



**REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON  
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN  
IN VIET NAM 2007 – 2015**

**This submission was prepared by members of three NGO networks in VietNam:**

GENCOMNET (Gender and Community Development Network),  
DOVIPNET (Domestic Violence Prevention Network) and  
NEW (Network for Empowerment of Women)

**and their partners**

to the UN Committee on Elimination of Discrimination Against Women  
for the reporting circle VII and VIII of Viet Nam, 2015

**Hanoi, June 2015**

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**A. Introduction**

This submission was prepared by three NGOs’ networks in Viet Nam: GENCOMNET (Gender and Community Development Network), DOVIPNET (Domestic Violence Prevention Network) and NEW (Network for Empowerment of Women), and their partners in the civil society to the UN Committee on Elimination of Discrimination Against Women for the reporting circle VII and VIII of Viet Nam, 2015. The information, analysis and recommendations in this paper were contributed by six working groups of 21 NGOs, and consulted in a workshop with participants from 41 institutions including NGOs, Governmental and international agencies, research institutes, academic institutions, and media.<sup>1</sup> The report, rather than describing the view of the majority in the consultation process, aims to reflect different opinions on selected issues in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Viet Nam against international standards.

## B. Main issues and Recommendations

### 1. Article 2: Non-discrimination

- 1.1 **Comprehensive legal instrument on prohibition of discrimination.** Viet Nam does not yet have in place a comprehensive law on prohibition of all forms of discrimination and provide measures to ensure non-discrimination as recommended by United Nations (UN) treaty bodies and other human rights mechanisms.<sup>2</sup>
- 1.2 **With regards to Article 2(d) CEDAW** on the state's obligation to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation, **and Article 5 (a,b) on stereotypes and common responsibility of men and women**, it is noted that state-funded propaganda and campaigns targeting women for decades continue to reinforce gender stereotypes. For instance, the campaign by the Vietnam General Confederation of Labor for women members introduced since 1989 encourages women employees to register to be "excellent in public, responsible at home" and would be awarded such title if they fulfill the double role for women in both public and domestic spheres. While there was no similar qualification required for men, the campaign has been continuously promoted in all sectors without being evaluated nor adjusted from gender equality perspective.<sup>3</sup> The Women's Union' mass communication project on "Four virtues: Self-confidence – Self-respect – Kindness and Diligence" approved by a Prime Minister's Decision<sup>4</sup> or a movement on "Families with 5-no and 3-clean"(started in 2010 and remained central to the Women's Union agenda in 2012 – 2017)<sup>5</sup> provides more responsibilities on women and did not address men's roles and responsibilities, in many cases became a doubled criteria for women. Sometimes it was a barrier to participate in the public life for a woman if is considered not qualified "responsible at home".
- 1.3 **Article 2(f) CEDAW on the obligation of the State** "to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women". However, recent amendment of a number of laws such as the Law on Marriage and Family (amended in 2014) and the Labor Code (amended in 2012 and came to force in 2013) did not fully reflect recommendations by CEDAW and other treaty bodies and remain either discriminatory against women in nature, or lack of clarity which resulted in substantive discrimination as followed:
- 1.4 **Discriminatory concepts prevail in the Law on Marriage and Family (2014).** The Law on Marriage and Family (amended in 2014) promotes vague concepts such as "for women to properly fulfilling lofty motherhood functions" (Article 2, para. 4), "fine cultural traditions and ethics on marriage and family" (Article 2, para. 5)<sup>6</sup> or uses general terms such as [accepting] marriage and family practices "which are repetitive over a long period of time and widely accepted in an area, a region or a community" (Article 3 para.4) or continues to explicitly provide a differentiated minimum age of marriage between men (20 years old) and women (18) (Article 8, para. 1a),<sup>7</sup> despite being recommended by CEDAW Committee in 2007 to review the legislation to provide the same minimum age of marriage for men and women<sup>8</sup> in relation to the Article 16 of the Convention.
- 1.5 **Those provisions in the Labor Code (2012) on the different retirement age for men (60) and women (55)<sup>9</sup> or professions which women are not allowed to take<sup>10</sup>** which were repeatedly concerned and recommended by CEDAW (1986 and 2001)<sup>11</sup> and CESCR (2014) prevail, despite the Code was revised in 2012. Such provisions and its common discriminatory interpretation in practice, i.e. that 55 is the compulsory retirement age for women, or women are not allowed to work in certain professions<sup>12</sup> which were explained as would affect the fertility of women prevented many women from equal employment and promotion opportunities.

**1.6 Discrimination with same sex marriage.** The newly amended Law on Family and Marriage No 52/2014/QH13 (2014) does not recognize same sex marriage. This current gap strengthens stereotypes and discriminatory practices, including violence, on the basis of sexual orientation. In many cases, a woman was tortured, beaten, put under financial and psychological pressures, put in detention, her privacy was violated, or being dismissed from home as her identity was not respected, which eventually resulted in serious depression, run away, destruction of personality, or suicide.<sup>13</sup>

## **Recommendations**

### **The State should:**

- (a) Immediately introduce a comprehensive law on prohibition of all forms of discrimination which include measures and punishment for discriminatory acts.**
- (b) Strengthen understanding of policy makers on obligation of the State on non-discrimination following CEDAW and other international human rights instruments.**
- (c) Amend all discriminatory laws and regulations to be in line with international standards, in particular with article 2(f) and article 4, paragraph 1 of the Convention and general recommendation 25: including removal of all discriminatory provisions in the Law on Marriage and Family to be in line with article 1 of the Convention on the Rights of the Child and article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations; and in the Labor Code following the concluding observation No. 271 of CEDAW for Vietnam in 2001.<sup>14</sup>**
- (d) Review and revise all state-funded projects and mass communication campaigns targeting women to ensure elimination of stereotypes on gender roles;**
- (e) Timely recognize equal marriage without any discrimination on gender identity and sexual orientation. Two persons of the same sex should be able to have civil marriage and enjoy all rights and entitlements as a couple.**
- (f) Review and revise the provision on the Law on Marriage and Family to provide the same minimum age of marriage for men and women in relation to the Article 16 of the Convention.**

## **2. Article 4: Temporary special measures**

**2.1 In introducing a number of policies to support women in different arenas of life,** the Government, however, did not specify these policies as temporary special measures as recommended by the General Recommendation No.25 (para.25) and specifically as noted for Viet Nam by CEDAW (2007).<sup>15</sup> On the other hand, maintained discriminatory regulations against women, for instance, in differentiated retirement age with men,<sup>16</sup> or regulating 77 professions where women are not allowed to be employed,<sup>17</sup> despite several amendments of the respective law were justified as special treatments for women or an unsolved matter of history.<sup>18</sup> This situation reflected a short of understanding on special measures as provided in the General Recommendations No.25.

**2.2 The progress in providing specific actions following national policy statements and law enforcement has been rather slow due to the absence of an effective monitoring mechanism.** While the Law on Gender Equality (2006) provided function on monitoring of responsibility for implementing gender equality for several agencies<sup>19</sup> Decree No.48/2009/ND-CP on measures to ensure gender equality provided general responsibilities for different ministries in preparing their own measures for gender equality. Without specifying a timeframe or a monitoring mechanism for the

implementation, the enforcement of the decree as a positive action was less effective with many delays from relevant ministries. For example, the three sets of measures to promote gender equality in political life indicated by the Decree No.48/2009/ND-CP, Article 16, para.1<sup>20</sup> have been pending implementation in the absence of a guiding Circular from the Ministry of Home Affairs since 2009.

## **Recommendations**

**The State should accelerate the introduction and implementation of different temporary special measures through:**

**(a) Immediately provide measures specified by the Law on Gender Equality (2006) and CEDAW Committee's recommendations for Viet Nam with a clearly defined actions, timeframe and benchmarks, in accordance with CEDAW Article 4 and General Recommendations No.25.**

**(b) Review and strengthen the existing monitoring mechanism for gender equality, through increasing the space for the participation of civil society organizations and through the process of establishing an independent National Human Rights Institution in Vietnam as committed during UPR in 2014.<sup>21</sup>**

### **3. Article 7: Elimination of discrimination against women in the public life**

**3.1 Women account about 40% in the public sector, but very few are in leadership positions.** The percentage of women members of the National Assembly has been around 25% for the last three terms<sup>22</sup> compared to the expected 30% in elected bodies.<sup>23</sup> However, the percentage of women in leadership at People Councils at three administrative levels was only 5-6%.<sup>24</sup> In the Communist Party system and the government, the participation of women staff was very low: In the party system, the percentage of women members were 32% (2012).<sup>25</sup> Women accounted only 9% at the central level of the Party's Bureau, and 12% at the provincial level<sup>26</sup> while women hold Party Secretary and Deputy Party Secretary was only 6,18% and 8,42% respectively.<sup>27</sup> Less than 10% of ministers and deputies were women<sup>28</sup>. At the People' Committees at provincial, district and commune level, the percentage of women in the chairperson position respectively was 2%, 5% and 6%. Women in leadership positions were often found in education or health care sectors, and in most of the cases they play the deputy's role.<sup>29</sup>

**3.2. The prevailing law on election does not provide a specific target for women candidates,** while women were only 14.28% of the Central Committee on Election.<sup>30</sup> In the election, selected women candidates often have lower educational levels and leadership positions (noted that women accounted only one third of the Communist Party's membership), which made them less competitive than men. For the election of the 13<sup>th</sup> Term of the National Assembly, 28/183 election areas did not have any women candidate.<sup>31</sup> The National Strategy on Gender equality 2011 – 2020 provided new targets on increased percentage of women in the public sector, including the National Assembly and People's Councils. However the Electoral Laws and guidance notes for election of deputies to 13<sup>th</sup> National Assembly and People's Councils of the term 2011 – 2016 did not regulate the gender accountability of Election Committees and other stakeholders<sup>32</sup> to ensure gender balance in the selection of candidates.

## **Recommendations**

### **The State should:**

- (a) Introduce reserved seats for women at a minimum of 35% membership of the National Assembly and People Councils as targeted by the National Strategy for Gender Equality 2010 – 2020, and provide additional trainings for women candidates.**
- (b) Introduce regulations which allow all candidates, including women to run for the election in public, including an amendment of the Law on Election.**
- (c) Provide substantive measures and institutional arrangements to implement the target on women in leadership in different state authorities as stated in the National Strategy for Gender Equality 2011 – 2020.**
- (d) Provide gender criteria in the organization of the election committees, with men or women account at least 30% of the composition of the committees.**
- (e) Open up the election monitoring system for the election monitoring by civil society.**

## **4. Article 10: Education for women**

**4.1 According to the National Population Survey (2009),** the number of illiterate women (for the national language, Vietnamese) in the country was 2,670,559 people, doubled than that of men (1,233,832 people).<sup>33</sup> Illiteracy rate was particularly high for women of ethnic minorities: in three areas of Northern Mountain, Central Highland and South East, the respective rate was 24%; 29% and 19% compared to those of women from Kinh ethnic group: 0.9%, 17% and 15%, and compared to men of ethnic groups: 12%, 1.1% and 4.6%. Girls often suffered from the family's preference for boys to go to school, and access to information in the national language in general. On the other hand, after 2000, the national budget for literacy program reduced significantly, with the budget per person was 60.000VND (less than 3 dollars) which made the literacy programs in poor province less prioritized.

## **Recommendations**

### **The State should:**

- (a) Raise awareness on compulsory education for girls and boys;**
- (b) Reform the literacy programs in its approach to be more suitable to participants, especially women in terms of timing, methodology, contents and incentives, with sufficient funding. Literacy programs could, for instance, combined with other vocational program, access to credit, or health care education for women and includes mother tongue literacy programs.**
- (c) Invite and facilitate the participation of civil society actors in education programs for women in the rural areas.**

**4.2 Vocational training courses** provided for women often suggested gender stereotypes, such as girls go to courses on garment industry or cooking.

## **Recommendations**

### **The State should**

- (a) Guide the implementation of the Law on Vocational Training (2014) with focus on women and in particular women of vulnerable groups.**
- (b) Organize vocational training programs with incentives for women, without gender stereotypes in the training curriculum and methodology.**
- (c) Provide more incentives for enterprises which employ women.**

**4.3 Gender stigma and stereotypes in schools and textbooks.** Not many systematic reviews of gender stigma and stereotypes in schools and textbooks were conducted, while a rare review of textbooks for primary schools conducted by an NGO (2013)<sup>34</sup> found serious problem of gender stereotypes in the text: high prevalence of men as main characters (41%) than women (15.6%); names of characters in textbooks were given for men as being smart and kindness (66.67%), ambitious (10%), natural events (13.33%), strong animals (10%) while women's names were after nice flowers (27,5%), plants (15%), seasons (10%), birds (7.5%), or rivers (40%). According to the study, men were also illustrated as taller than women, and were given characters of being active, courageous and smart, doing a wide range of tasks and jobs, while women were mostly related to domestic work or teaching in schools. For instances, all example of scientists in the textbook were men, while women serving as assistants, while women were illustrated as working in garment or nursing professions.

### **Recommendations**

#### **The State should:**

- (a) **Systematically review school textbooks at all levels to remove examples of gender stereotypes and stigmas;**
- (b) **Include criteria on gender equality and non-discrimination in textbook appraisal with participation of gender experts.**
- (c) **Provide adequate training for teachers on teaching for non-discrimination, gender equality and human rights.**

## **5. Article 11: Employment**

**5.1 Discrimination in recruitment and employment.** Non-discrimination is recognised as a principle in the Constitution (Article 35 para.2 and 3) and the Labour Code provides that employees are entitled with just and safe working environment and prohibition of discrimination based on gender (Article 8.1, Article 153 and 154). However, in practice, the lack of effective monitoring and enforcement mechanism made these provisions less exercised. For instance, a review of recruitment advertisement on newspapers<sup>35</sup> found that 12.4% advertisements explicitly asked for men candidates, and 8.2% asked for women. Notably, public professions such as the police kept a rate of recruitment for training for women only 10 – 15% and higher admission criteria,<sup>36</sup> which resulted in a low rate of women in service of the police, with only 1% of women serving in the criminal police, and very few women are working as commune police.<sup>37</sup> Women in employment have to face unfair conditions by employers (such as not having children in the first two years of contract), or the shortage of day care services which made it very difficult for mothers to come back to work after 6 months of maternal leave.

### **Recommendations**

#### **The State should:**

- (a) **Strengthen enforcement on equal opportunities for all employees, especially in the public sector, and on improving monitoring and providing effective measures to address violations through an enact of a comprehensive Law on Anti-discrimination.**
- (b) **Provide public education on equal opportunities for all, and gender equality in the work place;**
- (c) **Provide, where possible children daycare services in the workplace and encourage the private sector to do so.**
- (d) **Encourage civil society organizations to act on the public interest to bring the case of discrimination in recruitment and in the work place to court.**

**5.2 Child labor among girls.** By 31/12/2012, 705,108 girls in Viet Nam were counted as children at work (62% of children at work), mostly of 15-17 years old (58%), and 12-14 years old (27%). Among this number, 105,000 girls (15%) were 5-11 years old – under the minimum age for work by ILO Convention No. 138. Among children at work, 52% dropped out from school, 45.2% working part-time while schooling, and 2.8% never been to school<sup>38</sup>. A survey on the situation of working children by the National Assembly in 2014<sup>39</sup> showed that children are working in difficult conditions (out door or in difficult environment, unsafe, or lack of hygiene, etc) and treated unfairly by employers. Many of them were beaten, did not get paid, or work without holidays or day-off. They could also face the risk of being trafficked or slavery.<sup>40</sup>

### **Recommendations**

#### **The State should:**

- (a) Introduce legal specified provisions on employment conditions for children respective responsibilities of employers, with a separate registration and reporting system for children at work.**
- (b) Provide regulation on the frequent reporting on the situation of children at work, with disaggregated data by age, ethnicity, location, household income; and introduce a special monitoring scheme on children at work; and strengthen the inspection mechanism.**
- (c) Provide rehabilitation and support programs for children at work, especially for girls and victims of abuse.**

**5.3 Women migrant workers are a missing group in important and relevant policies.** They are not specified as a group in special needs in the Law on legal aid (2006); in the National Strategy for Reproductive Health 2001 – 2010; the National Strategy for Youth health care; or the National Strategy for Family 2005 – 2010. The issue was neither brought up in the State report to CEDAW. Not being recognized in key relevant policies, women migrant workers face several challenges and did not receive adequate support from social policies. Half of women migrants were not covered by health insurance due to barriers from the household registration system,<sup>41</sup> therefore had to cover their health care cost from their own pocket.<sup>42</sup> Even if the migrant managed to get a health insurance where she was from, the share of her health care cost in the destination would be 40% of the total cost, which is significantly high. Women in migration had few learning opportunities<sup>43</sup> and experienced poor treatment as being harassed or even beaten (49,2%), or working over-time without being paid (38,3%). They also have less connections with the authorities or community in the destination, which make them less access to other public affairs.<sup>44</sup>

### **Recommendations**

#### **The State should:**

- (a) Remove the household registration system applied for access to social policies and services such as health insurance, which created permanent challenges and vulnerabilities for people from different groups.**
- (b) Provide specific policy measures to address the situation of migrant domestic workers, especially in terms of social policies on health care and access to other social services.**

**5.4 Sexual harassment.** A rapid appraisal by the Department of Gender Equality under MOLISA (2012) found 72% women and 28% men experienced sexual harassment at work.<sup>45</sup> Most recently, in May 2015, a code of conducts in the work place on preventing sexual abused was issued by the Ministry of Labor, Invalid and Social Affairs, as a guiding document for enterprises but does not apply to public

organizations. The public discussion on online forums challenged the concept of sexual harassment and the applicability of the guiding document, with much prejudice against women has not been addressed by any informed discussion by policy makers or any other public education effort. Meanwhile a sanction on sexual harassment, being administrative or criminal, is still missing.

## **Recommendations**

### **The State should:**

- (a) Require employers to install a complain mechanism and counseling at work, including those of public organizations;**
- (b) Conduct public education campaigns on the prevention of sexual abuse at work;**
- (c) Introduce administrative and criminal sanction on sexual harassment at the work place.**

## **6. Article 12: Health care**

Women from ethnic minorities, women with disabilities, women living with HIV and female migrant workers faced more challenges in access to health care. It was rather difficult for women with disabilities seeking services for reproductive and sexual health care due to unavailable facilities or services,<sup>46</sup> or due to a lack of health care professional working at the commune level who have some trained skills on working with people with disabilities.<sup>47</sup> While the average percentage of pregnant women who have pregnancy check was 94.2% (one time) and 86.5% (3 times and above), only 45% women from ethnic minorities had three or more health checks during their pregnancy. This number was 30% for those areas not covered by a specific project to promote pregnancy check.<sup>48</sup> Women living with HIV have limited access to mother-to-child transmission prevention services. While pre-natal health care facilities were not fully equipped to help women living with HIV during their pregnancy, a study found that 60% people living with HIV/AIDS attended the interview had received the advices on reproductive choices and one third of them were advised not to have children and suggested to use compulsory contraceptives rather than being provided with counseling and safe services.<sup>49</sup> Similarly, female migrant workers had less access to health care services due to barriers in a service system distributed by household registration. While a recent study found out that 76% of female migrant workers from industrial zones got STIs, the challenge of the household registration, low affordability and the fear of being discriminated caused female migrant workers reluctant to go to health care services.<sup>50</sup>

## **Recommendations**

### **The State should:**

- (a) Provide compulsory training for health care providers on human rights, non-discrimination principle and appropriate behaviors and skills to work with different vulnerable groups, in particular women from ethnic minorities, women with disabilities, migrant women workers, and women living with HIV.**
- (b) Take actions to provide adequate funding and facilities to support people with disabilities and people living with HIV to access health care services without being discriminated.**

## **7. Article 14: Women in rural areas**

**7.1 Gender equality in rural development programs.** Several policies for rural development were provided by the government. These programs could have been more effective if they were responsive to the need of different groups (including more tailored for women) rather than addressing general population. For instance, the Ethnic Minorities Working Group (EMWG) reviewed 23 different policies

and programs in rural areas and found 30% documents generally referring to women as the beneficiaries.<sup>51</sup> In other grand development strategies in the rural areas, such as the Strategic plan for agriculture development by 2020, The strategic plan for forestry development to 2020 and nearly 30 related policies contain 60 indicators to measure development by 2020, no indicator of the participation and interest of women was included.<sup>52</sup>

The lack of specification on the role and needs of women in development programs lead to a passive participation and unequal benefit at different levels. The meetings organized at grassroots levels usually just serve the head village (often being men) to inform the already-developed plan.

## **Recommendations**

### **The State should:**

- (a) Review existing development programs in rural areas from gender equality perspective and introduce targets and indicators for gender equality in these programs.**
- (b) Have proper training on human rights and non-discrimination which are relevant to international standards for civil servants, especially senior officials.**

## **7.2 Women's access to land**

It is provided by law that in a legal marriage, the land use certificate recognizes both the wife and the husband's right.<sup>53</sup> However, in the implementation, the percentage of land use certificates having both signatures of husband and wife was only around 10%.<sup>54</sup> According to studies by different research institutes and NGOs, this situation was due to weak enforcement of the law as: 1) Insufficient public information on the regulation;<sup>55</sup> 2) Lack of remedy as for those who requested to have both names on the certificate met difficult administrative procedure to add their names on the certificate. They also faced stigma from public opinion towards women who seek for property ownership;<sup>56</sup> 3) Public officers lack adequate understanding on the regulation;<sup>57</sup> 4) Customary law insists patriarchal order and become a root cause that keep women away from their rights to use the land and to inherit the land property after divorce.<sup>58</sup>

## **Recommendations**

### **The State should:**

- (a) Set up a mechanism to monitor the enforcement of the renewal of land use certificates and eliminate all obstacles caused by gender stereotype and discrimination against women. An indicator on the equal recognition of wife and husband in land use rights should be included in the official database and reporting on land administration.**
- (b) Enhance capacity of land administration agencies and officers to clear about their obligation to ensure the women's right to have their names on the land use certificates, including reviewing the existing procedure to issue land use certificate and facilitating the replacement of old land use certificates to new ones with both names of husband and wife.**

## **8. Article 16: Marriage and Family**

**8.1 Early marriage.** The state report for CEDAW did not provide specific data on the situation of early marriage. According to a report by MOLISA in 2009, 2.19% of male population of 15-19 years old, and 3.12% female population of 15-17 years old were married.<sup>59</sup> Early marriages were more common among children living in remote areas and ethnic minorities, and more prevalent among girls than boys.<sup>60</sup> While public campaign on prevention of early marriage has been widely conducted, these

campaigns could be more target-group oriented. On the other hand, there is no mechanism available to support individuals at risks.

### **Recommendations**

#### **The State should:**

- (a) Introduce a systematic monitoring scheme for early marriages, integrated with other frequent reporting indicators.**
- (b) Introduce a mechanism to support children, especially girls, at risk of being involved in early marriage, including providing educational opportunities and financial support.**

**8.2 Existing measures to address domestic violence are not sufficient and resulted in higher risks for women facing violence.** Administrative sanctions on acts committing domestic violence as provided in the Decree 167/2013/ND-CP issued on 12/11/2013 hindered women from reporting domestic violence, as women would have to share the financial burden for paying the fine from family' shared pocket. It was also noted that about 87% women who experienced domestic violence never seek for support from listed support services.<sup>61</sup> The same study found that support services for victims of domestic violence were not effective as violence recurred to 77% of the cases received support,<sup>62</sup> partly as gender stereotypes were practiced. Women who suffered from domestic violence would receive advice from the local association, most of the time the local women's union based on the assumption that getting divorce meant a negative end, and women should maintain certain roles in the family.

### **Recommendations**

#### **The State should:**

- (a) Urge relevant agencies, especially those who implement domestic violence prevention programs from the state budget, should review their intervention to eliminate all discriminatory elements, in particular gender stereotypes on the role of men and women in the family;**
- (b) Place a monitoring system to provide timely support and understand the situation better to bring in suitable measures to protect victims and provide more adequate policy interventions;**
- (c) Providing legal and financial support for women seeking to report domestic violence, especially service in a safe and discreet manner.**

## **9. Lack of remedy and a specialized monitoring mechanism.**

In different situations as stated above, despite several efforts and investment from the government to address respective problem, the missing of a specialized and independent monitoring mechanism made the problem less recognizable to the State and other stakeholders, therefore the measures provided were less adequate and ineffective. Viet Nam has several agencies, both State and State-sponsored, performing their function of monitoring. However a gap on expertise on monitoring human rights in general or women's rights in specific exists in all these agencies. In operation, their capacity to act independently and impartially is also questionable.

### **Recommendations**

**The State should accelerate the establishment of an independent National Human Rights Institution following the Paris Principle.**

## **ANNEX1: CONTACT PERSONS**

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## **ANNEX2: LIST OF ORGANIZATIONS IN THE WORKING GROUP AND CONSULTATION WORKSHOP**

### **I. List of organizations developing the report**

1. Center for Creative Initiatives in Health and Population (CCIHP)
2. Center for Education Promotion and Empowerment of Women (CEPEW)
3. Centre for Public Health and Community Development (CEPHAD)
4. Centre for non-formal education and community development (CENEV)
5. Research Centre for Gender, Family and Environment in Development (CGFED)
6. Center of Police and Law Study on Gender (CPLG)
7. Center for Studies and Applied sciences in gender, family, women and adolescents (CSAGA)
8. Center for Support of Social Development Programs (CSDP)
9. Center for Sustainable Development Studies Vietnam (CSDS)
10. Centre for Sustainable Rural Development (SRD)
11. Center for Women and Development (CWD)
12. Institute for Social Development Studies (ISDS)
13. Inclusive Development Action (IDEA)
14. The Institute for Gender and Development (INGAD)
15. Institute for Studies of Society, Economics and Environment (iSEE)
16. Department of Social Worker, Thang Long University
17. Ethnic Minorities Working Group (VUFO – NGO resource centre)
18. Institute for Reproductive and Family Health (RaFH)
19. Vietnam Association for Protection of Child rights (VAPCR)
20. Vietnam Network of women living with HIV/AIDS (VWN+)
21. Micro Finance and Community Development Institute (MACDI)

### **II. List of organizations participating in the consultation workshop**

1. Bac Giang Association for Protection of Child rights
2. Center for Consulting on Law and Policy in Health and HIV/AIDS (CCLPHH)
3. Center for Creative Initiatives in Health and Population (CCIHP)
4. Center for Education Promotion and Empowerment of Women (CEPEW)
5. Centre for Public Health and Community Development (CEPHAD)

6. Centre for non-formal education and community development (CENEV)
7. Research Centre for Gender, Family and Environment in Development (CGFED)
8. Institute of Development Economics Consultants - Social And Rural Mountain (CISDOMA)
9. Center of Police and Law Study on Gender (CPLG)
10. Centre for Community Development and Social Work (CODES)
11. Center for Support of Social Development Programs (CSDP)
12. Center for Women and Development (CWD)
13. Center for Community Development in Dien Bien Province
14. Center for Development of Continuing Education
15. Department of Legal Affairs – MOLISA
16. Department of Family – Ministry of Culture, Sports and Tourism
17. Department of Child Care and Protection (MOLISA)
18. Department of Social evils Prevention (MOLISA) - Cục phòng chống tệ nạn xã hội (MOLISA)
19. Department of Gender and Development, Vietnam's women Academy
20. ICS center – An organization to protect and promotion LGBT rights in Vietnam (ICS)
21. Institute for Family and Gender Studies (IFGS)
22. Institute for Social Development Studies (ISDS)
23. Inclusive Development Action (IDEA)
24. Institute for Studies of Society, Economics and Environment (iSEE)
25. Centre for Gender, Labor and Social Affairs (GLASA)
26. Hanoi Disabled People Association
27. Center for Development of Women and Children (DWC)
28. Ethnic Minorities Working Group (VUFO – NGO Resource Centre)
29. Institute of Ecology and Environment
30. Institute for Reproductive and Family Health (RaFH)
31. Kenan Institute Asia
32. Light Institute
33. People Committee of Dong Sang Commune, Moc Chau district, Son La Province
34. Oxfam Vietnam
35. Rural Development Services Centre (RDSC)
36. School of Law, Hanoi National University
37. Tinh Bien network in Hai Phong
38. Vietnam Association for Protection of Child rights (VAPCR)
39. UN Women Vietnam
40. UNESCO Vietnam
41. Women Research Institute , Vietnam's women Academy

## ENDNOTES

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<sup>1</sup> See Annex 1.1 for the list of participating organizations in the working groups, and Annex 1.2 for the list of organizations participated in the consultation.

<sup>2</sup> Recommendations by CERD in 1993 (Official Records of the General Assembly], Forty-eighth Session, Supplement No. 18 (A/48/18), para 348-358), in 2001 (CERD A/56/18 (2001) para. 414-415) and 2012 (CERD/C/VNM/CO/10-14 para. 7); by CESCR in 2014 (E/C.12/VNM/CO/2-4 para 13) and accepted UPR recommendations in 2014 (Recommendation No.88 from Chile) (see A/HRC/WG.6/14/L.14 para. 143.88).

<sup>3</sup> Most recently was the Order No03/CT-LD dated 18/8/2010 by Vietnam General Confederation of Labor Unions on continuous promotion of the campaign. The campaign was reviewed in 2015 following Guidelines No. 21/HD-TLĐ on 07/01/2015 on the review of the implementation of the program for five years 2010 – 2015. The review guideline however did not take any consideration on the gender equality perspective and how the program affect gender stereotypes or gender equality.

<sup>4</sup> Decision No.343/QĐ-TTg dated 12/3/2010 by the Prime Minister on the approval of the project “Communications and Education of virtues and qualities for Vietnamese women in the period of enhancing industrialization and modernization of the country (period 2010 – 2015).

<sup>5</sup> No poverty and “social evils”, no domestic violence, no third child and beyond, no manultritious children and children drop out from school. Clean house, clean kitchen and clean lane. The movement’s criteria has been implemented since 2010 and mainstreamed to the national program on New Rural as criteria to rate communes which are qualified as “New Rural communities”.

<sup>6</sup> Decree no 126/2014/NĐ-CP guiding the implementation of this article did not either provide a definition of “fine cultural tradition”.

<sup>7</sup> Law No 52/2014/QH13 dated June 19th 2014 on Marriage and Family. An English translation is accessible at <http://vbpl.vn/TW/Pages/vbpgen-toanvan.aspx?ItemID=10874>

<sup>8</sup> CEDAW A/41/45 (1986) para. 206 and CEDAW/C/VNM/CO/6 para. 27. An analysis on the use of these discriminatory languages in the Law on Marriage and Family (2014) was made by CESCR in which CESCR recommended to “Amend all legislative provisions which are discriminatory to women, such as those in the Law on Marriage and Family, as well as the different retirement ages for men and women” (E/C.12/VNM/CO/2-4; para.16).

<sup>9</sup> Labour Code (2012), article 187, para. 1.

<sup>10</sup> Labour Code (2012), article 160.

<sup>11</sup> CEDAW A/56/38 (2001) para. 271.

<sup>12</sup> Provided by the Circular 26/2013/TT-BLĐTBXH dated 18/10/2013 of the Ministry of Labour, Invalids and Social Affairs.

<sup>13</sup> UNDP, USAID (2014), Being LGBT in Asia: Viet Nam Country Report, Bangkok, available at: <http://www.vn.undp.org/content/dam/vietnam/docs/Publications/Vietnam%20LGBT%20Dialogue%20Report%20-%20English.pdf> [accessed 1 January 2015].

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<sup>14</sup>CEDAW A/56/38 (2001) para. 271.

<sup>15</sup> CEDAW/C/VNM/CO/6, para.10

<sup>16</sup>Labour Code 2012. Article 187, para.1

<sup>17</sup>Provided by Circular 26/2013/TT-BLĐTBXH dated 18/10/2013 of the Ministry of Labor, Invalids and Social Affairs guiding the implementation of Article 160 Labor Code (2012).

<sup>18</sup>See, for instance, the explanation of the Vietnamese delegation with CEDAW (CEDAW A/41/45 (1986) para.211) and with CESCR (2014) either named it a special treatment because of the function of women as mothers and wives (E/C.12/2014/SR.43 para. 15), or blaming it a matter of historical legacy (E/C.12/2014/SR.43 para.13).

<sup>19</sup> Including the National Assembly and Peoples' Councils, the Fatherland Front and its members, the Women's Union, and on gender equality for inspection (not specified by which inspectorate, now currently with the Ministry of Labor, Invalids and Social Affairs). A national body which was mandated for overseeing actions for "the advancement of women" is the National Committee for the Advancement of Women in Vietnam (established in 1985 and reviewed most recently by the Prime Minister's Decision No 92/TTg dated 11/6/2001. The Committee, however, included all part-time members as Vice-Minister of ministries and political-social organizations. The committee is supported by the Ministry of Labor, Invalids and Social Affairs without a permanent full-time staff.

<sup>20</sup> Three groups of measures as prescribed in this Decree includes: a target for women candidates in the election of the National Assembly and People's Councils at three administrative levels, ensuring gender equality in the negotiation of the candidacy in the election; and setting targets for women and men in recruitment, human resources planning, training, and appointment (for public sector). In Vietnam, a Law usually does not come into effect directly but its implementation is enacted by guiding documents from the Government which are decrees and circulars.

<sup>21</sup> In the second UPR, Vietnam supported those recommendations on the establishment of an independent National Human Rights Institution with consideration of the Paris Principles (Recommendations no.143.35 – 39 and 143.51 on strengthening capacity of national human rights mechanism (see A/HRC/26/6 and A/HRC/26/6/Add.1).

<sup>22</sup> Women accounted respectively 27.3% at 11<sup>th</sup> Term, 25.76% at 12<sup>th</sup> Term, and 24.4% at 13<sup>th</sup> Term (Office of the National Assembly, 2011).

<sup>23</sup> Set target for period 2011 – 2015 by the National Strategy for Gender Equality 2011 – 2020 approved by the Prime Minister's Decision No. 2351/QĐ-TTg dated 24/12/2010. For the period of 2016 – 2020, the respective target is set at 35%.

<sup>24</sup> The Women's Union Congress in 2007 and 2012.

<sup>25</sup>UNDP. 2014. Women representation in leadership in Vietnam. Accessed at [http://www.vn.undp.org/content/dam/vietnam/docs/Publications/31204 Women s Representation in Leadership in Viet Nam.pdf](http://www.vn.undp.org/content/dam/vietnam/docs/Publications/31204_Women_s_Representation_in_Leadership_in_Viet_Nam.pdf) on May 20th 2015.

<sup>26</sup>The Party's Department of Human Resources and Organization, 2007, 2011; Women's Union.2012

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The Party's Department of Human Resources and Organization, 2007, 2011 and Documents of the Women's Union Congress 2007, 2012.

<sup>28</sup>Office of the Government. Report on the implementation of the national targets on gender equality in 2007 and 2012.

<sup>29</sup>Institute of Sociology. 2009. A qualitative study on women in leadership in the public sector. EOWP/UNDP project.

<sup>30</sup> Resolution 1018/NQ-UBTVQH12 and Plan 02/KH-HĐBC

<sup>31</sup> Resolution No 351/NQ-HĐBC on 26<sup>th</sup> April 2011 provide a full list of voting areas and candidates at <http://dbqh.na.gov.vn/XIII/Daibieu.aspx>

<sup>32</sup>Under Electoral Laws and guidance notes for election, Standing Committees of National Assembly and People Councils, Political Bureau, Government and Prime Minister, Fatherland Fronts, Women's Unions, Ministry of Home Affairs are stakeholders in-charge of election process.

<sup>33</sup>See Vietnam General Administration of Statistic, National Population Survey 2009. Access at <http://gso.gov.vn/default.aspx?tabid=512&idmid=5&ItemID=10798> on May 20<sup>th</sup> 2015.

<sup>34</sup>Nguyen Thi Tuyet Minh and Nguyen Thi Thu Hang. 2013. Gender stereotypes in textbooks for primary school.

<sup>35</sup>Institute for Studies of Society, Economics and Environment (iSEE). 2013. Gender equality in recruitment advertisements in printed newspaper.

<sup>36</sup>Answer from the Academy of Police (2012) on opportunities for women candidate for the police training. <http://www.hvcsnd.edu.vn/vn/Acedemy/Tra-loi-Ban-doc/2/2590/Giai-dap-ve-tuyen-sinh-vao-nganh-Cong-an.aspx>

<sup>37</sup>UNODC and UN WOMEN. 2013. Women in criminal justice in Vietnam. Accessed at [http://www.unodc.org/documents/southeastasiaandpacific//vietnam/publication/2014/Women\\_in\\_Justice\\_Vietnamese.pdf](http://www.unodc.org/documents/southeastasiaandpacific//vietnam/publication/2014/Women_in_Justice_Vietnamese.pdf)

<sup>38</sup>Ministry of Labor, Invalids and Social Affairs, ILO and GSO. 2012. National Survey on Child Labor.

<sup>39</sup>National Assembly's Committee on Culture, Education, Youth and Children. 2014. Report on the Survey of implementation of laws and policies on children at work 2009 – 2013.

<sup>40</sup> For instance, the police managed to rescue 39 girls working in a garment sweatshop in 2013 (Ministry of Public Security. 2014. Report No. 1054/BC-C41-C45 on the implementation of laws and policies on children at work.

<sup>41</sup>GSO. 2011. *Vietnam Gross Population and Housing Survey. Survey on woman and migration.*

<sup>42</sup> Existing Law on Health Insurance provided at Article 12 para 5 that members of a household could registered for a households health insurance", but the practice was rather difficult as the head of the households get to decide who would be included. If a woman lives on a rent, the landlord (often the head of the household in the registration) might already have been covered by health insurance, or do not want to include the tenant, or all the members of the households were not covered by health insurance.

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<sup>43</sup> 94.5% did not get any new learning opportunity since their migration. *GSO. 2011. Vietnam Gross Population and Housing Survey. Survey on woman and migration.*

<sup>44</sup>*Op. Cit.*

<sup>45</sup>Ministry of Labor, Invalids and Social Affairs. 2012. Rapid assessment by the Department of Gender Equality.

<sup>46</sup>Le Bach Duong and Khuat Thu Hong. 2008. Study on people with disabilities in Vietnam. Hanoi: National Political Publishing House. See also, Hoang TuAnh and Nguyen ThiVinh, 2011. Right to Reproductive and Sexual health of youth with disabilities. Paper published in the proceedings of the National Conference on Public Health No.7 – 2011.

<sup>47</sup>Ministry of Health, Department for Reproductive Health. 2007. Survey report on reproductive health care system.

<sup>48</sup>UNFPA. 2007. Knowledge and Practices on Reproductive Health of Women from ethnic minorities.

<sup>49</sup>VNP+ (Network of Vietnamese People living with HIV). 2012. Report on stigma and discrimination against people living with HIV in Vietnam.

<sup>50</sup>CISDOMA. 2008. Needs assessment on reproductive health care among migrant women working as waste collectors in Ô Cho Dua Ward, Dong Da district, Hanoi; UNFPA. 2010. Internal migrant and socio-economic development in Vietnam: A call to action

<sup>51</sup> For instance, Decision no. 57 of the Prime Minister on the approval of Plan for protection and develop forest in period 2011-2020 mentions women as following: “...Should ensure productive land for the households... particularly pay attention to people from ethnic minorities, poor households and women from remote areas in order to gradually make people who work in forest able to live on forest work...”

<sup>52</sup> EMWG and partners, *Survey report on Participation of Women from ethnic minorities in economic development* in 3 provinces: Dien Bien, Yen Bai and Bac, November 2014, pag.9.

<sup>53</sup> Law on Marriage and Family (2014), Article 34 para.1 and Land Law (2013), Article 98, para.4.

<sup>54</sup> A study in 2011 by Dang Kim Son, Nguyen Do Anh Tuan (Land policies for Development in Vietnam – Opportunity or Challenge) found that in 2010 only 8.6% land use certificates have both names of the wife and the husband, and in one province this percentage was 0%. Another research by different ministries’ institute in 2012 found that in 12 provinces covered by the study, only 12.9% land use certificates signed with both names of husband and wife (CIEM, IPSARD, ILSSA. 2012. Characteristics of Vietnam rural Economy – Findings of Rural Family Survey 2012 in 12 provinces)

<sup>55</sup> CIFPEN, Research report on Women’s Right to access to the land – A view from the reality of Land use certificates in 6 development areas of Action Aid Vietnam, 2008.

<sup>56</sup>LANDA, Survey on ensuring right to have name of women in the land use certificate, 2014.

<sup>57</sup> CIFPEN, Research report on Women’s Right to access to the land – A view from the reality of Land use certificates in 6 development areas of Action Aid Vietnam, 2008.

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<sup>58</sup> UNDP. 2013. Women's Access to Land in Contemporary Vietnam. pages 36-37

<sup>59</sup>Ministry of Labor, Invalids and Social Affairs, Department for Children Care and Protection. 2010. Report on The work for Children 2009.

<sup>60</sup> For instance, in the commune of Van Ho, MocChau district, Son La province, 68% married couples got married before the legal minimum age of marriage (Tran Dinh Thuan, Deputy Director of Son La Province Population and Planning Bureau. 2014. Comments on situation of early marriage).

<sup>61</sup>GSO. 2010. National survey on domestic violence against women in Vietnam. Accessed at [http://www.gso.gov.vn/default\\_en.aspx?tabid=487&ItemID=10693](http://www.gso.gov.vn/default_en.aspx?tabid=487&ItemID=10693)

<sup>62</sup> UNODC and UN WOMEN. 2013. Assessment of the situation of women in the justice system in Vietnam. Accessed at [https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women\\_in\\_Justice\\_English.pdf](https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf)