



INDEPENDENT REPORT
on
THE IMPLEMENTATION OF BEIJING DECLARATION
AND PLATFORM FOR ACTION
+25

Hanoi, 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 Labor 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 Labor, 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	Vietnam Chamber of Commerce and Industry
VTU	Vietnam Trade Union
WU	Women's Union

INTRODUCTION

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

In Vietnam, the national report on reviewing 25 year-implementation of BPfA was submitted to Economic and Social Commission for Asia and the Pacific (ESCAP) and United Nations Entity for Gender Equality and Empowerment of Women (UN Women) Regional Office for Asia and Pacific by the Government in October 2019. In addition to the Government's report, an independent report has been also 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/cities of Vietnam. They participated in the Group through a public recruitment and direct interview by Center for Education Promotion and Empowerment of Women (CEPEW) which is one of UN Women's partners with its mission on promoting gender equality in Vietnam. In the last years, CEPEW has had a number of cooperations with UN Women in building youth's capacity of promoting gender. The report was developed with technical and financial support of the UN Women in Vietnam. On developing the report, the Group set up a 90-day workplan including two offline trainings as well as online technical meetings based on social media platforms in the North and the South to learn about BPfA, Sustainable Development Goals (SDGs), Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), and other conventions on human rights, as well as national legislations, state-funded programs/projects on the promotion of gender equality, human rights of women and girls, reports prepared by relevant stakeholders in order to

¹ [Report of the Forth World Conferencce on Women](#), Beijing 4–15 September 1995, Chapter I, Resolution 1, Annex I and II

acknowledge achievements and challenges in the promotion of gender equality, human rights of women and girls during the period of 2014 - 2019.

The Group members independently did problem identification, collected and analyzed secondary data, developed a report regarding five issues: (1) legislation on gender equality; (2) poverty eradication and economic empowerment of women; (3) violence against women, gender stigmatization and stereotype; (4) women in power and decision-making; (5) rural women and ethnic minority (EM) women. All five selected issues directly and indirectly affect male and female youth, including negative impacts when they turn older and are at middle-age in the future. If such issues are not thoroughly solved, gender stigmatization and stereotype and gender-based violence will be reinforced among youth. Female youth including rural female youth and female EM youth have limited access to equal opportunities in employment, property ownership, healthcare and promoting them to leadership positions. As a result, these limitations negatively affect female youth's economic and political status in family and society.

In the development of the report, representatives of the Group attended two consultation workshops for the national report organized by Ministry of Labor, 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 focused on identifying challenges related to the five selected issues mentioned above to propose recommendations for improvement in the coming time. In addition, UN Women gave a chance for the Group to present the drafted report to representatives of Government, international organizations and civil society actors for comments to complete the report.

The report is not comprehensive due to constraints in time and capacity as well as limited access to reference resources including gender 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 gender equality promotion among ethnic minority communities² and an action plan for implementing concluding observations made by the CEDAW Committee for the 7th and 8th combined report on CEDAW implementation in Vietnam.³ For example, the Law the Election of Deputies to the National Assembly and Deputies to Peoples Councils was adopted in 2015 and sets gender quota for female candidates of National Assembly and People Councils. The Criminal Code now includes the crime of child sexual abuse since amendment in 2015. The principle of equity in state budget management was included in Law on State Budget 2015⁴, distribution of state budget for promoting gender equality is one of priorities⁵ and gender equality is a foundation of state budget planning.⁶ Consideration of 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 implementation of national strategy on gender equality which is submitted to the National Assembly** pursuant to the Article 25 of Law on Gender Equality 2006 (GEL) and the Article 13 of Law on Supervision of National Assembly and People Councils. Such reports were publically published on Government's website. In 2017, as the first time, National Assembly organized a discussion

² Including Decision 1696/QĐ-TTg dated 2/10/2015 on the Approval of National Action Plan for Gender Equality for 2016-2020; Decision 622/QĐ-TTg dated 10/5/2017 on the Approval of Action Plan for implementing Sustainable Goals 2030; Decision 1464/QĐ-TTg dated 22/07/2016 on Approval of Project on Prevention of gender-based violence for 2016-2020 and a vision to 2030; Decision 565/QĐ-TTg dated 25/04/2017 on Targeted Program on social support system for 2016-2020 including supporting in implementation of 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

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 Law on Laws 2015

on the implementation of national strategy on gender equality for all of deputies. The discussion was broadcasted on the national television channel.⁸

3. **The Government conducted a survey and published gender disaggregated data on social-economic situation of ethnic minority communities.** In 2018, as the first time, the Government had published statistics on ethnic minority women and men in Vietnam. This is the first survey on social-economic situation of 53 ethnic minority groups which was conducted in 2015 to publish important data on gender equality among ethnic minority groups.⁹ Government also conducted the second survey on violence against women in 2018 that made Vietnam to be the first country in the world conducting such second national survey. In 2019, Government promulgated a new set of gender statistic indicators to monitor gender equality affairs.¹⁰
4. **Initiatives on the promotion of gender equality promotion and women's human rights run by non-governmental organizations (NGOs), community-based groups and networks.** Non-governmental organizations including women-lead organizations conducted projects/programs 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 raising voices for gender-sensitive legislations and policies. In addition, some youth groups/networks for the promotion of gender equality, women's human rights, LGBT's human rights and human rights of women with disabilities were set up.
5. **State's agencies that are in charge of gender equality cooperate 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, Law on Prevention and Control of Domestic Violence (LPCDV) as well as participated in policy dialogues with the participation of female youth organized by women-lead NGOs and NGOs working for women's human rights. The Department also invited women

⁸Source: <http://quochoi.vn/hoatdongcuaquochoi/cackyhoppquochoi/quochoikhoaXIV/Pages/kyhoptutu/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 Vietnam 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

and NGOs working on gender equality to participated in consultation workshops on 10-year implementation of GEL, 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 process of researching for ratification of ILO conventions on labor rights. The Ministry of Justice consulted women-lead organizations and joint in 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), the Committee for Ethnic Minority Affairs (CEMA) invited women-lead NGOs and/or NGOs working on gender equality to consultation workshops on the implementation of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on Elimination of Racial Discrimination (CERD) and national report on Universal Periodic Review (UPR).

II. CHALLENGES IN PROMOTING GENDER EQUALITY AND WOMEN’S HUMAN RIGHTS

A. LEGISLATIONS AND STATE-FUNDED PROJECTS

7. **Lack of a comprehensive legal framework that prohibits all forms of discrimination.** Several UN human rights mechanisms have recommended Vietnam to review its legal framework for introducing 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 by international human rights instruments. The constitutional prohibition of discrimination was also a newly introduced principle, which was not yet fully translated to laws, which prohibited

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).

some grounds of discrimination as showed in the following table. Without a robust mechanism for implementation, discrimination was an unspoken issue in public, and there is no record that such a case was ever brought to the court.

Laws	Prohibited grounds of discrimination explicitly provided											
	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
Labor 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:

Adopting a legislation on anti-discrimination with clear definition on non-discrimination with punitive sanctions for violations.

8. **The proposed retirement age continues the discrimination against women.** Article 171 of the Draft of the revised Labor Code stipulates that “Starting from 01 January 2021, age of retirement 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 the male employees reach 62 years of age and until 2035 the female employees reach 60 years of age”.¹² The retirement age gap between men and women negatively impacts to personel planning, training and promoting female young 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 prevention of sexual harassment at work was published.¹³ However, the Code of Conduct only defines sexual harassment at workplaces but it is not legally binding and lack of punitive sanctions. A definition of sexual harassment is introduced in the Draft of the revised Labor Code and sexual harassment is one of prohibited acts in such draft version. However, punitive sanctions on sexual harrassment is not introduced the drafted version.
10. **The Marriage and Family Law (revised in 2014) contains stigmatizing and 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 repetitive over a long period of time and widely accepted in an area, a region or a community" (Article 3, paragraph 4), and continuously addresses 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, CEDAW Committee made a recommendation to Vietnam to

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 prevention of sexual harrassment at work was published, 2015

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

review Law on Marriage and Family and apply a common minimum age to get marriage for both men and women¹⁵ according to Article 16 of CEDAW.

11. **Lack of recognition on same sex marriage.** Clause 2, Article 8 of the Law Marriage and Family 2014 has removed the stipulation on prohibition into non-recognition of marriages between same sex persons. This indicates the de jure discrimination against LGBT people, especially LBT people in getting married was in exercise of their rights and obligations in marriage.
12. **Gender stereotypes in the 2016 Law on Children.** Clause 8, Article 6 of the Law prohibits stigma and discrimination against children on basis of personal characteristics, family background, sex, ethnicity, nationality, belief, and religion. However, Clause 2, Article 37 stipulates that children are obligated 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, which enforces gender norms and eventually fosters gender stereotypes.
13. **There exist gaps 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; absence of monitoring and quality control mechanisms over the enforcement of child protection procedures in Penal Code 2015.

Recommendations:

- Providing trainings on state obligations for non-discrimination as regulated in CEDAW and other human rights treaties for decision-makers of legislative, judicial, administrative bodies;
- Amending 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 Vietnam is a member;

¹⁵ CEDAW/C/VNM/CO/6 para. 27. An analysis on the use of these discriminatory languages 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).

- Stipulating equal retirement age between women and men and punishment measures for sexual harassment at workplaces in the revised Labor Code which is expected to be adopted at the National Assembly session in the Fall 2019;
- Removing the discriminatory provisions that reinforce gender stereotypes and regulate a common minimum age to get marriage for both men and women in the Law on Marriage and Family Law 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;
- Legalizing the right to same-sex marriage;
- Removing all of the provisions on children’s obligations, including one that fosters gender stereotypes in children’s obligations towards their families;
- Formulating clear definitions of the acts of sexual harassment, sexual assault, and rape in Penal Code.

14. Government-funded propagandas and projects re-enforce gender stereotypes. For many years, national and local campaigns have contributed to re-inforce gender stereotypes. For instance, the campaign by the Vietnam General Confederation of Labour for women members introduced since 1989 encourages women employees to register to be “excellent in public, responsible at home” and deliver awards if they could fulfil such two roles at home and in public. While there was no similar qualification required for men, the campaign has been continuously promoted in all sectors without being evaluated or adjusted from a gender equality perspective.¹⁶ The Women’s Union’s mass communication project on “Families with 5-no and 3-clean”¹⁷ (started in 2010 and to be mainstreamed as one of criterias to evaluate new-rural-standardized communes in National Program for New Rural Development)¹⁸ or the

¹⁶ Most recently was the Order No 03/CT-LĐ dated 18/8/2010 by Vietnam General Confederation of Labour Unions on continuous promotion of the campaign. The campaign was reviewed in 2015 following Guidelines No. 21/HD-TLĐ on 07/01/2015 on the review of the implementation of the program for five years 2010 – 2015. The review guideline however did not take any consideration on the gender equality perspective and how the program affect gender stereotypes or gender equality.

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

¹⁸ Competative 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

project on “Communicating, educating, mobilizing and supporting women to address social issues related to women in the period of 2017 – 2027”¹⁹ or the project on "Supporting the development of private child care groups/centres in exporting, processing and industrial zones by 2020" targeting at 95% of mothers in industrial and export processing areas to raise their awareness on child-care and children’s development²⁰ provides more responsibilities on women and did not address men’s roles and responsibilities, in many cases, became a doubled criteria for women. It became a barrier to participate in the public life for a woman, especially a young woman feeding a baby as she would need to fulfil double role in both public and private spheres.

Recommendation:

Review and adjust all state-funded projects and campaigns towards women using to ensure that all stereotypes of gender roles are eliminated.

15. POVERTY ERADICATION AND ECONOMIC EMPOWERMENT OF WOMEN

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

17. 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 men-owned ones due to a lack of knowledge on corporate governance, human resources, marketing; difficult access to resources and market information caused by unavailability of proper collateral for loans or

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 Vietnam 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 Vietnam: Current status and recommendations, 2016

support from husbands and families in loan application; few opportunities to attend trade promotion by reason of insufficient information due to fewer relationship and less exchanges than male colleagues; disadvantages in setting up and developing business network. Male chauvinism also hinders women from operating small and medium-sized enterprises since business is considered male job.²²

Recommendations:

- Further training on governance and its model, human resource management and finance, marketing, business plan for women owning small and medium-sized enterprises;
- Providing information on resources, policies and market for women owning small and medium-sized enterprises;
- Supporting women-owned small and medium-sized enterprises to develop business network and conduct trade promotion;
- Regulating a proportion of 30% and above from central and local Enterprise Development Fund to provide loans to women-owned small and medium-sized enterprises.

18. Gender discrimination in recruitment and access to job opportunity, especially senior positions. Among job advertisements mentioning gender preference, 70% requires specifically male employees while only 30% prefers female employees. In addition, men are often targeted for technical and higher-skilled vacancies that requires many outdoor activities, for example architectures (100% employment advertisements require male employees), drivers (100%), engineers (99%) and IT experts (97%). Meanwhile, women are often prioritized for office and supporting positions, such as receptionists (95%), secretaries and assistants (95%), accountants, administration and human resources (70%). Up to 83% of management job postings that indicates a gender preference required male applicants. All of the director posts are exclusively for men. This gap is also found across other management positions, including “man-agers” and “supervisors” where 78% and 87% of job ads respectively only accepts male candidates.²³

²² Quoted in the report

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

- 19. Female workers frequently engage in jobs not requiring high level of expertise** such as agriculture – forestry and aquaculture, services, etc. which are unstable and vulnerable. Accounting for over 70% of labor force in major export industries including textiles, footwear and electronics and 64% in industrial zones, however, female workers only benefit a small portion of the total value of global supply chain. In addition, there are 7.8 million female workers who are working in the informal sector with unsecured working conditions. Gender inequality is clearly demonstrated as the proportion of female workers in this sector having to engage in vulnerable jobs is up to 59.6%, which is higher than male proportion of 31.8%.²⁴
- 20. Female workers account for the majority of unemployed workers.** Women account for 57.3% of the unemployed in untrained labor group and 50.2% in trained labor group. Particularly, the proportion of unemployed female workers with tertiary education is up to 55.4%. It indicates that female workers' access to employment is more difficult than male workers in most education levels, especially the lowest and highest levels of education²⁵. A research conducted by Vietnam Institute for Workers and Trade Unions shows that up to 80% of women over 35 year 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 unbearableness of harsh working conditions²⁶.

Recommendations:

- Inspecting and strictly handling cases in which employers have gender-based discrimination in advertisement and recruitment;

²⁴ MOLISA, Experimental research to identify reasons of gender based payment gap, 2015

²⁵ Quoted in the report

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

- Providing vocational training orientation on the basis of traditional challenges in gender-based labor division to female and male highschool students who are unable to take higher education in order to help them have strong skills to join labor market;
- Stipulating the rule of “The first comes is the last outs” in the revised Labor Code to ensure that female workers are not fired without violations of labor law.

21. Female migrant workers in cities are more vulnerable than males. The most of female migrant workers are young and under the age of 35. In addition to similar difficulties encountered by both genders such as accommodation, income, expenses, education for children, female workers were frequently wary of violence, women trafficking, sexual abuse, especially the number of young female working in restaurants, hotels, karaoke bars, discotheques, entertainment venues were the high-risk group of sexually transmitted diseases.²⁷

22. Income of female migrant workers are not enough for their expenditures in areas of migration. Monthly expenditure of a male worker is 9,814,533 VietnamDong and that of a female worker is 9,676,817 VietnamDong while the average salary of the majority of workers ranges from 3 - 7 million VietnamDong/month and men’s income is higher than women’s income. Therefore, female workers (and male workers as well) have to work overtime to have enough money for living and saving²⁸.

Recommendations:

- Investing in hunger elimination and poverty reduction, socio-economic development in rural areas, remoted areas and areas in extreme hardship to reduce the migration of female workers from rural to urban areas;
- Providing clean land and implementing policies to ensure enterprises invest in the development of social accommodation for lease or sale at low price together with the

²⁷ The Institute of Science and Labor, A study on the living condition of migrated female workers in foreign-invested-enterprises, 2014

²⁸ VAEFA & CEPEW, Acces to nursery education of children of migrated workers: Current status and policy recommendations, 2018

development of entertainment venues, kindergartens, schools to make migrated workers in industrial and processing zones feel secure for work;

23. Women, in many cases, take the key role in unpaid care work due to gender stereotypes in labor division. ActionAID research in 2016 showed that women, during their lifetime, have to do unpaid care work 4 years more than men. Specifically, women spend more than 5 hours per day for 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 engaged in paid work one hour more than women per day and enjoy leisure and rest more than women 1.5 hour per day.²⁹

24. Unpaid work done by women has not been valued properly and has not received well attention of the state. The definition of unpaid work is unavailable in the Draft of revised Labor Code³⁰. By 2015, the indicator “Proportion of time used for unpaid housework and care work by sex age and locations” had still remained in the group of completely new indicators which required development and data collection in the coming time³¹. The reports on the implementation of national targets on gender equality in 2016, 2017 and 2018 did also not mentioned any objectives, statistics or relevant outcomes in relation to unpaid work done by women.

Recommendations:

- Developing legal norm clearly defining “types of unpaid work” of women in the revised Labor 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 for firewood); (3) provision of services for self-consumption (for example: cooking, cleaning house, taking care of individuals in the family).

²⁹ ActionAID Vietnam, Policy recommendations: To make a house become a home, 2016

³⁰ Source:

http://duthaonline.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 Vietnam 2010 – 2015 (published in 2016)

- Developing and implementing national advocacy campaign to help Vietnamese citizens to have correct understanding of the value of unpaid work;
- Conducting national researches, studies to collect gender segregation data on time spent by women and men to do housework; and including this data into the annual national report on gender equality.

25. Vietnam has not ratified the two basic conventions of the International Labor Organization (ILO) including the Convention on Forced Labor (Convention No.105) and the Convention on Freedom of Association (Convention No.87) that effect to efforts on eliminating discrimination against women in employment and forced female labor, the fulfillment of women's freedom of assembly and collective bargaining, and elimination of girlchild labor.

Recommendation:

Ratifying Convention 87 and Convention 105 of the International Labor Organization.

26. VIOLENCE AGAINST WOMEN, GENDER STIGMATIZATION AND STEREOTYPES

27. Sexual harassment against women and girls at public places. A recent survey on the situation of sexual harassment against women and girls at public places shows that 51.3% women and girls experienced sexual harassments at different levels in public places. Among whom, 36.7% experienced one time and 52.3% experienced 2-5 times. A high rate victims experienced with the behaviors of ogling, whistling, fixedly looking at body organs or intendedly touching body³².

28. Women with disability experienced with sexual harassment. A survey on situation of women and girls experienced with sexual harassment in Ba Vi district (Hanoi city) and in Thanh Khe district (Da Nang city) shows that there are 4 women with disabilities experienced with sexual harassment among every 10 women disabilities³³. The government has issued a number of regulations on the access to public transport for persons with disabilities, including train carriages accessible to persons with disabilities³⁴. However, so far, women in

³² CGFED, Action Aid, Molisa, Report on safe cities for women and girls, 2016

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

wheelchairs still need to be carried or held by trainway employees or other passengers in order to access to train on the Hanoi - Ho Chi Minh City, Hanoi - Lao Cai routes. However, recently, women with disability in weellchairs must be held by railway employees to access train carriages and move on Hanoi - Ho Chi Minh city and Hanoi - Lao Cai routes. A young woman with disability in wheelchair shared that she has not been comfortable when a male rainway employee holds her on his arms and be teased by other passengers³⁵.

29. Stigma and discrimination against LBT people. A study conducted and published in 2016 found that 61.7% of lesbians, 61.6% bi-sexual women and 66.7% transgender women were discriminated against in their home, in the fields of health and employment³⁶.

30. The ratio of reported cases of sexual harrassment is low. Among inverviewed victims of sexual harrassment, 47.1% female victims reported incidents compare to 5% reported to public security forces due to a lack of mechansim to protect victims or victim advocates and the lack of sufficient capacity by authorities to receive complaints. On the other hand, councelling staff did make in-objective judgement through feelings due to limited knowledge on gender and women’s human rights. So that, they gave advices which could not protect the victims or victim-scanning officers show their victim-blaming attitudes. The public considers men’s sexual harrassment behaviours of ogling, whistling or teasing toward women are normal and acceptable while the victims was advised to “accept” or “live” with such behaviors.³⁷

Recommendations:

- Integrating the knowledge of gender identity and sexual orientation, increase gender sensitivity in the process of working withthe victims of sexual harrassment in training programs for State’s civil servants including staff working in the court sector, lawyers, police officers and health workers;

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 the 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 women with disability in wheelchair who is a member of Loving Persons with Disability Group and regularly moves on Hanoi - Lao Cai route

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

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

- Encouraging victims of gender-based violence to report their cases by communication on elimination of stigma against the victims and ensuring all of reported cases are effectively investigated and appropriately addressed;
- Guiding the formulation of school internal disciplines that do not discriminate on grounds of any identities, including gender identity and sexual orientation as well as different kinds of sexual violation; coupled with the regulations on sanctioning and disciplining discriminatory acts in schools.
- Ensuring train carriages accessible to persons with disabilities and women with disabilities to limit touchings by railway employees to women with disability during they support customers;
- Implementing a comprehensive survey on all kinds of violation against women including sexual harassment.

31. Violence against the girl child. MICS report 2014 shows that, 36.6% of the girl child experienced physical punishment and 56.7% of the girl child experienced mental violence³⁸. In Hanoi, 25.5% of female students aged 12-18 had experienced physical violence in school setting; 31.1% of the girl child had experienced sexual harassment when using public transportation means and moving to public places in the city³⁹. The girl child in ethnic day-boarding and boarding secondary schools were also at risk of sexual abuse. In 2016, 23 girls aged 7-10 was found to be sexually abused by the security guard of a day-boarding school in Lao Cai Province.⁴⁰ While, national database on violence against children and child abuse with gender disaggregated data is incompleted, and absence of concrete guidelines on how to use budgetary sources in linkage and use of child support and protection services.

Recommendations:

- Doing mass communication on CRC and Law on Children 2016 to the wide public;
- Improving national statistic database on child abuse with gender-disaggregated data.

³⁸ MOLISA and UNICEF, Report on situation of children in Vietnam 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

32. Reinforced gender norms and stereotypes in media. A research conducted in 2018 by the team developing stakeholders's UPR submission shows that 58.56% of the commercials used images, characters with female characteristics that reinforce gender stereotypes and prejudices out among 432 commercials broadcast on VTV3 channel from 6:30 to 22:30 everyday from 7-9th June 2018⁴¹. The images of the promotional clips reinforce gender stereotypes, particularly the expectation that women are responsible for maintaining a household in addition to achieving professional success. Women are attached to the image which is soft, sweet, delicate, gentle in order to attract men⁴². Meanwhile, men must be strong, proactive to protect women and children, taking charge of the family's economy and social relations, as well as they should do the job requires strength and technical skills⁴³. In this test, only 1.16% of the advertisements showed non-traditional gender role such as male involvement in housework as part of their responsibilities⁴⁴. Such practices were also observed in TV's gameshows and entertainment programs⁴⁵. In addition, press tends to depict female leaders attaching to traditional roles such as caring for family, children, housework⁴⁶.

Recommendations:

- Quickly reviewing promotional advertisement clips in media reinforcing gender norms and stereotypes and immediately punishing violators;
- Provide trainings on gender equality in accordance with the CEDAW standards for civil servants, journalists and media managers to seriously apply provisions that prohibit

⁴¹ Including advertisements of formula milk 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 water Sunlight Aloe

⁴⁵ Including the programs "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

gender-stereotype-reinforced advertisements regulated in Law on Advertisement 2012⁴⁷
Gender-Sensitive Indicators for Media⁴⁸.

33. Reinforced gender norms and stereotypes in textbooks. A rapid review of elementary textbooks⁴⁹ by mentioned-above research team confirms this trend. These textbooks showed 100% of the career-related illustrations of construction workers, engineers are associated with male imagery; 88.68% of the teacher profession illustrations are female; 53.49% of the farmer images are female; 70% of the images associated with the health doctors are male; 64.29% of the images associated with the care and education of children are female; 96.67% of the images in the military, security sector are men; and 95.83% of illustrations of housework are attached to women. The terms describing male characteristics are "strong", "the breadwinner", "the director", "footballers". 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 Vietnam Education Publishing House still uphold gender stereotypes such as male professions are related to engineering and health-needed sectors such as builders, mechanics, engineers; women often work as farmers, teachers, cleaning staff.⁵⁰

Recommendations:

- Ensuring 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 the educational program under the Circular No. 14/2017/TT-BGDĐT⁵¹;

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

- Applying principles of non-discrimination and substantive gender equality as stated in CEDAW and other human rights treaties in training programs for education-in-charged managers and teachers to ensure that education does not reinforce gender stereotypes and discrimination on any ground and by any way;
- Applying principle of non-discrimination on any ground including on the ground of sex and gender and review gender stereotypes in the guidance for reviewing publications;
- Amending Law on Publication 2012 to ensure any act on discrimination on any ground including on the ground of gender and reinforcing gender stereotypes in publications are prohibited.

34. WOMEN IN POWER AND DECISION MAKING

Women leaders and decision-makers

35. The ratio of female leaders is higher than previous term but the positions that women hold are less power than men's. As the first time, a woman holds the position of Chairperson of National Assembly of the term XIV (2016 – 2021). It is recognized that there are 3 among 13 directors of National Assembly Committees and equivalent agencies.⁵² Up to 31st December 2018, women account for 47% of ministerial level female leaders among 14/30 ministries and equivalent agencies including 11/21 ministries⁵³ and 3/9 sub-agencies of the Government⁵⁴. However, women participating in Central - level Executive Body of Communist Party of the term XII (2016 - 2021) account for only 10% and there are only 3 women among 19 member of Political Bureau (account for 15,8%)⁵⁵. There is only one female Minister of Health among 27 members of Cabinet (account for 3,7%). Among 8 agencies belong to the Government⁵⁶, there is only one female leader who holds the position of director of Vietnam Social Insurance

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://chinhpheu.vn/portal/page/portal/chinhpheu/chinhpheu/chinhpheuonghiem> (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 17.00 of the 20th August, 2019)

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

Agency⁵⁷. At ministry department level, women account for only 3,08% of heads of departments and 6,77% of vice heads of department. At sub-units of ministry, women account for only 10,81% of heads of units and 18,21% of vice heads of units.⁵⁸ At provincial level, there is only one female chairpersons among 63 provincial chairpersons⁵⁹. According to Government report, there are 12 among ministries and equivalent agencies nominate women as key leaders, account for 40% and there are 16 among 63 provinces nominate women as key leaders, account for 25,39%. Such number dose not meet the quota that there are 95% of ministerial agencies and People Committees at all levels promoting women as key leaders.⁶⁰ At central judicial system, men have held the position of tribunal president of Supreme Court for three terms and there has been only women among 5 vice tribunal presidents of Supreme Court⁶¹. Recently, there have been 4 women among 17 members of Judge Council of Supreme Court.⁶² For three terms, only men have held the position of Head of Supreme People’s Procuracy. Since 2006, there has been only one women nominated to be Vice head of Supreme People’s Procuracy among 9 vice heads. Recently, there has not been any women holding the position of vice heads among 5 ones of Supreme People’s Procuracy.⁶³

36. Lack of female representation in organizations that are in charge of election. The Resolution 105/2015/QH13⁶⁴ by National Assembly on the establishment of National Election Council shows that 5/21 members of the National Election Council 2016 were women, accounting for 23.8%.⁶⁵ There was a Chairwoman of NEC due to new assignment after Congress of Communist Party of the term XII. In some provinces, women accounted from as low as 3.7%

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 the 12th 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)

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

⁶⁵ Including two female Vice President of National Assembly, the Vice President of the State, Chairwoman of Vietnam Women’s Union and Director of NA’s Committee for Voters’ Affairs

to no more than 30% in the election committees. Specifically, women participating in provincial election committees in Ha Giang accounted for 24%; Hanoi: 17.2%; Da Nang: 16%; Binh Dinh: 10.7%, Soc Trang: 9.1% and Quang Nam: 3.7%. Representatives of central and local Women's Unions (WU) participated as members of organizations that are in charge of election. However, lack of representatives of such WUs in Quang Nam Province Election Committee or Election Unit of the Electorate No. 1 of Dong Nai Province.⁶⁶

37. The percentage of National Assembly delegates for the term XIV and People's Council delegates in the term 2011 - 2016 do not meet the expected target of 30% as well as the target of 35% as recommendation by CEDAW Committee to Vietnam.⁶⁷ The total of NA deputies is 496. Of whom, female NA deputies are 133 (account for 26.8%).⁶⁸ A study done by CEPEW shows that there are only 6 among 21 provinces selected for analyzing in which women deputies of NA account for 35% and above. In details, Da Dang city: 37.5%, Dien Bien: 50%, Hung Yen: 42.8%, Quang Ngai: 57.1%, Vinh Long: 50% and Vinh Phuc: 50%. Such provinces are not in the list that there is no women candidates in provincial election committees. However, the ratio of female deputies of National Assembly account for only 11.2% in Hai Phong and 12.5% in Binh Dinh.⁶⁹ There are 1,038 female deputies among 3,908 deputies of provincial People's Councils (account for 26.56%), 6,925 female deputies among 25,181 deputies of district People Councils (account for 27.5%) and 77,724 female deputies among 292,306 deputies of communal People's Councils (account for 26.59%).⁷⁰

38. While, 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% interviewees confirm that they vote for women to be leaders and 34% confirm that they vote for men if women and men are at the same age and hold the same professional level. In details, 53.3% women and 36.8% men vote for women,

⁶⁶ 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

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 the 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 the term XIV and PC deputies of the term 2016-2021

39.8% men and 30.2% women vote for men; 21.2% men and 13.3% women do not know whom to vote for, and 1.1% men and 1.1% women do not vote for both.⁷¹ Such choice was changed a little bit during five years. A research conducted by CEPEW and OXFAM in 2014 in Thai Nguyen, Binh Dinh and Vinh Long provinces showed that, 58.5% interviewees vote for men and 41.5% interviewees vote for women.⁷²

Recommendations:

- Adopting progressive gender quota in politics to ensure a higher number of women in power and decision-making;
- Adopting a quota on ratio of each gender in the election committees not lower than 30%; Introduce a requirement on gender balance in the leadership positions of organizations that are in charge of election in Law on Election;
- Adopting legislations to punish those are heads of in-charged organizations do not implement the quota on gender equality and quota for gender equality in politics.

Women and universal suffrage

39. Female candidates are burdened with combined structure. There are three structures of deputies of 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 of Communist Party and Party's committees and state agencies, mass-organizations, public security and army forces at central, provincial, district and communal levels. The guided structure includes representatives of administrative bodies at all mentioned-above levels. While, combined structure includes deputies with a diversity of gender, non-party people, ethnic minority people, religious followers at all fields and all levels those may not be leaders of any agencies or organizations. Meanwhile, most men hold leadership and decision-making positions and to be arranged for oriented and guided structures. So that, the number of women being nominated for such oriented and guided

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

structures is low. The result of analysing expected social backgrounds and structures of NA deputies of the term XIV shows that, only 20% among full-time 114 deputies performing at different committees of NA are women. While, there is a general regulation as “making efforts to have female deputies” among 18 part-time deputies working at Government and sub-units of Government or “there are female deputies” among 31 part-time deputies working at Fatherland Fronts. Lack of quota on female deputies for other political and social organizations.⁷³

40. In the official lists of candidates, female candidates always hold lower educational levels, leadership positions and experiences in performing as elected deputies than men’s ones.

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 organizations and 11 were self-nominated candidates. All of 870 candidates were arranged to 184 electorates in 63 provinces/cities of the country to be voted for 500 NA deputies. Among them, there were 339 female candidates, account for 38.9%. Among 197 candidates nominated by central-level agencies and organizations, female candidates accounted for only 14.72%. Among 673 candidates nominated by local-level agencies and organizations, female candidates accounted for 46.06%.⁷⁴ Among 168 candidates nominated to serve as NA deputies for the second term, female candidates accounted for 25%. However, there was no female candidates at 14 electorates for election of NA deputies⁷⁵. Female candidates accounted for less than 35% in 34 electorates and in 24 provinces, while male candidates accounted for less than 35% in 4 electorates and 2 provinces⁷⁶.

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

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

41. Women did proxy voting and the principles of universal, direct and confidential vote were not seriously applied. Law on Election 2015 does not require to check ID of voters before giving them the voter card and during the voting process. So that, electoral -in-charged personels only check voter cards to deliver ballots. It was admitted by the General Secretary of NA- Administrative Clerk of the NEC that “proxy voting” had not been controlled⁷⁷. The research conducted by CEPEW in 2019 shows that among female interviewees, 89.5% do not understand the principle of universal suffrage, 62.2% do not understand the principle of direct vote, 38.2% do not understand the principle of confidential vote, 62.2% do not know about principle of equality in election and 68.2% do not know about principle of non-discrimination in election. Such report also show that 64.4% female voters casted their ballots directly and did not do proxy voting, while 18.1% casted their ballots directly and did proxy voting, 8.9% did not cast their ballots and asked others do proxy voting for them, 1.6% went to election constituencies but asked others do proxy voting for them.⁷⁸

Recommendations:

- Adopting a quota to ensure the ratio of candidates of each gender is not lower than 45% and to ensure arrangement of candidates at each electorate with equal educational and professional levels;
- Introducing measures to prevent proxy voting, including a protocol to check ID card together with voter registration before casting the ballot.
- Educating female (and male) students of high schools and the public about principles of universal suffrage, direct and confidential vote as well as principle of equality and non-discrimination in election;
- Building capacity of standing for election for potential women and female candidates to ensure the qualification of female candidates and female elected deputies;

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 10-year implementation of Gender Equality Law: Gender equality in politics, 2019

- Giving legitimacy and space for civil society organizations working on gender equality and women rights to conduct communication and education on election and participate in election process.

42. RURAL WOMEN AND ETHNIC MINORITY WOMEN

43. Women living in rural areas experience numerous difficulties when exercising the right to land access. The report from a study conducted by ActionAid Vietnam in 2014 indicates that 71-76% of the land use right certificates (LURC) have the husband's name on them, only 6-13% of the land use right certificates holding both the husband's and the wife's names, and the remaining number has not been issued yet⁷⁹. 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% (excluding the households without LURC). In rural areas, the difference is much higher than in urban areas, with the difference of up to 19% between the proportion of men and the proportion of women in rural areas having their names on the LURC. 1,946 women and 1,266 men who were asked admitted 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 inscribed on the issued LURC. Now, women want to change it in order to have their names inscribed on 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 rate shall not exceed VND 100,000 /certificate for new issuance, VND 50,000 / certificate for re-issuance, renewal/replacement or verification of additions to LURC.⁸¹ Besides, people have to pay the associated fees namely the fees for measurement, cadastral mapping, evaluation/appraisal fees for issuing land use right. In

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

adherence to the regulations, the rate of fee collection for measuring, drawing of cadastral maps shall not exceed VND 1,500/m² and the appraisal fee for issuing land use right shall not exceed VND 7,500,000/dossier⁸².

44. Limited access to information on land by ethnic minority women. On average, only 79.2% of ethnic minority (EM) people are literate of common or the national language. The literacy rate among men generally calculated for EM peoples is 86.3% while this rate among women only stands at 73.4%, 40% of EM women aged from 15 or older are illiterate⁸³. 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 the common language (Vietnamese). This has restricted the right to access to information related to land of ethnic minority women.

Recommendations:

- Reviewing the situation of renewing LURC holding both the husband's and the wife's names nationwide with the participation of state agencies and civil society organisations;
- Supporting poor and near poor households with payment of fees for renewal/replacement, cadastral measurement in an attempt to encourage people to renew their LURC to hold both the husband's and the wife's names.
- Diversifying the forms and languages in the programs to disseminate laws, policies on land to people, especially ethnic minorities, to ensure their right to access to information on land as well as their accessibility to land.

45. The ratio of illiterate women in some EM groups is still high. Only 50% women at the age 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% to 60% women at the age of 15 and above of Ro Mam, Xo Đang, 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% women at the age of 15 and above of Nung, Ngai, San Chay, Hoa, O Du, San Diu,

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

⁸⁴Source: <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)

Tay, Muong, Tho groups can read and write in Vietnamese. Only 4 among 53 EM groups including San Diu, Tay, Muong, Tho are considered that they are starting to integrate in the common ground of the country about the ratio of women can read and write in Vietnamese. The gaps in education between men and women are not big in some EM groups such as Tho, Muong, Tay, Pu Peo, O Du, San Diu, Hoa, Bo Y, San Chay (the difference is less than 7%). However, such gap is high in EM groups of Lu, Khang, Lao, Si La, H'mong, La Ha, Ha Nhi, Co Lao, Xinh Mun (the difference if more than 28%).⁸⁵

Recommendation:

Organizing illiteracy elimination for EM women with timing and approach suitable to season and culture characteristics of each EM group.

46. Low quality of healthcare services in ethnic minority communities effected to healthcare of women. The report on *“An overview of socio-economic status of 53 ethnic minority groups”* by the Committee of Ethnic Minority Affairs in 2017 shows that long distance to healthcare facilities is one of the reasons leading to difficulties and limitations in accessing health services, especially for ethnic groups of Mang, Cong, Lo Lo, La Hu. Unfriendly attitude of healthcare staffs towards women of ethnic minority groups is also an element which delays or limits their access to maternal care. Many women in the study describe the attitude of being disrespectful and discrimination of healthcare staffs towards women of ethnic minority groups. Many women feel insecure about the level of healthcare expertise and quality of communal healthcare staffs, they tend not to use services there unless the healthcare quality is improved. Meanwhile, some communal healthcare staffs reveal that they are not confident in their ability to handle urgent cases due to lacking of expertise and proper equipments. Healthcare staff are impatient and insensitive to cultural features, beliefs and traditional practices of ethnic minority women and may treat poor women and/or ethnic minority women more disrespectful than women of Kinh group and other major ethnic groups. Meanwhile, ethnic minority women who live in better conditions seem to benefit from

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

healthcare systems more than those who are living in hardship. Ethnic minority women prefer home birth to healthcare facilities, except suffering a complication.⁸⁶

47. Limited access to reproductive healthcare of women of ethnic minority groups. An estimation of 70.9% of pregnant women of ethnic minority groups receive antenatal care at least once at healthcare facilities⁸⁷, which is much lower than the national average of 96%.⁸⁸ Only 16% of women of ethnic minority groups receive antenatal care 4 times or more compared with the national average of 74%.⁸⁹ The proportion of antenatal care among several ethnic groups is low: 11 ethnic groups have a proportion of less than 50%, the lowest is La Hu (9.1%), Hà Nhi (25.4%), Si La (25.5%), La Ha (31.9%), Mang (34.9%), Mong (36.5%).⁹⁰ For many women, long distance from home to healthcare facilities means losing one workday if they leave work for antenatal care.⁹¹ Among all ethnic minority groups, around 64% of births are delivered at healthcare facilities. Meanwhile, half of ethnic minority groups choose home birth, especially La Hu, Si La, La Ha, Lu, Mang, Ha Nhi (80% of births are delivered at home).⁹²

48. Ethnic minority women play a leading role in family planning. Advocacy programs on the use of contraceptive have been so far focusing on women and concentrating more on family planning than prevention of sexually transmitted diseases. 71% of women said that they were using a contraceptive method. Modern contraceptive methods commonly used are orally administered drug and IUD. Male sterilization is not used and the use of condoms remains limited with a small regional fluctuation (1-5%). Women often make their own decision to use the contraceptive method which “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 communities of ethnic minority groups can only reduce the risk of unintended

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

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

⁸⁸ Report on reviewing targets relating to children and women in Vietnam – MICS 2014

⁸⁹ MOH and UNFPA, Report on “Barriers in accessing antenatal healthcare services and family planning of ethnic minority groups” published in 2017

⁹⁰ CEMA, Report on “An overview of socio-economic status of 53 ethnic minority groups”, 2017

⁹¹ MOH and UNFPA, Report on “Barriers in accessing antenatal healthcare services and family planning of ethnic minority groups” published in 2017

⁹² CEMA, Report on “An overview of socio-economic status of 53 ethnic minority groups”, 2017

pregnancy, they do not have double protective effect of avoiding unintended pregnancy and preventing sexually transmitted diseases, including HIV.⁹³

49. 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 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 service during their pregnancy and they do not intend to give birth at healthcare facilities. Many women do not fully understand the eligibility of health insurance and how to use it.⁹⁴

50. Ethnic minority women face difficulties in access to healthcare information. Communication on healthcare in Vietnamese (King language) is one of ethnic minority women's barriers to access healthcare services and reproductive healthcare service due to literacy rate among men generally calculated for ethnic minority peoples is 86.3% while this rate among women only stands at 73.4%, 40% of EM women aged from 15 or older are illiterate⁹⁵.

Recommendations:

- Applying “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;
- Providing higher quality of maternal healthcare services and performing services in a more humane and respectful environment at current healthcare facilities;
- Improving professional capacity and availability of service delivery of midwives in villages of ethnic minority groups; making sure that they receive constant supervision and support, their stable income is secured and they are better connected with health system and other facilities;

⁹³ MOH and UNFPA, Report on “Barriers in accessing antenatal healthcare services and family planning of ethnic minority groups” published in 2017

⁹⁴ MOH AND UNFPA, Report on “Barriers in accessing antenatal healthcare services and family planning of ethnic minority groups” in 2017

⁹⁵ CEMA, Report “Overview of socio-economic status quo of 53 EM peoples” 2017

- Providing safe, effective, reasonable and equal maternal healthcare services on the basis of customs and traditions, cultural values and diversified expectations of different ethnic minority groups at current healthcare facilities.
- Ensuring access to health insurance and understanding of using health insurance for ethnic minority women who are poor and facing economic difficulties.
- Reviewing operational quality of healthcare staffs and midwives in villages nationwide to make appropriate revision of policies to promote effective operation of healthcare in villages.
- Promoting cooperation between communal healthcare staffs and villages' midwives in providing services and increasing the birth rate assisted by qualified health staffs. Training further skills for midwives/Training midwives to become health staff of villages.
- Providing training, improving professional capacity and customer service attitude of healthcare staffs at all levels nationwide using right-based approach and integrating knowledge on gender equality.
- Effective and quality investment in infrastructure and equipment in healthcare facilities, especially communal ones; providing professional and technical training for healthcare staffs operating and maintaining equipment.

Conclusion:

The State has made efforts in amending legislations to promote gender equality and women's human rights as well as dialoguing with women including female youth, women-lead NGOs and NGOs working on gender equality promotion. However, challenges are still remained such as stigmatizing and discriminatory provisions in legislations, violence against women and girls, gender stereotypes in media and textbooks, poor women and low economic capacity of women, number and qualification of women's representation in politics and public life are low, and limited access to land and healthcare of rural women and ethnic minority women. If such challenges are not thoroughly overcome, they will negatively affect female youth's economic and political status in family and society, including negative impacts when they turn older and are at middle-age in the future.

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ANNEX 2: THE 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	Vietnam 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	Vietnam 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