



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the ninth periodic report of Viet Nam*

Applicability of the Convention

1. As stated in the ninth periodic report of the State party ([CEDAW/C/VNM/9](#), paras. 17 and 72), article 6 of the Law on International Treaties of 2016 stipulates that the National Assembly, the President or the Government decides on the consent to be bound by the treaty, the application of the treaty, in whole or in part, or the enactment of legal documents for the implementation of the treaty. Please clarify whether the Convention, in whole or in part, is binding in application or whether the National Assembly, the President or the Government has taken steps to enact a legal document for the implementation of the Convention. Please clarify whether the provisions of the Convention can be applied and/or invoked in the domestic courts of the State party and provide information on the number and subject matter of court decisions in which reference has been made to the Convention, if any.

Discriminatory laws

2. Taking into account that the Law on Gender Equality of 2006 defines gender discrimination as the restriction, exclusion or refusal to recognize or appreciate the role and position of men and women, resulting in inequality in all areas of social and family life, please provide updated information on any steps taken to adopt a definition of gender discrimination that encompasses direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention. In the light of the Committee's previous recommendations ([CEDAW/C/VNM/CO/7-8](#), para. 8 (a)), please also provide updated information on steps taken to amend or repeal discriminatory or vague provisions, including: (a) articles 13 and 169 of the Labour Code of 2019, which exclude self-employed and unpaid family workers, primarily comprising women, from the scope of the legislation and that maintain a two-year discrepancy in retirement ages between men and women; and (b) articles 2 and 3 of the Law on Marriage and Family of 2014 on helping women to "fulfil their noble functions as mothers" and on accepting "marriage and family practices that have been repeated for a long time and widely recognized in a region or community".

* Adopted by the pre-sessional working group on 22 February 2024.



Access to justice

3. Please provide information on the following:

(a) The eligibility of women and girls to free legal aid under the Law on Legal Aid of 2017 in cases of gender-based violence and discrimination against women and trafficking or exploitation of women and girls;

(b) Measures taken to employ women as hotline responders, legal aid providers and mediators and to provide adequate training to them;

(c) The number of investigations, prosecutions, convictions and the sentences imposed in cases of gender-based violence against women, the fines imposed in cases of discrimination against women and the redress provided to victims (CEDAW/C/VNM/9, para. 18);

(d) Measures adopted to ensure that reconciliation and mediation procedures are not prioritized over the prosecution of perpetrators of gender-based violence against women, in line with the Committee's concern expressed in its concluding observations on the combined seventh and eighth periodic reports of the State party (CEDAW/C/VNM/CO/7-8, para. 10 (a));

(e) The number of investigations, prosecutions and convictions and the sentences imposed in cases of corruption in the administration of justice.

National machinery for the advancement of women

4. Recalling the Committee's concern expressed about the lack of effective coordination and clear division of responsibility in ensuring gender equality and the rights of women within State institutions (CEDAW/C/VNM/CO/7-8, para. 12 (a)), please provide clarification on the following:

(a) The role of the National Committee for the Advancement of Women with regard to the coordination of the activities of ministries (CEDAW/C/VNM/9, para. 12);

(b) Whether the National Committee for the Advancement of Women is responsible for the coordination of activities led by the Ministry of Labour, Invalids and Social Affairs;

(c) The mandate of the Ministry of Labour, Invalids and Social Affairs in relation to gender equality and the rights of women (Ibid.);

(d) The mandate, autonomy and division of responsibilities of the Viet Nam Women's Union with the National Committee for the Advancement of Women and relevant ministries.

5. According to the State party's report, a number of targets under the national strategy on gender equality, 2011–2020, were not met, such as those concerning the participation of women in the National Assembly and People's Councils at various levels (CEDAW/C/VNM/9, paras. 31), the percentage of women leaders in ministries, ministerial agencies and the People's Committee at various levels (Ibid., para. 32), the rate of women rural workers under 45 years of age who are vocationally and technically trained (Ibid., para. 40), the rate of women in poor rural areas and ethnic minority areas who sought preferential loans from employment or poverty reduction programmes and official credit sources (Ibid., para. 41), the number of women holding master's degrees (Ibid., para. 44), ensuring gender equality in family life, gradually eliminating gender-based violence (Ibid., para. 52) and cross-border trafficking in persons (Ibid., para. 55). Recalling the concern expressed by the Committee on the lack of accountability mechanisms and weak implementation of

laws and policies ([CEDAW/C/VNM/CO/7-8](#), para. 8 (b)), please provide information on the following: (a) which parts of the national machinery for the advancement of women are responsible for ensuring accountability and monitoring the implementation of laws and policies on women's rights and gender equality; (b) the relevant human, technical and financial resources allocated under the Law on the State Budget of 2015 (*Ibid.*, para. 18); and (c) the mechanism responsible for monitoring the implementation of the Committee's recommendations (*Ibid.*, para. 20). Please also explain the provisions included in the Law on the Promulgation of Legal Documents of 2015 (amended and supplemented in 2020) concerning gender mainstreaming throughout the formulation and promulgation of legal documents (*Ibid.*, para. 72), including on public participation.

Women human rights defenders

6. Please provide information on steps taken by the State party to create an enabling environment for women human rights defenders and in which women's rights organizations can be freely established and operate, including measures:

(a) To repeal or amend the broad and vaguely formulated provisions in the Criminal Code, including chapter XIII and articles 117 and 331, and the Law on Counter-Terrorism of 2013, including articles 109, 113 and 229, that can be invoked to criminalize the work of women's rights organizations and women human rights defenders;

(b) To address the barriers faced by women human rights defenders in carrying out their legitimate work, including gender stereotypes concerning women in decision-making roles and language barriers faced by women belonging to ethnic minority groups and Indigenous women;

(c) Investigate all reported cases of harassment, intimidation, arbitrary arrest and detention of women human rights defenders, women journalists and women activists, including those alleged by the organizers and participants of the event commemorating International Women's Day in 2023 in Tra Vinh province, and prosecute and adequately sentence the perpetrators.

Gender stereotypes

7. In the light of the information provided in the report ([CEDAW/C/VNM/9](#), para. 52) that women continued to spend over double the amount of time on unpaid household work compared with men, notwithstanding the public awareness-raising campaigns and capacity-building activities mentioned in the report (*Ibid.*, para. 87), please provide information on measures to promote the equal sharing of domestic and family responsibilities between women and men and their impact, steps taken to address the lack of disaggregated data on unpaid household and care work (*Ibid.*, para. 64), steps taken to identify other root causes of the gender gap between the time spent on unpaid household work, in particular with regard to women belonging to ethnic minority groups, who are disproportionately found doing unpaid care work at home, in addition to stereotypes concerning the roles of women and men in the family and in society in the State party. Please explain how the "scheme on the communication and education of Vietnamese women's dignity and morality during the enhanced industrialization and modernization process" (*Ibid.*, para. 25) serves to deconstruct traditional gender stereotypes, providing further information on the elements within the scheme, and please provide information on the impact of the guidelines on integrating gender mainstreaming into general education curricula and textbooks (Decision No. 1381/QĐ-BGDDT of 28 April 2016).

Gender-based violence against women

8. Please provide information on the measures taken to raise public awareness of the criminalization of all forms gender-based violence, in particular sexual violence. Please also provide information on the number of investigations, prosecutions and convictions in cases of gender-based violence, in particular sexual violence, against women, including women with disabilities, on the sentences imposed on the perpetrators and on the redress provided to survivors. Please inform the Committee of the measures taken to increase recourse to legal proceedings in cases of gender-based violence against women, reduce the rate of case attrition across all levels of the criminal justice process, counter social norms that stigmatize or blame women who are survivors of gender-based violence, address the culture of silence and impunity surrounding such cases and provide comprehensive services to survivors. Please provide updated information on the status of the draft law on domestic violence prevention and control ([CEDAW/C/VNM/9](#), para. 19) and information on economic violence faced by women perpetrated by their husband or partner.

9. Please provide information on the measures taken to address sexual harassment in the workplace, schools and public places, on the legislation in place to prohibit it and on the compensation provided to victims of sexual harassment.

Trafficking and exploitation of prostitution

10. Please provide information on the measures adopted (a) to address the lack of disaggregated data on trafficking in persons, in particular women and girls, within and from the State party ([CEDAW/C/VNM/9](#), para. 54); (b) to ensure the early identification and referral of victims of trafficking and re-trafficking to the appropriate services; (c) to raise awareness and ensure the enforcement of the Labour Code, which prohibits enticement, false advertisements and deception for the purposes of labour trafficking; and (d) to combat and prevent trafficking, in particular for surrogacy and forced marriage, including measures to strengthen cooperation and information exchange with neighbouring countries to facilitate the prosecution of traffickers and the provision of comprehensive services for victims, including victims repatriated from other countries. Please also provide information on the number of investigations, prosecutions and convictions in cases of trafficking, including cases of collusion of public officials with traffickers, on the sentences imposed on perpetrators and on remedies, support services and the issuance of temporary residence permits for victims, irrespective of their ability or willingness to cooperate with the prosecution authorities.

11. Taking note of the criminalization of women and girls in prostitution in the State party ([CEDAW/C/VNM/9](#), para. 115), the reports of arbitrary arrests and detention and gender-based violence against women and girls in prostitution and the “development of communes and wards without social evils” and the related advocacy campaign (*Ibid.*, para. 113), please provide information on the adoption and impact of measures to destigmatize women and girls in prostitution and to provide exit programmes, including alternative income-generating opportunities, for women and girls who wish to leave prostitution.

Participation in political and public life

12. Please provide information on the impact of the following measures to ensure the equal and inclusive representation of women in decision-making systems: (a) the statutory minimum quota for women’s representation under the Law on Election of Deputies to the National Assembly and People’s Councils of 2015 ([CEDAW/C/VNM/9](#), para. 18); (b) the programme to enhance the equal participation of women in leading and management positions at policymaking levels; and (c) the

scheme for the implementation of measures to ensure gender equality for women officials, civil servants and public employees, 2016–2020 (Ibid., para. 21). Please also provide information on the mechanisms and accountability measures in place to ensure the implementation of the above-mentioned measures to ensure the equal and inclusive representation of women in decision-making systems, along with updated statistical data on the representation of women, including women belonging to disadvantaged groups, such as women belonging to ethnic minority groups, Indigenous women and women with disabilities, in the Politburo, on executive party committees and standing party committees at the central and provincial levels, in the National Assembly, People's Councils at the provincial, district and commune levels, the Supreme People's Court, the Supreme People's Procuracy and the High People's Courts, among the police and law enforcement personnel and in the foreign service of the State party. Please indicate the measures taken to address stereotypes that lead to a preference of male candidates and to promote access for women to decision-making positions, especially at the highest levels of leadership, in non-traditional areas of public policy beyond education, employment and health, such as national defence.

Education

13. Taking note of the information in the State party's report ([CEDAW/C/VNM/9](#), para. 145), please indicate the measures taken: (a) to increase school enrolment and completion rates and improve foundational literacy and numeracy skills among girls, in particular disadvantaged groups of girls, including girls with disabilities, girls without birth registration, girls belonging to ethnic minority groups and Indigenous girls; (b) to prevent school dropout among girls due to domestic or paid work to contribute to the household income, early pregnancy and early marriage; and (c) to facilitate the retention and reinsertion of pregnant girls and young mothers in the education system following childbirth. Given that women and girls account for only 35 per cent of graduates that complete tertiary education in science, technology, engineering and mathematics fields, please provide information on the measures taken to promote the choice of non-traditional fields of study and career paths, such as in science, technology, engineering and mathematics, information and communications technology and artificial intelligence, among women and girls.

Employment

14. Please provide information on the measures taken to eliminate horizontal and vertical segregation in the labour market in the public and private sectors, address the gender wage gap, promote equality at work and the empowerment of women through the diversification of occupational sectors where women are employed, including information and communications technology and artificial intelligence, and (d) prioritize support for women's small and medium-sized enterprises and for those enterprises that employ more women ([CEDAW/C/VNM/9](#), paras. 18 and 93). Please also provide information on the measures taken to prevent the exploitation of women in low-paying and short-term work and their overrepresentation in the informal sector without access to labour, maternity and social protections and ensure adequate conditions of work for women relating to working hours, occupational safety and occupational hygiene (Ibid., para. 18). Please provide updated information on any steps taken to further amend the Labour Code to harmonize the retirement ages set for women and men, with a view to increasing the disproportionately low average pension benefits received by women compared with men.

Health

15. Please provide updated disaggregated data on access among women to medical, psychosocial and mental health services and testing and treatment for cervical cancer and communicable diseases in the State party. Please provide information on the measures taken to ensure that women and girls, including rural women and girls and women and girls with disabilities, have adequate access to sexual and reproductive health services, including family planning and affordable modern contraceptives. Please indicate whether age-appropriate education on sexual and reproductive health and rights is part of the school curricula at all levels of education. Taking note of the target in the national action programme on gender equality, 2016–2020, to reduce the abortion rate to 25 per 100 live births by 2020 ([CEDAW/C/VNM/9](#), paras. 48 and 49), please provide information on steps taken to ensure access among women and girls to safe abortion and post-abortion services. Please also provide information on measures taken to increase the number of women, in particular women with low levels of education and women belonging to ethnic minority groups, who make their own informed decisions about sexual intercourse and the use of contraception.

Economic empowerment of women

16. In the light of the data indicating that 47 per cent of all listed companies in Viet Nam have no women on their boards at all, please provide information on measures adopted to reach the target of 30 per cent women in management or on boards. Please also indicate measures adopted to address the findings that the majority of middle and senior management positions held by women are clustered in human resources, finance and administration and marketing and sales and to address the disproportionately low ownership of small and medium-sized enterprises by women (para. 93). Noting the estimated \$1.12 billion financing gap for women-owned enterprises, the disproportionately low number of women-owned small and medium-sized enterprises that have acquired a loan in the past two years and the relatively low average loan sum received by women compared with men, please provide information on measures adopted to address the requirement under Decree No. 41/2010/ND-CP for land titles to be presented to obtain loans from credit institutions, given that many women do not have such titles, incentivize commercial banks to assist women-owned small and medium-sized enterprises and provide information to women on policies and the business support available, in particular with regard to land use, public investment plans, local industry and infrastructure plans.

Rural women

17. Please provide information on the measures taken to address the concentration of women in subsistence agriculture, their disproportionately low level of cooperative membership compared with men, the disproportionately low average salary of women who are members of cooperatives compared with men, the low number of female-headed households using agricultural land with land use rights certificates, the limited access among rural women workers to vocational and technical training ([CEDAW/C/VNM/9](#), para. 40) and the disproportionate burden of unpaid domestic and care work placed on rural women. Please also provide information on access among rural women to low-interest loans without the need to provide collateral.

18. Please provide information on the number of court cases concerning access to land titles filed by women, including female heads of households, and their outcome, over the past five years, the number of female heads of households who have benefited from initiatives to grant land concessions, the safeguards in place to ensure that women and girls have access to adequate alternative housing and livelihood opportunities in case of forced eviction and resettlement and the steps taken to investigate reports that women farmers exercising their right to peaceful assembly

following an official order to stop farming on lands in Kien Giang province were subjected to gender-based violence, arbitrary arrest and detention by armed police and law enforcement personnel on 5 May 2020.

Disadvantaged groups of women

19. Please provide information on measures taken by the State party to combat child marriage and early pregnancy, which are prevalent especially among girls belonging to ethnic minority groups, reduce statelessness among women belonging to ethnic minority groups, such as the Hmong women in the Central Highlands region, and investigate all reports of the harassment, intimidation, arbitrary arrest and detention of women belonging to ethnic and religious minority groups, including Christian Montagnard and Buddhist Khmers-Krom women, including allegations that their children are often denied birth certificates.

20. Please provide information on the number of women and girls deprived of their liberty in compulsory drug detention and rehabilitation centres, steps taken to introduce alternatives to detention and diversion measures for women who use drugs, measures taken to ensure that women who use drugs are not arbitrarily arrested or detained and measures taken to address the specific needs of women drug users in detention, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. Please describe the impact of the campaign against drugs on women and girls and indicate the proportion of women and girls among the prison population, the number of women prisoners and women in pretrial detention, including pregnant women and women with children, and the number of women sentenced to death for drug-related offences.

Climate change and disaster risk reduction

21. Please provide information on the measures taken to integrate a gender perspective into, and ensure the full participation of women in, the development and implementation of climate change mitigation and adaptation measures in accordance with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

Marriage and family relations

22. Please provide information on the measures taken to prevent child marriage and strictly enforce the minimum age of marriage of 18 years of age for women, without any exceptions, and to ensure the right of women to enter into marriage only with their free and full consent. Given the projection that years of gender-biased sex selection and a sex ratio at birth imbalance may result in a "marriage squeeze" for 1.5 million men by 2034, please provide updated information on the steps taken to adopt the draft population law, replacing the Population Ordinance of 2003, which codifies the two-child policy.

23. Please indicate what legislative and other measures are in place to ensure that domestic violence is taken into consideration in judicial decisions on custody and visitation rights and conduct training and awareness-raising activities for judges, mediators, lawyers, youth welfare officers and members of law enforcement agencies and local executive bodies to ensure that they are aware of the rights of women and children and of their own role in protecting victims of domestic violence and comply with provisions protecting women's rights.