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ORIENTATION DAY

Training program to promote the political participation of persons with disabilities in elected bodies

# Election process & criteria, advantages and challenges of PwDs in standing for election





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# Agenda

- Overview of election
- Election process and criteria
- Process and criteria for standing for election
- Advantages and challenges for PwDs





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# OVERVIEW OF ELECTION





# What is election?

- A form of people exercising their state-administration rights and power
- A decision-making process by the people to select individuals for governmental agencies.
- A form of authorization and demonstration of people's trust, through prescribed rules and procedures, to choose (at least from two to one) their representatives to governmental agencies or political institutions.
- A mechanism adopted by democratic states in appointing positions in state-administration agencies mainly in the legislative bodies, but sometimes extending to executive and judicial branches.

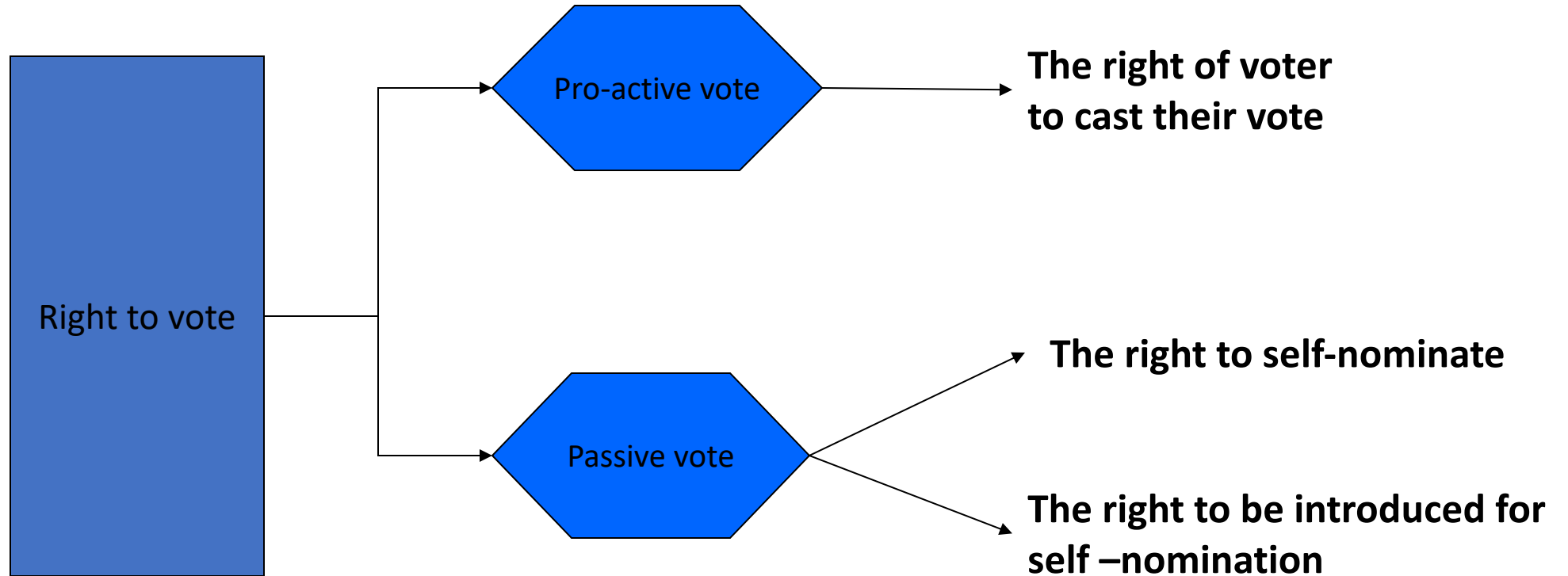




# What is the right to vote?

- The citizens 'right guaranteed by the state to participate in the election of central and local state agencies.
- Stipulated in the Constitution and the law.
- Enforceable by various legal mechanisms, including judicial mechanisms.
- A basic political right stipulated in the Constitution
- Applicable for citizens only (unlike most other human rights that apply to both citizens and foreigners, e.g. right to life, freedom and individual safety...)







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# Objective of election

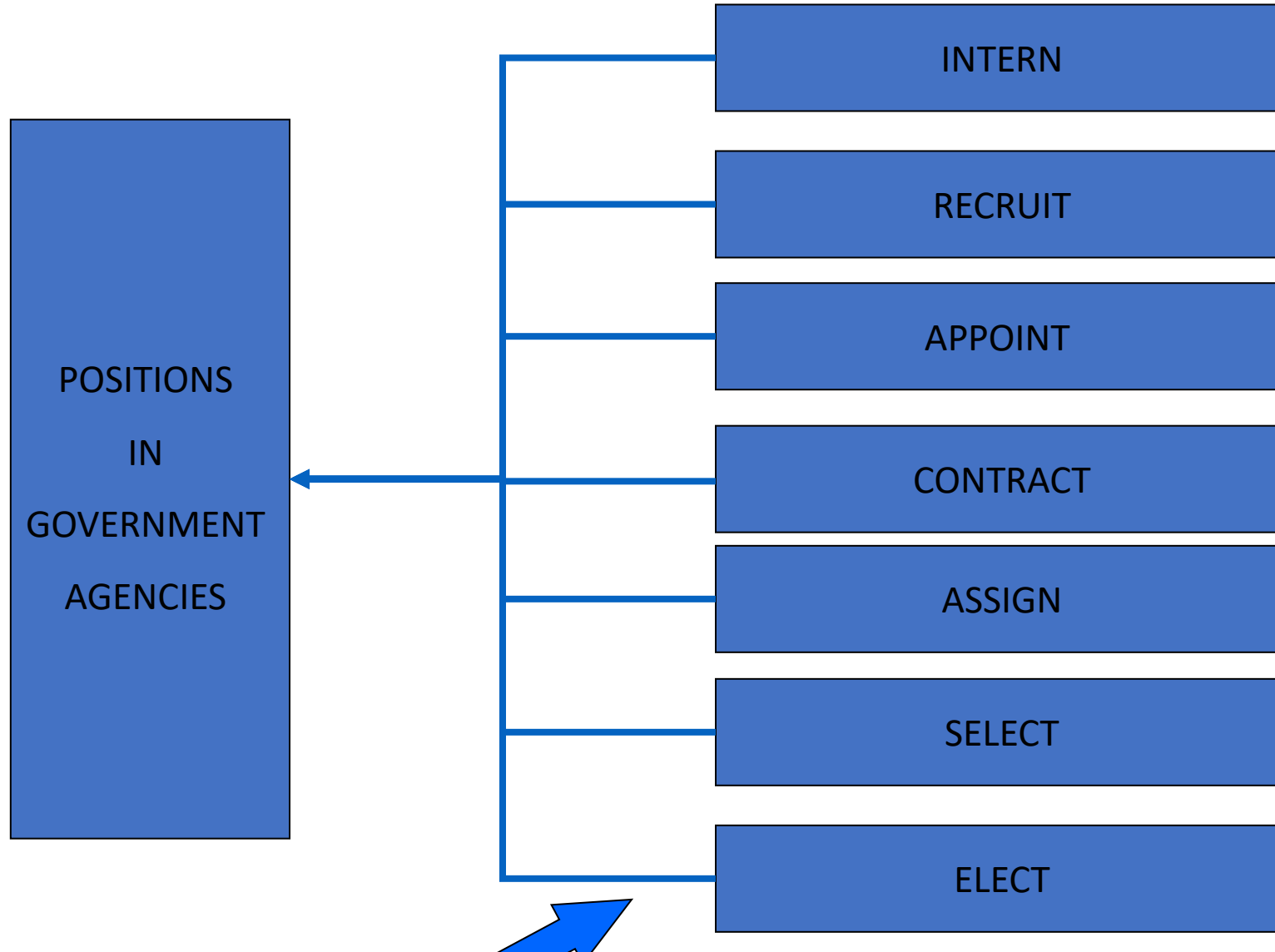
- To select qualified people to manage the state and society.
- An important tool for upholding the accountability of power holder for their actions.
- Legalize the political relationship between the subjects of power and those who exercise power, between the subject of management and the subject to be managed.





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*" The aim of elections in all political institutions is first and foremost to obtain leaders, who are the most intelligent in perception and most virtuous for the pursuit of the common goal of society »*, James Madison





## Why election is important?

- Elections create representative democracy – the common form of state management.
- Although direct democracy is original and authentic, it cannot be universally applied because it is complicated, expensive, and often manipulated.





## Right to vote? Right to stand for election?

- The right to vote means the right to choose one's representatives to the elected office, including the right to nominate candidates and the right to vote in an election to choose a representative in the elected office.
- Vietnamese law: Citizens who are 18 years or older have the right to vote.
- The right to stand for election is a citizen's right, when meeting all the criteria and conditions prescribed by law, he or she can express his or her wish to stand for election as a candidate for an elected office (National Assembly, People's Council at all levels).
- Vietnamese law: Citizens who are full 21 years of age or older have the right to stand for election





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# ELECTION PROCESS AND STANDARDS





## Criteria for voters

- Voters are those who have the right to vote.
- Vietnamese citizens who, as of the election day, are full eighteen years of age or older and do not fall into the following categories, have the right to vote.
- Persons who are deprived of the right to vote under a legally effective court judgment or decision;
- Persons sentenced to death who are awaiting execution;
- Persons who are serving prison sentences but are not entitled to a suspended sentence;
- Persons who have lost their civil act capacity.





# Criteria for standing for election to elected bodies

- To be loyal to the Fatherland, the People and the Constitution, to strive to carry out the renovation work, for the goal of a prosperous, democratic, just and civilized nation.
- To have only Vietnamese nationality.
- To have good moral qualities, needing, thrift, integrity, righteousness, justice, impartiality, exemplary law observance;
- To be brave and active in fighting against corruption, waste, all manifestations of bureaucracy, bossiness, authority and other violations of the law.
- To be qualified in education, expertise, capacity, health, working experience and reputation to perform the delegate duties; have conditions to participate in the activities of the elected bodies. To earn trust and close contact with the citizen to listen to their opinions





Milestone of an election

- Determine of election day
- **Establish election councils**
- Finalize election unit and number of deputies to be elected
- **Finalize list of candidates**
- Finalize list of voters
- Election propaganda and campaigning
- **Vote**
- Check the ballots and election result
- Resolve complaints and denunciation on election
- Announce the election result
- Conduct re-election, additional election
- Verification and recognition of deputies ' status





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# Election in Vietnam

- To elect :
  - National Assembly deputies
  - Deputies of People's council at provincial, district and commune level
- Held every 5-year







## Legal basis

- Constitution 2013

Article 6: Two methods of exercising state power

Article 7: Electoral principles

Article 79: Standards of National Assembly deputies

Article 117: The National Election Council shall organize the election of deputies to the National Assembly and direct the election of deputies to the People's Councils at all levels.

- Law on election of National Assembly deputies and People's Council deputies 2015





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# PROCESS AND CRITERIA FOR STANDING FOR ELECTION





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# Criteria for standing for election to elected bodies

According to current law:

All Vietnamese citizens meet the following conditions:

- From full 21 years old.
- Excluded from non-eligible criteria to stand for election (next slide)





# Non- eligible criteria for standing for election

According to current law:

- Persons under the age of 21.
- Persons who are deprived of the right to stand for election under a legally effective court judgment or decision, who are serving a prison sentence, or who have restricted or lost their civil act capacity.
- The person being prosecuted is the accused.
- Persons who are serving criminal judgments or decisions of the Court.
- Persons who have completed serving criminal judgments or decisions of the Court but have not yet had their criminal records cleared.
- Persons currently serving administrative handling measures in the establishment of compulsory education, compulsory rehabilitation in communes, wards and towns.





# Can a person stand for election to both National Assembly and People's Council?

- According to current law:
- Citizens are only allowed to submit their candidacy dossiers to be deputies of the People's Council at a maximum of two levels in the same term;
- If a candidate for National Assembly election is submitted, he/she may only submit his/her candidacy dossier to be a member of the People's Council at one level.
- Thus, a person who is eligible to stand for election can simultaneously submit a dossier of candidacy for the National Assembly and submit a dossier of candidacy for the People's Council at the same time.





# Nominated and self-nominated candidate

According to current law:

- Nominated candidate means an individual who is introduced by a political, socio-political or social organization, people's armed forces, central or local state agencies to be considered for the list of elected representatives.
- Self-nominated person is an individual who submits his/her own candidacy dossier at the local Election council.





# Candidacy dossier

According to current law, dossier of candidacy for National Assembly deputies and People's Councils includes:

- Application for candidacy;
- Curriculum vitae certified by a competent agency, organization or unit;
- Brief biography;
- Three color portrait photos of size 4cm x 6cm;
- Declaration of assets and income according to the provisions of the law on anti-corruption.
- Samples of the above documents and papers are made according to the instructions of the National Electoral Council.





## Deadline for submission of candidacy dossier?

- According to current law, the deadline for submitting candidacy dossiers is 70 days before the election of the National Assembly and People's Councils at all levels.







## Receipt of candidacy dossier (1)

- According to current law:
- For candidates for the National Assembly election:
- The National Election Council is responsible for receiving candidacy dossiers of candidates nominated by national political organizations, socio-political organizations, social organizations, people's armed forces, central state agencies (2 sets of documents per candidate).
- Provincial election council is responsible for receiving candidacy dossiers of persons nominated by provincial political, socio-political organizations, people's armed forces units, state and administrative organizations and self-nominated candidates.
- After the dossiers are validated, the Election council will send to the Standing Committee of the Vietnam Fatherland Front Committee for consultative conference.





## Receipt of candidacy dossier (2)

- For candidates standing for election to People's Council:
- Self-nominated/nominated candidates submit a set of candidacy documents at the Election council of the administrative unit in which they stand for election.
- After validating the dossier, the Election council will send to the Standing Board of the Vietnam Fatherland Front Committee of the same level to include in the list of consultations.





# The process of making the list of eligible candidates (1)

For candidates standing for election to National Assembly:

- At least 30 days before the election, the Standing Board of the Vietnam Fatherland Front Committee shall send to the National Election Council/Provincial Election council the minutes of the third consultation and the list of eligible candidates recommended by the National and provincial Vietnam Fatherland Front
- The National Election Council shall make and announce the official list of National Assembly candidates for each constituency in the country according to the list prepared by the Standing Committee of Vietnam Fatherland Front and provincial election council at least 25 days before the election day.





# The process of making the list of eligible candidates (1)

For candidates standing for election to People's Council :

- At least 30 days before the election, the Standing Board of the Vietnam Fatherland Front Committee of the province/district/commune must send the minutes of the third consultation conference and the list of qualified candidates for the election to their corresponding direct reporting organization.
- At least 25 days before the election, the Election Council needs to finalize and announce the official list of electoral candidates to People's Council for each constituency.





## What information required in the list of candidates standing for election to National Assembly and People's Council?

- The official list of candidates for the National Assembly or People's Council candidates must clearly state their full name, date of birth, gender, hometown, place of permanent residence, ethnicity, religion, and presentation. the candidate's education, expertise, profession, position, and place of work. The list of candidates for National Assembly and People's Council candidates for each constituency is arranged alphabetically by A, B, C...
- National Assembly and People's Council candidates may only be on the list of candidates in one constituency.





# Number of candidate in each constituency?

- The list of National Assembly candidates in each constituency must have at least two more people than the number of National Assembly deputies elected in that constituency.
- The list of candidates for People's Council deputies in each constituency must be more than the number of elected deputies assigned to that constituency; if 3 deputies to be elected in the constituency, the list should have at least 2 more. If 4 or more deputies to be elected in a constituency, the list should have at least 3 more.





## How complaints and denunciation on candidate and list of eligible candidates resolved?

- Complaints, denunciations and recommendations related to National Assembly candidates and the making of lists of National Assembly candidates shall be sent to the Election Board of National Assembly deputies, provincial and national election council. In case the complainant, denouncer or petitioner disagrees with the settlement results of the Election Board, he or she may lodge a complaint to the National Election Council. The decision of the National Electoral Council is final;
- Complaints, denunciations and petitions related to the People's Council candidates, the making of a list of candidates for People's Council deputies at any level shall be sent to the Election Board of People's Council deputies at that level. In case the complainant, denunciation or petitioner disagrees with the settlement result of the Election Board, he/she has the right to complain to the Election Council at the respective level. The decision of the Election Council is final.
- Complaints, denunciations and petitions must be sent to the above-mentioned agencies at least 10 days before the election day.







# What is election campaigning and its criteria?

- Election campaigning means a candidate's meeting and contact with voters, directly or through the mass media, to report to voters on their proposed action plan in order to fulfill their responsibilities if elected as well as to discuss issues of concern to voters.
- Election campaigning creates conditions for voters to contact candidates and better understand candidates; on that basis to consider, select and elect qualified people to be elected deputies..
- Election campaigning must be conducted in a democratic, public, equal and lawful manner, ensuring social order and safety.
- National Assembly candidates or People's Council candidates in any constituency shall campaign in such constituency.
- The organization of election campaigns is carried out by the organizations in charge of the election, but these organizations and their members are not allowed to campaign for candidates.







# Meeting with voters during election campaigning

- Organized by the Standing Committee of the Fatherland Front in coordination with the People's Committee of the same level in the constituency
- Participants include representatives of agencies, organizations, constituency and voters in the locality.

The agenda for the meeting with voters includes:

- Statement of reasons;
- The representative of the Fatherland Front introduced and read the candidate's brief biography;
- Each candidate reports to voters on his or her action plan if elected as an elected representative
- Voters expressed their opinions and expressed their aspirations to the candidates.
- Candidates and voters exchange democratically, frankly and openly about the same issues care about;
- The chairperson of the meeting made a speech at the end of the meeting.





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# Regulations on election campaign through mass media

- The candidate shall present to voters his/her proposed action plan if elected interviews on the mass media in the resident locality where he/she is running for election and on the website of election administrative body.
- Provincial People's Committees announce and publicize the action plan of candidates standing for election National Assembly and People's Council on local mass media.





## Prohibited acts during election campaign

- Taking advantage of election campaigns to propagate contrary to the Constitution and law or to harm the honor, dignity, prestige, rights and other legitimate interests of other organizations and individuals.
- Abuse of positions and powers to use mass media in election campaigns.
- Taking advantage of election campaigns to mobilize funding and donations at home and abroad for their organizations and individuals.
- Give or promise to give money, property, or material benefits to entice and bribe voters.





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# ADVANTAGES AND CHALLENGES FOR PWDs





## Advantages

- The Party and State's attention and support for people with disabilities
- Electoral primacy in socialist countries (with due attention to minorities and vulnerable groups).
- Representativeness in elections
- The ratio of PwDs in the whole population of is quite high.
- The dynamism of the community and associations and OPDs
- National legal framework and international commitments
- Law on People with Disabilities (under study for revision).
- Participation in the United Nations Convention on the Rights of Persons with Disabilities





## Challenges

- The attention from the Party and State just now focuses on ensuring social security.
- Representation of PwDs in election: The ratio of PwDs in the total population is lower than that of other groups. There is no allocated ratio for PwDs.
- Social stereotypes about people with disabilities are still high.
- The dynamism of the community, associations and OPDs is high but mainly about improving living standards, less associated with the socio-political position of the community.
- Existing barriers in access to public works, transportation technology, information and communication are also obstacles to election campaign.





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Thank you!

