

VIET NAM

CEDAW A/41/45 (1986)

191. The Committee considered the initial report of the Socialist Republic of Viet Nam (CEDAW/C/5/Add.25) at its 70th, 75th and 76th meetings, on 13, 17 and 18 March 1986 (CEDAW/C/SR.70, 75 and 76).

192. In her introduction, the representative of the Socialist Republic of Viet Nam informed the Committee that during the days of feudalism and colonialism, women were a symbol of evil and inferiority, even though they had had a history of patriotic struggle against oppressors. The revolution of 1945 provided the impetus for the promotion of equality between men and women, and although the course for equal rights had been charted since that time, the adoption of the Convention, and Viet Nam's ratification of it, has provided the basis for continuing efforts to eliminate all forms of discrimination against women.

193. The representative of Viet Nam drew attention to the legal status of Vietnamese women and pointed out that, under a new penal code enacted in July 1985, discrimination was a punishable offence and could result in 3 to 12 months' detention.

194. The participation of women in political and public life, the representative continued, was reflected for example in national and provincial elections in which they accounted for 13 out of 23 million voters, and the number of women holding elected offices has been increasing. A third of female involvement in public life was reflected in membership in the Women's Union which has, among other things, been active in collecting 15 million signatures for the promotion of peace and disarmament.

195. With regard to the participation of women in economic life, the representative of Viet Nam stated that the role of women in social, economic and political aspects of development was officially recognized and, in this context, she pointed out that child-care facilities were established in 1971 so that Vietnamese women could participate in resisting foreign aggression.

196. The representative drew the Committee's attention to the Law on Marriage and the Family of 1985 which reaffirmed the equal rights of men and women in all aspects of family life, including the raising of children and household duties. In view of Viet Nam's high birth rate (3 per cent), a National Committee on Population and Family Planning has been established to deal with family planning, which has resulted in a drastic decrease in the infant mortality rate.

197. The role played by Vietnamese women in the country's development over the years has been recognized and their participation in the future development of Viet Nam has been clearly reflected in Government policies and legislation. However, in a country ravaged by 30 years of war, it was difficult to allocate sufficient resources to facilitate the dual role played by women in the home and in society.

198. Although it was clear, the representative concluded, that Vietnamese women have made

tremendous strides over the years in their struggle for emancipation and equal rights, a great amount of work is still required to implement fully the goals and objectives of the United Nations Decade for Women and the provisions of the Convention.

199. Many members of the Committee congratulated the representative of Viet Nam and expressed appreciation for the information contained in the report, which indicated that remarkable progress had been made in spite of the many difficulties, and that the Government was committed to the elimination of discrimination against women.

200. Many members were impressed by the fact that labour in the home was considered productive labour, that illiteracy had been eradicated in two years and that discriminatory behaviour was a punishable offence. Members of the Committee considered that the report reflected the Government's awareness of the problems associated with discriminatory behaviour and the will and determination of the Vietnamese people to overcome these problems were inspiring.

201. Members of the Committee noted that even when legislation was satisfactory, social attitudes were often the main obstacles and asked whether this was still a problem. Some members requested more information on rural women and asked whether problems were similar to those of urban women in terms of, for instance, access to land, credit and other resources.

202. Some members asked whether women were made aware of their rights under the law and whether the principle of equal pay for equal work applied. One expert requested more information on the cases before the courts related to discriminatory conduct.

203. More statistical information was requested on demographic data, the labour force, participation in the political level, and marriage and divorce rates. Several members indicated their interest in the number and proportion of women holding high-level posts in Government and in other sectors. It was noted that while over 50 per cent of the electorate were women, their representation as elected officials was low.

204. Some experts wanted more information on the Women's Union, how it was financed, its membership, functions and authority, whether it was a non-governmental organization or part of the Government, and whether women could only exercise their rights through the Union.

205. Many members noted the difficulties that must be encountered with the effects of religion and tradition and wondered what was their impact on social progress. Many members expressed interest in knowing whether education was compulsory and how Viet Nam was able to eradicate illiteracy in such a short time of two years.

206. Some experts wanted to know why Vietnamese women were not allowed to work in certain professions, and why there was a difference in the retirement age for men and women.

207. With regard to marriage and family life, some experts requested more information on contractual marriages, consensual unions and children born out of wedlock, their rights and their legal status. One expert asked whether the new law on marriage provided for a minimum age of marriage and whether it would be the same for males and females.

208. Some members requested more information on family planning programmes, how successful they were and whether government goals and objectives in this area were being met, whether contraception was free and whether family planning programmes were readily received in the rural areas.

209. Several members asked whether there was any rehabilitation of women following the Viet Nam war, the effect of chemical warfare and other effects on the health and life expectancy of women and children.

210. In replying to questions asked by experts, the representative of the State party informed the Committee that the total population of the country was 58 million, out of which 51.2 per cent were women.

211. She affirmed that special measures or positive discrimination had been used in regard to women's employment. This meant that if out of two candidates equally qualified one was a woman, the woman was chosen.

212. Prostitution, drug abuse and pornography were social evils left behind by colonialism. In all cases, rehabilitation had taken place through counselling, training and health care organized by women's organizations. Article 99 of the Penal Code punished by imprisonment anyone who distributed or sold pornographic material.

213. In regard to article 7 of the Convention, the representative indicated that there were 17 ministers and vice-ministers: a woman minister of education, who had previously been foreign minister during the anti-colonial war, women vice-ministers for labour, trade, food, light industry and justice, among others. The vote was guaranteed by the Constitution at 21 years of age. The Union of Vietnamese Women had played an important role for many years. It had been founded on 20 October 1930 during the clandestine struggle. It was a mass organization with an outreach into remote areas and with 9 million members as of 1984. It continued to play a role in the mobilization of women and in bringing about awareness of equal rights and participation. Through article 86 of the Constitution, the Union was able to submit bills to the National Assembly.

214. Vietnamese women constituted 18.7 per cent of the total staff in the diplomatic service; 17 per cent were outposted. There is one woman ambassador, one chargé d'affaires and many first and second secretaries. Large recruitment of women is being undertaken directly from the university into foreign service. Women were also able to join the army as doctors, nurses, telecommunication experts and as cultural promoters. Many women had attained officer status as commanders, sergeants and others.

215. Women, continued the representative, could keep their nationality upon marriage with a foreigner unless they decided otherwise.

216. Illiteracy was eradicated in North Viet Nam in 1958 with the assistance of voluntary brigades. The situation in South Viet Nam was different. At the end of the war there had been 35 million illiterates; however, by January 1978, through voluntary efforts of the general population, illiteracy had been eradicated in South Viet Nam as well.

217. In regard to article 10, education was compulsory and co-educational. A major reform had taken place in 1979 and intensive training had been launched in vocational and other disciplines. Secondary education also included family planning. Special needs of women were provided for through cultural efforts by the State publishing house, which translated novels of foreign authors, biographies of famous women, and other relevant material.

218. The representative said that women accounted for 51 per cent of the labour force. Women were not employed in heavy labour. The rule of equal pay for equal work was applied without restriction. Working hours were eight hours per day and only women with small children worked one hour less. Research was going on to ease the work-load of rural women.

219. The obstacles in the population policy of the country were certain popular traditions giving preference to male children and the lack of contraceptive devices. Family planning was, however, currently being practised, contraceptive devices were offered free of charge and abortion was acceptable. Thirty per cent of women of child-bearing age used contraceptives, and the birth rate had been brought down over the last 20 years. Campaigns were carried on to have no more than two children. The representative mentioned that the percentage of children born in maternity clinics was still low, particularly in the villages, but that infant mortality had gone down considerably.

220. The representative said that the chemical weapons had had a considerable impact on the health and reproductive functions of women, and the country had appealed to the World Health Organization to combat the long-range effects of those toxic materials.

221. Sixty per cent of the agricultural labour force were women; rural hygiene had been greatly improved and day-care centres and maternity institutions expanded. Although only 32 per cent of the rural population had access to safe drinking water, the situation had greatly improved over colonial times and it had to be borne in mind that the country was still very poor.

222. After marriage, women could keep their maiden name and children took their father's name. The minimum age for marriage was 18 for girls and 21 for boys, as women matured earlier, whereas the electoral age was 18 for both sexes. The habit of child marriages or marriages of little boys to older women was practically eliminated. As a result of legal and administrative measures, cases of wife-battering were currently quite rare. Divorce, following a process of reconciliation, was a straightforward procedure and the common property was equally shared.

223. Legitimate children had the same rights as children born out of wedlock, free unions were rather rare and unmarried women were not discriminated against.

224. The representative explained that the fact that women played a major role in political life and diplomatic spheres were an achievement of the revolution. In the north, after 40 years of socialist government, traditions were more liberal than in the south, where the liberation took place only 10 years ago. By and large, the problem of discrimination against women had been solved by the revolution. The only major obstacle was the lack of peace. Women could not fully benefit yet from the necessary material conditions. When the political situation returned to normal, Viet Nam could be the best place for the implementation of the Convention.

225. In reply to a further question, the representative stated that the National Union of Women was supported by modest monthly dues of its women members and by contributions in kind.

CEDAW A/56/38 (2001)

232. The Committee considered the second periodic report (CEDAW/C/VNM/2) and the combined third and fourth periodic reports (CEDAW/C/VNM/3-4) of Viet Nam at its 518th and 519th meetings, on 11 July 2001 (see CEDAW/C/SR.518 and 519).

(a) Introduction by the State party

233. In introducing the reports, the representative of Viet Nam noted that they described implementation of the Convention from 1986 to 2000, during which period the country had experienced profound change as a result of the comprehensive renewal process initiated in 1986.

234. The representative informed the Committee that a 10-year strategy for economic development and stabilization to 2000, which sought to double gross domestic product by 2000, had been adopted in 1991. Implementation of the plan had had significant results in all areas; women's lives had been improved, and their status in society and the family raised.

235. Equality and non-discrimination were enshrined in the Constitution and promoted by the legal system through legislation and concrete policies and plans of action. The right to equality before the law had been reflected in laws in respect of, inter alia, property, nationality and marriage and the family. Viet Nam had ratified many United Nations human rights treaties and several International Labour Organization conventions, including Convention No. 100, on equal pay, and Convention No. 182, on the worst forms of child labour. Women participated in all areas of the workplace, where they enjoyed equal rights with men with respect to remuneration, as well as health and safety at work.

236. A national plan for the advancement of Vietnamese women had been adopted, which had established the target of increasing the representation of women in elected bodies to between 20 to 30 per cent, and to between 15 to 20 per cent in all levels of administration, by 2000. The proportion of members of people's councils who were women had increased, and was currently 22.5 per cent at the provincial level, 20.7 per cent at the district level, and 16.3 per cent at the communal level. A proportion of 26.22 per cent of parliamentarians in the current National Assembly were women, compared with 18.5 per cent in the previous Assembly, thereby placing Viet Nam ninth among the 135 members of the Inter-Parliamentary Union in terms of women's representation, and second in the Asian and Pacific region. Both the Vice-President of the State and Vice-Chairperson of the National Assembly were women, and women constituted 30 per cent of the staff of the foreign service, and 25 per cent of those posted abroad.

237. The literacy rate among women and girls had reached 88 per cent, and the population of female, compared with male, students had been steadily increasing. Women had equal rights to health care, and Viet Nam had been awarded a United Nations prize for its achievements with regard to reproductive health care. The average number of children per woman of reproductive age had been reduced from 3.8 in 1989 to 2.3 in 1999, and the maternal death rate from 1.1 percent in 1996 to 0.9 per cent in 1999.

238. The representative noted that the incorporation by the Government of gender issues into socio-economic development programmes had enhanced women's lives through, inter alia, providing access to jobs, credits and loans. A bank for the poor had been established, and assistance provided to the Women's Union for the development of income-generating projects, which had particularly helped rural and ethnic minority women living in mountainous and remote areas.

239. In 1993, the National Commission for the Advancement of Women had been established as the result of a decision of the Prime Minister to provide advice on gender equality and the advancement of women. The Commission had participated in the design and implementation of national action plans for the advancement of women and in the monitoring of law reform, and had elaborated policies and programmes for the improvement of women's status. Local committees had been established throughout Viet Nam and cooperation between governmental bodies and non-governmental organizations had increased.

240. In concluding her presentation, the representative drew attention to the fact that Viet Nam was highly ranked in the United Nations Development Programme (UNDP) human development index and the gender-related development index. This was significant in the light of the fact that Viet Nam continued to face difficulties, inter alia, as a result of the vestiges of feudalism, war and low economic development.

241. Despite the progress made, she indicated that there remained obstacles to implementation of the Convention, including high unemployment, polarization between rich and poor, social issues such as prostitution, as well as trafficking of women, drug abuse and sexually transmitted diseases. Domestic violence was an issue and gender-bias customs lingered, causing a negative impact on women's advancement. She indicated that the preparation of the report had offered further opportunities to assess the progress made and to enhance awareness and implementation of the Convention.

(b) Concluding comments of the Committee

Introduction

242. The Committee commends the Government of Viet Nam on its second and combined third and fourth periodic reports, which are in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the Government for the comprehensive written replies to the questions of the Committee's pre-session working group, and the oral presentation of the delegation, which sought to clarify the current situation of women in Viet Nam and provided additional information on the implementation of the Convention.

243. The Committee expresses its congratulations to the Government for its high-level and large delegation. The Committee expresses its appreciation for the positive approach of the delegation and the frank and constructive dialogue that took place between it and the Committee.

Positive aspects

244. The Committee welcomes the recognition in Viet Nam of the Convention on the Elimination of All Forms of Discrimination against Women and other treaties as binding legal instruments, and

the adoption of a procedure to monitor legislation to ensure its conformity with international treaties. It commends the introduction of a procedure to enforce the Constitutional guarantee of equality.

245. The Committee commends the Government on the development and strengthening of national mechanisms for advancement of women, inter alia, at the local level, and the linkage of these mechanisms with the Vietnamese Women's Union.

246. The Committee commends the Government for its allocation of resources to achieve economic growth with social equity, thus creating an enabling environment for the implementation of the Convention. The Committee notes the progress achieved and the relatively high ranking of the State party in the UNDP human development index and gender development index. The Committee notes with appreciation the measures of the Government to eliminate poverty.

247. The Committee commends the Government on the preparation of a national strategy for women (2001-2010) and a five-year plan on the advancement of women (2001-2005), as recommended in the Beijing Platform for Action. It notes with satisfaction the inclusion of a gender perspective in the economic and social development plan for 1991-2000.

Factors and difficulties affecting the implementation of the Convention

248. The Committee considers that the country's ongoing economic transformation poses special challenges to the realization of gender equality — in particular in the areas of women's employment and education of girls and young women — which can undermine the progress achieved in realizing equality between women and men. The Committee also considers that the social development programme of the State party has been hampered by the 1997 economic crisis in Asia and that continuing poverty poses a significant obstacle to the implementation of the Convention.

249. The Committee notes that the persistence of a strong patriarchal culture which emphasizes the traditional roles of women and men constitutes an impediment to the full implementation of the Convention.

Principal areas of concern and recommendations

250. The Committee expresses concern that patriarchal attitudes and behaviour, reflected, inter alia, in women's inferior role in the family, the non-recognition of women's work, son-preference and men's failure to share household and family responsibilities, are deeply entrenched.

251. The Committee recommends that the Government take urgent and wide-ranging measures, including targeted educational programmes, the revision of curricula and textbooks, and mass media campaigns, to overcome traditional stereotypes regarding the role of women and men in the society.

252. The Committee expresses concern about the low representation of women in decision-making bodies in political and public life at all levels.

253. The Committee recommends increasing the number of women in decision-making at all levels and in all areas, including macroeconomic policy. It also recommends that the State party introduce

temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns promoting the importance of women's participation in decision-making at all levels.

254. The Committee expresses concern that the existing national machinery for the advancement of women does not have sufficient strength and visibility or the human and financial resources to sustain its efforts to ensure the advancement of women and their equality with men.

255. The Committee recommends that the State party strengthen the existing national machinery and give it more visibility and the capacity to mainstream a gender perspective into all policies and programmes and to promote the advancement of women. It recommends that the capacity of the national machinery be assessed on a continuous basis and that it be provided with the necessary human and financial resources.

256. The Committee expresses concern about the considerable gap between the State party's effort to ensure de jure equality between women and men and the enjoyment by women of de facto equality, in particular in economic, social and political areas.

257. The Committee recommends that the State party monitor the implementation of legal provisions that guarantee women de jure equality so as to ensure that they benefit women de facto. It urges the State party to introduce gender-sensitization and training programmes for law-enforcement, judicial and health personnel and others responsible for the implementation of legislation, so that women's de facto enjoyment of equality will be guaranteed.

258. The Committee expresses concern about the prevalence of violence against women and, in particular, domestic violence. It also expresses concern at the lack of legal and other measures to address violence against women, as well as at the failure of the State party specifically to penalize marital rape. It further expresses concern that penalties for child sex abuse are low, that there is a prevalence of forced and child marriage, and that cruelty does not constitute grounds for divorce. It expresses concern that there is an overemphasis on reconciliation in cases of marital breakdown, including those in which violence has occurred.

259. The Committee urges the State party to implement general recommendation No. 19 of the Committee, on violence against women, and to ensure that all forms of violence against women and girls constitute crimes and that victims are provided with protection and redress. The Committee urges the criminalization of marital rape and close scrutiny of requirements for reconciliation in cases of marital breakdown, in particular those in which violence is involved. It recommends organizing gender training for all public officials, in particular law-enforcement personnel, the judiciary and members of local committees, on violence against women and girls, and the launch of public awareness campaigns on all forms of violence against women and girls and the impact of such violence.

260. While recognizing the State party's efforts to address trafficking of women and girls, the Committee expresses concern that the State party has not ensured collection of sufficient statistical data and information on this issue. It also expresses concern that the impact of existing legal

provisions and other measures on the elimination of trafficking has not been assessed and that law enforcement in the area of trafficking is weak.

261. The Committee urges the State party to collect comprehensive statistics and information on trafficking of women and girls, and on the impact of the measures taken to address this problem, and to include this information in its next periodic report. It recommends that the State party collaborate in regional and international strategies to confront trafficking and monitor, and where appropriate apply, the positive experience of other countries in this context. It also recommends the adoption of measures aimed at improving the economic situation of women in order to reduce their economic vulnerability to traffickers, and the creation of comprehensive rehabilitative programmes for women and girls who have been subject to such trafficking.

262. While recognizing the efforts made by the Government to reduce disparities and improve the status of ethnic minorities, the Committee expresses concern about their situation.

263. The Committee recommends that the Government provide more statistical data and information on the situation of ethnic minority women in its next periodic report.

264. Despite the State party's efforts and the progress made with regard to primary and secondary education, the Committee expresses concern about the high female drop-out rate from schools, and particularly higher education, in rural areas. The Committee notes that the increase in the rate has coincided with the transformation to a market economy, and expresses concern that the gains that have been made by the State party in regard to women's and girls' education may not be sustained.

265. The Committee encourages the State party to intensify its efforts to promote the access of women and girls to higher education and their retention in the system. It recommends that the State party provide incentives to parents in order to encourage them to ensure that their daughters attend school.

266. While noting a decline in women's mortality rate, the Committee nevertheless expresses concern at the status of women's health, especially women's reproductive health, and the high rate of abortion among young unmarried women. It also expresses concern about the persistence of stereotypical attitudes with respect to women's health concerns, especially contraception which appears to be regarded as the sole responsibility of women, as well as the increased incidence of HIV/AIDS, malaria and tuberculosis among women.

267. The Committee urges the Government to maintain free access to basic health care and to continue to improve its family planning and reproductive health policy, inter alia, through making modern contraceptive methods widely available, affordable and accessible. The Committee also urges the Government to promote sex education for both boys and girls, paying special attention to HIV/AIDS prevention.

268. Noting that 80 per cent of women in Viet Nam live in rural areas, the Committee expresses concern that they have limited access to health-care services, education and income-generating activities.

269. The Committee recommends that the State party pay greater attention to the situation of rural

women and develop special policies and programmes aimed at their economic empowerment, ensuring their access to credit, health-care services, educational and social opportunities and productive resources. It also calls for more information on this subject in the next report.

270. The Committee expresses concern that the retirement ages for women and men differ and that this has negative effects on women's economic well-being. It also expresses concern that the retirement age is negatively affecting the access of rural women to land.

271. The Committee recommends that the State party review the existing legal provisions regarding the retirement age of women and men, with a view to ensuring that women are entitled to continue productive employment on an equal basis with men. The Committee also recommends that the State party evaluate the present Land Law and eliminate any provisions which discriminate, directly or indirectly, against women.

272. The Committee notes with concern the lack of information on segregation by sex in the labour market. The Committee is also concerned that the impact of incentives to encourage the employment of women has not been assessed.

273. The Committee calls upon the State party to increase its efforts to collect statistics and information on the position of women and men in the labour market, especially in the private sector.

274. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

275. The Committee requests the Government to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.

276. The Committee requests the wide dissemination in Viet Nam of the present concluding comments in order to make the people of Viet Nam, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and of the further steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".