



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

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Initial reports of States Parties

SOCIALIST REPUBLIC OF VIET NAM

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INTRODUCTION

"One man is some worth, ten women are no worth" : this maxim epitomizes Vietnamese women's social status through the centuries down to the 1945 Revolution. Before 1945 women in Viet Nam were the most oppressed stratum of an oppressed people, suffering from the triple yoke of colonialism, feudalism and sex discrimination.

Against such a background one may realize the tremendous significance of the August 1945 Revolution which ushered in the era of emancipation for the whole Vietnamese nation and for Vietnamese women in particular. The latter have been fortunate in so far as "promotion of equality between the sexes" was inscribed among the ten basic tasks laid down by the original political platform of our Party in 1930. To understand this early concern for women's cause among Vietnamese revolutionaries we have to recall that in spite of their lowly social position Vietnamese women have had a long tradition of outstanding patriotic struggle from national heroines such as the Trung sisters (first century D.C.) and Lady Triêu (third century D.C.) to the latter day "long-haired army".(1)

Ever since 1930 and particularly after 1954 women's liberation has been gradually promoted through various Party, Government and trade union resolutions :

(1) "Long-haired army" : so were called southern women active in the political mass protest against foreign aggression and occupation of the South before 1975.

- Party resolutions N^o 152 and N^o 153 (1967) ;
7 June 1984 party instruction
- Government decree N^o 31 (1967)
- Trade union resolution N^o 2 (1966).

The governing approach may be summed up as follows :
"Women's emancipation (...) has emerged and is being tackled as a major issue of strategic significance (...), as a truly national policy issue." (Party resolution N^o 153/1967). And President Ho Chi Minh himself found simple but illuminating words to convey this : "Speaking of women means speaking of half our society. If women are not liberated, then half mankind is left unfreed."

In view of the aforementioned background and historical process, the Convention on the Elimination of Discrimination Against Women adopted by the General Assembly in 1979 appeared as an international codification of goals, principles and objectives that have been to a large extent already charted and progressively implemented in Viet Nam ever since the foundation of our Party and of our state. The Convention being however a most international instrument, does contain elements that Viet Nam should turn its attention to so as to keep up with the pace of world progress regarding the promotion of equality between the sexes.

Part I

THE LEGAL STATUS OF VIETNAMESE WOMEN
(Implementation of articles 1,2,3,9,15
of the Convention)

The principle of equality between the sexes was devoted three articles (1, 9 and 18) in the first Supreme Law adopted in 1946 by the Democratic Republic of Viet Nam, was reaffirmed in the 1959 Constitution and given more specific and comprehensive legal expression in the latest Constitution promulgated by the Socialist Republic of Viet Nam in 1980 :

- Article 63 : "Women and men have equal rights in all respects - in political, economic, cultural, social and family life.

The State and society are responsible for raising the political, cultural, scientific, technical and professional standards of women, and constantly improving their role in society.

The State establishes work conditions suited to women's needs. Women and men receive equal pay for equal work. Women are entitled to pre- and post-natal paid leave if they are workers or office employees, or to maternity allowances if they are cooperative members.

The State and society ensure the development of maternity homes, crèches, kindergartens, community dining-halls and other social amenities to create favourable conditions for women to work, study and rest."

The supreme legislative instrument also guarantees women's legal capacity through their organization, the Women's Union. As stipulated by Article 86 of the 1980 Constitution : "The Council of State, (...), and the Viet Nam Women's Union have the right to submit draft laws to the National Assembly."

Women's legal rights in marriage and family life are carefully enunciated in the Law on Marriage and Family promulgated in 1960. Article 1 stipulates : "The State guarantees the full implementation of free and progressive marriage wherein monogamy, equality between spouses are ensured and women's and children's rights protected ...". Forced matrimony, premature marriage⁽¹⁾, physical abuse of the wife, divorce proceedings by the husband while the wife is pregnant or the infant is under twelve months are forbidden (Ibidem, articles 2, 3, 27). On the other hand, the progressive outlook of the Law on Marriage can be illustrated by the following :

- Article 23 : "Children born out of wedlock (...) enjoy the same rights and assume the same obligations as legitimate ones."

- Article 29 : "In case of divorce the allotment of property will be based on the labour contributed by each side, on the property at stake and on the specific situation of the family. Labour in the home is considered as productive labour."

- Article 14 : "Both husband and wife are free to choose their occupation, to engage in political, cultural and social activities."

(1) The Law fixes a minimal marrying age : 18 for women and 20 for men (Article 6).

- Article 19 : "Sons and daughters enjoy equal rights and assume equal obligations within the family."

At present we are in the process of elaborating a penal code. The draft (completed in June 1984) defines 12 types of violation of women's and children's rights to be punished by law, from rape to abuse or mistreatment of parents, spouse or children. Most worthy of explicit mention is Article 138 penalizing open discrimination against women : "Anyone who resorts to violence or to any other serious act to hinder women's participation in political, economic, cultural and social activities on an equal footing with men will be reprimanded, or sentenced to up to one year's re-education without detention, or to 3 months' to one year's detention." A labour code is also currently being drafted which will comprise a whole chapter devoted to women workers' ⁽¹⁾ specific rights. In the face of the law, women are treated as equals of men. By virtue of article 5 of the Regulations on the organization of the people's Court (July 1981) : "The Court rules according to the principle of equality of all citizens before the law, without discrimination of sex." The last but not least important aspect in women's legal status besides the way they are treated by the law, lies in their participation as law-makers themselves : at present among Vietnamese women officials there are 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 that took part in the drafting of the 1980 Constitution.

(1) The drafting of this chapter has been entrusted to the Women Workers' Bureau within the Labour Ministry.

As may be seen above Vietnamese legislation makes ample room for women's exercise of their legal rights on a par with men, provided naturally that they are fully aware of and determined to use these rights (Part III will deal with this aspect of the problem).

Part II

IMPLEMENTATION OF THE CONVENTION IN THE VARIOUS FIELDS

A. IN POLITICAL AND PUBLIC LIFE

(Articles 7 and 8 of the Convention)

By virtue of the Constitution, "All citizens, regardless of their (...) sex, (...) have the right to vote upon reaching the age of eighteen, and to stand for election (...) at all levels upon attaining the age of twenty-one" (Article 57). In practice Vietnamese women are dedicated voters, accounting for nearly 13 out of 23 million votes in the national and provincial elections of 1981 and 1983.

Women's representation at the National Assembly shows marked progress :

1946 (1 st National Assembly)	:	10 women (2.4%)
1981	:	108 women (21.7%)

of whom 31 are young women under 28 (29% of all women representatives). Besides, two women are on the Standing

Committee and one woman is deputy-chairperson (a member of a Central Highland ethnic minority) of the Supreme Legislative Body.

Figures for the provincial and district People's Council elections :

<u>Provincial</u>	:	1959 = 7.8%	
		1983 = 22.5%	
<u>District</u>	:	1959 = 0	
		1983 = 22.1%	

In the executive branch, women's participation has tangibly grown especially at the lower levels :

- Female heads and deputy-heads of divisions and departments :

. District level	:	1959 = 162	1983 = 2503
. Provincial level	:	1975 = 551	1979 = 2298
. Central level	:	1959 = 3	1983 = 135

- Female chairpersons or deputy-chairpersons of People's administrative committees :

. Communal level	:	1959 = 0	1983 = 788
. District/township level	:	1959 = 0	1983 = 92
. Provincial/City level	:	1959 = 0	1983 = 7

- Women ministers and vice-ministers = 17

A third area of female involvement in public life is women's presence in the Trade Union. At present 85% of female salary-earners belong to the Trade Union and 19 women hold leading positions at the various levels of the Trade Union organization.

Nor are Vietnamese women absent from international public life, a sphere with a traditionally low female participation. Between 1970 and 1984 the number of women active in the diplomatic service has quadrupled. And through their mass organization, the Women's Union, Vietnamese women entertain contacts and relations with over 140 women's and other non-governmental organizations throughout the world.

II-B. IN ECONOMIC LIFE

(Article 11 of the Convention)

Quite early the Vietnamese government has realized the decisive significance of women as a vast source of social labour and accordingly formulated a comprehensive and consistent policy to promote female employment embodied in Decree N^o 31 (8/3/1967) : "The further promotion of female labour force assumes a very great political and economic significance while representing at the same time a pressing task for (...) the further development of women's rich capabilities (...) and a step forward toward the emancipation of women and toward sex equality (...).

In the State sector (...) women should be actively and systematically trained and assisted to develop their cultural, technical and professional knowledge, their command of economic and public management so as to progress toward a higher percentage of skilled women workers, constantly raising women's labour productivity while firmly promoting women to leading positions at various levels". This governmental decree has been concretized in a number of

joint ministerial circulars from the Ministries of Home Affairs, Labour, Health, Education and from the State Committee for Science and Technology.

After several decades, women's participation in economic life has reached a fairly high level :

1982 Proportion of women among :

- the social work force = 51.3%
- civil servants and state employed workers = 46%
(as compared with 5% in 1955)
- agricultural workers = 42.3%
- industrial workers = 46.5%
- textile and garment workers = 79% (1983)
- research, health, education workers = 51.8%
(Health = 64%, Education = 65.2%).

With regard to their status in economic life, women enjoy practical equality of remuneration with men given the same work (cf. Constitution, Article 63) and are increasingly represented in positions of leadership : in 1959 there were only 4 female directors of companies or factories but in 1982 the number was 191.

In consistent fashion the State has seen to it that mothers of infants may take up an occupation by setting up a nationwide network of crèches and kindergartens :

	<u>Number of crèches</u>	<u>Number of children in crèches</u>
1976	35,534	661,654
1983	42,720	1,139,871 (22.7% of infants in the target age-group)

It should be stressed that a majority of these crèches are located in the countryside (28,255).

	<u>Number of kindergartens</u>	<u>Number of children in kindergartens</u>
1976-77	24,700	778,000
1982-83	50,700	1,468,000

The State also takes care of working women's health, particularly in relation to their reproductive role⁽¹⁾. Working women are entitled to a number of paid days of leave in cases of miscarriage, insertion of contraceptive devices, of sterilization or pregnancy termination. Generally speaking, women are not taken on in particularly heavy occupations such as mining, driving of trucks over 3.5 tons or locomotive driving but women engaged in relatively exacting labour enjoy special provisions (Joint circular N^o 8 issued on 24 March 1962 by the Ministries of Home Affairs, Labour and Health). Working women are entitled to 75 paid days of maternity leave (before 1983 only 60 days)⁽²⁾. Working mothers of infants under 12 months are allowed to take one hour off per day to nurse or feed their babies. Mothers of children aged one to seven may take up to 20 days leave per year (with a per diem sickness allowance) to take care of their children when these are sick. Employers are not allowed to dismiss female workers during pregnancy, nor during maternity or sickness leave. Women's retirement age is 55, five years lower than men's (60).

- (1) Joint Labour-Health circular N^o 05/TT-LB issued on 1 June 1968 focuses specifically on rural women workers.
- (2) Women working in mountainous areas are entitled to one extra month of maternity leave.

While considerable progress has been registered by Vietnamese women in the field of labour and employment, the need is clearly felt for an exploration of further possibilities of advance : the State Committee for Social Sciences is sponsoring a national research project on women with four foci, among them the relation between Vietnamese women's emancipation and the elaboration of our country's long-term socio-economic development strategy.

II-C. IN SOCIAL AND CULTURAL LIFE

(Articles 10, 12, 13, 14 of the Convention)

Besides the previously cited article 63 of the Constitution and Decree N^o 31 (3/1967) the Viet Nam Women's Union programme of action for 1981-1985 also underscores the need to upgrade women's cultural, scientific, technical and professional level in order to ensure their full participation in social and cultural life. With its longstanding campaign among rank and file women round the motto : "Outstanding in society, able at home", the Women's Union is in fact bent on gradually eradicating the traditional stereotype of women's unique or primordial vocation and duty as homekeepers.

Upon the liberation of the northern part of our country in 1954, our State immediately concentrated on eliminating illiteracy, which prevailed to a larger extent among women, and succeeded in its efforts in 1958. In the South illiteracy continued to exist until liberation in 1975 : within two years (by 1977), thanks particularly to the eager and effective role of the Women's Union, illiteracy was liquidated, an achievement commended by UNESCO. Today the profile of the female school and graduate

population appears as follows :

- 47% of primary and secondary school students
- 50.6% of vocational school students
- 38% of university students
- 10% of doctoral and postdoctoral graduates (440).

As for women's contingent of scientific and technical staff, figures are promising :

- | | | |
|------------------------------|--------------|--------------|
| - Technicians : | 1975 = 36.2% | 1979 = 41.6% |
| - Agronomists : | 1982 = 22.1% | |
| - Light industry engineers : | 1975 = 600 | 1980 = 766 |
| - Doctors : | 1982 = 47.3% | |
| - University teachers : | 1976 = 18.5% | 1981 = 25.6% |

Furthermore, within the framework of the ongoing educational reform, demography and family planning and vocational guidance have been incorporated into the senior secondary curriculum, a measure particularly beneficial to schoolgirls.

If Vietnamese women have made appreciable headway in the field of education and science, their rise in cultural life also deserves special mention. In 1979, 35% of all culture and art workers were women. The Women's Union enjoys a daily 30-minute radio programme (broadcast twice in the day) and a weekly television programme. In 1983 women accounted for 26% of the leading positions in the radio and television services. Since 1957 a Women's Publishing House has been set up, which, up to 1982, published 789 works by women authors or related to women.

II-D. IN MARRIAGE AND FAMILY LIFE

(Articles 5, 6, 16 of the Convention)

A patent truth is that as long as women do not enjoy equality in the home there is no true and complete sex equality. In view of this, women's rights in matrimony as laid down in the precited Law on Marriage and the Family, assume special significance. Besides the rights and proscriptions mentioned earlier, the following should also be singled out :

- Article 2 : Remaining vestiges of feudal matrimony should be eradicated : forced marriage, respect for the husband but contempt for the wife, disregard for children's rights and interests", which is particularly in keeping with Article 5 of the Convention.

- Article 8 : "The widow has the right to re-marry ; in this case her rights regarding her children and property shall be guaranteed."

- Article 12 : "In the family, husband and wife are equal in all respects."

- Article 31 : "After divorce, both spouses continue enjoying the same rights and assuming the same responsibilities towards their children."

According to our law, a Vietnamese woman who marries a foreigner will retain her nationality unless she explicitly applies for adoption of her husband's citizenship.

Intimately connected with conjugal relations and happiness is the question of family planning. The drive

for consciously assumed parenthood in Viet Nam was started in the former decades but received a new vigorous impulse in 1980. The Health Ministry and the Women's Union assume joint responsibility for this campaign, the former for the technical services and the latter for the mobilization work. Increased enrollment of media support (as evidenced by their attendance at the April 1983 joint meeting for the evaluation of three years' (1980-83) campaigning) helped expand the impact of this crucial effort. The Women's Union has launched a new three-year campaign starting in 1983, and in April 1984 the campaign assumed national significance with the creation of the National Committee on Population and Family Planning chaired by a Vice-Chairman of the Council of Ministers. Thanks to these efforts, at present 30% of the women of child-bearing age have adopted some form of contraception. The clear link between planned parenthood and infant mortality can be seen in the falling rate of newborn mortality :

1975 = 1.5%

1982 = 0.8%

and the relatively low child mortality rate : less than 3%.

The Women's Union's role in defending women's rights in marriage and family life does not limit itself to family planning ; the Union will officially interfere to protect women who are victims of mistreatment, humiliation or beatings on the part of their husbands. The Women's Union is generally represented on the jury when a divorce case or a case of violation of the Law on Marriage is heard. Besides, the Union, through its local branches, processes thousands of letters each year asking for guidance or assistance in conjugal matters. Most recently, in an effort to further facilitate rank and file women's contacts

with their mass organization on matters of intimate concern to them, the Union has been experimenting the setting up of "Family Clubs" in Ha Noi and Ho Chi Minh City that serve as information and guidance centres on marriage and family relations. On the basis of this experience similar clubs will be opened in other cities and towns.

Defending women against debasement and exploitation demands that prostitution and more particularly procuring be rooted out. The draft Penal Code aforementioned punishes traffic in women (Article 128) and the organization or procuring of prostitution (Article 199). In the South where, prior to 1975, prostitution constituted a real social scourge, the Union has opened a number of "schools for a new life" to help former prostitutes cure their eventual diseases, complete their basic education, go through some vocational training and eventually assist them in finding a new occupation and setting up a home.

In a long-range perspective, the Women's Union together with the Youth League campaign widely for a "home of the new culture" built on harmonious, progressive relations among members of the family, implying inter alia equality between husband and wife, brothers and sisters.

Nearly 25 years have elapsed since the 1960 Law on Marriage. In between the South has been liberated and the whole country reunified. The evident need arises for a revision of this law. A nationwide survey on the implementation of the 1960 Law was started in 1982 to provide the groundwork for the new Law. The drafting has been entrusted to five competent bodies, the Ministry of Justice, the Supreme Court, the Committee on ethnic minorities, the Youth League and the Women's Union, under the chairmanship of the latter.

Part III

THE GOVERNMENTAL AND NON-GOVERNMENTAL STRUCTURES
ENSURING WOMEN'S AND CHILDREN'S RIGHTS
(Articles 1 to 16 of the Convention)

Law and policies remain dead letter if the appropriate organizational infrastructure does not exist to translate them into realities. In Viet Nam a whole complex of structures take care of women's and children's rights and welfare, first and foremost the Women's Union already referred to. It is a nationwide mass organization structured down to the grassroots level⁽¹⁾, enjoying privileged consultative status on women's affairs with the Party and the government : the President (or her alternate) is entitled to attend women-related meetings of the Council of Ministers and voice her opinion in this regard. Among the four officially stated functions of the Union is the responsibility to coordinate with the various related services as well as to follow up and monitor the implementation of laws, policies and provisions concerning women's and children's interests. The Union is also expected to petition the State for eventual additional policies and provisions in this respect.

As other developing societies, Viet Nam has a "young" population. It is only fitting that in 1983 a Council for Female Youth should have been established within the Youth League to focus on the specific needs of adolescent girls and young women (16 to 28 years old, i.e. 27% of the female population).

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(1) At present the Women's Union has 500 full time staff members.

Women accounting for 51.3% of the social work force in Viet Nam the Labour Ministry includes a Women Workers' Bureau that is in charge of such aspects as distribution of female manpower, salary and health policies for women workers, etc Besides, at each work place exists a women affairs' section in the trade union to ensure that women there are granted and do exert all the rights and enjoy all the benefits to which they are entitled : for instance when discussing job or salary promotions a representative of the women affairs' section will be invited by the management to sit in and have a say in favour of the female staff.

Recently the need has been felt to set up a structure in charge of research work on women's issues at the national level. Consequently a women's studies division within the Social Sciences Committee is being created that draws from interprofessional and pluridisciplinary expertise in this field.

Part IV

THE PRIORITY POLICIES AIMED AT SPEEDING DE FACTO EQUALITY BETWEEN THE SEXES (Article 4 of the Convention)

The profile of Vietnamese women can be thoroughly appreciated only if one is aware of our State's specific wholistic approach to women's emancipation : "The channel for mobilization of women is not confined to the sole mass organizations but should besides include the various eco-

conomic and administrative branches, be achieved through the various laws, policies, provisions, and take the form of cultural, scientific, literary or artistic activities..." (Party Resolution N^o 152, 10-1-1967) ; "The policy of the Party towards women cadres ... is not aimed at a charity-like benignancy", it consists in "actively fostering the capabilities of women, boldly employing and promoting the latter ; (...) once promoted they should be further encouraged to upgrade their competence and judiciously employed. (...) Where large numbers of women are employed there should be many women executives, where there are many women executives the leadership should include women." (Party Resolution N^o 153, 1967). Such approach may be considered preventive : just as in medicine preventing is better than curing, in the question of sex equality creating suitable conditions for the promotion of women's emancipation is more effective and far-reaching than simply combatting sex discrimination.

As can be seen Viet Nam's type of "positive discrimination" in favour of women revolves around two priorities : priority in training, re-training and upgrading through school enrollment recommended quotas, measures to ensure that mothers are enrolled, etc ... ; and priority in job promotion : this does not mean lower criteria for women candidates but when both a male and a female candidate meet the requirements the woman will be preferred, if any relaxation of the criteria is allowed it will only be with regard to secondary aspects such as age or seniority.

Conclusion

AN OVERVIEW OF AREAS OF FAST AND OF THOSE OF
SLOW PROGRESS IN THE IMPLEMENTATION OF THE
CONVENTION IN VIET NAM

It is tangibly evident that in the course of four decades Vietnamese women have shed the shackles of long centuries of oppression and sex discrimination and by leaps and bounds have started taking their destiny in their own hands : it may be said without exaggeration, that between the average woman of 1945 and her sister of the Women's Decade exists a gap measured not in terms of one or two generations but in terms of century.

We may single out three main areas of remarkable advancement :

- a) In Viet Nam the overall legislation and policy and regulation framework exists to ensure women's full exercise of their rights. Moreover our State pays attention to revising and adjusting its policies regarding women in keeping with the evolving situation of the country⁽¹⁾.
- b) The mass character of women's progress in the various spheres of social life as illustrated by aforementioned figures : in Viet Nam women's cause is truly

(1) Since the 1960's when nearly all major Party and government-policies concerning women were adopted and especially in the challenging postwar reconstruction that gives rise to innumerable new and complex tasks, the attention on fostering female staff and leadership has somewhat slackened leading to the felt need for a new impetus. In sensitive response, the Party issued a

a grassroots movement.

- c) The role and action of a strong nationwide women's organization : the Women's Union which provides women with a permanent and effective spokesperson.

However, in the face of the heavy legacy left by history, women's emancipation in Viet Nam cannot be achieved overnight even if the consciousness and the will are there.

- a) This is particularly clear when we remember the gap that needs to be gradually bridged between the levels and extents of women's liberation in the North and in the recently freed South.
- b) On the other hand, if compared to the past, Vietnamese women's cultural, scientific and technical level has been remarkably raised, objectively it does not yet meet the needs of the present stage of social development. Further efforts will be required from both the State and women themselves.
- c) An area where the determination is high but results not yet as desired is family planning : while the campaign for planned parenthood has obtained fairly satisfactory results among public salary earners and in the urban areas, it still meets with a measure of inertia and even resistance in rural areas, particularly in the South. In the coming years the family planning drive will have to focus on the countryside and women who are not civil servants.

pertinent and timely instruction (dated 7 June, 1984)
entitled : "Some urgent problems of work related to female
cadres."

From this report it can be seen that Vietnamese legislation and institutions accord with the spirit of nearly all the clauses of the Convention on the Elimination of All forms of Discrimination against Women. The Convention is perceived in Viet Nam as a worldwide process both per se (through the evolution of society itself) and consciously assumed (through women's efforts for their own emancipation) to which Viet Nam wholly adheres : by ratifying the Convention Viet Nam has officially linked Vietnamese women's emancipation to the worldwide movement for sex equality.