



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention**

**Combined seventh and eighth periodic reports of States  
parties due in 2011**

**Viet Nam\***

[30 January 2013]

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\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document has not been edited.

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**TABLE OF ACRONYMS**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
GDP	Gross domestic product
GDI	Gender Development Index
VCCI	Chamber of Commerce and Industry of Viet Nam
APEC	Asia - Pacific Economic Cooperation
ASEM	Asia-Europe Meeting
UNESCO	United Nations Educational Scientific and Cultural Organization

## FOREWORD

In the implementation of Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the CEDAW Committee's guidance, Viet Nam has completed periodic reports (from the first to the sixth). Among those, Viet Nam's combined fifth and sixth reports (CEDAW/C/VNM/5-6) was adopted at the 759<sup>th</sup> and 760<sup>th</sup> Sessions of the CEDAW Committee on 07, January, 2007.

Under the CEDAW Committee's permission and direction, Viet Nam as a member state has prepared the combined 7<sup>th</sup> and 8<sup>th</sup> reports on the implementation of CEDAW in Viet Nam for 2004 – 2010. This period is characterized by Viet Nam's continuous economic reform and tackling of major challenges due to natural disasters, flood and draught throughout the country, social and environmental issues, global economic integration and market competition. It also coincides with the end of the ten year socio-economic development strategy of 2011-2010 and the five year socio-economic development plan of 2006-2010, which are important periods for the Vietnamese Government in implementation of its major programs and policies.

Following the combined 5<sup>th</sup> and 6<sup>th</sup> reports, this report provides an update on Viet Nam's socio-economic development, improvements in Viet Nam's legal system, legal issues communication and education, law enforcement as well as shortcomings, weaknesses and solutions in accordance with each particular Article of CEDAW during the past 6 years. This report also reflects Viet Nam's enormous achievements in implementing the Beijing Platform for Action and fulfilling the commitments of the Beijing + 5 Meeting based on recommendations of the CEDAW Committee in 2007.

The report consists of the following main contents:

- Foreword
- Part I: General Issues
- Part II: Implementation of CEDAW
- Conclusion
- Annexes

In drafting this Report, Viet Nam established a Drafting Team consisting 38 members from Ministries, agencies and Unions. The Drafting Team is headed by a Deputy Minister of Labor, Invalids and Social Affairs and Vice Chairperson of the Viet Nam National Committee for the Advancement of Women.

In preparation for this Report and during its drafting process, the Drafting Team collected materials and analyzed statistics from Ministries, agencies, provinces and other related national Reports. In addition, the Drafting Team also organized workshops, consultation sessions and collected feedbacks from Ministries, agencies, socio-political organizations, representatives of women, scholars, managers, scientists, social workers, social and professional associations and NGOs.

The Draft Report was forwarded to all Ministries, agencies and socio-political organizations at the central level for written feedbacks.

Building on its stance as stated in the previous Reports, Viet Nam continues to reserve Section 1, Article 29 of the Convention in this Report. However, Viet Nam is considering the withdrawal of this reservation at a convenient time. The State of Viet Nam is considering the signing of the Optional Protocol to CEDAW.

## Part I

### General Issues

#### Viet Nam: Country and People

1. The Socialist Republic of Viet Nam is a country located in Southeast Asia with an area of 331,000 square km.
2. Hanoi is the capital city of the Socialist Republic of Viet Nam
3. The official language is Vietnamese.
4. Thanks to the completion of the socio-economic development strategy for 2001-2010 and initial implementation of the socio-economic development strategy for 2011-2020, the Vietnamese economy has achieved high and stable growth. Annual GDP growth was 7.26% between 2001 and 2010. The economic structure has been shifting towards industrialization and modernization. GDP per capita increased from US\$ 1,052 in 2008 into US\$ 1,168 in 2010, a threefold increase compared to 2000. Meanwhile, GDP growth in 2011 stood at 5.9%. With that, Viet Nam managed to elevate itself from the group of poor countries into the group of lower-middle income countries. Along with fast and stable economic growth, Viet Nam has seen remarkable shifts in its economic structure.
5. Viet Nam has been integrating itself deeply and broadly into the global economy, attracting foreign investments and making the most of global markets to enhance economic growth.
6. Together with economic development, Viet Nam has paid great attention and given priority to social development and achieved encouraging successes in this regard. There are 1.7 million new jobs created every year while unemployment rate in urban areas stands between 5% and 6%. Healthcare services for the people has received due attention, medical network has been strengthened and improved, preventive healthcare is further enhanced, new diseases are treated quickly and timely. Along with maintaining successes in universalization of elementary education, progress has been made in universalizing secondary education while the number of students in colleges, universities, professional high schools and vocational schools increases by 20% per year. Viet Nam has paid special attention to vulnerable groups such as women, children, ethnic minorities, people with HIV/AIDS and people with disabilities including victims of Agent Orange. As for each particular target group, Viet Nam has adopted appropriate policies and provides incentives in order to protect, assist and facilitate their development and integration into social life. Thanks to that, vulnerable groups have gradually been able to access fundamental social services while infrastructures in regions with difficult circumstances have been improved, in particular mountainous, distant and remote and ethnic minority regions.
7. The quality of life of almost all Vietnamese people has been improved, in particular women, children and ethnic minority people. The percentage of poor household has decreased to 12% in 2011 in accordance with the 2011-2015 poor standards, a 2% decrease per year that makes Viet Nam one of the leading countries in poverty reduction and realizing the Millennium Development Goals (MDGs). The life expectancy of the Vietnamese people has increased from 72.8 in 2009 to 73.2 in 2011. Viet Nam's human development index (HDI) stood at 0.733 in 2008 (ranks 105 over 177 countries and territories) and 0.728 in 2011 (ranks 128 over 187 countries and territories), respectively.
8. Hence, Viet Nam's socio-economic development strategy attaches great importance to capacity building and enhancement as well as bringing into full play human resources in the course of national development in order to build Viet Nam into a strong country with wealthy people and a just, democratic and advanced society. Implementation of this

strategy will facilitate the Vietnamese Government's effective implementation of its commitments to CEDAW.

9. Despite these encouraging successes, Viet Nam's course of socio-economic development is challenged with maintaining macroeconomic stability, curbing inflation, guaranteeing social welfare and social security, sustainable development, competitiveness capacity enhancement, improvement of GDP per capita, poverty reduction, narrowing the rich-poor gap, disaster and diseases. In addition, threats like climate change and global economic recession have remarkable impacts on the Vietnamese people's life and production as well as Viet Nam's implementation of CEDAW.

### **General political structure**

10. In recent years, Viet Nam has enjoyed political stability while security and social order has been guaranteed. Over the past years, Viet Nam has set out appropriate directions and policies to create momentum for stronger socio-economic development. The Vietnamese Government and agencies at different levels have improved their manner of direction and management. The legal system has gradually been adjusted, supplemented and increasingly improved to the framework of international laws, which contributes remarkably to the renovation of the country.

11. The State's apparatus from central to local levels continues to be improved in both organizational structure and the functions; quality and efficiency of State management have been increased. The society is managed by the Constitution and laws. Article 2 of the 1992 Constitution was amended and supplemented in 2001, which states that the State of the Socialist Republic of Viet Nam is a socialist rule-of-law that is of the people, by the people and for the people. All citizens, irrespective of gender, ethnicity and social classes are equal before the law and women's rights to be free from discrimination in all forms continue to be promoted and protected by the law. The National Assembly (NA) is the highest body of state power and the highest representatives of the people with an increasing role in constitutionalization, legislation and supreme supervision. The National Assembly Standing Committee is a standing body of the NA. The People's Council is the local authority representing the will, the aspirations and rights of ownership of the Vietnamese people. The People's Council is elected by local people and is responsible to local people and upper level State agencies.

12. The Government is the executive body of the NA, the highest administrative agency of the Socialist Republic of Viet Nam. The Government is the only body to manage the implementation of the political, economic, cultural, social, defense, security and foreign affairs of the state; ensure the effectiveness of the state apparatus from central level to grassroots level; ensure respect for and observance of the Constitution and laws; bring into full play the people's ownership in the course of national construction and protection; ensure stability and improve the people's material and cultural life. The Government is responsible to the NA and submits its reports to the NA, the National Assembly Standing Committee and the State President. The functions and duties of the Government and the Prime Minister are adjusted more appropriately. During the Government's terms for 2002-2007 and 2007-2011 there were many changes in organizational structure in the direction of clearly defining the functions and duties of each ministry, ministerial level agency to avoid duplication and reduction of intermediate layers, making the apparatus of state management operations more efficient. The Government in the 2007-2011 terms consists of 18 ministries and four ministerial-level agencies. Policy making was carried out together with law enforcement and the implementation of grassroots democracy has given new impetus to the implementation of guidelines and policies at grassroots level.

13. The People's Committee which is elected by the People's Council is the executive body of the People's Council and the State administrative agency at local levels. The

People's Committee is responsible for implementation of the Constitution, laws, and legal documents of the upper level State agencies and resolutions of the People's Council.

14. The State's agencies have the mandates to ensure law enforcement, improvement and enhancement of human rights. Organizational structure, functions and duties of the People's Court, the People's Procuracy and other legal bodies have been strengthened and defined more clearly to improve the people's access to justice and ensure open, fair and impartial trials. The quantity and quality of staff and civil servants working in law enforcement agencies have also been increased. Qualifications and competence of judges, people's juries, prosecutors at all levels are enhanced to better meet the mandate of protecting rights and interests of citizens including women. Lawyers, notaries, inspections, law enforcement and legal assistance are agencies and organizations responsible for implementation of legal assistance and protection of citizens' rights in general. These agencies have been consolidated from the central to grassroots level.

15. The Viet Nam Fatherland Front is a part of the political system of Viet Nam. It includes member organizations such as the Youth's Union, the Women's Union, the Farmers' Association, the General Confederation of Labor of Viet Nam and the Association of War Veterans, of which the Viet Nam Women's Union play a very important role in implementation of women's right to equality.

16. It is reasonable to confirm that along with enhancing socio-economic development, the State of Viet Nam continues to accelerate the process of building itself a rule-of-law state, improving legal system with respect to and better ensuring human rights with a focus on the rights of women and children.

## **Part II**

### **Implementation of the CEDAW**

#### **Article 1**

##### **The concept of "discrimination against women"**

17. "Strictly prohibit all acts of discrimination against women" is a principle affirmed in Article 63 of the Constitution in 1992. This principle has been being translated into reality in building and improving the legal system and policies of Viet Nam during the period of industrialization and modernization of the country and in the turning this principles into specific action of the entire society and Vietnamese people.

18. The Law on Gender Equality 2006 is the best legal document to stipulate the contents of gender equality and ensuring women's rights. This Law has set "The goal of gender equality" as to eliminate gender discrimination and equally create opportunities for men and women in socio - economic development and human resources development, move toward substantive gender equality between men and women in all dimensions of social life and family life. Accordingly, the "gender discrimination" is understood as restriction, exclusion, refusal to recognize or appreciate the role and position of men and women, which results in inequality between men and women in all areas of social life and family life"(Article 5, Clause 5 of the Law on Gender Equality). This concept is built on the basis of inheriting the concept of "discrimination against women" mentioned in Article 1 of CEDAW and the approach of "Gender in Development." In addition, the Law on Gender Equality also provides eight other concepts of gender such as: Gender, Sex, Gender Equality, Gender stereotype, measures to promote gender equality, Mainstreaming gender equality in the making of legal documents, activities of gender equality, gender development index (GDI). Those concepts are the continuation of institutionalizing the

perceptions and directions of the State of Viet Nam in protection of rights and legitimate interests of women and men, underlining the strong determination to specify and implement international treaties on human rights to which Viet Nam is a party to, in particular the CEDAW.

19. The legal system and policies on gender equality have been constantly improved and reflected the principles of equality and non - discrimination in accordance with the Law on Gender Equality and the CEDAW.

20. The awareness of State authorities at all levels, sectors and the people on ensuring gender equality and eliminating discrimination against women is getting deeper and more comprehensive.

21. During the past years in Viet Nam, the awareness of "discrimination against women" at the levels of policy making, legislation as well as agencies, organizations, the community, families and individuals have been getting more comprehensive.

22. Viet Nam has observed its commitments as a member of CEDAW at its best in understanding and applying the concept of "discrimination against women", which is not only a one-side perspective on women but also a harmonization of approaches between women and men. This indicates the possibility to forecast flexibility in the Vietnamese law in meeting the increasing requirements and demands from shifting practical approach from "women in development" to "gender and development ", voicing issues of eliminating discrimination against women in relation to general issues and issues of men.

23. However, the concept of "discrimination against women" in specific areas of social life has not been inclusively applied in specific areas of social life and not been fully applied in the making and enforcement of law to ensure the implementation of this concept in reality.

## **Article 2**

### **Taking measures to eliminate all forms of discrimination against women**

24. Viet Nam continues to maintain legal, administrative and judicial measures as stated in previous reports and takes additional, appropriate measures to eliminate all forms of discrimination against women.

#### **2.1. Continuing to put in concrete terms the principle of equality between men and women**

25. Viet Nam attaches special importance to measures of eliminating all forms of discrimination against women in making laws and improving its national legal system. Over the past six years, the amendment and supplement of the legal system always adhere to the principle of equality between men and women and the fundamental principles of gender equality in areas such as politics, economics, labor, education and training, science and technology, culture, physical education, sports, health and family. Those principles have been provided in the Law on Gender Equality.

26. The principle of equality and non discrimination between women and men continues to be affirmed in legal documents issued recently such as the Law on Protection, Caring and Education of Children in 2004, the Civil Procedure Code in 2004, the Civil Code in 2005, the Law on amendment and supplement of some articles of the Law on Emulation and Reward in 2005, the Law on Gender Equality in 2006, the Law on Social Insurance in 2006, the Law on Vocational Training in 2006, the Law on Prevention of domestic violence in 2007, the Law on amendment and supplement of some articles of the Law on drugs prevention and control in 2008.

27. The Law on Gender Equality provides fundamental principles of gender equality as follows: 1) Equality between men and women in areas of social life and family life 2) non-gender discrimination against men and women; 3) Measures to promote gender equality and non-gender discrimination; 4) Policies to protect and support mothers which are not considered gender discrimination; 5) ensuring gender equality mainstreaming in legislation and law enforcement, 6) Implementing gender equality is the responsibilities of agencies, organizations, families and individuals. These principles will be legally binding to assist agencies in their making and implementing of policies in order to meet the mandates of state management on gender equality within their capacity.

28. The Law on Gender Equality and guidelines include Decree No. 70/2008/ND-CP of the Government on detailed regulations on implementation of some articles of the Law on Gender Equality, Decree No. 48/2009 / ND-CP of the Government on measures to ensure gender equality, Decree No. 55/2009/ND-CP of the Government on administrative punishment of violations of gender equality.

29. In implementing the Law on Gender Equality on mainstreaming gender equality in the formulation and enforcement of laws, gender equality have been mainstreamed in almost all newly-issued or amended legal documents such as the Law on Civil Servants in 2008; the Law on Promulgation of legal documents in 2008; The Law on Senior Citizens in 2009, The Law on People with Disabilities in 2010, The Law on Public Officials in 2010, the Law on Child Adoption in 2010, The Law on Enforcement of the Penal Code in 2010 and Decree No. 56/2009/ND-CP dated 30/6/2009 on supporting the development of small and medium enterprises (SMEs), in which priority is given to the SMEs owned by women and SMEs with a large number of female workers. Some legal documents are being drafted to implement the principle of gender equality such as the Labor Code (amendment), the national strategy on gender equality for 2011 - 2020 and the Law on prevention and control of trafficking in persons. Those legal documents have been ratified by the Prime Minister on 22/12/2010.

30. Measures to prevent and punish violations of women's right to equality continue to be taken in the operation of state management agencies, judicial authorities and law enforcement agencies.

31. Paragraph 1 of Article 27 of the Law on Gender Equality and Directive No. 10/2007/CT-TTg dated 03.05.2007 of the Prime Minister on implementation of the Law on Gender Equality have clearly defined the responsibilities of ministries and agencies to review existing legal documents for timely amendment and supplement, cancelation and renewal or submit to competent authorities for the concerned documents to be amended and supplemented, canceled and renewed to ensure gender equality goals, fundamental principles of gender equality and the state's policy on gender equality in their capacity.

32. The National Strategy on Gender Equality for 2011 - 2020: This Strategy is an important component of the National socio – economic development strategy and the foundation of the human development strategy of the Party and the State. Gender equality work is one of the basic elements to improve the quality of life of each particular person, family and society. To this end, efforts are to be made to ensure the strengthening of the leadership and guidance of the Party Committees, authority; the coordination among political organizations, social organizations, socio-political and professional organizations, economic organizations, business units; the participation of every individual, every family and community for gender equality. Mobilize all resources for effective implementation of gender equality. The overall objectives of the Strategy is by 2020, equality between men and women will be ensured in a substantive manner, in particular opportunity, participation

and beneficiary of both men and women in the fields of politics, economics, culture and social affairs in contribution to the country's rapid and sustainable development<sup>1</sup>.

## **2.2. Taking specific measures to protect the rights and legitimate interests of women**

33. To prevent, eliminate and punish acts of discrimination against women, the State of Viet Nam continues to take measures of education and administrative, criminal and civil measures to eliminate discrimination against women.

34. Strengthen legal communication and education for all organizations and individuals to respect and strictly comply with the law in order to ensure the legitimate rights and interests of women. The Prime Minister has made a decision to approve the program on legal dissemination and education for 2008 - 2012 (in following of those programs for 1999 - 2002 and 2003- 2007).

35. Strictly punish acts of intentional violations depending on the nature and extent of violations that can be handled by the respective measures.

36. Measures of administrative punishment: administrative punishment provisions on gender equality, including punishment for acts of discrimination against women and girls; provisions to punish administrative violations in domestic violence; on punishment against administrative violations in the field of judicial fines prescribed at a high amount of money for illegal marriage brokerage, use marriage for wrong purposes such as making profit, sexual abuse, exploitation of labor; provisions of administrative punishment on violations of the population and children stipulates administrative punishment for acts of selecting a baby's gender. The decrees on administrative punishment provide specific acts considered as discrimination against women, level of punishment, forms of punishment and punishment authority. (See Appendix 1: List of legal documents attached).

37. Decree No. 55/2009/ND-CP is a particular document, specifying the administrative violations of regulations on gender equality in eight areas: politics, economics, labor, education and training, science and technology, health, culture - information-sports and family. Organizations and individuals who commit administrative violations of gender equality law must be punished by one of the two main forms: warning or fine from VND 200 thousand to VND 40 million.

38. Depending on the nature and level of violations, individuals and organizations committing administrative violations may also be punished in additional forms such as revocation of licenses, certificates confiscation, revocation of exhibits and means used for administrative violations. In addition, organizations and individuals committing administrative violations may also be punished by one of the measures, such as public apology or correction ; forced to restore the legitimate rights have been affected due to administrative violations of gender equality, forced to dismantle or remove advertising products with contents that support propagation and dissemination of gender inequality or gender bias.

39. Decree No.8/2009/ND-CP dated 4 February, 2009 provides details for guiding the implementation of some Articles of the Law on Domestic violence. Article 4, Chapter 1 of this Decree stipulates "encouragement of activities to prevent and control domestic violence" as follows: Institutions which provide assistance for victims of domestic violence, counseling on prevention and control of domestic violence or other model on domestic violence prevention and assistance to victims of domestic violence, which are established and meet eligibilities of operation as regulated by the State's authority, will benefit from policies to mobilize social resources in education, vocational training,

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<sup>1</sup> National Strategy on Gender Equality for 2011-2020 approved by the Prime Minister on 22 December, 2010.

healthcare, culture, sport and environment in accordance with existing laws. The State encourages and provides financial assistance to do research, creative work, announcement and dissemination of high quality literature and artwork on domestic violence.

40. Decree No. 110/2009/ND-CP dated 10/12/2009 stipulated punishment for administrative violations in the field of prevention of domestic violence. For each administrative violation in the field of prevention of domestic violence, individuals and organizations subject to warning or fine. Acts of administrative violations in the field of prevention of domestic violence may be fined at the highest level of VND 30 million. Depending on the nature and seriousness of violations, individuals and organizations for administrative violations may also be subject to one or other additional punishment such as revoke licenses and professional permits; confiscate material evidences and means used for administrative violations. In addition to the punishment above, individuals or organizations that broke the law could be subject to one or more additional sentences, such as being forced to restore the original state changed by violations of administrative regulations; being force to carry out measures to address environmental pollution, spread of disease due to violations of administrative regulations or being forced to destroy products that could do harm to physical health, cattle and plants, illegal cultural products and being forced to apology publicly upon the victims' requests.

41. The strengthening of the above administrative punishment have contributed to raising awareness of the people at the same time deterred and prevented administrative violations in the field of gender equality. With the maintenance of measures to strengthen the legal proceedings and administrative measures, many cases of violations of the law on equality, domestic violence has been dealt with transparently by the authorities.

42. Criminal sentences is a drastic measure that is applied by the State to handle acts of infringement of the equality of women, domestic violence, infringement on the relationship that the criminal law covers. This is the most severe treatment to handle with violations of women's rights

### **2.3. Challenges and future solutions**

43. Lack of awareness on gender equality and women's rights and gender stereotypes still exist quite popular among the several groups of people;

44. Gender inequality on a number of areas still remains where the main disadvantages belong to women. The idea that men are considered as "breadwinners" of the family while women are associated with house work, family care, has caused a distorted view on the role of each gender, resulting in a lack of shared responsibility between men and women in domestic work and participating in social activities.

45. Officials and some state administrative agencies, judicial bodies (courts, procuracy) have not paid enough attention to the application of the provisions of the law on gender equality while handling with violations.

46. To gradually overcome the above challenges, the State has been enhancing measures such as promoting communication and dissemination of policy and legislation on gender equality and the CEDAW; training about law on gender equality for staff of agencies and organizations, strengthening investigation and inspection of the implementation of legislation on gender equality and advancement of women; taking flexible measures of economic management, strengthening supportive measures to stabilize people's life and production and expanding social security policy, including issues of gender equality.

- Strengthen the participation of women in state bodies and interested in staff development managers, women leaders at all levels.
- Strengthen legal provisions detailing the civil, administrative, criminal liability to prevent and handle acts of discrimination against women and gender equality.

- Increase women and men's opportunity to make complaints and accusation when their legitimate rights and interests are infringed upon, especially when violations are based on gender discrimination.
- Encourage the maintenance of good traditions, customs and practices of ethnicities, eliminate customs and practices outdated, hindering the goal of gender equality such as polygamy, wife to rob, marriage in links (widows, widowers to marry brother or sister of their passed-away husband or wife).
- In the past years, Viet Nam continues to focus on improving the legal provisions on the protection of women's rights and gender equality by the system of investigation, prosecution, trial and implement programs project training and retraining, compiling documents and manuals on gender equality, on CEDAW and on the prevention of domestic violence for judges, investigators, procurators. At the same time, Viet Nam, in cooperation with other countries, has organized study tours, fact-finding to ensure human rights in general and women's rights in particular through a system of judicial organs. On the basis of that study, Viet Nam has applied experiences suitable to actual conditions in Viet Nam.

47. **Future** solution: the national strategy on gender equality for 2011-2020 period set out specific targets in Objective No. 6: To ensure gender equality in family life, gradually eliminate violence based on gender: Target 1: Shorten the gap of time involved in housework between women and men to 2 times in 2015 and to 1.5 times in 2020. Target 2: Ensure that by 2015 and 2020 respectively 40% and 50% of victims of domestic violence is discovered, provided legal advice, health care support and assistance in the establishments for victims of domestic violence. By 2015, 70% and by 2010 80% of domestic violators were discovered and provided with advice on the prevention of domestic violence at centers for anti-domestic violation.

## Article 3

### Ensuring the full development and advancement of women

#### 3.1. Guidelines, laws and policies

48. From 2004 to present, policies and regulations to ensure the development and advancement of women in all fields have been reviewed, amended and supplemented. Many important documents of the Party, socio organizations and of the State have been promulgated to ensure equal rights and lawful interests of women in all aspects of social life. The issue of gender equality in the legal system in general and in the law on gender equality in particular is more and more complete, synchronous, step by step in harmony with international law, in accordance with the conditions and circumstances of Viet Nam. These are the following documents:

- Document of the 11<sup>th</sup> National Party Congress in 2011 further confirmed the implementation of gender equality and action for the advancement of women.
- The Law on Gender Equality in 2006 is a first law in Viet Nam to regulate gender equality, create legal basis for the implementation and promote gender equality and the advancement of women. With the principles of gender equality specified in the fields of politics, economics, labor, education and training, science and technology, culture, information, fitness, sports, family and other measures to ensure gender equality, the Gender Equality Law has met the requirements and actual needs, moving from a "women in development" approach to "gender and development" Approach.

- Directive No. 10/2007/TTg dated 3/5/200 of the Prime Minister on implementation of the Law on Gender Equality clearly defines the responsibilities of each agency or organization in organizing the implementation of the Law on Gender Equality. State agencies and institutions shall review the provisions of current law, issue documents guiding the implementation of legislation, disseminate and educate law and prepare the conditions for the implementation of the Law, the State management, implementation of the Law, inspection, punishments for violations of legislation on gender equality.
- The Government issued three Decrees guiding the implementation of the Law: Decree 70/2008/ND-CP dated 06/04/2008 detailing the implementation of some articles of the Law on Gender Equality, Decree 48/2009 / ND-CP dated 19/5/2009 on measures to ensure gender equality and Decree 55/2009/ND-CP dated 10/6/2009 on the regulation of administrative punishment on gender equality.
- The introduction of the Gender Equality Law and its guidance documents have contributed to the improvement of the law on gender equality. This is an effective legal tool to boosting process of achieving gender equality in Viet Nam.
- Law on Prevention of Domestic Violence in 2007 and the guiding documents have shown the determination of the Government of Viet Nam in ensuring equal rights of women and men in the family.
- In implementation of the Resolution of the 10<sup>th</sup> National Party Congress, the Politburo issued Resolution No. 11-NQ/TW dated 27-4-2007 of women issues in the period of accelerated industrialization and modernization country with the aim of: By 2020, women will be empowered in all aspects, be educated to meet the requirements of industrialization, modernization and international economic integration; have jobs , have lives improved and participate more and more social work, equality in all areas; make greater contribution to society and family. Viet Nam tries to be one of the nations that achieve best gender equality in the region. Raising awareness, responsibility and management efficiency of state administrative agencies at central and local levels for women issues to achieve the objectives of the work of women provided by Resolution No. 11 of the Politburo, the Government issued Resolution No. 57/NQ-CP dated 1/12/2009 on the action program towards 2020 to implement Resolution No. 11-NQ / TW of the Politburo.
- Decree No. 19/2003/ND-CP dated 07/3/2003 of the Government defines the responsibilities of ministries, ministerial-level agencies, Government agencies, the People's Committees at all levels in the coordination and create favorable conditions for granting the women involved in management activities in accordance with the law. Viet Nam Women's Union is now coordinating with the Ministry of the Interior to review 5-year of implementation of Decree No. 19/2003/ND-CP dated 07/3/2003 of the Government and draft a decree to replace this Decree.
- Circular No. 191/2009/TT-BTC dated 1/10/2009 guiding the management and use of funds for gender equality activities and activities for the advancement of women. The circular was issued in time to meet the requirements of the Law on Gender Equality in ensuring financial resources for equality activities.
- Decision No. 1855/QD-TTg on 11/11/2009 on the establishment and consolidation of the Committee for Advancement of Women in the People's Committees at provincial and district level.
- Continue to implement the National Strategy for the Advancement of Women in Viet Nam to 2010, on 08/9/2006, the National Committee on the Advancement of Women in Viet Nam adopted activity Plan for the advancement of Women in Viet Nam for the period 2006 - 2010 - Phase II of the Ten year National Strategy for the Advancement of Women in Viet Nam with the overall goal: "To markedly improve

the material, cultural and spiritual life of women. Create good conditions for effective implementation of fundamental rights and promote the role of women in all spheres of political, economic, cultural and social. " This plan is a component of the national socio – economic development plan . So far most of the ministries, agencies, provinces and cities under the Central Government have promulgated the Regulation on operation of the Committee for the advancement of Women to unify the style of work and division of responsibilities of the members. In particular, 29.3% of provinces and 15.3% of Ministries have issued Directives on strengthening the leadership of the Party committees in the implementation of the Strategy and action plan for the advancement of women by 2010.

- Viet Nam has made efforts to mainstream gender in the legal documents: the Civil Code, the Labor Code, the Penal Code, the Law on Marriage and Family, Law on State Cadres and Civil Servants, Land Law, Law on Social Insurance, Law on the Elderly, Law on People with Disability, Law on public Servants, Law on Criminal Punishment Enforcement; Law on Legal Assistance.

49. The Government also proactively implemented the programs, target programs and national strategy for 2011-2015, 2011-2020 and vision up to 2030 in order to “empower both women and men in socio-economic development and human resources development”. Those include:

- Decision No. 336/QD-TTg dated 31/3/2012 by the Prime Minister on approval of the national target program on clean water and hygiene in rural areas for 2012-2015.
- Decision No. 226/QD-TTg dated 22/02/2012 by the Prime Minister on ratification of the national strategy on nutrition for 2011-2020 and vision up to 2030.
- Decision No. 1241/QD-TTg dated 22/7/2011 by the Prime Minister on approval of the national program on gender equality for 2011-2015.
- Decision No. 2198/QD-TTg dated 03/12/2010 by the Prime Minister on approval of the Strategy on Vietnamese exercise and sport up to 2020.
- Decision No. 2281/QD-TTg dated 10/12/2010 by the Prime Minister on approval of the national program on labor safety and hygiene for 2011-2015.
- The national target program on poverty reduction for 2006-2010 (Decision No. 20/2007/QD-TTg dated 05/02/2007 by the Prime Minister) provides specific targets up to 2010, which include reduction of poor household rate, better income for poor household group and reduction of extremely poor commune rate at coastal provinces and island. The program was implemented with a focus on the poor, poor households, extremely poor communes and poor communes, of which poor household led by women are provided with priority.
- The National Target Program on Employment towards 2010 (Decision No. 101/2007/QD-TTg dated 06/7/2007 of the Prime Minister) has the solution concentrating on women's concerns, especially female workers in rural areas.
- The National Target Program on Population and Family Planning for 2006 - 2010 (Decision No. 170/2007/QD-TTg dated 08/11/2007 of the Prime Minister) with six major projects. Most of them directly or indirectly impact both husband and wife in order to achieve the objective that each couple of childbearing age has only one or two children and contributing to improving the quality of Viet Nam's population in physical, intellectual mental and spiritual aspects, making Viet Nam's human resources meet the high quality requirements of industrialization, modernization and sustainable development of the country.

- The National Target Program on Education and Training up to 2010 (10/01/2008 07/2008/QD-TTg Decision of the Prime Minister) focus on providing scholarships, learning equipments to minority pupils at national schools, minority pupils with financial difficulties, pupils residing in areas with socio - economic difficulties; and strengthening vocational training, vocational support at elementary level or regular vocational training for rural workers, ethnic minority youth and the disabled. In the process of implementing the Program, the participants enjoy the same benefits, but female subjects were particularly taken care of to minimize the obstacles due to gender cause.

50. The year 2010 is also the year when Viet Nam conducted an overall review of the implementation Strategy and Action Plan for the Advancement of Women in Viet Nam up to 2010. To date, targets and indicators set out in the Strategy and Action Plan for the advancement of women have been achieved more than initial expectations.

#### **Enhancing organizations and activities for the advancement of women**

51. Recently, Viet Nam has issued many legal documents and developed organizational for the advancement of women. Building on that, agencies and organizations have been gradually strengthened and improved, which contributed effectively for the advancement of women and gender equality in Viet Nam.

#### **Ministry of Labor - Invalids and Social Affairs**

52. In implementing the Law on Gender Equality, it is the first time that Viet Nam has got an independent agency to assist the Government with state management on gender equality, which is the Ministry of Labor - Invalids and Social Affairs (MOLISA). MOLISA is assigned to be the agency which assists the Government in performing the state management of gender equality throughout the country. Ministries, ministerial-level agencies to coordinate with MOLISA performing state management on gender equality within the sector; People's Committees at all levels perform the function of state management of gender equality as assigned.

#### **National Committee for the Advancement of Vietnamese Women (herein after refers to as National Committee)**

53. The National Committee continues to be strengthened and consolidated to focus on inter-functional coordination, assists the Prime Minister to do research and coordinate resolution of issues related to the advancement of women in the country. Minister of Labor - Invalids and Social Affairs is the Chairman of National Committee. Chairman of the Viet Nam Women's Union is the Vice President of National Committee. At present there are 39 ministries, central agencies and 63/63 provinces and cities directly under the Central Committee have established the Committee for Advancement of Women. Number of authorities allocated officers for the Committee for Advancement of Women has been increasing in recent years. On 11/11/2009, the Prime Minister issued Decision No. 1855/QD-TTg on the establishment, consolidation Committee for Advancement of Women in the People's Committees at provincial and district levels. However, the Committee for Advancement of Women has only been established and operated mainly at central and provincial levels.

#### **Viet Nam Women's Union**

54. Viet Nam Women's Union has always grasped attention from the Party and the State in all aspects to facilitate effective implementation of women's movements and activities focusing on programs for the development and advancement of women. Women's Union has been established at all levels from central to grassroots levels. The State assigns many important responsibilities to the Unions to ensure the advancement of women in Viet Nam.

Article 29 and Article 30 of the Law on Gender Equality provide that the Women's Union of Viet Nam shall: participate in formulating policies, laws and participate in state management on gender equality in accordance with the law; ensure gender equality in the organization; participate in monitoring the implementation of gender equality legislation; reach out to and mobilize the people, members, union members made gender equality organization activities to support women contributing to achieving gender equality; carry out organizational activities contributing to supporting women to achieve gender equality; coordinate with other agencies and organizations concerned to foster and recommend qualified women candidates for the National Assembly and People's Council; be eligible to participate in management, leadership bodies within the political system at all levels; perform the function of representing and protecting the legitimate rights and interests of women and girls prescribed by law; be in charge of reviewing policies and legislation on gender equality.

55. In addition, the Vietnamese group of female members of parliament (MP) established in May 2008 has been working very hard. This is a forum for female MP to have practical and effective suggestions and comments on draft laws under a gender perspective and ensuring women's rights. Since its foundation, the group in collaboration with the Committee on Social Affairs of the National Assembly has been tasked to examine the implementation of mainstreaming gender equality in legal documents and organising many forums on gender equality and gender mainstreaming in policies and specialized legislation.

56. The Women Entrepreneurs Council of the Viet Nam's Chamber of Commerce and Industry continues to support activities and protect the interests of women entrepreneurs. In 2010, the Chamber of Commerce and Industry of Viet Nam (VCCI) in collaboration with Viet Nam Women's Union held a ceremony to grant the Golden Rose Award to 100 women entrepreneurs who have made outstanding achievements in production, sales and contributed positively to national socio - economic development, promoting the industrialization and modernization of the country.

57. In addition to the above mentioned agencies and organizations, the Board of Women of the Viet Nam General Confederation of Labor continues to contribute actively to raising awareness of gender, promoting the effective implementation of gender equality, reducing the gap in areas of employment, wages, working hours, working conditions, social insurance, especially where maternity leave and care regimen for mothers and children.

58. In addition to those organizations and agencies, the Department on Women Police' Affairs under the Ministry of Public Security and the Department on Women Military Officer under the Ministry of Defense are also included.

#### **Activities for the advancement of women**

59. Viet Nam continues to launch the campaign "Women to actively learn, work creatively and build happy families." At present there are 2.3 million women who register to participate in the campaign. In 2010, the Prime Minister approved the scheme "Dissemination and education on the morality of Vietnamese women in the period of accelerated industrialization and modernization of the country and the project" Education 5 million mothers about parenting ". These projects aim at promoting and developing the good morality Vietnamese women, providing knowledge, parenting skills in order to reduce the rate of malnutrition, illness, death in children; reducing number of children commit offences or social evils ... contributing to building families with prosperity, equality, progress and happiness."

60. The Prime Minister has approved the project "Supporting vocational training and employment for women in the period 2009 - 2015", the project will bring more opportunities of vocational training and employment for women throughout the country. Loan program, saving program for poor women have been growing, effective and

recognized, appreciated. Currently in order to help women access to capital to develop production and business, Viet Nam is implementing the Trust Fund. As of 2010, in cooperation with the Bank for Social Policy, nearly 3 million households got loan with the balance of more than 30 trillion VND, nearly 0.3 million women get loans from Agricultural and Rural Development Bank accounting for about 3 trillion VND. In August 2010, Governor of the State Bank of Viet Nam granted licenses for the establishment and operation of the “ Fund of Compassion”) contributing to empowerment and participation public funds in poverty alleviation and promoting the development of microfinance sector in Viet Nam. From 2000 to August 2010, this Fund had provided loan to 275,000 women with an amount of 1433 billion. The loan access support and knowledge providing have played an important role in increasing the economic power of women.

61. For women who are owners or managers of businesses, Viet Nam is implementing a project on Supporting the Development of Women Entrepreneurs in 2009-2012 period. Forms of support are in areas such as: impacts of legal framework and policies; providing training, management skills, business & executive consultancy for women entrepreneurs, access to credit support, marketing support, provide information, develop networks Women's Business Network; social support. "Business Women" Clubs have been established at provinces of the country. There are now 39 provincial and 400 district-level clubs and four provinces have established Women's Business Associations.

62. Since 2008, the Campaign to support construction of "Shelters of compassion" for poor women, single women, women with disabilities in particularly difficult situation has attracted the enthusiastic support of organizations, donors, businesses and individuals in the country, the class officers, members, women nationwide. By the end of August 2010, the amount of money received was 135 628 560 000 and 7525 new houses had been built, 1,260 houses had been repaired for women in difficult circumstances across the country.

63. Currently, The Kovalepxkaia Foundation Award and the the Viet Nam Women's Award which are used to grant awards and recognize contribution of Vietnamese women have made outstanding achievements in all fields and have been working actively. After 25 years of establishment, the Kovalepxkaia Foundation has awarded 34 individual and 15 groups of outstanding women scientists and fund the Viet Nam Women's Award was given to 44 individual and 22 collectives for their achievements in all fields since its establishment in 2003. In recent years, the Viet Nam Women's Union, in cooperation with the Chamber of Commerce and Industry of Viet Nam award the "Golden Rose" Prize for 144 excellent women entrepreneurs in the field of business.

64. Center for Women and Development has been established and carried out many activities to support women, particularly marginalized or vulnerable women through Peace Houses, which provide shelters for women and children who are victims of domestic violence and trafficking. The centers support services for vulnerable women including health care, psychological support, legal support, counseling and vocational training, assistance community reintegration, referral to other forms of other assistance ... The Center's activities have provided knowledge, life skills, helping women with confidence, easy to integrate with the community.

65. In implementation of Decree No. 45/2010/ND-CP dated 21/5/2010 of the Government associations, operation and state management of association (replacing Decree 88/2003/ND-CP) many non-governmental organization have been established in provinces and cities. These organizations have participated actively in the activities for the advancement of women and gender equality issues, anti - domestic violence play an important part in propagating the legislation and policies to the people, communicating the voice women's to organizations of the Party and State, contributing to solve the difficulties of women. In addition, non-governmental organizations also gather, reflect the needs and demands based on practice, detect contradictions in policies, laws, and weaknesses in the implementation. Thus, they help policy makers to carry out amendments and supplements

to have more complete legal system, and to improve policies and measures to implement the law more effectively and efficiently, timely punish violations of the rights of women and gender equality.

### **3.2 Gender mainstreaming in policy making and policy implementation**

66. Mainstreaming gender equality in legislation is provided by the Law on Gender Equality in 2006 and specified in Chapter III, Decree No. 48/2009/ND-CP on measures to ensure gender equality.

67. Under the gender equality law, the concept of "mainstreaming gender equality in legislation" is understood as measures to achieve gender equality by identifying gender issue, predict the gender impact of the documents concerned, responsibilities and resources to address gender issues in the social relations of the legal adjustments (Sec. 7 of Article 5). According to Decree No. 48/2009/ND-CP, the mainstreaming of gender equality issues is required in the process of drafting legal documents with content related to gender equality, gender discrimination. This decree also defines the content of mainstreaming gender equality in the construction of legal documents, including: 1) Identify issues relating to gender equality issues or issues of gender inequality, gender discrimination; 2) Prescribed measures required to implement gender equality and to solve the problem of gender inequality, gender discrimination; predict the impacts of those provisions for men and women after they are issued 3) Identify human and financial resources necessary for the implementation of measures ensure gender equality and to solve the problem of gender inequality, gender discrimination. Agencies in charge of drafting legal documents are responsible for mainstreaming gender issues into the process of making legal documents, appraising agencies, legal documents. These agencies shall coordinate with State management agencies on gender equality to assess the mainstreaming of gender equality in the drafting process of legal documents. The legal institution requiring mainstreaming gender equality in policy formulation and legislation is considered an effective legal tool to ensure gender issue is assessed, reviewed and integrated in the process of making, supplementing and revising legal documents.

68. To implement the provisions of mainstreaming gender equality in policy, legislation, and to implement the Government's direction in Resolution No. 57/NQ-CP on the Government Action Program towards 2020 the implementation of Resolution No. 11-NQ/TW April 27, 2007 of the Politburo on promoting women issue in the period of industrialization and modernization of the country (Resolution No. 57 / NQ-CP), the competent authorities have issued documents to implement these Resolution as follows:

- Ministry of Justice has included the assessment of gender equality mainstreaming and its criteria in reviewing the draft of legal documents.
- Building the successes of gender mainstreaming in the socio – economic development plans - 2006-2010, Ministry of Planning and Investment has issued a guiding document to draft the socio economic development program from 2011 to 2015, including one separate section on "implementation of gender equality, empowerment of women." Ministry of Planning and Investment is also do research to make national gender index, criteria for classification of gender in state statistics as basis for making gender sensitive policies.
- Ministry of Labor, Invalids and Social Affairs in collaboration with the National Committee has edited the guidebook on gender mainstreaming in planning and implementing policies in line with the new provisions of the Law on Gender Equality and the real situation in Viet Nam; held a number of trainings on gender issues and gender mainstreaming skills for staff doing gender equality work in the ministries and localities. Particularly in 2010, MOLISA has organized 01 training course for 30 trainers on gender mainstreaming at the central level; 05 gender

mainstreaming trainings for over 200 officials and delegates who are participating in planning and implementation competition policy in the ministries and localities

- Network of officers providing advice and counseling on gender to the National Committee was established in 2003 and has been maintained and promoted. The Network's activities have created a forum for staff working on gender equality to exchange views, comments, share experiences in implementing the gender equality and advancement of women as well as provide consultations from gender perspective for the programs, policies and national legislation.
- Many ministries, agencies, provinces and cities have paid attention to mainstreaming gender issues their development strategies. In particular, a number of ministries, training institutions at the national level have built and deployed teaching with subjects on gender and gender mainstreaming, such as: Ministry of Labor - Invalids and Social Affairs, Ministry of Public Security, Ministry of Defense, Ministry of Agriculture and Rural Development, Ho Chi Minh National Academy of Political and Administration, Academy of Youth and Children, Viet Nam National University- Hanoi, Central School for Women Officials.
- With the above efforts of the authorities, staff working on gender equality can initially apply the instruments, knowledge and skills on gender mainstreaming in the process of implementation their duties and responsibilities. In recent years, the ministries, agencies and localities have implemented strictly regulations on mainstreaming gender equality in the process of policy formulation and legislation. In particular, some provinces has given direction to integration of gender equality into the development and implementation of community rules and regulations at grassroots level, thus contributing positively to gradually eliminate backward customs and practices that respect men more than women.

69. However, there are still some challenges and weaknesses that need to be overcome: the drafting agency may not fully assess the impacts as well as identify gender issues and the remedies in the legal documents; not fully forecast the overall impacts after the document has been promulgated and when implemented and resources to address gender issues that may arise. There are no clearly mechanisms for defining accountability of agencies in mainstreaming as well as the mechanism of inspection and supervision to implement the principle "To ensure the mainstreaming of gender equality in the formulation and implementation of legislation."

### **3.4. Research on women and gender equality**

70. Resolution No. 57/NQ-CP in 2009 has identified research on gender equality is one importantly content in the period 2010-2020:

- Ministry of Science and Technology shall annually increase the research works related to gender equality and the women issues;
- Institute of Social Sciences of Viet Nam is responsible for making the research program on gender equality, at first focusing on development of women.
- Research Centre for Gender and women workers of the Institute of Labor and Social Affairs - Ministry of Labor - Invalids and Social Affairs is the focal point of research of women's issues and gender equality relating to state management function of the Ministry.
- Women Research Centre at the Central School of Women Officials is the focal point of women's studies of the Union, helping scientific research activities of the Union gradually going in the right direction with high professional quality.

- Research institutes under each particular ministry are also interested in mainstreaming gender issues in the studies of their own expertise. Research results are used for reference in the process of policy making and legislation.

71. Since 2007 until now many research from a gender perspective have been done and published to serve the policy making, such as: 1) Evaluate the implementation of the Convention on Discrimination in employment, job and pay equality between male and female workers for work of equal value, (2) labor law policy from gender equality perspective 3) Research on the socio economic impact of WTO membership to women in rural areas of Viet Nam; 4) The retirement age of women workers in Viet Nam: Gender equality in social insurance policy; 5) Gender and climate change; 6) Domestic violence; 7) Viet Nam Household Survey ... Particularly, the year 2010 is a pivotal year for the making of development strategy, development plans of each ministry and local agency, so most of the ministries and localities have organized research on the actual situation as well as the implementation of major policies, including policy review under a gender perspective. These studies will form the basis for the formulation and promulgation of strategies and development plans for each ministry and local agency;

72. Research and training centers on gender continue to operate with a focus on the role of men and women in business and production as well as status of women in the family; change in women role under the impact of socio economic development; the processes of urbanization and labor migration from rural to urban areas; violence in the family; trafficking in women; theoretical and practical basis of legal aid for women ... Some of the results have been used in the process of drafting and promulgating legal documents relating to women and gender equality.

#### **Challenges and shortcomings:**

- The system of state management apparatus on gender equality in Viet Nam has newly formed after the enactment of Law on Gender Equality, so that newly formed human resource is shortage in term of quality, limited expertise on gender mainstreaming skills to meet assigned tasks, especially at the local establishments. Most part-time staff is new to the knowledge and is weak in giving advice, proposing and implementing the tasks of state management on gender equality.
- There is a number of ministries, sectors and localities that have not allocated resources appropriately for activities regarding the gender equality.
- The implementation of gender equality mainstreaming in legal documents is difficult and challenging. For instance, most of the policy makers have not been equipped with knowledge about it so they have no sense of gender equality from the process of identifying problems to identifying solutions for gender-sensitive policies. Meanwhile, statistics have been separated between genders. Although the situation has been improved but not yet fully implemented, especially the lack of gender disaggregated data in the fields of science - technology, culture, family and sport; there is a shortage of gender experts in each field of expertise.
- Communication on gender equality legislation is not implemented inclusively and broadly. Gender stereotypes are still strong while gender awareness of a number of committees, authorities and the whole society still remain weak.
- Awareness and capacity of staff involved in making laws and policies to ensure gender equality is still poor.
- The inspection and supervision on the implementation of gender equality legislation are not conducted in a frequent, aggressive and highly effective manner.

- Percentage of women participating in leadership and management is low and not commensurate with the potential and contribution of women. Qualification of women is still restricted.
- Training, building capacity and the creation of sources of women for future staff are still insufficient, unsatisfactory.

### **Directions for solution**

73. The national strategy on gender equality for 2011-2020: To improve organizational structure regarding state management on gender equality and capacity building for staff working on gender equality from the central to local government; build up capacity on gender for policy makers; construct key indicators for gender equality; boost communication and dissemination of policy and legislation on gender equality and strengthen scientific research activities and international cooperation on gender equality.

- Continue to build and amend the system of laws on gender equality, arrange communication campaign on gender equality, implementing the regulations effectively to change the situation, put the regulations into practice.
- Enhance inspection and supervision and handling violation for the advancement of women and gender equality and to carry out effective gender mainstreaming in law construction; build the resources for gender activities; complete set of key indicators for monitoring implementation of national gender equality.
- The National strategy on gender equality for 2011-2020 sets out specific targets in Goal 7 as follows: Enhance the capacity of state management on gender equality: Target 1: By 2015 and up to 2020, there will be 80% and 100% of draft legal documents identified with content related to gender issues or gender inequality, discrimination on gender mainstreaming gender equality.
- Target 2: By 2015 and up to 2020, 100% of members of the Drafting Team and the Editing Team are maintained to draft legal documents with content related to gender equality or problem of gender inequality, gender discrimination are trained on gender knowledge, gender analysis and gender mainstreaming.
- Target 3: from 2015 to 2020 the provinces and cities that are directly under the Central Government will allocate sufficient staff working on gender equality and having a network of collaborators and volunteers who have participated in the equality activities and the advancement of women.
- Target 4: By 2015 until 2020, 100% of officials and civil servants are maintained to work on gender equality and the advancement of women at all levels and will be trained at least once on gender equality.

## **Article 4**

### **Special measures to enhance gender equality**

#### **4.1. Supplement on special measures to promote gender equality**

- Viet Nam has defined the concept and content of "measures to promote gender equality." This regulation is built on the basis of domestic law provisions on "temporary special method" mentioned in CEDAW and in line with the real situation in Viet Nam.
- According to the Law on Gender Equality, "measures to promote gender equality" are understood as measures to ensure real gender equality which is issued, by the

competent State agencies in the case of significant difference between men and women in the position, role, conditions, opportunities to promote their accomplishments and beneficiaries of development but the application of the regulations the same between men and women do not reduce this disparity. Measures to promote gender equality made in a certain time and ends when the purpose of gender equality has been achieved (paragraph 6 of Article 5) and "Measures to promote gender equality are not considered as a discriminatory treatment of gender "(Clause 3, Article 6).

74. Decree No. 48/ND-CP on measures to ensure gender equality: Measures to promote gender equality include the following five points: (1) The percentage of male, female or just female to ensure an appropriate participating rate, beneficiaries in the areas of social life, (2) Training and building their capacity to ensure that women or men meet professional standards and other standards prescribed by law; (3) Support, facilitate, create opportunities for women or men to enhance sharing housework or social work between women and men in line with the goal of gender equality, (4) prescribe standards and conditions specifically to women or men to carry out priority policies in each specific area; (5) Regulations women have the right to select and prioritize women in case women are eligible and when they are as good as men to ensure gender equality.

75. Viet Nam is urging research agencies to formulate and submit to the Government for promulgation, guidance and implementation of the provisions on measures to promote gender equality in the areas of political, economic, labor, education and training. Including, notably measures such as: specified percentage of female candidates of the National Assembly, the People's Council in line with the goal of gender equality, at least six months before the election of the National Assembly or People's Council; provisions on appropriate percentage of women appointed to positions in state agencies; specified percentage of female leaders in key agencies and organizations where there is from 30% or more women workers consistent with the objectives National gender equality provisions on proportions of men and women as appropriate, women may take advantages when they meet preference standards as men in employment, planning, training and retraining, appointed; there is tax and financing incentives for businesses employing more female workers; the regulations on employment rate regulation for men and women are recruited in line with each type of work divided by industry, profession; Encourage men take leave with full payment and allowances while his wife gives birth.

- To help women workers have access to employment opportunities, and high-quality jobs, in 2010, the Prime Minister has approved the project "support for women in vocational training - job creation in the 2010-2015 period ". Female employees entitled to preferential policies, the man credited with the revolution, the poor, ethnic minorities, the disabled, the people with cultivated land revoked by the government, women workers lost their jobs in enterprises will be supported with short-term vocational training (elementary level vocational training and less than 3 months) with a maximum of 3 million VND per person per course. In addition, these people are also supported with 15.000VND/day per person, travel allowances ... The women workers who have households' income up to 150% of income of poor households (defined by government) will be supported for short-term vocational training costs with a maximum of 2.5 million per person per course, for other women workers, the level of support is 2 million per person per course.

76. With attention of government, unions at different levels, several methods to encourage and reward women in many different forms has been applied.

#### **4.2. Special measures to protect mothers**

77. Protecting and improving people's health, including priority for mothers and children remained consistent policy of Viet Nam. The special means to protect the mother

continued to be promoted in the implementation. The strategy of caring and protecting people's health for 2001-2010; national strategy on reproductive health care for the period 2001-2020, the National Strategy on Nutrition for 2001-2010 and National population strategy; Action Program for Children in 2001-2010 had been implemented effectively across the country to ensure access to health care services for people, especially women and children.

- It is expected that 5 million mothers will be able to be trained on health care and maternal child health and nutrition of mothers during pregnancy by 2015 (day 19 704/QD-TTg Decision / 5 / 2010 on the approval of the education program for 5 million mothers on how to take good care for children period 2010 - 2015).
- Improve maternal health, in 2020 achieving 30% reduction of maternal mortality ratio compared with 2010, significantly narrowing differences on maternal health indicators between the regions and the ratio of women with Pregnancy in the national HIV / AIDS is lower than 0.2% (Draft Strategy for Reproductive Health Population 2011-2020 period, the draft national strategy on gender equality 2011-2020).
- Women who are pregnant or nursing children under the age of thirty-six month postponement or remission decision to apply management measures in detoxified Center; pregnant women was also temporarily suspended the implementation of decisions application of management measures in detoxified Center until the children reach the age of thirty-six months (Article 23 and 24 of Decree No. 94/2009/ND-CP dated 26/10/2009 detailing implementation of the Law amending and supplementing some articles of the Law on Anti-drug management after drug addiction).
- Pregnant women are exempt from serving the remaining period of the decision to apply to administrative measures taken to reformatory schools (Article 34 of Decree No. 66/2009/ND-CP dated 01/8/2009 on amending and supplementing some articles of Decree No. 142/2003/ND-CP dated 24/11/2003 of the Government adopting measures for administrative processing into reformatories).

#### **4.3. Implementation and future directions**

78. There has been an issue arising recently in relation to maternal health in particular and reproductive health in general, which is teenagers' abortion to increase at an alarming rate. Viet Nam is one of the countries with high rates of abortion, of which 20% of adolescents. That's not including many abortion cases in the private health facilities which are very difficult to control and to collect statistic. National survey on Viet Nam adolescents and youth in 2010 showed that about 7.5% of this age has sexual relations before marriage and lack of knowledge about sex should have consequences leading to abortion.

79. Although the system to provide services in reproductive health care has been strengthened in recent years, a network of reproductive health care in the mountainous regions and remote areas is weak, many care centers Reproductive health care are under the management of provincial level and the construction has been deteriorated. Medical care for reproductive health at the district, there are many places are not yet completely built. Besides difficult working conditions, generally staff at all levels is lack in quantity, the structure between qualified officials with university degree and the officials with elementary and intermediate training is also unreasonable.

80. Viet Nam has been actively implementing measures to promote gender equality and protection and support policies for the mother to implement the provisions of the law on gender equality, and to overcome existing problems as stated in the compound reports 5 & 6, Viet Nam has been implementing the following activities:

- Initially, research and adjustment of retirement policy for female officials who are deputy minister or holding equivalent positions are done in which those female leaders will be able to retire at the same age as that of their male colleagues. The other group of female employees are still entitled to retire five years earlier than their male colleagues. The Labor Law (amendment, supplement) in 2012 (enter into effect since 1/5/2013) made an adjustment on pregnant leave by extending pregnant leave up to 6 months instead of 4 months. In addition, Viet Nam is considering the adjustment of the list of prohibited and restricted industries for women workers.
- To improve the quality of women officials and increasing the proportion of women in management positions, leadership, Ministry of home affairs is working on 03 projects which will be submitted to the Government: The scheme in the proportion of women in the National Assembly, the People's Council to meet the objectives of gender equality; the project of the guidance on implementation of regulations to create women human resources, defined percentage of women in appointed positions in state agencies; Project on survey, review and recommend the appointment of age, training, building capacity of officials, civil servants and employees to ensure the equality between men and women, integrated knowledge of gender and gender equality in the training of, officials and civil servants.
- As the state agency in charge of managing the labor, invalids and social affairs, including the field of gender equality, the Ministry of Labor - Invalids and Social Affairs is studying to construct and submit to the government the regulations in training, capacity building for women workers, and providing vocational training for women workers in rural areas; responsibilities of the employer in creating conditions of labor safety and sanitation for women workers in certain occupations and hard working jobs, or exposure to dangerous toxic substances; the draft of national strategy on Gender Equality 2011-2020 period.
- The Ministry of Education and Training is working to promulgate and submit to competent agencies to promulgate policies to support for increasing the proportion of women are post-graduated.
- The Ethnicity Affairs Committee has examined gender equality in ethnic minority areas, which is used as the basis for typical policy development in promoting gender equality in remote areas, ethnic minority areas and areas of difficult social-economic condition areas in accordance with the Law on Gender Equality.

## **Article 5**

### **Gender Role and Gender Stereotypes**

#### **5.1. Policies and Laws**

81. Gender Equality Law in 2006 defined the concept of gender equality is that men and women have equal role and positions and are facilitated with equal opportunities to promote their capacity for community development, family and have equal benefits of the success of that development.

82. On the basis of gender equality provisions mentioned above and the provisions on the basic principles of gender equality; Viet Nam has been building policies to eliminate gender prejudice and changing traditional gender roles, which obstruct the advancement of women. Specifically as follows:

- The contents of ensuring gender equality in the areas of social and family, the political, economic, labor, education and training, science and technology, culture, information, sports and health. Requires each citizen has the responsibility to

criticize and prevent any discrimination on gender; In the family boys and girls must be treated fairly have equal opportunities in education, labor and participate in other activities.

- Law on Prevention of family violence in 2007 has specified the actions of family violence: abuse or other actions of intentionally insulting the honor and dignity; Forcing family members working too hard, financial contributions exceed their capacity, control the income of family members to create dependency on financial, forced sex...
- The administrative violations, types and levels of administrative punishment on gender equality and family violence (Decree No. 55/2009/ND-CP and Decree No. 110/2009/ND-CP dated 10/12/2009).
- To further promote men's participation in housework, the Ministry of Labor - Invalids and Social Affairs is studying policy development to allow male laborers taking leave with full payment and allowances while his wife gives birth.
- The national strategy on gender equality for 2011-2020 also set targets to be achieved by 2020 such as fundamental changes in the psychology of having sons as a must and shortening the gap between men and women about their time to spend in doing housework.

## **5.2. Communication and education on gender awareness**

- Information activities, education and communication on gender and gender equality are considered as one of the measures to ensure gender equality. Decree No. 48/2009/ND-CP on measures to ensure gender equality has devoted a chapter II with four specific articles on this issue.
- In recent years, Viet Nam has conducted many information activities, education and communication on gender and gender equality such as:
  - Most of the Ministries, sectors and localities have identified key gender equality in the current period is to focus on communication and dissemination of policy and legislation on gender equality in order to gradually raise awareness of the leaders, officials, servants, employees and the people in this field.
  - Mass media agencies at central and local open topics on gender equality propaganda, publishing the guidelines, policies and legislation in this field to all citizens effectively.
  - The Ministry of Education and Training has integrated gender mainstreaming in training programs at colleges, universities, continuing education programs, textbooks, teacher guide, video tapes, pictures images to eliminate the gender bias from the school
  - The MOLISA in collaboration with the National Committee for the Advancement of Women in Viet Nam held dozens of workshops and training courses each year for people in different regions, different areas, large print and distribute widely introduced thousands of leaflets on the work of gender equality and advancement of women, compiled and published "Handbook for the advancement of women" for the purpose of updating, disseminating of current legal texts, manual for the advancement of women and gender equality.
- In the recent years, gender equality has attracted the participation of men and the leaders at central and local levels. Type of communication is diverse and richness, such as seminars, training workshops, competitions, festivals or talk show.

### 5.3. Challenges and directions for solution

83. The removal of gender stereotypes, changing perceptions about the traditional role of women and men have not been conducted thoroughly and evenly in sectors, areas and regions. Underlying reason is the lack of measures to remove the root of ideology that man is more appreciated and women is disregarded within thousand years, which is rooted in the mind and behavior of people. Vietnamese laws stipulate that husband and wife are equal in all aspects and have rights to discuss and decide all matters together, share duties as well as taking care of children and parents in the family. Indeed, men are still considered breadwinner, who may decide the important issues and are representatives of family with outside community. The housework, care of the family members is often considered as "the natural duty" of women. The conservative feature of gender-based traditional labor division at different levels that still remains in certain family in Viet Nam leads to limited opportunities for education of girls, hinders women participation in social activities and having status and income equally with men. The situation of abuse exists in some places also caused by the ideology of "men is more appreciated and women is disregarded". Besides, in some areas, in some communities of ethnic minorities remain quite backward customs and practices, including early marriage customs, it is not easily changed, has been obstructing the advancement of women.

84. Solutions: fully implement and comply with law and policy on gender equality. Political and –social organizations continuously promote the implementation of the campaign "All people unite to build a new life in residential areas "and the movement to build cultural family standards" with wealthy, equality, civilization and happiness "; strengthen the advocacy of propaganda people to remove gender prejudice and female harmed customs Putting gender content in training programs and training staff. The mass media institutions to strengthen communication on gender equality, contributing to changes in traditional social convention about gender roles in society as well as raising awareness of male responsibility in family housework and child care.

## Article 6

### Prevention and control of trafficking in women and abuse of female sex workers

85. Trafficking in women and abuse of female sex workers are still thorny issues and attract the society's attention. The State of Viet Nam continues to assert firmly this issue should be prohibited and removed from the community, and requests agencies to make prevention of trafficking in women, prevention of commercial exploitation of women sex the most important and regular political task in order to protect the health, honor and dignity of women and move towards a society of advancement, justice and civilization.

#### 6.1. Law making

##### *Prostitution prevention and control:*

86. The Ordinance on Prostitution Prevention and Control in 2003 and sub-law documents provide details on the implementation of the Ordinance on Prostitution Prevention and Control; taking sex workers into treatment centers and offering them with city-based, district-based and commune-based management and education; offering allowances for officials and employees working at medical treatment centers; interdisciplinary programs and regulations on prevention and control of prostitution.

87. Regulations on beneficiary, policies, organization, personnel, financial management guidelines, allowances, organization of vocational training, guidance on ranking treatment

centers; guidelines on implementation of interdisciplinary programs on prevention and control of prostitution, establishment of joint- working group<sup>2</sup>.

***Prevention of human trafficking:***

88. There are legal documents in this regards, which range from the Code, the law and the law documents prescribed for the offenses of human trafficking, issued action plans against trafficking of women and children for 2004-2010 to regulations on supporting victims and community reintegration for women and children who are trafficked upon their return home from a foreign country.

89. The law on prevention of human trafficking that has been approved by the National Assembly since 01/01/2012 provide a full and comprehensive definition of human trafficking, measures for prevention of human trafficking, victims' support centers, social reintegration of victims, punishing the purchasing dealers in human trafficking, international cooperation in fighting against trafficking in persons, especially women and children

90. On international cooperation: Viet Nam has cooperated with other countries in the world, especially Southeast Asian countries and neighboring countries (Laos, Cambodia, and China). Viet Nam signed two bilateral agreements with Cambodia and China for cooperation in the fight against human trafficking.

91. Future directions: the national strategy on gender equality 2011-2020 period made specific target of Goal 6 which is target 3: By 2015 to be maintained to 2020: 100% of the victims will be returned or be rescued; the number of trafficked victims return by themselves will benefit from the support services and community reintegration.

**6.2. Implementation:**

***Prevention and control of prostitution:***

92. From 2006 to 2010, competent agencies have investigated and checked on 182,656 businesses and services providers (up by 21.17% compared to the period 2000-2005); discovered 68,249 violation cases (equivalent to 37.4% of the inspected businesses); given warning to 12,563 businesses (accounting for 18.4% violated businesses), fined 37,130 businesses (equivalent to 54.4%), suspended 1,886 business license (equivalent to 2.9%) and withdrawn 397 business license (equivalent to 0.05%). The total amount of fine was more than VND 103 billion.

93. Tracking and terminating gangs and organized prostitution lines: from the 2006 - 2010 the police force at all levels has tracked and closed 6,109 prostitution cases (down by 13.9% compared to the period 2000-2005), with 19,443 persons captured (including 4113 brothel bosses and brokers, 9,067 sex workers; 6,263 clients).

94. Investigation, prosecution and trial:

- According to data from 2006 to May 6 / 2010, the Procuratorates at all levels has prosecuted 2,470 cases with 3,217 defendants on organizing prostitution, 942 cases with 1307 sex brokers and 43 cases with 61 accused of requesting sexual relations with teenagers. The total number of cases prosecuted was 3,455 (down by 35% from 2000-2005) to 4,585 accused of working as sex workers (down by 37% compared with the period from 2000 to 2005).
- In 5 years, all the Courts have accepted 3,884 cases with 5,345 dependents accused of prostitution crimes to hear as the procedures of first instance, handled 3,542 cases

<sup>2</sup> For 1 and 2 See Annexes and attached Appendices

with 4,866 defendants (Achieved hearing rate 91.2% of cases and 91% of defendants). In 4886 defendants brought to trial with 219 defendants (4.5%) from 7-15 years imprisonment, the accused 1572 (accounting for 32.17%) from 3-7 years imprisonment, 1886 dependents accused 3 years or less imprisonment (up 38.6%). In addition to imprison, the court is also apply additional penalties such as foreclosure, fines, probation,... for the defendants. Apart from handling the defendants are brothel bosses, brokers, the Court has previously handled 114 cases with 178 dependents accused of requesting sexual relations with teenagers in which the number of dependents who are officials is increasing.

95. Treatment, education and reintegration into the community: In the last 5 years (2006 - 6 / 2010), the local organizations have treated and educated for 18,778 sex workers (down by 26% compared to the period for 2000-2005), in which the number of center-based sex workers is 10,227 (up by 54.4%), the number of community-based sex workers is 8,551 (45.5%). The number of sex workers who has been received vocational training, finding jobs is 12,812, including 7,384 centre-based and 5,428 community-based. Their major occupations are civil sewing, industrial sewing, embroidery, hairdressing, computer, plaiting for export carpet.<sup>3</sup>

***Prevention of human trafficking:***

96. Communication has been conducted in various forms with rich content. For instance, more than 200,000 leaflets on prevention of women and children trafficking in the community; 15,000 handbook provides information on policies supporting victims and detail contacts for help, 5,000 copies of psychosocial manuals to support returning trafficking to reintegrate into the community; 01 VCD traditional play with the topics the misleading steps have been written, printed and issued; 5,340 meetings for communication were organized for population clusters with 76,016 attendees together with 32 training courses for officials of the departments who are Steering Committee members in charge of prevention of human trafficking and officials of the Centre for Social Protection, the Department of Internal Affairs – Labor, Invalids and Social Affairs of the district, commune-level implements and supports community reintegration for women, children trafficking victims returning from abroad; seminars, reports on Viet Nam Television, Television For homeland security, the People newspapers, the People's Public Security, People's Public Security Magazine; model of clubs, sub-groups.

97. Verification and admission of victims: 7,035 victims trafficked abroad, 22,000 women and children long absent at the local areas suspected of being trafficked, 17,217 Viet Nam Children adopted by foreigners, 251,492 Vietnamese women married to foreigners have been listed.

98. Admitting and supporting trafficked women and children for community reintegration: According to reports by the Department of Labor - Invalids and Social Affairs of provinces and cities, as of October 5th, 2010, there were 3,190 cases of children and women trafficked abroad coming back, of which 60% returned by themselves, 25% were rescued, 15% were officially admitted. Among 3,190 returned victims, 2532 received psychological counseling, health checks and information on support policies; 1,037 cases have received funding to support reintegration into community and vocational training from the state budget, the remaining cases are in the process of receiving more support. In addition, victims have access to support services from non-governmental organizations, international organizations<sup>4</sup>.

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<sup>3</sup> Source: The MOLISA's 2010 five-year report on implementation of the Ordinance on Prostitution Prevention and Control for 2005-2010

<sup>4</sup> Source from the Department of Prevention and Control of Social Evils-MOLISA in 2010

### 6.3. Unresolved issues and direction for solutions

#### *Prevention of prostitution:*

99. The result of prevention and control of prostitution has been so far unstable. Prostitution was just reduced on the surface while child and teenage prostitution still exist. Meanwhile, inter-provincial prostitution lines to send prostitutes abroad are not yet terminated. The number of businesses using sex workers in providing their services increased while man-to-man prostitution, same sex prostitution, sex workers involved with foreigners seems to increase as well.

100. Education, vocational training and support community reintegration has been done with low efficiency. At centers, education of behavior and personality is done in a rigid and one-sided manner while vocational training has not yet fitted the needs and the ability to access employment market. In addition, the target of improving personal capacity for sex workers has not yet achieved..

101. Infection of HIV/AIDS in the community is increasing, especially with the emergence of man-to-man prostitution and same sex prostitution. Sex workers have not actively accessed to social services and medical care or intervention programs, harm reduction and safe sex.

#### *Prevention of human trafficking:*

102. The situation of human trafficking is getting complicated, serious and is likely to increase while the legal system on the prevention of women and children trafficking has revealed some shortcomings and mistakes such as the resolution of the male victim cases, victims are rescued in Viet Nam.

103. There is a lack of staff working on prevention and fight against social evils. Most of them are part time staffs. Therefore the information and data on women, and children who are trafficked and suspected to be trafficked are not updated as quickly as expected while many communes, wards and towns do not understand well the situation of victims of trafficking. As such, there is confusion in the implementation of policies to support victims upon their return.

104. Communication is not consistent with each subject, background, age and traditional and habits so it is not efficient. On the other hand, due to lack of communication materials, awareness some people is still limited so the communication to citizens has not been done in an effective and timely manner for far and remote communes and communes of ethnic minority groups.

105. Although certain successes have been recorded in verification and admission of victims in recent years, those jobs are done in a slow and fluctuating manner by Ministries, agencies and local authorities, especially for victims who are return by themselves.

106. Assistance to victims has been yet fully paid attention to by the party committee and provincial authorities at grassroots level, not aggressively administrated and reviewed to support victims at local level. So far, many cases of trafficking victims returning from abroad, but due to difficult economic conditions, lack of interest of the community and help of local governments had to leave the area; some victims even become crime for trafficking women and children to foreign countries.

#### **Direction for solutions**

107. Improve the system of legal documents and policies. Strengthen directions to the implementation of preventive measures and strictly handle violations in accordance with the law. Strengthen capacity building for officials at all levels. Develop and implement mechanisms for gender mainstreaming with programs on socio-economic development,

culture, education, security and order. Organize the assessment, research and an in-depth review. Implement international, regional and cross border cooperation programs and projects

## **Article 7**

### **Exercising women's rights to equality in political life and public life**

#### **7.1. Ensuring women's rights to vote and stand for election**

108. Recognizing the role and importance of women's participation in political life, the 1992 Constitution (as amended and supplemented in 2001), the Law on Election of National Assembly deputies, and the Law on Election of Members of People's Councils provide for the important political rights of citizens, which are to vote in and stand for election. Vietnamese women are equal to men in the rights to vote and stand for election. "Citizens have the right to participate in the administration of the state and management of society, the discussions of national and local issues, and make petitions to State organs and vote at any referendum organised by the State" (Article 53 of the 1992 Constitution), "Citizens, regardless of ethnicity, gender, social background, religious belief, educational level, occupation, time of residence, shall, upon reaching the age of eighteen, have the right to vote and, upon reaching the age of twenty-one, stand for election to the National Assembly, and the People's Councils as prescribed by law "(Article 54 of the 1992 Constitution).

109. Pursuant to the principle of gender equality in political life enshrined in the Constitution, codes and laws relating to political rights allow no discrimination between men and women. Accordingly, men and women have equal opportunity to participate in social activities and state management, assume positions of leadership in state agencies, political organizations, and socio-political organizations. They are also entitled to equal rights to, inter alia, participate in external activities, seminars, international and national forums as well as to express political views, lodge complaints and denunciations as prescribed by law.

110. However, due to gender differences, particularly the special psychological and physiological characteristics of women and their natural biological role in maternity, they are much less privileged than men. This reality of life necessitates policies and legislations to women's interests.

111. Guided by the resolutions of the Party, the National Strategy for the Advancement of Women and the 2006 Gender Equality Law defined the basic principles of gender equality in the political realm. Accordingly, women's rights to equality is promoted in the elections of the National Assembly and the People's Councils at all levels; women are entitled to equal opportunity with men to participate in and stand for election. . Through the terms of the National Assembly and People's Councils at all levels, the percentage of deputies in the National Assembly has increased to considerable levels:

- 10<sup>th</sup> Legislature: 118 women deputies members out of the total 450 deputies, accounting for 26.22%.
- 11<sup>th</sup> Legislature: 136 women deputies out of the total 498 deputies, accounting for 27.31%.
- 12<sup>th</sup> Legislature: 127 women deputies out of the total 493 deputies, accounting for 25.76%.
- 13<sup>th</sup> Legislature: 122 women deputies out of the total 500 deputies, accounting for 24.4%. Of the total number of deputies, women deputies accounted for over 50% in

2 provinces, over 40% in 3 provinces; 30-39.9% in 18 provinces, 20-29.9% in 16 provinces, under 20% in 21 provinces, and 0% in 3 provinces.

112. Thus, in comparison with other Asian and Asia Pacific countries, the percentage of female members in Viet Nam National Assembly is relatively high.

113. The percentage of women deputies in People's Councils has also increased with time:<sup>5</sup>

<i>Levels</i>	<i>Term 1999 – 2004</i>	<i>Term 2004 - 2009</i>	<i>Term 2009/2014</i>
Province	22.33%	23.83%	25.7%
District	20.12%	22.94%	24.62%
Commune	16.56%	20.10%	21.71%

114. Women's right to vote and stand for election has been implemented wide and large at all levels and social strata in line with the principle of democracy and transparency in election. The quantity and quality of women deputies in the National Assembly and People's Councils have been improved; many of them are now holding important positions in State agencies. Women officers in significant positions in State agencies have been contributing positively to socio-political and economic development, participating in decision-making on fundamental issues of national interest as well as formulating strategies for socio-economic development, security and defence at national and local level. At the same time, they are taking the lead in protecting the legitimate rights and interests of women in the society.

115. However, the above results have not reflected fully the capacity of Vietnamese women in socio-political life. The percentage of women staff in representative authorities is still low. The number of women in management positions has not met the requirement of the National Strategy for the Advancement of Women towards 2010.

116. The reasons for these shortcomings include:

- The lack of qualified women officers to be elected or appointed to these positions due to poor attention of state agencies at all levels for recruiting, training and using female officers and the lack of comprehensive coordination as well as decisiveness in appointing female officers.
- A group of women officers have not been daring enough to define their role in the society; hesitation and lack of mutual support are evident.

## **7.2. Women's rights to participate in state management of socio – economic issues**

117. The 1992 Constitution asserts women's rights to participate in state management; there shall be no gender discrimination in economic, cultural, and social fields, particularly the following aspects:

- a) Article 87 of the 1992 Constitution provides that the Viet Nam Women's Union have the right to make legislative proposals, to submit draft laws and ordinances to competent authorities.
- b) Law on Viet Nam Fatherland Front 1999 and Decree No 50/2001/ND-CP dated 16/8/2001 of the Government detailing the implementation of some articles of the Law on Viet Nam Fatherland Front have defined that the Viet Nam Women's Union is a member organization of the Fatherland Front and stipulates the

<sup>5</sup> Report on 25 years of CEDAW implementation (2008)

mechanism of coordination between state agencies and the Viet Nam Fatherland Front and its member organizations including the Viet Nam Women's Union in implementing the rights and responsibilities of the parties.

Article 9 of Decree No. 50/2001/ND-CP of the Government provides that the agencies responsible for drafting legal documents have to consult the member organizations of the Fatherland Front on draft legal documents and on the coordination between state management agencies and socio-political organizations in general and the Viet Nam Women's Union in particular in supervision and inspection activities.

c) Decree No. 19/2003/ND-CP dated 7/03/2003 of the Government defines the responsibilities of state administrative agencies at all levels in ensuring the participation of the Viet Nam Women's Union in state management. The results achieved in the seven years of implementation of Decree 19 have stated the role of the Viet Nam Women's Union in promoting national solidarity in the construction and defence of their Fatherland.

d) The 2008 Law on Public officials and civil servants presents an important legal basis for building and improving the quality of public officials and civil servants in general, women officials and women public employees in particular to meet the tasks and requirements in the coming time; the law allows all qualified Vietnamese citizens, regardless of gender shall be employed as public officials and civil servants. the Law also detailed the principle of gender equality in management of public officials and civil servants (Article 5), the right to be appointed to leadership positions and participate in decision making, the right to other privileges provided by law.

### **7.3. Women's rights to participate in socio-political organizations**

118. Women's rights to participate in socio-political organizations are enshrined in the 1992 Constitution and in the 1999 Law on the National Fatherland Front. Accordingly, the Viet Nam Women's Union is a member organization of the National Fatherland Front, which plays an important role in socio - political life. The Constitution provides that regardless of gender, all citizens of Viet Nam have the right to establish associations. The Law on the National Fatherland Front provided a specific mechanism for coordination among state agencies with Women's Union in monitoring and inspection activities.

119. The proportion of women participating in socio - political organizations (the Viet Nam Fatherland Front, Women's Union, Veterans Association, the Ho Chi Minh Communist Youth Union, Viet Nam General Confederation of Labour, and Farmers' Association) has been on the rise. An increasing number of women are holding important positions in socio-political organizations, contributing to the implementation of state management in economic, social and cultural areas of the country.

### **7.4. Directions to strengthen the participation of women in political and community activities**

120. In practice, the participation of Vietnamese women in political life has yet to be commensurate with their abilities and the requirements of the renovation process; therefore, measures need to be taken to overcome this shortcoming:

- Enhancing awareness on gender equality and women officers' issues in accordance with the views and guidelines of the Party in Resolution No.11-NQ/TW of the Party Central Committee in all Party sub-committees from the central to local levels, particularly for the heads of agencies and key leaders.
- Promoting training to raise gender awareness, refreshing care and recruiting more women cadres to the Party, proactively and committedly preparing female staff

resources. Each female leader and manager is responsible for making plan to mentor from one to two female staff to inherit the position that they are holding.

- Promoting various forms of information dissemination through the mass media in order to raise people's awareness on gender equality, the role and position of women, female officials, outstanding examples of talented women, with particular attention to women and children in rural, regional and remote areas, ethnic minority areas to help them learn how to self-protect their interests.
- Developing and perfecting legal framework to ensure effective women personnel management, carrying out the supervision and evaluation of Gender Equality Law implementation; on that basis, making recommendations and suggestions to competent authorities to supplement regulations, policies to ensure the role of women in state management.
- Reviewing policies for female civil servants, female workers to ensure gender equality in the process of socio-economic development; formulating preferential policies on training, nomination and regional incentives for women; mainstreaming gender issues in political and administrative training at all levels; enhancing the capacity of administrative machinery and institutions to implement policies for the advancement of women and protecting the rights and interests of women effectively.
- Developing and supplementing policies to create favourable conditions for the development of women officers; ensuring equal access to education, science, technology and training to improve their professional knowledge.
- Continuing to promote and improve the effectiveness of training and retraining of women officers, formulating officer training strategy for each sector, from which detailing the plans for training of women officers in state agencies and departments.
- Focusing on formulating plans to employ female officers as provided by the Party Resolution. Women's assumption of leadership positions should be ensured in all fields, from central to local levels.
- Effectively mainstreaming gender issues into policies, national action plans, and socio - economic development plans at all levels and sectors.
- Improving the quality of material and spiritual life of women; creating conditions for effective implementation of the fundamental rights and promotion of women's role in all fields of life.
- Implementing supervision and evaluation of legislation on gender equality, on this basis, making recommendations and proposals to the competent authorities about supplementing mechanisms and policies to ensure the development of women's role in state management.

121. The National Strategy on Gender Equality period 2011 - 2020 set specific objectives: Objective 1: to increase the proportion of women in management and leadership positions to reduce gradually the gender gap in the political field, Target 1: to increase the proportion of women participating in all levels of the Party Committee in the term 2016 - 2020 to over 25%, the percentage of women deputies to the National Assembly and People's Councils at all levels to over 30% in the term of 2011 - 2015 and over 35% in the term of 2016 - 2020.

122. Target 2: To achieve 80% in 2015 and over 95% in 2020 of ministerial-level agencies and People's Committees at all levels having women officials in key leadership positions. Target 3: To achieve 70% in 2015 and 100% in 2020 the agencies of the Party, State, socio - political organizations where women assuming at least 30% of key positions.

## Article 8

### Women's participation in international activities

123. Under the policy of expanded foreign relations and proactive international economic integration, Vietnamese women have more favourable conditions to participate in international activities.

#### 8.1. Women in the Diplomatic sector

124. Viet Nam has developed an Action Plan for the advancement of women outlining specific targets such as: maintaining the ratio of women officers in all sectors at 30%, increasing the percentage of women participating in Party committees from 15% to 20%, the percentage of training women officers and civil servants with at least a Masters degree or PhD at 30%.

125. At the present, the number of female officers and civil servants working at the Ministry of Foreign Affairs of Viet Nam is 892, accounting for 37.84% of the total number of officers and civil servants at the Ministry (exceeding the target of 30% by 7.84%). In particular, there are 15 women officers with a PhD out of the total of 62 PhD holders in the Ministry (accounting for 24.19%); there are 176 women who have Masters Degree, accounting for 40.37% of 436 Master holders in the Ministry; there are 548 women officers, accounting for 42% of the total number of 1,304 civil servants with an undergraduate degree. There are 200 women officers holding posts at representative missions abroad. From 2004 to 2011, the proportion of women Ambassadors, Minister Counsellors, and Counsellors were 4/115 (3.47%), 11/73 (15.07%), and 43/243 (17.7%) respectively. A former spokesperson of the Viet Nam Ministry of Foreign Affairs was a woman.

126. In terms of the participation of women officials in management, there are 5 women Directors General of 114 Directors (accounting for 4.38%); 29 women Deputy Directors General out of 193 Deputy Directors General (accounting for 15.03%), 16 female Heads of Division out of 69 Heads of Department (accounting for 23.19%), 47 women deputy Heads of Division out of 99 deputy Heads of Divisions (accounting for 47.48%).<sup>6</sup>

#### 8.2. Women's participation in international activities

127. In the current context of integration, female officers working in government agencies, friendship organisations, social organisations, occupational organisations, and public organizations all have the opportunity to represent the Government of Viet Nam in international forum and engage in international activities. There is an evident increase in the quantity and quality of women's participation in bilateral and multilateral diplomatic relations.

128. In the period of 2004-2011, various foreign affairs activities have taken place, especially activities in the framework of the United Nations Security Council, APEC, ASEM and ASEAN. These had mobilized large participation of women officials which, in turn, contributed to increasing knowledge and skills of women officials in foreign affairs.

129. In the coming time, Viet Nam will continue to strengthen women's participation in international activities and create favourable conditions for women's participation in conferences, seminars at home and abroad, as well as to ensure gender balance in the recruitment of diplomatic officers and in representative organizations of Viet Nam to foreign countries.

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<sup>6</sup> 2010 Report, Ministry of Foreign Affairs

## Article 9

### Nationality Issue

- The Law of Viet Nam is consistent in ensuring equal rights between men and women in nationality-related matters. The 2008 Viet Nam Nationality Law inherits and develops the provisions of the 1998 Nationality Law on ensuring equal rights between women and men to obtain, change or maintain nationality and allow no discrimination against women.
- It is clearly stated therein that the marriage, divorce and annulment of unlawful marriage between Vietnamese citizens and foreigners do not change Vietnamese nationality of the Vietnamese partner and their minor children (if any). In cases where the wife or husband obtains, restores or loses Vietnamese nationality, it does not change the other person's nationality (Articles 9 and 10 of the 2008 Nationality Law).
- At the same time, the 2008 Nationality Law also has provisions to ensure the right to hold nationality in general and rights to nationality guarantee in particular:
- Stateless persons having at least 20 years of permanent residence in Viet Nam can apply for Vietnamese nationality. In addition to allowing Vietnamese to have foreign nationality, Viet Nam Nationality Law provides that foreign citizens and stateless persons residing in Viet Nam can apply for citizenship if they meet the conditions prescribed by law.
- According to the Nationality Law, stateless persons without adequate personal identification documents, but having permanent residence in the territory of Viet Nam for at least 20 years during which they have complied with the Constitution and laws of Viet Nam, shall be able to apply for Vietnamese nationality in accordance with the regulations and procedures promulgated by the Government.
- Vietnamese residing abroad can register for Vietnamese citizenship: Vietnamese settling in foreign countries without giving up Vietnamese citizenship shall be recognized by the State as having Vietnamese nationality.
- Any child born in the territory of Viet Nam shall have Vietnamese nationality. To limit stateless status, the Law provides that the State create favourable conditions for children born in the territory of Viet Nam to have a nationality, and stateless persons permanently residing in Viet Nam shall be granted Vietnamese nationality under the provisions of this Law.
- Many clauses, provisions regulating nationality of children. Accordingly, any child born to parents who are Vietnamese citizens shall hold Vietnamese nationality regardless of whether that child was born inside or outside the territory of Vietnam. Any child born to parents, one of whom is a Vietnamese citizen and the other a stateless person or person unknown, shall hold Vietnamese nationality regardless of whether that child was born inside or outside the territory of Vietnam. Any child born to parents, one of whom is a Vietnamese citizen and the other a foreign national, if born inside Vietnamese territory or at a time when the parents have permanent residence in Vietnam shall hold Vietnamese nationality unless both parents decide otherwise.
- In the cases of children born in the territory of Viet Nam whose parents fail to agree upon the choice of nationality for the child, the child will have Vietnamese nationality. Children born in the territory of Viet Nam but the parents are stateless persons but have permanent residence in Viet Nam will have Vietnamese nationality. Children born in the territory of Viet Nam but at the time of birth the

mother is stateless having permanent residence in Viet Nam and the fathers' nationality is unknown, will have Vietnamese nationality. Abandoned infants and any child found on Vietnamese territory and whose parents are unknown shall hold Vietnamese nationality.

- In recent time, the State of Viet Nam has strictly and efficiently implemented provisions of the law and in fact ensured the equal rights of women and men to obtain, to change or retain nationality, there have been no discrimination against women. During the period from 2004 to August 2010, Viet Nam has allowed 70,255 people having given up Vietnamese nationality to enter foreign citizenship, among whom 60,700 (approximately 86.4%) were women.

130. The provisions of the Vietnamese law as well as the authorities' undertakings are completely consistent with the provisions of the Convention on nationality.

## **Article 10**

### **Equality in education**

#### **10.1. Views and Objectives on Education**

131. The 2005 Education Law and guiding documents provide comprehensive views of and objectives for education in Viet Nam, the responsibilities of state management on education as well as detailed regulations on international cooperation in the field of education, regulations on administrative penalties for violations in the field of education, regulations and policies for teachers, education administrators working at special schools, and in regions with disadvantaged socio-economic conditions; regulations on the organization and operation of educational inspection; prescribed mode of selection of students to be sent to universities, colleges and high schools under the national public education system; provisions on vocational training; education on defense and security; policies to encourage privatisation in the field of education, vocational training, health, culture, sports, and environmental protection; regulations on exemption and reduction of school fees, financial assistance, support, the usage of tuition fees in public institutions from 2010-2011 to 2014-2015 academic year, provisions on the teaching and learning of spoken and written languages of ethnic minorities in education centers.

132. In 2001, the Prime Minister issued Decision No. 201/2001/QD-TTg approving the Education Development Strategy for the period of 2001-2010, which stipulates that its objective is to substantially advance education quality, implementation of social justice in education and create opportunities for better education for all social strata, especially in areas with difficulties.

133. The National Action Plan on Education for All in the period of 2003-2015 has regarded gender equality a prioritised objective specified as "Elimination of gender inequality in primary and secondary schools by 2005, achieving gender equality in education by 2015, ensuring girls' full and fair access to and fine completion of basic education."

134. The above-mentioned legal documents continue to be in line with the principle of equality in education, while creating necessary mechanisms and conditions for women and girls to practice their equal rights to education and training.

#### **10.2. Implementing the equality of opportunity and learning conditions for men and women**

135. Male and female students at all educational levels, in all types of schools, from kindergarten to postgraduate educational institutions of the same classes and program are

entitled to the same learning conditions, equal opportunity to apply for scholarships and grants with no distinction of any kind.

136. A relatively complete, unified and diverse national education system has been established with sufficient levels of education and training levels from preschool to graduate school.

137. The education system has been diversified in terms of mode, method and resource, opening up many opportunities particularly for women of all ages to participate in learning.

138. The scope of education continues to expand at almost all levels, grades and disciplines.

### **10.3. Women's educational achievements**

139. Social awareness of gender equality has been enhanced. Chauvinism has gradually been overcome; the family and society have paid more attention to and created conditions for both boys and girls to go to school. Thus, school enrollment rates have increased at all educational levels. In addition, Viet Nam has allowed social organizations, professional associations and business to provide financial assistance and/or awards for poor children, including girls. Up to now, thousands of girls have been awarded.

140. Women's literacy rate has been improved significantly, and gender gap has been declining. The Population and Housing Survey in 2009 showed that the literacy rate of population aged at least 15 years has continuously increased over the three surveys (88% in 1989, 90% in 1999, and 93.5% in 2009). The percentage of population aged 15 and over can read and write has been increasing (in 1999 was 90%, in 2009 was 93.5% - in which the illiterate percentage of female to male was 91.4% to 95.8%).

141. Allocation of the literacy rate by age shows that the situation of our country's education has been improved significantly in every phase. The literacy rate of people aged 50 and over is 87.2%. The literacy rate of the younger group has increased with the highest level of 98% recorded in the group of 15-17 years old men and women. The disparity in literacy rates between rural and urban areas is also very low (97% in urban areas and 92% in rural areas).

142. In addition, the survey results showed that 8.6 million people have received training, representing 13.4% of the population aged 15 years and over. Among these group, 2.6% finishes elementary level training; 4.7% finishes intermediate level training; 1.6% finishes college; 4.2% finishes undergraduate training and 0.2% finishes postgraduate training. The percentage of people aged 15 and over that have received vocational training amounted to 25.4% in urban area (an increase of 8% in comparison with in 1999) and 8% in rural area (an increase of 4% in comparison to 1999).

143. The percentage of people trained at intermediate level or higher in urban areas is two times higher than in rural areas; for collegial level, the figure is five times higher. In 2009, 60% of more than 130 top graduates from universities in Hanoi were female students. There are now 7 female professors out of 65 female university lecturers (accounting for 10.76%) and 133/641 women teachers are associate professors (accounting for 20.74%).

144. Access to education is open to everyone, especially girls. Preschool education facilities and primary schools have been established in all villages. Classes are organised in remote areas to provide opportunities for ethnic minority boys and girls to attend school. Gender equality has been achieved in primary education.

145. Gross enrollment rate of boys and girls in preschool education has recorded high levels and tends to decrease in recent years. This demonstrates that children are attending schools at the right age. Gross enrollment ratios of female and male pupils in primary schools remain high and on the increase in recent years.

#### **10.4. Female staff in education and training**

146. One feature of Vietnam's education is that female teachers account for a large proportion of the total number of teachers and worked mainly at the lower grades, particularly early childhood education. The proportion of female teachers decreases at higher level of education. The percentage of female teachers in primary schools is high in all areas of the country, accounting for 80% of the total number of primary school teacher. The proportion of female teachers at secondary level is lower than in primary school but still records a relatively high level (accounting for over two thirds of the total number of high school teachers). This may be due to social stereotypes about gender roles, that women need more time to do housework and that investment in education for girls is not necessary.

147. Social perception of gender and women's role has been increasingly enhanced; the Government has issued many policies to support female pupils and create opportunity to access higher education. The proportion of female teachers has increased in higher education, particularly at university and college education. The Ministry of Education and Training has focused on improving working conditions for female staff, ensuring equality in terms of rights and interests, and paying special attention to the construction of public houses for teachers, to which most beneficiaries are female teachers in primary and secondary schools.

148. The number of teachers meeting standards has increased particularly in some levels of education; the percentage of qualified female teachers is higher than the average rate. In professional secondary schools, colleges and universities, the percentage of female teachers with high qualifications has increased dramatically. Especially at university level, the proportion of female professors has increased.

#### **10.5. The issue of gender stereotypes in textbooks**

149. Gender stereotypical expressions can still be found in school textbooks. The images and concepts presented in textbooks still portray the traditional role of girls and women such as doing housework, farming and other manual labor jobs.

150. In addition, they are often described as shy, inferior to men and dependent on the help of others. Meanwhile, boys and men are often portrayed through images of well-trained and educated scholars, explorers or technical workers; they often appear to be healthy-looking, independent and respectable.

151. To achieve gender equality in education, and eliminate gender bias, the Ministry of Education and Training has instructed the mainstreaming of gender equality in the curriculum, textbooks, and other teaching materials in all grades from preschool to secondary school. the content and activities within and outside the curriculum as well as teachers' guides for activities outside class hours at secondary schools touching upon a number of topics including friendship and extracurricular activities including life skills education, child rights education, education on HIV/AIDS. At universities and colleges, gender equality contents have been integrated in training programs for teachers as well as in the regular education curriculum, textbooks, teaching guides, video tapes, and pictures. In particular, gender issues have been mainstreamed in life-skill education for rural women in the community learning centers.

152. In particular, within the framework of the coordination program between the Government of Viet Nam and other international organizations on gender equality, the Ministry of Education and Training in collaboration with UNESCO Hanoi Office, Institute for International Development Program - UNESCO Switzerland, organized a workshop on the methodology of reviewing textbooks from gender perspective (July 2009) and the research on 'Review of primary school textbooks by a gender perspective ' (December 2009). The review results showed that there is also the gender stereotypes in educational

materials and textbooks, in sharing housework, discrimination in the labor force and other risky behavior for men and young women.

153. Implementing Resolution No. 11-NQ/TW of the Politburo on promoting women in the period of industrialization and modernization, the Ministry of Education and Training has assigned the Institute for Vietnam's Institute of Education Science to review books, training materials to remove gender bias images.

154. In addition, to strengthen gender mainstreaming in teachers' training, the Ministry of Education and Training has coordinated with the UNESCO Office in Hanoi, Institute of Development Program - International UNESCO Switzerland, to organize a seminar on "Enhancing gender mainstreaming in teachers' training" (May 2010) and develop module teaching guides in order to enhance gender mainstreaming in teachers training at pedagogical colleges. This document will be piloted in late October 2010.

155. However, these activities fall under the framework of various projects thus have not been conducted on a large scale. Besides, the perception of some state officials is still limited, lack of gender-sensitivity is evident leading to the lack of adequate attention and funding for these activities.

156. The National Strategy on Gender Equality in the period 2011 - 2020 sets specific objectives and indicators to be achieved:

- Objective 3: Improve the quality of female human resources step by step to ensure equal participation between men and women in the field of education and training;
- Target 1: increase the literacy rate of men and women aged between 15 and 40 in remote areas and ethnic minority areas, areas with special difficulties to 90% in 2015 and 95% in 2020;
- Target 2: raise the percentage of female master degree holders to 40% in 2015 and 50% in 2020, the percentage of female PhDs holders to 20% in 2015 and 25% in 2020.

## **Article 11**

### **Equality in Employment**

157. In Viet Nam, women's equal rights in employment have been enshrined in State policies and laws and enforced by positive measures in support of female workers.

#### **11.1. Policies and laws of the State on women's rights to equality in employment**

158. Article 63 of the 1992 Constitution stipulates that "Male and female citizens have equal rights in all fields - political, economic, cultural, social, and the family life. All acts of discrimination against women and all acts damaging women's dignity are strictly banned. Men and women shall receive equal pay for equal work. Women workers shall enjoy a regime related to maternity. Women who are State employees and wage-earners shall enjoy paid pre- natal and post-natal leaves during which they shall receive all their wages and allowances as determined by law. The State and society shall create all necessary conditions for women to improve their qualifications in all fields and increasingly bring into full play their roles in society, they shall ensure the development of maternity homes, pediatric departments, creches and other social-welfare units so as to lighten house work and allow women to engage more actively in work and study, undergo medical treatment, enjoy periods of rest and fulfil their maternal duties.

159. Institutionalizing the Constitution, the Labor Code reflects fully the equal rights in labor and employment for both male and female workers:

160. Paragraph 1 of Article 5 of the Labor Code stipulates: "Every person has the right to work, to choose freely the type of work or trade, to learn a trade and to improve their professional skills without being discriminated against on the basis of their gender, race, social class, beliefs or religion." Article 13: "Employment is labor activity which creates a source of income and is not prohibited by law. The creation of employment for all who have ability to work shall be the responsibility of the State, employers and the whole society." Article 20: "Everyone has the right to free choice of profession and place of training in line with their employment needs (...)" ; paragraph 1 of Article 109: "The State shall ensure that the right to work of women is equal in all aspects to that of men (...)" ; article 110: "1- State bodies shall be responsible for the expansion of various forms of training which are favourable to female workers in order to enable women to gain an additional skill or trade and to facilitate the employment of female workers suitable to their biological and physiological characteristics as well as their role as a mother; 2- The State shall establish policies on preferential treatment and reduction of taxes for enterprises which employ a high number of female employees."

161. With a view to creating more jobs and ensuring the rights of female workers to work equally with male workers, the Labor Code and its guiding documents provide more specific provisions on job security for female workers, combating discrimination against female workers, preferential recruitment of female workers, as well as encouragement for businesses to employ more female workers, in particular:

**Equality between men and women in labor, employment and anti-discrimination against female workers:**

- The employer must abide by the principle of equality between men and women in recruitment, employment, and wage increase and salary payment.
- Employers are prohibited from discriminating against women, insulting and/or hurting their dignity.

162. In addition, female workers are also entitled to preferential policies on vocational training and job creation for all regardless of gender under Decision No. 101/2007/QĐ-TTg dated July 6th 2007 approving the national program on employment to 2012, Decision No. 71/2009/QĐ-TTg dated April 29th 2009 approving the Funding Proposal for poor localities to enhance labor export including loans from the National Fund for employment; support for vocational training and credit for labor export among other measures.

**Preferential recruitment of female workers**

163. An employer must give preference to a female who satisfies all recruitment criteria for a vacant position which is suitable to both males and females in an enterprise. (Paragraph 2 of Article 111, Labor Code).

**Job security for female workers**

164. An employer is prohibited from dismissing a female worker or unilaterally terminating the labour contract of a female worker for reason of their marriage, pregnancy, maternity leave, or raising a child under twelve (12) months old, with the only exception of cases where the enterprise ceases its operation. During the period of pregnancy, maternity leave, or raising a child under twelve (12) months old, a female worker shall be entitled to postponement of unilateral termination of her labour contract or to extension of the period of consideration for penalties; she is entitled to job security throughout her maternal leave and non-paid leave extension as provided by law.

**Policies to encourage enterprises to use more female workers:**

165. Enterprises employing more female workers shall use a portion of the total annual capital investment for the improvement of working conditions for female workers; they are entitled to reduction of profit tax and loans from the National Fund for Employment as well as application for funding support from the National Fund for Employment to move female workers out of prohibited occupations in cases of financial difficulties.

166. Decision No. 101/2007/QĐ-TTg dated July 6th 2007 of the Prime Minister approving the national target program on employment in 2010, Decision No. 71/2009/QĐ-TTg dated April 29th 2009 approving the project supporting poor districts to promote labor export including loans from the National Fund for employment; support for vocational training and credit for labor export; vocational training support for ethnic minority students at boarding schools, short-term vocational training for rural workers; credit for students in difficult circumstances; scholarships for students and pupils enrolled in educational institutions.

167. In particular, on February 26th 2010, the Prime Minister approved the project on "Support for vocational training and job creation for women in the period 2010-2015" with the following common goals: to increase the percentage of female workers receiving vocational training; to improve female workers' competitiveness in the job market; to create opportunities for women to seek employment and have stable income, contributing to hunger eradication and poverty reduction; to meet the requirements of industrialization - modernization and international economic integration.

**11.2. The implementation of policies and legislation to ensure women's equal rights in employment****On job creation and the implementation of preferential policies for female workers in enterprises**

168. Priority given to women, especially the expansion of the Women's Union at all levels has brought direct benefits to women, particularly in terms of equal access to credit, job opportunities and security. The number of female workers has been on the rise; women's unemployment rate has been reduced. In general, from 2006 to date, Viet Nam has created jobs for about 8,065 million workers, of which female workers accounts for 48.2%. The rate of female unemployment in urban areas in 2009 was 4.9% (well below the set target of keeping female unemployment rate below 6% in 2010).<sup>7</sup>

169. Many businesses and organizations have created favorable conditions for female workers to find jobs, to have income and a stable life. Most enterprises using a large number of female workers have provided them with suitable work equipments and assigned them to positions suitable to their physical, physiological characteristics and maternity role.

170. There is no difference between the rates of female workers and male workers signing indefinite-term labor contracts; however, with regard to labor contracts of 1 to 3 years or less than 1 year, the percentages of women workers are 10-15% higher than those of men. Enterprises have strictly abided by the provisions of the labor code on working time, rest time, occupational safety and sanitation as well as specific provisions for female workers. Most female workers are doing the jobs not listed as prohibited occupations and work for female workers (99.3%).

171. Salaries and wages paid to employees correspond to the outcomes and economic efficiency of their work performance on the basis of the principles of fairness and non-discrimination in terms of gender. In recent years, the average salary, wage and income

<sup>7</sup> 2010 Report of the Ministry of Labour, Invalids and Social Affairs

have been on the increase (the average monthly income of salaried workers exceeded 1 million VND in 2006 and increased to 2 million VND in 2009).

*Some shortcomings:*

- Awareness of gender equality remains low; gaps still exist between policy formulation and implementation. Several enterprises have not practiced gender equality in recruitment and failed to remove unfavourable conditions for female workers on the basis of their health conditions and maternity such as: requirement of a female worker to postpone marriage for two years since taking the position or if she is married she can only have children after 2 years of service.
- The quality of jobs remains inadequate; employment stability, sustainability, and job creation efficiency remain at low levels, particularly for female workers.
- The percentages of female employees holding leadership positions and female workers working in the electronics, computers, machinery, mechanics, mineral sectors are very low (women accounts for 20.8% of the total leadership positions and assume 29.9% of the work positions in machinery and equipment assembly and operation). Most female workers do simple jobs such as personal services, security, and sale (accounting for 64.1% of the total).

### **11.3. Vietnamese women working abroad on labor contracts**

172. Over the past years, Viet Nam has an annual average of 25,000 women working abroad on labor export contracts.

- Sectoral structure: out of the total number of women working abroad on labor export contracts, 42.2% are in manufacturing; 50.98% in housekeeping; 1.08% in textiles; 1.1% in agriculture; 0.13% in fisheries among other fields.
- Job markets for women workers: according to statistics from 2000 to 2009, a total of 231,708 women are working abroad, of which 61% are working in Taiwan, 11.05% in Japan, 20.9% in Malaysia, 3.6% in Macao, 4.5% in South Korea among many other locations.
- In terms of income, Vietnamese workers are entitled to the same level of payment with their male counterparts. Their average income levels are as followed:

173. In Taiwan: Women workers in manufacturing facilities and elder care centers receive an average of 10 million VND per month. Women housekeepers earn an average of 10 million VND per month and are provided with meals and accommodation.

174. In Japan: female interns earn an average of 600-700 USD per month in their first year, from 800 to 1000 USD per month in their second and third year in service.

175. In Malaysia: Women workers in manufacturing earn an average of 4.5 to 5.5 million VND per month. Women housekeepers earn approximately 4.5 million VND per month.

176. In Macao: Vietnamese women workers are mainly employed in housekeeping with an average monthly salary of 5 million VND.

177. In South Korea: the average income for women workers in all fields is approximately 900 USD per month.

178. - Difficulties facing Vietnamese women working abroad on labor export contracts:

179. Gender inequality due to the adjustment to local legal provisions of the host country concerning labor contract with foreign workers.

180. The proportion of women workers on labor export contracts is still lower than that of men due to the social perception of women as solely responsible for taking care of the family, particularly the children.

181. Women tend to receive lower salary than men since men are often assigned higher-paying jobs with higher requirements in terms of expertise, professional skills and leadership allowance.

182. Vietnamese women housekeepers are hardworking and thrifty; their remittances have contributed to significantly improving household living standards and State budget. However, they are particularly vulnerable for the fact that their jobs mainly deal with nursery and housekeeping services; they tend to be exposed to abuses including excessively long hours of work, poor diets and sanitation conditions, wage cuts and rapes. Young women workers often face with dismissal upon their getting married or having children.

183. Against these difficulties, an increasing number of Vietnamese women want to work abroad. The majority of them come from families in rural and remote areas with low levels of income, limited job opportunities and difficult living conditions due to their reliance on farm work for income. Working abroad will help improve their income; however, labor export sectors only admit young workers aged between 18 and 25 years while foreign families are willing to employ women over 30 years old as housekeepers.

#### **11.4. A number of measures to improve women's equal rights in employment**

- Perfect the legal system to create a legal basis for the implementation of gender equality in employment: The Labor Code (amended), the Employment Law and guiding documents to ensure gender equality principle.- To implement effectively the project on “Support for vocational training and employment for women in the 2010-2015 period.”
- To develop a priority strategy on education, training and vocational training for female workers in each specific area;
- To speed up the dissemination of policies and legislation on female workers, to raise awareness of gender roles and gender equality;
- To better implement preferential policies for female workers, review and evaluate the effectiveness of each implementation period;
- To strengthen commitments of provincial party committees and local authorities to the implementation of action plans and criteria for gender mainstreaming;
- To promote the mainstreaming of gender equality in the implementation of national target programs in general and the national target program for employment in 2011-2015 in particular. Priority should be given to loans for job creation projects with a view to creating more jobs for female workers;
- To intensify inspection and supervision of the implementation of legislation on gender equality.

184. The national strategy on gender equality for the 2011-2020 period defines some goals and key targets as followed: Goal 2: Reduce gender gap in economic, labor, and employment issues and enhance the access of poor women in rural areas and women of ethnic minorities to economic resources and labor market; Target 1: Each year, ensure that each gender (male and female) accounts for at least 40% of the total number of new jobs created; Target 2: Increase the percentage of women business owners to 30% in 2015 and 35% and over in 2020; Target 3: raise the percentage of rural female workers under 45 receiving vocational training and technical expertise to 25% in 2015 and 50% in 2020.

## Article 12

### Equal access of women to healthcare and protection

#### 12.1. Guidelines and policies on care and protection of people's health

185. On 23/02/2005, the Central Committee of the Communist Party of Viet Nam issued Resolution No. 46-NQ/TW on the protection, care and improvement of people's health in the new situation. This Resolution set out solutions and mission: To continue to develop and perfect the system of preventive medicine. Effectively expand and implement national target programs on healthcare and healthcare improvement. Focus on healthcare for mothers and children, the elderly and rehabilitation activities.

186. On 22/03/2005, the Central Committee of the Communist Party of Viet Nam passed Resolution No. 47-NQ/TW on continuing to promote the implementation of population policies and family planning, which set out the following tasks and solutions:

- **Promote communication, advocacy and education:** Expand and improve the quality of education programs on population, reproductive health and family planning within and outside the school for male and female adolescents and young adults.

- **Policies and investment of resources:** Priority investment is given to densely populated areas with high birth rates, mountainous, remote and disadvantaged areas and the poor, adolescents.

- **Expand and improve the quality of maternal healthcare service and family planning:** Focus on provision of reproductive health, family planning services suited to each region. Strengthen reproductive care and family planning campaigns for rural areas, densely populated areas with high birth rates, remote and disadvantaged areas. Adequate attention should be given to meeting the needs of adolescents and youths. Integrate the provision of family planning services with HIV/AIDS prevention.

- **Improve the population quality:**

- Develop and improve systems and policies aimed at protecting and caring for maternal, children, adolescents and the elderly. Implement hereditary health check-ups, pre-marital counseling; promote prevention of HIV/AIDS and other social evils; reduce the rate of children born with birth defects, mental retardation; quickly reduce the percentage of malnourished children.
- To institutionalize the Party's guidelines mentioned above, the State has issued a number of legal documents with the overall goal of protecting the activeness, voluntariness, equality of individuals, including women in terms of access to and enjoyment of high quality, stable healthcare and markedly improve the quality of the population.
- The 2006 Law on Human Acquired Immuno-deficiency Syndrome (HIV/AIDS) contains specific provisions to support the prevention of HIV transmission from the mother to the child, and raising of children under 6 months of age born by HIV positive mothers with replacement milk. Pregnant women are one of seven priority groups in terms of access to information, education and communication on HIV/AIDS. Voluntary testing for HIV before marriage, having children, and for pregnant women is encouraged. Notify HIV-positive test results to wife, husband or fiancé". Pregnant women living with HIV, children under 6 living with HIV are provided medicine free of charge by the State.
- Voluntary HIV testing is free for pregnant women.

- Pregnant women living with HIV is facilitated to gain access to preventive measures to prevent HIV transmission from mother to child.
- Pregnant women or breastfeeding women living with HIV are given consultation concerning HIV/AIDS.
- Healthcare centres are responsible for monitoring, providing treatment and implementing measures to reduce HIV transmission from HIV-positive mother to the child.
- On 17/7/2007, the Prime Minister issued Decision No. 108/2007/QĐ-TTg approving the national target program on prevention of a number of social diseases, dangerous epidemics and HIV/AIDS in the period 2006-2010.
- The Ordinance on Population was amended and supplemented to eliminate all forms of gender discrimination, discrimination between boys and girls, ensuring the activeness, voluntariness of individuals, families in maternal healthcare and in implementing small-sized families.
- The Ministry of Health has promulgated and implemented the National guidelines on reproductive healthcare services with seven groups: (Safe Motherhood, Family Planning, Safe Abortion; Prevention of STDs, HIV/AIDS, Early detection and treatment of reproductive ulcers; Prevention and treatment of infertility, reproductive healthcare for minors). These are the tools to help health centres to improve services and minimize mistakes that may occur, causing harm to people's health, especially to women.

187. In 2007, statistics on gender ratio at birth has been officially standardized in the regular reporting system and published in the Yearly Statistics Manual. This reinforces the Ministry's determination to eliminate all forms of gender discrimination, discrimination between boys and girls.

## **12.2. Organization and agencies responsible for women healthcare**

188. As of 12/2007, the operation of the Ministry of Health has been strengthened and improved in accordance with Decree 49/2003/ND-CP dated 15/5/2003. From 1/2008, its operation was improved pursuant to Decree 118/2007/ND-CP dated 27/12/2007 regulating the functions, tasks, jurisdictions and organizational structure of the Ministry of Health. The Department for Reproductive health services was changed to the Department for Mother and Child Health. The Ministry of Health is responsible for state management of both population and family planning. This is supported by the General Department of Population - Family Planning.

189. Healthcare units from the central to grassroots levels, both public and private, are responsible for providing services in reproductive healthcare and are implementing the National Standard Guidelines for reproductive healthcare services. The organizational and operational mechanisms have step by step been improved, technicians are becoming more specialized, and quality of the services has been growing, especially in human resources development at the local level. By late 2007, 100% of communes, wards and townships nationwide have on-duty medical personnel. The percentage of communes with doctors increased from 65.4% in 2003 to 67.4% in 2007. The number of villages with health workers increased from 79.8% in 2003 to 84.9% in 2007.

190. The network of reproductive healthcare from central to local levels has been strengthened and consolidated. At the central level, the Department of Mother - Child Health, assists the Ministry of Health in implementing state management of reproductive healthcare, of obstetric, and pediatric hospitals. The Institute of Nutrition is responsible for health and nutrition care for mothers and children. All 63 provinces and cities have centers for reproductive healthcare. There are 11 obstetric, and 8 pediatric hospitals nationwide. In

addition, there are also obstetrics, pediatrics wards in provincial general hospitals. At the district level, there are reproductive healthcare units in the district hospital. As of 2007, 93.6% of commune health stations have midwives. About 500 commune midwives have been trained at the Tu Du Obstetrics Hospital, and are providing reproductive healthcare to mothers in disadvantaged, ethnic minority areas.

191. Female medical staff accounts for about 62% of health staff in the health sector, mainly in check-ups, treatment, research and training positions. As of 2007, 2 out of 6 Ministry of Health leaders are women; at department, hospital and local levels, these figures are 25.5% and 37% respectively.

192. In implementing the health insurance policy as stipulated by Decision 139/2002/TTg of the Prime Minister on medical check-ups and treatment for the poor: every year about 6 million women are beneficiaries of this policy.

193. The medicine supply network is extended to village, remote communes and areas so women may have access to and use healthcare services more conveniently.<sup>8</sup>

### **12.3. Women healthcare and provision of family planning services**

194. Maternal healthcare: maternal mortality ratio has fallen sharply in the past two decades: from 233/100.000 live births in 1990 to 69/100.000 in 2009. The percentage of pregnant women who receive antenatal care and vaccinated against tetanus has increased markedly in recent years. The network of medical facilities for maternal healthcare has been strengthened and upgraded. The percentage of women giving birth assisted by professional medical staff has also increased. The percentage of women in the reproductive age (15-49) using contraceptive methods has also increased significantly, thanks to consensus of couples in the use of family planning methods, especially using condoms and birth control pills.

195. Achieving the maternal mortality ratio of 58.3 per 100,000 live births in 2015 is a major challenge due to the fact that the decline of this rate in the past five years has been very slow, and there must be attempts to reduce gaps between regions, between urban and rural areas, between ethnic groups to reduce maternal mortality in a region sustainably. In addition, abortion in youth is at an alarming level, posing big risks for maternal health in the future.<sup>9</sup>

### **12.4. Nutrition**

196. In implementation of the National Strategy on Nutrition for the period 2001 – 2010 Viet Nam has actively carried out various comprehensive solutions to prevent malnutrition of people in general and for pregnant mothers, children under age of 5 in particular. The family nutrition model of "green vegetables, yellow papaya, red eggs" has been proliferated so that families can actively resolve the issue of nutrition in every meal. The rate of energy deficiency among women aged 20-49 declined from 33.1% (1990) to 21.2% (2007).

197. During the period of 2004-2007, in order to continue contributing to the objectives of the National Strategy on Nutrition, the Ministry of Health issued "10 nutrition tips" for 2006-2010. Localities have actively responded, and launched contests named "June 1st and 2nd, micro-nutrients day" each year to monitor infant healths, provide vitamins for children, iron for pregnant women, young women age 15 and postpartum mothers. Specifically, "10 nutrition tips" has been transformed into poetry, songs which are easier to understand, remember and to apply. A problem which still exists is the rate of anemia, debilitation in women is higher than that in men.

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<sup>8</sup> According to MOH report dated January 12, 2011

<sup>9</sup> According to VN 2010 MDG report

## 12.5. Prevention of STDs, including HIV/AIDS

198. HIV/AIDS transmission continues to increase; the incidence has tended to shift to women and not only in the high-risk groups such as prostitutes, drug addicts, but also to pregnant women. At present, it is estimated that there are on average over 3,000 newly pregnant women living with HIV each year.

199. Most women contract STDs/HIV from their husbands or lovers. There are many reasons for the increase in the number of women with STDs/HIV, particularly in pregnant women. Firstly because women themselves, especially women in rural, mountainous and remote areas are still strongly influenced by Asian culture. They are passive in reproductive health rights, sexual health education, their limited knowledge of STDs/HIV, as well as less access to services. Moreover, the involvement of men in reproductive health, population work is limited. The main burden still falls to women and this is evident from the structure of used contraceptive methods: the use of contraceptive rings, birth control pills and other contraceptive methods for women account for the majority. The rate of condom use, or contraceptive methods for men is too small.

200. Currently, the Ministry of Health and Labour, Invalids and Social Affairs have continued to implement the Law on prevention of HIV/AIDS, the HIV/AIDS Prevention Strategy for the period 2006-2010, the National Target Program on prevention and combating social diseases, dangerous epidemics and HIV/AIDS in the period 2006-2010; Programme of preventing HIV transmission from mother to child in the 2006-2010 period to limit the number of new cases and treat those already infected with STDs/HIV, paying special attention to women, pregnant women.

## 12.6. Future orientations:

201. The National Strategy on Gender Equality in the 2011-2020 period has put forth specific targets in Objective 4: Ensure gender equality in access to and enjoyment of healthcare services: Target 1: Birth ratio does not exceed 113 boys/100 girls in 2015 and 115/100 in 2020. Target 2: Reduce pregnancy-related maternal mortality to 58.3 per 100,000 live births by 2015 and 52/100,000 or below by 2020. Target 3: Increase the proportion of pregnant women with access to care and prevention of HIV transmission from mother to child to 40% by 2015 and to 50% by 2020 compared to 2010. Target 4: reduce the abortion rate down to 27/100 live births by 2015 and to under 25/100 by 2020.

## Article 13

### Socioeconomic and cultural welfares

#### 13.1. New laws and policies

- Decision No. 256/2003/QĐ-TTg of the Prime Minister dated 12/2/2003 approving the National Strategy on environmental protection to 2010 and orientations towards 2020 to improve environmental quality for people;
- Decree No. 168/2004/NĐ-CP dated 20/9/2004 amending, supplementing a number of provisions of Decree No. 07/2000/NĐ-CP of the Government dated 09/3/2000 on social emergency assistance policies;
- Decree No. 67/2007/NĐ-CP dated 13/4/2007 of the Government on assistance policies for beneficiaries of social support;
- Decree No. 69/2008/NĐ-CP dated 30/5/2008 of the Government on community-involvement encouragement policies for activities in education, vocational training, healthcare, culture, sports, environment;

- Decision No. 125/2007/QĐ-TTg dated 31/07/2007 of the Prime Minister dated 31/7/2007 on approval of the National Target Program on culture during the period of 2006-2010;
- Decree No. 13/2010/NĐ-CP dated 27/02/2010 of the Government amending Decree No. 67/2007/NĐ-CP on assistance policies for beneficiaries of social support;

### **13.2. Ensuring the right to family and social welfare for women**

202. With socioeconomic progress of the country in the past six years, there is no discrimination in social welfare policies in terms of gender. Priority is given to ethnic minorities, beneficiaries of social support. Measures to ensure that women enjoy family welfare provided in previous reports have been maintained and improved.

203. The State has paid attention to developing social welfare policies, especially focusing on rural, disadvantaged and remote areas, which are implemented through socioeconomic development, poverty reduction and employment programs and projects, and international development assistance, international humanitarian programs. The life of rural women has been improved, enabling about 70% of women to enjoy the benefits of public works such as electricity, roads, post offices, cultural, medical centers, schools.

### **13.3. Guaranteeing that women have the right to borrow money, mortgage and other forms of credit**

204. Preferential credit for the poor is a policy that has been given attention to and priority by the State. The objectives set for the Social Policy Bank is "80% of poor, female-headed households receive loans from poverty reduction programs." In the past five years, the Bank has exceeded the planned targets, and has delegated socio-political organizations the right to grant loans with preferential interest rates to poor households and policy beneficiaries, including: the Viet Nam Farmers' Association, Women's Union, Association of War Veterans and the Youth Union.

205. The results are as follows:

- 2006: 1,109,291 loans given to households totaling 8.351 trillion VND;
- 2007: 1,166,593 loans given to households totaling 8.377 trillion VND;
- 2008: 1,213,993 loans given to households totaling 10.715 trillion VND;
- 2009: 1,230,989 loans given to households totaling 12.979 trillion VND.
- As of May 2010, the Social Policy Bank has given loans to 1,173,679 households totaling 16.323 trillion VND, achieving a rate of 85.3% of poor, female-headed households receiving loans from the hunger elimination and poverty reduction programs. Of which:
  - Loan extended through the Viet Nam Women's Union: 546 thousand households with outstanding loans of 7.139 trillion VND, achieving a rate of 87.3% of poor, female-headed households receiving loans from the hunger elimination and poverty reduction programs.
  - Loan extended through the Association of War Veterans: 140 thousand households with outstanding loans of 2.320 trillion, achieving a rate of 79% of poor, female-headed households receiving loans from the hunger elimination and poverty reduction programs.
  - Loan extended through the Ho Chi Minh Communist Youth Union: 85 thousand households with outstanding loans of 1.236 billion, achieving a rate of 83.3% of poor, female-headed households receiving loans from the hunger elimination and poverty reduction programs;

206. Female-headed households are also entitled to receive loans from other sources such as preferential credit loans for employment, labor export programs, support for housing construction, credit, water and rural sanitation programs, credit programs for household production in difficult areas, student loans for ethnic minorities, households in particular hardship, poverty...

207. Loans from the Social Policy Bank go hand in hand with agriculture, forestry, fishery promotion training, training for economic development models, technology transfer of scientific farming techniques, planting, vocational training, job introduction, on-site labor supply. This has helped local women to have stable employment, especially women in rural areas. On the other hand, for female officials with access to preferential State credit capital, they have created jobs and income, are not entirely dependent on the men in the families. Poor women have opportunities to participate in the movements of the Women's Union, join Savings and Loans Management Boards, engage banks, associations and local authorities. Through borrowing activities, the use of loans to reduce poverty, poor women are becoming more equal to men in making decisions on important issues in the family, thereby, creating big changes not only in economic terms, but also in both political status and the role of women in the family and society.

208. Committees for the Advancement of Women in provinces and cities have also directed special attention to the effective implementation of this goal, and have advised leaders to direct the sound implementation of loan programs for poor households through preferential loan schemes at the provincial social policy Bank. Lending to poor women in remote areas and ethnic minority women in difficulties can help rural poverty alleviation to construct new rural areas, contribute to job creation and poverty reduction of the poor and near-poverty female-headed households. The poverty rate has declined gradually over the years. These results brought about by credit policies have contributed greatly to achieving national hunger elimination and poverty reduction programs, and social security.

#### **13.4. The right to participate in recreational, sports and cultural activities**

209. The Ordinance on Exercise and sports stipulates the views of the State in encouraging people to participate in exercise and sports in various and diverse forms. In addition, women also take part in exercise programs and sports jointly organized by the VWU and the Ministry of Culture, Sports and Tourism.

210. In the field of culture, the implementation of the movement "All people unite to build a cultural life" has achieved many encouraging results, contributing to increase the proportion of people benefiting from mass media. The implementation of the policy of constructing cultural families has contributed importantly to turning the family environment into a learning ground for personal development and virtues. As of June 2010, the country has 15As of June 2010, the country has 15,453,422/22,628,167 cultural families (68.29%). In which: 534,649 notable families (over 20%) received accolades at various levels. 4,663 communes in Viet Nam now have cultural centers, 38,543/99,658 villages have cultural centers and sporting grounds. 38,000 people (over 26%) take part in daily exercise and sports activities, and over 36% of the population take part in mass performance activities or clubs.<sup>10</sup>

211. Increasing community involvement in cultural activities has increased opportunities to improve, enhance the spiritual life of women. Cultural activities are becoming more diverse, reflecting national traditions on the whole country. Particularly, the State has paid a lot of attention to the cultural life of ethnic minorities through support programs, providing funds to build cultural houses for community activities. Currently, there are many radio and

<sup>10</sup> Report on 10 year implementation of the 2000 – 2010 "All people unite to build a cultural life" movement  
Ministry of Culture, Sports, and Tourism

local television stations broadcasting in Vietnamese and other minority languages. Only a small percentage of women in remote, sparsely populated areas does not have access to cultural, artistic programs, radio and television.

212. Compared with previous reports, the enjoyment level of women in sports, culture, and society has been improved; the quality of life of people in general, including women in particular has been raised. However, due to limited economic conditions as well as existing gender stereotypes, the participation and enjoyment of sports, culture and society of women remains lower than men and still lower than the actual needs of women. To improve this situation, in the future, relevant authorities will have to continue to implement more positive measures to ensure that women enjoy the benefits mentioned above. Encouragement of community involvement in the field of culture and sports will continue to be promoted, in order to create conditions and opportunities for the participation of the general population, including women.

213. Orientations for the future: the National Strategy on gender equality in the 2011-2020 period provides specific targets in Objective 5: To ensure gender equality in the field of culture and information: Target 1: decrease 60% by 2015 and 80% by 2020 gender-biased cultural products and information. Increase the broadcasting time of programs, special bulletins, and the number of communication products, education on gender equality. Target 2: By 2015, 90% and by 2020, 100% of radio and television stations at the central and local levels have special programs focusing on improving gender equality awareness.

## **Article 14**

### **Women in rural areas**

214. Social equity is a consistent policy pursued by the State and Government of Viet Nam, which serves a prerequisite for women in rural areas to fully participate in and benefit equally from socio-economic achievements in rural areas.

#### **14.1. Women in rural areas – the role and challenges**

215. In Viet Nam, agriculture plays a very important role in socio-economic development. It is the main element in the economic structure in rural Viet Nam. Although accounting for only 21% of the total GDP of the country, agricultural production is the fundamental of life and livelihood for the majority 70.4% of the rural population.

216. Vietnamese women in rural areas are the main source of labor for agricultural production, accounting for 50.2% of agricultural labor (2009). The percentage of women who are main labourers and heads of the householders remain high.

217. In recent years, agricultural economy, rural areas have transformed radically into the direction of commodity production under market mechanism, rural women have more opportunities to obtain jobs, increase incomes and escape poverty.

218. Today, rural women are aware of and have enhanced their roles in agricultural production, the non-agricultural economic and social activities and rural communities. Women have been actively participated in the Party, government, local unions, contributing importantly to the development of agriculture and rural areas in Viet Nam.

219. However, given Vietnamese characteristics, Vietnamese women in general and women in rural areas in particular still face disadvantages in education and social activities. As a result, rural women with low education levels are quite common; this limits their ability to find work and raise income, especially in the context of increasing pressure from urbanization where agricultural land has been gradually narrowed.

220. Economic integration and the development of market economy provide many opportunities for rural women but also create negative impacts on them, making them worry more about family life. Many rural women do not understand their legal rights due to their low education level. Most of their time is spent on farming and housework and very little on learning and participating in community meetings. They have limited access to information to improve their knowledge and understanding. This is the biggest barrier to rural women's access to science and technology, particularly high technology in agriculture, reducing their opportunities to improve knowledge and incomes for themselves and their families.

221. The ideological discrimination and prejudice against women in rural areas has been reduced, but are still common. This is reflected in the small number of women participating in general community work or assuming key positions at the grassroots level in rural areas. In 2006, women assumed only 2.09% of presidential positions at commune level.

#### **14.2. Women's participation in developing and implementing development plans and community activities**

222. As part of the common movement of women throughout the country, rural women have actively participated in activities aimed at community building and development. The issues of population, family planning, and reproductive health care have been disseminated and mainstreamed in many activities. Movements of women at the national level have taken various forms such as "Women with active learning, creative work, building a happy family", "Building prosperous, equal, progressive and happy families", etc.

223. The economic conditions in rural areas have been improved in recent years. Viet Nam's accession to various international organizations such as the WTO has facilitated rural women's access to more job opportunities, improved their understanding about family and social issues, thus increasing their participation in social development plans and community activities.

#### **14.3. On health care and family planning**

224. With continued investment policies for strengthening grassroots health care and voluntary medical insurance policies for farmers, health care and social security for rural women continue to be improved. By 2010, the system of social services in terms of health care, education and training, culture and information, electricity and water supply as well as transportation have been improved, priority investment has been given to remote, mountainous, border and island areas and ethnic minorities.

225. The quality of social services has been improved, and the access of rural people in general and rural women in particular to these services has been increasingly enhanced. To date 100% of communes and wards has health care facilities, of which approximately 75% of communes have doctors; 83% of rural households have access to safe water, 96.1% of households uses grid; 86.9% of households has television; over 97% of communes has roads for cars passing through the town center; about 90% of communes has cultural post office. Health care for rural women, especially rural women of reproductive age, has been upgraded.

#### **14.4. About education, training and agriculture supporting activities**

226. On early childhood education and primary education: in 2006, the percentage of communes with kindergartens was 98.68%. However, the proportion of localities with nursery schools remains low (47.65%) and varies across regions in the country: up to 90.11% in the Red River Delta provinces, and 13.85% in the Mekong River Delta.

227. Vocational training for farmers: Implementing Resolution No. 26-NQ/TW adopted at the 7th session of the 10th Congress of the Party Central Committee on agriculture,

farmers, and rural areas, Ministry of Agriculture and Rural Development in collaboration with the Ministry of Labour - Invalids and Social Affairs, Ministry of Home Affairs, has finalized the project proposal and develop the framework project on vocational training for rural workers by 2020 which has been approved by the Prime Minister in Decision No. 1956/QD-TTg on 27/11/2009.

228. The supporting activities for agriculture, fishery and forestry have been conducted all over the country to deliver technical and scientific applications in agriculture, forestry, and fisheries. In particular, the training on the field, in the models, which facilitate rural women's participation in training as they do not have to travel for a long distance they can attend training and still take care of their family.

#### **14.5. Social insurance**

229. Social insurance policies always focus on vulnerable groups, especially children, the elderly and women. Rural women are considered the main labor force of farmer families; they also create a relatively large amount of material wealth for the society. However, so far social insurance policies for women in general and rural women in particular have not been implemented appropriately. The average work time in agricultural work and family, exposure to unsafe working conditions, due to lack of understanding of medical knowledge, given their relatively long hours of working in agriculture and at home, regular exposure to unsafe working conditions, as well as lack of knowledge about healthcare, women often suffer from serious negative health impacts.

#### **14.6. Rural women's access to credit**

230. Viet Nam Bank for Agriculture and Rural Development has cooperated with the Central Committee of the Vietnamese Women's Union, and the Viet Nam Farmers Association to provide loans for poor women, especially women farmers in remote areas to help with expanding production and contribute to improving women's lives. By December 31st 2009, there was a total of 362,191 credit groups comprising of 1,822,687 households with outstanding amount of over 15,000 billion VND from the Bank for Agriculture and Rural Development of Viet Nam. The average outstanding is 15 million VND per member. Among them, there were 123,000 female groups with nearly 300,000 loans and outstanding amount of more than 3,000 billion VND, among which the lowest loan was 10 million. More than 209,000 groups with 824,000 members got loan from the Viet Nam Farmers Association with outstanding amount of over 11,000 billion VND; the average loan for each member was 16 million VND.

231. The Bank for Social Policy has performed partial entrustment through the Viet Nam Farmers Association, giving loans of 5,628 billion VND to 402 thousand households. So far 85.3% poor female-headed households have obtained loans from the hunger eradication and poverty reduction programs.

#### **14.7. Land use rights of rural women**

232. Protection of land use right is an important issue, particularly in rural areas. The Land Law amended in 2003 has clearly stated that land is a shared property of the husband and the wife, and a certificate of land use right must specify the name of both the husband and the wife. In 2008, 91.1% of certificates of land use rights over aquaculture water surface stated the names of both husband and wife. The lowest percentage was recorded for agricultural land, averaging only 10.9%. For residential land, the rate was 18.2% and 29.8% for rural areas and urban areas respectively.

233. The 2006 Gender Equality Law creates the legal framework for the promotion of gender equality and advancement of women. The 2007 Law on Prevention of Domestic Violence ensures equal rights of women and men in the family. Women's equal rights in property ownership is also reflected in the 2000 Law on Marriage and Family (amended).

The Land Law amended in 2003 prescribed that a certificate of land use rights shall contain the name of both the husband and the wife if the land is their shared property.

#### **14.8. Rural Infrastructure and Environmental Sanitation Issues**

234. Viet Nam attaches importance to developing rural infrastructure, which is considered one of the key measures to foster local socio-economic development and reduce poverty, particularly for rural women. The Government of Viet Nam has implemented programs to provide clean water and rural sanitation in the 2006-2010 period.

235. As of late 2010:

236. On water supply: 50,130,000 people in rural areas have access to clean water, an increase of 10,130,000 people compared to the end of 2005; the percentage of rural population having access to clean water increased from 62% to about 83% and 42% of the rural population had access to water of the QCVN/02/BYT standard prescribed by the Ministry of Health.

237. On sanitation and environment: about 11,436,500 rural households (77%), had water closets, of which 7,869,200 households (about 60%) had hygienic toilets by end of 2010.

238. Approximately 32,176 secondary schools, kindergartens had access to clean water and sanitation, accounting for 80% of the total.

239. Around 8,728 of the commune health stations had clean water and sanitation, accounting for 82% of the total.

240. Around 7,004 people's committee offices at commune level had clean water and sanitation facilities, accounting for 72% of the total.

241. Women have been playing an important role in the communication activities on food hygiene and safety such as campaign "5 NOs, 3 CLEANs," as well as contributed to many activities of the National Programme on water and sanitation in rural areas.<sup>11</sup>

#### **14.9. Future directions**

242. Despite opportunities mentioned above, Vietnamese rural women are still less privileged than men. The primary reason lies in the unequal access to and control over key resources in agriculture, as well as the lack of gender sensitivity in agricultural services. To overcome this situation, in the future, ministries, sectors and localities will have to further promote the implementation of the National Strategy for the Advancement of Women towards 2010, focusing on the rural areas, ethnic minorities and mountainous regions and islands.

243. The Ministry of Agriculture and Rural Development continues to carry out concrete measures to implement the strategy and action plan on gender. To achieve equality and socio-economic benefits for women and men, the strategy and action plan on gender in the agriculture and rural development sector have identified objectives to increase gender awareness and accountability as well as women's access to and control over key resources (land, credit, water resources, infrastructure and public services), education and information; to mainstream gender issues in policies, programs and projects of the sector and increase the rate of women participating in agricultural activities and rural development, assuming leadership positions, and to strengthen the apparatus for the advancement of women.

244. To create jobs, raise incomes and restructure the economy towards industrialization of agriculture and rural areas, the Government will review and issue a decree on

<sup>11</sup> 2010 Report of the Ministry for Agriculture and Rural Development

encouraging the development of rural industries. In addition, on the basis of the proposal by the Ministry of Agriculture and Rural Development and Ministry of Science and Technology, the Prime Minister is considering for approval a credit model to effectively implement the national strategy on water supply and rural sanitation towards 2020 and the program on the application and transfer of science and technology for socio-economic development of rural and mountainous regions towards 2010. These will be positive measures to promote socio - economic development of rural, mountainous regions, thus contributing to improving people's lives, including women.

245. The national strategy on gender equality in the 2011-2020 period specifies a number of targets: Target 4: raise the percentage of women in poor rural areas, ethnic minorities receiving preferential loans from the employment and poverty alleviation programs and other sources of formal credit to 80% in 2015 and 100% in 2020.

## **Article 15**

### **Ensuring women's equal civil rights before courts of law**

246. In Viet Nam, the principle of non-discrimination against women has been continually implemented in many fields and has been enhanced in the society. Women have full equal rights as men before the law, to independently engage in civil relations, contracts, property management, to freely choose residence and participate in legal proceedings to protect their interests at law enforcement agencies.

#### **15.1. Women have equal legal status as men in civil relations**

247. Article 52 of the 1992 Constitution stipulates that "all citizens are equal before the law" and Article 130 of the Penal Code stipulates "Those who use violence or commit other serious acts to prevent women from participating in political, economic, scientific, cultural and social activities shall be subject to warning, non-custodial reform for up to one year or a prison term from three months to one year"; Article 5 of the Civil Code stipulates "In civil relations, the parties shall be equal and shall not invoke differences in ethnicity, gender, social status, economic situation, belief, religion, educational level and occupation as reasons to treat each other unequally"; Article 110 of the amended Labor Code (2002) stipulates "Enterprises shall be responsible for providing women with additional training and skills to facilitate the employment of female workers suitable to their biological and physiological characteristics". Basically, the law of Viet Nam has ensured that women have full, legitimate rights and obligations based on the principle of non-discrimination against women in all areas. Women have the same rights as men before the law, to independently participate in civil relations, contracts, property management, have free choice of residence and participation in legal proceedings to protect their rights at law enforcement agencies.

248. Women's equal rights in civil relations are can be observed specifically as follows:

- Women have the right to participate in professional activities as men: the 1992 Constitution (Articles 52, 55, 56), Labor Code (Clause 1, Article 5), Marriage and Family Law (Article 23), etc. all contain provisions to ensure women's rights to participate in professional activities as men.
- The right to freely do business without discrimination between men and women: the 1992 Constitution (Article 52, 57), Enterprise Law 2005 (Article 13), Commercial Law (Article 10), Real Estate Law (Article 5), etc. recognizes the principle of freely doing business of the individual without discrimination between men and women.
- Personal rights associated with the property: the 1992 Constitution (Article 60), the Civil Code of 2005 (Article 5, Article 25, Article 51), Intellectual Property Law of

2005 (Article 8, 9, and 198) etc. recognizes the principle of gender equality of personal rights associated with property (copyright and industrial property rights, rights to plant varieties and animal breeds) and recognizes the right to self-defense and apply the measures stipulated in Article 25 of the Civil Code and Article 198 of the Intellectual Property Law 2005.

- Women's ownership of property: the 1992 Constitution (Article 58), the 2005 Civil Code (Article 5, Articles 108, 109, Articles 182-199, Articles 211-213, 221-224), 2000 Marriage and Family Law (Article 19, Articles 27-23, Articles 95-99) etc. stipulate the laws of Viet Nam recognizes and protects the principle of non-discrimination concerning property ownership for women. Accordingly, women are equal to men in the possession, use and ownership of personal, common household's assets and common assets in other civil entities.
- The right to land allocation, land lease: the 1992 Constitution (Article 18), 2003 Land Law (Articles 31-37, Article 42), the 2005 Civil Code (Article 688) etc. recognize individuals are allocated land with, without collection of land use fees, or leased land without being gender-discriminated. In addition, individuals including women who are allocated land have the right to convert land use purpose in accordance with law. In the event the State reacquires the allocated or leased land before the allocation time, land lease expires, the individuals entitled to land allocation and land lease shall be compensated or receive other assistance.
- Name on the certificate of land use rights and housing ownership: the Land Law (Article 10, Article 105, etc), the 2005 Housing Law (Articles 9-13, Articles 48-50), 2000 Marriage and Family Law (Clause 2 of Article 27) etc. recognize that women who use the land and are home owners have a right to be issued certificates of land use rights and housing ownership by authorized State agencies. If land use rights and home ownership are under joint ownership of a married couple, the certificate of land use right and home ownership shall indicate the name of both the husband and wife. In the event that the certificate of land use right and home ownership name only one spouse, the other party may request authorized State agencies to re-issue the certificate, clearly indicating the names of both spouses free-of-charge. For land use rights and housing ownerships jointly owned by a household, women have the right to have their name on the certificates if they are the head of the households. However, if women are members of households instead, Vietnamese Law has not specified the rights to have co-ownership on certificates of land use rights and housing ownership.
- Women's right to freely enter into contracts: the 2005 Civil Code (Articles 4, 5, and 389) recognizes the principle that all individuals with legal civil capacity are entitled to full freedom of undertaking contracts.
- Inheritance rights of women: the 1992 Constitution (Article 58), the 2005 Civil Code (Articles 613, 632, 633-634, 669, 676, 680, 734 etc.), 2000 Marriage and Family Law (Article 31) recognizes that women have the same rights as men in drafting wills to dispose of their properties, leaving assets to lawful heirs; inherit assets according to wills and the law.
- Protection of women's equal rights to engage in civil transactions: the 2005 Civil Code (Articles 4, 5, 412, and 691, etc), 2000 Marriage and Family Law (Articles 24, 25, 28, and 33) recognize women's equal participation in civil transactions suited to their subjective capacity and ability.

## **15.2. Women have the right to freedom of movement and residence**

249. The 1992 Constitution (Article 68), the 2005 Civil Code (Articles 48, and 52-57), 2006 Residence Law (Articles 3, 4), define the principle of individuals' right to freedom of

residence and movement without being gender-discriminated. Besides, several other laws also have provisions to ensure this right. The 2000 Marriage and Family Law (Article 20) stipulate that "the domicile of husband and wife is selected by themselves without being bound by customs, practices and/or administrative boundaries". Penal sanctions has also made clear the State's determination in ensuring freedom of movement and residence to all citizens, men and women: Article 124 of the Penal Code also stipulates those who conduct illegal searches of other persons' places of residence, illegally expel other persons from their residences or commit other illegal acts infringing upon citizens' inviolable rights relating to places of residence shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

## **Article 16**

### **Women's equal rights in marriage and family relationships**

#### **16.1. Law on marriage and family**

250. During the past 6 years, freedom and equality rights of women in marital and family relations have continued to be implemented and increasingly ensured by legal measures. The Law on Marriage and Family in 2000 has created a solid legal basis to ensure equal rights of women and men such as mentioned in the previous report.

#### **16.2. Marriage and divorce issues**

251. **Marriage:** The Marriage and Family Law does not provide exceptions for cases of men married before age 20 and women before age 18. The marriage violating this provision shall be deemed child marriage (unlawful marriage) and shall be abolished by the courts. The Penal Code stipulates those who organize weddings, register marriages for persons under the age of marriage can be imprisoned for up to two years.

252. However, in mountainous and remote areas, due to difficult travelling conditions, many are unable to register marriages pursuant to the law. On the other hand, in these areas, many backward customs and practices have not been entirely eliminated such as: child marriage, levirate marriage custom of some ethnic minorities (unmarried younger brother or whose wife is dead will marry the elder brother's wife in case the elder brother dies (Brau ethnic), junior sororate marriage whereby elder brother-in-laws may marry his wife's younger sister in case his wife dies (Ro Mam ethnic), etc. Therefore, to protect the rights of ethnic minorities in general and women's ethnic minorities in particular in marriage and family, the Government has passed Decree No. 32/2002/ND-CP dated 27 March 2002 regulating the application of the Marriage and Family law to ethnic minorities. This decree has been effectively implemented, contributing to promoting good practices and customs in marriage and family, eliminating obsolete traditions in marriage and family.

253. **Divorce:** The Marriage and Family Law ensures both men and women's rights to divorce. However, in some ethnic minority areas, divorce is sometimes not resolved by law but by each ethnicity's customs and practices. The Marriage and Family Law also ensures equality in division of common property of spouses upon divorce, especially the division of land use right and home ownership, by stipulating that all valuable properties must be registered in the names of both spouses. This is the important legal basis for the courts to decide fairly on the division of properties in divorce cases in recent years.

#### **16.3. Equal rights in marriage**

254. The 2000 Marriage and Family Law reaffirm equal rights between men and women as the basic principle throughout the entire marriage and family regime of Viet Nam in the new period. "Husband and wife are equal, have equal rights and obligations in all aspects of

the family "(Article 19). This means that husbands and wives have equal rights and responsibilities as parents, in issues relating to their children; in the determination of common property of the family.

255. The 2003 Population Ordinance, revised and amended in 2009 stipulates that each couple and individual have the rights and obligations to care for their reproductive health, apply family planning methods and ensure small family sizes. Decree No. 104/2003/ND-CP details and guides the implementation of some of the Ordinance's provisions on gender equality: strictly prohibit acts of obstructing or forcing practices of family planning; prohibit threat, offense to honor, dignity, physical assault of those using contraceptive methods or those having all boys or girls (Article 9); strictly prohibits gender selection of unborn babies (Article 10). Of special note, the decree sets aside a provision on gender equality: propaganda of gender equality; elimination of gender based discrimination, create favorable conditions for women to actively enjoy reproductive healthcare, family planning and have equal access to education, training and improving qualifications and take part in social activities in all aspects. Men are responsible for implementing family planning; removing all discriminatory treatments against girls, protecting the legitimate rights and interests of girls in everyday life, in medical examinations and treatments, in education, entertainment and overall development. These regulations are truly meaningful in the current context of Viet Nam where certain groups of people still maintain the perception of valuing men above women, creating pressure on women in the family that they must give birth to sons for the husband's family.

#### **16.4. Abuse of women in the family**

256. The abuse of women in the family still exists and is mainly popular in rural areas, where people's mentality are backward and women lack understanding of their rights and benefits. According to the National survey on Domestic Violence, upto 58% of women have experienced domestic violence<sup>12</sup>.

257. There are several fundamental causes leading to domestic violence against women in the family. The first is due to the social mentality of underestimation of women; economic difficulties in many families can also lead to conflicts between husband and wife. Despite receiving information about their rights, certain groups of women, particularly in remote areas, still have not displayed deep understanding of their legitimate rights. In addition, domestic violence against women is also the result of social evils such as alcoholism, gambling, prostitution, drugs, adultery; the perception that married women must give birth to sons to ensure patrilineality; the conflicts between mothers-in-law and daughters-in-law.

258. Many organizations at various levels, particularly the Women's Union have put forth many measures to prevent domestic violence against women and to support and assist the victims. National Targeted Program on Hunger Eradication and Poverty Reduction has helped improve the livelihood of many families. Of special note, the Women's Union at various levels has actively implemented training and propaganda programs on legal regulations for women, raised awareness of society and women on gender equality issues, and strengthened reconciliation work and made recommendations to the government to strictly handle individuals committing acts of abuse against women.

259. The Law on Prevention of Domestic Violence, adopted in 2007, is an effective tool in preventing domestic violence. Besides, Viet Nam has developed shelter models. There are 10 shelters nationwide. Shelters are where women and girls can access healthcare services, counseling, education, vocational training and training of necessary life skills. From March 2007 to present, shelters of the Center for Women and Development of the Viet Nam Women's Union has provided shelter for 149 victims of domestic violence.

<sup>12</sup> National Survey on Domestic Violence, General Statistics Office

260. **Orientations in the future:** The national strategy on gender equality for the 2011-2020 period has set specific targets in Goal 6: To ensure gender equality in family life, gradually eliminate gender based violence: Target 1: Eliminate the difference in time spent in domestic work by female compared to male by a factor of 2 by 2015 and 1.5 by 2020. Target 2: 40% by 2015 and 50% by 2020 of discovered victims of domestic violence can receive advice on legal matters and support and care in facilities supporting victims of domestic violence. 70% by 2015 and 85% by 2020 of discovered offenders of domestic violence receive consultation in prevention of domestic violence.

## Conclusion

261. With over thirty years as a member of CEDAW<sup>13</sup>, and as a CEDAW member nation, Viet Nam has strictly implemented its international commitments. To date Viet Nam's legal system is relatively complete and comprehensive, consistent with the principles and provisions of CEDAW. Of special note, Viet Nam has distinct laws to realize the core tenets of CEDAW, namely the 2006 Law on Gender Equality and the 2007 Law on Prevention of Domestic Violence. The State of Viet Nam has approved several programs and projects, national targets relating to women in poverty eradication, employment, rural vocational training, population and family planning, clean water and environmental sanitation, prevention of social diseases, HIV/AIDS, community healthcare, cultural development, education and training, especially the National Strategy on Gender Equality for the period of 2011-2020, the Strategy to Construct Vietnam's Family to 2010, the Strategy to Develop Vietnam's Family to 2020, with vision to 2030; the National Population and Reproductive Health Strategy for the period of 2011-2020; Cultural Development Strategy to 2020; National Action Plan for Children to 2020; Education Development Strategy for the period of 2011-2020; the Strategy to protect, care for, and improve people's health to 2020 and National Target Programs for the 2011-2015 period.

262. During the process of implementation of CEDAW, Viet Nam has made enormous achievements in sociopolitical and cultural aspects. During the 2004-2010 period, Viet Nam stepped up the implementation of the provisions of the Convention as committed and implemented recommendations of the CEDAW Committee adopted at sessions 759 and 760 dated 07 January 2007. Previous achievements have continued to be strengthened and promoted.

263. Viet Nam has achieved new progress in political, economic, cultural – social aspects since 2004. Women's rights of freedom and equality have been better ensured. Women are facilitated to participate and contribute actively in political, economic, cultural and social activities of the country. The role and status of women in the family and community have been enhanced.

264. Education, training, healthcare and quality of life for women and girls have markedly improved. Viet Nam has basically achieved gender equality in primary education and is striving towards universal secondary school education. Indicators of healthcare are relatively high compared to income per capita.

265. The State has adopted positive measures to basically overcome gender inequality in some areas, particularly in access to land and social welfare, enabling women's names to be put side-by-side with their husbands' in the certificates of land use rights and home ownership and to be entitled to social insurance equal to men.

266. Viet Nam has recorded important achievements in the cause of gender equality in all social aspects of life, contributing significantly to the development of the country. Viet

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<sup>13</sup> Viet Nam signed the CEDAW Convention on 29/07/1980, adopted on 17-2-1982

Nam has made encouraging achievements in promoting gender equality and advancement of women. Viet Nam is among the group of country with the best achievements in the gender development index (GDI) in Southeast Asia and the Pacific.

267. Fundamentally, Viet Nam has significantly narrowed gender inequality in education at all levels of education: The percentage of female students in the 2008 - 2009 academic year was 49% at primary school level, 48.5% in secondary school; 52.6% in high schools and 48.5% at university level. Equality in employment and income has also achieved important progress, of the number of annual newly employed laborers, women accounts for about 49%. Women have increasingly participated more actively in management and leadership roles, holding positions in the National Assembly, the People's Council, and leaders of political, social and professional organizations.

268. An important factor which helped Viet Nam achieve these encouraging results comes from the success of the reforms implemented under the motto of political stability and its maintenance, striving to sustainably restructure economic growth linked with poverty reduction and hunger eradication and sound resolution of social problems. The biggest lesson learned over the past six years is the coordination and sharing of responsibilities between all levels of government, agencies for the advancement of Women and the Viet Nam Women's Union on the basis of strong political determination of the State and people to strive to overcome gender inequality and facilitate empowerment for women.

269. Besides achievements in the cause of women equality, and with rough road ahead, Viet Nam still faces many challenges in the implementation of the CEDAW due to the fact that it is underdeveloped with limited resources.

270. Viet Nam is taking steps to gradually revise, amend, detail and nationalize regulations to improve its legal system to ensure accordance and harmonization with international law, and to remedy current weaknesses and shortcomings. The State of Viet Nam has mobilized the combined strength of the political system and non-governmental organizations to join in the cause for the advancement of women, gender equality, and strive to fully fulfill its international commitments with respect to CEDAW, as well as other human rights conventions to which Viet Nam is a signatory or has ratified.

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