



**Convention on the Elimination  
of all Forms of Discrimination  
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifth session

SUMMARY RECORD OF THE 71st MEETING

Held at Headquarters, New York,  
on Thursday, 13 March 1986, at 3 p.m.

Chairperson: Ms. BERNARD

later: Ms. CORTES

CONTENTS

Consideration of reports submitted by States parties under article 18 of the  
Convention (continued)

Ways and means of implementing article 21 of the Convention (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Viet Nam (continued) (CEDAW/C/5/Add.25)

1. Ms. VELIZ de VILLALVILLA asked the representative of Viet Nam what functions the Women's Union performed, how it was organized, how many members it had and what its sources of funding were. She also wished to know what percentage of Party members were women and what part they played in running its affairs.
2. In view of the problem which prostitution had represented in the past, she asked what steps had been taken since the war in Viet Nam to rehabilitate former prostitutes and reintegrate them into society, and how such problems as pornography and drug abuse had been eliminated.
3. Given the role which Vietnamese women had played during the war in Viet Nam, it would be interesting to know what their position in the armed forces was, whether they could rise to the senior ranks and be admitted to officers' training schools. Since many women had been involved in the sphere of international relations, it would have been useful if the report had included information on their participation in the diplomatic service. Lastly, she would welcome additional information on health, such as life expectancy and mortality rates, with specific reference to women.
4. Ms. CORTES asked whether women's work in the home was considered in Viet Nam as having monetary value. In various parts of the report reference was made to the demographic composition of Viet Nam, but more complete information would be welcome in that connection, broken down by age and other factors. She also asked whether or not voting was compulsory in Viet Nam, how the country had managed to eradicate illiteracy in only two years, whether the Women's Union was a governmental or non-governmental organization, and what percentage of managerial posts were occupied by women. She would welcome more information on the establishment and activities of grassroots movements and, on the subject of culture, she asked what reasons had led to the establishment of the Women's Publishing House. Given the statement in the report that women's cultural level did not yet meet the needs of the current stage of development, she asked what steps were being taken to remedy that situation.
5. Ms. EVATT, noting the indication on page 4 of the report that the Women's Union had the right to submit draft laws to the National Assembly, asked what the procedures were in that regard and whether the Union could submit to the Assembly any draft law or only those which were concerned with women. She also asked whether any specific measures had been taken to inform all women of their rights under the law, what the membership of the Women's Union was and what system was followed in appointing or electing its members.
6. It would be interesting to know whether the Women's Union was planning any activities aimed at changing stereotypes of men's and women's roles. She requested information on the representation of women in international agencies and asked

(Ms. Evatt)

whether equality existed in practice between women in rural and urban areas. In connection with article 12 of the Convention, she asked the representative of Viet Nam to provide additional information on the population and, in connection with article 16, statistics on marriage and divorce rates. The report made some reference to family violence and the measures taken to combat it, but it would be very interesting to have more details on the extent of the problem and the legal protection afforded to women.

7. Ms. Cortes took the Chair.

8. Ms. WADSTEIN noted with satisfaction that Viet Nam's efforts were focused on achieving de facto equality and noted that, in those efforts, the country could rely on the support of matriarchal traditions which, as she understood it, were preserved among several population groups. It would be interesting to have information on the present-day situation of the matriarchal societies. With regard to article 4 of the Convention, she requested additional information on Viet Nam's experience with regard to the reception given by both men and women to such temporary special measures as quotas and preferential treatment. She asked whether such measures were compulsory or merely recommendations, and what areas of society they affected. Details should be provided on the participation of men in political and public affairs so that comparisons could be made with the information provided on women in connection with articles 7 and 8 of the Convention. In connection with article 11, the reporting State should provide a breakdown by sex for the various levels and an explanation why specific occupations, such as driving a truck, were considered too strenuous for women. On the subject of article 10, more information was needed on education. She asked how many years of schooling were compulsory and whether co-education existed and, if so, how prevalent it was. It would also be interesting to know what effect the ongoing educational reform would have on the education of boys and girls. Lastly, she wondered whether in amending the Law on Marriage the same minimum age would be set for men and women.

9. Ms. EL-FETOUH asked whether, with regard to the right to submit draft bills to the National Assembly, a special privilege had been given to the Vietnamese Women's Union or whether any other bodies enjoyed similar rights. On the subject of property settlements in cases of divorce, which, according to the report, were based on the labour contributed by each side, she asked to what extent it was possible to quantify the value of a woman's work in the home so as to arrive at a correct apportionment of property between the husband and the wife. With regard to the participation of women in political and public affairs, it was impressive that women had cast 13 million out of a total of 23 million votes in national elections; she asked how that result had been achieved, whether there were programmes to encourage interest and involvement in politics, or whether those figures were merely the result of the role which Vietnamese women had played in the struggle for the country's liberation. Although it was indicated in the report that the number of women serving in the diplomatic corps had increased fourfold between 1970 and 1984, it would be useful to have the specific figures. In order to evaluate the work carried out by the Vietnamese Women's Union in the literacy campaign, it would be interesting to know how many women had been illiterate before 1977 and whether the complete eradication of illiteracy in two years was the result of the efforts of Vietnamese women alone or whether assistance had been received from UNESCO or any other specialized agency. As to Viet Nam's policy of "positive discrimination"

(Ms. El-Fetouh)

in favour of women (p. 18), it would be interesting to know whether men who had been passed over in favour of women had a right to lodge any protest and whether the measures in question were only temporary. As far as the principle of the equality of the sexes was concerned, the authorities should exercise care in dealing with the question of possible measures, particularly with respect to articles 9 and 14.

10. Ms. JAYASINGHE said that the information relating to the proportion of women working in the various sectors (p. 9) should be broken down according to level of qualification so as to show the percentage of women in managerial posts and the percentage doing unskilled work. The type of work done by the so-called social work force should also be specified. In view of the large number of women engaged in farming in Viet Nam it would be interesting to have more details about their education and their possibilities for employment as compared with women living in urban areas, whether they had access to credit and to agricultural extension services, training and other opportunities and whether female rural workers were paid for their work or engaged only in unpaid work on family farms.

11. Ms. OESER (Rapporteur) welcomed the policy adopted by the Government of Viet Nam with regard to the advancement of women, and particularly with regard to the eradication of illiteracy. She wondered what specific content was being given to the relationship between women and development in the national research project on women (p. 11). It would be interesting to know whether there were any plans to reduce the birth rate, to carry out special training programmes for women or to open new fields of activity previously closed to women.

12. Ms. MACEDO DE SHEPPARD said that the report demonstrated the efforts which had been made to improve the situation of women. It would be very interesting to know what methods had been used in order to eradicate illiteracy in the space of two years for that information could be very useful for many countries. With regard to legislation regarding nationality, she wondered whether the law also provided that a Vietnamese man married to a foreigner could renounce his nationality and adopt that of his wife.

13. Ms. LAIOU-ANTONIOU welcomed the policy adopted by Viet Nam with regard to the advancement of women and said that it was worth mentioning that in Viet Nam the role played by women in the war of liberation had been recognized and that women had not been left out of the mainstream after the war. The fact that the principle of equality of men and women had been given specific legal expression in the Constitution was also commendable.

14. She asked whether the maternity homes referred to on page 3 of the report were open both to married and to single women. The fact that the Constitution prohibited a man from instituting divorce proceedings while his wife was pregnant or while an infant was under one year was a positive step, as was the fact that under the draft penal code, which had been completed in 1984, open discrimination against women was punishable by law (p. 5). The figures relating to the participation of women in public life and in trade unions seemed encouraging but they were not entirely clear. The measures taken by the Government to encourage the advancement of women were very useful. With regard to the proportion of women in the various economic sectors, she wondered whether the Government was doing

(Ms. Laiou-Antoniou)

anything to reduce the high concentration of women in traditionally female sectors since that concentration contributed to keeping the remuneration of women lower than that of men. She welcomed the fact that Vietnamese women were entitled to a number of days of paid leave in connection with a miscarriage, insertion of a contraceptive device, sterilization or termination of pregnancy, but she failed to see why women were not considered capable of doing certain types of work, for example, driving locomotives. However, on the whole, the achievements were impressive and the Women's Union should be commended for what it had done for the advancement of women.

15. Ms. IDER welcomed the fact that, despite the destruction wreaked during 30 years of fighting, the Government was spending financial resources in order to implement measures designed to promote the advancement of women; that demonstrated its readiness to attain the objectives set and its interest in the full implementation of the Convention. She particularly congratulated the Government of Viet Nam on the extraordinary feat it had accomplished in eliminating illiteracy in the northern and southern regions of Viet Nam in only two years.

16. The report referred to the foreign aggression against the people of Viet Nam and, in that connection, she would welcome more information regarding the magnitude of the damage inflicted on the population. In addition, she would like to know what were the fundamental problems, particularly the social problems, which the Government of Viet Nam was facing in the southern part of the country, what measures it had taken to deal with those problems and what difficulties it had encountered.

17. Ms. Bernard resumed the Chair.

18. Ms. PEYTCHEVA thanked the representative of Viet Nam for her report, which was extremely interesting, specific and frank. It made no attempt to conceal the fact that certain difficulties did persist and that they stood in the way of the full implementation of the Convention.

19. She praised the Government of Viet Nam for its efforts to establish a broad political and legal system designed to guarantee women their rights. The high percentage of women represented in the National Assembly and in the Council of Ministers was a consequence of those efforts as was the virtual elimination of illiteracy and the increase in the level of education and vocational training among women.

20. She would like to have more information regarding the fundamental provisions relating to the specific rights of working women and how those provisions satisfied article 11 of the Convention. It would also be interesting to know the results of the national research project on women financed by the State Committee for Social Sciences. She would also welcome a breakdown of the population according to age and sex and would like to know why the minimum age for marriage was 18 years for women whereas for men it was 20 years.

21. Finally, she asked for information concerning the consequences of foreign aggression against Viet Nam, the number of wounded and the effects of the chemical weapons on the mental health of women and children in Viet Nam.



22. Ms. SALEMA, referring to the Constitution of 1980, specifically to the statement on page 4 of the report that the Constitution "also guarantees women's legal capacity through their organization, the Women's Union", asked whether that meant that women could exercise their rights only through the women's Union or whether they could do so directly.

23. Referring to article 1 of the Law on Marriage and Family, which set forth the provisions relating to divorce, she asked what were the circumstances in which divorce was restricted and what were the circumstances in which it was granted. With regard to the reference, in article 23 of that Law, to "children born out of wedlock" (p. 4), she asked whether the new law also used that expression, which some countries considered to be unfair to children. With regard to article 29 of that Law, she asked whether labour in the home continued to be considered productive labour.

24. Noting that the minimum age for marriage was not the same for women as for men, she asked whether that had been changed in the new Law on Marriage and Family and, if it had not, whether or not that was considered positive discrimination. With regard to the electoral law, according to the report "all citizens ... have the right to vote upon reaching the age of eighteen" (p. 6). She asked whether there was any relationship between the age set for participating in elections and the age stipulated for entering into matrimony. She also requested information regarding the difference between passive and active electoral capacity.

25. She drew attention to article 138 of the new penal code, under which open discrimination against women was punishable by law and said that she would like to have the exact wording and, if possible, a photocopy of the article, in order to be able to examine its provisions in detail; she believed that it was the first article of that kind.

26. Finally, she expressed interest in the issue of family planning and the new measures designed to encourage women to have only one child or not more than two.

27. Ms. MUKAYIRANGA said that Viet Nam's report revealed an unhesitating political will to overcome underdevelopment and at the same time to improve the status of women.

28. Referring to family planning, she asked what the rural population's reaction was to Viet Nam's family planning policy, whether there was prejudice against that policy and whether contraceptives were free of charge. She also wished to know whether the Vietnamese Government had succeeded in lowering the birth rate as a result of the measures it had introduced.

29. Lastly, referring to women in rural areas, who worked over 12 hours a day in order to meet their housing, food and clothing needs, she asked whether the situation of such women had improved in Viet Nam.

30. The CHAIRPERSON commended the representative of Viet Nam for her country's report, which showed that, despite the aftermath of the war, extraordinary progress had been made in improving the status of women and implementing most of the articles of the Convention.

(The Chairperson)

31. She wished to have specific information on a number of matters. The report indicated that among Vietnamese women officials there was one Vice-Minister of Justice, one Deputy High Justice, one Judge of the High Civil Court and one representative lawyer on the Law Committee of the National Assembly (p. 5). She wondered what percentage of the total number that group represented. With regard to the statement that in 1959 there had been only four female directors of companies or factories, whereas in 1982 there had been 191 (p. 9), she wished to ask what percentage of the total number of leadership positions those figures represented. Lastly, referring to the retirement age, which was 55 years for women and 60 for men, she wished to know what the reason for that difference was.

32. Ms. NGUYEN BINH THANH (Viet Nam) said that she wished, both on behalf of her Government and in her personal capacity, to thank the members of the Committee for their attention and for their praise for her country's initial report, which constituted an enormous incentive to promote the cause of the emancipation of women and the equality of the sexes in Viet Nam. She would endeavour to respond to the points raised by the experts at a subsequent meeting.

33. Ms. Nguyen Binh Thanh (Viet Nam) withdrew.

#### WAYS AND MEANS OF IMPLEMENTING ARTICLE 21 OF THE CONVENTION (continued)

34. Ms. EVATT said that she wished to raise the question of the interpretation of the second sentence of article 21, paragraph 1, of the Convention. There were two alternatives: (1) The Committee's annual report could be drawn up immediately, and suggestions and general recommendations on the reports submitted by States parties could be included in it; comments, if any, by States parties could be included in the following annual report. (2) The Committee could defer preparation of the report until States parties had made their comments, so that the comments could thus be included in the report. She preferred the first alternative.

35. Ms. CORTES and Ms. LAIOU-ANTONIOU said that they wished to raise the question of how the Committee's suggestions and recommendations were to be adopted. According to article 21 of the Convention, the Committee should report to the General Assembly through the Economic and Social Council. They wondered by what means or through what machinery those bodies communicated with States parties and ensured that the Committee's suggestions and recommendations were translated into effective measures to promote equal rights for women in the various States.

36. Ms. OESER (Rapporteur) acknowledged that the second sentence of article 21, paragraph 1, of the Convention was ambiguous and said that the matter would have to be clarified. She wished to point out that, at its previous session, the Committee had made suggestions and recommendations to the Economic and Social Council and the General Assembly concerning States parties' reports.

37. Ms. EL-FETOUH reiterated that, according to the Committee's mandate, the reports prepared by the Committee on the basis of its consideration of States parties' reports should be submitted to the General Assembly, through the Economic and Social Council. The Assembly would adopt the measures it deemed appropriate in

(Ms. El-Fetouh)

that respect. The Committee considered only reports and information transmitted to it by the States parties. It did not consider individual cases, which could be referred to the Commission on the Status of Women.

38. The CHAIRPERSON confirmed that the Committee did not have the power to make suggestions and recommendations direct to States parties but, rather, only through the Economic and Social Council and the General Assembly. She endorsed the view that the suggestions and recommendations should be incorporated into the Committee's annual report and that States parties' comments should be included in the Committee's following report.

39. Ms. SMITH said that the recommendations and suggestions should be included in the report.

40. Ms. JAYESINGHE said that, if the Committee had made recommendations at previous sessions, it could also do so at the current session.

41. Ms. MUKAYIRANGA said that article 21 could be interpreted in many ways. Generally, when a representative introduced his or her country's report in the Committee, the members of the Committee asked him or her questions, which were what was reflected in the report.

42. Ms. CARON said that it would be helpful to clarify what the suggestions and recommendations that some members of the Committee wished to make were about.

43. Ms. PEYTCHEVA agreed that article 21 was imprecise. She wondered whether the Committee had the authority to interpret the second sentence of paragraph 1. Perhaps it would be possible to take advantage of the opportunity presented by the meeting of the States parties to the Convention.

44. Ms. CREYDT (Secretary of the Committee) said that she did not believe that it would be possible to consider the matter at that meeting, since the States parties to the Convention were meeting in order to elect members of the Committee.

45. Ms. SMITH said that the Committee did not have the authority to interpret article 21 of the Convention and that rule 48, paragraph 2, of the rules of procedure solved the problem.

46. Ms. OESER (Rapporteur) said that she was not sure that rule 48, paragraph 2, of the rules of procedure solved the problem. On the contrary, she believed that it gave rise to another problem.

47. Ms. EL-FETOUH said that rule 48 of the rules of procedure was based on article 21 of the Convention. Article 21 itself was based on article 19, which stipulated that the Committee should adopt its own rules of procedure. In any event, what was important was that the Committee should comply with article 21 of the Convention.

48. Ms. SMITH (Chairperson of the Working Group) said that suggestions and general recommendations should be included in the report.



49. Ms. EVATT said that agreement must be reached on the suggestions and recommendations that were to be submitted to the General Assembly. One of the most important issues was the question of special measures for the benefit of women, since some States parties had adopted such measures and others had not. The possibility of implementing programmes to promote the status of women should be drawn to the attention of States parties.

50. The CHAIRPERSON said that there was general agreement that suggestions and general recommendations based on consideration of the reports and information transmitted by States parties should be included in the report. She therefore urged the Committee members who had recommendations to make to transmit them to the Rapporteur so that she could arrange for them to be translated and they could be submitted for consideration.

The meeting rose at 5.35 p.m.