

Alternative Report on the Implementation of the
UN Convention on the Elimination of Discrimination
against Women (CEDAW)

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



Report compiled by
Vietnam Committee on Human Rights
Affiliated Organisation of the
International Federation for Human Rights (FIDH)
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Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women by Vietnam

Committee on the Elimination of Discrimination against Women (CEDAW)
37th Session, 15 January – 2 February 2007, United Nations, New York

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

An Alternative Report to the Committee on the Elimination of Discrimination against
Women (CEDAW) on the Combined fifth and sixth periodic reports of Vietnam
United Nations, New York, 15 January 2007



Victims of Injustice demonstrating outside the National Assembly in Hanoi

Introduction

The Vietnam Committee on Human Rights (hereafter “Vietnam Committee”) welcomes the opportunity of Vietnam’s submission of its combined fifth and sixth periodic reports to the CEDAW to express its concerns on continuing discrimination against women in the Socialist Republic of Vietnam.

Vietnam has undertaken extensive legal commitments, both internationally and nationally, to promote gender equity and combat discrimination against women. Almost 25 years ago, on 17 February 1982, Vietnam ratified the Convention on the Elimination of All Forms of Discrimination against Women. In the same year, it acceded to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Human rights and gender equality is enshrined in the Vietnamese Constitution and in the Civil, Criminal and Family Codes. The government has embarked on a “National Strategy for the advancement of Vietnamese women”, and, according to its Report to CEDAW¹, between 1997-2003, the National Assembly has adopted scores of new laws, ordinances and Resolutions, many of which provide for *de jure* protection of women’s rights.

Despite these commitments, however, grave discrimination against women persists in Vietnam. Domestic violence, trafficking of women and girls, prostitution, the growing problem of HIV/AIDS among women, violations of reproductive rights are serious problems,

¹ Annexe 2 of the fifth and sixth periodic reports of Vietnam, CEDAW/C/VNM/5-6.

yet they frequently go unacknowledged or unpunished by the authorities, thus discouraging women from denouncing abuses and sending the message that such forms of discrimination are socially acceptable in Vietnam.

Reports indicate that trafficking and sex rings in Vietnam are often run with the connivance of Party officials, Security Police and the military, who 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 liberalization under the policy of “*doi moi*”, or renovation launched in 1986, has negatively impacted the status of Vietnamese women, exposing them to increased violence and other forms of discrimination.

Vietnam claims that poverty and the growing income gap are the major obstacles to its implementation of the CEDAW Convention, but in fact 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) over all aspects of life are severely impeding the realization of women’s rights. There are no independent women’s civil society movements, no free trade unions, free press, independent judiciary nor any other mechanisms outside the CPV framework in Vietnam through which women may express their grievances and seek remedy. International human rights organizations are not permitted to operate in Vietnam, nor even visit the country for human rights monitoring. 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 level². Under Vietnam’s broadly-defined “national security” laws, acts perceived to “*infringe upon the interests of the State, organizations and citizens*”³ carry heavy prison sentences. Women who are victims of abuses are afraid to take action to prosecute State organs, or speak out publicly to defend their rights.

This explains why, as Vietnam notes in its responses to the CEDAW Committee, so few women file administrative prosecutions in Vietnam, despite existing mechanisms. In this context, the Vietnam Committee deeply regrets that Vietnam has not signed or ratified the CEDAW Optional Protocol, thereby depriving Vietnamese women of alternative mechanisms of complaint.

This report is a compilation of information collected from articles from the Vietnamese press, reports of NGOs, UN and governmental agencies and academic research. Due to the restrictions placed on NGO activities by the Vietnamese authorities, the Vietnam Committee is not allowed to operate in Vietnam to collect first-hand testimonies in the country.

² Government Decree 88/2003/ND-CP, 30, July 2003 on “Promulgating the Regulations on Organisation and Operation of Associations” defines 6 “*socio-political*” or “*mass organizations*”; the Vietnam Fatherland Front, Vietnam Confederation of Labour, Ho Chi Minh Communist Youth, Vietnam Peasants' Association, Vietnam War Veterans Association and Vietnam Women's Union. They are para-governmental bodies, funded largely by the state. Their directors receive the same salary as ministerial-level cadres, and their staff enjoy the same benefits as civil-servants. Defined as organizations with “*political goals*”, the role of mass organizations is to oversee the implementation of Party policies at the grass-roots level. *Vietnam Committee on Human Rights, Freedom of Association in Vietnam, Paris, 2006*.

³ The Criminal Code contains many such restrictive articles, e.g. Article 258 “*Abusing democratic freedoms and right to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens*”, incurring prison sentences of up to 7 years. The UN Human Rights Committee (2002), the UN Special Rapporteur on Religious Freedom (1998) and the UN Working Group on Arbitrary Detention (1994) have all called for the abrogation of these provisions, which are incompatible with UN human rights instruments.

Implementation of the International Convention on the Elimination of all Forms of Discrimination against Women

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.⁴ As a result, women have always played an important role in Vietnamese society and traditionally enjoyed a relatively privileged position⁵ in family and society. However, this changed significantly with the influence of Confucianism during 1,000 years of Chinese domination and the subsequent integration of Confucianism into the Vietnamese State apparatus from the XI Century AD onwards. Today, patriarchal Confucian values and practices 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. Reports indicate that abortions of female fetuses are practiced in certain rural areas, even though this is now prohibited by law. In the Mekong Delta and the Central Highlands, for example, the boy/girl ratio is 127 boys/100 girls, compared to a 108/100 average ratio nationwide. Domestic violence against women remains widespread, and often perceived as a husband's legitimate means of "educating" his wife.

Vietnam has enacted legislation to prohibit certain of these practices, but implementation is slow and insufficient. Twenty-five years after the ratification of CEDAW, women in Vietnam are still largely unaware of their fundamental rights. No court decision has cited or drawn upon CEDAW. Despite its binding obligation to disseminate the contents of the CEDAW Convention and other gender-related documents inside the country, the government has not made them accessible to ordinary women in Vietnam. According to Vietnam's report, the National Committee for the Advancement of Women released a mere 5,000 leaflets on the CEDAW Convention, 10,000 leaflets on gender statistics for nationwide distribution etc... for a population of over 80 million people. The Vietnam Committee has seen little evidence of information on CEDAW in Vietnam's mass media.

In certain cases, State legislation and policies perpetuate stereotypes regarding the role of women in Vietnam. Women's Union programmes are almost exclusively "women-only" projects which fail to target men and boys. State family planning programmes are centred on the notion of women's responsibility in reproduction, rather than promoting family planning as a process involving decisions and behavior of men. This explains in part the widespread use of abortions and intra-uterine devices, whereas condoms and other forms of male contraception are less known and used. The World Organisation against Torture also observed that provisions of the 1992 Vietnamese Constitution, as well as State policies on the advancement of women "*constantly emphasize women's maternal role*", noting that this "*may perpetuate the stereotypical idea that women should be the sole or primary caregivers*

⁴The Buddhist concept of gender equity dates back over 2,500 years, when Sakyamuni Buddha revolutionized the thinking of his time by defying the caste system and demanding the integration of pariahs (untouchables) and women into the clergy: "*There can be no caste system, no discrimination between beings whose blood is identically red, and whose every drop of sweat is tinged with salt*". (cf *Human Rights and Asian Values in Vietnam*, Vo Van Ai, in "Human Rights and Asian Values, Nordic Institute of Asian Studies, Curzon Press, UK.

⁵ *Vietnamese Women in the Eighties*, Foreign Languages Publishing House, Hanoi, 1989.

*for children. Legislative and policy changes may be necessary in order to ensure that fathers are encouraged to play an equal role in the upbringing of children in Vietnam”*⁶.

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

Trafficking in Women and Girls

Trafficking in women and girls for sexual exploitation is an acutely serious problem in Vietnam. Its numbers have literally exploded since the launching of *doi moi*, exacerbated by rocketing wealth disparities and official corruption. It is one of the elements described by a government official as “*negative phenomena arising from the revival of State-sanctioned capitalism*”⁷.

Major-general Nguyen Viet Thanh, Deputy Director-general of the Ministry of Public Security Police Department declared:

*“Never before has the dignity of Vietnamese women been so basely defiled as it is today. Sex rings lure women into prostitution, brazenly exhibit their pictures, and put them on auction. Thousands of women have been forcibly sold abroad to become sex slaves. Yet the Police and responsible forces have taken insufficient action to uncover and prevent these crimes. The local authorities are particularly ineffective. They know nothing about what happens in their localities, and often begin investigation only after the cases have been brought to court”*⁸.

Although precise statistics are difficult to obtain, reports in the Vietnamese media, by the Public Security Ministry, UNICEF and international NGOs estimate that in the past 5 years alone, tens of thousands of women and girls have been trafficked for sexual exploitation to Cambodia, China, Macau, Hong Kong, Laos, Malaysia, South Korea, Taiwan, Myanmar, Singapore, Thailand, Russia and the Czech Republic. There are also reports of poor women from rural areas trafficked to urban centers in Vietnam to work in the sex industry.⁹

The Coalition Against Trafficking in Women – Asia-Pacific reports that “*trafficking happens through kidnapping for brothels, deceptive offers for jobs or tourist trips and marriage matchmaking with foreigners who sell and resell the women abroad. Organized tours of Taiwanese men come to buy brides for US\$3,000*”. The Vietnamese media also reports trafficking of women and young girls via the Internet and overseas study programmes¹⁰.

Specialist NGOs such as AFESIP International observe that grave problems of trafficking and prostitution are exacerbated by the Vietnamese government’s refusal to admit the gravity of the problem:

“The situation of sexual exploitation and prostitution in Vietnam is catastrophic because of the lack of government intervention. For the Vietnamese government, no form of

⁶ *Violence against Women in Vietnam*, report to the CEDAW 25th Session, 2-20 June 2001, OMCT, Geneva.

⁷ Nghiem Xuan Tue, 14 December 1994.

⁸ *Nearly 11,000 women illegally leave the country to be married to foreigners*, Vietnamnet, 29.12.2006.

⁹ *Violence against Women in Vietnam*, report to the CEDAW 25th Session, 2-20 June 2001, OMCT, Geneva.

¹⁰ *Dangers of selling women and children through study programmes*, Vietnamnet, 7.11.2005, *Uncovering a sex trafficking ring on the Internet*, Vietnamnet, 24.12.2006.

*slavery exists in their country, and thus there is no prostitution. The wealth gap between social classes is growing: many families sell their children because they are poor or because they lack information on the traffic of women and young girls”.*¹¹

AFESIP International reports that thousands of Vietnamese girls are sold for prostitution in Cambodia, channeled into the country by vice rings that often work with the connivance of corrupt officials and police. The young girls are subjected to grievous bodily harm, including electrical shocks, cigarette burns, beating, flogging, rape, until “*their spirit is broken by torture*”. “*This is sex slavery, as indeed exists in many parts of the world, but with an additional dose of violence... Often, girls who arrive here tell us their pimps used to feed their dogs or pigs better than they fed them*”.¹²

A documentary on trafficking of children by NBC TV network in 2004 showed a 5 year-old Vietnamese girl forced to work in the sex trade in Cambodia¹³. Ms Can Nap Saran of the Cambodian Center for Traumatized Women reports that 35% of Cambodia’s 70,000 prostitutes come from Vietnam, and 35% of these Vietnamese girls are under 18 years old.¹⁴ The UN Special Rapporteur on violence against women, Ms Radhika Coomaraswamy, estimated that almost 5,000 women and children were trafficked to, and escaped from Cambodia between 1995 and 2000¹⁵.

An alarming phenomenon is the increasing number of sex rings offering “*women for rent*”, in which young girls and women are subjected to intensely cruel treatment. In December 2006, Lieutenant-colonel Pham Van Dem of the Border Police Political Department denounced this growing and very lucrative “*new form of business*”. These sex rings are extremely difficult for Police to uncover and wipe out, he said, because the girls are held in total secret. The traffic ring rents them on a monthly basis to brothels or bars, where they are exploited to a maximum. When they have lost their health and beauty, the girls are classified as “*out-of-date*”. The pimps then traffic them across the Chinese border and sell them in remote regions, where they are bought by men who are too poor to afford a wife, and who pool money together to “*share*” a woman for sexual services and child-bearing. The women live in atrocious conditions, permanently locked up and beaten cruelly. “*Girls who try to run away have their tendons cut to prevent them from walking. Those who manage to escape are traumatized and permanently deranged*”¹⁶.

The Vietnamese government has sought to address this problem by providing harsher penalties against traffickers of women and children (cf Articles 119, 120 and 273-275 in the 2000 revised Criminal Code), and developing policies to combat this scourge. However, implementation is grossly insufficient. Moreover, there are grave shortcomings in social and legal protection for victims of trafficking that manage to escape and return to Vietnam. According to Mr. Tran Huy Lieu, Deputy Head of the Ministry of Law’s Legal Assistance Department, many rural women find that their land has been confiscated during their absence.

¹¹ Agir pour les Femmes en Situation Précaire, Programme Regional en Asie, 2001 Web-site www.afesip.org.

¹² *A haven for Vice Rings*, Samuel Grumiau, 10.11.2000, International Confederation of Free Trade Unions Website, www.icftu.org.

¹³ “*Children trafficking vice*”, NBC TV, 23.1.2004.

¹⁴ *Lured into prostitution... across the border*, Vietnamnet, 18.11.2004

¹⁵ Report to the 59th Session of the UN Commission on Human Rights, April 2003, UN Special Rapporteur on violence against women, Ms. Radhika Coomaraswamy.

¹⁶ *Trafficking of women and girls increases daily*, Vietnamnet 23.12.2006.

Moreover, their children, who were born overseas, are not entitled to the obligatory residence permit, or “*ho khau*”, which means that they are illegal citizens, deprived of the right to go to school or receive health care. “*There are many charitable organizations trying to help them*”, he said, “*but legally speaking, these women and their children are not entitled to legal aid*” and thus have no citizenship rights ¹⁷.

The Ho Chi Minh City Children Sponsoring Association said that some 6,000 local women and children were trafficked abroad in 2005 mainly for fraudulent marriage, child adoption and labour and sex slavery. Many of them were trafficked to Cambodia, some using fake passports, then sent to a third destination such as Thailand, Malaysia and Singapore.¹⁸

Trafficking for Fraudulent Marriages, Sexual Exploitation, Bonded and Forced Labour

Forced or fraudulent marriages between Vietnamese women and Taiwanese men began in 1995, and have since spread to countries such as South Korea, China and Singapore. The Vietnamese Youth magazine “*Tuoi Tre*” reported that 65,000 Vietnamese women were “exported” to Taiwan as brides up till the end of 2003. The Vietnamese online-newspaper *Vietnamnet* reports that 24,601 Vietnamese women married Taiwanese men between 2003-2005, representing 77% of marriages between Vietnamese and foreigners overall. ¹⁹

In March 2004, a Taiwan E-bay Website put three Vietnamese girls on auction, posting their photographs and describing them as “*items from Vietnam for shipment to Taiwan only*”. The bidding price was set at 180,000 Taiwan dollars (approximately 4,500 Euros). The Taiwanese Ebay closed this auction site following strong protests from the Vietnamese Diaspora and legal action by a Taiwanese women’s NGO.

The situation of Vietnamese brides trafficked to Taiwan and other countries are particularly alarming in view of the lack of support available to the victims. The case of Dieu-Hien ²⁰ is a salient example. Lured to Taiwan by a matchmaker, Dieu-Hien found that her Taiwanese husband was a violent alcoholic who abused her and forced her to work day and night. Harassed by the man’s mother in law, she tried to commit suicide by hanging herself. When she announced that she was pregnant, they subjected her to kicks and punches in the stomach to make her lose the child. Dieu-Hien managed to escape and seek the help of a Taipei-based Vietnamese NGO (the Vietnamese Migrant Workers and Brides Office). The VMWBO contacted a social worker from the local domestic violence office, which runs a shelter for abused victims. The social worker admonished Dieu Hien for “causing trouble” and said she must return to her husband after two weeks at the shelter. VMWBO staff then took her to the police station where they served as interpreter, since neither the domestic violence office nor the police had any interpreters available. The Police also admonished Dieu Hien for “causing social disorder”. Finally, with the help of VMWBO, Dieu Hien was able to obtain a pro bono lawyer, sue her husband for abuse, leave Taiwan and return to Vietnam. She is one of the very rare victims to benefit from such aid, and the VMWBO reports that many Vietnamese women

¹⁷ *Lured into prostitution... across the border*, Vietnamnet, 18.11.2004.

¹⁸ *6,000 Vietnamese women, children trafficked abroad in 2005*, People’s Daily Online, China, March 8, 2006 (Source UNAIP China).

¹⁹ *Nearly 11,000 women illegally leave the country to be married to foreigners*, Vietnamnet, 29.12.2006.

²⁰ *Vietnamese Woman trafficked to Taiwan tells her own story*, <http://www.humantrafficking.org/updates/441>, October 27,2006.

live in virtual slavery in Taiwan with no hope of escape. Although Vietnam enjoys close trade relations with Taiwan, it has established no mechanisms or agreements to rescue and rehabilitate victims of sexual exploitation or forced labour in Taiwan.

In its 2006 Report on Trafficking in Persons, the U.S. State Department notes that *“the Government of Viet Nam does not fully comply with the minimum standards for the elimination of trafficking, although it is making significant efforts to do so. Vietnam has not made sufficient efforts to combat trafficking, particularly the trafficking of Vietnamese women as brides to destinations in East Asia and the forced labour conditions of many workers sent abroad... Vietnam’s revised Labour Code has not been effectively implemented to address cases involving overseas workers who have been subjected to conditions of involuntary servitude or forced or bonded labour... Government action should focus on stepping up efforts to investigate possible trafficking in the labour sector among overseas workers and increasing efforts to identify and protect Vietnamese brides who are potential trafficking victims. Comprehensive anti-trafficking legislation would greatly enhance Vietnam’s anti-trafficking efforts”*.²¹

Prostitution

“Though officially illegal, prostitution appears to be largely tolerated [in Vietnam] and some women are coerced into working as prostitutes, either by parents, by false promises of lucrative work or by the introduction of young women to heroine”.²²

The rapid development of prostitution in Vietnam is also linked to Vietnam’s open-door economic policies:

*“After Vietnam shifted to a market economy, prostitution became so integrated into trade relations that business deals are often closed with the use of women as incentive or reward to foreign investors, bureaucrats and corporate representatives”*²³.

Prostitution is considered as a *“social evil”* that must be stamped out. It comes under the jurisdiction of the Ministry of Labour Invalids and Social Affairs’ *“Department of Social Evils”*. The Vietnamese Criminal Code provides penalties against those who organize or encourage prostitution, harbour and procure prostitutes, and the 2001-2005 Action Plan contains anti-prostitution regulations regarding brothels, massage parlours, and prohibits State officials and employees from using prostitutes. In principle, legislation condemns third party involvement in prostitution, i.e. the pimps, procurers, sex ring and brothel owners, rather than the prostitutes and sex workers themselves. In practice, however, prostitutes and sex workers are routinely harassed by police and Communist Party local officials²⁴.

The involvement, directly or indirectly, of Communist Party and state officials in the sex trade is a growing concern. Evidence suggests that prostitution rings are often run by, or under the

²¹ *Trafficking in persons*, US State Department, June 2006.

²² *Integration of the Human Rights of Women and the Gender Perspective*, Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, 59th Session of the UN Commission on Human Rights, April 2003, 27.2.2003, E/CN.4/2003/75/Add. 1.

²³ *Trafficking in Women and Prostitution in the Asia Pacific*, Coalition Against Trafficking in Women, <http://www.catwinternational.org> accessed December 2006.

²⁴ OMCT Report (Ibid. note 10), and Vietnam Decision 151/2000/AD-Tg, 28 December 2000 approving the action plan for prostitution prevention and combat for the 2000-2005 period.

“umbrella” of corrupt Party cadres and local officials, who demand payment from the sex workers in return for their protection²⁵.

Ms Nguyen Thi Hue, Head of the Social Evils Department of the Ministry of Labour, War Invalids and Social Affairs, stressed that prostitution was *“developing alarming in Vietnam largely due to the lack of firmness shown in punishing prostitutes’ customers, particularly those who are Party cadres or state officials”*²⁶.

In 2001, the Ministry of Social Affairs announced that 70% of the men intercepted for using prostitutes in massage parlours, karaoke bars and brothels are Communist Party cadres and state officials²⁷. Their activities are financed through government agency “slush funds.”²⁸ In 2003, the National Assembly adopted Ordinance 10/2003/PL-UBTVQH11 on “Prevention and Suppression of Prostitution” which came into force on 1 July 2003. Under this Ordinance, the names of all civil servants, military and police personnel found to have purchased sexual services would be passed on to their superiors. They also face fines of between US\$15 and US\$250, or up to US\$320-640 for those found to have “used their authority to protect prostitution”. However, this is an administrative Ordinance, which only imposes fines, but no criminal sanctions. Moreover, the names of offenders are communicated to their bosses, but not to their families, in order to *“to protect the dignity of state employees”*.²⁹

Ms Nguyen Thi Hue, who is in charge of the anti-prostitution drive, expressed doubts about the effectiveness of these administrative sanctions:

*“It will prove very difficult to know the names, addresses and the exact places of work of the civil servants affected by these sanctions because they will provide false information or say that they have forgotten their papers”*³⁰.

Vietnamese journalists who have attempted to expose prostitution issues in the official press have been subjected to harassments and physical assaults. Reporters without Borders, in its 2004 Annual Report, cited the case of Bui Tan Son Dinh, a reporter from the official daily *Nong Nghiep Vietnam (Vietnamese Agriculture)* who was attacked by a dozen individuals as he tried to take photos of prostitutes in Ho Chi Minh City for a report in his newspaper. They asked to see his press card, then beat him brutally. The incident occurred only 300 yards away from a Police Station, but Police arrived on the scene only after the incident had taken place³¹.

²⁵ For decades, the official press has published reports of the direct or implicit connivance of party cadres, military and state personnel with organized prostitution and the sex trade. The Ho Chi Minh City weekly *“Cong An”* (Security Police Review), reported the arrest of Huynh Anh Dung, Director of the Employment Centre for the Ho Chi Minh City Youth League, who *“took advantage of his office to act as an intermediary in Prostitution rackets... and headed an illegal organisation which used Vietnamese youths and girls who belonged to the League for prostitution”* (15.8.1992). However, following a government crack-down on investigative reporting and new legislation sanctioning journalists who reveal such information, less reports have been published in recent years. The fact that the National Assembly has adopted legislation sanctioning CPV and state officials is sufficient evidence that this is a serious problem in Vietnam.

²⁶ *Vietnam union bosses admit drug addiction not just bourgeois scourge*, Agence France Presse, 22 March 2001.

²⁷ *Violences: le corps des femmes, terrain et enjeu pour le Patriarcat*, accessed December 2006. http://www.marchemondiale.org/themes/trafic_sexuel/lima/enriquez/fr/base_view

²⁸ *Vietnamese government officials biggest customers for prostitutes.*, Deutsche Press-Agentur, 2 March 1998.

²⁹ *Vietnam cracks down on sex trade*, Agence France Presse, July 14, 2003.

³⁰ *Idem*.

³¹ Reporters Without Borders, 2004 Annual Report, <http://www.rsf.org>.

The Coalition Against Trafficking in Women – Asia-Pacific reports that there are “*between 60,000 and 200,000 women and girls in prostitution [in Vietnam], with 6.3% under the age of 16*”. UNICEF also gives an estimate of 20,000 prostitutes currently working in Vietnam, more than 10% of whom are girls under 18 years of age. This is especially alarming in the context of the rapid spread of the AIDS virus in Vietnam. A government survey in March 2002 revealed that in Hanoi alone, more than half of prostitutes known to State agencies carry the HIV/AIDS virus³². The percentage is believed to be higher in the underground sex rings (*see section on the right to health care and discrimination against female HIV/AIDS carriers*).

Vietnam’s emphasis on prostitution as a “social evil” is often a cause of discrimination and stigmatization against former sex workers. In its report to CEDAW, Vietnam notes that former prostitutes are encouraged to join “anti-social evils clubs” (*Page 22*) organized by the Women’s Union at a local level. These women are thus further marginalized and have great difficulty in re-integrating society.

“Rehabilitation” and “Social Protection” Centres for Sex workers and Street Children

Prostitutes and sex workers are routinely arrested by Police and forced to undertake periods of “rehabilitation” in State-run centers. Each province has a “rehabilitation centre” for prostitutes and drug addicts Detention centres for “*bad social elements*” (also one per province, with additional centres in the New Economic Zones and large towns) have been set up, in theory under the jurisdiction of the Ministry of Labour, War Invalids and Social Welfare³³. Although these are administrative, not criminal institutions, the Ministry of Public Security plays a significant role in their operation. Centres such as Phu Van (Ho Chi Minh City) and An Giang hold about 200 inmates, most of whom are vagrants, homeless orphans and unemployed workers or farmers without residence permits who flock to the towns in search of work.

Police regularly “sweep the streets” clean of vagrants, especially before international conferences, as they did before the South East Asian (SEA) Games in 2003, the ASEM Summit in October 2004 and the APEC Summit in Hanoi in November 2006. During the SEA Games, Security officials and guards were promised a “bounty” of 50,000 dong (US\$3) for each homeless person picked up and sent to a center.³⁴ Since no arrest warrant is required, police errors and abuse of justice are frequent. According to reports in the official press, conditions in these centres are extremely harsh, and cases of abusive detention are widespread. Mr Nguyen Minh Chanh, Assistant Director of the Ho Chi Minh City Department of Labour, War Invalids and Social Welfare, admitted signing 9,000 authorisations for detention “*without reading the case histories of any one of them*”³⁵.

In a recent report on “street children”³⁶, which contained extensive interviews and first-hand testimonies from the children themselves, **Human Rights Watch** described appalling conditions in “Social Protection Centres” such as Dong Dau and Ba Vi in the vicinity of

³² *Half of Hanoi Prostitutes have AIDS*, New Straits Times, 26.3.2002.

³³ By the Ministry at the national level, and administered by the Department of Labour, War Invalids and Social Affairs and the People’s Committees at the local level.

³⁴ *Hanoi to Round up the Homeless to Have More Order*, Thanh Nien (Youth), 24 August 2003.

³⁵ *Democracy in Detention*, Vietnam Committee on Human Rights, 2002, and *Tuoi Tre* (Youth), “*Who is liable to be arrested? Who is entitled to make arrests?*”, Ho Chi Minh City, 19.4.1997.

³⁶ “*Children of the Dust*”, *Abuse of Hanoi Street Children in Detention*, Human Rights Watch, November 2006.

Hanoi. 25% of the street children are girls, homeless orphans, street vendors, sex workers or drug addicts. In Dong Dau center, children

“are locked up for 23 hours a day in filthy, overcrowded cells, sometimes together with adults, with only a bucket for excrement. The lights remain on night and day. They are released for two half-hour periods a day to wash and to eat. At Dong Dau they are offered no rehabilitation or educational and recreational activities, and no medical or psychological treatment.

“ Children detained at Dong Dau are subject to routine beatings, verbal abuse, and mistreatment by staff or other detainees, sometimes with staff acquiescence. Children reported that Dong Dau staff members slap, punch, and beat children with rubber truncheons for violations of rules, which sometimes have not been clarified with the children. Children reported being beaten for benign behavior such as being slow to respond to questions or not knowing how to queue, as well as for attempting to escape. Afterwards, they rarely receive medical treatment for their injuries, nor are staff persons who carry out the beatings disciplined. Rather than serving as rehabilitation center, Dong Dau is in fact a detention facility; upon release, many of the children are battered, bruised, and less equipped for basic survival”³⁷.

This is particularly alarming since the children have absolutely no right to a due process of law:

“The centers operate as part of the Vietnamese administrative—rather than criminal justice—system. This means that, according to Vietnamese law, court orders are not required in order for children and others to be rounded up and detained at the centers, and the normal criminal law safeguards do not apply. Under Vietnam’s international legal obligations, however, the classification of the centers as administrative holding facilities rather than criminal detention centers does not alter the rights of the children not to be arbitrarily detained, to due process, and to appropriate conditions of detention”³⁸.

The prevalence of street children is also linked to *doi moi*. The government admits that it is not just the result of poverty, but also of government inattention to many the social and economic problems affecting Vietnamese children:

“The increasing numbers of street children and labour-abused children are posing a burning social problem today. They are the subjects [who are] highly vulnerable to social evils. The above-mentioned situation is partly attributed to such socio-economic reasons as unemployment, illiteracy, increasingly widened gap between the rich and the poor, moral degradation in some families... and also partly to the improper, incomprehensive and ineffective coordination among various branches and levels [of government] as well as the lack of their concentrated efforts in addressing this problem.”³⁹

³⁷ Idem.

³⁸ Idem.

³⁹ Prime Minister’s Directive No. 06/1998/CT-TTg, “On the Strengthening of the Task of Protecting Children, Preventing and Tackling the Problem of Street Children and Child Labor Abuse,” January 23, 1998.

According to a UNICEF study, many children leave home and become street vagrants because of family or social problems such as death of a parent, domestic violence, alcoholism, divorce or abandonment.⁴⁰

Child labour

The traffic of children, especially young girls, for child labour has become an increasingly lucrative market. According to reports in the Vietnamese press⁴¹, trafficking rings take girls from poor families, especially from the northern rural provinces of Thai Binh, Bac Ninh, Bac Giang and central Vietnam and sell them as “apprentices” in Ho Chi Minh City, mostly to workshops in the textile, garment-manufacturing and silk-printing trade where free market competition is fierce. Traffickers sell the children for up to US\$40 per head. The article quotes one woman who said that she had sold more than 30 children to a weaving plant in Ho Chi Minh City in the past three months alone. The children are forced to work under appalling conditions for up to 18 hours per day, seven days a week. They are not allowed to leave the factory in case they run away, and not even allowed to write to their parents. Children who complain are abused. If they ask to leave, they are told they must first pay the factory owner his \$40, plus their food, lodging and travel expenses (traffickers deliberately choose children from remote Northern provinces so they will be unable to afford the expensive journey back home). The children are promised a wage of 2 million dong per year (approx. US\$ 130), but they receive only a fraction of this sum.

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

*“Vietnam has progressive laws to protect equal rights between men and women in all fields. But in reality, there is a big gap between men and women in terms of implementation and in terms of empowerment. At all levels of local administration, men remain the decision-makers. Inequality between men and women can also be seen in terms of opportunity gaps in the fields of training, education and professional development”.*⁴²

Women gained the right to vote in Vietnam in 1946. More than fifty years of suffrage has not yet led to equality in the legislative body. Mrs. Nguyen Thi Oanh, Vice-Chairperson of the Vietnam Women’s Union, observed that *“The number of women who are in leading or decision-making positions is still small. There are still very few women with high academic titles”*. Mrs Oanh noted that there was only one female member in the Politburo of the Communist Party’s Central Committee⁴³. The 11th tenure of the National Assembly (2002-2007) has a proportion of 27.31% of women parliamentarians, reportedly the highest in Asia. However, unlike Asian countries such as the Philippines, Sri Lanka, Indonesia, India, Bangladesh, South Korea etc., which have, or had female Presidents or Prime Ministers, hardly any Vietnamese women hold top political posts. Conscious of women’s attractive “media” impact, especially in its international relations, the Vietnamese leadership has attributed some high profile, honorific positions to women (i.e. Vice-President), but they have

⁴⁰ *The Growing Problem of Street Children in Vietnam*, UNICEF, <http://www.unicef.org.vn/street.htm>.

⁴¹ *Exploitation and Child Labour, Tuoi Tre Chu Nhat*, Youth Magazine, Sunday edition, 21.4.2002.

⁴² Swedish-Danish Fund for the Promotion of Gender Equality in Vietnam (idem note 7).

⁴³ Ibid. (14).

no decision-making powers. Vietnam's report to CEDAW notes that Vietnam's government has only 12.5% of women ministers, compared to 87.5% men, and there are no women in National Assembly Committees on defence and security. Women at top echelons of the Communist Party, which holds the real reins of political power in Vietnam, are extremely rare – only 8.6% in the CPV Central Committee and 11.1% in the Central Secretariat.

Article 10 : The Right to Equality in Education

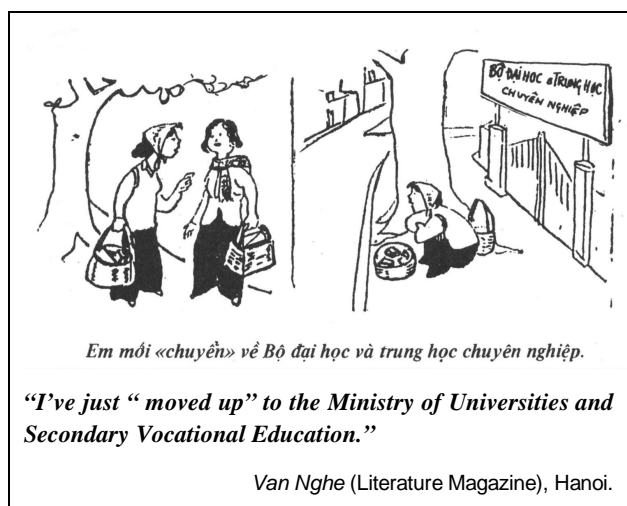
Whilst the 1998 Education Law and the 2000 Decree 43/ND-CP guiding its implementation both provide for equal access to education opportunities for women and girls, in practice, there is still a strong gender disparity in this domain.

*“In the urban areas, the rate of female literacy has caught up on its great deficiency to that of men, although parity has still not been achieved. Women remain under-educated, and girls are obliged to drop out of school much earlier [than boys]. In terms of university education of secondary and tertiary level, the great majority of university students are men”.*⁴⁴ *“Overall, over 9 out of 10 adults have no qualifications or title”.*⁴⁵ *“Increasingly, the number of school dropouts is higher for girls than for boys.”*⁴⁶ In its report to CEDAW, Vietnam states that only 38-40% of women took part in education in 2002 (Page 29).

Gender disparity in education is not only caused by poverty, ethnicity and social prejudices. Economic liberalization under Vietnam's policy of *doi moi* has seriously penalized women in the domains of education and health care. Bent on acceding the World Trade Organization in the fastest possible time and maintaining its economic growth rate, Vietnam has grossly neglected the negative effects of its economic policies on the vulnerable female population.

Almost a decade ago, the World Bank warned of the dangers of economic liberalization without sufficient social safeguards in education: *“A nation-wide system of official tuition fees for public schools was introduced in September 1989. Parents are expected to pay contributions for parent teacher associations and to bear the cost of textbooks, clothing and food”.* As a result, at that time, *“only 19% of the poorest children are enrolled in secondary schools”* and *“no youths aged 18-24 in the poorest quintile are enrolled in any kind of post secondary education”.*⁴⁷

In the rural areas especially, many parents are obliged to withdraw their children from school because of rising costs. If they are obliged to choose, poor parents inevitably withdraw their daughters from school in



⁴⁴ Belgian Agency for Cooperation and Development, Women and Good Governance, 02.01.2007.

⁴⁵ *Population and Development in Vietnam*, Carl Haub and Phuong Thi Thu Huong, Population Reference Bureau, February 2003.

⁴⁶ *Idem*, Note 34.

⁴⁷ *“Poverty, Social Services and Safety Networks in Vietnam”*, World Bank, 1997.

preference to their sons. In some poor areas, this happens as early as the kindergarten. In Phu Cuong Kindergarten in Soc Son district near Hanoi, a parent said: *“They told us that Hanoi People’s Committee Decree 73 in 2000 stipulated a maximum of 10,000 dong for parental contributions. This year, we were made to pay 25,000 dong for our older child, 20,000 for the younger one. The school also said that the costs of school equipment had risen 100,000 dong... We had no other option but to withdraw our daughters from school”*.⁴⁸

Another discriminatory aspect of Vietnamese education is the continued obligation to pass courses in military training in order to obtain a university degree. Nguyen Phuong Thao, a literature major at Vietnam National University in Hanoi, said that she must spend several weeks of every year on the campus’s mock battlefield, learning to wield a Soviet-era rifle and toss fake grenades. *“If you don’t pass, you don’t graduate”*, she said. Ms Thao also noted that university students are obliged to spend two years studying Marxism, Ho Chi Minh thought and the history of the Communist Party, and that her textbooks date from the 1950s. *“Vietnam does not have a single university considered to be of international quality. It lacks a credible research environment, and produces few PhD’s. The Ministry of Education and Training remains one of the last vestiges of the Communist central-planning system. Some call it the most unreformed of all the country’s ministries. Party members in Hanoi, not professors in the field, determine what should be taught and how. The Communist leaders dictate curriculum... and [CPV] officials have a final say in who is hired and who is fired, even at private universities”*⁴⁹. This situation is particularly discriminatory for women, who have to reconcile these studies with the modern life they lead in the “outside” world.

Article 11: the Right to Equal Employment

Although Vietnamese legislation guarantees equal pay between men and women, reports and testimonies show that *“for the same work, women receive less pay”*⁵⁰ Indeed, whilst women play a major role in the national economy in Vietnam - they shoulder from 60%-70% of the workload in national development - *“they have received insufficient compensation.”*⁵¹ *“Information received shows that wage-earning women receive only 72% of male salaries for the same type of work.”*⁵²

Economic liberalization has exacerbated gender-based rights abuses.⁵³ In the towns, where women account for 80% of the workforce in manufacturing employment, free market competition has led to “sweat-shop” industrialization, particularly in the textile and garment-manufacturing industry, one of Vietnam’s major export areas. *“Lao Dong”* (Labour), the official newspaper of the Vietnam General Confederation of Labour reports that women in the textile industry are made to work overtime without extra pay in appalling conditions, with 50% of female workers suffering from weight-loss, declining eye-sight, back-pains and migraine in several textile factories in Ho Chi Minh City. In September-October 2001, over

⁴⁸ *Withdrawn from school because of rising school fees*, BBC Vietnamese Service, September 2005.

⁴⁹ *Higher education lags behind the times in Vietnam*, The Chronicle of Higher Education, Pg, 36, Vol. 52, No. 40, Martha Ann Overland, June 2006.

⁵⁰ Belgian Technical Cooperation, Women and Good governance, 2006.

⁵¹ *Ibid.* (13).

⁵² *Violence against Women In Vietnam*, OMCT, Geneva, 2001; *Creating Opportunities in Vietnam (Co Vietnam)*, San Jose, USA, 2006.

⁵³ *Ibid.* (13).

500 female workers went on strike at the Hue Phong factory in Ho Chi Minh City to protest bad working conditions and demand a trade union that would truly protect their rights. The Hue Phong factory employs 4,500 workers, 90% of whom are women.⁵⁴

The International Confederation of Free Trade Unions deplored recent abuses of women's worker rights in "Export processing Zones" (EPZs): "*Women workers suffer the largest share of trade union rights violations in the Asia-Pacific region. Abuse is widespread in the garment factories where women form the bulk of the workforce. These factories are often located in export processing zones (EPZs), which continue to be particularly hostile ground for trade unionists, who are constantly exposed to threats and intimidation, particularly in Bangladesh, Fiji, India, South Korea, Pakistan, Vietnam, Philippines and Sri Lanka*".⁵⁵

Unprecedented strikes, mostly involving women, broke out in 2005 in the commercial zones around Ho Chi Minh City. At the beginning of 2005, more than 40,000 workers went on strike at dozens of Taiwanese-owned factories to demand wage increases. The Vietnamese authorities responded by raising the monthly minimum wage 40%, to US\$ 55. Many Taiwanese employers refused to pay the increase, and the strikes continued. Vietnam eventually issued a formal apology to Taiwan and arrested hundreds of workers. But there is no evidence of improvements in pay or working conditions for women in these factories.

Also in relation to Taiwan, despite numerous complaints about poor working conditions in factories in Taiwan and an average desertion rate of 10% (much higher in some factories), Vietnam continues to send Vietnamese workers, many of them women, to work in Taiwan. Vietnam has ongoing contracts with 16 Taiwanese factories, and has just signed 4 more contracts in March 2005. As reported above (*see section on Trafficking and Forced Labour*), Vietnam has no agreements with Taiwan on the protection of women's worker rights, and no mechanisms to protect women who are victims of abuses.

Mrs Nguyen Thi Oanh, Vice-Chairperson of the Vietnam Women's Association, observed that many of the regulations on women's rights embodied in the Labour Code have proved to be unfeasible. Regulations on the retirement pensions of intellectual women are unequal to those of men, "*thus limiting their earnings and opportunities for development.*"⁵⁶

Over 100 women attending a Conference on Vietnamese Businesswomen in Hanoi in April 2004 said that Vietnamese company owners and businesswomen had to work twice as hard as men doing the same work. The main challenges, they said, were "*the entrenched influence of Confucianism, not only regarding women, but society as a whole, and the fact that Vietnamese legislation and regulations on the protection of women's worker rights are either non-existent or obsolete.*"⁵⁷

Evidence also demonstrates that market-economy policies (without the safeguards of independent women's NGOs, free press and independent trade unions) have pushed women

⁵⁴ International Confederation of Free Trade Unions, 2001 Annual Survey of Violations of Trade Union Rights

⁵⁵ *Asia, brutal repression of workers' rights*, ICFTU Online, 18.10.2005.

⁵⁶ *Ibid.* (14).

⁵⁷ *Vietnamese businesswomen must work twice as hard as men*, Vietnamnet, 21.4.2005.

*“away from the security of salaried employment into more precarious household and informal sector work, thus increasing the level of unemployment”.*⁵⁸

The effects of *doi moi* on women’s employment are currently having an especially negative impact on rural women. This is discussed in the paragraphs below (*see article 14*).

Article 12: Protecting Equal Access to Health care

Economic liberalization has seriously penalized women’s access to health care, especially that of poorer women. Yet Vietnam has not increased social measures to support them, as might be expected in a socialist State. On the contrary, State subsidies have been abolished in many domains, and people have to pay for medicines and doctors fees. Under *doi moi*, the right to health has become a paying commodity. As a result, large sections of the population, especially the urban and rural poor women, have no access to medical care.

According to the World Bank and other sources, *“the introduction of “user fees” in 1989 has had a far-reaching effect, transforming the provision of health care into a largely private market... This means that the poor face lower quality and higher prices for basic health care”.*⁵⁹

In its report to CEDAW, Vietnam lists numerous government Decrees and regulations on equity of health care access, but these have little impact on the ground. For example, the price of drugs and treatment in public hospitals in Ho Chi Minh City and other areas is literally rocketing due to free-market competition and official corruption. According to *Thanh Nien* (Youth) magazine (5.5.2006), corrupt administrators in Ho Chi Minh City hospitals demand bribes from suppliers to buy drugs, which they then sell to patients at exorbitant prices. The article said that a National Assembly investigation last year revealed that hospitals were selling medicines 20-30% above market rates. *“[Ho Chi Minh] city has virtually no control over the procurement process: it allows the hospitals to float their own tenders and choose suppliers; they merely have to report the bid results to the Health Department. Though the tender process is ostensibly public, everything is actually decided behind the scenes. Paying huge bribes to officials to get the contract is the tried and tested way suppliers follow”.* One supplier said he invoiced hospitals VND150,000-200,000 (US\$9.4-12.5) for a tonic that cost no more than VND80,000 including his profits. The newspaper suggested that the Health Department should set up an agency to handle the drug tenders. However, hospitals administrators, who asked to remain unnamed, *“were doubtful if the department could do it transparently and honestly”.* The article concluded, *“while this one-upmanship goes on, the patient continues to suffer”.*⁶⁰

Vietnam spends just US\$5 per person on medical care each year, according to the Vietnamese Ministry of Health. This is less than Malaysia (US\$63) and even less than Laos (US\$8). State spending on medical services is in serious decline.⁶¹ Vietnam does not train enough doctors to care for its rapidly growing population. In 2000, there was just one doctor for 1,982 people. A report published in 2005 by the National Assembly’s Commission on Social Affairs

⁵⁸ *Idem*, note 45.

⁵⁹ *“Poverty, Social Services and Safety Networks in Vietnam”*, World Bank, 1997.

⁶⁰ *Corrupt hospitals push up prices*, *Thanh Nien*, Ho Chi Minh City, 5.5.2006.

⁶¹ *Health & Environment: Vietnam spends little on healthcare*, *Tuoi Tre* (Youth), 2.8.2004.

denounced the increase in regional disparities and “*inequality in health care*”, citing provinces which have only 85 doctors to treat millions of people.⁶²

Doctors’ fees and the price of medicines are rocketing. According to the World Bank ⁶³, public hospital fees increased by 1,000% between 1993 and 1998. Only 20% of health care costs are financed by the State. The sick people and their families must pay for the remaining 80%. Many poor families, especially in the rural areas, simply cannot afford medical treatment. Women are especially vulnerable to these rising costs, and invariably sacrifice their own health needs to enable their husbands and children to access health care.

The ongoing debate in the Vietnamese media and the National Assembly on the Draft Gender Law sheds revealing details on the health conditions of Vietnamese women workers. The debate centers on whether there should be an age parity for man/women retirement (60 years old) or whether women should retire earlier, as under the current legislation. The debate is divided between female “civil servants” (“*can bo ban giam*”) and manual workers. One reader in the official “*Vietnamnet*” wrote: “*I believe we should hold a referendum between women in heavy manufacturing industries such as textiles, shoe and leather, food production etc, women who are really contributing their labour, not just the civil servants who claim to represent women... You will find that there is a wide gap between political and physiological interests. The “civil servants” enjoy prerogatives and privileges, therefore they want to prolong their working years. But try asking workers in the sectors of textiles, leather and food production, where a majority of women are employed. I know many women in these sectors. By the time they are 50 years old, their eyes are dim, their movements are slow, they cannot keep pace with the modern machinery. The idea of prolonging their working life to 60 fills them with dread...*”⁶⁴.

HIV/AIDS: Women and Children at Risk

The inequalities in health care are especially disturbing in view of the HIV/AIDS pandemic, which is about to explode in Vietnam. Officially, there are 250,000 people infected with HIV, but many observers fear that the real figures are much higher. The government gravely underestimates the scale of the infection rate. There are some 40,000 people infected per year (more than 100 per day) and HIV is increasingly prevalent among women and children. According to the Vietnamese Ministry of Health, the number of pregnant women infected with HIV/AIDS has multiplied by 10 between 1995-2005. In 2004, 400 children under 5 years old were diagnosed as HIV/AIDS infected against 7 in 1997, and 500 new-born babies were infected in 2005 ⁶⁵. Over 50% of newly-reported cases are in the 15-24 year age group. “*Today, those who are most at risk of HIV/AIDS contamination are women and children*”.⁶⁶ “*AIDS constitutes a serious, nationwide sanitary crisis, and it is growing fast. The situation is*

⁶² Report by the President of the National Assembly Commission on Social Affairs, Ms Nguyen Thi Hoai Thu, Hanoi 8.6.2005.

⁶³ *Catastrophe and Impoverishment in Paying for Health Care : With Applications to Vietnam 1993-98*, Adam Wagstaff and Eddy van Doorslaer, February 2002.

⁶⁴ *Debate on the draft “Gender Law”, Vietnamnet, 26.11.2006, comment by Nguyen Quang Tuyen.*

⁶⁵ *Under 13 children make up 0.8% of Vietnamese HIV carriers*, Thai Press Reports, 3 August 2005.

⁶⁶ *The proportion of pregnant women infected by HIV has multiplied by 10*, Vietnamnet, 30.11.2004

*particularly alarming since, as in many other countries, the number of real cases is much higher than the official statistics”.*⁶⁷

Prominent women from China, Cambodia, Laos, Thailand and Vietnam attending the first “Mekong Leaders’ Consultative Meeting” in March 2004 observed:

*“The rate of HIV infection in the Mekong Region is rising faster among women than men. Lack of attention to women’s rights is fuelling the HIV/AIDS epidemic. More young women are becoming infected due, in large part, to a failure to encourage sex education or condom use. Furthermore, prevention strategies that focus exclusively on abstinence, faithfulness, and condom use – all of which are beyond the control of most women and girls – are obviously inadequate to protect them from HIV infection.”*⁶⁸

While men still represent a majority of those infected in the Mekong region, women are becoming infected at a much faster rate than men. Effective prevention messages and services often do not reach young people, particularly girls, who are the most vulnerable to HIV. Cultural traditions can make it difficult for girls and women to access the information and services required to protect themselves from HIV, according to UNAIDS. They can also exacerbate the burden of care on women.

*“Women carry the burden of care for other family members with AIDS. When women fall ill, however, they are more likely than men to suffer ostracism in their community once their HIV status becomes known. Many lose social protections. HIV-positive mothers with infants may continue breastfeeding from fear of being stigmatised if they stop.”*⁶⁹

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 such as microbicides, and inadequate knowledge about AIDS. In Cambodia and Vietnam, almost 50% of the young women aged 15-24 surveyed believed they could contract HIV from a mosquito bite, around 30% believed that HIV could be contracted by supernatural means, and nearly 35% believed a healthy-looking person could not be infected.⁷⁰

The lack of employment opportunities for women also increases their vulnerability to HIV infection. Significant numbers of women in the Mekong region who have limited options for income generation may engage in sex work, heightening the risk of HIV. Even though they may be aware about HIV and sexually transmitted infections, they are often powerless to demand that their clients use condoms. When a brothel-based sex worker is found to be HIV-positive, she is often dismissed and loses her livelihood, with little or no social safety net to support her.⁷¹

⁶⁷ *Population and Development in Vietnam, Idem note 45.*

⁶⁸ Dr Kathleen Cravero, Deputy Executive Director, Joint UN Programme on HIV/AIDS (UNAIDS), speaking at the Mekong Leaders’ Consultative Meeting on Women and AIDS, 8 March 2004. The Mekong Leaders’ Consultative Meeting on Women and AIDS is the first initiative of the newly-formed Mekong Coalition on Women and AIDS, a regional offshoot of the Global Coalition of Women and AIDS which was launched in London in February 2004. For more information, see websites: <http://www.unaids.org> and <http://www.unifem.org>.

⁶⁹ Innes Zalitis, Country Representative for UNICEF in Thailand, Mekong leader’s Consultative Meeting, 8.3.2004.

⁷⁰ Idem, Mekong leaders Consultative Meeting.

⁷¹ Idem.

*“Increasing rates of sexual violence and rape in Mekong countries are also putting women at risk. Because of their lack of social and economic power, many women and girls are unable to negotiate relationships based on abstinence, faithfulness and use of condoms. It is precisely to address these inequalities and reduce women’s vulnerability to HIV that the Mekong Coalition on Women and AIDS has been created,”*⁷²

Dr. Vu Thi Nhung, Head of Hung Vuong Hospital in Ho Chi Minh City, said that women’s knowledge of HIV/AIDS in Vietnam was very poor. Many women were not aware of how to have safe sexual relations. Others did not even know they were infected until they came to the hospital to give birth. Dr. Nhung said that the number of new-born babies infected by their mothers in Ho Chi Minh City alone was 34%.⁷³

State efforts on HIV/AIDS prevention and protection are insufficient, with a total spending of 3.3 million Euros (US\$4 million), three-quarters of which is funded by donor countries. In comparison, Cambodia, which has a population six times smaller than Vietnam (13.5 million people, against 82 million in Vietnam), spends US\$1.5 million to combat AIDS. Policies on AIDS prevention and education are insufficiently implemented. Although Vietnam has anti-discrimination laws against HIV-infected people, they are not enforced, and provide for no sanctions against those who contravene them. Discrimination against HIV-AIDS carriers is widespread, and it is one of the root causes of the growing epidemic in Vietnam. The Communist authorities portray AIDS as a “*social evil*” linked to prostitution and drugs. Infected women are stigmatized, and many are ashamed to declare their illness, thus accelerating its spread.

In regions where AIDS is most prevalent, only 1% of companies employ infected people. Others simply dismiss them or try to force them to resign:

*“Thanh Huyen, 24, was offered a job in the packing department of Ho Chi Minh City import-export company. When they read on her health certificate that she was a HIV/AIDS carrier, the personnel manager moved her from the packing department and gave her another job – cleaning the toilets. She tried to discuss this with her employers, but they refused to listen. She finally resigned – just as the company had hoped”.*⁷⁴

The State and its official trade union, the Vietnam General Confederation of Labour (there are no free trade unions in Vietnam) make no efforts to protect HIV-infected workers who suffer discrimination in the workplace. “*There is no civil organization to protect workers who get infected*” said Ms Le Thi Tram, Deputy Director of the Ministry of Health’s legal department.

Violations of Reproductive Rights

Abortion: Vietnam implements a draconian family planning programme that dictates mandatory contraception and prescribes “*punitive measures for compliance failures*”. The policy, which is supported in many areas by United Nations Population Fund (UNFPA) programmes, includes a two-child limit for cadres, manual workers, civil servants, soldiers

⁷² Idem, Lucita S. Lazo, UNIFEM’s Regional Programme Director.

⁷³ *Pregnant women infected with HIV/AIDS – a disturbing phenomenon*, Vietnamnet, 27.04.2004.

⁷⁴ *Seropositive workers forced to leave their jobs*, Nguyen Hanh and Thi Huong, Syfia Vietnam, 19.1.2005.

and families living in the Red River or Mekong Deltas, as well as birth limitations for ethnic families in the northern and central highlands.

This policy has succeeded in curbing the rocketing birth rate and earned Vietnam the “United Nations Population Award” in 1999. Although it is not clear to what extent coercive measures are used to implement this policy, abortion is increasingly practised as a means of enforcing birth control. Vietnam has the world’s highest abortion rate, with half of all pregnancies ending in abortions.⁷⁵ Hanoi-based diplomats confirm that there have been forced abortions and forced birth control programmes in Vietnam since the 1980s.⁷⁶

Social stereotypes and prejudices remain an obstacle to women’s free exercise of reproductive rights. According to a study by Tine Gammeltoft, men in Vietnam do not generally consider that they have any responsibility in avoiding pregnancies or regulating family planning. The use of condoms is unpopular because it “reduces pleasure”, and the practice of male sterilization is equated with that of castration. Men believe that sterilization will make them dull and stupid, like castrated chickens. Women are also reluctant to have their husbands sterilized, since they fear it will affect their ability to work and perform normally.⁷⁷ These widespread perceptions demonstrate the lack of proper information and education in the field of family planning.

Forced Sterilization: Whereas abortion is the common practice for ethnic Vietnamese, several NGOs report that forced sterilization policies are being enacted against ethnic populations, especially Montagnard women in the Central Highlands. Indigenous NGOs told the CERD Committee that Montagnard women have been surgically sterilized, many of them reportedly without consent. They cited Montagnard men and women who said that coercion and bribery is used by the local authorities to force women to be surgically sterilized. Women who refuse sterilization have allegedly been fined, and a number of women are said to have died after surgery as a result of poor medical care.

The fact that the sterilization policy is directed particularly against indigenous women rather than ethnic Vietnamese suggests that Vietnam may be enforcing sterilization as a means of racial discrimination, in the aim of reducing the population of the Montagnards.

The Committee on the Elimination of all forms of Racial Discrimination (CERD) expressed concerns about this policy in its conclusions on Vietnam’s Periodic Report on the ICERD in August 2001, and asked Vietnam for further information on forced sterilization of ethnic minority women⁷⁸. Instead of providing a substantive reply, the Vietnamese Ambassador simply wrote to the CERD to refute the reports, stating that they were “*wrong*”, based on “*distorted information and allegations of some irresponsible NGOs*”. The letter also criticized CERD for making conclusions which “*do not promote constructive dialogue on the part of States parties*” and undermined the “*prestige and credibility*” of the CERD⁷⁹.

⁷⁵ Allan Guttmacher Institute, New York, 2000.

⁷⁶ *Repression of Montagnards : Conflicts over Land and Religion in Vietnam’s Central Highlands*, Human Rights Watch, April 2002.

⁷⁷ *Women’s bodies, Women’s Worries*, Tine Gammeltoft, Curzon Press, 1999.

⁷⁸ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, August 15, 2001, Geneva, ref. A/56/18, paras.408-428.

⁷⁹ *Comment of Vietnam to the Concluding Observations of the CERD : Viet Nam, 13/12/2001. A/56/18/Annexe VIII.*

Article 14: Protecting Equality of Rural Women

*“Vietnamese women play a very important role in rural areas. Rural women account for 51.2% of the national population, 52.6% of the rural population, and 89.8% of the working women in the whole country... However, they have received insufficient compensation... The abolition of State subsidies in education and health services has negatively affected peasant women. 40% of the rural women in childbearing age now suffer from malnutrition, anemia and underweight due to prolonged work, no rest and insufficient food. Newborns also suffer from underweight and anemia that have long term effects on the future labour force of the nation”*⁸⁰.

Poverty amongst ethnic minority women in the rural areas is especially alarming: *“Despite the attention and efforts made by the Government, 61 percent of ethnic minority people were still poor in 2004, while only 14 percent of Kinh [ethnic Vietnamese] and Chinese people were still living in poverty... This represents a near-doubling of the proportion of ethnic minorities in the poor population in eleven years. If these trends remain unchanged, this graph suggests that poverty in five years’ time will be overwhelmingly an issue of ethnicity”*.⁸¹ Local authorities in Vietnam often explain the persistent poverty of the ethnic minorities in terms of *“cultural backwardness”* and *“backward traditions”*, an emphasis that is both discriminatory and misplaced.⁸²

In a study on Vietnam’s entry into the World Trade Organization, the UK-based NGO OXFAM expressed grave concern about the situation of rural women:

*“Despite [Vietnam’s] impressive achievements, economic growth has benefited the rich more than it has the poor... Women farmers in remote areas, especially single female householders and elderly women, are among the most vulnerable of the poor.”*⁸³ OXFAM also noted that *“the income of a large proportion of the population lies just above the poverty line, and as a consequence, many families who are not technically “poor” are extremely vulnerable to external shocks, which could send them back into poverty”*.

Indeed, economists warn that WTO membership may seriously challenge the rural population, especially women, and have urged Vietnam to study these problems urgently. Faced with fierce outside competition, *“many of the farmers, unable to compete, will not survive. They will flock, instead, to the large cities to earn their living, creating socio-economic changes in both urban and rural areas”*.⁸⁴

⁸⁰ SIDA Report, *op.cit.*

⁸¹ *Explaining Ethnic Minority Poverty in Vietnam: a summary of recent trends and current challenges*, Rob Swinkels and Carrie Turk, World Bank, Vietnam, Hanoi, 28 September 2006.

⁸² *Op. cit.*

⁸³ *Vietnam Development Report 2004*, Joint donor report to the Vietnam Consultative Group meeting, 2003 and *Extortion at the Gate – Will Vietnam join the WTO on pro-development terms?*, OXFAM Briefing Paper 67, October 2004.

⁸⁴ *Vietnam WTO membership, both threat and opportunity for farmers*, Dr. Nguyen Quoc Vong, Gosford Horticulture Institute, Australia, in *Saigon Giai Phong*, Ho Chi Minh City, 2006.



Women demonstrate in the Park. The placard states: "1,400 villagers from the hamlets of Phuong Que and Vinh Loc call for the release of Buddhist monk Thich Nguyen Kien."



Victims of Injustice spend the night in Mai Xuan Thuong Park

Land Use Rights – Women are the “Victims of Injustice”

Land use rights are one of the most serious problems affecting rural women today. 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, and issues “Land Use Rights Certificates” (LURC).

The Marriage and Family Law requires the names of both husband and wife to be registered on the LURCs, and land acquired during the marriage is considered to be a common asset. Recent revisions in the Land Law adopted by the National Assembly in 2003 requires land certificates to bear the names of both husband and wife.

However, women are routinely denied these rights. Lack of implementation, lack of awareness, insufficient information - notably in ethnic minority languages - patriarchal traditional values, widespread official corruption, power abuse and the lack of an impartial judiciary result in mass abuses of women’s right to land. “*At the local levels of government, resistance and ignorance remain everyday realities. The all-important local officials who administer and interpret the [land] law often revert to age-old traditions and customary practices, which favour men...*”.⁸⁵ According to the UN Volunteers report, only 3% of Land Use Right Certificates are registered in women’s names, and 3% are jointly-held. Due to traditional practices, women rarely inherit land or have any say over their parents’ land-use rights.

After years of work on their husband’s land, women suddenly find themselves homeless, expropriated without the slightest compensation and reduced to utter poverty. UN Volunteers cite the case of Le Thi Lua, a 38 year old mother from Thai Binh province, who worked on land registered in her husband’s name for 20 years. When her husband died, and due to a dispute with their in-laws, she was left on her own, without land, to find work. “*When I wake up in the morning, I am not sure whether I will be able to give my children enough to eat*”. The bank refused to give her a loan because the Land Use Right Certificate only mentioned her deceased husband’s name. Local officials took no steps to help her.

⁸⁵ Vietnamese Land Use Certificates must now bear both husband and wife names, UN Volunteers, 8 March 2004.



Women demonstrators share a meal



Women spend the night in a make-shift shelter

Official power abuse and corruption amongst Communist Party and government officials are a major source of land abuses against women. Reporting on the illegal confiscation of lands in the rural areas, Major-general Trinh Xuan Tu, Deputy Head of the General Department of Public Security told Vietnam's National Assembly in 2006 that more than a third of illegal land confiscations were committed by government and Party officials. He cited many cases, including that of Van Giang, Hung Yen province, where the local authorities reclaimed 522ha of land for a project. 3,940 families who were supported by the land were expropriated without any alternative employment or compensation.⁸⁶ State corruption and power abuse penalize women in particular, since women lack knowledge about their rights and access to legal support. Moreover, in Vietnam's one-Party state system, it is extremely difficult to oppose decisions of corrupt or abusive state officials.

Deprived of all means to solve their problems at a local level, hundreds of expropriated people, mostly women, travel from the provinces to Hanoi to seek a remedy for their grievances. They gather daily in Mai Xuan Thuong Park, opposite the Government's Complaints Office desperately hoping to meet a government official who can help them (the Park is also in the residential area where many top-level CPV and government officials live, and near the National Assembly and other government buildings). They are known as the "**Victims of Injustice**" (*dân oan*), and their movement is growing in unprecedented proportions. Many of these women have spent years sleeping in the park with their children to protest official power abuse, state confiscation of land and other social problems. In many cases, they are beaten and arrested by Security Police, and arbitrarily detained in "Social Protection Centres" (*see above*).

The Vietnam Committee on Human Rights has received hundreds of appeals from these "*Victims of Injustice*" including photos and full case histories, mostly forwarded by relatives, neighbours of sympathisers. We cite just two recent cases that typify the current situation.

Buddhist nun **Thich Nu Dam Thoa** 35, secular name Ly Thi Ha, was arrested in Hanoi on 14th November 2006 and sent to a "Camp for social elements" in Bac Giang, Northern Vietnam. A member of the State-sponsored Vietnam Buddhist Church, Thich Nu Dam Thoa was expelled from the Tan Lieu Pagoda in Yen Dung district, Bac Giang province after the authorities confiscated the Pagoda without any compensation two years ago. She joined the thousands of "Victims of Injustice" demonstrating daily in Mai Xuan Thuong Park in Hanoi.

⁸⁶ *Over one-third of land offenders State, Party members*, VietnamNet, 13 June 2006.

In November 2006, just before President George W. Bush and other world leaders arrived in Hanoi for the APEC Summit, she and other protesters were ordered to clear the streets. In a letter smuggled out of the Camp in Bac Giang, she wrote: *“When the government said they were holding the APEC Summit and told all the “Victims of Injustice” to keep off the streets and not hold demonstrations during the Summit, we were all happy for the honour bestowed on our country. But they did not respect their promises. On 15th November, when I simply visited a Buddhist friend in Hanoi, they arrested me without any charge or justification”*. Police beat her, and tore her nuns’ robes. In her letter, dated 16.11.2006, Thich Nu Dam Thoa said: *“because I had confidence in the laws and justice of the Socialist Republic of Vietnam, I came to Hanoi two years ago to claim my rights. Just like me, the “Victims of Injustice” are all very poor. We have no money, no possessions at all. Every day, year after year, we gather outside the headquarters of the Communist Party, the Government and the National Assembly to plead for help. Our leaders say: “the Communist State is a million times more democratic than Capitalist countries”. But in reality, they deceive their own citizens and the international community too. According to their laws, our grievances should be settled within 30-45 days. But for months, even years, they never even bother to read our complaints...”*. She has since been released from the camp, but remains homeless, and has received no assistance or compensation from the state.



Buddhist nun Thich Nu Dam Thoa. The placard states that she was arrested by 30 Security agents on 15.11.2006 and detained in the Bac Giang Social Protection Centre. Police confiscated her money and possessions, harassed her and tore her clothes.

Ms Nguyen Thi Gam, 65, a retired worker in the coal industry, has spent the past 6 years protesting in the Park. In a *“Urgent Denunciation of the Communist Authorities at all Levels”*, dated 1, January 2007, she stated that she lost her house and land in Bai Chay district, Quang Ninh province in 2000, after the authorities decided to build Highway 18A. The land was in her name, but because she often had to work away from home, she was unable to obtain the obligatory *“ho khau”* (residence permit) in the district,. She therefore had the house built in the name of her husband, whom she divorced in 1979. Corrupt local officials struck a deal with her husband and granted the compensation rights to him, leaving her totally deprived. She was expelled from the house in 2000, and joined the *“Victims of Injustice”* in Mai Xuan Thuong Park, filing ceaseless complaints to the Government. She has been detained twice in Social Protection Centres. Most recently, in December 2006, she filed a complaint to the Government stating that her expulsion violated Decree 22 of 1999. Officials refused to receive her, but gave her a receipt saying that they had interviewed her. In her *“Urgent Denunciation of the Vietnamese Communist Authorities”*, which was typed out with the help of a Hanoi resident, Nguyen The Dam, who put his name and address on the document, Mrs. Gam said : *“I wrote this appeal in the shelter of a public toilet in Mai Xuan Thuong Park, with all the humiliation and grief of a Vietnamese woman deprived of her*



Mrs Nguyen Thi Gam demonstrating at Lenin Park, Hanoi. The placard reads: "Nguyễn Thị Gam, 65, from Quang Ninh Province, Vietnam, victim of serious human rights violations for the past 6 years"

human rights. This is my sixth year in the Park. When will my misery end? When will I find a solution to this injustice?"⁸⁷.

Instead of seeking to solve the demands of these "Victims of Injustice", Vietnam is taking measures to suppress their protests. Faced with demonstrations of women carrying placards in Mai Xuan Thuong Park, Communist Party Secretary-general Nong Duc Manh exclaimed: "It is abnormal for people to demonstrate with placards. In many cases, our democracy is excessive". In March 2005, Vietnam adopted Decree 38/2005/ND-CP banning public demonstrations outside government buildings.

Women who have tried to assist these "Victims of Injustice" have suffered serious reprisals. Lawyer **Bui Thi Kim Thanh** was arrested by Security Police on 2 November 2006 and is currently committed to a mental hospital in Ho Chi Minh City. According to her family, after subjecting her to intensive interrogations, Security Police took her to a local mental hospital. Since the doctors found no evidence of mental illness, Police then took her to the Central Psychiatric Hospital in Bien Hoa, Ho Chi Minh City, where she remains confined to a room in area 4 of the hospital. She is described as being unable to talk as an apparent consequence of injections. She is not allowed to receive any visits. Ms Bui Thi Kim Thanh has not been charged with any offence. She is an outspoken critic of Vietnam's land confiscation policies and an active defender of expropriated women and other "Victims of Injustice", whom she has helped to file complaints and seek compensation.

General Recommendation No. 9 : Violence against Women

Domestic Violence

As Vietnam confirms in its response to questions by the CEDAW Committee (Question 8), domestic violence prevails in Vietnam, and there are no government policies that directly address this problem. It reports that legislation is currently under debate – which means that it will be years before efficient action can be implemented on a national scale. According to the Vietnamese press, one woman dies every three days as a result of domestic violence⁸⁸. 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 World Bank study in 1999 concluded that domestic violence of all forms was a "very real and widespread issue in Vietnam, affecting women from all social and geographical groupings."⁸⁹

⁸⁷ "Urgent Denunciation of the Communist authorities at all levels", Nguyen Thi Gam, 1.1.2007, translated by the Vietnam Committee on Human Rights.

⁸⁸ *Suffering hell in the family*, Vietnamnet, 29.12.2006.

⁸⁹ Dr. Vu Manh Loi, Dr. Vu Tuan Huy, Dr. Nguyen Huu Minh and Ms Jennifer Clement, *Gender-based Violence : the case of Vietnam*, World Bank, 1999.



A man protests Security Police beating of Ms Tran Thi Tuoc and war invalid Cuong (not on the photo), April 2006.



Ms Tran Thi Tuoc, 75, and her son Cuong after being harassed and beaten by Security Police

Conclusions and Recommendations

In view of the persisting gender inequity and violations of the rights of women in Vietnam, the Vietnam Committee on Human Rights urges the Vietnamese government to:

- ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and accede to the Convention on Torture and Other Cruel or Degrading Treatment or Punishment;
- promptly study the impacts of *doi moi*, particularly the negative impacts of economic liberalization on women regarding health, education, increased violence, and in the economic, social and political domains;
- initiate political reforms to protect women against these negative effects and create a climate of diversity and 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 and foster the emergence of a dynamic and vibrant civil society in Vietnam. 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;
- allow 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;
- increase efforts to prevent and combat trafficking in women and girls. Vietnam should take steps to ensure that victims of trafficking and their children returning to Vietnam retrieve their full citizenship rights (such as the *ho khau*, or obligatory residence permit) and be entitled to legal and social aid. Greater efforts should be made to sanction traffickers, particularly when trafficking rings involve Party and government officials or police. The Government should increase efforts to prevent and combat

trafficking in women and girls for exploitative purposes in the labour sector, including forced and bonded labour, domestic servitude and forced or fraudulent marriages ;

- establish bilateral agreements for the rescue and rehabilitation of victims in countries where overseas workers are exposed to exploitative conditions as well as trafficking for fraudulent marriages. With regards to Taiwan, for example, Vietnam continues to send women workers overseas to work in Taiwanese firms, despite widespread cases of exploitative labour, forced marriages and the absence of any mechanism to protect victims of exploitation or abuse;
- urgently address the grave situation of the “*Victims of Injustice*”. Vietnam should re-examine the Land Law and eliminate any provisions that discriminate, directly or indirectly, against women. The Government should intensify drives to disseminate information, in Vietnamese as well as in ethnic minority languages, to inform the various stakeholders on women’s land law rights and assist women in claiming these rights. Official corruption, power abuse and illegal confiscation of land by Party and government officials should be investigated and severely sanctioned. Complaints of women victims should be promptly investigated, state officials should have a gender-balanced appraisal, and not systematically interpret the law in favour of men;
- cease harassment and arbitrary arrest of women “Victims of Injustice” who are simply exercising their right to peaceful assembly and demonstration ;
- end the practice of arbitrary arrests, roundups and detention of women and girls, including “Victims of Injustice”, sex workers and street children in “Social Protection Centres” and other “rehabilitation” camps for “bad social elements”. 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;
- ensure that family planning policies do not violate women’s reproductive rights, and ensure that women are not coerced, intimidated or forced to undergo abortion or sterilization procedures in order to meet State policies to reduce the birth rate. Allegations of forced sterilization of indigenous women and women from the ethnic minorities should be seriously investigated;
- adopt and enforce legislation for the effective prevention and punishment of cases of domestic violence; launch broad-based awareness campaigns to inform the general public as well as policy-makers, and provide training for law enforcement officials and judiciary;
- take special measures to improve the situation of women in the rural areas, to reduce wealth disparities and increase access to health care, education, social opportunities and productive resources;
- urgently conduct awareness campaigns on the problem of HIV/AIDS to inform both women and men about preventive measures; effectively enforce anti-discrimination laws against HIV/AIDS carriers, and cease stigmatising the infection as a “social evil” in state policies and in the media.

In conclusion, the Vietnam Committee wishes to stress the importance of compliance with UN mechanisms to ensure the respect of fundamental rights, and the need to incorporate the recommendations of Treaty bodies and Special Rapporteurs. Vietnam has not invited any Special Rapporteurs or UN mechanisms to visit Vietnam since 1998, when UN Special Rapporteur on Religious Intolerance, Mr. Abdelfattah Amor, made an *in situ* visit to Vietnam. The Vietnamese Foreign Ministry accused Mr. Amor of “lacking objectivity and good-will” in his report to the Commission on Human Rights, and announced: “*We will not accept any foreign individual or organization that wishes to travel to Vietnam to carry out investigations into religious or human rights issues*”. Standing invitations should be extended to all Special Rapporteurs, including the Special Rapporteur on Violence against Women and the Special Rapporteur on Trafficking in Persons, especially in Women and Children.



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Concluding comments of the Committee on the Elimination of Discrimination against Women: Viet Nam

1. The Committee considered the combined fifth and sixth periodic report of Viet Nam (CEDAW/C/VNM/5-6) at its 759th and 760th meetings, on 17 January 2007 (see CEDAW/C/SR.759 and 760). The Committee's list of issues and questions is contained in CEDAW/C/VNM/Q/6, and the responses of Viet Nam are contained in CEDAW/C/VNM/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for the combined fifth and sixth periodic report, which followed the Committee's guidelines and has taken into account the Committee's previous concluding comments. It also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarification in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation headed by the Chairperson of the National Committee for the Advancement of Women in Viet Nam and which included women and men representing different ministries. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

4. The Committee commends the State party for the adoption of a number of new laws that aim at eliminating discrimination against women and promoting gender equality in compliance with the State party's obligation under the Convention. In particular, the Committee welcomes the adoption of the Law on Gender Equality of November 2006, which will enter into force on 1 July 2007, the 2003 amendment to the Land Law and the Law on Marriage and Family.



5. The Committee also welcomes the recent adoption of the Law on Signing, Joining and Implementing International Conventions, which entered into force in January 2006, according to which all reports related to international treaties are to be submitted to the National Assembly for adoption prior to their submission to the relevant treaty bodies.

6. The Committee also commends the State party for the adoption of its National Strategy for the Advancement of Women for 2001-2010, which has been drawn up in accordance with the Beijing Platform for Action.

Principal areas of concern and recommendations

7. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

8. While welcoming the adoption of the new Law on Gender Equality as an improvement of the legal regime and the implementation of the Convention as well as other legal and policy measures that have been put in place in different areas in recent years to eliminate discrimination against women and girls and to promote gender equality, the Committee regrets that the State party did not provide sufficient information or data on the actual impact of these laws and measures and the extent to which they have resulted in accelerating the advancement of women and girls and their enjoyment of their human rights in all areas covered by the Convention.

9. **The Committee recommends that the State party focus on the implementation of existing laws and policies by: setting clearly defined and time-bound targets; systematically collecting and analysing data; monitoring impact, trends over time and progress towards realizing goals and objectives, and results achieved; and allocating sufficient human and financial resources for the effective enforcement of existing laws. With regard to the Convention and the new Law on Gender Equality, the Committee encourages the State party to: ensure their wide dissemination within the country, including their translation into minority languages, in particular among policymakers across all sectors, mass organizations, civil society and the media; take measures towards the speedy harmonization of existing legislation with the objectives of the Convention and the Law on Gender Equality, particularly in the areas of employment, social security, education, the representation of women in political and decision-making bodies and within the public administration and health-care services; and report in its next periodic report on the progress made. With regard to the Land Law, the Committee calls upon the State party to take the necessary steps to remove any administrative obstacles that may prevent the issuance of joint land use certificates to husbands and wives, particularly in rural areas.**

10. The Committee is concerned about the State party's apparent lack of clarity about the difference between temporary special measures that are aimed at

accelerating de facto or substantive equality of women, as called for under article 4, paragraph 1, of the Convention, and general social policies that are adopted to implement the Convention.

11. The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors, with a view to accelerating the practical realization of the goal of women's de facto or substantive equality with men in all areas of the Convention.

12. The Committee reiterates its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes, including the preference for male offspring, regarding the roles and responsibilities of women and men within the family and society at large. These stereotypes present a significant obstacle to the implementation of the Convention, are a root cause of violence against women and put women in a disadvantaged position in a number of areas, including in the labour market and in political and public life.

13. The Committee recommends that the State party take measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotyping. Such measures should include awareness-raising and public educational campaigns addressing women and girls as well as men and boys, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. Special attention should be given to the role of the media in perpetuating such stereotypes, as well as their role in contributing to a social and cultural change towards an environment that is supportive of gender equality. The Committee recommends, in particular, that the Convention be translated into those ethnic minority languages with their own alphabets and that radio programmes in the languages of ethnic minorities, among other forms of media, be used in regularly disseminating information on the Convention and on gender equality.

14. The Committee acknowledges the improvement of the representation of women in Parliament, which is among the highest in Asia, and takes note of the 2001 Law on the Election of National Assembly Deputies and the 2003 Law on the Election of Members of the People's Council, which established a quota system for female deputies, as well as the targets set by the State party for women's representation in public bodies at different levels. The Committee remains concerned about the underrepresentation of women in appointed public decision-making bodies, particularly at the district and commune/ward levels.

15. The Committee calls upon the State party to regularly review its targets for women's participation in public life and decision-making. It encourages the State party to develop concrete measures, with specific timelines, including the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate women's full and equal participation in political life at all levels, in specially appointed and elected positions, including leadership positions in mass organizations and at commune/ward level. The Committee recommends that the State party implement training programmes and awareness-raising campaigns, with a special focus on mass organizations, on the right of women to full and equal participation at all levels of decision-making. It also calls on the

State party to monitor the impact of measures taken, track trends over time, take necessary corrective measures and provide detailed information about results achieved in its next report.

16. Although the Committee welcomes the drafting of a new bill on domestic violence, it continues to be concerned about the lack of information and data on all forms of violence against women and girls, the insufficient information on measures taken to prevent and combat violence against women, including services provided to victims, and the prosecution and punishment of perpetrators of all forms of violence.

17. In accordance with its general recommendation 19, the Committee reiterates its recommendation that the State party give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, including through the speedy adoption of the law on domestic violence. Such measures should ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention. The Committee repeats its recommendation that the State party continue and increase the implementation of educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women and girls are unacceptable. It also recommends the establishment of a sufficient number of crisis centres, including shelters for victims of violence, in both urban and rural areas.

18. The Committee welcomes a number of measures, including the Ordinance on the Prevention and Suppression of Prostitution, bilateral and multilateral agreements and the Action Plan for the Prevention and Suppression of Trafficking in Women and Girls, but is concerned about the persistence of trafficking in women and girls and the exploitation of prostitution, both within the country and to other countries. The Committee is also concerned about the low rates of prosecution and conviction of traffickers and of others who exploit the prostitution of women. The Committee also notes with concern reports that trafficked women and girls face problems in enjoying their citizenship rights when returning to Viet Nam, as well as in conveying citizenship to their children born abroad. It is also concerned about reports that rehabilitation measures, such as administrative camps, may stigmatize girls and young women victims of prostitution and deny them due process rights. In addition, the Committee is concerned about the lack of systematic data collection on the phenomenon of trafficking and exploitation of prostitution.

19. The Committee urges the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime, and to intensify its efforts to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation on the phenomenon. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation to address more effectively the causes of trafficking, and to improve its efforts to prevent trafficking through information exchange. The

Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers and ensure the protection of the human rights of trafficked women and girls. It urges the State party to pursue a holistic approach aimed at addressing the root causes of trafficking and improving prevention. Such efforts should include measures to improve the economic situation of women and girls and to provide them with educational and economic opportunities, thereby reducing and eliminating their vulnerability to exploitation and traffickers. It should also facilitate the reintegration into society of women and girls who are victims of exploitation and trafficking, including children born to Vietnamese women abroad, by ensuring that they are neither criminalized nor penalized and fully enjoy their human rights. It should also enhance rehabilitation, social integration and economic empowerment programmes.

20. While noting progress towards reaching high levels of literacy in the country, the Committee notes with concern that a high proportion of girls still drop out of school and that girls in rural and remote areas do not have full access to education.

21. **The Committee urges the State party to take all appropriate measures to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with article 10 of the Convention, the strategic objectives and actions of the Beijing Declaration and Platform for Action and Millennium Development Goals 2 and 3. It urges the State party to address effectively the obstacles that prevent girls from continuing their education, such as family responsibilities and the cost of education. It also recommends that teacher training programmes at all levels integrate the principles of gender equality and non-discrimination on the grounds of sex. The Committee also calls on the State party to support education programmes on the culture of ethnic minority groups.**

22. The Committee expresses concern that insufficient information was provided about women's de facto situation in the formal and informal labour markets. It is also concerned at the concentration of women in the informal economy, which negatively affects their eligibility for social security and other benefits, including health care. The Committee continues to be concerned about the occupational segregation between women and men in the labour market and the persistent high gap in wages between women and men.

23. **The Committee urges the State party to adopt effective measures in the formal labour market to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It also encourages the State party to ensure the enforcement of regulations of the Labour Code for the benefit of women working in export processing zones, with a particular focus on women's access to social security and health-care services. Efforts to develop guidelines and regulations to provide women in the informal economy with access to such benefits and services should also be enhanced. The Committee requests the State party to assess the impact of economic restructuring processes on women, including women belonging to ethnic minorities and living in rural and remote areas. It requests the State party to ensure that all poverty reduction programmes and strategies are gender-sensitive and also to provide targeted support to disadvantaged groups of women. The Committee invites the State party to monitor the impact of**

measures taken and trends over time and to report to the Committee on results achieved in its next report.

24. The Committee expresses its concern about women's limited access to sexual and reproductive health-care services, and about the very high rate of abortions, in particular among adolescent and young women. The Committee is also concerned about the increase in HIV/AIDS infections among women.

25. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including through improved availability, acceptability and use of modern means of birth control, in order to eliminate the use of abortion as a method of family planning. The Committee recommends that the State party give priority attention to the sexual and reproductive health needs of adolescent and young women and men and that it provide age-appropriate sex education, including in school curricula, with special attention to the prevention of early pregnancies and sexually transmitted diseases and HIV/AIDS. The Committee also calls on the State party to ensure the effective implementation of its national strategy on the prevention and control of HIV/AIDS, including improved access to antiretroviral drugs, protection and care for babies born with HIV and training for medical personnel.

26. The Committee is concerned about the differential minimum legal age for marriage for women and men as well as about reports on underage marriages of girls, which limit their development and opportunities to fully develop their skills and capacities, especially in some ethnic minority areas.

27. The Committee urges the State party to set the same minimum age of marriage for women and men at 18 years, in line with article 1 of the Convention on the Rights of the Child and article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations. It also calls on the State party to take measures to prevent and stop underage marriages.

28. The Committee expresses its concern about the situation of women in rural and remote areas, as well as the situation of ethnic minority women, who lack sufficient access to adequate health services, education opportunities, employment and credit facilities.

29. The Committee calls upon the State party to pay special attention to the needs of women living in rural and remote areas and women belonging to ethnic minorities by ensuring that they have equal access to health care, education, social security, income-generation opportunities and participation in decision-making processes at all levels. It also encourages the State party to use innovative methods to improve information on and awareness of the provisions of the Convention and of relevant laws, including the Law on Gender Equality, among women and girls in rural and remote areas and women belonging to ethnic minorities. The Committee requests the State party to ensure that the draft law on ethnic minorities integrates the objectives of the Law on Gender Equality and that the draft law on ethnic minorities be passed as soon as possible. The Committee requests that comprehensive information be included

in the next periodic report, including sex-disaggregated data and trends over time, on the de facto holistic position of rural and ethnic minority women and on the impact of measures taken and results achieved in the implementation of policies and programmes for these groups of women and girls.

30. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

31. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

32. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

33. The Committee notes that the adherence of States to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Viet Nam to consider ratifying the treaties to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

34. The Committee requests the wide dissemination in Viet Nam of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

35. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in March 2007, and its eighth periodic report, due in March 2011, in a combined report in March 2011.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.



**Vietnam Committee
On Human Rights**

**Vietnam / CEDAW:
“Only genuine and concrete measures
will improve the respect for women’s rights ”**

Paris, 12 February 2007: FIDH and the Vietnam Committee on Human Rights (VCHR) welcome the recent adoption by the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee), of Concluding comments on Vietnam.

Last month, the body of experts examined the State report of the Socialist Republic of Vietnam concerning the implementation of the CEDAW Convention in the country. Representatives of the VCHR presented on that occasion an alternative report stressing the key issues of concern in relation to women’s rights in Vietnam. Those concerns are largely reflected in the UN Concluding comments.

« *A number of laws have been adopted over the past few years in Vietnam in order to advance the equality between women and men, and to eliminate discrimination based on gender. However, as stressed by the CEDAW Committee, their impact in practice has hardly ever been assessed* », said Vo Van Ai, President of VCHR and Vice-president of FIDH.

The UN experts deplore the « *persistence of patriarchal attitudes and deep-rooted stereotypes, including the preference for male offspring, regarding the roles and responsibilities of women and men within the family and society at large* ». They stress that awareness raising and public educational campaigns are needed in order to eliminate such stereotypes.

Although representation of women in Parliament is relatively satisfactory, the CEDAW Committee regrets the underrepresentation of women in appointed public decision-making bodies.

The persistence of trafficking in women and girls and the exploitation of prostitution are issues of concern for the Committee. It recommends that Vietnam « *facilitate the reintegration into society of women and girls who are victims of exploitation and trafficking, including children born to Vietnamese women abroad, by ensuring that they are neither criminalized nor penalized* ». The authorities should also prosecute and punish traffickers and ensure the protection of the human rights of trafficked women and girls.

The UN experts also regret women’s limited access to sexual and reproductive health-care services, the “use of abortion as a method of family planning” and the increase in HIV/AIDS infections among women. They are equally concerned about the high proportion of girls’ drop out of school and request Vietnam to address effectively the obstacles that prevent girls from continuing their education, such as family responsibilities and the cost of education.

“*We hope that, as requested by the UN body, the Vietnamese authorities will submit the UN concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation, and will translate the CEDAW Convention in the ethnic minority languages*”, said Sidiki Kaba, President of FIDH. “*Only genuine and concrete measures, and full implementation of the UN recommendations, will improve the respect for women’s rights in Vietnam*”, he concluded.

Link to VCHR Shadow Report in English :

http://www.queme.net/eng/doc/VCHR_Alternative_Report_on_CEDAW_2007.pdf

and to the CEDAW Committee Concluding Comments:

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

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