

## QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON VIET NAM<sup>1</sup>

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- Suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified with reservation to article 29 (1)<sup>2</sup>. OP-CEDAW not ratified. Rome Statute not ratified. Palermo Protocol not ratified.

In 2003, CRC encouraged Viet Nam to become a party to the Rome Statute as soon as possible (Para 3, Compilation). In 2007, the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) encouraged the State ( ) to ratify the Optional Protocol-CEDAW and to accept, as soon as possible, the amendment to article 29, paragraph 1, of the Convention (Para 1, Compilation).

### Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Protection and Promotion of Human Rights at National Level (11-13), Civil and political rights (17-27), Children (39-42), Persons with disabilities (53-56), Achievements (57-70).

ISSUE	N Report	Compilation	Summary
Abortion		High rates of abortions in adolescent /young women (45). On of highest rates in the region. Sex-selective abortion	

<sup>1</sup> These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at [alejandra@mulabi.org](mailto:alejandra@mulabi.org)

<sup>2</sup> Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

		reflecting male babies preference (46)	
<b>Domestication of CEDAW / Harmonization of laws with international treaties.</b>		New legislation according to CEDAW. International law prevailing over conflicting domestic law (6)	
<b>Early / forced marriage</b>		Need to set same minimum age of marriage at 18. Need to stop underage marriages (33)	
<b>Economic rights/ Right to development</b>	Poverty reduction (79) Joint Land-use Rights/House Ownership Certificates extended for married couples (45).	Need to guarantee issuing of joint land use certificates, esp. in rural areas (33).	Need to remove obstacles on the issuance of joint land use certificates for wives (5). Law Land not implemented. Very low rate of women enjoying right to land (8)
<b>Equality and Non discrimination</b>	Constitutional protections (10) Special laws and policies (14). Very good indicators on empowerment and participation (46)		
<b>Ethnic Minority Women</b>	Ethnic policies (48) Agencies and organizations to promote development (49)	High levels of poverty and inequality (18). Lack of access to education, health services, employment, credit facilities (45). Lack of schooling of 20% young ethnic minority women (55).	
<b>HIV/AIDS</b>	Prevention and control effective (35)	Concern for increasing rate of infection in women (45)	
<b>Literacy</b>	Women literacy rate: 91%. (45)		
<b>Patriarchal attitudes/stereotypes</b>	Traditional stereotypes, discrimination, domestic violence, male supremacy still exist (75)	Traditional stereotypes go against political /public and labour market participation of women (21)	
<b>Public and political participation</b>	25,76 % of National Assembly members are women (45). Increase participation in coming years (47)	Rates of real women participation in government (41)	
<b>Reproductive health/rights</b>	Health insurance assistance, free-of-charge treatment,	Limited access to sexual / reproductive services. (45).	Violations persist, often with the connivance of Party

	(35). Maternal mortality Reduced to 75/100,000 live births in 2007 (35).	Access to maternal / newborn health services guaranteed for poor people, but its quality has decreased (47). Highest maternal mortality rates among ethnic minority women and in mountainous regions(46)	and Police officials (Para 7, Summary).
<b>Right to education</b>	Universal primary and secondary education (34). Increase of primary and secondary enrolment. Declination of dropout rate.. (41)	Need to eliminate unequal gender enrolment and get universal primary education for girls (51)	
<b>Right to social security</b>	Security network created, women as vulnerable group deserving special attention (85)		
<b>Right to work</b>	83% of women in working age are employed. Maternity leave: 4 months paid. (45)	Need to legalize gender equal remuneration (19) Traditional gender division of labour (20). Inequalities, informal jobs, occupational segregation, wage gap. Need to reinforce Labour Code application (43). Need for legal provisions on sexual harassment at workplace (25).	
<b>State mechanisms/ Plans of Actions for women's rights</b>	National Committee on the Advancement of Women, Viet Nam Women's Union (31). National Strategies (43), agencies involved (44)	National Strategy in accordance to Beijing Platform (13)	
<b>Trafficking of women/ Forced prostitution</b>	To be addressed in the coming years (47)	Plan of action welcomed (13). Low rates of prosecution / conviction of traffickers. Rehabilitation measures could stigmatize and deny due process (31).	Persistence, connivance of Party and Police officials (7)
<b>Violence against Women /Gender Violence</b>	2007 Law (14) Remaining problems: discrimination, maltreatment / violence against women, (47)	Lack of data on violence against women and girls (24). Programs caring for victims lack adequate resources (12)	Domestic violence, still exist, often with connivance of Party and Police officials (7)

## **Abortion**

CEDAW expressed concern about the **very high rate of abortions**, in particular among **adolescent and young women** ( ) (Para 45, Compilation). Viet Nam has **one of the highest abortion rates in the region** and recently **sex-selective abortion appears** to reflect son preference, with the rate of male babies as high as 120 to 100 in four provinces in 2007. A 2008 UNFPA report referred to surveys indicating that the sex ratio at birth in 2007 was **112 baby boys for every 100 baby girls** (Para 46, Compilation)

## **Domestication of CEDAW/harmonization with international treaties**

CEDAW welcomed the adoption of the **Law on Gender Equality** of November 2006, the **2003 amendment to the Land Law**, the **Law on Marriage and Family**, and the **Ordinance on the Prevention and Suppression of Prostitution**. CEDAW also welcomed the recent adoption of the **Law on Signing, Joining and Implementing International Conventions**, which entered into force in January 2006. The United Nations Country Team (UNCT) noted that the law provides that provisions of treaties to which Viet Nam is a party, including a number of human rights treaties, **prevail over conflicting national provisions** (Para 6, Compilation).

## **Early / forced marriage**

CEDAW was concerned about the **differential minimum legal age for marriage** for women and men. (Para 33, Compilation)

## **Economic rights/Right to development**

*Viet Nam has developed the **National Target Programme on Poverty Reduction** for the 2006-2010 period, with a budget of VND 43,000 billion, giving priority to **vulnerable groups such as women**, among others (Para 79, NR). Women have their names recorded in **Land-use Right Certificates/ House Ownership Certificates** with their husbands. They also have equal rights with men in the issue of **citizenship** (Para 45, NR).*

International Federation of Human Rights (FIDH) and Viet Nam Committee on Human Rights (VCHR) noted that lack of implementation and awareness, official power abuse and corruption result in mass **abuses of women's right to land**. Despite revisions in the **Land Law** that entitle women to register Land User Certificates along with their husbands, only 3 per cent are registered in women's names, and 3 per cent joint-held. **Widows find themselves completely destitute** after working for decades on their husband's lands (Para 8, Summary)

## **Equality and non-discrimination**

*The 1992 Constitution, guarantees that all citizens enjoy equal political, economic, cultural and social rights, and are equal before the law. Every citizen has the right to participate in the management of the State and the society ( ) regardless of **gender** ( ) (Para 10, NR). The Government pays special attention to vulnerable groups **such as women** ( ). For each group, the Government has put in place concrete priority policies to protect support and provide them with development opportunities and facilitate their social integration. The **2006 Law on Gender Equality** (is an) illustration of the country's efforts in this area ( ) (Para 14, NR). According to the United Nations Human Development Index and **Gender Development Index**, Viet Nam ranks 105/177 and **91/157**, respectively. Viet Nam is in the list of countries that have established the **Gender Empowerment Measure (GEM)** and ranks 52/93. According to the World Bank and the Asian Development Bank, Viet Nam has one of the **highest rates of economic participation of women in the world**, is one of the*

more advanced countries with respect to **gender equality, and stands out** in East Asia for its success in **closing gender gaps** in the last 20 years (Para 46, NR)

### **Ethnic minority women**

Viet Nam's consistent ethnic policy is to promote equality, unity, mutual respect and cooperation for mutual development. This is enshrined in -among others- **Marriage and Family Law, Gender Equality Law ...** (Para 48, NR). Agencies and organizations involved in ensuring the rights of ethnic minorities include, **the Women's Union**. They operate nationwide at all levels (Para 49, NR).

UNCT noted that although Viet Nam has made formidable progress in its socio-economic development since the beginning of the doi moi (renewal) era in the mid 1980s, some parts of the population, such as **ethnic minority women** ( ) continue to be particularly vulnerable to high levels of **poverty and inequality** (Para 18, Compilation). CEDAW expressed its concern about the situation of women in rural and remote areas, as well as the situation of ethnic minority women, who **lack sufficient access to adequate health services, education, employment and credit facilities** (Para 45, Compilation). UNCT referred to estimates that **20 per cent** of ethnic minority young women **have never attended school**, and many ethnic minority communities are not provided with education programmes in their **mother tongue** (Para 55, Compilation).

### **HIV/AIDS**

Viet Nam creates the necessary conditions for the people to enjoy their right to health care, with priority given to women. ( ) **Health insurance assistance, free-of-charge medical treatment, ( ) prevention and control of ( ) HIV/AIDS have proven to be effective** (Para 35, NR)

CEDAW expressed concern about the **increase in HIV/AIDS infections** among women. (Para 45, Compilation)

### **Literacy**

Female adult **literacy rate** is 91 per cent (Para 45, NR)

### **Patriarchal attitudes/stereotypes**

Persisting local customs, **traditions and stereotyping continues to breed gender disparity, especially in people's mentality. Male-supremacy attitude, discrimination and domestic violence against women still exist, especially where the awareness is low** (Para 75, NR).

CEDAW reiterated its concern about the **persistence of patriarchal attitudes and deep-rooted stereotypes**, including the preference for male offspring, regarding the roles and responsibilities of women and men within the family and society at large. Such stereotypes, inter alia, put women in a **disadvantaged position in the labour market** and in **political and public life**. (Para 21, Compilation).

### **Public and political participation**

Women account for **25.76** per cent of all members of the **National Assembly** in the 2007-2011 term, ranking 4th in the Asia Pacific Region. ( ) **They also participate in numerous political and social organizations, accounting for 30 per cent of these organizations' executive members at different levels** (Para 45, NR). In the years ahead, Viet Nam is determined to **address** some remaining problems such as increase the rate of female participation in administrative agencies at all levels (Para 47, NR)

UNCT noted that women make up approximately 26 percent of National Assembly representatives, but only 8 percent of Central Party Committee members, 12.5 percent of Ministers and 9 percent of Vice Ministers. UNCT also informed that the 1998 grassroots democracy decree promotes more active participation in the decision making processes at the commune and village levels (Para 41, Compilation)

### **Reproductive health/rights**

*Viet Nam creates the necessary conditions for the people to enjoy their right to health care, with priority given to women. ( ) Health insurance assistance, free-of-charge medical treatment, ( ) have proven to be effective (Para 35, NR). Maternal mortality rate has been reduced from 233 per 100,000 live births in 1990 to 75 in 2007. (Para 35, NR).*

UNCT submitted that the highest infant and maternal mortality rates are in the mountainous regions and among ethnic minority groups (Para 46, Compilation).

CEDAW expressed concern about women's limited access to sexual and reproductive health-care services ( ). (Para 45, Compilation)

A 2005 WHO report noted that the introduction of social insurance schemes for poor people has ensured access to maternal and newborn health services, but that there has been a perceived decline in quality in peripheral health services (Para 47, Compilation)

FIDH and VCHR stated that grave violations of women's rights persist in Viet Nam, despite legal commitments taken by the Government to promote gender equality. Abuses include violations of reproductive rights- often with the connivance of Party and Police officials (Para 7, Summary).

### **Right to education**

*Viet Nam completed the universalisation of primary education in 2000, 15 years prior to the MDG deadline. Universalisation of lower secondary education is being carried out (Para 34, NR). Women account for 30 per cent of all post-graduates (Para 45 NR).*

### **Right to social security**

*Viet Nam further gives priority to the development of a social security network and addressing the adverse effects of the market economy. This includes diversifying social insurance schemes, paying attention to the material and spiritual well-being of vulnerable groups, including ( ) women ( ) (Para 85, NR).*

### **Right to work**

*83 per cent of working-age women are employed. Women are present at almost every state administrative agency and state-owned enterprises where 68.7 per cent of the public servants and 30 per cent of employers are female. ( ) Women have 4 months of full pay maternity leave and are given one extra month pay (Para 45, NR).*

The ILO Committee of Experts noted the Law on Gender Equality did not introduce a definition of discrimination in employment and occupation in accordance with Article 1 of the ILO Discrimination (Employment and Occupation) Convention (No. 111). The Committee also noted that this law fell short of fully applying the ILO Equal Remuneration Convention (No. 100). (Para 19, Compilation).

UNCT noted that gender division of labour based on traditional roles and beliefs effectively relegates women to a subordinate status in the labour market and therefore contributes to the 'feminization' of poverty (Para 20, Compilation).

CEDAW expressed concern at the concentration of women in the informal economy, and that insufficient information was provided about women's de facto situation in the formal and informal labour markets. (Para 43, Compilation).

The ILO Committee of Experts noted that the Law on Gender Equality does not explicitly address sexual harassment. (Para 25, Compilation).

### **State Institutions/Plans of Actions**

The National Committee on the Advancement of Women, among others, has been formed to advise the Government on policies and solutions in relevant areas, to carry out information, communication and education activities to encourage the people to support and get involved in implementing government policies, and to monitor the implementation of policies by Government agencies. Mass organisations like the ( ) Viet Nam Women's Union have an increasingly important role to play in economic and social development as well as in improving the people's life (Para 31, NR). Viet Nam is actively implementing the National Strategy on the Advancement of Women until 2010, in which many targets have been achieved ahead of schedule. Gender has been mainstreamed into many important national documents ( ). Viet Nam is now working on the National Strategy on Gender Equality for the 2011-2020 period (Para 43, NR). Agencies and organizations working for the advancement of women include the Ministry of Labour, Invalids and Social Affairs, National Committee on the Advancement of Women and Viet Nam Women's Union. They operate at all levels nation-wide (Para 44, NR).

CEDAW commended the State for the adoption of its National Strategy for the Advancement of Women for 2001-2010, which was drawn up in accordance with the Beijing Platform for Action (Para 13, Compilation).

### **Trafficking of women/Forced prostitution**

In the years ahead, Viet Nam is determined to address some remaining problems such as prostitution (Para 47, NR)

CEDAW welcomed the Action Plan for the Prevention and Suppression of Trafficking in Women and Girls (Para 13, Compilation). CEDAW expressed concern about the low rates of prosecution and conviction of traffickers and of others who exploit the prostitution of women. CEDAW was also concerned about reports that rehabilitation measures, such as administrative camps, may stigmatize girls and young women victims of prostitution and deny them due process rights (Para 31, Compilation).

FIDH and VCHR stated that grave violations of women's rights persist in Viet Nam, despite legal commitments taken by the Government to promote gender equality. Abuses include prostitution and trafficking of women and girls - often with the connivance of Party and Police officials (Para 7, Summary).

### **Violence against Women/Gender Violence**

The Government pays special attention to vulnerable groups such as women ( ). For each group, the Government has put in place concrete priority policies to protect support and provide them with development opportunities and facilitate their social integration. The 2007 Law on the Prevention and Control of Domestic Violence (is an) illustration of the country's efforts in this area ( ) (Para 14, NR). In the years ahead, Viet Nam is determined to address some remaining problems such as discrimination, maltreatment and violence against women. (Para 47, NR)

UNCT submitted that Viet Nam's level of domestic violence is high and that women suffer severe stress. Although CEDAW welcomed the drafting of a new bill on domestic violence,

it continued to be concerned about the **lack of information and data** on all forms of violence against **women and girls**. (Para 24, Compilation). CRC was concerned that programmes aimed at victims' protection, by the Ministry of Labour, Invalids and Social Affairs, the **Women's Union**, the Youth Union and the Committee for the Population, Family and Children, **lack of adequate financial resources** (Para 12, Compilation).

FIDH and VCHR stated that **grave violations of women's rights persist** in Viet Nam, despite legal commitments taken by the Government to promote gender equality. **Abuses** include **domestic violence** - often with **the connivance of Party and Police officials** (Para 7, Summary).

### **Suggested questions and recommendations**

- Ask Viet Nam to provide the gender ratio for the remarkable figures on school enrolment and drop-out in para. 45 of its National Report (you can also make reference here to CEDAW recommendation below)
- Recommend that Viet Nam takes all necessary steps to stop the increasing rate of sex-selective abortions -including by strengthening sensitization efforts on the value of girl children- and of abortions in general -including by focusing on contraception and sexuality education programs.
- Recommend that Viet Nam steps up efforts to guarantee ethnic minority women's rights to adequate health services, education in their mother tongue, employment and credit facilities.
- Ask Viet Nam what specific measures are being taken to reduce maternal mortality rates among ethnic minority women and in the mountainous regions/While congratulating Viet Nam for the overall reduction in maternal mortality rates achieved, recommend that efforts be redoubled to reduce maternal mortality rates among ethnic minority women and in the mountainous regions
- Recommend that Viet Nam reviews reports its rehabilitation measures offered to girls and young women victims of trafficking and forced prostitution, such as administrative camps, with an aim to replacing them by procedures that do not stigmatize the victims nor deny them due process rights.
- Recommend that Viet Nam provides full financial support to its programs in-charge of caring for victims of domestic violence and trafficking of women and children.
- Recommend that Viet Nam strengthens its efforts to investigate and prosecute all cases of domestic violence, including those involving police or party officials as perpetrators.
- Ask Viet Nam what measures have been taken to address the increase of HIV infections among women /Recommend that Viet Nam takes all necessary steps to stop the increase of HIV infections among women, including addressing the socio-cultural factors causing their vulnerability to the pandemic.

### **CEDAW**

- To set the same minimum age of marriage for women and men at 18 years and to take measures to prevent and stop underage marriages
- To remove any administrative obstacles that may prevent the issuance of joint land use certificates to husbands and wives, particularly in rural areas (Para 33, Compilation).
- To take measures to bring about changes in traditional attitudes and in gender-role stereotyping (Para 21, Compilation)
- To enhance women's access to health care, in particular to sexual and reproductive health services (Para 45, Compilation)

- To take all appropriate measures to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with article 10 of the Convention, the strategic objectives and actions of the Beijing Declaration and Platform for Action and Millennium Development Goals 2 and 3 (Para 51, Compilation).
- To eliminate occupational segregation, to close the wage gap between women and men in the labour market, and to ensure the enforcement of regulations of the Labour Code for the benefit of women (Para 43, Compilation)
- To give high priority to address all forms of violence against women and girls, including through the speedy adoption of the law on domestic violence (Para 24, Compilation)

#### ILO Committee of Experts

- To consider giving full legislative expression to the principle of equal remuneration for men and women for work of equal value (Para 19, Compilation)
- To consider the inclusion of specific legislative provisions defining, prohibiting and preventing sexual harassment at the workplace (Para 25, Compilation)

#### International Federation of Human Rights (FIDH) and Viet Nam Committee on Human Rights (VCHR)

- To implement CEDAW recommendations particularly with regard to the Land law by taking the necessary steps to remove any administrative obstacles that may prevent the issuance of joint land use certificates to husbands and wives (Para 5, Summary).

