSABILITY OF AN INTERSECTIONAL FEMINIST FRAMEWORK

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Forced marriages have emerged as one of the most intractable and challenging forms of violence against women and girls. Traditional approaches to tackling domestic violence and abuse tend to be informed by the lived experiences of women and girls belonging to the mainstream community. There is also a hierarchy at play in evaluating various forms of violence and abuse, both in the physical and the emotional or psychological realms, triggering protective or other preventive remedies, if at all. There have been moves to recognise a broader array of experiences as falling on a continuum of violence, moving beyond the classic, episodic violence or abuse more traditionally recognised by the law more recently. However, given the significant cultural influences that inform, govern and perpetuate the prevalence of forced marriages among women and girls belonging to minority communities, the law and policies in place fail to adequately capture their experiences and remain ineffective in terms of prevention and protection. This paper applies an intersectional feminist framework that takes an integrated approach to critique legal responses to domestic violence and abuse to examine and to map out how gendered and racialised experiences intersect to create the conditions for forced marriages and related forms of violence and abuse against women and girls. In doing so, it argues that an intersectional feminist analytical framework is indispensable to developing an enriched understanding of the different domains of oppression that are simultaneously experienced by this particular group of victims and survivors of forced marriage while at the same time being key to crafting effective strategies for prevention and redress against this form of abuse.

THE EVOLUTION OF FEMINIST THOUGHT IN VIETNAM DURING THE FRENCH COLONIAL PERIOD

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During the French colonization of Vietnam, the French colonialists advocated not only exploiting labor and natural resources but also aiming to conquer the spiritual life of the people by building a French educational system in colonial countries, including Vietnam. As a result, feminist ideology was spread to Vietnam and was firmly accepted and encouraged by Vietnamese people during this period. Therefore, research on the practice of receiving and promoting women's rights during the French colonization aims to clarify the development of feminist ideology during this period and draw lessons to contribute to the stronger promotion of feminist ideology in Vietnam today.

Keywords: feminist thought, the French colonization, women's rights, history, human rights

ENSURING THE RIGHTS OF WOMEN MIGRANT WORKERS THROUGH TRANSITIONAL JUSTICE: A CASE STUDY OF VIETNAMESE WOMEN MIGRANT WORKERS

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This article investigates the protection and rights of women migrant workers, focusing on the Vietnamese context and employing a transitional justice approach. Recognising the limited attention given to numerous types of discriminations that women migrant workers have sustained, the article explores the status and challenges faced by Vietnamese women migrant workers in various destination countries. The article analyses relevant international instruments promoting the enjoyment of fundamental rights by women migrant workers through ensuring transitional justice. It additionally critically assesses efforts made by both the Vietnamese Government and host states to address these issues and identifies implications for improving the rights and well-being of women migrant workers. Ultimately, the article seeks to contribute to the broader discussion on transitional justice, shedding light on the nuanced intersections of migration and gender to ensure equality and equitable framework for women migrant workers.

Keywords: women migrant workers, transitional justice, international law, Vietnam.

GENDERED VIOLENCE AS A WEAPON OF WAR: A FEMINIST ANALYSIS OF INTERNATIONAL RESPONSES IN THE CASE OF BOSNIA

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This paper critically examines the international community's response to gendered violence during the Bosnian Genocide, emphasizing the intersection of human rights and security within the framework of international law. Through an intersectional feminist lens, the paper analyzes the prosecution of sexual violence as a war crime by the International Criminal Tribunal for the former Yugoslavia (ICTY), assessing the tribunal's effectiveness in delivering justice to survivors and deterring future atrocities. The research explores how international legal mechanisms have addressed—or failed to address—the gendered dimensions of conflict zones and specifically the Bosnian Genocide. It also critiques the limitations of these mechanisms, arguing that a lack of intersectional understanding has hindered their ability to fully comprehend and mitigate gendered violence in conflict zones. Through a literature review and analysis of research into the Bosnian Case, it provides a first step towards a more thorough understanding of the abilities of international law to investigate, punish and deter the use of gendered violence in conflict zones while focusing on the role of intersectional feminism within this research area. By integrating feminist and human rights perspectives, this paper underscores the necessity of a more comprehensive approach to international law that prioritizes the security and rights of vulnerable populations, particularly women, in post-conflict settings and includes an intersectional-feminist perspective. The findings contribute to ongoing debates about the role of international law in protecting human rights and ensuring human security in conflict-affected regions.

GLOBALIZATION, TRANSNATIONAL POWERS AND GENDER JUSTICE: A SOCIALIST FEMINIST PERSPECTIVE

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Globalisation has posed new threats to human rights and social justice. Dealing with these problems requires a paradigm shift in justice theories. Being aware of this issue, socialist feminist Nancy Fraser has developed her two-dimensional justice theory into a three-dimensional theory. She argues that justice claims, in a globalising world, do not merely encompass claims for economic redistribution and cultural recognition but also include claims for parity of political participation. Put differently, in her new theory Fraser extends her ideas, from the “what” of justice to the “who” and the “how”. The most striking thing in this theory is that Fraser has pointed to non-territorial or off-shore powers that perpetuate social injustices, questioning the traditional assumption that the territorial state is the proper unit of justice within which these issues of injustice can be solved completely. On the foundation of Fraser’s theory, this paper first articulates the nexus between economic (mal)distribution, cultural (mis)recognition and political (mis)representation and then presents the transformative approach Fraser offers to help deal with injustices arising in the globalising era. The following section of this paper exposes some global forces that disadvantage women, limited to the case of female informal workers from developing countries generally and from Vietnam specifically. Finally, from Fraser’s three-dimensional justice perspective, the paper ends with a discussion and some implications for laws and policies on the informal economy that help advance social justice in general and improve the well-being and livelihoods of female informal workers in particular.

Keywords: globalisation, three-dimensional theory, political representation, non-territorial powers, female informal workers

SESSION 5

GENDER EQUALITY AT THE WORKPLACE

DECONSTRUCTING THE 'MAN' OF LAW FOR GENDER EQUALITY: A CRITIQUE IN VIETNAM LABOUR LAW

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This study employs legal analysis to scrutinize Vietnam's labour law, highlighting the limitations of the feminist approach in challenging the masculine nature of law. The findings reveal that traditional feminist strategies in Vietnam's labour law may inadvertently intensify gender disparities, rather than dismantling its patriarchal structure, thereby perpetuating inequality in the labour market. Given the persistent gendered nature of law, advancing gender equality through legal reforms requires extending beyond current female-protective measures to include men's perspectives. Using a conceptual framework that combines masculinity theory with feminist legal theory, this study advocates for male-targeted policies as a viable solution to mitigate gender inequalities in Vietnam's labour market. Consequently, this research expands the discourse on the role of gender theories in legal frameworks, fostering progressive changes in societal attitudes toward gender roles, particularly in Asian cultures like Vietnam. By addressing both the symptoms and root causes of gender discrimination, the study contributes to a nuanced understanding of how legal strategies can be adapted to achieve substantive gender equality.

Keywords: masculinity theory, gender equality, feminist legal theory, Vietnam labour laws, male-targeted strategy.

THE IMPACT OF VIETNAM'S SOCIAL SECURITY LAW ON GENDER EQUALITY - APPROACH FROM THE PERSPECTIVE OF FEMINIST LEGAL THEORY

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Law is a powerful tool for recognizing and enforcing individual rights and serves as a primary mechanism for ensuring social equality. However, in practice, the recognition and enforcement of these rights are often inadequately implemented. In some cases, the protection of female workers' rights can lead to a "backward reaction," exacerbating the gender gap in the labor market. This study critically examines the impact of Vietnam's social security laws on gender equality, utilizing feminist legal theory. It reveals that these laws, despite their protective intent, often reinforce traditional gender roles, limiting women's career opportunities and perpetuating labor market inequalities. The research calls for more nuanced legal reforms to promote equitable participation in both professional and domestic spheres. By advocating for a more inclusive approach, the study offers policy recommendations to enhance gender equality in Vietnam's labor market and social security framework.

Keywords: gender equality; feminist legal theory; social security; labor market

BẢO ĐẢM PHÁP LÝ THỰC HIỆN BÌNH ĐẲNG GIỚI TRONG LĨNH VỰC LAO ĐỘNG Ở VIỆT NAM HIỆN NAY

Dao Mong Diep

Trường Đại học Luật, Đại học Huế

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Bình đẳng giới là một vấn đề toàn cầu đang nhận được sự quan tâm rất lớn. Ở nhiều quốc gia, nỗ lực để thúc đẩy bình đẳng giới bao gồm việc thực hiện các chính sách pháp luật bảo vệ quyền của phụ nữ, giảm bớt sự phân biệt đối xử trong lĩnh vực lao động, giáo dục và tham gia chính trị. Trong lĩnh vực lao động so với BLLĐ năm 2012, BLLĐ năm 2019 đã xem xét tổng thể vấn đề BDG trên tất cả các nội dung của quan hệ lao động, trở thành hành lang pháp lý quan trọng để bảo đảm BDG trong lĩnh vực lao động, thúc đẩy việc thực hiện các mục tiêu mà các Công ước của Liên hợp quốc và ILO đã đề ra. Tuy nhiên, do nhiều nguyên nhân khác nhau, một số quy định của BLLĐ năm 2019 vẫn còn chưa phù hợp, chưa đáp ứng được những đòi hỏi của thực tế. Bài viết đã phân tích và đánh giá một cách toàn diện thực trạng khung pháp lý về thực hiện quyền bình đẳng giới trong lĩnh vực lao động cũng như thực tiễn thực hiện. Trên cơ sở đó, đề xuất sửa đổi, bổ sung một số quy định về quyền bình đẳng giới trong lĩnh vực lao động theo hướng phù hợp với các cam kết quốc tế của Việt Nam với Liên hợp quốc và ILO, các quy định chung về BDG được đề cập trong Luật BDG năm 2006, đồng thời bảo đảm tính khả thi của các quy định pháp luật nhằm thúc đẩy và bảo đảm BDG trong lĩnh vực lao động nói riêng và các lĩnh vực của đời sống kinh tế - xã hội nói chung.

Từ khoá: Bình đẳng giới, pháp luật lao động, bảo đảm pháp lý

LAWS ON ENSURING THE WORKING ENVIRONMENT OF FEMALE MIGRANT WORKERS IN VIETNAM

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In Vietnam, female migrant workers account for the majority of the migrant workforce, playing an important role in economic growth, job creation, and income increase. However, in practice, there are many problems related to social welfare conditions, ensuring the working environment, and limited income, requiring full awareness and finding appropriate intervention solutions. Article focus on reviews, comments, Analyze the current legal status on ensuring the working environment for female migrant workers in Vietnam from two perspectives: legal regulations on ensuring the working environment and protection measures for this group. The main content regulates working hours, rest hours, occupational safety and hygiene, labor relations as well as risk protection mechanisms for migrant workers . From there, I propose solutions to adjust the law and implement the law on ensuring the working environment for female migrant workers in Vietnam today.

Keywords: Security, working environment, female migrant workers, law, employment

EMPLOYMENT RIGHTS FOR FEMALE WORKERS IN THE CONTEXT OF DIGITAL ECONOMIC TRANSFORMATION IN VIETNAM

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Many countries regard digital transformation as an inevitable trend for sustainable economic development. Digital transformation necessitates adjustments to legal regulations to reflect changes in remote, flexible, and other digital working environments. The government issued Resolution No. 06/NQ-CP on January 10, 2023, a flexible, modern, efficient, sustainable, and integrated labor market to rapidly recover the socio-economic. This legal framework has an influence on the entire workforce, including women. The development of the digital economy not only provides women with opportunities to participate in the labor market flexibly but also offers them the chance to engage in the supply of goods and services. Female workers have gradually affirmed their position and role in the digital economy. According to the White Paper on Women-Owned Small and Medium Enterprises, published by the Ministry of Planning and Investment of Vietnam in collaboration with the Asian Development Bank on January 23, 2024, 28% of women-owned small and medium enterprises are undergoing digital transformation. The authors will analyze and assess the practice of employment rights for female workers in digital economic transformation in Vietnam to propose solutions that contribute to improving legislation and ensuring the employment rights of female workers amid the rapidly progressing digital transformation.

Keywords: Employment rights, Female workers, Digital economic transformation, Vietnam.

EMPLOYMENT DISCRIMINATION AGAINST TRANSGENDER WOMEN IN VIETNAM: AN INTERSECTIONAL FEMINIST APPROACH TO LABOUR REGULATIONS REFORM

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Transgender women worldwide, particularly in Vietnam, endure significant employment discrimination as a consequence of deeply rooted cultural biases against gender nonconformity. This article will examine the issue from both social and legal aspects. The intersectional feminist approach is applied to provide an appropriate framework for understanding the particular discrimination challenge which transgender women confront in the labour market in Vietnam under the impact of the Confucian tradition. Furthermore, the research will examine how Vietnamese labour legislation fails to safeguard transgender women from various kinds of discrimination resulting from their gender. By doctrinal research methods, the study presents a foundation for promoting transgender women's legislative protections in the field of labour law through the lens of an intersectional feminist approach.

Keywords: Transgender discrimination; Labour law; Labour reforms; Vietnam; Intersectional Feminist approach.

SESSION 6

GENDER-BASED VIOLENCE

THE LEGALIZATION OF PROSTITUTION IN VIETNAM: A MULTIFACETED APPROACH TO PROTECTING WOMEN

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Although traditionally viewed as a social ill, prostitution remains prevalent in Vietnam, raising an important question: There is some evidence that what kind of legal precedents from other countries might help to enhance the defense of women in this sphere? This paper looks at the possibilities of such frameworks for improving women's safety within the sex work Industry. In most of the countries where prostitution is legalized, sex workers are allowed to be accorded certain rights like any other workers, such as having easy access to medical facilities as well as being allowed to form a union. Such systems focus on overall health, especially sexual and reproductive health, to minimize health perils and provide social benchmarking services that help women who desire to exit prostitution. Successful protection of women in this industry should, therefore, go beyond giving shields against physical violence but rather take into consideration more of the social and economic factors. Previous studies reveal the great variety of measures and policies adopted in the countries of the world to protect the lives of these women, who are at high risk from physical, sexual, and social violence. However, the problem of legalization remains still acute, at least in discourses in Vietnam, which has a long-established Orient culture. This research aims to examine and compare the international legal frameworks to assess the possibility that can be brought about by considering prostitution as a legal job with the potential of improving the situation of women in Vietnam's sex industry.

Keywords: Exploitation, legal frameworks, healthcare, protection, prostitution, human rights.

LEGAL PROTECTION FOR WOMEN AS VICTIMS OF CRIMINAL ACTS - RESEARCH FROM THE ACT OF SECRET RECORDING AND PHOTOGRAPHING IN PUBLIC PLACES

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The situation of secretly recording and photographing in public places and uploading them to social media sites is increasingly, becoming a pressing issue in modern society. The act of secretly recording or photographing not only violates privacy rights but also causes significant psychological harm to the victims, especially women. Women, as one of the vulnerable subjects documented in international law and national law, require protection due to their constant exposure to risks and vulnerabilities, including psychological violence. Therefore, legal protection is one of the crucial factors in ensuring the enforcement of human rights and women's rights. Legal protection plays a crucial role in safeguarding individuals, groups, or legal entities in a broad sense, as well as tangible objects. This article will evaluate the international legal regulations and the current legal provisions in Vietnam related to the protection of women's rights in these situations, including the Civil Code, Criminal Code, and regulations on cybersecurity. The paper identifies the inadequacies and limitations of the current legal system in addressing and preventing this criminal behavior. Finally, the paper proposes several solutions to enhance legal protection for women, including amending and supplementing legal regulations, increasing education and public awareness, and improving law enforcement. These solutions aim not only to protect women but also to contribute to building a fairer, more civilized, and safer society.

Keywords: legal protection; women; secret recording and photographing; privacy rights; criminal acts.

APPLYING FEMINIST LEGAL THEORY IN ENSURING THE RIGHTS OF "TRANSGENDER WOMEN" IN CRIMINAL PROCEEDINGS

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In contemporary times, the realization and assurance of “gender equality” and the empowerment of women are among the United Nations' central and high-priority tasks . In Vietnam, these goals are also considered as the vital and strategic national objectives within the context of building a socialist rule-of-law state during the period of international integration . To achieve these objectives, Vietnam has demonstrated significant efforts in improving its legal system to promote "gender equality," ensuring that the voices, perspectives, experiences, and roles of women are reflected across various social life sectors. These efforts are particularly evident in ensuring the rights of "transgender women," a distinct group of "women" who frequently face discriminatory and prejudicial actions based on sexual orientation and gender identity . However, from a feminist legal theory, Vietnam's legal system still exhibits patriarchal traces in ensuring women's rights in certain highly vulnerable and rights-infringing areas, such as criminal proceedings. Therefore, this paper aims to analyze legal provisions and the enforcement of laws concerning the protection of transgender women's rights in applying judicial measures during the stages of prosecution, investigation, prosecution, trial, and judgment enforcement. The paper references experiences from several countries and employs the methodological approach of feminist legal theory to propose recommendations for improving Vietnamese law in this area.

Keywords: feminist legal theory; ensuring the rights; transgender women; criminal proceedings

SANCTIONS FOR SEXUAL HARASSMENT IN THE WORKPLACE AGAINST FEMALE WORKERS IN VIETNAM - THEORY AND PRACTICE

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Statistics from CARE Australia in the project “Stopping sexual harassment (SH) in workplaces across our region”: “Globally, 40-50% of women experience unwanted sexual advances, physical contact or other forms of SH at work”. Female workers are more in need of protection from unethical behaviours at work than other genders because “they are more likely to work in vulnerable jobs”. “Women are over-represented in precarious, low-income, and informal work where the mechanisms to prevent violence and exploitation are often absent. In South Asia, over 80% of women in non-agricultural jobs are in informal employment. Women are far more likely to be in vulnerable employment. In our region (Southeast Asia and the Pacific), over half of employed women are in vulnerable employment. In many rural areas across the globe, women work in small-scale farming, usually informal, and often unpaid”. SH is a legal violation that infringes on the dignity, health, and fundamental women's rights and should be strongly condemned and severely punished. However, SH behaviours at work are not yet considered a crime in Vietnam. These behaviours are only currently subject to administrative or disciplinary liability despite the severe damage they cause to victims, employers, and society. Therefore, within the scope of this article, we analyse the legal basis for sanctions on SH in the workplace in several countries around the world, including Vietnam. Then, we present the current status of sanctions, highlight some limitations and propose recommendations to improve legislation on this issue to protect women's rights.

Keywords: sanctions, protection, female workers, sexual harassment, in the workplace



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