



INDEPENDENT REPORT

From Perspectives of the youth in Viet Nam

ON THE IMPLEMENTATION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION

+25

Ha Noi, October 2019



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ABBREVIATIONS

ACDC	Action Center for Community Development
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CEMA	Committee for Ethnic Minority Affairs
CEPEW	Center for Education Promotion and Empowerment of Women
CERD	Convention on Elimination of Racial Discrimination
CRC	Convention on the Rights of the Child
EM	Ethnic minority
GEL	Law on Gender Equality
ILO	International Labour Organization
LBT	Lesbian, bi-sexual and transgender people
LPCDV	Law on Prevention and Control of Domestic Violence
LURC	Land use right certificates
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOLISA	Ministry of Labour, Invalids and Social Affairs
MOIC	Ministry of Information and Communication
MPS	Ministry of Public Security
NA	National Assembly
NEC	National Election Council
NGO	Non-governmental organization
PC	People's Council
UN Women	United Nations Entity for Gender Equality and Empowerment of Women
UPR	Universal Periodic Review
VCCI	Viet Nam Chamber of Commerce and Industry
VTU	Viet Nam Trade Union
WU	Women's Union

INTRODUCTION

2020 will be a key year for the promotion of gender equality and the empowerment of women and girls as the international community commemorates the 25th anniversary of the adoption of the Beijing Declaration and Platform for Action (BPfA)¹ that occurred at the Fourth World Conference on Women in Beijing in 1995. In preparation for the commemoration, countries have been conducting comprehensive national reviews of the implementation of the BPfA and engaging the participation of all relevant stakeholders, including civil society actors and the media. In addition to the government reviews, it is necessary and meaningful to mobilize the engagement of civil society actors, the private sector, community groups and other relevant stakeholders in the review process.

In Viet Nam, the national report reviewing 25 years of implementing the BPfA was submitted to the Economic and Social Commission for Asia and the Pacific (ESCAP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) Regional Office for Asia and the Pacific by the Government in October 2019. In addition to the Government's report, an independent report has also been developed by a group of 20 young people (hereinafter referred to as the Group). The members of the Group currently live and study in provinces and cities of Viet Nam. They participated in the Group through a public recruitment and direct interview process held by the Center for Education Promotion and Empowerment of Women (CEPEW), which is one of UN Women's partners to promote gender equality in Viet Nam. In the last few years, CEPEW has cooperated with UN Women to build the capacity of youth in promoting gender equality.

The report was developed with technical and financial support from the UN Women Viet Nam Country Office. To develop the report, the Group independently set up and led a 90-day workplan including two offline trainings as well as online technical meetings conducted on social media platforms in the North and the South to learn about the BPfA, the Sustainable Development Goals (SDGs), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other conventions on human rights. They also learned about national legislation, state-funded programmes and projects on the promotion of gender equality and the human rights of women and girls by consulting reports prepared by relevant stakeholders outlining the achievements and challenges in these areas during the period 2014 - 2019.

The Group identified problems, collected and analysed secondary data and developed a report focusing on five issues: (1) legislation on gender equality; (2) poverty eradication and economic empowerment of women; (3) violence against women and gender stereotypes; (4) women in power and decision-making; (5) rural women and ethnic minority women. All five selected issues directly and indirectly affect both male and female youth, and include

1 Report of the Fourth World Conference on Women, Beijing 4–15 September 1995, Chapter I, Resolution 1, Annex I and II

potential negative impacts for their futures if these issues are not resolved. Young women, including rural women and ethnic minorities, have limited opportunities in employment, property ownership, healthcare and promotion to leadership positions. These limitations negatively affect young women's economic and political status in the family and society.

In the development of the report, representatives of the Group attended two consultation workshops for the national report organized by the Ministry of Labour, Invalids and Social Affairs (MOLISA) and UN Women. It was recognized that many achievements had been covered in the national report, therefore, this report mainly focuses on identifying challenges related to the five selected issues mentioned above to propose recommendations for improvement in the coming period. In addition, UN Women gave the Group the chance to present the drafted report to representatives of the government, international organizations and civil society actors for comments to complete the report.

The report is limited by constraints in time and capacity as well as limited access to reference resources including sex disaggregated data. We look forward to receiving your feedback for the completion of similar reports in the future.

THE GROUP



I - ACHIEVEMENTS IN PROMOTING GENDER EQUALITY AND WOMEN'S HUMAN RIGHTS

1. *The Government has adopted an action plan for promoting gender equality and amending laws and policies.* Since 2014, the Government has adopted legislation to promote gender equality, including among ethnic minority communities,² and an action plan for implementing concluding observations made by the CEDAW Committee for the 7th and 8th combined report on CEDAW implementation in Viet Nam.³ For example, the Law for the Election of Deputies to the National Assembly and Deputies to Peoples Councils was adopted in 2015 and sets gender quotas for

2 Including Decision 1696/QĐ-TTg dated 2/10/2015 on the Approval of the National Action Plan for Gender Equality for 2016-2020; Decision 622/QĐ-TTg dated 10/5/2017 on the Approval of the Action Plan for implementing the Sustainable Development Goals 2030; Decision 1464/QĐ-TTg dated 22/07/2016 on the Approval of the Project on Prevention of gender-based violence for 2016-2020 and a vision to 2030; Decision 565/QĐ-TTg dated 25/04/2017 on the Targeted Programme on social support systems for 2016-2020 including supporting the implementation of the National Strategy for Gender Equality; Decision 1309/QĐ-TTg dated 5/9/2017 on human rights education in national education systems; Decision 1898/QĐ-TTg dated on 28/11/2017 on supporting the implementation of gender equality in ethnic minority communities for 2018 – 2025

3 Decision 668/QĐ-TTg dated 16/05/2017 on action plan for implementing concluding observations made by CEDAW Committee

female candidates of the National Assembly and People's Councils. The Criminal Code now includes the crime of child sexual abuse since its amendment in 2015. The principle of equity in state budget management was included in the Law on State Budgets 2015.⁴ Distribution of state budgets for promoting gender equality is one of the priorities⁵ and gender equality is a foundation of state budget planning.⁶ Consideration for gender mainstreaming in legislative processes is closely regulated in the Law on Laws 2015.⁷

2. Since 2017, the Government has developed annual reports on the implementation of national strategies on gender equality, which are submitted to the National Assembly pursuant to Article 25 of the Law on Gender Equality 2006 (GEL) and Article 13 of the Law on Supervision of the National Assembly and People's Councils. Such reports were published on the Government's website. In 2017, the National Assembly organized a discussion on the implementation of the national strategy on gender equality for all deputies for the first time. The discussion was broadcast on the national television channel.⁸

3. The Government conducted a survey and published gender disaggregated data on the socio-economic situation of ethnic minority communities. In 2018, the Government published statistics on

ethnic minority women and men in Viet Nam for the first time. This was the first survey on the socio-economic situation of 53 ethnic minority groups, conducted in 2015, to publish important data on gender equality among ethnic minority groups.⁹ The Government also conducted a second survey on violence against women in 2018 that made Viet Nam the first country in the world to conduct a second national survey. In 2019, the Government promulgated a new set of gender indicators to monitor gender equality affairs.¹⁰

4. Initiatives on the promotion of gender equality and women's human rights run by non-governmental organizations (NGOs), community-based groups and networks. Non-governmental organizations, including women-led organizations, conducted projects and programmes on public advocacy for gender equality, protection of vulnerable women and girls' human rights, prevention of gender-based violence, economic empowerment of women, promotion of gender responsive budgeting and advocating for gender sensitive legislation and policies. In addition, some youth groups/networks for the promotion of gender equality, women's human rights, human rights for women with disabilities and LGBT human rights were set up.

4 Article 8 Paragraph 1, Law on State Budget 2015

5 Article 8 Paragraph 5, Law on State Budget 2015

6 Article 41 Law on State Budget 2015

7 Article 5 Paragraph 4; Paragraph 3 Article 39; Paragraph 2 và Paragraph 3 Article 58; Article 59; Paragraph 1 Article 64; Paragraph Article 65; Article 69; Paragraph 3 Article 88; Paragraph 2 và Paragraph 3 Article 92; Paragraph 5 Article 93; Paragraph 2 và Paragraph 3 Article 98; Paragraph 2 và Paragraph 3 Article 102; Paragraph 5 Article 103 Law on Laws 2015

8 Source:<http://quochoi.vn/hoatdongcuaquochoi/cackyhophquochoi/quochoikhoaXIV/Pages/kyhophthutu/bien-ban-ghi-am.aspx?ItemID=34166> (viewed on 14/9/2019)

9 CEMA, IrishAid, UN Women, Statistics on ethnic minority women and men in Viet Nam in 2015 (published in 2018)

10 Circula 10/2019/TT-dated 30/7/2019 by Ministry of Planning and Investment on national gender development statistics

- 5. State agencies in charge of gender equality cooperated with NGOs to run gender equality activities.** The Gender Equality Department of MOLISA cooperated with NGOs and networks working for gender equality to organize public communication campaigns on CEDAW, GEL, the Law on the Prevention and Control of Domestic Violence (LPCDV), and participated in policy dialogues. Participants included female youth invited by women-led NGOs and NGOs working for women's human rights. The Department also invited women and NGOs working on gender equality to participate in consultation workshops on the 10-year implementation of GEL, and the promulgation of the new set of gender indicators, gender-based violence framework, etc.
- 6. Other state agencies consulted women and NGOs working on gender equality.** MOLISA invited NGOs to participate in some workshops during the research phase for the ratification of ILO conventions on labour rights. The Ministry of Justice consulted women-led organizations and joined policy dialogues organized by women-lead NGOs during the process of formulating and adopting the Law on Access to Information (LAI) and its Decree. The Ministry of Public Security (MPS), the Ministry of Foreign Affairs (MOFA) and the Committee for Ethnic Minority Affairs (CEMA) invited women-led NGOs and/or NGOs working on gender equality, to consultation workshops on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of Racial Discrimination (CERD) and the national report on the Universal Periodic Review (UPR).



II - CHALLENGES IN PROMOTING GENDER EQUALITY AND WOMEN'S HUMAN RIGHTS

A. LEGISLATION AND STATE-FUNDED PROJECTS

7. Lack of a comprehensive legal framework that prohibits all forms of discrimination. Several UN human rights mechanisms have recommended that Viet Nam review its legal framework to introduce more comprehensive protection against discrimination.¹¹ Article 16 of the Constitution 2013 states: “1) Everyone is equal before the law and 2) No one is discriminated against in political, civil, economic, cultural or social life.” The anti-discrimination provision of Article 16 could be interpreted as a comprehensive approach in all spheres, however the prohibition of grounds for discrimination are not as explicitly defined as provided for in international human rights instruments. The constitutional prohibition of discrimination was also a newly introduced principle, which was not yet fully translated into law and prohibits certain grounds of discrimination as shown in the following table. Without a robust mechanism for implementation, discrimination has remained an unspoken issue and there is no record that such a case was ever brought to court.

¹¹ Recommendation of the CERD Committee 1993 (Official Records of the General Assembly), Forty-eighth Session, Supplement No. 18 (A/48/18), para 348-358), in 2001 (CERD A/56/18 (2001) para. 414-415) and 2012 (CERD/C/VNM/CO/10-14 para. 7); by CESCR in 2014 (E/C.12/VNM/CO/2-4 para 13) and accepted UPR recommendations in 2014 (Recommendation No.88 from Chile) (see A/HRC/WG.6/14/L.14 para. 143.88).

Prohibited grounds of discrimination explicitly provided												
Laws	Race	Color	Sex	Language	Religions	Age	Political and other opinions	Economic status	Birth	National and social Origin	Other listed status	Other status as non-exhaustive listing
Constitution 2013	No	No	Yes	No	No	No	No	No	No	No	General dimensions	No
Civil Code 2015	No	No	No	No	No	No	No	No	No	No	No	No
Penal Code 2017	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Labour Code 2012	Yes	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Criminal Procedure Code 2015	Yes	No	Yes	No	Yes	No	No	No	No	No	Yes	No
Civil Procedure Code 2015	√	No	√	No	√	No	No	No	No	No	√	No
Law on Election 2015	No	No	No	No	No	No	No	No	No	No	No	No
Law on Access to Information 2016	No	No	No	No	No	No	No	No	No	No	No	No
Law on Press 2016	No	No	No	No	No	No	No	No	No	No	No	No
Law on Gender Equality 2006	No	No	√	No	No	No	No	No	No	No	No	No
Law on Children 2016	No	No	No	No	No	No	No	No	No	No	No	No
Law on Belief and Religion 2016	No	No	No	No	√	No	No	No	No	No	No	No
Law on Family and Marriage 2014	No	No	No	No	No	No	No	No	No	No	No	No
Law on Social Insurance 2014	No	No	No	No	No	No	No	No	No	No	No	No

Recommendation:

Adopt anti-discrimination legislation with clear definitions of discrimination and punitive sanctions for violations.

8. The proposed retirement age continues to discriminate against women.

Article 171 of the Draft of the Revised Labour Code stipulates that “Starting from 1 January 2021, the retirement age of employees working in normal working conditions shall be 60 years and 03 months of age for male employees, and 55 years and 04 months of age for female employees; then the ages of retirement shall increase by 03 months per year for male employees and by 04 months for female employees until 2028 when male employees reach 62 years of age and until 2035 when female employees reach 60 years of age.”¹² The retirement age gap between men and women negatively impacts personnel planning, training and promoting young female officials to leadership positions and nominating them to stand for election.

9. Lack of measures to implement the prohibition of sexual harassment in the world of work.

In 2015, the Code of Conduct for the prevention of sexual harassment at work was published.¹³ However, the Code of Conduct only defines sexual harassment in the workplace, it is not legally binding and it lacks punitive sanctions. A definition of sexual harassment is introduced in the Draft of the Revised Labour Code and sexual harassment is prohibited. However, punitive sanctions for sexual harassment are not introduced in this version.

10. The Marriage and Family Law (revised in 2014) contains discriminatory definitions.

The Law emphasizes unclear definitions such as “assist mothers in properly fulfilling their lofty motherhood functions” (Article 2, paragraph 4), “perpetuate and promote the Vietnamese nation’s fine cultural traditions and ethics on marriage and family” (Article 2, paragraph 5).¹⁴ It also uses general terms such as [accepting] marriage and family practices “which are repeated over a long period of time and widely accepted in an area, a region or a community” (Article 3, paragraph 4), and maintains the gap in marital age between males (20 years-old) and females (18 years-old) (Article 8, paragraph 1a). At the constructive dialogue in 2007, the CEDAW Committee made a recommendation to Viet Nam to review its Law on Marriage and Family and apply a common minimum marriage age for both men and women¹⁵ according to Article 16 of CEDAW.

11. Lack of recognition of same sex marriage.

Clause 2, Article 8 of the Law on Marriage and Family 2014 has removed the stipulation on prohibition of marriages between same sex persons. This indicates the de jure discrimination against LGBT people, especially regarding to their right to marry.

12. Gender stereotypes in the 2016 Law on Children.

Clause 8, Article 6 of the Law prohibits stigma and discrimination against children on the basis of personal characteristics, family background, sex, ethnicity, nationality, belief, and religion.

12 Access http://duthaonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1270&LanID=1719&TabIndex=1 at 22.03 on 8 September 2019.

13 MOLISA, VTU, VCCI, The code of conduct for the prevention of sexual harassment at work was published in 2015.

14 Decree no 126/2014/NĐ-CP guiding the implementation of this article also did not provide a definition of “fine cultural tradition.”

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

However, Clause 2, Article 37 stipulates that children are obliged to learn, train themselves, preserve family customs and practices, and assist parents and other family members with age, sex and developmentally appropriate work. As such, “sex” is adopted by the clause as a basis for determining children’s obligations and reinforces gender norms and stereotypes.

13. Gaps exist in the current legal framework, creating barriers to ending violence against girls and girl-child abuse. These gaps were the absence of a clear definition of child molestation and sexual harassment and absence of monitoring and quality control mechanisms over the enforcement of child protection procedures in Penal Code 2015.

Recommendations:

- Provide trainings on state obligations for non-discrimination as regulated in CEDAW and other human rights treaties for decision-makers of legislative, judicial and administrative bodies;
- Amend Article 16 of the Constitution 2013 to incorporate the principle of non-discrimination following the phrasing of CEDAW and other human rights treaties to which Viet Nam is a signatory;
- Stipulate an equal retirement age for women and men and punitive measures for sexual harassment in the workplace in the revised Labour Code which is expected to be adopted at the National Assembly session in the Fall 2019;
- Remove the discriminatory provisions that reinforce gender stereotypes and regulate a

common minimum marriage age for both men and women in the Law on Marriage and Family to ensure compliance with Article 16 of CEDAW and the General Recommendation No. 21 of the CEDAW Committee on Equality in Marriage and Family Relations;

- *Legalize the right to same-sex marriage;*
- *Remove all of the provisions on children’s obligations, including ones that foster gender stereotypes in children’s obligations towards their families;*
- *Formulate clear definitions of acts of sexual harassment, sexual assault, and rape in the Penal Code.*

14. Government-funded propaganda and projects reinforce gender stereotypes. For many years, national and local campaigns have contributed to reinforcing gender stereotypes. For instance, the campaign by the Viet Nam General Confederation of Labour, introduced in 1989 encourages female members to be “excellent in public, responsible at home” and delivers awards to those who succeed in both areas. There is no similar qualification required for men and the campaign continues to be promoted in all sectors without being evaluated or adjusted from a gender equality perspective.¹⁶ Some mass communication projects implemented by the Viet Nam Women’s Union increase women’s responsibilities while men’s roles and responsibilities are not addressed. Three such communication projects include: The “Families with 5-no and 3-clean,”¹⁷ which was launched in 2010 and is being mainstreamed as one of the criteria to evaluate new-

16 Most recently was the Order No 03/CT-LD dated 18/8/2010 by Viet Nam General Confederation of Labour Unions on continuous promotion of the campaign. The campaign was reviewed in 2015 following Guideline No. 21/HD-TLĐ on 07/01/2015 on the review of the implementation of the programme for five years 2010 – 2015. The review guidelines however did not take the gender equality perspective into consideration or how the programme affects gender stereotypes or gender equality.

17 No poverty and “social evils”, no domestic violence, no third child and beyond, no malnourished children and no children dropping out of school. Clean house, clean kitchen and clean lane. The movement’s criteria has been implemented since 2010 and mainstreamed to the national programme on New Rural as criteria to rate communes which are qualified as “New Rural communities”.

rural-standardized communes in National Programmes for New Rural Development.¹⁸ Another project is the, “Communicating, educating, mobilizing and supporting women to address social issues related to women in the period of 2017 – 2027”¹⁹. A third project called “Supporting the development of private child care groups/centres in exporting, processing and industrial zones by 2020” targets 95 per cent of mothers in industrial and export processing areas

to raise their awareness on childcare and children’s development.²⁰ These initiatives present a barrier to participation in public life for women, especially young women with infants who must fulfil a double role in both the public and private spheres.

Recommendation:

Review and adjust all state-funded projects and campaigns that target women to ensure that all gender stereotypes are eliminated.

B. POVERTY ERADICATION AND ECONOMIC EMPOWERMENT OF WOMEN

15. Small and medium-sized enterprises owned by women are normally micro and small-sized entities. Up to 98.8 per cent of women-owned small and medium-sized enterprises are micro and small, of which micro-sized enterprises account for 72 per cent and small-sized enterprises account for 27 per cent. The proportion of women-owned small and medium-sized enterprises decreases gradually as the size of the enterprise increases, 26.8 per cent of women-owned enterprises are micro-sized, however, only 13.6 per cent women-owned enterprises are large.²¹

16. Women-owned small and medium-sized enterprises encounter various obstacles during their establishment, operation

and development. Women-owned small and medium-sized enterprises show poorer business performance than male-owned ones due to a lack of knowledge on corporate governance, human resources and marketing as well as difficulty accessing resources and market information caused by lack of proper collateral for loans or support from husbands and families in loan applications; women have fewer opportunities to attend industry events due to fewer relationship and less exchanges than male colleagues; and disadvantages in setting up and developing business networks. Male chauvinism also hinders women from operating small and medium-sized enterprises since business is considered a male activity.²²

18 Competitive movement on “Women are active in learning, creative in working and building happy family” together with mass communication projects on “Four virtues: Self confidence - Self respect - Kindness and Diligence” and on “Families with 5-no and 3-clean” for the term of 2017 - 2022 have been continuously implemented according to the Plan No. 65/KH-ĐCT dated 16th May, 2017 issued by the Chairing Board of Viet Nam Women’s Union

19 Decision No. 938/QĐ-TTg dated 30th June 2017 by Prime Minister to adopt the Project on “Communicating, educating, mobilizing and supporting women to address social issues related to women in the period of 2017 – 2027

20 The project belong to Decision 404/QĐ-TTg dated 20/03/2014

21 HAWASME and MekongBix, Women-owned small and medium-sized enterprises in Viet Nam: Current status and recommendations, 2016

22 Quoted in the report

Recommendations:

- Make further training on writing business plans, governance, human resource management, finance, and marketing available to women owning small and medium-sized enterprises;
- Provide information on resources, policies and markets to women owning small and medium-sized enterprises;
- Support women-owned small and medium-sized enterprises to develop business networks and conduct trade promotion;
- Regulate a proportion of at least 30 per cent of central and local Enterprise Development Funds to provide loans to women-owned small and medium-sized enterprises.

17. Gender discrimination in recruitment and access to job opportunities, especially senior positions.

Among job advertisements mentioning gender preference, 70 per cent specifically request male employees while only 30 per cent prefer female employees. In addition, men are often targeted for technical and higher-skilled vacancies, for example architecture (100 per cent of employment advertisements require male employees), drivers (100 per cent), engineers (99 per cent) and IT experts (97 per cent). At the same time, women are often prioritized for office and supporting positions, such as receptionists (95 per cent), secretaries and assistants (95 per cent), accountants, administration and human resources (70 per cent). Up to 83 per cent of management job postings that indicate a gender preference require male applicants. All of the director posts are exclusively for men. This gap is also found across other management positions, including “managers” and “supervisors” where 78 per cent and 87 per cent of job ads

respectively only accept male candidates.²³

18. Female workers frequently engage in jobs not requiring high levels of expertise such as agriculture, forestry and aquaculture, services, etc.

which are unstable and vulnerable. Female workers account for over 70 per cent of the labour force in major export industries including textiles, footwear and electronics and 64 per cent in industrial zones, however, they only benefit from a small portion of the total value of global supply chains. In addition, there are 7.8 million female workers in the informal sector with insecure working conditions. Gender inequality is clearly demonstrated as the proportion of female workers in this sector is up to 59.6 per cent compared to 31.8 per cent males.²⁴

19. Female workers account for the majority of the unemployed.

Women account for 57.3 per cent of the unemployed in the untrained labour group and 50.2 per cent in the trained labour group. Particularly, the proportion of unemployed female workers with tertiary education is up to 55.4 per cent. It indicates that female workers have more difficulty accessing employment than male workers of all education levels, especially the lowest and highest levels of education.²⁵ Research conducted by the Viet Nam Institute for Workers and Trade Unions shows that up to 80 per cent of women over 35 years of age working in industrial zones were forced to resign or voluntarily resigned from their jobs. In many cases, women had spent more than 10 years with companies, however, they were asked to resign from their jobs due to restructuring of enterprises or harsh working conditions.²⁶

23 ILO, Policy Brief on Gender Equality in Recruitment and Promotion Practices in Viet Nam, 2015

24 MOLISA, Experimental research to identify reasons for the gender-based payment gap, 2015.

25 Quoted in the report.

26 Discussion of the National Assembly on the Report on the implementation of the national strategy for gender equality on 13 September 2017 which was broadcasted at <https://vtv.vn/truyen-hinh-truc-tuyen/vtv1/quoc-hoi-0.htm> (Viewed on 29 September 2019).

Recommendations:

- Consider legislation that prohibits gender-based discrimination in advertising and recruitment;
- Provide vocational training on the basis of common challenges in gender-based labour division to both female and male high school students who are unable to pursue higher education in order to provide them with strong skills to enter the labour market;
- Stipulate the rule that “The first to come is the last to leave” in the revised Labour Code, to ensure that female workers are not fired without violating this labour law.

20. Female migrant workers in cities are more vulnerable than males. Most female migrant workers are under the age of 35. In addition to similar difficulties encountered by both genders such as accommodation, income, expenses and education for children; female migrant workers are more susceptible to violence, human trafficking and sexual abuse. Young women working in restaurants, hotels, karaoke bars, discotheques and other entertainment venues are the high-risk group for sexually transmitted diseases.²⁷

21. Female migrant workers’ incomes are insufficient in relation to their expenses in migrant areas. The monthly expenditure of a male migrant worker is 9,814,533 Vietnamese dong and that of a female migrant worker is 9,676,817 Vietnamese dong while the average salary of the majority of migrant workers ranges from 3 - 7 million Vietnamese

dong/month with men’s incomes being higher than women’s incomes. Therefore, female (and male) migrant workers have to work overtime to have enough money to live and save.²⁸

Recommendations:

- Invest in socio-economic development, hunger elimination and poverty reduction in rural and remote areas and areas of extreme economic hardship to reduce the migration of female workers from rural to urban areas;
- Implement policies to ensure enterprises invest in the development of social accommodation for lease or sale at a low price together with the development of entertainment venues and schools to make migrant workers in industrial and processing zones feel secure.

22. Women often in unpaid care work due to gender stereotypes in labour division. Research by ActionAid in 2016 showed that, during their lifetime, women, do four more years of unpaid care work than men. Specifically, women spend more than five hours per day on care work while men only spend 3 hours. Women play a key role in taking care of the elderly, collecting water and firewood, taking care of children and doing housework. Men are engaged in paid work one hour more per day than women and enjoy leisure and rest 1.5 hours per day more than women.²⁹

27 The Institute of Science and Labour, A study on the living conditions of female migrant workers in foreign-invested-enterprises, 2014.

28 VAEFA & CEPEW, Access to nursery education of children of migrant workers: Current status and policy recommendations, 2018.

29 ActionAid Viet Nam, Policy recommendations: To make a house become a home, 2016

23. Unpaid work done by women is not valued properly and has not received enough attention from the State.

A definition of unpaid work is not available in the Draft of the Revised Labour Code.³⁰ Since 2015, the indicator, “Proportion of time used for unpaid housework and care work by sex, age and location” has remained in the group of completely new indicators that still require development and data collection.³¹ The reports on the implementation of national targets on gender equality from 2016, 2017 and 2018 also did not mention any objectives, statistics or relevant outcomes in relation to unpaid work done by women.

Recommendations:

- Develop legal norms clearly defining “types of unpaid work” done by women in the revised Labour Code including three main groups: (1) unpaid care work in family businesses including the production of goods and services for sale on the market, however, proceeds from sale are not paid directly to the employee but are regarded as his/her contribution to the family; (2) production of goods for self-consumption (for example: collecting water or firewood); (3)

provision of services for self-consumption (for example: cooking, cleaning house, taking care of individuals in the family).

- Develop and implement a national advocacy campaign to help Vietnamese citizens to acquire a correct understanding of the value of unpaid work;
- Conduct national research to collect gender segregation data on time spent by women and men to do housework; and include this data in the annual national report on gender equality.

24. Viet Nam has not ratified the two basic conventions of the International Labour Organization (ILO)

including the Convention on Forced Labour (Convention No.105) and the Convention on Freedom of Association (Convention No.87) that affect efforts to eliminate discrimination against women in employment and forced female labour, the fulfilment of women’s freedom of assembly and collective bargaining, and elimination of girl child labour.

Recommendation:

Ratify Convention 87 and Convention 105 of the International Labour Organization.

C. VIOLENCE AGAINST WOMEN AND GENDER STEREOTYPES

25. Sexual harassment against women and girls in public places.

A recent survey on sexual harassment against women and girls in public places shows that 51.3 per cent of women and girls experienced sexual harassment of different degrees in

public places. Among them, 36.7 per cent experienced it one time and 52.3 per cent experienced it 2-5 times. A high number of victims experienced the behaviours of ogling, whistling, fixedly looking at body parts or intentionally touching the body.³²

30 Source: http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1270&LanID=1719&TabIndex=1 (viewed at 22.03 of the 8th September 2019)

31 UNWomen, Reality and data on women and men in Viet Nam 2010 – 2015 (published in 2016)

32 CGFED, ActionAid, MOLISA, Report on safe cities for women and girls, 2016

26. Women with disabilities' experiences of sexual harassment.

A survey on the situation of women and girls with disabilities and their experiences of sexual harassment in Ba Vi district (Hanoi city) and in Thanh Khe district (Da Nang city) shows that four out of 10 women with disabilities experienced sexual harassment.³³ The government has issued a number of regulations on access to public transport for persons with disabilities, including train carriages accessible to persons with disabilities.³⁴ However, so far, women in wheelchairs still need to be carried or held by railway employees or other passengers in order to access the train on the Hanoi - Ho Chi Minh City, Hanoi - Lao Cai routes. One young woman in wheelchair shared that she is not comfortable when a male railway employee holds her in his arms and she is teased by other passengers.³⁵

27. Stigma and discrimination against LGBT people.

A study conducted and published in 2016 found that 61.7 per cent of lesbians, 61.6 per cent of bi-sexual women and 66.7 per cent of transgender women were discriminated against in their homes, in the health sector and in employment.³⁶

28. The ratio of reported cases of sexual harassment is low.

Among those interviewed 47.1 per cent of women reported incidents sexual harassment compared to only 5 per cent reported to public security forces. This is due in part to

a lack of mechanism to protect victims or victim advocates and the lack of sufficient capacity by authorities to receive complaints. In addition, counselling staff and officers may make inappropriate comments as a result of limited knowledge of gender and women's human rights and those interviewing victims often provide advice that does not protect victims or displays victim-blaming attitudes. The general public considers men's sexual harassment behaviours of ogling, whistling or teasing women as normal and acceptable and victims are advised to "accept" or "live with" such behaviors.³⁷

Recommendations:

- *Integrate knowledge of gender identities and sexual orientation and increase gender sensitivity in the process of working with victims of sexual harassment in training programmes for State civil servants including staff working in the legal sector, police officers and health workers;*
- *Encourage victims of gender-based violence to report their cases and ensure all reported cases are effectively investigated and appropriately addressed;*
- *Ensure train carriages are accessible to persons and women with disabilities to limit touching by railway employees while they support passengers with disabilities;*
- *Implement a comprehensive survey on all kinds of violations against women including sexual harassment.*

33 The survey conducted and published by ACDC in 2019

34 Article 14 Decree 28/2012/NĐ-CP stipulates that it must be ensured that by 2015, at least one carriage in the North-South interprovincial passenger train must ensure technical standards on accessible transport; By 2020, at least one carriage in a passenger train on all lines/routes will have had to ensure technical standards on accessible transport. Participating units in public transport shall be responsible for arranging equipment, tools and personnel to assist passengers with disabilities to conveniently get on and off means of transport. The aid/assistance scheme must be notified at railway stations, embarkation and disembarkation stations at easily noticeable places; Units engaged in public transport shall be responsible for reviewing, accounting and evaluating the actual situation of means of public transport. that have not yet met the technical standards on accessible transport, elaborating plans to equip and renovate means of public transport to ensure technical standards on accessible transport that fall under their scope of management

35 Testimony for this report by a woman with a disability in wheelchair who is a member of Loving Persons with Disability Group and regularly travels on the Hanoi - Lao Cai route

36 Hong Duc Publishing House, Is it because I am LGBT, 2016

37 CGFED, ActionAid, MOLISA, Report on safe cities for women and girls, 2016

29. Violence against the girl child. A MICS report shows that in 2014, 36.6 per cent of girls experienced physical punishment and 56.7 per cent of girls experienced mental violence.³⁸ In Hanoi, 25.5 per cent of female students aged 12-18 had experienced physical violence in a school setting and 31.1 per cent had experienced sexual harassment when using public transportation.³⁹ Girls in ethnic day-boarding and boarding secondary schools were also at risk of sexual abuse. In 2016, 23 girls aged 7-10 were found to have been sexually abused by the security guard of a day-boarding school in Lao Cai Province.⁴⁰ The national database on violence against children and child abuse with gender disaggregated data is incomplete and there are no concrete guidelines on how to use budgetary resources to link child support and protection services.

Recommendations:

- Carry out mass communication on the Convention on the Rights of the Child and the Law on Children 2016 to the wider public;
- Improve the national statistics database on child abuse with sex-disaggregated data.

30. Reinforced gender norms and stereotypes in the media. Research conducted in 2018 by the team developing the stakeholders' Universal Periodic Review (UPR) submission shows that 58.56 per cent of commercials used images and characters with female characteristics that reinforce gender stereotypes and prejudice out of 432 commercials broadcast on VTV3 channel from 6:30 to 22:30 every day from 7-9 June 2018.⁴¹ These images reinforced gender stereotypes, particularly the expectation that women are responsible for maintaining a household in addition to achieving professional success. The image of women is soft, sweet, delicate, gentle in order to attract men.⁴² Meanwhile, men must be strong and proactive to protect women and children, take charge of the family's financial and social relations, and do a job that requires strength and technical skills.⁴³ In this test, only 1.16 per cent of the advertisements showed non-traditional gender roles such as male involvement in housework as part of their responsibilities.⁴⁴ Such practices were also observed in TV gameshows and entertainment programmes.⁴⁵ In addition, the press tends to depict female leaders attached to traditional roles such as caring for family, children and housework.⁴⁶

38 MOLISA and UNICEF, Multiple Indicator Cluster Survey Report on the situation of children in Viet Nam in 2016 (published in 2017).

39 Plan International, A survey on 3,000 lower and upper secondary school students in 30 schools in Hanoi, 2014

40 Press Conference of the Department on Child Protection and Care organized by MOLISA in March 24, 2016

41 Including advertisements of milk formula companies such as Optimum Gold Plus, Pediasure;

42 Including the advertisements of dipping sauce companies such as Chin-su, Long Dinh, Nam Ngu or baby-friendly products such as Johnson baby Top-to-Toe Shower Gel

43 Including the advertisements of some dairy products, beverages, energy drinks such as Pepsi, Pediasure milk, Fami and Bkav Pro, an antivirus software

44 Including the advertisements of Vedan sweet powder, 3 Mien dipping sauce, washing detergent Sunlight Aloe

45 Including the programmes "Đại chiến quý ông" (Gentlemen's War), "Chất lượng cuộc sống" (Life quality), "Trí lực sánh đôi" (Matching force), "Chuẩn cơm mẹ nấu" (That's my mom dishes) and "Lựa chọn của trái tim" (Heart's choice)

46 OXFAM, "Newspapers and gender stereotypes against women", 2016

Recommendations:

- Provide trainings on gender equality in accordance with the CEDAW standards for civil servants, journalists and media managers to seriously apply provisions that prohibit gender-stereotype-reinforced advertising regulated in the Law on Advertisement 2012⁴⁷ and the Gender-Sensitive Indicators for Media⁴⁸
- Monitor representation of women in the media and impose penalties on those who continue to perpetuate gender stereotypes in violation of the Law on Advertisement.

31. Reinforced gender norms and stereotypes in textbooks.

A rapid review of elementary school textbooks⁴⁹ by the above-mentioned research team confirms that textbooks showed 100 per cent of the career-related illustrations of construction workers and engineers associated with male imagery; 88.68 per cent of the teacher profession illustrations are female; 53.49 per cent of the farmer images are female; 70 per cent of the images associated with doctors are male; 64.29 per cent of the images associated with the care and education of children are female; 96.67 per cent of images of the military and security sector are men; and 95.83 per cent of illustrations of housework are attached to women. The terms describing male characteristics are "strong," "the breadwinner," "the director," "footballers," etc. The words that describe the female characters are "gentle," "patient," "good cook," "child care," "secretary." Some

posters used in primary schools with the topic of occupation and family published by the Viet Nam Education Publishing House still uphold gender stereotypes such as male professions are related to engineering, building, mechanics and engineering, while women are often portrayed working as farmers, teachers and cleaning staff.⁵⁰

Recommendations:

- Ensure that the principle of substantive gender equality and non-discrimination on all grounds, including non-discrimination on the basis of sexual orientation and gender identity is applied in the process of formulating and reforming educational materials under the Circular No. 14/2017/TT-BGDĐT;⁵¹
- Apply principles of non-discrimination and substantive gender equality as stated in CEDAW and other human rights treaties in training programmes for educators to ensure that education does not reinforce gender stereotypes and discriminate on any ground and in any way;
- Apply the principle of non-discrimination on any grounds including on the grounds of sex and gender and review gender stereotypes in the guidance for reviewing publications;
- Amend the Law on Publications 2012 to ensure that any act on discrimination on any ground including on the ground of gender and reinforcing gender stereotypes in publications are prohibited.

47 Article 8 Paragraph 2 of Law on Advertisement 2012 regulates "Advertisements that reinforce stigma against ethnicity, racial discrimination, violation of freedom of religion, gender stereotypes and discrimination against persons with disabilities" are prohibited in advertisement activities

48 The Gender-Sensitive Indicators for Media developed and published by the Ministry of Information and Communication with the support of UNESCO and OXFAM in 2014

49 Including Nature, Society and Science textbook, Ethics books and workbooks

50 Coloring book "Be tap lam noi tro" (Learn to do housework) by Ha Tay Printing and Packaging Company (fourth edition), May 2017; The coloring book "Nganh nghe" (Jobs) Ha Tay Printing and Packaging Company (sixth edition), May 2017; "Be hoat dong va kham pha chu de Nghe nghiep cho be tu 3-4 tuoi" (Activities for kids to explore the topic of jobs for children aged 3-4 years old) by the printing company of the General Staff (fourth edition), September 2016.

51 Circular No. 14/2017/TT-BGDĐT issued by the Ministry of Education and Training dated June 6, 2017 promulgating regulations on standards and procedures for the construction and adjustment of general education programs; the organization and operation of the National Council for Appraising General Education Programs and Textbooks

D. WOMEN IN POWER AND DECISION MAKING

Women leaders and decision-makers

32. The ratio of female leaders is higher than previously but the positions that women hold are less powerful than men's. For the first time, a woman holds the position of Chairperson of the National Assembly for term XIV (2016 – 2021). It is recognized that there are three women among 13 directors of the National Assembly Committees and equivalent agencies.⁵² Up to 31 December 2018, women account for 47 per cent of ministerial level female leaders among 14/30 ministries and equivalent agencies including 11/21 ministries⁵³ and 3/9 sub-agencies of the Government.⁵⁴ However, women participating in the Central level Executive Body of the Communist Party for term XII (2016 - 2021) account for only 10 per cent and there are only three women out of 19 members of Political Bureau (accounting for 15,8 per cent).⁵⁵ There is only one female Minister of Health among 27 members of the Cabinet (accounting for 3,7 per cent). Among eight agencies belonging to the Government,⁵⁶ there is only one female leader who holds the position of Director of the Viet Nam Social Insurance Agency.⁵⁷ At ministry department level, women account for only 3,08 per cent of heads of departments and 6,77 per cent of vice heads of department. In sub-units of ministries, women account for

only 10,81 per cent of heads of units and 18,21 per cent of vice heads of units.⁵⁸ At provincial level, there is only one female chairperson among 63 provincial chairpersons.⁵⁹ According to a Government report, there are 12 ministries and equivalent agencies that have nominated women as key leaders, accounting for 40 per cent and there are 16 out of 63 provinces that have nominated women as key leaders, account for 25,39 per cent. Such numbers do not meet the quota that 95 per cent of ministerial agencies and People's Committees at all levels promote women as key leaders.⁶⁰ In the central judicial system, men have held the position of tribunal president of the Supreme Court for three terms and there has only been one woman among five vice tribunal presidents of Supreme Court.⁶¹ Recently, there are four women out of 17 members of the Judge Council of Supreme Court.⁶² For three terms, only men have held the position of Head of the Supreme People's Procuracy. Since 2006, there has been only one woman nominated to be Vice Head of the Supreme People's Procuracy among nine vice heads. Recently, no women have held the position of Vice Head of the Supreme People's Procuracy among the five posts.⁶³

52 Directors of Committee for Justice, Committee for Social Affairs and Committee for Voter-related Affairs

53 Report No. 85/BC-CP dated on 21st March 2019 by the Government on the implementation of national targets on gender equality in 2018

54 Source: <http://chinhphu.vn/portal/page/portal/chinhphu/chinhphu/chinhphuduongnhiem> (viewed on the 30th September 2019)

55 Source: <http://dangcongsan.vn/chinh-tri/cong-bo-danh-sach-ban-chap-hanh-trung-uong-dang-khoa-xii-368346.html> (viewed on the 20th August, 2019)

56 Including Committee for Managing state-owned capital in enterprises, Viet Nam Television, Viet Nam Voice, Viet NamNews, Ho Chi Minh Political Academy, Viet Nam Academy for Social Science, Viet Nam Academy for Science and Technology, Viet Nam Social Insurance Agency and Department for Management of Ho Chi Minh Mausoleum

57 Source: <http://chinhphu.vn> (viewed on the 28th August, 2019)

58 MOHA, Report on data of female leaders of the term 2016-2021

59 Report No. 79/BC-CP dated on the 10th March, 2017 by the Government on the implementation of national targets on gender equality in 2016.

60 Report No. 377/BC-CP dated on 12 September 2018 by the Government on the implementation of national targets on gender equality in 2017

61 Source: <https://www.toaan.gov.vn/webcenter/portal/ca/chanh-an-tien-nhiem> (viewed on the 22nd July 2019)

62 Source: <https://www.toaan.gov.vn/webcenter/portal/tatc/trang-tin-hoi-dong-tham-phan> (viewed on the 22nd July 2019)

63 Source: <http://www.vksndtc.gov.vn> (viewed on the 22nd July 2019)

33. Lack of female representation in organizations in charge of elections.

The Resolution 105/2015/QH13⁶⁴ by the National Assembly on the establishment of the National Election Council (NEC) shows that 5/21 members of the National Election Council in 2016 were women, accounting for 23.8 per cent.⁶⁵ There was a Chairwoman of the NEC due to a new assignment after the Congress of the Communist Party of term XII. In some provinces, women accounted from as low as 3.7 per cent to no more than 30 per cent in the election committees. Specifically, women participating in provincial election committees in Ha Giang accounted for 24 per cent; Hanoi: 17.2 per cent; Da Nang: 16 per cent; Binh Dinh: 10.7 per cent, Soc Trang: 9.1 per cent and Quang Nam: 3.7 per cent. Representatives of central and local Women's Unions (WU) participated as members of organizations that are in charge of elections. However, there was a lack of representatives from such WUs in the Quang Nam Province Election Committee or Election Unit of the Electorate No. 1 of Dong Nai Province.⁶⁶

34. The percentage of National Assembly delegates for term XIV and People's Council delegates in the term 2011 - 2016 do not meet the expected target of 30 per cent as well as the target of 35 per cent as recommended by the CEDAW Committee to Viet Nam.⁶⁷ The total number of National Assembly (NA) deputies is 496, of whom 133

are female accounting for 26.8 per cent.⁶⁸ A study done by CEPEW shows that only six out of 21 provinces have female deputies in the NA at 35 per cent or above. They are: Da Dang city: 37.5 per cent, Dien Bien: 50 per cent, Hung Yen: 42.8 per cent, Quang Ngai: 57.1 per cent, Vinh Long: 50 per cent and Vinh Phuc: 50 per cent. These provinces are not on the list of provinces where there are no women candidates in provincial election committees. The ratio of female deputies in the National Assembly account for only 11.2 per cent in Hai Phong and 12.5 per cent in Binh Dinh.⁶⁹ There are 1,038 female deputies out of 3,908 deputies of provincial People's Councils (accounting for 26.56 per cent), 6,925 female deputies among 25,181 deputies of district People's Councils (accounting for 27.5 per cent) and 77,724 female deputies among 292,306 deputies of communal People's Councils (accounting for 26.59 per cent).⁷⁰

35. Leaders, people and women themselves recognize the improved capacity of female leaders and confirm that women can fulfill key leadership positions. A research conducted by CEPEW in 2019 shows that 53.3 per cent of interviewees confirm that they vote for women to be leaders and 34 per cent confirm that they vote for men if women and men are the same age and hold the same professional level. In detail, 53.3 per cent of women and 36.8 per cent of men

64 Resolution No.105/2015/QH13 dated 25 November 2015 by the National Assembly on the date of the election of the National Assembly deputies for term XIV and People's Council deputies of the term 2016 – 2021 and the establishment of the National Election Council

65 Including two female Vice Presidents of the National Assembly, the Vice President of the State, the Chairwoman of the Viet Nam Women's Union and the Director of the NA's Committee for Voters' Affairs

66 CEPEW, Report on youth's observation on election of NA deputies of term XIV and PC deputies of the term 2016-2021 with gender perspectives, 2016

67 Source: CEDAW/C/VNM/CO/7-8 (Para 23.b)

68 Report No. 695/BC-HĐBCQG dated on the 19th July 2016 by NEC on the summarization of election of NA deputies of term XIV and PC deputies of the term 2016-2021

69 CEPEW, Report on youth's observation on election of NA deputies of the term XIV and PC deputies of the term 2016-2021 with gender perspectives, 2016

70 Report No. 695/BC-HĐBCQG dated on the 19th July 2016 by NEC on the summarization of election of NA deputies of term XIV and PC deputies of the term 2016-2021

vote for women, 39.8 per cent of men and 30.2 per cent of women vote for men; 21.2 per cent of men and 13.3 per cent of women do not know whom to vote for, and 1.1 per cent of men and 1.1 per cent of women do not vote for either.⁷¹ These choices have changed slightly in the past five years. Research conducted by CEPEW and OXFAM in 2014 in Thai Nguyen, Binh Dinh and Vinh Long provinces showed that, 58.5 per cent of interviewees vote for men and 41.5 per cent of interviewees vote for women.⁷²

Recommendations:

- *Adopt a progressive gender quota in politics to ensure a higher number of women in power and decision-making roles;*
- *Adopt a quota on the ratio of each gender in the election committees not lower than 30 per cent;*
- *Introduce a requirement on gender balance in the leadership positions of organizations that are in charge of elections in the Law on Elections;*
- *Adopt legislation to impose penalties on the heads of responsible organizations that do not implement the quotas on gender balance in politics.*

Women and election process

36. Female candidates are burdened with combined structure. There are three structures of deputies in the National Assembly and deputies of People’s Councils including oriented structure, guided structure and combined structure. Of which, oriented structure includes deputies holding key leadership positions in the Communist Party and the Party’s committees and state

agencies, mass-organizations, public security and armed forces at central, provincial, district and communal levels. The guided structure includes representatives of administrative bodies at all the above-mentioned levels. While, combined structure includes deputies with a diversity of gender, non-party people, ethnic minority people and religious groups from all fields and at all levels who may not be leaders of any agencies or organizations. Most leadership and decision-making positions are held by men in oriented and guided structures. As a result, the number of women being nominated to oriented and guided structures is low.

37. Gender quota for NA deputies is low and not clear. The Resolution 1135/2016/UBTVQH13 by the NA’s Standing Committee anticipates that women account for around 20 per cent of 114 full-time deputies performing in different committees of the NA. While the Resolution also regulates “to make efforts to have female deputies among the 18 part-time deputies working in the Government and sub-units of the Government” and that “there are female deputies among the 31 part-time deputies working for Fatherland Fronts and its members. There is no quota on female NA deputies for other political and social organizations.”⁷³

38. In the official lists of candidates, female candidates always hold lower educational levels, leadership positions and experience in performing as elected deputies than men. The NEC published official lists of 870 candidates for NA deputies, of which, 197 candidates were nominated by central-level agencies and organizations, 662 candidates were nominated by local agencies and

71 CEPEW, Report on reviewing 10-year implementation of Gender Equality Law: Gender equality in politics, 2019

72 OXFAM and CEPEW, Women leaders in political system: Public’s faith and choice?, 2014

73 Resolution 1135/2016/UBTVQH13 dated 22/01/2016 by National Election Council on anticipating number, structures and social backgrounds of NA deputies of term XIV

organizations and 11 were self-nominated candidates. All of the 870 candidates were arranged by 184 electorates in 63 provinces/cities of the country to be voted for 500 NA deputies. Among them, there were 339 female candidates, accounting for 38.9 per cent. Among 197 candidates nominated by central-level agencies and organizations, female candidates accounted for only 14.72 per cent. Among 673 candidates nominated by local-level agencies and organizations, female candidates accounted for 46.06 per cent.⁷⁴ Among 168 candidates nominated to serve as NA deputies for a second term, female candidates accounted for 25 per cent. However, there were no female candidates in 14 electorates for the election of NA deputies.⁷⁵ Female candidates accounted for less than 35 per cent in 34 electorates and in 24 provinces, while male candidates accounted for less than 35 per cent in 4 electorates and 2 provinces.⁷⁶

39. Women voted by proxy and the principles of universal, direct and confidential votes were not seriously applied.

The Law on Elections 2015 does not require checking voter IDs before giving out voter cards and during the voting process. Election workers only check voter cards to deliver ballots. The General Secretary of the NA - Administrative Clerk of the NEC admitted that “proxy voting” had not been controlled.⁷⁷ Research conducted by CEPEW in 2019 shows that among female interviewees, 89.5 per cent do not understand the principle of universal suffrage, 62.2 per cent do not understand the principle of direct vote, 38.2 per cent do

not understand the principle of confidential vote, 62.2 per cent do not know about the principle of equality in elections and 68.2 per cent do not know about the principle of non-discrimination in elections. The same report showed that 64.4 per cent of female voters cast their ballots directly and do not cast ballots of others, while 18.1 per cent both casted their ballots directly and casted ballots of others, 8.9 per cent did not cast their ballots and asked others vote by proxy for them, 1.6 per cent went to election constituencies but asked others vote by proxy for them.⁷⁸

Recommendations:

- Adopt a quota to ensure the ratio of candidates of each gender is not lower than 45 per cent and ensure the candidates at each electorate have equal educational and professional levels;
- Introduce measures to prevent proxy voting, including a protocol to check ID cards together with voter registration before casting ballots;
- Educate female (and male) high school students and the public about the principles of universal suffrage, direct and confidential voting as well as principles of equality and non-discrimination in elections;
- Build the capacity of female candidates standing for election to ensure the qualification of female candidates and female elected deputies;
- Give legitimacy and space to civil society organizations working on gender equality and women’s rights to conduct communication and education activities on elections and participation in the electoral process.

74 Resolution 270/NQ-HĐBCQG dated 26/4/2016 by National Election Council to publish the official list of candidates for NA of term XIV

75 Electorate No.2 of Hanoi, electorate No. 1 of An Giang province, electorate No. 1 of Dak Lak Province, electorate No.1 of Dong Thap province, electorate No. 1 of Ha Giang province, electorate No. 1 of Hai Duong province, electorate No. 1 of Kien Giang province, electorate No. 1 of Kon Tum province, electorate No. 1 of Lai Chau province, electorate No. 2 of Lang Son province, electorate No. 3 of Lam Dong province, electorate No. 1 of Quang Ninh province, electorate No. 2 of Son La province and electorate No. 3 of Thai Nguyen province.

76 Resolution 270/NQ-HĐBCQG dated 26/4/2016 by the National Election Council to publish the official list of candidates for NA of term XIV

77 Source: <https://www.tienphong.vn/xa-hoi/gan-100-uy-vien-trung-uong-trung-cu-dbqh-1013828.tpo> (viewed on the 29th September 2019)

78 CEPEW, Report on reviewing the 10-year implementation of Gender Equality Law: Gender equality in politics, 2019

E. RURAL WOMEN AND ETHNIC MINORITY WOMEN

40. *Women living in rural areas experience numerous difficulties when exercising their right to land.*

A report from a study conducted by ActionAid Viet Nam in 2014 indicates that 71-76 per cent of land use right certificates (LURC) have only the husband's name on them and only 6-13 per cent of LURCs have both the husband's and the wife's names, and the remaining number has not been issued yet.⁷⁹ The PAPI Report in 2016⁸⁰ shows that, across the country, the difference or gap in the proportion of men compared to that of women that are named on the LURC is about 13 per cent (excluding households without LURCs). In rural areas, the difference is much higher than in urban areas, with the difference of up to 19 per cent between the proportion of men and the proportion of women in rural areas having their names on the LURC, with 1,946 women and 1,266 men surveyed saying that their names were not on the LURC. While only 124 male respondents said their wives' names were on LURC, 626 women said their husbands' names were on LURC. Prior to 2004, only the name of one family representative was on the LURC. Now, women want to have their names added to the LURC to secure the right to land access, but due to complicated procedures and high fees, poor rural women are less likely to do so. Under the current regulations, the maximum fee cannot exceed VND 100,000 /certificate for new issuance or VND 50,000 / certificate

for re-issuance, renewal/replacement or verification of additions to the LURC.⁸¹ In addition, people have to pay the associated fees, namely the fees for measurement, cadastral mapping, and evaluation/appraisal fees for issuing land use rights. In adherence to the regulations, the rate of fee collection for measuring, drawing of cadastral maps cannot exceed VND 1,500/m² and the appraisal fee for issuing land use rights cannot exceed VND 7,500,000/dossier.⁸²

41. *Limited access to information on land by ethnic minority women.*

On average, 79.2 per cent of ethnic minority people speak Vietnamese, the country's official language. The literacy rate for ethnic minority people is calculated at 86.3 per cent for men and 73.4 per cent for women, 40 per cent of ethnic minority women aged 15 or older are illiterate.⁸³ As reviewed by the report drafting team, currently, 36 legal normative documents related to land are still enforced⁸⁴ and all these 36 documents are only available in Vietnamese. This restricts ethnic minority women's right of access to information related to land.

Recommendations:

Review the renewal process for LURCs carrying both the husband's and the wife's names nationwide with the participation of state agencies and civil society organizations;

79 ActionAid Viet Nam, Study report "Land Law 2013, opportunities for EM peoples to get out of poverty" conducted in Hoa Binh, Dak Lak and Dak Nong by in 2014

80 Reports prepared annually by UNDP, CECODES and Viet Nam Fatherland Front as from 2009 covering 63 provinces and cities of Viet Nam

81 Point b, Clause 2, Article 3 Circular 02/2014/TT-BTC dated 02 January 2014 guiding fees and charges under the deciding competence of People's Councils of centrally-run provinces and cities

82 Point a, Clause 2, Article 3 Circular 02/2014/TT-BTC dated 02 January 2014 guiding fees and charges under the deciding competence of People's Councils of centrally-run provinces and cities

83 CEMA, "An overview of socio-economic status of 53 ethnic minority groups", 2017

84 Source: <https://thuvienphapluat.vn/tintuc/vn/thoi-su-phap-luat/chinh-sach-moi/15076/he-thong-van-ban-ve-phap-luat-dat-dai> (viewed on the 30th August 2019)

- Support poor and near poor households with fee exemptions or subsidies for renewal/ replacement and cadastral measurement in an attempt to encourage people to renew their LURC to carry both the husband's and the wife's names.
- Diversify the forms and languages in the communications to disseminate laws and policies on land to people, especially ethnic minorities, to ensure their right to access information on land as well as their access to land itself.

42. Illiteracy among women in some ethnic minority groups is still high. Only 50 per cent of women aged of 15 and above of Lu, La Hu, H'Mong, Mang, Co Lao, Ha Nhi, B rau, La Ha, La Chi, Lo Lo, Khang, Lao, Si La, Kho Mu và Raglay groups can read and write in Vietnamese. From 50 – 60 per cent women aged of 15 and above of Ro Mam, Xo Đàng, Co Ho, Ta Oi, M'ông, Co, Phu La, Co Tu, E De, Khmer, Giay, Gie Trieng và Bo Y groups can read and write in Vietnamese. More than 70 per cent of women at the age of 15 and above of Nung, Ngai, San Chay, Hoa, O Du, San Diu, Tay, Muong, Tho groups can read and write in Vietnamese. Only four out of 53 ethnic minority groups including San Diu, Tay, Muong and Tho have similar female literacy rates in the Vietnamese language as the majority Kinh. The gaps in education between men and women are not big in some ethnic minority groups such as Tho, Muong, Tay, Pu Peo, O Du, San Diu, Hoa, Bo Y, and San Chay (the difference is less than 7 per cent). However, the gap is high in the Lu, Khang, Lao, Si La, H'mong, La Ha, Ha Nhi, Co Lao and Xinh Mun ethnic minority groups (the difference if more than 28 per cent).⁸⁵

Recommendation:

- Work to eliminate illiteracy among ethnic minority women and schedule interventions to correspond with times and approaches that are suitable to the culture and seasonal activities of each ethnic minority group.

43. Low quality of healthcare services in ethnic minority communities affects the health of women.

The report, "An overview of socio-economic status of 53 ethnic minority groups" by CEMA in 2017 shows that long distances to healthcare facilities is one of the primary limitations in accessing health services, especially for the Mang, Cong, Lo Lo and La Hu ethnic groups. Unfriendly attitudes of healthcare staff towards ethnic minority women is another element that delays or limits their access to maternal care. Many women in the study described the attitude of healthcare staff towards ethnic minority women as being disrespectful and discriminatory. Healthcare staff can impatient and insensitive of certain cultural features, beliefs and traditional practices of ethnic minority women and may treat poor women and/or ethnic minority women more disrespectfully than Kinh women. Meanwhile, ethnic minority women who live in better conditions seem to benefit from healthcare systems more than those who are very poor. Ethnic minority women prefer home births to healthcare facilities, except when suffering a complication.⁸⁶ Many women feel insecure about the level of healthcare expertise and quality of communal healthcare workers and tend not to use services there unless the quality is improved. Meanwhile, some communal healthcare workers reveal that they are not confident in their ability to handle urgent cases due to lack of expertise and proper equipment.

⁸⁵ CEMA, IrishAid, UN Women, Statistic on women and men among ethnic minority groups in Viet Nam in 2015 (published in 2018)

⁸⁶ Report on "Barriers in accessing antenatal healthcare services and family planning of ethnic minority groups" by the Ministry of Health and UNFPA in 2017

44. Limited access to reproductive healthcare of ethnic minority women.

An estimated of 70.9 per cent of pregnant women from ethnic minority groups receive antenatal care at least once at healthcare facilities,⁸⁷ which is much lower than the national average of 96 per cent.⁸⁸ Only 16 per cent of ethnic minority women receive antenatal care four times or more compared with the national average of 74 per cent.⁸⁹ The proportion of women accessing antenatal care among several ethnic groups is low: 11 ethnic groups have a proportion of less than 50 per cent, the lowest is La Hu (9.1 per cent), followed by Hà Nhi (25.4 per cent), Si La (25.5 per cent), La Ha (31.9 per cent), Mang (34.9 per cent), Mong (36.5 per cent).⁹⁰ For many women, the long distance from home to the healthcare facility means losing a day of work.⁹¹ Among all ethnic minority groups, around 64 per cent of women give birth at healthcare facilities. Meanwhile, half of ethnic minority groups choose home births, especially La Hu, Si La, La Ha, Lu, Mang, Ha Nhi (80 per cent of women give birth at home).⁹²

45. Ethnic minority women play a leading role in family planning.

Advocacy programmes on use of contraceptives have so far focused on women and concentrate more on family planning than prevention of sexually transmitted diseases. Seventy-one per cent of women said that they were

using a contraceptive method. Modern contraceptive methods commonly used are oral contraceptives (the Pill) and IUDs. Male sterilization is not used and the use of condoms remains limited with small regional fluctuations (1-5 per cent). Women often make their own decision to use a contraceptive method that “is considered to be the best for herself,” and the majority of men oppose the use of condoms. The current contraceptive methods commonly used among ethnic minority communities can only reduce the risk of unintended pregnancy, they do not have the double protective effect of avoiding unintended pregnancy and preventing sexually transmitted diseases, including HIV.⁹³

46. The lowest indicators of maternal and reproductive healthcare remain among the most vulnerable groups of inhabitants including the poorest women, the least educated women and women of the H’mong và Ba Na ethnic groups. The proportion of health insurance is lower among families facing the most difficult economic conditions. Meanwhile, many women do not use health insurance for maternal healthcare services because they prefer private health services during their pregnancy and they do not intend to give birth at healthcare facilities. Many ethnic minority women do not fully understand their eligibility for health insurance and how to use it.⁹⁴

87 CEMA, Report on “An overview of socio-economic status of 53 ethnic minority groups”, 2017

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47. Ethnic minority women face difficulties in access to healthcare information.

Communication on healthcare in Vietnamese is one of ethnic minority women's barriers to accessing healthcare services and reproductive healthcare services due to literacy rates, which are calculated at 73.4 per cent among ethnic minority women while 40 per cent of ethnic minority women aged 15 or older are illiterate.⁹⁵

Recommendations:

- Apply "standards for improving quality of maternal and newborn care in healthcare facilities" by World Health Organization to understand and identify gaps in service quality in Vietnam;
- Provide higher quality of maternal healthcare services and ensure staff carry out services in a more humane and respectful manner at current healthcare facilities;
- Improve professional capacity and availability of midwives in ethnic minority villages making sure that they receive regular supervision and support, a stable income is secured and they are better connected with the healthcare system and other facilities;
- Provide safe, effective, reasonable and equal maternal healthcare services that respect customs and traditions, cultural values and diverse expectations of different ethnic minority groups at current healthcare facilities;
- Ensure access to health insurance and improve understanding of health insurance for poor ethnic minority women;
- Review the operational quality of healthcare workers and midwives in villages nationwide and revise policies to promote the effective operation of healthcare in villages;
- Promote cooperation between communal healthcare workers and village midwives in providing services and improving maternal healthcare. Provide further training for midwives/ midwives-in-training to provide health services in villages;
- Provide training, improve professional capacity in patient relations for healthcare workers at all levels nationwide using a rights-based approach and integrating knowledge on gender equality;
- Invest in quality infrastructure and equipment in healthcare facilities, especially communal ones and provide professional and technical training for healthcare workers operating and maintaining equipment.

Conclusion:

The State has made efforts to amend legislation to promote gender equality and women's human rights as well as consulting with women including youth, women-led NGOs and NGOs promoting gender equality. However, challenges remain such as discriminatory provisions in legislation, violence against women and girls, gender stereotypes in media and textbooks, poverty, the number and qualifications of women representatives in politics and public life, and rural and ethnic minority women's limited access to land and healthcare. If such challenges are not overcome, they will negatively affect young women's economic and political status in the family and society, including negative impacts in the future when they are older.

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ANNEX 2: LIST OF GROUP MEMBERS

#	Names	Organizations/localities
1	Nguyen Thi Hong Anh	National Economics University
2	Le Thi My Binh	Group of Loving Persons with Disability
3	Phan Thi Ngoc Diem	Viet Nam Women's Academy
4	Nguyen Bang Giang	Ychange
5	Bui Thanh Ha	Center for Education Promotion and Empowerment of Women (CEPEW)
6	Pham Phuong Ha	National Economics University
7	Doan Thi Thuy Hang	Viet Nam Association for Protection of Child's Rights
8	Le Thi Ngoc Huyen	YChange
9	Hoang Thuy Linh	Foreign Trade University
10	Han Minh Nhat	Hanoi National University
11	Nguyen Le Thuy Phuong	Hanoi Law University
12	Hoang Cam Hang	Swiss Red Cross
13	Huynh Thanh Thao Nguyen	University of Social Science and Humanitarian in Ho Chi Minh City
14	Phan Vu Quynh Nhu	Ho Chi Minh City University of Law
15	Trinh Le Anh	LGBT Dong Nai
16	Nguyen Thi Bao Ngoc	University of Social Science and Humanitarian in Ho Chi Minh City
17	Nguyen Thi Linh Giang	Hanoi National University
18	Pham Thi Ngoc Trang	Dong Nai University
19	Pham Duy Triet	Ho Chi Minh City Open University
20	Nguyen Thi Thanh Tuyen	Van Hien University

