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**Alternative Report on the Implementation of the
UN Convention on Elimination of Discrimination
against Women (CEDAW)
on the combined seventh and eighth periodic reports of Vietnam**



**Violations of the Rights of Women
in the Socialist Republic of Vietnam**



Joint Report by
Vietnam Committee on Human Rights
&
International Federation for Human Rights (FIDH)
Geneva, July 2015

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Violations of the Rights of Women in the Socialist Republic of Vietnam

*Alternative Report to the Committee on the Elimination of Discrimination against Women (CEDAW) on
the combined seventh and eighth periodic reports of Vietnam*

**Joint Report by Vietnam Committee on Human Rights (VCHR) and
International Federation of Human Rights (FIDH)**
United Nations, Geneva, July 2015

Introduction

FIDH and VCHR welcome the opportunity of Vietnam's submission of its combined seventh and eighth periodic reports to CEDAW to express its concerns on continuing discrimination against women in the Socialist Republic of Vietnam.

Vietnam has been a state party to CEDAW since 1982. During this time, it has undertaken extensive legal commitments, both internationally and nationally, to promote gender equity and combat discrimination. Despite these commitments, however, as Vietnam's report notes, *"the concept of 'discrimination against women' has not been inclusively applied in specific areas of social life"*, and the adoption and enforcement of gender laws have failed *"to ensure the implementation of this concept in reality"* (Paragraph 23).

In fact, grave discrimination against women remains a reality in Vietnam. Domestic violence, trafficking of women and girls, prostitution, the growing problem of HIV/AIDS among women, violations of sexual and reproductive rights are serious problems. Yet these abuses frequently go unacknowledged or unpunished by the authorities, thus discouraging women from denouncing them, and sending the message that such forms of discrimination are socially acceptable.

Trafficking and sex rings in Vietnam are often run with the connivance of Communist Party officials, Security Police and the military, which are never brought to justice. Prostitutes and HIV/AIDS carriers are classified as perpetrators of *"social evils"* and stigmatised by the regime. Official power abuse and State confiscation of land has seriously penalized women, especially in the rural areas. In addition, accelerated economic liberalisation under the policy of *"đổi mới"*, or renovation launched in 1986, has negatively impacted the status of Vietnamese women, exposing them to increased violence, sweat-shop working conditions, lack of access to health and education and other forms of discrimination.

Vietnam states that challenges in implementing CEDAW are *"due to the fact that [Vietnam] is underdeveloped with limited resources"* (Paragraph 269). But most of all, it is the political structure of the one-Party State, with its lack of transparency and political freedoms, and the pervasive control of the Communist Party of Vietnam (CPV) that impede the realization of women's rights. There are no independent women's civil society movements, no free trade unions, no free press, no independent judiciary nor any other mechanisms outside the CPV framework through which women may express their grievances and seek remedy. Vietnamese women's only representative is the Vietnam Women's Union, a para-governmental *"mass organisation"* whose mandate is to enforce Communist Party policies at a local level. Under Vietnam's broadly-defined "national security" laws, acts perceived to *"infringe upon the interests of the State, organizations and citizens"* carry heavy prison sentences. Women who are victims of abuses are therefore afraid to take action to prosecute State organs, or speak out publicly to defend their rights.

As a result, very few women file prosecutions in Vietnam, despite existing mechanisms. In this context, the VCHR deeply regrets that Vietnam has not signed or ratified the CEDAW Optional Protocol, thereby depriving Vietnamese women of alternative mechanisms of complaint. Indeed, Vietnam has not signed

any Optional Protocol on the six core UN treaties to which it is a state party, and rejected all recommendations to do so at its Universal Periodic Review in 2014.

Despite obligations as a state party to CEDAW, Vietnam has not widely disseminated the Convention or Committee's recommendations, nor made translations available in ethnic minority languages where women are particularly vulnerable. The CEDAW has never been invoked before the Courts, although Vietnam has adopted legislation on the harmonization of laws. We are further concerned that the newly amended 2013 Constitution is less affirmative in protecting women's rights. Whereas the former Constitution "*strictly prohibit[s] all acts of discrimination against women*" (Article 63), the new text simply states that "*sex discrimination is strictly prohibited in Vietnam*" (Article 26).

Article 5: Eliminating Prejudices, Practices and Stereotyped Roles based on Gender

The introduction of Buddhism to Vietnam over 2,000 years ago provided a basis for gender equity, and Vietnamese women have traditionally enjoyed a relatively privileged position in family and society. However, this changed significantly with the integration of Confucianism into the Vietnamese state apparatus in the XIII Century. Today, patriarchal Confucian values remain deeply entrenched, and women suffer from prejudices in the home as well as the workplace.

In the rural areas particularly, but also in many modern families, women are under pressure to bear at least one male child to continue the family lineage and keep up the traditional practice of ancestor worship. Failure to produce a son is directly attributed to the wife. Although the "two-child policy", enforced for several decades in Vietnam, has now been scrapped, its effects still linger, resulting in an alarming increase in prenatal sex selection and abortions of female fetuses. According to the Deputy Minister of Health Nguyen Viet Tien, the boy/girl ratio at birth has increased from 106 to 120 boys per 100 girls since 2001, with up to 150 boys per 100 girls in the northern Red River Delta. He warned that if this trend continued, there will soon be 4.3 million more men than women in Vietnam. Domestic violence against women also remains widespread, and is often perceived as a husband's legitimate means of "educating" his wife.

In many cases, State legislation and policies perpetuate gender stereotypes in Vietnam. State family planning programmes are centered on women's responsibility in reproduction, rather than promoting family planning as a process involving decisions and behavior of men. Employment policies and vocational training for women are designed to be "*suitable to their biological and physiological characteristics*" (Vietnam government report, par. 160); vocational training for female sex workers consists of sewing, embroidery, hairdressing or plaiting carpets (par. 95), thus reducing them to a stereotyped role. In State-owned companies, only 3% of CEOs are women, compared with over 30% in privately-owned companies in Vietnam.

Vietnam's education system reinforces gender stereotypes. A 2012 study of primary school textbooks by the Hanoi Academy of Journalism and Communication found that only men were depicted as supervisors, doctors, scientists or police officers, whereas women were shown as housewives, dressmakers or farmers. No text book contained depictions of women in well-educated or skilled jobs. As a result, gender prejudice is prevalent, even in Vietnam's highly-connected young generation. An online survey by the Asia Foundation in 2013 found that only 50% of respondents, male and female alike, aged from 15-24 believed that women should become government leaders, economic experts or engineers. Gender-biased teaching is especially regrettable since, as reported by the UN Special Rapporteur on Cultural Rights Farida Shaheed following her 2013 visit, only one text book is available to children in Vietnam.

Article 6: Suppressing all forms of Traffic and Exploitation of Women for Prostitution

Trafficking in women and girls for sexual exploitation, often with the connivance of Party and Police officials, has literally exploded since the launching of "*đổi mới*", exacerbated by rocketing wealth disparities and official corruption. Young women, usually from poor rural areas, are recruited through

fraudulent marriages, false promises of employment, licensed and unlicensed migrant labour recruiting agencies and sent mainly to Cambodia, China, Thailand, Hong Kong, Macau, Malaysia, Taiwan and South Korea, where they are victims of sexual and labour exploitation. Government statistics for 2014 show that each year, 5,000 women are trafficked as sex workers to Singapore and Malaysia alone. The real figures are believed to be much higher.

Victims of trafficking who escape and return to Vietnam have no legal protection. Many rural women find that their land has been confiscated during their absence. If they have children born overseas, the children are not entitled to the obligatory residence permit, or “*hộ khẩu*”, and become illegal citizens, deprived of the right to education and health care.

According to UNIAP Vietnam, women, children and newborn babies are trafficked for marriage, labor exploitation, sex work and adoption, primarily to China and Cambodia. There is an increasing demand for virgins and children in prostitution, due to such factors as the threat of HIV/AIDS. Vietnam is also a destination for child sex tourism, and trafficking in newborn babies, fetuses and counterfeit adoption documents for the trade of children is a serious concern.

Vietnamese wives are in high demand in China due to China’s “female deficit.” Some women go voluntarily, recruited by friends or via the Internet, lured by promises of work and pay. Others are kidnapped by organized trafficking rings, which increasingly use violence, rape and abduction. The majority of trafficked women and children come from Vietnam’s northern provinces through unofficial paths or border gates in Lang Son, Quang Ninh and Lao Cai, but also Cao Bang, Ha Giang and Lai Chau. Women sold as wives report that the husband’s family almost invariably confiscates their identity papers, depriving them of the means to escape. Most are not officially married until they give birth to a boy child. The husband keeps the marriage and birth certificates. Women who manage to escape are thus obliged to leave their children in China.

Young girls sold into brothels in China suffer inhumane conditions. 16-year-old Pham Thi L., one of a group rescued from China in 2014 said she was forced to receive 20 clients per day, and beaten if she tried to refuse. She received no pay, since clients paid directly to the brothel owners. The “Blue Dragon Children’s Foundation”, an Australian NGO based in Vietnam reports that kidnapped girls, some of them very young, are severely beaten, raped and sold into slavery in brothels or remote villages in China. On her first night of captivity, one girl was raped by 47 men.

Vietnamese women are in high demand in Cambodia because of their white skin. Up to 32% of sex workers in Cambodia are Vietnamese. Debt bondage is prominent. When prostitutes give birth, traffickers frequently abduct their babies to ensure that their mothers do not run away.

Trafficking for Fraudulent Marriages to Taiwan, South Korea, Hong Kong Macau and Singapore is increasing. Vietnamese women said they had paid sums up to US\$6-8,000 to go to work in Taiwan, often using their homes and land as collateral with the bank to pay the fees charged by the recruiting agencies. Those who escape from situations of sexual or labour exploitation have no means of paying off their debts. Some recruiting agencies collaborate with local Communist Party officials to threaten their families in Vietnam. Dang The Hung, deputy chairman of the State Committee for Overseas Vietnamese, said that at least 100,000 Vietnamese women marry foreign husbands each year. Most marriages were arranged by brokers, and for commercial purposes. Many are victims of extreme violence, some were murdered by their husbands or committed suicide. In November 2013, a 27-year-old woman from Hau Giang killed herself and her two children by jumping from the 18th floor of a Busan building while holding her son and daughter after suffering severe beatings by her husband.

Forced Labour: Trafficking of women for labour exploitation is a serious concern. Vietnam earns substantial revenues from the “export” of workers to countries such as the United Arab Emirates, Taiwan, Malaysia, Saudi Arabia, and South Korea. Vietnamese labour export companies, most of which are state-affiliated, often charge excessive recruitment fees, which put workers in debt bondage for years. In 2014, the US State Department put Vietnam on its “Tier 2 List” for human trafficking, noting

that Vietnamese workers “*find themselves compelled to work in substandard conditions for little or no pay, with large debts and no credible avenues of legal recourse*”. The report said that Vietnam “*did not provide adequate remedies to overseas workers who experienced debt bondage or other forms of forced labour*”, and that Vietnamese Embassy officials often “*failed to protect Vietnamese trafficking victims abroad*”. According to the Vietnamese Crime Department, 85% of persons trafficked for labour in 2014 were women.

Prostitution : Prostitution is considered as a “*social evil*” that must be stamped out. It comes under the jurisdiction of the “Department of Social Evils” of the Ministry of Labour Invalids and Social Affairs (MOLISA). Police have “Social Evils Prevention units” all over the country. This emphasis on prostitution as a “social evil” is a cause of discrimination and stigmatisation against former sex workers.

The involvement, directly or indirectly, of Communist Party and state officials in the sex trade is disturbing. Evidence suggests that prostitution rings are often run by, or under the “umbrella” of corrupt Party cadres and local officials, who demand payment from the sex workers in return for their protection. Vietnam’s report to CEDAW (par. 106) notes that the number of court cases involving Party and government officials accused of requesting sexual relations with teenagers is increasing.

Child Labour: Many poor children from the provinces, predominantly girls, fall victim to trafficking rings which bring them to the big cities with promises of work, then force them into virtual slavery. The Blue Dragon Children’s Foundation said that children are forced to work from 6am until midnight with no wages, and are regularly beaten. In one factory in Ho Chi Minh City, they found 14 children working, sleeping, and eating in a small room with the machines. “*The factory owner only let them go to the bathroom for eight minutes per day, including brushing their teeth, washing and going to the toilet,*” said Blue Dragon’s lawyer Van Ta Ngoc.

Article 7: The Right to Equality in Political and Public Life

Although legislation guarantees equal rights between men and women in all fields, in practice there is a wide gender gap in terms of empowerment. According to UN Women, women are under-represented in decision-making and management positions in Vietnam. Only two women hold ministerial posts in the present 22-member government, and the CPV Politburo has only two female members. The 13th tenure of the National Assembly (2011-2016) has a relatively high proportion of women MPs (24.4%). However, unlike many other Asian countries which have, or had female Presidents or Prime Ministers, hardly any women hold top political posts in Vietnam.

The right to participate in NGOs concerned with public and political life: There are no truly independent NGOs in Vietnam, and freedom of speech and association are severely restricted in law and practice. Women seeking to advocate women’s rights, speak out against abuses or challenge government policies are obliged to act outside state organisations such as the Women’s Union, and face arrest, imprisonment, harassment, physical assaults, intimidation, seizure of property and denial of the right to travel. Aggression of women activists and their families by State-hired thugs or plain clothed security agents is escalating sharply, with at least 42 incidents reported by local women’s organisations in 2014 alone. In June 2015, land-rights activist Pham Thanh Nghiênn was beaten by plain-clothed police in Haiphong. Women bloggers Nguyen Ngoc Nhu Quynh (aka Me Nam) and Tran Thi Nga have suffered frequent assaults by police for their peaceful advocacy activities. Nguyen Hoàng Vi was sexually assaulted by Police during an identity check and her passport was confiscated. In April 2015, police forcibly disbanded a demonstration in Hanoi led by women in traditional “áo dài” dresses protesting a plan to cut down Hanoi’s trees and detained twenty people, mostly women.

Women activists in detention for advocating human rights are subjected to harsh prison conditions. Lê Thi Phuong Anh, released in May 2015 after 12 months in prison for taking photos of anti-China demonstrations (charged under Article 258 of the Criminal Code on “*abusing democratic freedoms*”) said she was detained in a cramped cell with three other prisoners in B5 Prison in Bien Hoa, Dong Nai

with hardly any ventilation. Women currently detained for human rights activities include land rights activist Ho thi Bich Khuong, human rights defender Bùi Thi Minh Hang, activist Nguyen Dang Minh Man and blogger Ta Phong Tan, who staged a prolonged hunger strike in May 2015 to denounce the ill-treatment of prisoners. She is serving 10 years in Prison No 5 in Thanh Hoa for “*disseminating propaganda against the Socialist Republic of Vietnam*” (Article 88, Criminal Code).

Article 10: The Right to Equality in Education

Economic liberalisation under Vietnam’s renovation policy (*đổi mới*) has seriously restricted women’s access to education, health and basic social services, especially the rural and urban poor. With the end of state subsidies and the introduction of “user fees” in the 1990s, health and education have become paying commodities, penalising poor families and forcing many poor children, particularly girls, to drop out of school at a very early age.

The Vietnamese government has adopted a policy called “*socialisation*”, which obliges parents and families to share the costs of education, such as tuition fees, school maintenance and repairs, teaching materials and food. In its 2012 report, the World Bank regrets that this policy has led to “*rising social disparities, including school enrolments and access to health services*”.¹

Lack of education means a lack in opportunities, and this is one more factor in the rise of gender inequality in Vietnam. Unequal education quality starts from an early age. In Quang Nam, for example, “*the disparity can be found from the preschool level. The poor households, who do their best, can send their kids to school[s] that cost 500,000 VND [US\$24] per month. The better-off households, on the contrary, send their kids to key schools that ask for fees of 700,000 to 900,000 VND. The diet and care services among these schools are different*” (World Bank, 2012).

Gender inequality in access to health and education is exacerbated by the **system of household registration**, or *hộ khẩu*. Persons who do not have this obligatory residence permit are virtually illegal citizens. It is issued by the local security warden (*công an khu vực*), who has full powers to grant, refuse or confiscate it at will. This gives local policemen immense and discriminatory powers over the residents under their charge (approx. 300 people), and is marred by endemic corruption and official power abuse. People without permanent residence status (“temporary migrants”) have to pay higher prices for electricity and pipe water consumption compared to local residents. The *hộ khẩu* is also required to obtain birth certificates for newborns (Decree 81/1998/ND-CP). Parents without *hộ khẩu* cannot obtain birth certificates, and thus cannot register their children for schooling. They also cannot obtain government-provided financial support for disadvantaged pupils to cover textbooks or learning aids, nor access free medical care and other welfare bonuses, since these all require that pupils have permanent household registration status. Women, who make up 70% of domestic migrants, are the primary victims of this discriminatory mechanism.

Precarious situation of Rural-to-Urban Migrants: According to UN Women, the number of people migrating into cities increasing each year in Vietnam. The majority of migrants are young and increasingly female. In Ho Chi Minh City and Hanoi, 40-50% of migrants are young women. Studies in Hai Phong, Quang Ninh and Ho Chi Minh City show that nearly 50% of women migrant workers do not have health insurance, and 99% of migrant workers working in the informal sectors do not have social insurance. Access to education for their children is similarly extremely limited by their lack of permanent residence status (*hộ khẩu*).

Ethnic minority children are particularly disadvantaged in access to education: up to 20% of young women from ethnic minorities report that they have never attended school.² Illiteracy amongst minority women is acute. Whereas 92% of Kinh (Vietnamese) women are literate, the figure is only 22% for

¹ “*Well Begun, not yet done: Vietnam’s remarkable progress on poverty reduction and the emerging challenges*”, World Bank in Vietnam, Hanoi 2012.

² UN Independent Expert on Issues of Human Rights and Extreme Poverty, visit to Vietnam, 2010.

ethnic H'mong women. Lack of education and the ability to speak Vietnamese severely limits the opportunities available to women from the ethnic minorities.

Vocational Education: Large gender gaps exist in technical and vocational education³. 70.9% of females and 60% of males in the labour force have no technical education. Because of these gender gaps in basic literacy and technical and vocational education, working women face major disadvantages in the labour market.

Article 11: the Right to Equal Employment

Gender inequality remains a huge problem in the field of employment, despite legislation guaranteeing equal opportunities and pay. Evidence from Vietnam's General Statistics Office's Labour Survey Report (2012) and the ILO "Better Work" programme in Vietnam (2013) show that the average wage of women workers in all economic sectors is 80-87% that of men, and the gender income gap is widening. Women are more likely than men to be paid by the hour. They work longer hours than men, but receive lower bonuses. In the informal sector, where the work-force is predominantly female, men earn 50% more than women.

Women's jobs are also more insecure than those held by men. In the garment and textile industry, which has a labour force of more than two million workers, the large majority are young women of child-bearing age. To avoid paying the maternity benefits stipulated in Vietnam's Labour Law, employers resort to discriminatory practices. *Doojung Vietnam*, a Korean-owned company, hires women on condition that they sign contracts pledging not to get pregnant in the first three years of employment. Many firms, such as the Japanese camera manufacturer *Olympus*, employ women on six-month contracts, compared with one-year contracts for men. Since Vietnamese law requires women to have worked with a company for one year before becoming eligible for maternity benefits, employers are able to fire pregnant women in all legality pay simply by not renewing their contracts.

Sweat-shop working conditions: Women workers are in poorer health than men. Bad conditions in the workplace, especially the textile, garment and food-processing fields where women workers are the majority have seriously impacted women's health. A 2012 study in southern Vietnam revealed that 50% of workers were exposed to excessive noise and dust levels, as well as toxic chemicals. Many firms had no proper ventilation, and temperatures ran as high as 40°C. Eight percent of the workers were diagnosed with serious hearing impairment, skin illness, silicosis, and lead and insecticide poisoning. However, women did not complain about working conditions for fear of losing their jobs and because the state-controlled Vietnam Confederation of Labour defends the rights of employers rather than workers.

Article 12: Protecting Equal Access to Health care

Alongside restrictions to health care due to the system of household registration (*hộ khẩu*), endemic official corruption is seriously penalising women's access to health.

Vietnamese media investigations reveal that the prices of medicines have been falsely inflated by up to 500% due to collusion between pharmaceutical companies and hospitals. Doctors take bribes to make up for their low salaries, and commissions from the pharmaceutical industry are often their main source of revenue. These practices are well known to the government, but little action has been taken. Many poor families, especially in the rural areas, simply cannot afford medical treatment. Women are especially vulnerable to these rising costs, since they invariably sacrifice their own health needs to enable their husbands and children to access health care.

HIV/AIDS and Drug Use: Women and Girls at Risk: Discrimination in access to health care seriously penalises the growing number of women infected by HIV, many of whom are also drug users. The ratio of women with HIV has increased during the past years, along with the rise in prostitution and drug use.

³ Asian Development Bank, Country Partnership Strategy: Viet Nam, 2012-2015.

Today, over a quarter of a million people in Vietnam live with HIV. Although the government has made some recent efforts, drug use and HIV are branded as “*social evils*”, and women face heavy stigmatisation. As a result, they tend to keep their HIV status secret from family and community, only seeking testing and treatment at a very late stage of infection. Many are dismissed from their jobs when they are discovered to be HIV-positive and subjected to humiliation at every level. Women are particularly vulnerable to HIV due to insufficient access to HIV prevention services, inability to negotiate safer sex, a lack of female-controlled HIV prevention methods and inadequate knowledge about AIDS. Police frequently round up female drug users and street children, including girls, and detain them in “Rehabilitation Centres” for “social evils” in extremely harsh conditions without any due process of law. In 2011, UN Special Rapporteur in the Right to Health, Anand Grover, called for these centres to be closed down.

Violations of Reproductive Rights: For decades, Vietnam vigorously enforced a “2-child policy” in order to reduce the birth rate. Although this policy has been scrapped, government propaganda remains unchanged, and local authorities continue to enforce the policy and sanction non-compliance. Employees with three children often cannot obtain promotion or salary rise.

Abortion: Vietnam has one of the world’s highest abortion rates, with over 40% of pregnancies ending in abortion. It is one of the most-used ways to prevent unwanted pregnancies, especially amongst young women, since Vietnam’s family planning services offer little advice or free contraception to unmarried couples. Pre-natal sex selection and abortions of female foetuses, due to “son preference” and poverty, is a serious problem. Vietnamese media reported in 2015 the case of a woman from Hai Duong who had 18 abortions because her husband wanted a son.

Article 14: Protecting Equality of Rural Women

Women in rural areas, particularly ethnic minority women, suffer discrimination in every domain. After visiting Vietnam in 2010, the UN Special Rapporteur on Extreme Poverty said that “*the most glaring disparities in income, employment, health coverage, education and access to other government services have formed along ethnic lines*”, with “*deep-rooted inequality*” affecting vulnerable groups such as ethnic minority women and children.

Land Rights – the “Victims of Injustice”: Land rights are amongst the most serious problems affecting rural women today. Lack of implementation and awareness of state legislation, insufficient information, widespread official corruption and the lack of an impartial judiciary in Vietnam have resulted in mass abuses of women’s right to land. Under Vietnam’s socialist system, “*land is the property of the entire people*”, but it is “*uniformly managed by the State*”. The State thus leases the land, issuing farmers with “Land Use Rights Certificates” (LURC) which can be withdrawn any time. Although the Land Law entitles women to register LURCs along with their husbands, this is not widely implemented, resulting in prolonged denial of women’s access to land. As Vietnam’s report to CEDAW states (par.14.7), only 10.9% of LURCs for agricultural land bear the names of both husband and wife. Widows find themselves expropriated without the slightest compensation when their husband dies. Banks refuse to give loans to widows because the LURCs only mention the deceased husband’s name. Ethnic minority women are particularly penalised, since regulations are not translated into their languages.

Hundreds of thousands of farmers and their families have been dispossessed, often after working for generations on their lands. The World Bank reports that about one million hectares of agricultural land was confiscated for development projects from 2001-2010, and over 700,000 land disputes recorded in the past three years alone, mostly concerning compensation for women.

Widespread anger and frustration has sparked off a massive protest movement called the “Victims of Injustice” (*Dân Oan*). Beginning in the late 1980s, the movement has literally exploded in recent years. Peasants and farmers, mostly women, march from the countryside to Hanoi or Ho Chi Minh City and camp outside the government’s Complaints Office or the National Assembly to demand a settlement for

their grievances. In an effort to prevent these protests, in 2005, the government adopted Decree 38 and Circular 09, which ban demonstrations outside public buildings and gatherings of more than five people without permission. In May 2015, a poor market-vendor, Ms. Nguyen Thi Minh Tan, self-immolated in Quang Nam after spending three months in Hanoi petitioning for the rights of her community.

Inheritance: Vietnam's Civil Code provides for equal inheritance rights of men and women, but traditions and practices negatively affect this right. If a person dies without a will, the law requires that property be shared equally between the next of kin. In practice, however, the sons almost invariably inherit the family home and land, while daughters receive very little. The situation is especially prejudicial for ethnic women, who often receive nothing at all.

General Recommendation No. 9: Violence against Women

Domestic Violence: In Vietnam, one woman dies every three days as a result of domestic violence. Violent behaviour in the home is often considered as a normal prerogative, following the Confucian concept that men are responsible for the "education" of their wives and children, in which physical violence plays an accepted part. Wives rarely denounce their husbands for such treatment, because of moral traditions, and also because the legal process is cumbersome. A 2010 study showed that 5% of pregnant women were beaten during pregnancy, mostly by the father of their unborn child, and 58% of women reported physical, sexual or emotional abuse.

Sexual harassment: 87% of women and girls have encountered sexual harassment in a public place. This disturbingly high figure is compounded by a lack of action on the part of both men and women – 66% of women and girls say they do not take any action when confronted with acts of sexual violence, and the majority of men and bystanders – 65% – do not take any serious action. There are no effective government laws or policies to address this rising problem.

Conclusions and Recommendations

In view of the persisting gender inequity and violations of the rights of women in Vietnam, FIDH and VCHR urge the Vietnamese government to:

Cooperation with the UN

- ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women to provide women with an independent complaints' mechanism;
- extend standing invitations to all Special Rapporteurs, including the Special Rapporteur on Violence against Women, the Special Rapporteur on Trafficking in Persons, especially in Women and Children, and the Special Rapporteur on Freedom of Expression and Opinion; grant free and unfettered access to all parties these experts wish to consult, including independent civil society groups and human rights defenders and allow confidential meetings;

Eliminating stereotypes

- take measures to eliminate gender stereotypes including in schoolbooks, reproductive health and national employment national policies; conduct awareness-raising campaigns to end the preference for male offspring resulting in selective abortions;

Participation in public life:

- Immediately and unconditionally release all women detained for the peaceful advocacy or exercise of their human rights;
- revise Articles 79, 88, 258 and other vaguely-worded provisions in the Criminal Code which are used to imprison women who advocate human rights or denounce abuses, in violation of the rights enshrined in the CEDAW;
- promptly study the negative impacts of economic liberalization (*đổi mới*) on women regarding health, education, domestic violence and other economic, social and political domains;

- initiate political reforms to protect women against these negative effects and promote political pluralism so that all women may participate in the process of social, economic, intellectual and political development in Vietnam;
- adopt legislation authorizing the establishment of independent women's organizations to enhance the protection of women's rights. Mass organizations controlled by the Communist Party, such as the Vietnam Women's Union, should not be the sole organizations representing women in Vietnamese society;
- authorise the publication of an independent press and the establishment of free trade unions. These can provide invaluable safety nets to prevent discriminatory practices against women and provide alternative mechanisms to defend women's rights;
- authorize international human rights and women's organizations to monitor the situation of women's rights in Vietnam and provide international solidarity;

Equal employment

- increase efforts to ensure equality of pay and employment conditions; legislate against abusive employment practices such as 6-month contracts and conditions of non-pregnancy by employers to avoid paying maternity benefits;

Equal access to health and education

- abolish the discriminatory mechanism of the household registration permit (*hộ khẩu*) which creates obstacles for ethnic minority women and rural-to-urban migrants in accessing these services, in accordance with the recommendations of the Committee on the Elimination of all Forms of Racial Discrimination;
- immediately cease the practice of forcing female drug users to work on commercial production in government-run drug rehabilitation centres;
- urgently conduct awareness campaigns on the problem of HIV/AIDS and improve access to medical care; inform both women and men about preventive measures and effectively enforce anti-discrimination laws against HIV/AIDS carriers in order to combat stigma; cease stigmatising the infection as a "social evil" in state policies and in the media;

Trafficking in women and girls

- increase efforts to combat trafficking in women and girls for prostitution, or forced and bonded labour, domestic servitude and forced or fraudulent marriages; ensure that victims of trafficking and their children born outside Vietnam retrieve full citizenship rights (e.g. the *hộ khẩu*, or obligatory residence permit) and be entitled to legal and social aid; actively monitor labour recruitment agencies and enforce regulations against the imposition of excessive fees; increase efforts to punish and prosecute traffickers, particularly when trafficking rings involve Party and government officials or police; increase training of government officials and Embassy personnel to ensure protection of trafficking victims, and punish non-compliance; provide reparation to women and girls who are victims of trafficking;

Stigmatisation of vulnerable groups

- launch awareness-raising programmes to reduce stigma and promote reintegration of trafficking returnees, including sex workers, women sold as "brides" and their children;
- cease categorising sex workers, prostitutes, drug users and HIV/AIDS carriers as "social evils" in state policies and the media; abolish or change the name of the government "Department of Social Evils" and police units in charge of these sectors; implement a rights-based approach to guide public policies in solving these problems;

Women migrant workers

- adopt laws and practices to protect women migrant workers, notably to ensure that they have access to health insurance and other basic services;

Land Rights and Rural Women

- urgently address the grave situation of the “*Victims of Injustice*”; and women’s land rights; re-examine the Land Law and eliminate any provisions that discriminate, directly or indirectly, against women; intensify drives to disseminate information, in Vietnamese and ethnic minority languages, to inform the various stakeholders on women’s land law rights and assist women in claiming these rights; put an end to forced evictions in contradiction with international human rights law; investigate and prosecute corruption, power abuse and illegal confiscation of land by Party and government officials; promptly investigate complaints by women victims, and adopt a more gender-sensitive appraisal of complaints, not systematically interpreting the law in favour of men;
- cease harassment and arbitrary arrest of women “*Victims of Injustice*”; adopt a law on demonstrations to protect the right to peaceful demonstration and assembly and repeal Decree 38/2005 and Circular 09/2005 which prohibit demonstrations outside public buildings and gatherings of more than five people without permission from the authorities;
- end the practice of arbitrary arrests, roundups and detention of women and girls in “Social Protection Centres” and other “rehabilitation” camps. Women and children in these centres are held under appalling conditions, and denied the right to a due process of law. The practice of administrative detention in these centres is incompatible with Vietnam international obligations;
- take special measures to improve the situation of women in the rural areas, particularly ethnic minority women; reduce wealth disparities and increase access to health care, education, social opportunities and productive resources;
- conduct awareness-raising campaigns on inheritance rights, and ensure that women are informed of their rights when their deceased parent’s inheritance is shared;

Reproductive rights

- ensure that family planning policies do not violate women’s reproductive rights; improve information and access to free family planning (including free contraception and emergency contraception), including to unmarried women and girls; ensure that women are not coerced, intimidated or forced to undergo abortion as a result of state pressure to reduce the birth rate; implement awareness-raising campaigns to restrict practices of sex-selection abortions;

Violence against women

- increase efforts to implement legislation to prevent and punish domestic violence; launch broad-based awareness campaigns to inform the general public as well as policy-makers, and provide better training for law enforcement officials and judiciary; guarantee that victims of domestic violence have access to justice, assistance and reparation.