



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Item 4 of the provisional agenda*

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

List of issues and questions in relation to the combined seventh and eighth periodic reports of Viet Nam

General

1. Please provide detailed information on the process of drafting the combined seventh and eighth periodic reports (CEDAW/C/VNM/7-8), including whether independent civil society and women's rights organizations were systematically consulted and actively involved. Please provide information on specific measures taken to disseminate the Convention in the State party, including its translation into minority languages, so as to promote understanding by women, the general public and policymakers of women's rights under the Convention. Please also indicate the measures taken to protect the rights of all women's rights defenders.

Constitutional, legislative and institutional framework

2. The Committee has been informed that the implementation of existing laws and policies in support of gender equality remains problematic in the State party owing to deep-rooted discriminatory attitudes and beliefs, a general lack of accountability for mainstreaming gender, the limited understanding by policymakers of the meaning of substantive equality, the absence of a specific mechanism for evaluating the gender responsiveness of legislation and the insufficient allocation of resources. Please provide detailed information on the range of policies and measures developed to ensure the implementation of the Gender Equality Law (2006) and the principles of equality and non-discrimination enshrined in the Convention (paras. 18 and 19)¹ and indicate the steps taken to introduce gender-responsive budgeting,

* CEDAW/C/61/1.

¹ Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of Viet Nam.



allocate sufficient financial and human resources for the implementation of existing gender laws and policies and ensure that gender mainstreaming is implemented by all ministries and used in all policymaking processes. Please also indicate the steps taken to build the capacity of the Committee on Social Affairs of the National Assembly and provide it with adequate expertise and resources to effectively conduct its review of legislation from a gender perspective.

Non-discrimination

3. The Committee has been informed of an increase in the imbalance in the sex ratio at birth and of a strong link between the State party's birth control policy and sex-selective abortion, even though sex identification and sex-selective abortions have been outlawed. Please indicate the measures taken, including public campaigns, to address the root causes of gender inequality, which leads to sex selection and other discriminatory practices, and provide updated information on whether the birth control policy will be removed from the new population legislation being developed. Please provide updated information on the reported law on ethnic minorities and indicate whether it will deal with the situation of minority women and the multiple forms of discrimination to which they are subjected.

Access to justice

4. Please provide information on measures taken to ensure women's right to redress in cases of discrimination, as provided for in the Gender Equality Law, including awareness-raising and capacity-building regarding non-discrimination and gender equality for law enforcement officers, prosecutors and judges to enable them to handle cases of sex- and gender-based violations appropriately. Please also indicate the steps taken to resolve the conflict between the Legal Aid Law and Circular No. 07/2011/TT-BTP and ensure that all women, especially those who are poor and disadvantaged and those who live in rural, remote or mountainous regions, are aware of their rights and of mechanisms for redress, including the availability of legal aid services in cases of discrimination or violence.

National machinery for the advancement of women

5. Please clarify which ministries, agencies and organizations form part of the national machinery for the advancement of women, the coordination mechanisms between them, the percentage of the national budget allocated to them and the steps taken to tackle the challenges identified in paragraph 72, including building the capacity of the State apparatus and the shortage of gender experts in each field of expertise. Please explain why the responsibility for State management of gender equality lies with the Ministry of Labour, Invalids and Social Affairs, while the implementation of the Domestic Violence Law is the responsibility of the Ministry of Culture, Sports and Tourism, and clarify the role of the ministry responsible for gender equality in overseeing the implementation of the Domestic Violence Law. Please also elaborate on the roles of the National Committee for the Advancement of Women in Viet Nam and the Viet Nam Women's Union and provide details on the National Strategy on Gender Equality for 2011-2020 (para. 32), including its objectives, time frame, monitoring and evaluation framework and results achieved to date.

Temporary special measures

6. The information provided suggests that the State party does not fully understand the nature and scope of temporary special measures (paras. 74-76). Please provide information on efforts made to increase understanding of the need for such measures as a necessary component of a strategy to accelerate the achievement of de facto and substantive equality between women and men in the State party. Please provide detailed information on temporary special measures that are in place or envisaged, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures, to promote and accelerate de facto equality between men and women in all areas covered by the Convention, in particular in education, employment and participation of women in political and public life, and to ensure the rights of women belonging to minorities, elderly women and women with disabilities.

Stereotypes and harmful practices

7. Please provide information on measures taken to modify the deeply entrenched gender stereotypes and cultural beliefs that portray women in a subordinate role in society, including in textbooks and the media. Please indicate whether specific measures are in place or envisaged with a view to eliminating harmful practices such as child and/or forced marriage, in line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, paying particular attention to the situation of women and girls living in rural areas and/or belonging to minorities, who may be at a heightened risk of being subjected to such practices.

Violence against women

8. The Committee has been informed that violence against women remains prevalent in the State party and that victims face serious challenges in relation to gaining access to justice and effective remedies. Please provide information on measures taken or envisaged to comprehensively address violence against women and girls in the private and public spheres, including to amend provisions in the Domestic Violence Law that may hinder women's access to remedies; harmonize the penal and penal procedure codes, the Domestic Violence Law and other related legislation with the provisions of the Convention; widen the definition of rape in the Penal Code to include marital rape; enforce the prohibition of reconciliation in cases of violence against women; develop and implement gender-sensitive and human rights-based capacity-building programmes for law enforcement officials, including police officers, prosecutors, judges and other relevant actors; and ensure that a sufficient part of the national budget is allocated to prevention and to the provision of adequate psychosocial support services to victims of violence, including adequate resources for the 10 existing shelters (para. 259).

Trafficking and exploitation of prostitution

9. Please indicate measures taken to combat trafficking in women and girls, including in relation to the prevention, identification and protection of victims and the provision of support services for their rehabilitation and reintegration, and steps taken to systematically investigate complaints and increase the number of

prosecutions, providing details on the nature of the sanctions imposed on perpetrators. Please also provide information on the progress made towards the implementation of the Anti-Trafficking Law, including capacity development and training of law enforcement officials on its provisions, the budget and human resources allocated to the National Action Plan for 2011-2015 and the challenges encountered in its implementation and measures taken to overcome them.

10. It is recognized that female sex workers continue to face abuse (paras. 85 and 86). Please provide information about the prevalence of prostitution in the State party, the relevant legal framework and programmes to assist women wishing to leave prostitution, including details about the forms of treatment that they receive in treatment centres (para. 86) and whether those are sought voluntarily or through a judicial order. Please also indicate whether measures are in place to create an enabling environment for networks and groups to engage in advocacy for and provide support to women and transgender persons in prostitution who are survivors of violence and address the stigma to which they may be subjected that prevents them from seeking remedies. Please also provide updated information on the number of girls in the commercial sex industry and the measures taken to protect and support them, and to prosecute and punish those responsible for their exploitation.

Participation in political and public life

11. The State party points to an increase in the percentage of women deputies in the National Assembly and the people's councils (paras. 111 and 113), although it concedes that the target for women in management positions contained in the National Strategy for the Advancement of Women has not been met owing to the lack of qualified women officers. Please elaborate on the specific measures taken to increase the participation of women at all levels and provide detailed disaggregated data in that regard. Please indicate the measures envisaged to increase the percentage of women deputies in the National Assembly and the people's councils, including through awareness-raising campaigns on the positive role of women in politics, gender equality and women's leadership, mentoring schemes and women's leadership training courses for candidates.

Statelessness

12. The Committee has received information that, in 2013, there were 200 stateless former Cambodian refugees awaiting naturalization, 800 stateless women who had renounced their Vietnamese nationality and 10,000 persons of undetermined nationality living in the border provinces of the State party. Please provide updated information on the status of those cases, including sex-disaggregated data on the former Cambodian refugees and persons of undetermined nationality. Please also indicate any steps taken to accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, as well as to adopt corresponding legislative measures and asylum procedures that are gender sensitive and uphold the principle of non-refoulement.

Education

13. It is indicated that gender biases and stereotypes still exist in textbooks, teaching materials and methodologies (paras. 149 and 150). The Committee has also

been informed that significant disparities persist in educational opportunities and outcomes, with girls belonging to minorities at a particular disadvantage and girls continuing to be segregated in traditional areas of study. Please indicate the steps taken to allocate sufficient resources from the national budget to the action plan for the education sector and the development of a monitoring and evaluation framework for its implementation; improve the collection and analysis of sex-disaggregated data throughout the education sector; increase the financial assistance provided to girls from economically disadvantaged families in all communities; address the high illiteracy and school dropout rates among girls in general and girls belonging to ethnic minority groups in particular, including through the provision of bilingual education; eliminate gender stereotypes in curricula, textbooks, teaching materials and training programmes and encourage the participation of girls in non-traditional fields of study; and institute universal gender equality awareness training for teachers at all levels.

Employment

14. Please provide information on measures taken to address the occupational segregation of women in the private and the public sectors in low-paid and low-skilled jobs and ensure that women enjoy equal remuneration for work of equal value in both the formal and informal sectors. Please also provide information on measures taken to facilitate the entry of women into the formal labour force and improve their situation in the informal sector, for example by increasing their access to social security, and on measures in place or envisaged to modify prejudices and discriminatory stereotypes, in particular in relation to care duties, in addition to measures to address sexual harassment in the workplace. Please also indicate any steps taken to amend the Labour Code to harmonize the retirement age for women and men and measures to ensure that women and men have equal access to job opportunities and career development.

Health

15. Please indicate whether the National Population and Reproductive Health Strategy for 2011-2020 respects the right of individuals or couples to decide on the timing, number and spacing of their children and provide information on any penalties imposed on couples who do not adhere to the “two-child policy”. Please provide updated information on the measures taken to address the high maternal mortality ratio in rural areas and among women from ethnic minorities; tackle the shortage of skilled health-care workers in remote and mountainous areas and the lack of midwives who speak minority languages; raise awareness among adolescent girls of sexual and reproductive health, including through age-appropriate education on sexual and reproductive health and rights in schools; respond to the increasing number of adolescent pregnancies and abortions, including by facilitating access to contraceptives and high-quality reproductive health services, assistance and counselling; and address the stigma and discrimination faced by women living with HIV and the growing number of new infections among women in long-term sexual relationships with men living with HIV.

Rural women

16. Please provide updated data, disaggregated by sex, on the situation of rural women in all areas covered by the Convention. Please specifically indicate the

measures taken and envisaged to ensure that rural women have equal access to basic services, including health, education, technology, markets and trader networks and decision-making in the agriculture sector, in addition to elected and appointed positions and economic opportunities, including income-generating projects and credit facilities, on an equal basis with men. Please indicate the specific measures taken to ensure that wives and husbands share property rights and that land-use certificates are issued in both their names, as provided for in the new Land Law that entered into force in July 2014. Please also indicate whether policies and strategies developed to tackle climate change and natural disasters have sought and included input from rural women and include a gender perspective.

Disadvantaged groups of women

17. The Committee has been informed of the feminization of ageing in the State party, with older women, who account for 80 per cent of the elderly, at a particular disadvantage, living alone and in poverty. Please indicate the measures taken to implement the Law on the Elderly and to collect data in order to develop adequate measures in accordance with the Committee's general recommendation No. 27 on older women and the protection of their human rights.

18. The Committee has also received information that there are no women-only prisons in the State party and no data on the number of women's units in correctional facilities housing both women and men. Please provide detailed information on the conditions for women prisoners. Please indicate measures taken to address the gender-specific needs and rights of women prisoners in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and how prison staff and management are held accountable for compliance.

Marriage and family relations

19. Please indicate the mechanism in place to monitor the implementation of the Marriage and Family Law, including prevention of child marriage and enforcement of its prohibition, in particular in rural areas and mountainous regions where the practice is reportedly widespread, and state whether measures have been taken to address provisions therein, such as reconciliation in case of divorce, that may put pressure on women to remain in abusive relationships. Please also indicate whether the State party envisages amending the law to ensure that the legal age of marriage is 18 years for both men and women, as previously recommended by the Committee (CEDAW/C/VNM/CO/6, para. 27). Please also provide information on measures taken to clarify the application of customary law and provision of property certificates to facilitate division of property and clarify whether the legislation provides for recognition of same-sex relationships and contains measures on division of property for couples in de facto relationships.

Data collection

20. Please indicate whether there is a framework in place or envisaged to systematically collect sex-disaggregated data and monitor and evaluate the implementation of existing legislation and policies, through the adoption of measurable indicators, so as to measure the progress of implementation under all areas of the Convention.

Optional Protocol and amendment to article 20 (1) of the Convention

21. Please indicate what progress has been made towards the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.
