

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 37th SESSION (NEW YORK, 15 JANUARY – 2 FEBRUARY 2007)

VIETNAM (COMBINED 4th, 5TH AND 6TH PERIODIC REPORTS)

Information Submitted to the Committee

On 17 January 2007, Vietnam submitted its combined 5th and 6th periodic reports¹ under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses² to the list of issues and questions³ posed by the Committee on the Elimination of Discrimination against Women (the Committee). The Delegation of Vietnam was led by Ms. Ha Thi Khiet, the Chairperson of the National Committee for the Advancement of Women in Vietnam and included the Chief Representative of Vietnam at the United Nations (the UN), the First-Vice Chairperson of the National Committee for the Advancement of Women in Vietnam and the Deputy President of the Vietnam Women's Union.⁴

The report is divided in three main parts. The first part looks at general issues, describing the population and the general economic, social and political structure in Vietnam. The second section gives information on the implementation of each article of the Convention. Finally, an annex provides statistical data in a number of areas, including marriage, labour, education, health and public and political participation. Both the report and the responses suggest that much has been done to advance women's rights. However, Committee members found the report to lack detail and information on concrete action taken by the Government to advance women's rights. The list of issues and questions similarly points out deficiencies in the report, including the omission of information on violence against women, and lack of data on women's participation in the labour market.

The Vietnam Committee on Human Rights (the Vietnam Committee), an affiliated organisation of the International Federation for Human Rights, submitted a 31-page alternative report entitled *Violations of the Rights of Women in the Socialist Republic of Vietnam*.⁵ The report states that persistent discrimination is not the result of poverty as claimed by Vietnam but of the 'political structure of the one-Party State, with its lack of transparency and political freedoms'. Lastly, the report highlights that international human rights organisations are not allowed to visit Vietnam for monitoring purposes, much less operate in Vietnam on a full-time basis. The Vietnam Committee also provided the Committee with a press release reiterating concerns that Vietnamese women are unaware of their rights and that trafficking of women and girls and sex rings are 'often run with the connivance of Communist Party officials'. Other problems highlighted by the Vietnam Committee include gender inequality in education, lower wages for female workers, lack of affordable health care and drugs and violations of reproductive rights and land rights.

Themes and Issues

¹ <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/VNM/5-6&Lang=E>.

² <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/VNM/Q/6/Add.1&Lang=E>.

³ http://www.un.org/womenwatch/daw/cedaw/cedaw37/cedaw37_IandQ/Vietnam/0646803e.pdf.

⁴ For a full list of the delegation see: http://www.un.org/womenwatch/daw/cedaw/cedaw37/delegations/vietnam_e.pdf.

⁵ Available at: <http://www.queeme.net>.

Legislative framework

According to the delegation's introductory statement, the *Law on Signing, Joining and Implementing International Conventions* came into effect 1 January 2006. When pressed for more detail by the Chairwoman, the delegation explained that the National Assembly and President decide on the application of an international legal provision and whether it should prevail in whole or in part. If there is a conflict with domestic laws, international instruments must be applied indirectly in conjunction with domestic laws. The delegation claimed that Vietnam is amending many domestic laws to bring them in line with its international obligations.

The Committee also inquired about the *Law on Gender Equality*, which was just approved by the National Assembly. The delegation explained that many other initiatives were not approved as quickly by the National Assembly and argued that this showed the priority given to these issues. It added that the Vietnam Women's Union proposed this law and the years 2004-2006 had been a construction and comment phase. The delegation claimed that in other countries a similar law could take up to 15 years to be adopted, arguing that three years was therefore a relatively short period of time.

The Optional Protocol

The Committee discussed Vietnam's decision not to ratify the Optional Protocol to the Convention (the Optional Protocol), despite becoming a signatory to the Convention in 1980. The delegation explained that Vietnam believes the Optional Protocol is 'positive' and agrees with its goals, in particular, the right to submit a complaint. However, the Government still had some reservations and ratification would be considered in the future with other optional human rights protocols. Furthermore, the delegation commented that ratification requires domestic laws to be amended, a process that cannot happen overnight.

Trafficking

The Committee engaged in substantial dialogue on the issue of trafficking. The Committee was particularly interested in penalties for civil servants, since groups, including the Vietnam Committee, claim that government officials are involved in illegal sex activities and that penalties are not properly enforced in such cases. For example, the NGO report notes that in 2001 70 per cent of the men intercepted for using prostitutes were Communist Party cadres and state officials. The delegation indicated that the Penal Code provides for up to 20 years imprisonment for trafficking in women and where amnesty was once provided to some criminals, it is now precluded for prisoners of drug and trafficking in persons-related crimes. The delegation added that prosecution is still problematic since many women victims do not want to cooperate with investigations out of concerns for their standing in their communities. Despite this information, the delegation did not clearly settle whether officials involved in trafficking are prosecuted with higher penalties.

The Committee asked what services are provided to women and children who are victims of trafficking upon return to Vietnam. The delegation explained that most women and children are given financial and medical assistance, but that the highly trans-national nature of trafficking required more assistance from other countries involved.

Land Ownership

The laws regarding land ownership have been updated in Vietnam to allow the name of spouses, typically women, to appear on land certificates. With the previous system, problems would arise in divorce cases because spouses not listed on land certificates had no claim to the land. Committee

members were interested to know about measures to raise awareness of these new laws, particularly in rural areas. Committee member Shelton repeatedly asked whether this new law applied retroactively and how this would be implemented. The delegation indicated that in order to amend or update an existing land record, someone must request the change, but stressed that this was only necessary in instances where the owners wanted to transfer the land in a sale.

Another issue relating to land is whether women are allowed to inherit land from their parents if they are married. The delegation mentioned that some ethnic practices dictate what can be taken by the bride to the marriage, with some groups limiting the amount of silver coins that can be contributed by the bride.

Reproductive rights

Although the shadow report discussed in detail cases of forced sterilisation and policies of a two children per family limit, the Committee's questions and comments focused on the educational aspect of reproductive rights, the availability of adequate medical assistance, differences in abortion rates and the use of family planning. The delegation discussed the persistent preference for male children and explained that the increasing abortion rate among adolescents is due to lifestyle, globalisation, the transition to a market economy and interaction with other cultures and values, arguing that youths are 'bearing consequences of their liberal lifestyle'. Lastly, the delegation emphasised that Vietnamese culture is still hesitant to discuss and use condoms.

Vulnerable groups

There was substantial focus on ethnic minorities in Vietnam and whether the Government was making efforts to communicate the rights established under the Convention to these groups. The head of the Delegation explained that there are approximately 54 ethnic groups in Vietnam and that the Government does not have the capability to translate its laws into every ethnic language. She added that it was 'unnecessary at the moment' to translate all laws and that it was better to focus resources on more efficient measures. The delegation agreed to pass along the Committee's suggestions on this issue to the Government, such as using radio broadcasting in ethnic languages to better disseminate information.

Committee members were particularly concerned about the rights of rural women to obtain legal protection, medical services, land rights and divorces. The delegation described a 'free system of legal assistance to the poor', arguing that women are gaining more understanding of legal proceedings and are becoming less uncertain about being involved in these.

Improving Stereotypes

According to the delegation, the media has an important role in helping to adjust stereotypes in Vietnam and in disseminating information about gender equality. For example, the media was the first actor to propagate the *Law on Gender Equality* and news programs give a lot of attention to the issue of gender equality. There is now a television programme in Vietnam with a wide audience called *At Home on Sunday* that discusses relationships at home and helps to educate the public about issues like sharing domestic work.

The Committee stressed that education in schools at a young age is a crucial tool in changing stereotypes. In response, the delegation affirmed that in the last five years, gender issues had been introduced in schools. The Government is presently focusing on female students and is trying to add graduate programmes in social sciences dealing with gender issues.

Domestic Violence

Committee member Zou commented that the Committee had been told that one person dies every three days from domestic violence and asked why Vietnam was not focusing more on domestic violence. The delegation attributed violence to alcohol but could not provide further statistics on this issue. When the Committee pressed for additional information on this subject, arguing that alcohol is only a superficial excuse, the delegation agreed and attributed the blame to 'male chauvinism in oriental society' instead.

Conclusions and next steps

The delegation was eager to provide information to the Committee regarding new laws, especially the *Law on Signing, Joining and Implementing International Conventions*, the *Law on Gender Equality* and amendments to the *Land Law*. The delegation explained that an Action Plan was adopted in June 2006 to implement the second phase of the National Strategy for the Advancement of Women in Vietnam. The delegation repeatedly cautioned that their problems could not be fixed over night, but appeared open to the Committee's suggestions.

The primary topics of concern were increased trafficking in women and children, domestic violence, land rights, lack of statistics, participation in education and the challenges faced by rural women. The Committee clearly utilised the information provided to them by NGOs in preparing questions for the delegation and asked follow-up questions on what specific means would be used to meet Vietnam's stated objectives. The Committee questioned the ability and the resolve of the Vietnamese Government to enforce relevant laws. For example, the Committee questioned Vietnam's claim that it upholds the principle of equal pay while at the same time acknowledging the existence of a 40 per cent wage gap.

The Concluding Comments⁶ of the Committee call for the delegation to focus on implementation of the laws that it has passed and to monitor these laws more closely in order to judge their impact and effectiveness. The Committee expressed concern about the lack of statistics, particularly with regard to domestic violence, prostitution and trafficking, and suggested that Vietnam increase the amount of statistics it collects. Many of the 2006 recommendations of the Committee on the Rights of the Child echo those of this Committee in that they both call for increased data collection disaggregated by gender, ethnic minority and age, and focus on greater education and training efforts to prevent trafficking, prostitution and sex crimes. The Committee further suggests that the Government focus on rural and ethnic minority groups by making efforts to disseminate information to them by translating documents into ethnic languages. The Concluding Comments also urge Vietnam to move quickly to adopt national laws on domestic violence and on ethnic minorities.

⁶ For Concluding Comments see:

http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Viet%20Nam_advance%20unedited.pdf