



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined seventh and eighth periodic report of Viet Nam, at the Committee's sixty-first session, held in July 2015. At the end of that session, the Committee's concluding observations (CEDAW/C/VNM/CO/7-8) were transmitted to your Permanent Mission. You may recall that in paragraph 49 on follow-up on the concluding observations, the Committee requested Viet Nam to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19 (a), (b) and (d) and 23 (b) of the concluding observations.

The Committee welcomes the follow-up report received with a six-month delay in January 2018 (CEDAW/C/VNM/CO/7-8/Add.1) under the CEDAW follow-up procedure. At its seventieth session, held in July 2018 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations, urging the State party to “**revise the Penal Code and the Criminal Procedure Code and criminalize all forms of violence against women, including marital rape, dating violence, violence in public spaces and sexual harassment**”: The State party indicated that its National Assembly adopted a new Penal Code and Criminal Procedure Code on 27 November 2015, and that it further revised the articles of the Penal Code on 20 June 2017. It added that its Penal Code covers a number of offenses relating to violence against women, such as intentional injury or harm to the health of another person, rape, forced sex, human trafficking, humiliation of other people, polygamy, as well as forced and child marriage. The State party further informed that it amended its Penal Code to introduce a broader conception of crimes related to sexual behaviours. Finally, it reported that although its Criminal Procedure Code does not provide for the crime of violence against women, it prescribes a special procedure for girls who are victims of criminal offenses.

The Committee welcomes the information provided by the State party on the adoption of a new Penal Code, and on the criminalization of a range of offences relating to violence against women. However, it regrets the absence of information on measures taken to criminalize marital rape, dating violence, violence in public spaces and sexual harassment, as recommended by the Committee. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

His Excellency  
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The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

In relation to the recommendation urging the State party to “**develop, as a matter of priority, a national plan of action to prevent and respond to all forms of violence against women**”: The State party indicated that it introduced the Project on Prevention and Control of Gender-based Violence for 2016 - 2020 in July 2016, which pursues a vision leading up to 2030. This vision focuses on (i) raising awareness of authorities at all levels and citizens about the relevant laws and policies relating to gender-based violence, (ii) enhancing capacity of state management agencies to prevent and respond to gender-based violence, (iii) taking necessary actions to prevent gender-based violence, (iv) delivering support introducing intervention models for the prevention of gender-based violence, (v) strengthening international cooperation to mobilize resources, as well as enhancing experience sharing with other countries and international organizations. The State party further informed that on 6 February 2014, it issued the National Action Plan on Domestic Violence Prevention and Control which leads up to 2020 and aims to raise the responsibility of authorities at all levels, sectors, families, and the whole society for the prevention and control of domestic violence and to reduce domestic violence. It added that this plan includes, inter alia, the development of amendments to the legislation on the prevention and control of domestic violence, the introduction of a coordination system, the incorporation of the prevention of violence against women in the annual development plan, the development of service models to support services for victims, and intervention through educational measures for perpetrators.

The Committee welcomes the information provided by the State party on the adoption of a Project on the Prevention and Control of Gender-based Violence for 2016 - 2020. It however notes the lack of measures taken by the State party since its dialogue with the Committee to develop a national plan of action aiming to respond to all forms of violence against women. The Committee considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

Regarding the recommendation urging the State party to “**allocate sufficient human, technical and financial resources for the effective implementation of a national plan of action to prevent and respond to all forms of violence against women**”: The State party indicated that financial resources for the implementation of both the Project on Prevention and Control of Gender-based Violence for 2016–2020 and the National Action Plan on Domestic Violence Prevention and Control shall be allocated through annual budget estimates of the central and local ministries and agencies, as well as through international aid and assistance from other communities. It also added that the Ministry of Labour, Invalids and Social Affairs is assigned for the implementation of the project and has issued an implementation plan for central and local authorities.

The Committee takes note of the information provided by the State party that financial resources for the implementation of its Project on Prevention and Control of Gender-based Violence and for its National Action Plan on Domestic Violence Prevention and Control should be allocated through annual budget estimates of central and local government, as well as provided through international aid and assistance from other communities. It welcomes that the Ministry of Labour, Invalids and Social Affairs is assigned to the project and has developed an implementation plan. However, regretting the absence of information on human and technical resources allocation for the implementation of its project on gender-based violence and its national action plan on domestic violence, the Committee considers that the State party took some

steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

With regards to the recommendation urging the State party to “**review the use of reconciliation and ensure that women who are victims of domestic violence have effective access to protection orders and legal remedies**”: The State party indicated that its 2007 Law on Domestic Violence Prevention and Control defines that family lines are responsible for reconciliation of conflicts, unless family members explicitly request outside agencies to take up this responsibility. It added that in such cases, reconciliation shall be conducted according to the Law on reconciliation at grassroots level. The State party further informed that according to its 2007 Law on Domestic Violence Prevention and Control, victims are entitled to the provision of first-aid for domestic violence victims and to obtain a prohibition for the perpetrator to approach the victim. It also added that in order to protect victims of violence, shelters and consulting communications have been introduced at the local level. Finally, the State party indicated that its Law on Legal Aid 2017 provides that victims of domestic violence in financial hardship situations are entitled to legal assistance.

The Committee takes note of the information provided by the State party that victims of domestic violence are entitled to first-aid and to obtain a prohibition for the perpetrator to approach the victim. It welcomes the introduction, in 2017, of legal assistance to victims of domestic violence in case of financial hardship. The Committee however regrets the lack of measures taken to review the use of reconciliation in cases of domestic violence after the Committee’s concluding observations. The Committee considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 19** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. **Criminalize all forms of violence against women, including marital rape, dating violence, violence in public spaces and sexual harassment, in line with its General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.**
2. **Develop a national plan of action to prevent and respond to all forms of violence against women.**
3. **Allocate sufficient human, technical and financial resources for the effective implementation of the national plan of action to prevent all forms of violence against women.**
4. **Review its use of reconciliation in cases of domestic violence against women.**

With regards to the recommendation made in **paragraph 23** of the concluding observations, urging the State party to “**consider establishing a quota for female candidates higher than 35 per cent for the elections to the National Assembly and the People’s Council for 2016-2021 with the aim of achieving the target of 35 per cent for elected female deputies set in the National Strategy on Gender Equality (2011-2020)**”: The State party indicated that Article 8 of its Law on Election of National Assembly deputies and People’s Councils, which took effect in 2015, sets out the target of at least 35 per cent women on official lists of candidates for the National Assembly and the People’s Councils. It added that after the third round of the 2016 – 2021 legislature, the proportion of female candidates was at 38.79 per cent. It however reported that the results of the deputies’ election to the 14<sup>th</sup> National Assembly and the People’s Councils are still far below the targets set out in its plan, as female deputies in the National Assembly currently represent 26.72 per cent and 26.54 per cent in the People’s Council., with only around 2% increase of the proportion and with disparities among the provinces.

The Committee welcomes the State party’s quota of 35 per cent and information provided that in both the National Assembly and the People’s Councils, the rate of female deputies has increased around 2 per cent since the introduction of its target of at least 35 per cent of women of the officially listed candidates. It however regrets the absence of information on measures taken to achieve a representation that is higher than 35 percent of candidates in order to achieve the target of 35 per cent of elected female deputies. The Committee considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented.**

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory.**

The Committee recommends that, in relation to **paragraph 23** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Adopt a quota higher than 35 per cent for female candidates of the National Assembly and the People’s Council to achieve the target of 35 percent of elected female deputies.**

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Hilary Gbedemah  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women