

THE GOVERNMENT

No. 48/2009/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, May 19, 2009

DECREE

PROVIDING FOR MEASURES TO ASSURE GENDER EQUALITY

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;
Pursuant to the November 29, 2006 Law on Gender Equality;
At the proposal of the Minister of Justice,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree prescribes in detail the implementation of Clause 5 of Article 11, Clause 2 of Article 12, Clause 3 of Article 13, Clauses 4 and 5 of Article 14, Clause 3 of Article 17, Article 19, Article 21, Article 23, Article 24. and Points e and g. Clause 2, Article 32, of the Law on Gender Equality regarding:

1. Information, education and communication on gender and gender equality.
2. Inclusion of gender equality issues in the elaboration of legal documents.
3. Measures to promote gender equality: policies to support female cadres, civil servants and employees; provision of support for gender equality activities in deep-lying, remote and ethnic minority areas and areas with extremely difficult socio-economic conditions.
4. Financial sources for gender equality activities.

Article 2. Subject of application

State agencies, political organizations, sociopolitical organizations, socio-political-professional organizations; social organizations, socio-professional organizations, economic organizations, non-business units, people's armed forces units, Vietnamese families and citizens; foreign agencies and organizations operating in Vietnamese territory and foreigners residing in Vietnam (below collectively referred to as agencies, organizations and individuals).

Chapter II

INFORMATION, EDUCATION AND COMMUNICATION ON GENDER AND GENDER EQUALITY

Article 3. Requirements on information, education and communication on gender and gender equality

1. Contents and forms of information, education and communication on gender and gender equality must satisfy the following requirements:

a/ Being conformable with basic principles of gender equality specified in Article 6 of the Law on Gender Equality;

b/ Setting orientations for and promoting gender equality in all fields of social life and families;

c/ Neither holding nor arousing gender prejudice; eliminating gender discrimination in all forms.

2. Persons engaged in information, education and communication on gender and gender equality must be knowledgeable about gender and gender equality.

Article 4. Contents of information, education and communication on gender and gender equality

1. Policies and law on gender equality.

2. Knowledge, information and data on gender and gender equality.

3. Adverse impacts of gender prejudice and gender discrimination; the fight against, prevention and handling of violations of the law on gender equality.

4. Good measures and experiences, advanced models and types in the implementation of policies and law on gender equality and the fight against gender discrimination and gender prejudice.

5. Other contents related to gender and gender equality.

Article 5. Forms of information, education and communication on gender and gender equality

1. Forms of information and communication on gender and gender equality:

a/ Through rapporteurs and communicators;

b/ Through mass media, the Internet and public-address systems;

c/ Through distribution of propaganda publications and documents;

d/ Through forms of folk culture and mass culture, literary and artistic works and community activities;

dd/ Through the organization of law knowledge contests;

e/ Through club activities;

g/ Inclusion into activities of organizations, individuals, families and society;

h/ Other forms of information and communication.

2. Forms of education on gender and gender equality:

a/ Incorporation of gender and gender equality contents in education programs in schools and other educational institutions within the national education system and of state agencies, political organizations, socio-political organizations, other organizations and people's armed forces suitable to each education level and training degree;

b/ Inclusion of gender and gender equality contents in extracurricular activities;

c/ Other educational forms.

Article 6. Responsibilities of agencies, organizations and individuals for information, education and communication on gender and gender equality

1. Ministries, ministerial-level agencies, People's Committees at all levels and other agencies and organizations shall, within the scope of their assigned functions, tasks and powers, conduct information, propagation, dissemination and education of gender knowledge and gender equality policies and law as prescribed in Articles 3, 4, 5, 6, 7 and 11 of the Government's Decree No. 70/2008/ND-CP of June 4, 2008,

detailing the implementation of a number of articles of the Law on Gender Equality (below referred to as Decree No. 70/2008/ND-CP).

2. The Ministry of Labor, War Invalids and Social Affairs shall:

a/ Assume the prime responsibility for, and coordinate with the Central Vietnam Women's Union and other relevant ministries and branches in, elaborating a set of source documents on gender and gender equality; build up and train a contingent of gender and gender equality communicators;

b/ Coordinate with the Central Committee of the Vietnam Fatherland Front, the Central Vietnam Women's Union and the Front's member organizations in conducting information, education and communication on gender and gender equality as prescribed at Point c, Clause 1, Article 15 and Clause 4. Article 16 of Decree No. 70/2008/ND-CP and this Decree.

3. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, training law rapporteurs at the central level in gender knowledge and gender equality policies and law.

4. The Ministry of Information and Communication shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs and other relevant ministries and branches in, training information and communication officers in gender and gender equality knowledge.

5. The Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Home Affairs and other relevant ministries and branches shall review teaching programs and documents in order to remove knowledge, information and images expressing gender prejudice; periodically organize retraining courses on gender knowledge and gender equality policies and law for teaching staffs of their educational institutions.

6. People's Committees at all levels shall direct, guide and organize propagation and dissemination of gender knowledge and gender equality policies and law for local officials and people; direct local information and communication agencies to spare appropriate time and columns on local mass media for information and propagation about gender and gender equality; direct local judicial agencies to assume the prime responsibility for, and coordinate with concerned agencies and organizations in, training law rapporteurs at provincial and district levels and law communicators at the grassroots level in gender knowledge and gender equality policies and law.

7. Schools and other educational institutions within the national education system and educational institutions of state agencies, political organizations, socio-political organizations, other organizations and people's armed forces shall implement educational programs containing gender and gender equality knowledge; study and propose competent state agencies to amend or supplement educational programs on gender or integrate gender and gender equality knowledge to meet the requirements of each education level and training degree as well as learners' needs.

8. Mass media agencies shall, within the scope of their tasks and powers, spare appropriate time and columns to propagate and disseminate the Party's lines and policies and the State's law on gender equality; assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, developing special columns and sections on gender equality, introducing advanced models and symbols, good persons and deeds in realizing gender equality, and condemning acts of violating the gender equality law.

9. Economic organizations and social organizations shall propagate and disseminate gender knowledge and gender equality policies and law within the scope of their responsibilities.

10. Vietnamese citizens shall study to raise their understanding and awareness about gender and gender equality; participate in propagating, educating and mobilizing their family members to realize gender equality policies and law.

Chapter III

INCLUSION OF GENDER EQUALITY ISSUES IN DRAFT LEGAL DOCUMENTS

Article 7. Requirements on and scope of inclusion of gender equality issues in draft legal documents

1. To ensure basic principles on gender equality in the contents of, and the order of and procedures for drafting, promulgating, reviewing and systemizing legal documents under the Law on Promulgation of Legal Documents and the Law on Promulgation of Legal Documents by People's Councils and People's Committees.
2. To include gender equality issues in draft legal documents identified as having contents related to gender equality or regulating gender inequality or gender discrimination.

Article 8. Contents of inclusion of gender equality issues in draft legal documents

In the scope of regulation of legal documents:

1. To identify contents related to gender equality or gender inequality or gender discrimination.
2. To provide for necessary measures for realizing gender equality or tackling gender inequality or gender discrimination; to forecast the impacts of these regulations on men and women after they are promulgated.
3. To identify necessary human and financial resources for the implementation of measures for realizing gender equality or tackling gender inequality or gender discrimination problems.

Article 9. Responsibilities of agencies, organizations and individuals in requesting or proposing the elaboration of legal documents

1. In case of identifying that a legal document has contents related to gender equality or regulating gender inequality or gender discrimination issues, the agency, organization or individual that requests or proposes the elaboration of that legal document shall set forth policies and measures for realizing gender equality or tackling gender inequality or gender discrimination in its/his/her written request or proposal.
2. In case the request or proposal for the elaboration of a legal document is accepted but the requesting or proposing agency, organization or individual is not assigned to draft the document, it/he/she shall supply documents related to gender equality, gender inequality or gender discrimination issues to the drafting agency upon request.

Article 10. Responsibilities of agencies in charge of drafting legal documents

In the process of drafting a legal document related to gender equality or involving gender inequality or gender discrimination issues, the drafting agency shall:

1. Include gender equality issues in the draft legal document in accordance with Article 8 of this Decree.
2. Ensure the participation of representatives of state management agencies in charge of gender equality and the Vietnam Women's Union in the process of drafting the legal document.

3. Refer or consult gender experts and individuals and organizations that are related to or directly influenced by the legal document; sum up, consider and assimilate suggestions.

4. Present the contents of inclusion of gender equality issues in the report on the draft legal document sent to competent agencies; make annexes on gender information and data related to the draft document (if any) and a written explanation about the assimilation of comments of those defined in Clause 3 of this Article and critical opinions of the Vietnam Women's Union concerning gender equality policies and law.

Article 11. Responsibilities of agencies appraising legal documents for evaluating the inclusion of gender equality issues in draft legal documents

1. To evaluate the inclusion of gender equality issues in draft legal documents according to Clause 3, Article 21 of the Law on Gender Equality concurrently with the appraisal of these legal documents.

2. To request state management agencies in charge of gender equality to coordinate in evaluating the inclusion of gender equality issues in draft legal documents.

Article 12. Responsibilities of state management agencies in charge of gender equality for the inclusion of gender equality issues in draft legal documents

1. To appoint their representatives to join drafting boards or editing groups or give their opinions on draft legal documents at the request of drafting agencies.

2. To give written evaluation opinions on the inclusion of gender equality issues or appoint their representatives to join appraisal councils at the request of agencies appraising legal documents.

Article 13. Responsibilities of ministries and ministerial-level agencies in reviewing and systemizing legal documents in order to assure gender equality

Ministries and ministerial-level shall review and systemize legal documents in the domains under their management; if identifying any matters concerning gender equality or gender inequality or gender discrimination, they shall amend, supplement, replace or annul these legal documents according to their competence or propose competent agencies to do so in order to realize gender equality or tackle gender inequality or discrimination problems.

Chapter IV

MEASURES TO PROMOTE GENDER EQUALITY; POLICIES TO SUPPORT FEMALE CADRES, CIVIL SERVANTS AND EMPLOYEES; PROVISION OF SUPPORTS FOR GENDER EQUALITY ACTIVITIES IN DEEP-LYING REMOTE AND ETHNIC MINORITY AREAS AND AREAS WITH EXTREMELY DIFFICULT SOCIO-ECONOMIC CONDITIONS

Article 14. Measures to promote gender equality

1. Measures to promote gender equality are those set forth by the National Assembly, the National Assembly Standing Committee or the Government to assure genuine gender equality in cases where exists big disparities between men and women in terms of position, role and opportunities to bring into play their capabilities and enjoy benefits of development which cannot be mitigated through the application of the same regulations to men and women. A measure to promote gender equality will be implemented within a given period and end when the gender equality goals are achieved.

2. Measures to promote gender equality include:

a/ To prescribe an appropriate proportion of men or women or assure an appropriate proportion of women who participate and benefit in certain fields of social life;

b/ To train and retrain to raise the qualifications of women or men for them to satisfy professional criteria and other criteria as prescribed by law;

c/ To support and create conditions and opportunities for men or women in order to enhance the sharing of family and social responsibilities between men and women in conformity with gender equality goals;

d/ To prescribe particular criteria and conditions applicable to women or men in order to implement priority policies in each specific domain;

dd/ To provide for the right of women to be selected and prioritized when they met all conditions and criteria like men so as to assure gender equality;

Article 15. Requests and proposals for promulgation of regulations on measures to promote gender equality

1. Regulations on measures to promote gender equality will be promulgated in the form of legal documents.

2. Ministries, ministerial-level agencies and provincial-level People's Committees shall request the Government to promulgate regulations on measures to promote gender equality according to its competence; or send proposals to the Government for the latter to submit to the National Assembly or National Assembly Standing Committees for promulgation regulations on measures to promote gender equality according to their competence.

3. The Central Committee of the Vietnam Fatherland Front and the Front's member organizations may request the National Assembly, the National Assembly Standing Committee or the Government to promulgate regulations on measures to promote gender equality.

4. Other agencies, organizations and individuals may request or propose the National Assembly, the National Assembly Standing Committee or the Government to promulgate regulations on measures to promote gender equality according to their competence.

5. The order of and procedures for requesting or proposing competent agencies to promulgate regulations on measures to promote gender equality comply with the law on promulgation of legal documents.

6. A dossier of request for promulgation of regulations on measures to promote gender equality covers the following:

a/ Impacts of existing legal provisions on men and women and the gender disparities, inequality and discrimination in reality;

b/ Details of measures to promote gender equality;

c/ Forecast impacts of these measures on men and women once promulgated;

d/ Necessary human and financial resources for implementing these measures.

Article 16. Responsibilities of state agencies in elaborating, submitting, guiding and organizing the implementation of regulations on measures to promote gender equality in domains of politics, economy, labor and education and training

Responsibilities of state agencies in elaborating, submitting, guiding and organizing the implementation of regulations on measures to promote gender equality in the domains of politics, economy, labor and education and training are defined at Point g, Clause 1, Article 19 of the Law on Gender Equality:

1. The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with relevant ministries and branches in:

a/ Formulating and submitting to the Government for submission to the National Assembly the proportions of female candidates for deputies to the National Assembly and People's Councils in conformity with gender equality goals in the subsequent tenure in order to ensure gender equality in the process of consultation. The submission to the Government must be carried out at least 6 months before the date of election of deputies to the National Assembly or People's Councils and the written opinions of the Ministry of Labor, War Invalids and Social Affairs and the Central Vietnam Women's Union are required;

b/ Elaborating and submitting the Government for promulgation, guidance and organization of implementation regulations on planning of female cadres; regulations on an appropriate proportion of women appointed to positions in state agencies; regulations on the proportion of women holding key leading positions in agencies and organizations in which female laborers account for at least 30% of the workforce in accordance with the national target of gender equality; and regulations on appropriate proportions of men and women, and women's rights to be selected or prioritized in recruitment, planning, training, retraining and appointment when women meet all criteria like men;

c/ Reviewing and proposing competent agencies to amend, supplement, guide and organize the implementation of regulations on ages of female cadres, civil servants and employees to be appointed, trained and retrained so as to ensure equality between men and women; including knowledge about gender and gender equality in training and retraining cadres, civil servants and employees.

2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Planning and Investment, the Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development and other relevant ministries and branches in, elaborating and submitting to competent agencies for promulgation, guidance and organization of implementation:

a/ Regulations on tax and financial incentives for enterprises employing large numbers of female laborers;

b/ Regulations on provision of credit support, agricultural, forestry or fishery extension to female laborers in rural areas.

3. The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Finance, the Ministry of

Education and Training and other relevant ministries and branches in. elaborating and submitting to competent agencies for promulgation, guidance and organization of implementation:

a/ Regulations on the proportion of male and female laborers to be recruited as appropriate to each type of labor in each sector or occupation; regulations on the right of women to be selected or prioritized in recruitment when they meet all conditions and criteria like men;

b/ Regulations on training and retraining of female laborers to raise their capacity;

c/ Regulations on provision of job-training supports to female laborers in rural areas;

d/ Regulations on responsibilities of employers in creating labor hygiene and safety conditions for female workers in heavy and dangerous sectors and occupations or in contact with toxic substances;

dd/ Regulations on encouraging agencies and organizations to support female laborers who bring along under-36-month infants when attending training or retraining courses; and create conditions for male laborers to take fully paid leaves when their wives give birth to children.

4. The Ministry of Education and Training shall assume the prime responsibility for, and coordinate with other relevant ministries and branches in, elaborating and submitting to competent agencies for promulgation, guidance and organization of implementation regulations on appropriate proportions of men and women and regulations on the right of women to be selected or prioritized in study, training and retraining when they meet all conditions and criteria like men.

Article 17. Termination of application of measures to promote gender equality

1. The application of measures to promote gender equality shall be terminated when there are sufficient grounds to determine that economic, cultural and social conditions that cause big disparities between men and women have changed, making the application of measures to promote gender equality no longer necessary.

2. After reviewing and evaluating existing legal provisions and their practical implementation and comparing with gender equality goals and specific economic, cultural and social conditions, organizations and individuals specified in Clauses 2.3 and 4, Article 15 of this Decree shall request competent agencies to decide to terminate the application of measures for promoting gender equality.

3. The order of and procedures for amending, supplementing or annulling legal documents to terminate the application of measures to promote gender equality comply with the law on promulgation of legal documents.

4. A dossier of request for amendment, supplementation or annulment of legal documents to terminate the application of measures to promote gender equality must consist of:

a/ A report analyzing and assessing the application of measures to promote gender equality and the achieved degree of gender equality, with opinions of experts and directly affected persons in related domains;

b/ Explanations about the necessity to terminate the application of measures to promote gender equality;

c/ Written opinions of concerned agencies and organizations, critical opinions of the Vietnam Women's Union, and evaluation opinions of agencies appraising legal documents and state management agencies in charge of gender equality on the termination of the application of measures to promote gender equality.

In case agencies, organizations and individuals request the National Assembly Standing Committee or the National Assembly to terminate the application of measures to promote gender equality according to their competence, the Government's written opinions are required.

Article 18. Responsibilities for elaborating and submitting to competent agencies for promulgation, guidance and organization of implementation regulations on provision of supports for female cadres, civil servants and employees who bring along under-36-month infants when attending training and retraining courses

The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Finance and other ministries and branches in, elaborating and submitting to competent agencies for promulgation, guidance and organization of implementation regulations on provision of supports to female cadres, public servants and employees who bring along under-36-month infants when attending training and retraining courses, specifically:

1. To prescribe flexible forms of training suitable to conditions and circumstances of female cadres, civil servants and employees who are nursing their infants.

2. To prescribe the provision of supports in cash and creation of conditions regarding accommodation and kindergartens when female cadres, civil servants and employees bring along their infants to training and their retraining establishments.

Article 19. Responsibilities for elaborating and submitting to competent agencies for promulgation, guidance and organization of implementation regulations on provision of supports to gender equality activities in deep-lying, remote, ethnic minority areas and areas with extremely difficult socio-economic conditions

1. The Ministry of Health shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Finance and other ministries and branches in, elaborating and submitting to competent agencies for promulgation, guidance and organization of implementation health insurance policies and other support policies related to healthcare for poor women who live in deep-lying and remote areas or are ethnic minority and give birth to a number of children in accordance with the population policy, except for those participating in compulsory social insurance.

2. The Committee for Nationalities shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Finance and other relevant ministries and branches in. formulating and submitting to competent agencies for promulgation, guidance and organization of implementation particular policies on provision of supports for gender equality activities in deep-lying, remote and ethnic minority areas and areas with extremely difficult socio-economic conditions.

Chapter V

FINANCIAL SOURCES FOR GENDER EQUALITY ACTIVITIES

Article 20. Financial sources for gender equality activities

1. Financial resources for gender equality activities include funds allocated from the state budget; voluntary contributions of organizations and individuals and other lawful sources.

2. The state budget at a level shall ensure funds for gender equality activities in agencies and organizations at that level according to the annual budget expenditure estimates of these agencies and organizations.

3. The State encourages agencies and organizations to finance gender equality activities funds already set up at their units in accordance with law.

Article 21. Receipt and use of voluntary financial contributions of organizations and individuals

Agencies, organizations, families and individuals may receive and use voluntary financial contributions of domestic and foreign organizations and individuals to support activities related to the assurance of gender equality in accordance with law.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 22. Effect

This Decree takes effect on July 15, 2009.

Article 23. Implementation responsibilities

1. Ministers and heads of ministerial-level agencies shall, within the ambit of their functions, tasks and powers, guide the implementation of relevant provisions of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial-level People's Committees and concerned organizations and individuals shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung