

Compatibility of Vietnamese Law with International Conventions on the Protection of Human Rights for Vulnerable Group in the Field of Marriage and Family

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ABSTRACT: Protecting human rights is a matter of concern to most countries in the world, including our country. In addition to paying attention to human rights in the fields in general, our State always pays special attention to the rights of vulnerable groups in the field of marriage and family, because they are at risk of being neglected, marginalized and violated their rights higher than others. The protection of the human rights of this group will contribute to ensuring that everyone enjoys basic rights and is not infringed, regardless of who they are, what group they belong to, or what their circumstances are; to work together to meet the requirements and goals of the Socialist State under the rule of law that we are pursuing. The article analyzes the legal provisions on the protection of human rights for disadvantaged persons in the field of marriage and family; at the same time, assesses the current situation, raises inadequacies in legal regulations and the practice of application and implementation, thereby proposing solutions to strengthen the protection of human rights for disadvantaged persons in marriage and family relations in order to maintain fairness and protect the vulnerable in this relationship.

KEYWORDS: human rights, protection of human rights, vulnerable people, marriage, family

I. INTRODUCTION

In the context of globalization and the continuous development of society, the construction of a socialist state under the rule of law in Vietnam is not only a political goal but also an urgent task to promote social justice and protect human rights. General Secretary To Lam emphasized that the promotion of the Party's character must be associated with the creation of a comprehensive legal framework, ensuring the legitimate rights and interests of all citizens, especially vulnerable groups in society. This not only helps to strengthen the people's trust in the Party and the State but also creates a solid foundation for the sustainable development of society (Triên, 2024). However, in practice, the human rights of disadvantaged groups in the field of marriage and family – are still not thoroughly guaranteed. The phenomenon of inequality in family relationships, internal violence, and neglect to protect the rights of women, children, the elderly... are becoming more and more serious, raising many controversies as well as concerns in public opinion.

In addition, the transformation of today's society requires extensive legal reforms, not only ensuring fairness in the relationship between family members but also aiming to overcome the loopholes and limitations that still exist in the legal framework. Therefore, the research on the protection of human rights for vulnerable groups in the field of marriage and family is not only of theoretical significance but also highly practical in the improvement of the legal system, towards building a fair and civilized society.

II. GENERAL OVERVIEW OF INTERNATIONAL CONVENTIONS AND VIETNAMESE LAW ON PROTECTION OF VULNERABLE PERSONS IN MARRIAGE AND FAMILY LAW

A. Overview of international conventions on the protection of vulnerable persons in marriage and family

The concept of "vulnerable groups" is very commonly used in international legal documents and in research and practice on human rights in the world. Although there is no general official definition, vulnerable groups of people are basically used to refer to groups or communities of people with lower political, social or economic status, thereby putting them at higher risk of human rights abuse (Sach Hoi Dap ve QCN 2013.Pdf, n.d.) In the field of marriage and family, these factors are even more unique because they are not only related to the general inequality of society but also reflect intimate relationships – where there is always a disparity in power and resources between family members. From the general understanding of the above term, it can be understood that vulnerable groups, in the field of marriage and family, are the objects that:

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- Failing or lacking the ability/conditions to protect themselves or receiving protection due to political, economic, social or more specifically family traditions, gender inequality ideas.
- Often forgotten/neglected/ignored by the national legal system.

In fact, in marriage and family relationships, vulnerable groups are often those who have limited self-protection ability, because they often face psychological and economic pressures. Specifically, women, children, the elderly, as well as individuals belonging to disadvantaged groups (e.g. rural women, children earning a living early, or those who have experienced domestic violence) are at higher risk of abuse. Thus, "the concept of vulnerable people in the field of marriage and family is built on the principle of special protection for individuals and groups of people with limited capacity for self-protection, and at the same time must rely on appropriate law enforcement mechanisms and support policies to balance relationships within the family such as women (husband and mother, daughters), children (children, grandchildren), the elderly (grandparents), people with disabilities, homosexuals". The sensitivity in identifying and applying support measures for vulnerable groups not only contributes to improving the effectiveness of human rights protection but also demonstrates the country's commitment to the basic values of human rights in the family, which is considered the cell of society. At the international level, there have been many international conventions that have set out basic principles to protect vulnerable groups in the field of marriage and family. Specifically, such as:

First, women as wives (in the relationship of husband and wife) and mothers (in the relationship of mother and child).

This issue has been recognized by countries in a number of provisions of international declarations and conventions directly or indirectly; for example: the declaration on the equal rights of human beings in articles 1, 2, 5, 16 and 17 of the 1948 Universal Declaration of Human Rights (UDHR) affirms equality of dignity and rights between men and women at the end of the marriage, during the marriage period as well as upon divorce (Article 16) and shall not be discriminated against on any grounds such as race, skin color, gender or gender,...(Article 2). In addition, Articles 3, 6, 23 and 26 of the 1966 International Covenant on Civil and Political Rights (ICCPR) set out specific principles and requirements to ensure women's rights, especially in the context of marriage, family and society such as: Affirming the responsibility of member states to ensure absolute equality between men and women in the enjoyment of civil and political rights (Articles 3, 26), not to execute the death penalty on pregnant women (Article 6), to recognize the right to marry and establish a family of men and women upon reaching the age of marriage and to regulate countries members must take appropriate measures to ensure equality of rights and responsibilities of husband and wife during cohabitation and divorce (Article 23).

The 1966 International Covenant on Economic, Social and Cultural Rights (ICESPR) stipulates that member states must commit to ensuring equal rights between men and women with economic, social and cultural rights (Article 3), or that in the workplace, women are entitled to employment conditions no less than men and are paid equally with the same jobs (Article 7), stipulating special protection for mothers during the period of time before and after childbirth (Article 10). (Đề Tài: Bảo vệ Quyền Con Người Trong Lĩnh Vực Hôn Nhân và Gia Đình, PDF, n.d.). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) also devotes Article 16 to the right to equality between husband and wife in matters of marriage, the right to freedom to decide the number of children, the distance between children and equality in parenthood. In order to completely eliminate gender prejudices and protect women's position against the risks of physical and mental abuse in family life.

Second, children (in the relationship between parents - children and grandparents - grandchildren).

As a natural right, the right to be a father and mother, children are transformed into indirect regulations through equal rights in caring for and educating children.... such as "Parents have the right to prioritize choosing the education method for their children (Nations, n.d.). In the ICCPR, it is recognized that the protection of the family, society and the state for children, the right to birth registration and nationality are also guaranteed (Article 24), in case of divorce, there must be provisions to ensure the necessary protection for children (Article 23). Similarly, in paragraph 3, article 13 of the ICESPR Convention, it states: "States parties to the Convention undertake to respect the freedom of parents and legal guardians (if any) to choose schools for their children, other than those established by the government, that meet the minimum educational standards set or adopted by the State, as well as in ensuring the religious and moral education of their children according to their own will", in addition to ICESPR making commitments to Member States to ensure a reduction in infant and child mortality, ensure the healthy development of children and take special protection and assistance measures for children and adolescents (Articles 10 and 12). In the CEDAW Convention, this right is recognized in items d, e, f, paragraph 1, Article 16 of the Convention, specifically: The same rights and responsibilities as parents, regardless of marital status, regarding matters related to their children. In all cases, the interests of the children must be considered the most important thing; The equal right to freely and responsibly decide the number of children and the distance between births, the right to access information, education, etc.; The same rights and responsibilities in matters of nurturing, guardianship, patronage, trust and adoption, or in similar matters....

Third, the elderly (in the relationship between grandparents and grandchildren).

In accordance with international instruments on economic, social and cultural rights such as Article 10 of the ICESCR and Recommendations 25 and 29 of the Vienna International Plan of Action, the right of older persons to live in the family is

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considered a fundamental right, emphasizing that States should use all resources to support, protect and assist the family in meeting the living needs of elderly members, especially for elderly people who live dependent on the family, low-income families who wish to care for the elderly at home, as well as elderly people who live single or elderly couples who want to maintain a familiar environment at home (International Covenant on Economic, Social and Cultural Rights, n.d.).

In addition to the right to live in the family, the right of the elderly to an appropriate standard of living is also emphasized through Article 11 of the ICESCR and the United Nations principles on the elderly. Elderly people have the right to have their needs fully met in terms of food, drink, accommodation, clothing and health care through income, support from their families, communities and even from themselves. In relation to this right, Recommendations 19 to 24 of the Vienna International Plan of Action specifically emphasize that housing for the elderly is not merely a place to live, but must also ensure physical, mental and social needs. National policies should create conditions for the elderly to continue living in their homes for as long as possible, through the preservation, development and renovation of homes to meet the usability as well as urban reconstruction, development planning with special attention to the age factor. This helps improve travel and communication conditions and create a better living environment, contributing to improving the quality of life for the elderly.

The right to mental and physical health of older persons is also included in the protection system through Article 12 of the ICESCR and Recommendations 1 to 17 of the Vienna International Plan of Action. Countries are called upon to focus on providing guidance on health policies, thereby comprehensively protecting the health of the elderly through prevention, recovery and health care activities until the end of life. Accordingly, maintaining the health and functioning of older people requires continuous investment throughout the entire lifespan, in addition to performing periodic health check-ups, which helps minimize the cost of social services and medical care. These policies not only contribute to ensuring the right to life and an appropriate standard of living of the elderly, but also create a foundation for them to maintain their dignity, autonomy and integrate into social life in a positive way (International Covenant on Economic, Social and Cultural Rights, n.d.).

Fourth, people with disabilities – The right to support, protection and social integration

At the international level, people with disabilities are identified as a vulnerable group of people who are often at risk of discrimination and limited access to basic human rights, including those related to marriage and family. The International Convention on the Rights of Persons with Disabilities (CRPD, 2006) is the most comprehensive and important international document to date, setting out clear and profound legal principles and norms to ensure and promote the rights of persons with disabilities in all aspects of life. Article 23 of the CRPD Convention states that States Parties must ensure that persons with disabilities enjoy equal rights in relation to marriage, family, parenthood and other personal relationships, like those without disabilities. The Convention emphasizes that persons with disabilities have the right to freely and voluntarily choose a mate, the right to decide on the number of children and the distance between births, the right to full access to reproductive health information, and the right to equality in parenting. In addition, Member States must also take appropriate measures to protect the right to care, nurture and the right not to be unlawfully separated from the family for children with disabilities.

In addition, the CRPD Convention imposes an obligation on member states to provide necessary support, including reproductive health care, premarital counselling, legal advice and financial support, to help persons with disabilities overcome practical and social barriers when building and sustaining a family life. This requires countries to actively eliminate prejudices and discrimination based on physical or intellectual ability and create a conducive legal and social environment for people with disabilities to live autonomously, independently and happily in family relationships. The CRPD also emphasizes the need to develop specific policies and programs to protect people with disabilities from all forms of exploitation, violence or abuse in family relationships. Thus, it can be said that, through the above-mentioned provisions, the CRPD Convention has established a high standard for the protection of the rights of persons with disabilities in the field of marriage and family, thereby strongly affirming the principle of equality, non-discrimination and the responsibility of the state in supporting this vulnerable group

Fifth, homosexuals – The right to perform assisted reproductive techniques

Regarding homosexuality in the field of marriage and family, although there is currently no separate international convention specific to this group of people, the rights of homosexuals are widely protected through the general principles of human rights enshrined in basic international conventions. The most important is the ICCPR Convention and statements and recommendations from UN agencies related to the protection of the rights of the LGBT community (gay, bisexual, transgender). According to the ICCPR, Articles 2 and 26 clearly stipulate the obligation of member states to guarantee equal rights before the law, without discrimination based on any reason, including sexual orientation. The United Nations Human Rights Committee (Human Rights Committee) in its joint observations and statements interpreting the ICCPR Convention has repeatedly emphasized that discrimination based on sexual orientation or gender identity is a violation of the principle of equality and non-discrimination under the ICCPR. Accordingly, member states must ensure the right to free life, personal safety, the right to marry and the right to privacy not to be infringed upon for all individuals, including homosexuals.

In addition to the ICCPR, the 2008 UN General Assembly Joint Declaration on the Rights of LGBT People called on all member states to take measures to eliminate discrimination, discrimination and violence based on sexual orientation and gender identity,

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and to protect the human rights of gay people in all aspects of life, including the right to build a family. Although this document is not as legally binding as a convention, it has an important guiding role, helping countries gradually change their national laws to be in line with international standards for the protection of human rights in general and the rights of homosexuals in particular. Thus, although an independent and comprehensive international instrument dedicated to homosexuals has not yet been formed, international human rights conventions have been providing an important legal basis to ensure that homosexuals are treated equally, are free from discrimination and have the right to build their personal lives a safe and free family according to the aspirations and dignity of everyone.

B. Overview of the provisions of Vietnamese law on protection of disadvantaged persons in marriage and family relations

In the modern context, the protection of human rights in the field of marriage and family has always been considered a key task of the legal system. Subjects such as women, children, the elderly, people with disabilities and homosexuals are considered vulnerable groups due to physical, psychological and cultural disadvantages. Vietnamese law, through the Law on Marriage and Family 2014 as well as other legally effective documents (Luật Hôn Nhân và Gia Đình 2014 Số 52/2014/QH13, n.d.), has developed a legal framework to ensure specific interests for each group of subjects. The regulations not only show the State's commitment to protecting the rights of the disadvantaged but also orient the construction of a progressive, humane and comprehensively integrated family environment.

First, women as wives (in the relationship of husband and wife) and mothers (in the relationship of mother and child).

With the principle of "voluntary, progressive marriage, monogamy, equal husband and wife" (Luật Hôn Nhân và Gia Đình 2014 Số 52/2014/QH13, n.d.), women's rights are affirmed right from the construction of marriage relations. More specifically, in Article 18 of the Law on Gender Equality 2006 or Article 17 of the Law on Marriage and Family 2014 on "Equality of rights and obligations between husband and wife", women have the same rights and obligations as their husbands in all matters of family life, including the right to make decisions related to the use of common property, participate in the management of economic transactions and freely express opinions in important family decisions. In addition, Article 4 clearly stipulates the responsibilities of the State, society and families in "protecting, supporting ... helping mothers to perform their noble functions well", thereby creating a solid legal framework to affirm the right to care, nurture and development of children, and at the same time help women have the conditions to perform their motherhood in a comprehensive way. These regulations not only protect the rights of women in the husband-and-wife relationship, but also affirm the role of mothers in ensuring a healthy development environment for their children, and at the same time overcome the inadequacies caused by social prejudice about underestimating women's capacity in family life.

Second, children (in the relationship between parents - children and grandparents - grandchildren).

In Vietnam, the Law on Marriage and Family also gives special priority to the rights of children. Article 68 "Protection of the rights and obligations of parents and children" clearly stipulates the responsibilities and obligations of parents to always ensure the right to adequate care, nurturing and education for their children. These rights do not discriminate between children born out of wedlock, thereby eliminating legal barriers that cause inequality between children. In the spirit of the law, every child has the right to live in a safe, healthy and full environment of love and care from both parents. This comes from the realization that the family is the first and most important place in the process of forming children's personality, morality and comprehensive development. In addition, the Children's Law 2016 continues to emphasize the principle of protecting the best interests of children in all decisions related to children. Child protection policies are concretized into programs to support children in special circumstances, including children with domestic violence, children with disabilities, abandoned children, orphans and disadvantaged children, to create a comprehensive social safety net. These regulations are not only intended to protect children from the risks of physical and mental harm, but also contribute to building a foundation of positive personality and life values, helping children mature comprehensively and become responsible citizens in the future society.

Third, the elderly (in the relationship between grandparents and grandchildren).

Older people, as grandparents in the family and living witnesses of tradition, are often at risk of being forgotten or having their rights violated due to their reduced ability to manage themselves and depend on the care of relatives. Although the Law on Marriage and Family 2014 does not have a specific provision only for the elderly, the responsibility to protect and support the elderly has been clearly affirmed through the stipulation that grandparents have the right to be "respected, cared for, and fostered" (Luật Hôn Nhân và Gia Đình 2014 Số 52/2014/QH13 n.d.) or "Adult children do not live with their grandparents, maternal grandparents are obliged to support their paternal grandparents and maternal grandparents in case they are unable to work, have no property to support themselves and have no other person to support them as prescribed" (Clause 2, Article 113, Law on Marriage and Family 2014). The Law on the Elderly in 2009 has also developed a broader legal framework, regulating the responsibilities of the State and society in ensuring social security, health and comprehensive health care for the elderly. Social policies are specifically designed to ensure that the elderly not only have a stable physical life, but also receive psychological

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support, avoiding isolation or abuse. These regulations have ensured that the elderly have adequate health care, protection of their dignity and autonomy, thereby enabling them to live in a humane, safe and spiritually valuable environment.

Fourth, people with disabilities – The right to support, protection and social integration

Within the framework of the Law on Marriage and Family, people with disabilities are classified as those who need special attention and support. Article 2, Clause 4 of the Law affirms that "The State, society and the family have the responsibility to protect, support ... persons with disabilities exercise their rights to marriage and family". This includes measures of financial, health, education and vocational training for persons with disabilities, to help them overcome barriers to autonomy and participation in social life. These regulations ensure that persons with disabilities are not only protected from forms of infringement of their personal rights, but also create conditions for them to develop their capacities and contribute to the diversity and integration of society. Thereby, the law aims to create a family and social environment in which all members, regardless of their circumstances or physical abilities, could develop and exercise their individual freedoms in a full and equitable manner.

The Law on Persons with Disabilities 2010 further concretizes these commitments by requiring authorities to implement special assistance measures such as free legal advice, support for vocational training and job opportunities, and building a conducive physical and social environment for people with disabilities to easily access and integrate. These policies aim to create a just society in which people with disabilities are no longer discriminated against or isolated, their rights are respected, and their personal capacities are maximized in their families and in society.

Fifth, homosexuals – The right to perform assisted reproductive techniques

The Law on Marriage and Family 2014 clearly stipulates that marriage is recognized only between a man and a woman (see Article 8, Clause 2), which means that same-sex marriage is not currently recognized by law. However, it should be noted that, outside the framework of marriage, the personal freedom of each person's identity, including those who identify as gay, is still protected under the provisions of the Constitution and human rights laws. Basic rights such as the right to live freely and the right to be protected from any form of discrimination must be guaranteed. From the perspective of human rights, although there is no recognition of marriage for homosexuals, the right to expression, development of identity and freedom to choose the form of personal relations is still affirmed. This shows that, even in the context of the current Law on Marriage and Family that restricts same-sex marriage, gay people's moral rights will be supported through a legal system that protects individual rights and anti-discrimination policies. in order to create a diverse, inclusive and humane social environment.

In addition, assisted reproductive technology is one of the great achievements of mankind in realizing the dream of becoming a parent of many unfortunate subjects in society. According to the provisions of the Law on Marriage and Family 2014 and the Government's Decree No. 110/2013/ND-CP dated September 24, 2013 stipulating the sanctioning of administrative violations in the fields of judicial assistance, judicial administration, marriage and family, civil judgment enforcement, enterprise bankruptcy, etc cooperatives, the current Vietnamese law allows subjects who are unable to give birth naturally to apply assisted reproductive techniques to give birth by in vitro fertilization and gestational surrogacy for humanitarian purposes(Luật Hôn Nhân và Gia Đình 2014 Số 52/2014/QH13 n.d.)

III. ASSESSMENT OF THE CONFORMITY OF VIETNAMESE LAW WITH THE CONTENTS OF INTERNATIONAL CONVENTIONS ON PROTECTION OF DISADVANTAGED PERSONS IN MARRIAGE AND FAMILY RELATIONS

In the context of the comprehensive development of the Socialist State under the rule of law, the protection of human rights – especially the rights of disadvantaged groups in the field of marriage and family – has always been put first. Through the application of the Law on Marriage and Family in 2014, many important achievements have been recorded; However, in practice, there are still many limitations, especially in the context of the transformation of today's society.

A. Achievements

Establishing the principle of equality and autonomy in family relationships

One of the outstanding achievements of the current legal system is the affirmation of the principle of "voluntary, progressive, monogamous, equal husband and wife" stated in Article 2 of the Law on Marriage and Family 2014. Thereby, the rights of family members are considered basic rights, including the right to be treated equally in all aspects of family life. Specifically, Article 17 stipulating "Equality of rights and obligations between husband and wife" has contributed to creating conditions for women to participate in deciding on important issues such as management of common property, use of economic resources and contribution of opinions in the construction of the home. These regulations have helped overcome the inadequacies left by traditional and feudal concepts, thereby improving the autonomy and rights of women – a vulnerable group if equal rights are not guaranteed.

Protection of children's rights

Children, as the future of the family and society, are always prioritized in protecting their rights according to the principle of "the best interests of the child". Article 68 of the Law on Marriage and Family 2014 has affirmed that children's right to upbringing,

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care and education does not depend on the marital status of their parents. This is considered a significant achievement when creating a comprehensive protection mechanism for children, helping to ensure a safe and healthy development environment. In addition, the application of regulations related to custody and education has helped shape a legal system that prioritizes the interests of children, thereby contributing to reducing cases of infringement of children's rights in intra-family disputes.

Enhancing the role and rights of the elderly

Although the current law does not have a specific provision specifically for the elderly, the responsibility of the State, society and the family in "protecting and supporting the elderly" has been clearly stated in Articles 2 and 4 of the Law on Marriage and Family. International instruments, such as Articles 10 and 11 of the ICESCR and the Recommendations of the Vienna International Plan of Action (Recommendations 25 and 29) also emphasize the right to live in the family, the right to an adequate standard of living and the right to health care for the elderly. In particular, the provisions of Articles 104 and 113 contribute to clarifying the regimes for protection of rights and interests when disputes arise related to the right to nurture and alimony, ensuring that the interests of the elderly are always prioritized in all decisions of judicial agencies. Thereby, the elderly are ensured to live in a safe environment, fully cared for physically and mentally, contributing to affirming their position in the family and society.

Supporting persons with disabilities and ensuring their right to personal freedom

People with disabilities are inherently vulnerable to disadvantage due to limitations in their ability to protect themselves and participate in socio-economic activities. Article 4, Clause 4 of the Law on Marriage and Family has affirmed that the State, society and family have the responsibility to "protect and support persons with disabilities in exercising their marriage and family rights". Policies to support finance, health, education and vocational training have been implemented to create conditions for people with disabilities to integrate into society equally. This support not only helps to reduce material barriers but is also an important steppingstone for them to fully realize their personal freedom and the right to personal protection.

Protection of gay people's moral rights within the framework of current law

Although the 2014 Law on Marriage and Family does not recognize marriage between people of the same sex (Article 8, Clause 2), the right to protection of identity and personal freedom of homosexuals is not excluded. Fundamental rights such as the right to live freely, the right to protection from discrimination and the right to freedom to express personal identity are affirmed in accordance with the general protection provisions of the law as well as through international human rights instruments. This contributes to the creation of a diverse and fair legal and social environment, although there are still controversies and social prejudices.

B. Limitations

Despite many significant achievements, the protection of the rights of vulnerable groups in marriage-family relations still faces many limitations, specifically as follows:

Lack of synchronization and efficiency in law enforcement

Although the legal framework has been developed with basic principles to ensure the interests of disadvantaged groups, in practice, the implementation and supervision have not been implemented synchronously. Disputes over child custody, property division or alimony for the elderly often encounter delays and inconsistent handling. This shows a lack of coordination between authorities and a shortage of resources, especially in rural areas and areas with difficult economic conditions.

Social prejudice and the impact of traditional values

Gender prejudices and conservative family traditions still exist and strongly affect the implementation of human rights for the disadvantaged. Women, despite their equal rights under the law, still face forms of discrimination and injustice in the dispute settlement process, especially in terms of child custody and property management. Similarly, children, the elderly and people with disabilities also experience the phenomenon of "forgetfulness" in internal family decisions, making their rights not fully guaranteed.

Legal gaps and specific application issues

Although provisions such as Articles 104 and 113 have helped clarify the dispute settlement mechanism and prioritize the interests of disadvantaged members, on a theoretical basis, there are still legal gaps. Some phenomena take advantage of these "loopholes" to evade the obligation to support or weaken the right to nurture and educate children and the elderly. In addition, surrogacy for LGBT people still faces many difficulties. Because Vietnamese law only allows gestational surrogacy for humanitarian purposes when the person requesting pregnancy is a legal husband and wife. Therefore, in fact, LGBT people often fulfill this need by asking for surrogacy abroad. However, after the surrogate gives birth, is the child identified as the legal child of an LGBT person? What is the procedure for determination? On what basis are the rights and obligations between the parties determined... All the above issues have not yet been corrected. This has partly affected the rights of LGBT people in exercising their moral rights (Một số ý kiến về quyền nhân thân trong lĩnh vực hôn nhân và gia đình của người LGBT theo pháp luật Việt Nam, n.d.). These legal

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gaps not only create disagreements in dispute resolution but also negatively affect the effectiveness of measures to support and protect the human rights of this group of subjects.

Limitations in propaganda and raising public awareness

A limitation that cannot be ignored in the process of implementing policies to protect the rights of the disadvantaged is the propaganda and education of the community. Many families, especially in economically underdeveloped areas, are still not fully aware of human rights and the importance of protecting the rights of the vulnerable. This leads to the fact that despite legal regulations, in practice, the rights of women, children, the elderly, people with disabilities and homosexuals are still not fully and effectively implemented.

Impact of social transformation on the application of law

The rapid development of society and economic and cultural transformation have set an urgent requirement for the legal system to be promptly updated and innovated. In that context, some old regulations may no longer reflect reality, leading to cases of disputes that are not resolved in the direction of comprehensively ensuring the rights and interests of disadvantaged people. The delay in adjusting and supplementing regulations in accordance with the new situation of society is also one of the limitations that needs to be addressed.

IV. A NUMBER OF PROPOSALS TO CONTINUE TO PROMOTE AND ENSURE THE STRENGTHENING OF REGULATIONS ON PROTECTION OF DISADVANTAGED PERSONS IN MARRIAGE AND FAMILY RELATIONS

First, completing the legal framework and clarifying the concept of "disadvantaged people"

The development of a legal framework to protect the human rights of vulnerable people requires a clear and specific definition for each vulnerable group such as women, children, the elderly, people with disabilities and homosexuals. Currently, although the Law on Marriage and Family 2014 has affirmed the general principle of protecting vulnerable persons, the concept of "vulnerable persons" is still broad in nature and has not been delineated in detail according to each group of people as well as their level of vulnerability. Therefore, it is necessary to review the content of the Law on Marriage and Family, and at the same time supplement specific definitions and criteria for each group of subjects. This not only helps to clearly affirm the scope of priority protection, but also creates a solid legal basis for handling disputes, alimony, nurturing and managing assets fairly. Regulations should be amended so that the principles of "the best interests of the child" or "the right to nurture and care of the elderly" are always decisive criteria, and at the same time help judicial and administrative agencies have a basis to make decisions that prioritize the interests of the disadvantaged. The completion of this legal framework also needs to be closely linked to international norms such as the ICESCR conventions, the ICCPR and the Recommendations of the Vienna International Plan of Action, helping to ensure the synchronization between domestic law and the standards of the international community.

Secondly, improve the efficiency of law enforcement and supervise the protection of the rights of vulnerable people

Although the current legal system has established a framework for protecting the rights of disadvantaged groups, in practice, the implementation of these regulations still faces many inadequacies due to the lack of synchronization and effectiveness in supervision. To overcome this, it is necessary to increase in-depth training for judicial officials, administrative staff and relevant authorities on legal knowledge as well as dispute handling skills related to the rights of vulnerable people. This training must be held regularly, ensuring that officials grasp new legal principles, correctly identify cases of violations and are able to promptly and decisively handle unfair acts in the family environment. At the same time, the establishment of an independent monitoring mechanism with the participation of civil society organizations, review panels and legal experts will create an objective monitoring force, which will help ensure that protection policies are implemented transparently, effectively and synchronously from the central to local levels. The application of information technology to collect, process and analyze data on disputes and violations of the rights of disadvantaged persons is also an important solution, helping managers to have an overview, evaluate the effectiveness of protection policies and promptly make appropriate adjustments to improve the response capacity of legal system.

Thirdly, promote practical support policies for disadvantaged groups

One of the factors that determine the success of the protection of human rights for the vulnerable is practical support from socio-economic, health and education policies. Subjects such as women, children, the elderly, and people with disabilities often face physical and mental barriers, leading to a decrease in self-control. Therefore, there is a need for financial support policies, social benefits, and housing support programs to help them improve their living conditions and ensure basic benefits. Specifically, it is necessary to develop women-specific economic support programs, especially in rural areas, to enable children to receive adequate care and education, and to support the elderly through housing and health care policies. In addition, psychological and legal support programs also need to be promoted, such as the establishment of counseling centers, psychological support and vocational training to help people with disabilities and other vulnerable groups not only overcome current difficulties but also have the opportunity to be self-reliant integration and sustainable development. These support policies should be implemented synchronously on a national scale, focusing on regions with limited socio-economic conditions, and at the same time have a periodic assessment mechanism to ensure efficiency and timely adjustment to meet the actual needs of disadvantaged people.

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Fourth, strengthen propaganda, education and raise public awareness

Building an environment to protect human rights for the disadvantaged not only stops at the stage of building a legal framework but also depends on the level of public awareness. National-scale communication campaigns should be implemented to raise awareness of human rights and the importance of protecting the rights of vulnerable groups in the field of marriage and family. These campaigns must clearly explain that protecting the rights of women, children, the elderly, people with disabilities and homosexuals is not only the responsibility of the State but also the obligation of each family and society. At the same time, human rights education should be included in the curriculum at all levels, helping the younger generation to be aware of the value of equality, respect and freedom in family relations. Close cooperation with civil society organizations, women's, children's and older people's rights groups, and disability support organizations will create an independent monitoring and review system, contributing to promoting transparency and effectiveness in the implementation of human rights protection policies.

Fifth, drafting and promulgating specific guiding documents to implement legal provisions

To ensure that the implementation of policies to protect human rights for vulnerable groups takes place in a synchronous and effective manner, it is necessary to issue detailed guiding documents from relevant authorities. These documents need to clarify the dispute resolution process, specific support measures for each group of subjects, as well as the responsibilities of agencies in monitoring and evaluating effectiveness. The alignment of domestic guiding documents with international norms such as the ICESCR conventions, the ICCPR and the Recommendations of the Vienna International Plan of Action will help ensure consistency and consistency with the requirements for the protection of human rights on a global scale. At the same time, these documents will also serve as a guideline for stakeholders in the process of applying the law, thereby creating a timely and effective response system, helping to detect cases of violations early and thoroughly handle inadequacies that still exist in practice.

V. CONCLUSION

Protecting the human rights of vulnerable people in the field of marriage and family is the central task of a fair and humane legal system. Despite significant achievements, enforcement practice constraints, social prejudices, and legal gaps still require far-reaching reforms. The proposed recommendations aim to improve the legal framework, improve the efficiency of implementation and promote practical support policies, thereby creating an equal and inclusive living environment for all family members. The protection of the rights of the disadvantaged not only strengthens the foundation of a society under the rule of law but also contributes to building a foundation for sustainable development for the country.

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