

PREAMBLE

In implementing Article 18 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW Convention) and under the guidance of the CEDAW Committee, Viet Nam has submitted to the UN four periodic Reports which were adopted by the Committee.

With the permission of the CEDAW Committee, Viet Nam will submit the combined 5th and 6th periodic Report on the implementation of the CEDAW Convention in Viet Nam from 2000 to 2003. This period is characterized by the fact that Viet Nam continued to pursue economic reforms while having to cope with major challenges stemming from the adverse impacts of natural calamities, floods and droughts in all regions, social and environmental problems as well as economic integration and sharp competition in international markets. The regional economy which has not regained strong growth momentum since the regional financial-economic crisis together with the implications of the September 11th event in the United States, and especially the severe acute respiratory syndrome (SARS) and the Iraq war in 2003 exerted enormous impacts on Viet Nam's development over the past three years and contained the country's economic growth momentum.

Following the combined 3rd and 4th Report, this Report is to update the situation on the social, economic and human development in Viet Nam, the reform of the political and legislative systems and policies, the implementation of laws and policies as well as outstanding issues and solutions according to each concrete provision of the Convention during the past four years. The Report also reviews the achievements recorded by the State and people of Viet Nam in realizing the Beijing Platform and the commitments of the Beijing + 5 Conference with serious consideration given to the recommendations by the CEDAW Committee to Viet Nam when the 2001 Report was submitted.

This Report has the following parts:

- Preamble*
- Part I: General Issues*
- Part II: Implementation of the Convention*
- Conclusion*
- Annexes*

To finalize this Report, a Drafting Committee was established with 22 representatives from related Ministries, Government agencies and socio-political organizations. This Committee is headed by a Vice Minister of Foreign Affairs who also serves as Vice Chairman of the National Committee for the Advancement of Women.

In preparation for this Report, the Drafting Committee made many efforts in collecting and analyzing statistical data and hold various working sessions with

Government agencies, socio-political organizations, and women representatives from all walks of life, scholars and social workers in order to benefit from their respective inputs.

With its point of views already presented in the previous Reports, the State of Viet Nam continues to make reservation on Paragraph 1, Article 29 of the Convention. However, consideration is being made to give up this reservation at an appropriate time.

The State of Viet Nam is also considering signing the Protocol of the Convention.

PART ONE

GENERAL ISSUES

VIET NAM'S OVERVIEW

The Socialist Republic of Viet Nam is located in South-East Asia, and has a natural area of more than 331,000 sq km

Viet Nam has 54 ethnic nationalities with the majority being the Kinh (Vietnamese), representing 86.8% of the population. Vietnamese is the official language.

Ha Noi is the Capital city of the Socialist Republic of Viet Nam.

Vietnam's population increased from 76.597 million in 1999 to 80.902 million in 2003. Of the total population, women account for 50.8%. In 2003, population density stood at 245 people/sq. km, urban population accounted for 25.7%. In 2002, 30% of the population was under 15 years old and population over 65 years old increased to 6.3%. During the 2000-2002 period, population growth slowed down (population growth rate in 2000, 2001 and 2002 were 1.36%, 1.35% and 1.32% respectively). In 2003, population growth rose to 1.47%. In 2003, the mortality rate of under one-year-old and under five-year-old children was 21‰ and 42‰ respectively, maternal mortality rate was 0.85‰.

The ratio of households headed by women increased to nearly 27% in the year 2003.

In 2002, people of regular working age and working capacity were 44.73 million (accounting for 56.1% of the population) of which women accounted for 50.6%. The labour force working in all sectors of the national economy rose from 36.7 million in 2000 to 38.7 million, 41.2 million and 50.9 million in 2002, 2003 and 2004 respectively, among these women made up over 50%.

In 2002, the average life expectancy was 71; life expectancy of women was 73.

In 2003, GDP per capita was over \$485, inflation stood at 3%; urban unemployment was 5.78%, of which the unemployment among women accounted for 7.22%.

Over the past four years, Viet Nam has continued with the reform process (*Doi Moi*) initiated by the Communist Party in 1986. The Strategy for socio-economic development in the 2001-2010 period was announced with an overall objective to bring Viet Nam out of the underdeveloped status, considerably improve the people's material, cultural and spiritual life, lay the foundation for Viet Nam to basically become a modernized and industrialized country by 2020; develop human

resources, scientific and technological capacity, infrastructure, economic power, defense and security; basically form institutions of the socialist-oriented market economy, uplift Viet Nam's stature in the international arena; double GDP compared to the year 2000; significantly improve the human development index (HDI), eliminate hunger, quickly reduce poor households, raise the average life expectancy to 71, universalize lower secondary education, lower the ratio of under-five malnutrition down to 20%; significantly improve the people's material, cultural and spiritual life in a secured and healthy environment, conserve and improve the natural environment. The Strategy has focused on building and developing human capacity, bringing into full play the effectiveness of human resource development in the cause of building Viet Nam "a strong country with wealthy people, a just, democratic and advanced society". The implementation of the Strategy also helps the Vietnamese Government effectively realize its commitments to the CEDAW Convention.

Despite many difficulties described in the Preamble, Viet Nam has worked out appropriate solutions for maintaining political stability and promoting socio-economic development. The Government agencies at all levels have undertaken administrative reforms. Laws and policies continued to be harmonized, helping accelerate the *Doi Moi* process.

Between 2000 and 2003, the economy registered relatively high growth compared to the previous years with the growth rate of 6.8%, 6.9%, 7.08% and 7.26% in 2000, 2001, 2002 and 2003 respectively. The economic structure was shifted along the line of industrialization and modernization. Growth was seen in all sectors of the economy. In 2003, the share of GDP of each sector was 21.83% for agriculture, forestry and fishery (24.5% in 2000), 39.5% for industry and construction (36.7% in 2000), and 38.22% for services (38.74% in 2000); industrial output was VND 302,990 billion, a 16% increase compared to 2002, export turnover was VND 20,176 billion; grain food output reached the highest level of 37,4 million tons in 2003, one million ton (3%) increase against 2002.

In parallel with economic achievements, the reform process in Viet Nam has also seen encouraging development in the social field. Remarkably, the human development index is higher than indicators on economic growth. According to 2003 UNDP Human Development Report, of 175 countries, Viet Nam is ranked the 109th in terms of human development with HDI of 0.688 while in terms of income per capita, it is ranked the 128th. Viet Nam's gender development index (GDI) is 0.687 (ranking the 89th among 144 countries). With that, Vietnam is named among the most successful countries in South East Asia and Asia Pacific. In Viet Nam, there is nearly no disparity between HDI and GDI. In addition, Viet Nam continuously takes the lead among developing countries in terms of poverty reduction and recorded encouraging results in the fields of job creation, education and training, population and family planning, and people's healthcare. Each year, the National Target Programme on poverty reduction and job creation helps 300,000 households escape

poverty. In 2003, the ratio of poor households was brought down to only 11.8%. Over the past four years, 4.3 million jobs have been created, a half of which is for women. In 2002, literacy rate was 94% among the population and 92% for women. In 2003, 19 provinces and cities achieved lower secondary education universalization at national standard. Between 2001 and 2003, people's health care, especially for mothers and children, was unceasingly improved. Total birth rate continued to fall from 2.3 in 1999 to 2.13 in 2003. In 2002, more than 90% of communes and precincts had health stations and essential drug funds to meet the people's need for medical examination and treatment. Public investment in the social fields continued to increase by year, accounting for more than 25% of the State budget expenditure.

Nevertheless, poverty and the income gap between regions remain an obstacle to the implementation of the CEDAW Convention. Major challenges at present are: the ratio of poor households remains high mainly in the rural, upland and ethnic minority areas which are faced with economic and social difficulties. Female farmers in remote and mountainous areas, especially single, household-headed and elderly women are the most vulnerable. Poor women must work longer with less income, they hardly have the right to make decisions in their families and in the community, and therefore they have limited access to resources and the benefits of public policies.

In a nut shell, in face of numerous difficulties and challenges, during the last four years, the Vietnamese Government has continued with the reform and recorded remarkable achievements in economic growth and social development. The people's life has been gradually improved, security and socio-political stability firmly maintained. Those are very important conditions for women to participate in and enjoy benefits, on an equal footing, from the country's development.

General political structure

Over the past years, the *political regime* in Viet Nam continued to be stable (see previous reports). State agencies from central to local levels continued to be strengthened, thus ensuring better exercise of their functions and raising the quality and efficiency of their activities in accordance with the principles of the Constitution and law.

On 25 December 2001, at its 10th session, the National Assembly of the 10th Legislature adopted Resolution 51/2001/QH10 on the amendment of the 1992 Constitution. The revised Constitution contains revision of the functions and responsibilities of the State apparatus, the perception of the market economy and international economic integration, etc. The amendment of the Constitution has helped bring into full play the power of the great national unity, continuously eliminate inappropriate factors, lay the foundation for economic, cultural, educational, scientific and technological reforms on the basis of clear definition of

the rights and responsibilities of legislative, executive and judicial bodies and the objective of building a law-governed State of the people, by the people and for the people. Article 2 of the amended Constitution provides that the State of the Socialist Republic of Viet Nam is a law-governed and socialist State of the people, by the people and for the people; every citizen, regardless of sex, ethnicity and social strata, is equal before the law; women's rights non-discriminated in any forms continue to be upheld and protected by the law. With this Constitution amendment, the role of the National Assembly as the people's supreme representative body, has been enhanced in the fields of Constitution making, law making and supreme oversight, thus the protection of fundamental human rights including women's rights has been ensured. The functions and responsibilities of the Government, Prime Minister and Supreme People's Procuracy have been adjusted more properly with a view to making the executive apparatus more efficient, addressing corruption, and reducing red tapes. Article 9 of the amended Constitution provides that the Viet Nam Fatherland Front is the political alliance and voluntary coalition of outstanding political, socio-political organizations including the Women's Union, social organizations and individuals representing classes, all walks of life, ethnicities, religions and overseas Vietnamese. The State creates favourable conditions for the Fatherland Front and its member organizations to operate efficiently. Through their own organizations, women can demand protection of their lawful and legitimate interests once they are violated.

General legal framework for the protection of human rights

The legal framework and enforcement structure related to human rights protection as mentioned in the previous Reports continued to be consolidated.

During its 10th Legislature (1997-2002), the National Assembly and its Standing Committee adopted 35 laws and 44 ordinances, one Resolution on the amendment of the 1992 Constitution, 6 Resolutions on the law and ordinance making programme. From the beginning of the 11th Legislature (2002-2007) to 2003, 20 laws and 16 ordinances were adopted by the National Assembly and its Standing Committee, including laws and ordinances on women's equal rights (see Annex 2). The Law on the Government's organizational structure was amended, laying the ground for the clear definition of the functions, responsibilities, authorities and structure of the Government, ministries, ministry-level bodies and Government agencies. The Criminal Procedure Code was adopted with provisions to ensure better human rights protection including women's rights. In general, these legal documents have created the legal basis to better ensure human rights in general and women's rights in particular.

During the new term of the Government (2002-2007), there have been some changes in the jurisdiction and responsibilities of ministries and ministry-level agencies with clearer definition of the functions and tasks of these agencies to avoid overlapping and eliminate intermediary levels. In this regard, collective and

individual power and responsibilities, especially the power of ministers in charge of a nation-wide sector or area, are clearly defined and decentralization is increased. Many Government agencies have been merged. At present, there are 20 ministries, 6 ministry-level agencies and 14 Government agencies (previously 17 ministries, 6 ministry-level agencies and 25 Government agencies). The Government has been working hard to ensure the execution of the Constitution and law by State bodies, economic and social entities, armed forces and citizens, take measures to protect the rights and legitimate interests of citizens, create conditions for citizens to make use of their rights and fulfill their duties, implement social, ethnic and religious policies, facilitate the Fatherland Front and its members (including the Women's Union) to operate efficiently. As a result, new progress has been made in terms of comprehensive human development, including the development of women.

The system of State agencies which exercise the function of law protection was further strengthened and developed. The organizational structure, functions and tasks of People's Courts, People's Procuracies and other law enforcement bodies have been strengthened and defined more clearly with the aim of enhancing the judicial access of the people, ensuring prosecution in a transparent and law-observing manner, and raising efficiency of human rights protection. Article 137 of the amended Constitution provides that the People's Supreme Procuracy executes the rights of judicial prosecution and supervision, ensures strict and consistent law implementation. The contingency of civil servants in law enforcement bodies have also been strengthened both in terms of quantity and quality. To date, most of civil servants working in judicial and law enforcement bodies are university graduates. The number of civil servants with post-graduate degrees in this field is increasing. The qualification of judges, people's accessories and prosecutors at all levels has been enhanced, increasingly responding to the task of protecting citizen's rights and lawful interests including those of women.

Bar and layers associations, public notary offices, departments of judgment enforcement and supervision and legal aid offices for the poor for judicial assistance and citizen's rights protection in all provinces and central-level cities have also been consolidated over the past four years.

Law Education and Information

Over the past four years, the introduction and dissemination of legal documents on human rights and women's rights have been stepped up. The Vietnamese Government has made great efforts in promoting dissemination and education aimed at increasing the people's awareness of gender equality and women's rights. The Prime Minister has enacted Decision 13/2003/QD-TTg approving the law dissemination and education Programme for the 2003-2007 period, which provides that women are beneficiaries of legal dissemination and education. The programme also focuses on regulations directly related to women's rights and responsibilities in the areas of marriage and family, the care, protection

and education of children, gender equality in political, economic, cultural and social activities and in the family. The Ministry of Justice, People's Supreme Court have issued instructions on increasing activities for the advancement of women in which gender equality is fully mainstreamed in law information, dissemination and education.

In addition to the traditional forms of dissemination and education such as publication of leaflets, pocket books and posters, many seminars and workshops on gender equality and women's rights have been held every year by different agencies. The National Committee for the advancement of women has released in both Vietnamese and English 10,000 copies of the National Strategy for the advancement of Vietnamese women until 2010, 7,000 copies of the Plan of Action for the advancement of Vietnamese women until 2005, 5,000 leaflets about the CEDAW Convention, 10,000 leaflets about gender statistics in Viet Nam. These leaflets and publications have been distributed nationwide. Especially, to disseminate the combined 3rd and 4th Report on the implementation of the CEDAW Convention, the National Committee for the advancement of women held a conference to announce and release thousands of copies of the Report to participants. The content of the CEDAW Convention and its implementation continued to be introduced through the mass media. The recommendations of the CEDAW Committee to Viet Nam at its 25th Session have been translated into Vietnamese and forwarded to functional agencies for considering and working out solutions.

With regard to legal aid, the State of Viet Nam has paid attention to increase legal aid activities, especially for poor people, people subject to State priority policies and women. In 2002, the Ministry of Justice and the Women's Union registered a cooperation programme on legal information and education and legal aid for women. At present, two legal aid centres for women are in operation i.e. the Legal Aid Centre for women under the Department of Legal Aid, Ministry of Justice and the Legal Counseling Office on gender equality under the Women's Union. From 2000 to the end of 2002, of the beneficiaries to the legal assistance provided by legal aid organizations, ethnic minorities and women accounted for 23% and 42.9% respectively. Nevertheless, the operation of these agencies is still mainly focused on the urban areas and fails to meet all people's needs.

PART II

IMPLEMENTATION OF CEDAW CONVENTION

ARTICLE 1

"DISCRIMINATION AGAINST WOMEN" DEFINITION

In Viet Nam, the concept of "discrimination against women" mentioned in the previous Reports has not changed over the last years. Moreover, the understanding of this issue at policy-making and law-making levels as well as in state agencies, social organizations, people's communities, families and by each individual has been increasingly deepened.

Credits to that achievement should go to the State under the leadership of President Ho Chi Minh, which is always aware that implementing equality between men and women is an extremely difficult and complex task, since "man preferences to woman behaviour has been seen for thousands of years and embedded in the mind of every individual, every family from all walks of life"¹. Abolishing such chronic attitude is truly a "major and difficult revolution". We cannot win this revolution by the use of force; the weapon of this revolution is the political, economic, cultural and legislative progress of the whole nation. In this process, each individual, each family and the entire people should be part of the revolution". As mentioned in the previous Reports, women's rights continue to be respected and protected in accordance with the Constitution and law. For more than the last 50 years, the revolution towards the goal of gender equality and elimination of all forms of discrimination against women has been persistently pursued by the State and people of Viet Nam.

The political Report of the Communist Party's 9th National Congress reaffirm "With regard to women, it is essential to enforce effectively legislations and policies on gender equality, nurture, provide vocational training, increase education for women; develop policies to encourage women to participate more in the leadership and management at all levels and sectors; provide health care and protection of mothers and children; create conditions for women to exercise their function properly as mothers; build wealthy, equal, progressive and happy families". This fundamental point of view is being institutionalized into concrete policies by the State. Viet Nam has repeatedly expressed its right perception and strong determination the implementation of the international commitments for CEDAW member countries with a view to better ensure women's equal rights

¹ *President Ho Chi Minh with the issue of women - Women Publishing House 1960, p23.*

ARTICLE 2

MEASURES TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN

2.1 Continue to concretize the principle of equality between men and women

Measures to eliminate all forms of discrimination against women, including legislative, executive and judicial ones, as mentioned in the previous Reports, continue to be carried out effectively. The principle of equality and non-discrimination between the sexes continue to be respected and stated in the legal documents enacted over the last four years such as: the 2001 revised Law on the Election of National Assembly Deputies, the 2002 revised Labour Code, the 2002 Law on the Organization of People's Courts, the 2003 Law on the Election of the People's Council Members, the 2003 revised Land Law, the 2002 Ordinance on Handling Administrative Cases, the 2003 Ordinance on Prevention and Combat of Prostitution, the 2003 Ordinance on Population, Decree 02/2001/ND-CP for the implementation of the Labour Law and the Law on Vocational Training, Government Decree 01/2003/ND-CP on amendments and revisions of some articles of the Statute on Social Insurance, Government Decree 19/2003/ND-CP on the responsibilities of State administrative agencies at all levels to ensure the participation in State management activities by the Women's Union at all levels. Remarkably, the revised Land Law and revised Statute on Social Insurance have basically addressed the issues relating to women's access to land (i.e. the names of both wife and husband appear in the Land Use Certificate) as well as their equal rights with regard to social insurance (i.e. at the age of 55 and having paid insurance for 25 years, retired female labour are entitled to receive the same pension as male labour at the age of 60 and having paid insurance for 30 years). In their operation, State management agencies, judicial and law enforcement bodies have been taking measures to prevent and strictly handle violation of women's equal rights and crimes against women.

2.2 Concrete measures to protect women's rights and lawful interests

For administrative measures, the Complaint and Denunciation Law provides that those who are responsible for handling complaints and denunciations, but refuse to do so or do so irresponsibly or intentionally do so illegally, will be strictly punished and as required by law, they will have to pay compensation for the damage caused by their action or inaction. With this measure, women have equal opportunities to exercise their right to complain and denounce to competent individuals and state agencies when their rights and lawful interests are violated, especially that violation is of gender discrimination nature. Nevertheless, over the past four years there were very few administrative cases filed by women at Administrative Courts for the reason of gender-based discrimination.

The law allows every citizen including women to exercise their right of requesting the Court to protect their rights and interests in civil, economic and labour fields. Functional agencies such as Courts and judiciary bodies should also apply strict punishments to the acts of violation. Law enforcement agencies have applied strict and right punishments to the crimes of discrimination, causing large damages to women's health, dignity and honour (see report on the implementation of Article 6 on the trial of traffic in women and exploitation of women for prostitution cases). The revised Penal Code (which entered into force on 1 July 2000) contains many provisions on protecting the life and health of the accused who are women. The principle of pro-women procedure, a humane principle which is not regarded as discrimination against men, is being strictly implemented.

Decree 32/2002/ND-CP on the implementation of the Law on Marriage and Family among ethnic minorities has helped address the problem of discrimination against women in some remote and mountainous areas of Viet Nam given existing customs. The Decree strictly prohibits polygamy, the customs of exacting wedding presents, wife robbery and string binding (i.e. widows and widowers are forced to get married with other members of their deceased spouse's family). The Decree also provides measures to eventually eliminate backward and unfavourable customs for women in these areas.

2.3 Outstanding problems and solutions

The State and people of Viet Nam condemn gender-based discrimination and are making many efforts to eliminate the discrimination against women by diverse means. However, there remain unfair behaviours toward women in the social life, especially in private companies, factories and joint ventures, etc. In this regard, the State authorities concerned will take more resolute measures to ensure women's equal rights to men and non-discrimination as provided by the law. Labour unions, female workers' unions and women's unions at the grassroots level will be more proactive and active in assuming the role of supervising law implementation and protecting the legitimate and lawful interests of female workers. The dissemination and education task will continue to be pushed forward so that every citizen, especially women, can fully understand and safeguard their own rights and lawful interests.

ARTICLE 3

ENSURING FULL DEVELOPMENT AND ADVANCEMENT OF WOMEN

3.1. Institutional framework

Since 2000, legislation as well as other active measures taken by the State of Vietnam to ensure the development and advancement of women in all fields as mentioned in the 3rd and 4th combined report continued to be implemented. Many resolutions and legal normative documents have been issued with particular emphasis on ensuring gender equality and women's rights in civil, political, economic, cultural and social fields. Notably are the following ones:

- Resolution 23-NQ/TW on 12 March 2003 of the Party's Central Committee on promoting the strength of national unity to build a strong country with prosperous people and a just, democratic and advanced society, which states: "continue to raise awareness in the public and the entire political system on women's work and gender equality; quickly institutionalize the Party's policies on women and women cadres work in the new situation; mainstreaming gender issues in the implementation of programmes and plans; pay attention to social and gender policies to reduce work burden for women; improve education levels and occupational skills for women; enhance maternal and child health care; enable women to participate in social activities and to hold managerial positions".
- Decision 71/2001/QĐ-TTg on 04 May 2001 of the Prime Minister on national target programmes in 2001-2005 (Hunger eradication, Poverty Reduction and Employment, Clean Water and Rural Sanitation, Population and Family planning, Prevention and Treatment of Social Diseases and other fatal diseases including HIV/AIDS, Culture, Education and Training) aimed to improve living standards of the people including women.
- National Strategy for women's advancement until 2020 (approved by the Prime Minister with Decision 19/2002/QĐ-TTg dated 21 January 2002) with the overall goal of "improving the material and cultural life of women; creating all conditions to implement basic rights and enhance the role of women in all political, economic, cultural and social areas". The strategy also sets out five concrete objectives aimed to eliminate all forms of discrimination against women, promote gender equality at work, education, health care, increase the quality and efficiency of women's participation in political, economic, cultural and social fields as well as in management positions, and improve the capacity in promoting women's advancement. Based on this Decision, on 18 March 2002, the National Committee for Women's Advancement of Vietnam adopted the Action Plan on Women's

Advancement of Vietnam till 2005 or the first stage of the 10-year Strategy. This plan is a component of the socio-economic development plan of the country in the first five years of the 21st century.

- The comprehensive poverty reduction and growth strategy (CPRGS) (approved by the Prime Minister in May 2002), which has set out the goal of promoting rapid and sustained economic growth along with achieving social equity and progress in order to improve the living conditions and quality of all segments of the population and encourage human development and gender equality.
- Decree 19/2003/ND-CP on 07 March 2003 of the Government on responsibility of Ministries, ministerial agencies and governmental bodies, people's committees in cooperating with and enabling Women's Unions at all levels to involve in state management work in accordance with legislation on issues relating to rights and interests of women and children.

These lines and policies have been widely introduced among ministries, agencies and associations and step-by-step translated into reality with concrete action plans. All 40 central ministries and agencies and 64 provinces and cities have adopted and implemented the Action Plan for women's advancement to 2005 in their localities. Many local authorities and institutions under ministries, schools as well as big enterprises have also developed their own action plans for women's advancement. All these clearly show the great efforts of the State and people of Vietnam in promoting gender equality and women's advancement.

3.2. Promoting organizations and activities for women's advancement

For the last four years, the State has created every favourable condition for organizations working for the advancement of women to fulfill their roles.

The national apparatus for women's advancement has been consolidated and developed down to grassroots levels; responsibilities of ministries, agencies and associations have been clearly defined with involvement of many male leaders enhanced. On 11 June 2001, the Prime Minister issued Decision 92/2001/QD-TTg in order to strengthen the National Committee for the Advancement of Women. The decision sets out four tasks for the committee, namely: assisting the Prime Minister in making laws and policies on women, cooperating with relevant agencies in supervising and promoting the implementation of legislation and policies on women; working with relevant agencies to carry out communication and educational activities regarding the implementation of legislation and policies on women and CEDAW; preparing national reports on the implementation of CEDAW; coordinating international cooperation activities on gender equality and women's advancement. Based on the decision, the Chairperson of the National Committee for the Advancement of Women has established the committee's office to assist the

committee in the discharge of its tasks. The system of committees and boards for women's advancement continues to be strengthened in ministries, ministerial agencies, governmental bodies and associations as well in all 64 provinces and cities across the country. At present, this system is being developed in agencies at provincial, district and commune levels. Resources for the operation of national as and grassroots committees for the advancement of women have been improved. A national network on gender and development issues has been formed in some areas, notably are the national network on gender and energy development and the network of collaborators on gender mainstreaming established in 2003.

The Vietnam Women's Union has received continued attention and assistance from the State to carry out effectively campaigns and major work programmes for the advancement of women. The 9th national congress and congresses at lower levels of the women's union have finalized the structure of the union at all levels and added one more major work programme in the 2002-2007 term which is to promote friendship and cooperation with women in other countries for Equality, Development and Peace. The congress has launched a large movement of "actively studying, working and building happy families" among women from all walks of life and stressed one its major work programmes which is to participate in making and supervising the implementation of legislation and policies on gender equality. An outstanding activity of the Union for many years has been providing saving credit for poor women, an effective model widely recognized by domestic and international organizations. The Union has also had many ways to honour individuals and groups of outstanding women as well as practical forms of education to enhance capacity for women.

The State has decided to use its budget to build a center for women and development under the Women's Union of Vietnam.

The system of boards of women work under the Confederation of Labour Unions of Vietnam has also continued to be developed in administrative agencies and state owned enterprises to enhance the capacity in promoting gender equality and rights of female workers.

The coming into being of the Vietnam Women Entrepreneurs' Council (VWEC) under the Vietnam Chamber of Commerce and Industry is an important event. The council is formed to protect women entrepreneurs' interests in domestic and international trade relations and to assist them in trade and investment promotion and technology transfer in Vietnam and abroad.

Women funds continue to be established in ministries and agencies to assist women in realizing their ideas and innovations, notably Ho Chi Minh City's fund for women's advancement and fund for women talent of the National Center for Social Sciences and Humanities. In addition to the Kovalevskaya award, in 2002 the Prime Minister allowed the Vietnam Women's Union to establish a Fund for

Vietnamese Women Award to commend individuals and groups of women who have outstanding performances in development areas. The award was conferred to the first five individuals and groups in 2003.

3.3 Mainstreaming gender issues in policy making and implementation

The national strategy for women's advancement to 2010 has identified gender mainstreaming in public policy as one of the main measures. Since 2000, gender mainstreaming has been studied and gradually applied in policy making processes. For the first time, the "Guidelines for mainstreaming gender in policy making and implementation" have been compiled and published by the National Committee for the Advancement of Women. Together with training manuals on gender mainstreaming, 150 people have been trained to become trainers to disseminate knowledge and skills on gender mainstreaming. In two years, 2002 and 2003, the National Committee for the Advancement of Women provided training on gender mainstreaming for 2855 officials and leaders of central and provincial agencies. Gender responsibility has, thus, been increased among ministries and agencies. Gender issues have been given greater attention in policy papers of the Government, ministries and agencies. Especially in 2002, the Prime Minister approved the Comprehensive Poverty Reduction and Growth Strategy. Taking the lead in gender mainstreaming, in 2003 the Ministry of Agriculture and Rural Development designed and began to implement its "strategy to mainstream gender in the field of agriculture and rural development".

For the last four years, the international community has funded many projects to promote gender equality and assist women in Vietnam such as the Vietnam-Belgium credit project, project on women-led business development funded by the Netherlands, and project on gender in public policy funded by the UNDP and the Netherlands. It can be said that the spiritual, material and technical assistance of the international community has been practically instrumental in improving the quality of women's life and narrowing the gender gap in Vietnam.

3.4. Study on women and gender equality

Gender research and training centers have focused their study on the roles of men and women in production; the role and position of women in family; changes in their roles under the impact of socio-economic development; urbanization and labour movement from rural to urban areas; domestic violence; trafficking in women; theoretical and practical basis of legal assistance for women. Some of the research findings have been used for the making of legal documents on women and gender equality.

Some newly established or rearranged research institutes have conducted studies not just on women-related matters but also gender issues. These include the Women Labour Research Center under the Ministry of Labour, War Invalids and

Social Affairs, which has been renamed as Women Labour and Gender Research Center. The School of Social Sciences and Humanities under the Hanoi National University has established a Gender and Development Research Center to conduct research on gender theories and practices with an aim of building a gender theory system that is suitable to Vietnam's conditions and development strategy. In early 2003, the Vietnam Women's Union also established its Research Council. This Council receives annual funding from the state budget to do research on gender, women and the Union's affairs.

3.5. Difficulties, constraints and solutions

Gender mainstreaming has been introduced recently, mostly at project level and without adequate regulations, experience and resources. To implement the National Strategy for Women's Advancement in the coming years, the Government will incorporate gender aspects in annual and five-year national socio-economic development plans. Ministries and localities will also do the same with their respective plans.

In recent past, the preference of men to women remains in the mindset and even action of not a few people. Some ministries, agencies and localities are yet to pay due attention to and create favourable conditions for women's advancement. Organizations and institutions working for women's advancement have not worked effectively yet. Many women still have inferiority complex and are inclined to be self-satisfied.

To overcome these shortcomings, in 2004 the Prime Minister issued a Directive on strengthening the work for women's advancement in ministries, ministerial agencies, governmental bodies and people's committees of provinces and central-level cities according to which ministries, ministerial agencies, governmental bodies and people's committees of provinces and central-level cities are required to ensure gender equality in their work; develop and execute effectively an action plan for women's advancement in their own jurisdictions; supervise and promote the implementation of the Party's lines and State legislation on women in their respective places; promptly disseminate all Party's lines and State legislation relating to women as well as the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in their localities; establish their own Committees for women's advancement to carry out the above tasks. Activities for women's advancement undertaken by ministries, ministerial agencies, governmental bodies and people's committees of provinces and central-level cities are funded by state budget and recorded in annual budget estimates of respective agencies in accordance with the Law on State Budget. Now, ministries, ministerial agencies, governmental bodies and people's committees of provinces and central-level cities are actively implementing the Directive.

The Vietnam Women's Union is preparing a plan on the establishment of a Women Institute (on the basis of the Women Cadre Training School) in order to better train women officials. It is expected that this plan will be completed in early 2005 and submitted to the Prime Minister for consideration.

To achieve sustainable development through reasonably combined socio-economic growth with environmental protection, the Prime Minister issued in August 2004 a Decision on Strategic Direction for Sustainable Development in Vietnam or Vietnam's Agenda 21. This document serves as the legal framework for implementation by relevant ministries, agencies, localities, organizations and individuals and a demonstration of Vietnam's commitment to the world community. The overall goals of sustainable development consist of material, spiritual and cultural wealth, equality among citizens and social consensus, harmonization between humans and nature. Sustainable development should be the close, reasonable and harmonious combination of economic growth, social development and environmental protection, which are also three goals set out in the Direction. Social development for its part includes high levels of social progress and equity. The Direction also identifies women as one of the seven main social groups to promote sustainable development in Vietnam.

At present, the Ministry of Planning and Investment is providing guidelines for the implementation of this strategic Direction. Based on this strategic Direction, ministers and heads of ministerial agencies and governmental bodies, chairmen of people's committees of provinces and central-level cities are actively developing and implementing their own agencies' strategic direction for sustainable development.

ARTICLE 4

SPECIAL MEASURES TO PROMOTE GENDER EQUALITY

In implementing all legislation on gender equality, Vietnam continues to take special temporary measures as follows:

4.1. Additional special measures to promote gender equality

The Government has issued some legal normative documents such as: Decree 61/2001/ND-CP on 7 September 2001 on retirement age of coal mining workers; Decree 98/2002/ND-CP on 27 December 2002 on temporary detention and custody; Decree 114/2002/ND-CP on 31 December 2002 providing detailed guidelines to implement some articles of the Labour Code on salary; Decree 12/2003/ND-CP on 12 February 2003 on scientific fertility. The Ministry of Labour, War Invalids and Social Affairs introduced, on 12 March 2003, Circular 07/2003/TTBLDTBXH providing guidelines on the implementation of some revised articles to the Social Insurance Regulations.

These documents provide as follows:

- Female workers aged 55, having paid social insurance for 25 years and male workers aged 60, having paid social insurance for 30 years, are entitled to equal maximum monthly pension in accordance with the Government's regulations.
- The retirement age of both male and female coal mining workers is 50 if they have paid social insurance for 20 years and had at least 15 years working in this job.
- Female workers who have paid social insurance for 15 years receive pension equal to 45% of the average monthly salary, which is the basis for payment of social insurance, as applied for male workers. And from the 16th year onward, for each year of paid social insurance they get additional 3% of pension whereas the margin is 2% for male workers so that the maximum average pension of both male and female workers is equal to 75% of the average monthly salary.
- The lump sum allowance for female workers having paid social insurance for more than 25 years from the 26th year onward will be as equal to that paid for male workers from their 31st year onward respectively. And for each year of paid social insurance, they will receive one half of the average monthly salary up to five months.

- Female workers on maternity leave, no matter how many births they have given, are entitled to natal allowance.
- Single women are entitled to pregnancy supporting techniques at the instructions of specialized doctors.
- Women aged 55 upward living alone without relatives and having no source of income continue to get social aid allowance if they are already entitled to.
- Before executing death sentence given to women, conditions for non-application of death sentence as provided for in the Penal Code must be checked to see whether their sentence can be commuted to life imprisonment.
- Women who are under temporary detention and violate regulations of the detention center and thus are subject to punishment of isolated detention in a separate room will not be fettered like men.

To help women improve their education, many central and local agencies have applied higher additional allowance rates during the education period for women than for men. This policy has proved effective in encouraging women to overcome difficulties to improve their knowledge in all fields.

Measures to increase the percentage of women holding management positions at all levels and of female trainees participating training programmes as mentioned in the National Strategy for the Advancement of Women to 2010 and the National Action Plan for the Advancement of Women to 2005 have been used widely.

Especially, authorities and associations at all levels have paid attention to applying various forms of incentives and awards for women.

4.2. Some special measures to protect mothers

Legal documents on this matter include the Amendments to the 2000 Penal Proceeding Code, Decree 81/2000/ND-CP on 29 December 2000 providing guidelines to implement the Ordinance on public labour contributions, Decree 02/2001/ND-CP on 9 January 2001 guiding the implementation of the Labour Code and the Law on Vocational Training, Decree 19/2001/ND-CP on 11 May 2001 on fines and administrative penalties for violations in radioactive safety and control, and Inter-agency Circular 73/2000/TTLT-BTCCBCP-BTC on 28 December 2000 of the Government's Personnel Organization Bureau and Ministry of Finance providing guidelines for the implementation of the downsizing policy among administrative agencies and other budget users.

These documents have provided as follows:

- Female defendants who are pregnant or raising children under 36 months of age and have clear residence address are subject other preventive measures instead of temporary detention, except for special cases.
- Women who are pregnant, who are on leave due to miscarriage, having a baby stillborn or dead after birth and who are raising children under 36 months are exempted from annual public labour contributions. Women who are pregnant or raising children under 12 months are not subject to the downsizing policy. Women who are pregnant, who are on leave due to pregnancy related reasons and who are raising children under 12 months are not subject to labour disciplinary measures.
- Female trainees, who are pregnant when carrying out the vocational training contract and certified by a medical center at district level or higher that the training would negatively affect the fetus, have the right to terminate the contract without paying compensation. After the post natal leave, the trainee is allowed to continue with the training, if she so wishes and meets the requirements. Enterprises and organizations must assign other jobs suitable to pregnant women or those in breast-feeding period if their current jobs are radiation-related.
- Pregnant workers, who, as prescribed by a doctor, have to take leave, have the right to unilaterally terminate the contract. During pregnancy, maternal leave and the first twelve months after delivery, female workers can temporarily delay the unilateral termination of their contracts and extend the time limit for consideration on disciplinary measures, except in case of the business being closed down. During maternal leave, female workers that have paid social insurance shall receive allowances which are equivalent of 100% of the salary, one extra monthly salary plus other social benefits as prescribed in the Labour Code.

Apart from the aforesaid documents, Vietnam has a large number of sectoral documents stipulating ways to better protect mothers, including the Safe Mothers Programme, Tetanus Vaccination and Iron Tablets for Pregnant Women Programme, Measures for the Protection of Heavily Pregnant Women during Floods and other Natural Disasters.

4.3. Implementation and Future Directions

The Vietnamese relevant ministries and agencies have been active in implementing the above-mentioned regulations. As a result, some of the outstanding problems as mentioned in the previous Report have been addressed.

In 2002, the VWU conducted a survey on the implementation of policies on women workers in rural areas. The results revealed that although women caring for small children are, by law, exempted from community service, many have not exercised fully this right. This is mainly because works of community service are by families, not individuals, and as a responsibility to their families, women caring for small children have to perform community service. Besides, in some localities, after the harvests, men usually leave homes in search for work elsewhere, which means women have to perform the families' community service.

Some regulations, including those on women's age of retirement, jobs that are prohibited or limited for women, are in fact putting many women labourers in a disadvantaged position.

In a bid to address these problems, the VWU and other relevant agencies are working on proposals to the Government on measures to be taken in the near future. On the issue of women's retirement age, the Government has tasked the Ministry of Labour, Invalids and Social Affairs to study and make proposals to the Government for submission to the National Assembly. The National Assembly has assigned the VWU, in collaboration with relevant agencies, with drafting the Law on Gender Equality for submission to the National Assembly.

ARTICLE 5

ROLE OF GENDER AND PREJUDICES

Actions to eliminate gender discrimination and prejudice described in the previous report continue to be consolidated and expanded.

5.1. Guidelines and policies

The State of Vietnam resolves to eliminate all forms of discrimination between men and women in all aspects of life. In recent years, the family has been playing an increasingly important role in nurturing and educating Vietnam's future generations. The State has put in place many essential documents to further strengthen the role of the family, including:

The 1992 Constitution, amended in 2001, which provides that family is the cell of the society and does not accept any form of discrimination among children (Article 64); the 2000 Law on Marriage and Family; the 2003 Ordinance on Population. In August 2002, the National Assembly decided to merge the National Committee for the Protection and Care of Children and the National Committee for Population and Family Planning, forming the National Committee for Population, Family and Children. The National Committee is a ministry-equivalent body, in charge of population, family and children issues.

Government Decree No. 70/2001/ND-CP dated 03 October 2001 provides detailed guidance for the implementation of the Law on Marriage and Family. Accordingly, the State, Government agencies and social organizations undertake the responsibility to support families in economic development, building happy families, caring for the children, addressing domestic disputes and problems, preventing violence, especially against the elderly, women and children, to help equip family members with good behavioural skills, identify and encourage exemplary families and criticize families showing irresponsibility to their members and the society. Government Decree No. 32/2000/ND-CP dated 27 March 2002 guides the implementation of the Law on Marriage and Family for ethnic minorities, providing for measures to eliminate obsolete customs and practices in marriage and the family. Government Decree No. 104/2003/ND-CP dated 16 September 2003 guiding the implementation of some articles of the Ordinance on Population strictly prohibits choosing the sex of the fetus (Art.10)

In May 2001, the Prime Minister decided to take 28 June as the annual "Vietnam Family Day". In January 2002, the Prime Minister approved the National Strategy for the Advancement of Vietnamese Women until 2010, stipulating measures to raise the awareness and sense of responsibility for government agencies, organizations, families and the citizens on gender equality.

5.2. Information, education and communication activities to raise gender awareness

Over the past four years, relevant agencies have continued with efforts to educate the people to eliminate gender prejudice in the society. A network of organizations for the advancement of women has been established. These organizations have put in place training programmes on gender issues and mainstreamed gender in policy-making. Mass organizations, particularly the Women's Union, Fatherland Front and Labour Union, have shown strength in informing, educating and communicating with the people on gender equality, on building a cultured life, and building families of "prosperity, equality, progressiveness and happiness". The Ministry of Education and Training has taken steps to gradually remove gender prejudices that can still be seen in students books at various grades (*refer to the section on Art.10 implementation for further information*). The media, including Vietnam Television and Radio the Voice of Vietnam, has broadcasted many programmes on gender equality, highlighting prominent women in various sectors, thus helping change social perception of women's role. Gender issues have also been incorporated into health, agriculture and population training programmes. Contests on gender and family issues have been organized in many localities, which have helped raise the awareness and sense of responsibility of men in taking care of women and sharing the burden of domestic works. Publications on various issues have provided the people with new understandings of gender issues (*refer to the section on Art.16 implementation for further information*).

5.3. Difficulties and Solutions

Efforts have been made to eliminate gender prejudices and change the perception of the roles of women and men. Yet, the impacts differ from field to field, from region to region. This is largely due to the lack of comprehensive measures to remove the old paradigm of male chauvinism, which has been existence for thousands of years. Vietnamese laws provide that in the family, the husband and the wife are equal in all aspects. They should discuss and jointly decide on all common issues, and share the burden of caring for the children, the parents. In reality, however, men are still considered as the pillar of the family, having the power to decide on major issues and representing the family in the community. Meanwhile, domestic work, taking care of family members are considered as the "given vocation" of women. The old system of labour division based on gender is, to certain extents, still maintained in some Vietnamese families, which has limited school opportunities for girls, and hindered women from taking up higher-level positions, getting high salary. The maltreatment of women in some areas also takes its roots in male chauvinism. Besides, obsolete customs and practices among some ethnic minorities, including child marriage, are impeding the advancement of women.

Aware of these problems, all relevant ministries and agencies will take steps to better enforce the country's laws, regulations and policies on gender equality. The Fatherland Front, Women's Union and other political-social organizations at all levels will continue to promote the campaigns "The people unite in building a new lifestyle in the community", and "Building cultured families", which aims to achieve "prosperity, equality, progress and happiness"; enhance education and communication activities to eliminate gender prejudices and practices harmful to women and girl children. The Ministry of Home Affairs will study the incorporation of gender issues in training programs for public officials. The mass media, particularly the radio and television, will increase the coverage of gender issues, thus helping to alter social perceptions of gender issues and raise the men's sense of responsibility in domestic works and taking care of the children.

ARTICLE 6

SUPPRESSION OF ALL FORMS OF TRAFFICKING IN WOMEN AND EXPLOITATION OF WOMEN FOR PROSTITUTION

The traffic in women and exploitation of prostitution of women remain pressing issues that attract the attention of the entire society. The State of Vietnam reiterates its strong determination to eliminate these evils. The prevention of traffic in women and exploitation of prostitution of women is high on the agenda of all agencies and authorities. All measures taken in this connection are aimed at protecting the health and dignity of women, helping build a just, progressive and advanced society.

6.1. Law-making

Recently introduced documents:

- Ordinance on Sanctions against Administrative Violations, No.44/2002/PL-UBTVQH10, dated 02 July 2002, issued by the National Assembly's Standing Committee, entered into force on 01 October 2002. According to the Ordinance, prostitutes from 15 to 55 years of age shall be entered to clinics for special treatment for 03 to 18 months.
- Ordinance on Prevention and Suppression of Prostitution, No. 10/2003/PL-UBTVQH11, dated 17 March 2003, issued by the National Assembly's Standing Committee, entered into force on 01 July 2003. This is the first ever specific document on the prevention and suppression of prostitution, which strictly prohibits prostitution. The Ordinance provides for social and economic measures to prevent prostitution and punitive measures against customers, procurers and prostitution organizers. The prostitutes are considered as the victims and the State has put in place programs for the treatment, rehabilitation, reintegration of these victims. Vocational training and job creation have also been in focus.
- Decree No. 68/2002/ND-CP by the Government, dated 10 July 2002, on marriage and family relationships with foreign elements. The Decree prohibits the use of marriage and adoption as covers for the trafficking in, exploitation and sexual abuse of women and children material gains.
- Decision No.151/2000/QD-TTg, dated 28 December 2000, by the Prime Minister, approving the 2001-2005 Action Plan for the Prevention and Suppression of Prostitution. The Plan aims to prevent and gradually eradicate prostitution in the country.
- Directive No.25/2003/CT-TTg by the Prime Minister, dated 21 November 2003 on the implementation of the Ordinance on the Prevention and Suppression of

Prostitution, with specific tasks assigned to relevant ministries, agencies and local authorities. “The Month of Actions to Implement the Ordinance on Prevention and Suppression of Prostitution” was also launched.

6.2. Implementation

The Government has been giving instructions to relevant authorities in the prevention and fight against crimes, including the trafficking in women and children. The Ministry of Public Security, in coordination with relevant ministries and agencies, has been implementing the National Program on the Prevention and Suppression of Crimes, one component of which is the prevention and suppression of trafficking in women and children. In September 2003, the Government convened a National Conference on Prevention and Suppression of Trafficking in Women and Children to discuss and agree on measures to be taken to combat this crime and support the victims. Since then, positive results have been recorded. Thanks to the efforts of all relevant ministries, agencies and local authorities, with the public security forces playing the leading role, we have succeeded in halting the increase of this crime.

The Ministry of Labour, Invalids and Social Affairs has been implementing 2001-2005 Action Plan for the Prevention and Suppression of Prostitution; worked with the Ministry of Public Security, Ministry of Culture and Information, Ministry of Home Affairs and Ministry of Health to issue related guiding documents; collaborated with mass organizations like the Fatherland Front, Women’s Union, Youth Union, Confederation of Labour and Veterans’ Union, to launch campaigns with the participation of their members and the society as a whole to combat social vices, including prostitution and the trafficking in women and children. The Ministry of Labour, Invalids and Social Affairs recently conducted a review of the three-year implementation of this Action Plan, which revealed the following results:

- *Communication and education* was identified as one of the most important measures, which has helped raise the awareness, enhance the sense of responsibility of the people in the fight against these social vices. Over the past years, the media, the mass organizations at central and local levels, have devoted tremendous efforts to communicate the State’s policy on the prevention of prostitution to the people (through articles, radio and TV programs, training courses, seminars...), forming strong public opinion against this crime, and at the same time, applauding good models and best practices. The Women’s Unions at all levels have made it clear that women are always the victims and the most disadvantaged in prostitution-related activities, which impedes the achievement of gender equality and socio-economic development goals. Local Women’s Unions have equipped women with needed tools and skills to recognize plots and attempts to traffic women for prostitution, and encouraged women to work with others in the community to prevent and fight against such attempts. Throughout the country, movements to build prostitution-free

and drugs-free villages and communes have been expanded, and thus helped to prevent these evils from spreading.

- *The handling of prostitution-related cases:* In this connection, following are some figures provided by the Supreme People's Procuracy and Supreme People's Court, in the 2000-2002 period:

+ harbouring of prostitution: the Courts have tried 2,470 out of 2,932 cases, with 3,224 accused persons. 146 of them received sentences over 10 years of imprisonment; 7-10 years for 313; under 7 years for 2468, and probation for 292.

+ procuring: 358 out of 437 cases have been tried with 483 accused persons.

The punitive measures for prostitution-related offences have increased in severity. Vietnam is still working on improving its legal tools to prevent and suppress these crimes more effectively. According to Vietnamese laws, all prostitution-related activities are strictly forbidden, and all violations of the laws will be punished accordingly. Persons forced into prostitution are protected by the law, and anyone who forces others into prostitution shall be subject to criminal prosecution.

- *Education, treatment and reintegration of prostitutes:* From 2001 to the end of December 2003, the Labour, Invalid and Social Affairs Ministry and Departments have provided treatment and education for 14,839 prostitutes, and provided vocational training and created jobs for 8,000. Apart from receiving regular education, these persons have also been diagnosed and treated for sexually transmitted diseases as well as other sickness. HIV/AIDS counselling has also been provided. The Vocational Training Centers have paid special attention to making the training programs better fit for former prostitutes, bearing in mind the characteristics and needs of these special students. But all programs aim to accelerate their reintegration and to help them find jobs. The State even provides 400,000 VND in allowance to these persons as they finish the re-education term and return home. The allowance, though small, reflects how much the authorities care for them, and also helps them in rebuilding their life in a healthier way. The local women's unions take the responsibility to receive them, facilitate their access to loans for economic activities, and encourage their participation in the unions' activities. In the community, the "once-prostitutes" are treated equally as other citizens. The local authorities and mass organizations have persuaded agencies and companies in their localities to recruit, provide vocational training and financial support to these persons. The women unions' anti-social-evils clubs have also been a place for these persons to go to, where they can learn more about social vices, health care, household economics and poverty reduction.

- *International cooperation* has been expanded in an effort to halt the spread of prostitution and trafficking in women. Over the past four years, Vietnam has taken

part in some international projects, including two regional projects (Project on the Prevention of Trafficking in Women and Children in the Mekong Sub-region; ILO/IPEC project for community-based capacity building, awareness raising and job creation for women and children). These projects have helped facilitate better collaborations among countries in the fight against trafficking in women and children.

6.3. Outstanding problems and solutions

Despite all achievements, the fight against trafficking in women and children and prostitution is still faced with numerous difficulties.

The number of detected and investigated cases of trafficking is still small. Trafficking activities continue in a serious and complicated manner. The victims have not been educated on ways to protect themselves from being lured by the criminals. The readmission of the victims in the community remains to be improved.

Numerous difficulties still confront the fight against prostitution, including the increasing sophistication of prostitution-related activities, the income gap among the regions, unemployment, and the easy-going lifestyle of some.

In July 2004, the Prime Minister issued Decision 130/2004/QD-TTg approving the 2004-2010 Action Plan for the Prevention and Suppression of Trafficking in Women and Children, aiming to increase the awareness of and actions taken by government agencies, local authorities, mass organizations and the society as a whole in order to fight more effectively against trafficking in women and children, and reduce significantly the number of cases by 2010. The Prime Minister has tasked the Ministry of Public Security to work with relevant ministries and agencies, provincial and municipal authorities and organizations in implementing this Action Plan. The Prime Minister has also issued a Decision to establish a Steering Committee for the implementation of the Action Plan for the Prevention and Suppression of Trafficking in Women and Children, chaired by a Deputy Prime Minister. Sub-committees will be established at the provincial and municipal level. In December 2004, the Government convened a National Conference on the implementation of the Action Plan. At present, ministries, agencies and local authorities are taking active steps to realize tasks assigned by the Prime Minister.

To make the fight against prostitution more effective, relevant agencies will continue their work on the implementation of the Ordinance on the Prevention and Suppression of Prostitution. Comprehensive measures will be taken at all levels of government, with relevant agencies held more accountable for their responsibilities. Monitoring and evaluation will also be strengthened, while violations will be punished. Steps will be taken to provide more information, education and counselling to the communities, and build communes free of social vices. Employment and poverty reduction policies will be more effectively implemented to

help the vulnerable groups. Relevant agencies will conduct reviews, draw lessons and replicate good models in accordance with Directive No.25/CT-TTg by the Prime Minister, which requires relevant agencies to communicate the Ordinance to the people from all stratas, encourage mass organizations and the people to take part in condemning and detecting all prostitution-related activities.

ARTICLE 7

EXERCISING WOMEN'S RIGHTS TO EQUALITY IN POLITICAL AND PUBLIC LIFE

7.1. Ensuring women's rights to vote and stand for elections

Article 126 of the 1999 Penal Code provides for punitive measures against acts of infringement upon the rights to vote and stand for election of citizens as follows: Those who resort to deception, buying off, coercion or other tricks to obstruct the exercise of citizen's right to vote and/or the right to stand for election shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

Article 10 of the revised 2001 Law on Elections of National Assembly Deputy stipulates that the number of female National Assembly Deputies is proposed by the Standing Committee of the National Assembly at the request of the presidium of the Center Committee of the Viet Nam Women's Union in order to ensure a rational proportion of female deputies.

Article 14 of the 2003 Law on Elections of Members of People's Councils stipulates that the Standing Board of the People's Councils at provincial, district and communal levels propose the structure, component and number of members of People's Councils, which guarantee a rational proportion of female members.

The national strategy for the Advancement of Vietnamese Women to 2010 set out the target as follows: Proportion of female National Assembly Deputies, Tenure 11th (2002-2007) of 30% and the following tenure of 33% or higher; female members of People's Councils Tenure 2004-2009 at provincial level of 28% and the next tenure of 30%; district level of 23% and the next tenure of 25%; communal and ward level of 18% and the next tenure of 20%.

To realize the above-mentioned provisions, a number of specific measures have been taken at various levels to raise the proportion of 11th female parliamentarians, including communication and outreach activities, distribution of leaflets to encourage women's participation in leadership and National Assembly and organization of meetings with constituents for female candidates. The National Committee for the Advancement of Vietnamese Women organized 6 training courses for 216 female candidates for the 11th National Assembly to provide them with knowledge and necessary skills and raise their confidence for winning the election.

As a result, the proportion of female parliamentarians of the 11th National Assembly reached 27.31%, which is higher than the previous tenure (18.5% and 26.22% for the 9th and 10th tenure respectively) and puts at the top position in Asia

in terms of female proportion in Parliament. In addition, the female turnouts of the 11th National Assembly election reached 99.76% (that of the 10th National Assembly was 99.09%).

Compared to the previous periods, female parliamentarians not only increase in number but also in quality. Female MPs with BA degrees or higher were 58.9%, 87.28% and 90.44% for the 9th, 10th and 11th National Assembly respectively. This quantitative and qualitative improvement indicates the capability and contribution of women in the country's political life.

Therefore, the rights to vote and to stand for elections of the Vietnamese women are in the main ensured. However, there remains some constraints, such as limited awareness of the society on the importance of women's participation in the political life and community activities; absence of mechanism and favourable conditions for women to fully exercise their rights to vote and stand for elections; lack of self-confidence and family support in standing for elections, especially for women in rural areas and those of ethnic minority people. In view of this, active and integrated solutions will be taken to raise women's participation in the elected bodies in the upcoming tenures.

7.2 Women's right in state, economic and social governance

The 1998 Ordinance on Civil Servants and the revised 2003 Ordinance on Civil Servants provides for a non-discriminatory treatment between men and women in recruitment, employment, appointment, change of salary scale, commendation and bonuses and entitlements to male and female civil servants in State administrative agencies and public service delivery agencies.

To guide the implementation of this Ordinance, the Government promulgated on 12 October 2000 Decree Number 56/2000/ND-CP, amending Paragraph 2, Article 6 of Decree Number 95/1998/ND-CP on 17 November 1998 by the Government on the regulations of recruitment, employment and management of civil servants, according to which the qualified age is between 18 - 40, equally applied to men and women (in the past, it was between 18-35 for women). This amendment removes the difference in recruitment age between men and women. In fact, the proportion of female civil servants now stands at 68.7%.

On 19 February 2003, the Prime Minister signed Decision No 27/2003/QĐ-TTg issuing the Regulation on appointment, reappointment, rotation, resignation, and resignation of civil servants. Under this Regulation, the qualified age for the first appointment does not exceed 55 for men and 50 for women. For the positions of director-general and deputy head of division at district level or equivalent positions, the qualified age is not over 45, regardless of gender.

The Prime Minister issued Decision No 69/2003/QĐ-TTg approving the Plan for building and improving the capacity of civil servants for the first phase between 2003 and 2005. The objective of the Plan is to build a pool of administrative civil servants with appropriate quantity and structure, characterized by professionalism, modernity, high sense of morality, sufficient capability for discharging duties and dedication to serving the national development and the people.

To establish a professionally qualified pool of civil servants, meeting the demand of raised productivity of the State apparatus, the Prime Minister issued Decision No 161/2003/QĐ-TTg on 04 August 2003 issuing Regulation on training of civil servants, which is aimed at providing them with the knowledge of political science, state management skills, professional skills and other supporting knowledge.

These regulations have been implemented in all government agencies of all levels.

The implementation of the Grassroots Democracy Decree at communal - ward levels and in offices mentioned in previous reports continued to be promoted, which facilitates the equal participation of women in discussions and decision making on local socio-economic issues and the rights of the employee.

In 2001, the Government instructed the review of the implementation of Decision No 163/HĐTB-QĐ on 19 October 1988 of the Ministers' Council (now the Government). This Decision stipulated the responsibilities of local authorities to ensure the participation of the Viet Nam Women's Union in state governance. As a result, there have been significant changes in awareness, attitude, responsibilities and actions of authorities of all levels related to the role and position of the Viet Nam Woman's Union and the capability of women in the country's reform. Women are encouraged to participate in social activities and effectively discharge their responsibilities in state and social governance. The women's union at all levels has actively coordinated with ministries, agencies and localities in the process of law making and formulation of policies and socio-economic strategies and in the oversight of the implementation of woman-related policies.

To further build on these achievements and reaffirm the position and role of the Women's Union in state governance, the Government issued Decree No 19/2003/NĐ-CP on 7 March 2003 to substitute the Decision No 163/QĐ-HĐBT, which provides for more detailed provisions on the responsibility of administrative agencies of all levels on facilitating the participation of Women's Union in social activities and governance. The Viet Nam Women's Union has developed a plan for the nation-wide implementation of this Decree and is preparing a new working mechanism between the Government and the Viet Nam Women's Union.

The Government and relevant agencies have made great efforts in narrowing the gap between men and women in leadership positions. However, the ratio

between male and female decision-makers remains unbalanced. Between 1997 and 2003, the proportions of women in key positions at national and provincial levels are as follows: Women holding ministerial portfolio and equivalent positions increased from 7.9% to 11.9%; deputy-ministerial positions and equivalent fell from 9.1% to 8.1%; Chairwomen of Provincial People's Committees dropped from 3.3% to 1.6%; Vice-Chairwomen of Provincial People's Committee increased from 10.1% to 11.7%. As such, in the past 6 years only the proportion of women holding ministerial positions and equivalent saw some increase. However, this proportion remains modest. The number of chairwomen of Provincial People's Committees decreased remarkably and is too small in comparison with men.

7.3 Women's rights to participate in political and social organizations

Compared to the third and fourth combined reports, woman's right to participate in political and social organizations continued to be boosted. The proactive involvement of women in political and social organizations significantly contributed to national development. However, the proportion of women in leadership positions of mass organizations remains small, despite some improvement reflected in woman's memberships in various institutions: Center Committee of the Ho Chi Minh Communist Youth Union 25/134 or 18.65%; Vietnam Farmers' Union is 15/86 or 17.2%; Viet Nam National Fatherland Front 34/198 or 17%; Vietnamese Red Cross Society 28/105 or 26.6%.

7.4 Directions to increase woman's participation in political and community activities in the future

The participation of Vietnamese women is yet to be commensurate with their capability and meet the demand of the reform process. As such, effective measures will be taken to eliminate remaining weaknesses. Under the instruction of the Party Center Committee, central and local agencies held meetings to review the implementation of the 1994 Directive No 37-CT/TW on the woman personnel work in the new context. In early 2004, a national review of this Directive was organized, which provided an important opportunity for agencies at all levels to assess the achievements, highlight key problems, analyze the causes and draw lessons, as well as recommending concrete measures to improve planning, training and employment of women. These reviews helped bring about a significant change in the awareness and behaviour of agencies of all levels with regard to woman personnel work, which is an important part of the personnel strategy. The Women's Union is expected to submit to the Party Central Committee a new draft Resolution aimed at reaching out more to women and woman cadres in the new context.

ARTICLE 8

WOMEN'S PARTICIPATION IN INTERNATIONAL ACTIVITIES

As mentioned in the previous reports, Vietnamese laws and state's policies ensure the equal rights of men and women to participate in international activities. Especially, under the policy of expanded foreign relations and proactive international economic integration, Vietnamese women have more favourable conditions to participate in these activities.

8.1 Women in the diplomatic service

As a Government agency in charge of foreign relations, the Ministry of Foreign Affairs pays much attention to ensuring the equal participation of men and women in international activities, as well as recruiting and training woman staff at all levels. The Commission for the Advancement of Women of the Ministry headed by a Deputy Minister was established. The Ministry adopted a Plan of Action for the advancement of Women in the period 2000-2005, which sets the targets as follows: the proportion of women in the whole diplomatic service of 30%; women in key positions of 11 - 20%; woman heads of representative missions of 20% and higher; and one woman Minister Assistant.

At present, the percentage of women in the diplomatic service accounts for 28%, of which 28% is working abroad. The proportion of women having post-graduate degrees is 14/64, women with Master's degree and PhD are 80/227 and 5/41 respectively. During the 2000-2003 period, the number of women appointed as directors and deputy directors increased from 10 to 15. There are now 11 female heads of divisions. In total, the number of women in leadership positions is as follows: 1 department director (out of 22 directors), 5 deputy directors (out of 57), 2 heads of divisions (out of 22) and 9 deputy heads of divisions (out of 32).

Training and improving the capability of woman staff in the diplomatic service always received due attention. In 2002, women staff accounted for 38% and 32% of the total number of staff sent abroad or received training at home for postgraduate studies. Notably, the proportion of female students qualified in the entrance exam into the Institute for International Relations has been on the rise. The figures for the Term 26 (year 2000), 27 (Year 2001), 28 (Year 2002) and 29 (Year 2003) were 137/55, 129/66, 154/68 and 169/60 respectively.

At Vietnamese representative missions abroad, the equal rights of woman staff regarding work, tenure, titles and salary have been fully ensured. During the period 2000-2003, three out of 19 ambassadors appointed were women. The proportion of women working full-time abroad is increasing, and now stands at 143/571, or 30%.

8.2 Woman's participation in external activities

With the policy of openness, the proportion of women working for international organizations is on the rise, averaging over 50%. In 2002 and 2003, the figures were 56% and 56.55% respectively. Around 40% of project officers and assistants are women. In 2002, the figure was 50.86%. The percentage of women holding other positions such as secretary and interpreter was over 35%, even reaching 45% in 2000 but declining afterwards. The proportion of women doing supporting work at project offices remains low, averaging 17% and tends to drop.

In multilateral activities, many women working for government agencies, people's friendship associations and mass organizations had opportunities to represent their Government at international forums and external activities. The participation of women in these multilateral and bilateral external activities was improved both quantitatively and qualitatively. Depending on the activities' nature, the increase of women's participation ranges between from 40% to 50%. Many female officials had the opportunity to accompany leaders of State, Party and Government in visits to foreign countries or international conferences. Many of them hold key positions in important bilateral and multilateral negotiations, including those for Vietnam's WTO accession. Especially, to encourage more women to participate in and benefit from economic integration activities, the National Committee on the Advancement of Women formulated the Document guiding the Implementation of the Framework for Women Integration within APEC. Seven Ministries and agencies in charge of APEC activities also completed the Plan of Action on Women Integration within APEC. Regarding ASEAN, Viet Nam played an active role in ASEAN Women Committee.

Regarding people-to-people diplomacy, the participation of the Viet Nam Women's Union is highly appreciated. For the past 5 years, women accounted for 50% of millions of batches of people taking part in activities for peace, solidarity and friendship. Thanks to the connections with more than 70 countries and 350 organizations, the Viet Nam Women's Union has promoted the cooperation between Vietnamese women and world women and people for common goals of gender equality, development and peace. The Union also helped solicit multi-sided support for the Vietnamese women and children.

The talents and contribution of Vietnamese women helped raise their own credit and position in international relations, which were highly appreciated domestically and internationally. This is partly reflected in the number of Vietnamese women appointed as regional representatives of various international organizations and presented international and regional awards.

However, the proportion of women participating in international activities remains modest. Only 30% of ASEAN activities enjoys the participation of women.

One of the obstacles is women's foreign language skills. In the future, State agencies will focus more on training and appointment of women in the diplomatic service.

ARTICLE 9

THE ISSUE OF NATIONALITY

As affirmed in the previous reports, Vietnamese laws and regulations, including 1998 Law on Nationality, are consistent in ensuring the equality between men and women regarding nationality.

During the past years, the Vietnamese State has strictly and effectively observed all provisions of laws regarding nationality and in fact, ensured the equality between men and women in applying for, renouncing or retaining Vietnamese citizenship without any discrimination against women. Vietnamese citizens, men and women alike, have the right to retain their Vietnamese nationality after marriage, divorce or annulment of illegal marriage with foreigners. The wife or husband retains their original citizenship regardless of the fact that the other partner applies for or loses Vietnamese citizenship. During the period 2000-2003, the Vietnamese State has accepted 12,818 cases giving up Vietnamese citizenship to attain foreign citizenship, including 73 people currently living in Viet Nam. Among these cases, 67 are women, constituting 91.7%. In 2002, 1,553 people gave up Vietnamese citizenship. However, the trend of renouncing Vietnamese citizenship has declined thanks to better legal framework, improved national and individual economic conditions, easy travel and higher community spirit.

The Vietnamese State strictly observed the Law on Nationality to ensure women's equal right with regard to their children's nationality. Children with both Vietnamese parents are granted Vietnamese citizenship regardless of their place of birth within or outside Vietnam. Children with one Vietnamese parent are granted Vietnamese citizenship with agreement in writing of both parents at the time of birth registration. Children with Vietnamese mothers, and non-citizenship or unidentified fathers, are granted Vietnamese citizenship, regardless of their place of birth within or outside Vietnam.

Provisions of Vietnamese Laws regarding nationality and its implementation by relevant agencies are all conformed to the Convention on Nationality.

ARTICLE 10

EQUALITY IN EDUCATION

10.1 Policies and Goals

The Vietnamese Government has adopted a number legal documents on education, including Decree No 43/2000/ND-CP on 30 August 2000 guiding the implementation of the Education Law, Decree Number 35/2001/ND-CP on 9 July 2001 on policies towards teachers, managing staff in specialized schools and in areas with particularly difficult socio-economic conditions; and Decree No 88/2001/ND-CP on 22 November 2001 on universalization of elementary education.

In 2001, the Prime Minister issued Decision Number 201/2001/QD-TTg approving the Strategy on Education Development in 2001-2010, which set the goals of making a fundamental change in education quality; ensuring social equality in education and creating better education opportunities for people of all social strata, especially those in needy areas. In 2003, the Prime Minister adopted Decision No 26/2003/QD-TTg approving of the National Target Programme on Education and Training by 2005.

The "National Plan of Action on Education for All" for 2003-2015 set gender equality as a priority with concrete goals of “eliminating gender inequality primary and secondary education by 2005, achieving gender equality in education by 2015 with guarantee of female students’ full and equal access to education and of their completion of education with good quality”.

The provisions of the above-mentioned legal documents continue to conform to the principle of equality in education while creating mechanisms and necessary conditions for women and girl children to enjoy equality in education and training.

10.2 Ensuring the equality of opportunity and learning conditions for men and women

As mentioned in the previous reports, there is no discrimination between male and female students at all levels, from preschool to post-graduate, and in all kinds of schools. They enjoy the same conditions, such as classrooms, curricula, scholarship and financial support.

State budget for education has unceasingly increased in the past years, standing at 15%, 15.6%, 15.8% and 16.2% for 2000, 2001, 2002, and 2003 respectively. Thanks to the investment of the State and support of international organizations, education facilities were improved substantially. There is a primary school in every village and hamlet, junior secondary school in every commune or

between communes and senior secondary school in every district, which provide easy access to education for all, including women and girl children.

A national education system, which is complete, integrated and diverse has been established with all levels of education, from preschool to post-graduate. Diversification of the education system in terms of forms, modality and resources was allowed, thus opening up greater education opportunities for the people, especially women of all ages. The scale of education continued to be extended at almost all levels and disciplines. The academic year of 2002-2003 saw 22 million people going to school. The proportion students learning in non-state institutions was on the increase, accounting for 76.5% of kindergarten, 58.3% of preschool, 31.8% senior secondary school and 11% university in 2002-2003. The proportion of women and schoolgirls taking part in education of all forms is about 38-40% in 2002. There are four forms of non-regular education for adults, including illiteracy elimination and post-literacy education; customized education; periodic refresher courses, training courses to update and improve knowledge and skills; programmes to obtain certificates of the national education system, such as in-service training, distance learning and guided self-learning. As such, education opportunities for women have increased significantly.

Social equality in general education is basically ensured. Education in the areas of the ethnic minority people saw a marked improvement. By 2002-2003, there are 1,545 boarding schools for ethnic minorities at all levels. Teaching in the scripts of the ethnic people was stepped up with 8 languages. As a result, the percentage of ethnic illiterates has fallen and by 2002 stood at 22.6%. The enrollment of ethnic pupils is on the rise compared to the year 2000. The proportion of schoolgirls, however, is small, standing at about 10%. In 2002, the number of mountainous girls going to school was only 10-15%. The main reason is that girls have to work to help their families; find it hard to go to boarding schools far away from home; and traditionally get married early. As such, in the future, the Ministry of Education and Training will review related legal documents to raise the enrollments of girls. In addition, relevant agencies will organize various activities using mass-media to raise public awareness of the benefits of education for girl children. The proportion of ethnic woman teachers and headmasters in remote and ethnic minority areas will also be raised, and education quality in these areas be improved.

10.3 Results of education and training for women

Built on the achievements in illiteracy elimination and universalization of primary education, Vietnam is heading for the universalization of junior secondary school education. The number of provinces having accomplished this target was 12/61 in 2002 and 19/61 in 2003. The academic year of 2002-2003 saw the participation of 134,708 people in post-literacy courses. Each year, one million people are given the opportunities to take part in regular education. According to the survey on the living standard of households by the General Department of Statistics,

92.13% of the population above ten years old is literate, but the women's rate is only 89.31%. The average number of years going to school of women is 5.3 while that of men is 6.5 (figure of 2003). By and large, equality in primary education in Vietnam is ensured. Education level of women and girls was improved in the past three years.

In 2002-2000, the number of school enrollments reached 18 million with girls making up almost an equal share of 47.49% for primary level, 47.26% for junior secondary level and 47.36% for senior secondary level. These rates of girls' graduation are 47.57%, 48.17% and 47.17% respectively. The proportion of girls going to school at right age is lower than that of boys and girl drop-outs is higher than boys. In 2001-2002, the percentage of female students in science and technology colleges and universities increased, though not substantially. This reflects the positive change in social attitude towards women's careers (*see table 4.4 of the Annex*).

10.4 Women working in the area of education – training

By the year 2002, 650,000 female employees are working in education and training, constituting 70% of the total number of staff. In 2002-2003, the proportion of woman staff were 99.6%, 78%, 68%, 56%, 42.5% and 39.7% for preschools, primary schools, junior secondary schools, senior secondary schools, vocational schools and universities respectively. In the Ministry of Education and Training, there is one Deputy Minister, one director, 6 deputy directors and 11 directors of provincial department who are women. The percentage of woman headmasters is 100% for preschool level, 34.31% for primary level, 21.08% for secondary level, 7.92 for university level and 6.7% for college level. In 2002, the proportions of woman professors and associate-professors are 3.54 and 7.24% respectively. These figures reflect the positive change of woman participation in the education area. But this is yet to be commensurate with their capability.

In order to improve the working conditions for female teachers in needy areas, the Ministry of Education and Training has issued a number of concrete regulations on such incentives as mobile allowances, allowances for teaching in ethnic languages, allowances for changing zones and on secondment, etc. Many areas have policies to encourage woman staff to improve their skills and qualifications or build public houses for woman teachers. At present, 51 out of 64 provinces grant social insurance to teachers of non-state education system with the participation of including 32% woman teachers.

10.5 Gender-bias in textbooks

Some traces of gender-bias attitude still remain in school textbooks. Images and concepts introduced in textbooks still depict the traditional role of women and girl children in doing housework, manual work and farming. In addition, they are described as shy people, who are dependent on the help of others and inferior to men.

Boys and men, on the other hand, are illustrated as scholars, explorers and engineers or skilled workers; they are strong, capable of using techniques well, reasonable independent and respectful. These are the shortcomings in textbooks of grades 1, 2, 6 and 7 which have been reviewed and changed with equal images of boys and girls, stressing the right to equal treatment between them and criticizing acts of discriminatory nature against women in families and society or in peer relationship. The elimination of gender prejudice in education and training will be further boosted, guided by the Ministry of Education and Training through plans and projects of textbook development, which also mainstreams gender issue.

At present, the entire education and training sector has been implementing various national plans in the period 2000-2005. The main direction of these plans is to develop and use new textbooks for school level; raise the qualifications of and standardize teachers; ensure the availability of teaching facilities, develop pre-school education, especially in 222 communes where preschools are still absent and in 323 communes where there is only one preschool class attached to primary school; and improve education for ethnic minority people.

The active implementation of the National Target Program on Education and Training, together with the above-mentioned efforts of the Ministry, has continued to contribute tremendously to the guarantee of equal rights for women and child girls in education and training.

The Ministry of Education and Training has drafted an amendment to the Law on Education, which offers more educational opportunities for the people. The draft is to be submitted to the National Assembly. The Ministry of Education and Training is also finalizing the project on furthering socialization of education and training for the Government's approval.

ARTICLE 11

EQUALITY IN EMPLOYMENT

Compared to the last period, the issue of ensuring equal rights for women in the field of employment in Vietnam has been improved. This is thanks to the amendments on policy and law provisions as well as the implementation of active measures to assist the female work force.

11.1 New regulations

Besides the legal documents mentioned in the above articles, especially in article 4, the State of Vietnam has promulgated other laws and legal documents to ensure employment equality for women. Those laws and legal documents include:

- The 2002 revised Labor Code, which has amendments to address issues related to female workers, such as social insurance, salary, labor safety, labor discipline duration, as stated in the report on the implementation of article 4 of the Convention.

- Government Decree 02/2001/ND-CP on January 9, 2001 on Vocational Training stipulating that female trainees do not have to compensate for vocational training fee when terminating the training contract if they have documents issued by health authorities at district level or higher certifying that prolonging such a contract would have bad effect on the fetus; after maternity leave, if she wishes and is eligible, she can continue the training.

- Decision 143/2001/QD-TTg approving the National Target Program on Hunger Eradication, Poverty Reduction and Employment by 2005.

- Government Decree 114/2002/ND-CP on December 31, 2002 on salary matters reaffirming the equal rights on salary payment. It provides for that if female workers do the same job as male workers, they are equally paid.

- Government Decree 01/2003/ND-CP on January 9, 2003 amending the Charter on Social Insurance. Accordingly, the scope of application of the Charter has been expanded to cover workers in collective and private economic sectors, which employ a significant number of female workers.

- Government Decree 33/2003/ND-CP on April 2, 2003 stipulating that disciplinary measures are not applicable to women workers who are pregnant, on maternity leave, raising child under 12 months of age and male workers raising child under 12 months of age.

- Government Decree 39/2003/ND-CP on April 18, 2003 providing details on the implementation of some articles on employment of the Labor Code, in which the Ministry of Labor, War Invalids and Social Affairs is tasked to study and submit to the Government a policy to assist women in employment.

11.2. The State continues to take active measures to ensure women's equal rights in the field of employment.

Women's equal rights in the field of employment continue to be promoted along with the national process of (*Doi Moi*) reforms. The State of Vietnam has taken many measures to create new employment opportunities, such as improving domestic and foreign investment policies and implementing socio-economic programs; continuing the National Target Program on Hunger Eradication, Poverty Reduction and Employment; expanding the labor and expert export market; adjusting vocational training programmes in accordance with market demand. Surveys on labor and employment over the years show that the number of women participating in frequent economic activity has increased. In 2002, women at the working age accounted for 59.55% of the population, 64.74% in urban area and 57.79% in rural area. At the time of the survey done in July 7, 2002, female workers aged 15 upward participated in frequent economic activity accounted for 49.30% - an increase of 2.49% compared to 2001- 48.78% in urban area and 49.46% in rural area. In terms of distribution in economic sectors, women accounted for 48.20% and had a high share in such sectors as processing with 48.72%, fishery with 49.78%, trade with 63.75%, hotel and restaurant with 68%. Therefore, the ratio of women participating in economic activities is quite high, especially in service and trade, which is along the right shift in the economic structure toward sectors that contribute significantly to the fast growth of GDP.

During the past years, jobs created have been on a steady increase: 14.2m in 2002, 1.52m in 2003, of which the ratio of women was quite high. Within that overall result, jobs created from implemented socio-economic development programs accounted for 78.6%, and 21.4% of those were created by the national fund for employment. Annually, the government spends 200 billion Vietnamese dong of its budget on job creation. According to the new regulations, starting from 2003, households, co-operatives, small and medium sized enterprises can borrow loans of under 15m Vietnamese dong from the national fund for employment without mortgage. Especially priorities are given to disabled people and enterprises using a large number of female workers. By expanding the household and farm based economic sector, developing craft villages and products for export, promoting private sector, industrial parks and processing zone, new jobs are created. The expansion of market for labor and expert export to Southeast Asia is also a good solution to job creation in general and to the female labour force in particular. From 2001-2003, Vietnam exported 158,000 workers and experts, 35% of whom are women.

Unemployment among women at working age in urban areas has dropped compared to the period when the 3rd and 4th combined report was submitted but the result is yet to be sustainable: 6.25% in 2000, 6.85% in 2002 and 7.22% in 2003, whereas the overall rate is 5.78%. The utilization of working hours among rural women at working age has increased rather slowly, 73.71% in 2000, 75.25% in 2002 and 77.74% in 2003, lower than the overall rate of 77.94%. There is also a difference in sex distribution by sectors and lines of business. The ratio of women is still lower in some sectors and lines of business (View index 3.6)

- **As far as vocational training is concerned**, compared to the period of the previous report, vocational training has developed dramatically both in quality and quantity. From 2001-2003, over 2.9m people were trained, 30% of which was women. More fields of vocational training were opened, many of which are suitable for women. Moreover, local authorities have started to invest considerably in vocational training centers. The training quality has improved remarkably, thus meeting the demands of the labor market. 90% of the trainees of some vocational training areas such as post and telecommunications, transportation and tailor, have jobs after graduation, in which the ratio of female graduates was quite high. Vocational schools have increased in number and are located widely across the country, thus meeting better the increasing demand. The number of trained female workers has mounted, thus reducing the gap with the number of trained male workers. However, the professional skills of women workers are lower than that of male workers, and women accounted for $\frac{3}{4}$ of the unskilled job (according to 2001 survey by the Ministry of Labor, Invalids and Social Affairs and ILO).

- **Regarding retirement age**: the combined 3rd and 4th report has touched upon the matter of retirement age for men and women, and has suggested that the pension policy be revised. Taking into consideration such suggestion, the Government has asked the Ministry of Labor, Invalids, and Social Affairs to collaborate with agencies concerned to conduct a study on the retirement age of female workers. The findings showed different views on this matter and over 70% of those asked thought that the regulation on retirement age was reasonable. Therefore, the National Assembly decided not to change the retirement age, 55 for female and 60 for male in the recent revised the Labor Code. However, the number of years with paid social insurance, which is used as the basis for the calculation of retirement age, has dropped from 30 to 25 for women so as to match with the retirement age.

In the immediate, in order to make it possible for competent and professional people to contribute more to the society, the Government issued Decree 71/ND-CP on November 23, 2000 stipulating the extension of the number of working years of officials and civil servants who reach retirement age. Accordingly, senior experts, doctors of science, professors, associate professors, regardless male or female, can continue working for 1 to 5 more years if needed by employers.

- **With regard to breast-feeding leave**, according to the regulations, female workers can take 60 minutes off every day for 12 months to breast-feed the baby and still get paid. This policy has allowed female workers to arrange breast-feeding time suitable with their personal conditions and their work. However, the application of such regulations has proven quite difficult for females working in production lines, far from home or with children in distanced day-care center. To compensate for them, the State has allowed the conversion of unused breast-feeding time into working days to be paid with allowance for female workers.

- **Concerning social insurance**, the Charter on Social Insurance has been revised in 2003 to include more provisions beneficial to female workers as mentioned above. According to the current regulations, those obliged to buy social insurance include employees of enterprises of different economic sectors including private and non-state ones. By 2002, about 4.4m people had bought social insurance, of which 3.8 m were from the State sector and accounted for 86.4% of the total buyers. At present, the number of female workers buying social insurance is very high (50.5%), 52.2% of which belongs to the public service sector. However, workers from non-state sectors only account for 15 to 20%. The main reason is employers do not strictly abide by the law, and authorities concerned do not conduct frequent inspections to promptly deal with violations. Now relevant agencies are helping the Government to finalize the policy on social insurance for voluntary retirement, so that workers from all economic sectors, including farmers and freelance workers can have pension. This policy when implemented will give 30million workers the opportunity to join the scheme.

- **Women involved in household economy** enjoy the same rights as provided for men. There are no other specific regulations. In recent years, the Government of Vietnam has carried out many measures to develop the household economic sector, especially in rural areas. Each household is considered as an economic unit, creating job for its own members, attracting local labor, thus helping reduce poverty and raise people's living standards. Models of small credit loans from job creation, poverty reduction and farm economy programs have provided women with both job and higher income. Moreover, mass organizations also pay great attention to women. Particularly, Women Unions at various levels are allowed by the Government to act as credit guarantors for their members' loans. Every year, 30% of the total small projects in the country are funded by loans of this kind. The average income of a person involved in household economy is around 40-60% and this helps increase their personal as well as family income.

- **As far as support services for workers are concerned**, together with investment for economic growth, the Government of Vietnam also pays great attention to improving social services to meet the increasing demands of the people. Women have enjoyed a wide range of social services such as day-care center, kindergarten, domestic work, processed food, etc. At present, the system of day-care center and kindergarten is being expanded under various forms, for example

public, semi-public and private in both city and rural areas. In cities, the need for domestic workers has increased. This has created more job opportunities for women, especially for those in rural areas and female students. Housemaid or domestic worker has been recognized by and protected under the Labor Code.

11.3. Some outstanding issues and solutions

In reality, shortcomings exist in the implementation of policies towards female workers including the issue of their retirement age as mentioned above. Rural female workers have yet to enjoy fully policies on social insurance. Occupational safety and sanitation well as production tools are in poor conditions. The level of occupational disease is high. Oversight over the implementation of the Labor Code in enterprises is not effective.

At present, the Ministry of Labor, War Invalids and Social Affairs has put forward measures to address these issues, mainly focusing on:

- Studying the revision of some articles of Government Decree 23-1996/ND-CP issued on April 18, 1996 to submit to the Government. The revision will be made in the following direction: the State allocates part of its vocational training budget for vocational schools to provide training on an additional skills for female workers in case of contingency; provide for some items on which enterprises can use money from tax reduction to spend for female workers; Boards on women's work at grassroots level can participate in making decisions on female workers' rights such as salary increase, schooling, rewards, etc.
- Formulating the social insurance scheme for voluntary retirement and submit to the Government for approval so that everyone can get access to social insurance.
- Studying and submitting to the Government for approval a new solution to female workers' retirement age.
- Building and guiding the implementation of regulations on occupational safety and sanitation in agriculture, craft village using large quantity of female workers; promoting education and dissemination of knowledge on safety and sanitation requirements for authorities at different levels so that they can effectively oversee the compliance by employers as well as employees.
- Improving monitoring and inspection over the implementation of policies towards female workers, especially in non-state sectors; amending and supplementing acts of violation of policies towards female workers in the Decree on penalties for violations of the Labor Code; building a system of

rewards and punishment for enterprises' performance in implementing policies on female workers.

ARTICLE 12

WOMEN'S EQUAL ACCESS TO HEALTH CARE SERVICES

12.1 Guidelines, policies on public healthcare:

On 22 January 2001, the Secretary Board of the Party's Central Committee issued Directive 06-CT/TW on strengthening the grassroots healthcare system with a view to improving the quality of primary healthcare for the people. The resolution of the Ninth Congress of the Communist Party of Viet Nam (in 2001) put emphasis on increasing the equity in terms of access to healthcare services, continuing to pursue national healthcare targets, raising the quality of healthcare services at all levels; giving special attention to improving healthcare for children, war victims, the poor, ethnic minorities, those living in former revolutionary bases, as well as remote and mountainous areas, and reducing child malnutrition and under-five-year-old child mortality as well as pregnancy related mortality.

Institutionalizing these lines of the Party, the State has promulgated various legal documents with the aim of ensuring equal rights of all people including women to quality healthcare services, thus improving the quality of the population.

The Standing Committee of the National Assembly also passed the Ordinance on the Elderly (in 2000) and the Ordinance on Population (in 2003). As for the first time, the gender issue has been clearly stipulated in the Ordinance on Population like prohibiting of sex selection in any form; stipulating the State's responsibilities in making policies and taking measures to eliminate all forms of gender-biased discrimination; and securing the pro-activeness, voluntariness and equality of all persons and families in reproductive healthcare and choosing few-children family pattern.

The Government promulgated Decree 74/2000/ND-CP on trading and using breast milk substitutes so as to protect and encourage breastfeeding; Decree 12/2003/ND-CP on artificial pregnancy; Decree 104/2003/ND-CP providing detailed guidelines on the implementation of some articles in the Ordinance on Population.

The Prime Minister has issued the Decision to approve the National Strategy for reproductive healthcare to 2010; the National Nutrition Strategy to 2010; the Strategy for public healthcare in the 2001-2010 period; the Vietnamese Population Strategy in the 2001-2010 period (Decision 147/2000/QD-TTg); the National Target Programme on prevention and treatment of dangerous social diseases, epidemics and AIDS to 2005 (Decision 190/2001/QD-TTg); the National Target Programme on Population and Family Planning to 2005 (Decision 18/2002/QD-TTg); and Decision

139/2002/QĐ-TTg on October 15th 2002 on health examination and treatment for the poor.

For the implementation of the above-mentioned regulations, the Ministry of Health has issued documents as technical guidelines on reproductive healthcare, national standards for communal clinics between 2001 and 2010 and for reproductive healthcare in six services (including maternal safety, family planning, control of infectious reproductive diseases, sexually transmitted diseases, HIV/AIDS infection, juvenile reproductive healthcare, safe abortive measures, counselling). These are important instruments to help healthcare centers improve quality of services and minimize possible incidents that may affect the people's health, especially women.

In recent years, State budget expenditure for health sector has increased from VND 7,262.4 billion in 2002 to VND 7,751 billion in 2003 (4.5% of the total State budget expenditure).

12.2 Structure and organization of healthcare network for women

Prior to May 2003, the Health Ministry had been reformed in accordance with provisions of Government Decree No 01/1998/ND-CP dated 3 November 1998.

The structure and organization of the Ministry of Health continued to be improved in accordance with provisions of Government Decree No 49/2003/ND-CP dated 15 May 2003 on functions, mandates, powers and organization of the Ministry of Health. Under this Decree, the Department of Maternal and Child Health Protection and Family Planning was renamed Department of Reproductive Health.

All healthcare centers from central to local levels, both public and non-public, are responsible for providing reproductive healthcare services and implementing the National Standards Guidelines on Reproductive Healthcare Services. Thanks to this, remarkable improvements have been made in the structure and operational mechanism of these institutions as well as in specialization and qualifications of technical staff, especially at grassroots level. By the end of 2002, 100% of healthcare centers at ward, communal and district levels were provided with medical workers, of which the number communes having doctors increased from 33.86% in 1999 to 61.5% in 2002. By 31 December 2003, 93.2% of ward clinics have midwives and obstetric - pediatric assistant doctors. The number of medical workers in hamlets increased from 59.41% in 1999 to 89.8% in 2002. In 61 Centers for Mother and Child Protection and Family Planning, there are 321 obstetric doctors, 60 pediatric doctors, 228 pediatric assistant doctors and 367 midwives. Given the rapid growth of pharmaceutical retailers, including private stores (accounting for 72% of the retail market), a supply network was well in place to provide essential medicines to communes and wards in remote and mountainous areas and islands, which meets the WHO's standards. These are important conditions to ensure

Vietnamese women's favourable access to and use of high quality healthcare services. Thanks to the Decision No 139/2002/QĐ-TTg of the Prime Minister on purchase of health insurance cards or direct payment for medical examination and treatment with the cost as low as VND 50,000 - 70,000 per person per year, poor women can afford healthcare services. Annually, about six million women enjoy the benefits of this policy.

Female medical workers account for 62% of the total number of medical workers; in all fields of medical examination, treatment, scientific research and education, women make up the majority; the incumbent Health Minister is also a woman. However, the proportion of female managers in the health sector remains modest, which is 14.4% at department, institute and hospital levels, and 17.6% at provincial levels. Aware of the important role of women in the cause of people's healthcare, the Action Plan for the Advancement of Women until 2005 of the health sector has set out the target of raising the proportion of female managers in the health service to 30-35% by 2005.

12.3. Female healthcare and family planning services:

Viet Nam's female healthcare in general and reproductive healthcare in particular has recorded remarkable progress compared to the year 2000. Over the past four years, average life expectancy saw significant increase, which is 71 years old in 2002, the breakdown of which is 73 for women and 70 for men. The overall birth rate dropped from 2.28% in 2000, 2.25% in 2001, and 2.28% in 2002, to 2.13% in 2003. Thanks to strong political commitments together with a nation-wide healthcare network, maternal and child mortality rate has been reduced significantly in Viet Nam. In 2002, female child mortality rate under five years old was 31.4‰ and male child mortality rate was 34.2‰. In 2003, maternal mortality rate was 85/100,000; child mortality rate under one year old was 21‰ (40.2‰ for male and 32.9‰ for female). These figures are better than those of other countries at the same level of income per capita.

According to statistics released by the Ministry of Health in 2003, 5.7 millions badges of people experienced gynaecological check-ups. Pregnancy check-ups increased by 2.5 times in average; 95.8% of women were taken good care of by medical workers in their delivery; 91% of pregnant women were injected tetanus vaccine more than twice, or 2.5 times per pregnant woman.

In 2003, thanks to more effective contraceptive measures, the number of abortions reduced by 19.84% to 174,505 in comparison with that of the year 2000. Intensive communication campaigns and availability of modern family planning measures gave women more and better choices for the most suitable contraceptive measures. Access to contraceptive measures increased from 71.9% in 1999 to 76.9% in 2002 (Table 5.3 of the Annex). This is indicative of the implementation of the Population Strategy for 2001 - 2010 and Safe Motherhood Programme for 2003 -

2010 as well as other effective measures like marketing of condoms. However, men's participation in family planning remains limited and the burden is carried mainly by women, which is reflected in the structure of contraceptive measures: 57% using Intra uterine devices, 11.4% using oral contraceptive pills, 7.5% using condoms, only 0.5% using male sterilization (2003 figures). This is due to a number of reasons, including lack of man's awareness, ineffective communication campaigns, barriers of old customs as well as low quality and accessibility of services.

With a significant improvement in the people's life over the past years and the implementation of Ordinance on the Elderly, healthcare services for old women have been upgraded. The Elderly can enjoy preferential services, such as check-ups and treatment at medical centers and provision of free health insurance for people over 90 years old in accordance with Decree 120/2003/CP of the Government.

12.4. Nutrition

With a view to realizing the targets set in the National Strategy on Nutrition for 2001-2010, Viet Nam has taken active steps to launch various measures on malnutrition prevention, particularly for pregnant women and children under five. Family's nutrition model of "green colour of vegetable, yellow colour of papaya fruits and red colour of egg yolk" has been scaled up to help families resolve the issue of nutrition through proper diet. Calories consumption per capita in 2000 reached 1,931 Kcal/ day on average. As a result, the number of pregnant women suffered from anaemia reduced from 52% in 1995 to 32% in 2000. To realize the targets of National Strategy on Nutrition, the Ministry of Health issued "10 Nutritious Advices", which is widely responded across the country. They organized on an annual basis competitions on the occasion of "Micronutrient Day on 1 - 2 June" to monitor the health of newborn babies and provide sufficient vitamins for children and iron pills for pregnant women, 15-year-old girls and post-natal women. Especially, the "10 Nutritious Advices" have been translated into poems and songs to make them easily understood, remembered and implemented. However, the number of women suffering from anaemia and asthenia are still larger than men.

12.5. Prevention of sexually transmitted diseases (including HIV/AIDS)

Sexually transmitted diseases have been reduced but at a negligible and unsustainable pace from 199,188 cases in 1998 to 180,125 in 2002. The quality in healthcare services remains poor, and access to them was difficult for women, especially in the mountainous and rural areas.

The spread of HIV/AIDS continues to increase, especially in drug addicts using injection. The number of HIV/AIDS infected picked up from 11,201 in 2000 to 76,180 in December 2003, of which women account for 13.98%. According to 2000's figures, 60% of the HIV infected cases were caused by drugs injection,

6.03% by sexual transmission, and 4% by prostitution. The number of infected women in pre-maternal stage increased from 0.2% in 2000 to 0.34% and 0.39% in 2001 and 2002 respectively. Especially, the number of mother - to - child transmission of HIV increased from 67 cases in 2000 to 83 in 2001. The Government has been implementing the National Strategy on the Prevention of HIV/AIDS to 2010 and vision 2020 to reduce the number of newly infected people and provide treatment for those infected.

The Health, Population, Family Planning and Children services in coordination with the Vietnamese Women's Union, Central Committee of Ho Chi Minh Communist Youth League, competent agencies and mass organizations from Central to local levels have been effectively implementing targets, measures and solutions on people's healthcare and protection focusing on reproductive healthcare, child mal-nutrition prevention, sexually transmitted diseases and HIV/AIDS prevention. Campaigns on gender and safe sex education have been further promoted, especially for adults and young people. The Ministry of Health coordinates with competent agencies to carry out the National Strategy on Prevention of HIV/AIDS to 2010 and vision 2020, and will submit the project on the increased socialization of people's healthcare to Prime Minister for approval.

To further improve people's healthcare, the Government will submit to the National Assembly the revised Law on people's healthcare and protection and revised Ordinance on HIV/AIDS prevention.

ARTICLE 13

SOCIAL-ECONOMIC AND CULTURAL WELFARE

13.1. New legal regulations and policies

- Ordinance No 28/2000/PL-UBTVQH10 dated 25 September 2000 by the National Assembly's Standing Committee on Sports and Physical Activities that encourages the people's participation in and benefit from sports and physical activities to meet the demand of international integration as well as to preserve and promote traditional sports. Women have equal access to sports and physical activities with men.
- Decree No 07/2000/ND-CP by the Government dated 9 March 2000 on social aid policy with a view to providing physical and spiritual support to lonely elderly, orphans, heavily handicapped people. Lonely women without income above 55 years old are entitled to receive regular social aid.
- Decree No 111/2002/ND-CP by the Government dated 31 December 2002 providing detailed instructions on the implementation of several provisions in Ordinance on Sports and Physical Activities.
- Decision No 19/2003/QD-TTg by the Prime Minister dated 28 January 2003 approving the National Target Programme on Culture to 2005.
- Decision No. 170/2003/QD-TTg by the Prime Minister dated 14 August 2003 on preferential policy to help beneficiaries get access to cultural and social services.
- Decision No. 256/2003/QD-TTg by the Prime Minister dated 2 December 2003 adopting the National Strategy for Environmental Protection to 2010 and directions to improve the quality of living environment for the people until 2020 .
- Joint Programme No 330/CTPH dated 11 August 2000 between the Women's Union and Committee for Sports and Physical Activities guiding women's sports movement between 2000-2002. Under this Programme, every year the Central Committee of Women's Union instructs unions at lower levels to encourage women's participation in popular sports activities organized by Sports and Physical Activities Agencies and Federation.

13.2. Guarantee of women's right to social and family benefits

Viet Nam's social welfare policy does not contains any discrimination in terms of sex, social strata and beliefs and gives priority to ethnic minority people and those entitled to preferential social policies. Thanks to the implementation of the Law on Marriage and Family issued in 2000 and general socio-economic progress of the country over the past four years, women's benefits from family welfares mentioned in the previous report were maintained and improved.

During this period, the Vietnamese State places great premium on development of social welfare policy, especially for rural and remote areas. These policies are implemented through a number of programmes and projects on socio-

economic development, poverty reduction and employment as well as through international development and humanitarian programmes. This helps improve women's life in rural areas. 70% of women now have access to public utilities like lighting, roads, post offices, cultural services, clinics, and schools.

13.3. Guarantee of women's rights to bank loans, mortgages and other forms of credits:

The revised policies in this field have created more favourable conditions for women to participate in and get access to financial resources. More women have taken part in credit programmes for poor households. According to the Bank of Social Policy, by December 2002, woman-headed poor households accessing to credit loan accounted for 60% (increased by 20% as compared to the third and fourth reports). The ratio of poor households accessing credit loans is relatively high, especially in the Northern mountainous areas (such as Tuyen Quang, Thai Nguyen, Hoa Binh and Ha Giang). The Government has made several changes in its policy to facilitate people's higher investment. Especially, the Bank has increased the credit ceiling from VND 3 million to VND 7 million and extended maturity period from 30 months to 60 months. In 2000, the Bank for Agriculture and Rural Development signed with the Vietnamese Women's Union a joint Resolution on Granting Loans for Women. After three years of implementation, by 30 June 2003, 57 out of 90 branches of the bank had provided credit loans to 1.3 million women with the total value of VND 5,134 billion. This is an exemplary model given the low level of overdue debts and effective use of borrowed loans by women, which also helps socialize bank credits. The two agencies have reviewed and drawn lessons to further implement the Resolution in coming years.

However, there are existing difficulties facing women when borrowing loans namely limited understanding and inadequate management skills and lack of capacity in formulating effective business and production plans.

13.4. The right to participate in recreational, sports and cultural activities:

The Ordinance on Sport and Physical Activities provides State's policy to encourage the entire population to take part in sport and physical activities of various kinds. In addition, women can participate in sport and physical activities jointly organized by the Vietnamese Women Union and Committee for Sports and Physical Activities. According to the report of the Committee, the programme has involved tens of thousands of women in popular sport activities. In 2003, the Vietnamese Women's Union launched a campaign "Each member chooses one suitable sport for daily exercise." The two agencies organized a meeting with female athletes who established high records at the 21st Southeast Asian Games (SEAGAMES) and presented gifts to the outstanding athletes selected by Vietnam's Sports Newspaper in 2001. A friendly competition for women in marathon,

volleyball, table-tennis, and badminton was organised. About 1,000 sport and physical training clubs were established, including Tanjiquan clubs, health improvement clubs, and aerobic clubs. As a result, at the 21st and 22nd SEAGAMES held in 2001 and 2003, the number of female athletes winning medals accounted for over 60%.

Thanks to the continued socialization of sport and cultural activities in line with Decree 73/1999/ND-CP of the Government, the sport and cultural movement has been growing strongly throughout the country, involving people from all social strata, including women. 80% of districts have allocated lands for cultural, sport, and entertainment activities. Between 2000 - 2002, in response to the National Sport Festival, 85% of communes and districts organised Festivals with the participation of 640,000 people with a large proportion of women.

In the cultural area, encouraging results have been recorded in the realization of “All people strive to follow a cultural lifestyle” campaign, which help more people have access to mass media. According to statistics of the Ministry of Planning and Investment in 2003, 93% of households have access to the Voice of Viet Nam; 86% can watch programmes broadcasted by Vietnam Television; television and radio coverage reached 90% and 92% respectively nationwide.

Important improvement in women’s spiritual life is attributable to the implementation of the policy of cultural socialization. Cultural activities have become increasingly rich and imbued with national identity. The State paid great attention to improving spiritual life of the ethnic minority people through implementing various programmes to support and build cultural houses for people’s social activities. Many local radio and television stations broadcast programmes in both Vietnamese and other ethnic languages. Only small number of women living in remote and thinly populated areas has not been able to enjoy cultural, art, radio and television programmes.

To achieve these encouraging outcomes, the State budget allocated to cultural and information field has been increased on a year-on-year basis (VND 820 billion in 2001, VND 996 billion in 2002, and VND 1,302.7 billion in 2003).

Women have also made active contributions to cultural and information sphere, for which they were acknowledged and presented noble titles by the State. By 2002, 35 out of 152 people’s artists are women (23%); 459 out of 1245 distinguished artists are women (36.86%); 3 out of 137 people’s teachers are women (2.18%); 42 out of 109 people’s doctors are women (12.8%); 470 out of 2467 distinguished doctors are women (18.56%); 26 individuals and 10 female teams were awarded Kovalevskaya prize. The State has acknowledged their contribution and conferred the titles of heroic women and woman of the emulation movement in the *Doi Moi* time (time of reform) for 19 and 272 individuals respectively.

A Vietnamese woman received one prize for business in the Vote for Impressive Asian Women 2002. The role and position of the Vietnamese women have been enhanced both domestically and internationally.

As compared to the previous report, women's benefits from sport, cultural and social activities have been raised and people's life, including that of women, improved. However, due to financial constraints and lingering gender bias, women's participation and enjoyment in sport, cultural and social activities still fall below that of men as well as of their own need. To improve this, competent agencies will continue to elaborate more effective measures to ensure women's full access to the above-mentioned benefits. Cultural and sport socialization will be further promoted to create favourable conditions and more opportunities for the people, particularly women, to participate in these activities.

ARTICLE 14

WOMEN IN RURAL AREAS

Social equity is a consistent policy pursued by the State and Government of Vietnam, which serves a prerequisite for women in rural areas to fully participate in and benefit equally from socio-economic achievements in rural areas.

14.1. Women in rural areas – the role and challenges

Agriculture plays an important role in the national economy. In 2003, agriculture accounts for 21.8% of GDP, which involved 75% of the rural population.

In 2002, women in rural areas accounted for 50.8% of the population and around 49% of rural workforce. The ratio of women in rural areas participating in economic activities was 71% while that of urban areas was 56%. Women in rural areas take part in almost all stages of agricultural production since they constitute 70-80% of the workforce. In some stages, they are the major workforce, such as seedling, cultivating, harvesting and livestock. Women also take up 60-70% of the workforce in such crafts as knitting of bamboo and rattan, embroidery, fabric weaving, mat making and food processing.

In the last four years, many policies on agriculture and rural development have been promulgated, namely Decision 132/2000/QD-TTg by the Prime Minister dated November 24, 2000 on some incentives for the development of off-farm industries in rural areas, Decision 132/2001/QD-TTg dated September 7, 2001 on financial arrangements for implementation of programmes for rural infrastructure development, infrastructure for aquaculture farming and infrastructure of craft villages. Particularly, with a view to improving gender equality and position of women in rural areas, the Ministry of Agriculture and Rural Development (MARD) adopted a Gender Strategy in Agriculture and Rural Development to 2010 and Gender Plan of Action in Agriculture and Rural Development to 2005. The Strategy aims at coordinating and promoting efforts of agencies at all levels, mass organizations and individuals to realize gender equality in agriculture and rural areas where most poor and needy people live and make up the majority of the workforce. This is also a prioritized area of the National Strategy for the Advancement of Women.

In recent years, the Vietnamese Government attaches great importance to agricultural and rural development. Therefore, in the 2000-2003 period, despite falling prices of agricultural products in the world market, Vietnam's agriculture enjoyed continuous growth at 4% per annum. This serves as a condition to improve the living standards of a large part of farmers, including women.

However, disadvantages and challenges facing women in rural areas as pointed out in the previous report remain unsolved in the main. Due to accelerating industrialization and urbanization, agricultural land is shrinking. More and more farmers, mostly men, go to cities to find a job. They only come back home at the farming season. As a result, the workload is mainly shouldered by women. Working hours of those in the working age has increased, reaching 77.65% in 2003; the women's rate was 77.36%. A woman on average spent 13.6 hours per week in 2002 on domestic and unpaid work. On the other hand, female farmers usually gain lower income than men, equivalent to only 73% in 2002. Female farmers in the mountainous and remote areas, especially single, household-headed and old women, are the most vulnerable group. More importantly, ethnic minority women suffer from more disadvantages than men since they have limited power in decision making, low level of education and thus, having fewer chances.

14.2. Women's role in formulating and implementing development plans and community activities

Thanks to the policy to maximize the ownership of the people in accordance with the formula "Party's leadership, State's management and people's ownership". Women are given more favourable conditions to participate in the management of the State and the community. The review of 5 years implementing the Grassroots Democracy Regulation showed that the motto, "people know, people discuss, people do and people monitor" had been observed in all communes and wards nationwide. The Women's Union, in particular, issued guidelines to its local organizations to increase women's participation in such activities as meetings and discussions about policy on and contribution to building of infrastructure and public utilities, cultural regulations, or measures to counter social evils in the area etc. The issuance of Decree 79/2003/ND-CP by the Government on Regulations to exercise democracy at communal level (replacing the above-mentioned Regulation) offers women more chances to discuss, make decision, implement and supervise development plans at grassroots level. Besides, women can raise their voice via women union's branches to local administrations in accordance with Decision No 163/HDBT in 1988 by the Ministers' Council, now Decree No 19/2003/ND-CP by the Government, (*see Art. 7*).

14.3. Healthcare and family planning

As stated in Article 12, women in rural areas enjoy better healthcare thanks to policies to improve grassroots healthcare. The State applied a voluntary insurance policy to farmers with the premium decided by Provincial People's Committee.

Apart from that, healthcare system in the mountainous areas and for ethnic minority people has been improved, which enabled ethnic minority women to have better access to healthcare and family planning services. In 2002, 100% of mountainous communes had clinics, of which 83.24% was concretized, 69% had

medical equipment, and 80% had electricity and water supply. 100% of districts had a medical center. The number of medical staff increased significantly, including larger number of doctors and medical workers at villages and hamlets, basically meeting the demands for medical check and treatment of the people. In 2002, 81.02% of women in rural areas received assistance from medical workers during child delivery (97.27% in the urban areas) and 70.79% of pregnant women received maternal check (95.78% in the urban areas). The quality of medical examination and treatment was raised, serious diseases such as goiter and malaria kept under control. Due attention was paid to information outreach on gynecological diseases for women, hygiene for girls and reproductive healthcare, such as clean delivery and scientific child raising). This reflects enormous efforts by the State in providing medical services for ethnic minority people in general and ethnic minority women in particular.

However, health asthenia in a proportion of women in rural areas still remains. Facilities in rural clinics are poor, which cannot fully meet the demands for healthcare of women. Poor girls and women still could not afford medicines.

14.4. Education and training, agricultural extension

As stated in Article 10, the Vietnamese laws and policies do not have for any discrimination between rural and urban areas in terms of access to education. However, it is a reality in rural areas that when families run into financial problems, girls, rather than boys, has to drop out from school for work.

Statistics of universities, colleges and vocational training centers on agriculture and forestry administered by MARD showed that the rates of schoolgirls passing the entrance examinations in 2002-2003 were 27.58% for universities, 52.66% for colleges, 52.89% for high schools and 27.9% for vocational centers. In 2002, the rates of female enrolments varied at different levels of education: 18.70% for PhD; 57.4% for post graduation; 11.8% for under-graduation; 40.8% for secondary and 13.4% for vocational training.

More and more women in rural areas participate in agricultural extension. With their hard-work and engagement in all stages of agricultural production, women have been applying science and technology in a rather effective manner. According to a survey in 2003 by Vietnam Women's Union, 2,796,685 women across the country participated in the instruction, spread and transfer of modern technologies and techniques.

14.5. Social insurance

As stated in the previous report, the voluntary social insurance has been applied on pilot basis in a number of localities. However, due to low level of development in rural areas, practical measures have been taken by relevant agencies to ensure the effectiveness of this policy. According to a survey of the Ministry of

Labour, War Invalids and Social Affairs, 90% of the workforce expressed their wish to buy voluntary retirement insurance while only 10% could afford it and only 10% wished to seek child-birth insurance since people, including women in rural areas, have very low incomes

14.6. Rural women's access to credits

Given the need for agriculture and rural craft development, there is an increasing need for credits, technical advances and market information. Decree 78/2002/ND-CP by the Government on credits for the poor and other policy-entitlement groups stipulates that for a less than VND 10 million loan, the borrower needs only an application form and land use right certificate without collateral. Credit organizations could even provide loans for poor households and individuals under the credit guarantee of the Women's Union or the Farmers' Association. At present, women could get a loan for their business from the Women Union's Fund, Women's Saving Credit Group, "Saving Day for Poor Women" funds, and preferential loans for poor households, Poverty Reduction Fund, Bank for Agriculture and Rural Development, Bank for Social Policy etc. According to statistics by Vietnam Women Union, in 2003, 3.55 million women nationwide had access to credits from these sources. Among them, 1.04 million were poor, 29% of whom were household-headed women. Most of these credits were provided for women in the rural areas.

14.7. Land use right for women in rural areas

The Constitution, Land Law and Law on Marriage and Family provide for equal rights of men and women over land. (*See Article 15*). Decree 70/2001/ND-CP by the Government states that households who already received land use right certificate with only the name of the head of the household could request a new certificate with the names of both husband and wife.

In fact, women remain passive and have few opportunities in land allocation due to their lack of understanding of rights and responsibilities over land. On the other hand, it is an old custom in the rural areas of Vietnam that the husband is usually head of household. Therefore, both land use right certificate and the local land administration book only have the name of household's head. That fact causes troubles for women when they need the land use right certificate as collateral for loans; in case of land use right division at divorce or at marriage or in case of inheritance following the death of the husband.

By the end of 2002, agricultural land had been allotted to approximately 12 million farmer households and 91.74% of the households were granted with agricultural land use certificates, taking up 87.02% of the agricultural land area. Only 10-12% of these certificates were registered in women's names because these heads of households are single women or widows.

14.8. Infrastructure, sanitation and environment in rural areas

The Vietnamese Government attaches great importance to rural infrastructure, which is seen as a decisive factor for socio-economic development and poverty reduction in rural areas. The building of electricity grids, roads, schools and clinics were financed by various sources, mostly Government budget. By June 2003, 100% of districts and 80% of communes had been connected to the National Electricity Grid. The Asia Development Bank (ADB) and French Development Agency (FDA) financed projects in 23 poor provinces for 2003 and 2004 to expand the areas of irrigated land to 47,000 hectares, upgrade 1,980 kilometers of rural roads, provide tap water for 1,063,000 people, build 3,000 rural markets (the current figure is around 5000), with focus on border markets, fish markets, vegetable markets and floating markets in the Mekong Delta. Trading centers are opened in the areas with strong production of goods to help women in rural areas to trade agricultural products and increase their incomes.

With regard to clean water and rural environment, an outstanding success is the National Indicative Programme on Clean Water and Sanitation of rural areas in the periods of 1998-2000 and 2001-2005. The Programme aimed at improving the health of the people, especially women and children by reducing infections caused by unsafe water and sanitary conditions, raising living standards, building infrastructure and narrowing the gap between rural and urban areas. By 2002, more than 1.7 million sanitary projects were built across the country, including 1.2 million standard latrines and 516,600 husbandry waste treatment structures. By the end of 2003, 41% of the households nationwide had access to rural sanitary utilities, an increase of 10% compared to 1998. 55% of the rural population had access to clean water while in 1998, the figure was 32%. By the end of 2003, the Programme completed the formulation of planning for provision of clean water and rural sanitation for 7 regions and provinces 61 and cities.

As for post and telecommunications: By April 2003, 6,755 communal cultural and post points had been set up, among which 6,014 were in operation. However, in 2,362 communes in special difficulty, only 1,089 communes or 46.1% so far have had their own post-offices. VNPT has been implementing a programme to assist these communes.

14.9. Future directions

Despite the above-mentioned opportunities, women in rural areas in Vietnam face more disadvantages than men. Main reasons are inequality in approaching and utilizing resources in agricultural production and a lack of gender sensitivity in the provision of agricultural services. To fix this problem, Ministries, agencies and localities are required to make greater efforts to implement the National Strategy for the Advancement of Women to 2010 with due attention paid to rural areas,

mountainous and ethnic minority people's areas and islands. The Ministry of Agriculture and Rural Development (MARD) will continue with its Gender Strategy and Gender Action Plan. To realize gender equality and equally distribute socio-economic benefits to men and women, MARD's Gender Strategy and Action Plan set the goals of raising gender awareness and responsibility, improving women's access to and ownership over resources such as land, credits, water, infrastructure and public services, education and information, mainstreaming gender indicators in policies, programmes and projects implemented by MARD, increasing women's participation in agriculture and rural development, and raising the number of women leading positions and strengthening the machinery for the advancement of women.

With a view to creating jobs, raising income and shifting the economic structure towards agricultural and rural industrialization. The Government will consider issuing a Decree on Encouraging the Development of Rural Industries. Besides, at the proposal of MARD and MPT (Ministry of Post and Telematics), the Prime Minister is considering approving a credit modality for effective implementation of the National Strategy on Clean Water and Sanitation of Rural Environment to 2020 and a Programme on application and transfer of scientific and technological advances for socio-economic development in rural and mountainous areas for a better life of the people, including that of women.

The National Commission on Ethnic Minority and Mountainous Affairs is now working on a Draft Law on Nationalities to be submitted to the National Assembly with a view to further improving socio-economic conditions of the ethnic minority people. In the near future, the National Assembly will approve the Law on Social Insurance. MOLISA will make a proposal to the Government for the issuance of the National Policy on Voluntary Social Insurance for Farmers.

ARTICLE 15

WOMEN'S EQUAL RIGHTS BEFORE THE LAW AND IN CIVIL TRANSACTIONS

Since the endorsement of the combined 3rd and 4th Report on Vietnam's Implementation of CEDAW Convention in 2000, the principle of non-discrimination against women has been observed in all areas. Its importance has also been highlighted in the society. Women enjoy their equal rights with men before the law, independent participation in civil transactions and contract relations, management of assets, freedom to choose their place of residence and participation in legal proceedings to protect their own interests before law enforcement agencies.

15.1. Women have the same legal status as men in civil relations

As stated in the previous report, Vietnam's laws provide for the guarantee of the same legal status of women as men and equal opportunities for them to exercise their rights, which is reflected in the increasing participation of women in civil relations.

Women have the right to practice their professions as men. The proportion of working women has been on an increase (*see Article 11*). In the judiciary branch alone, the ratio of female judges at the People's Supreme Court is 22%, provincial courts 27%, district courts 35%. By the end of the 1st quarter of 2003, female lawyers across the country took up 20% of the total. 12.75% of law firms and offices were run by women. By law, there is no discrimination between male and female lawyers before the court.

Freedoms to do business without discrimination between men and women continue to be recognized and exercised. These regulations have created a liberal and flexible framework that facilitates business activities conducted by women and enhances their position in the society. According to a report by the Vietnam Chamber of Commerce and Industry, 4 years after the introduction of the Enterprise Law, 27% of those registering their business were women and 40% of household businesses were run by women. In 2003, female workers made up a large proportion of the workforce, i.e. 42% in State owned enterprises, 39% in the private sector and 65% in foreign-owned enterprises. The ratio of businesswomen increased significantly from 15-17% in 1990-1995, to 24.74% in 2001 and 20% in 2002.

As for personal rights over property, in accordance with Article 47 of the Civil Code, all individuals regardless of sex enjoy freedom to creations and their intellectual properties are protected by the State. Articles 780 and 781 of the Civil Code stipulate that all individuals, men and women alike, are entitled to the protection by the State over their industrial properties, including patents, utility solutions, industrial designs, trademarks, appellations of origin and other properties

defined by the laws. The laws protect property owners against any attempts to infringe on these rights. In 2002, for instance, among 121 persons granted patents for industrial properties, there were 37 women.

Women's rights to property ownership include the rights to manage, utilize and make decisions related to their properties. Existing provisions on this matter in the Constitution and laws continue to be effective. Women and men are equal in managing, utilizing and making decisions over their properties, which means they can sell, donate, exchange, or invest their properties in business or hand them down for inheritance. Any acts aiming at restricting the legitimate right to property ownership of an individual, either man or woman, shall be dealt with by laws. In the case of ethnic minority people in some areas of socio-economic difficulties, the right of the people to property ownership is not fully observed. Some ethnic groups still follow matriarchal system and women are leaders of the family, thus having the right to decide their family's properties.

With regard to the right to land allotment and rent, Vietnam's laws state that every citizen having the need, no matter man or woman, is entitled to land allotment and rent from the State. Therefore, if women, as individuals, heads of household or business owners, have demands, they could have access to land in the form of allotment or rent from the State. Women are also equal with men in shifting, transferring, inheriting, renting out, subcontracting and mortgaging land use right. With regards to households, the head or the one authorized by him or her will represent the household in exercising land use right.

The 2003 amended Land Law also provides for that land-use certificate must bear names of both husband and wife if the land-use right is their shared property (Article 48). This new provision will make the registration of husband's and wife's shared property as stipulated in the Law on Marriage and Family easier and at the same time ensure women's access to land.

On the women's rights to enter into contract: the Civil Code continues to provide women's equal rights to enter into contract. Civil contracts that women have entered into so far are mainly loan contracts from credit organizations. According to surveys carried out in some localities, the number of households headed by women who enter into loan contracts accounts for 37%. The Government has issued Decree 178/1999/ND-CP on guarantee for loans from credit organizations. According this decree, loans from credit organizations for poor women can be guaranteed by the prestigious socio-political organizations of which they are members. This has enabled women to engage in civil transactions and benefit from economic opportunities.

On the women's rights of inheritance: under the Civil Code, every individual, regardless of sex, has the rights to make a will to determine their properties; to leave properties to heirs as well as to inherit a property according to a will or laws. On the

basis of equality in offering other persons properties and inherit properties according to a will or laws, women have full opportunities to exercise their equal rights with men in the field of inheritance. To ensure equality in exercising women's rights of inheritance as well as to protect their legitimate rights and interests, women can sue at people's courts within ten years since the opening of succession.

However, at present, there are still difficulties and shortcomings in inheritance that need to be dealt with. Some prolonged disputes on inheritance especially of land-use rights have made women hesitant to take part in court proceedings. Besides, there is a relatively popular practice in Viet Nam that among people in rural areas or ethnic people, when their daughters get married, in most of the cases, daughters cannot inherit properties of their parents. For women, because they often resign themselves to their fates, they do not claim their rights to inheritance. This is a backward custom that results in inequality in exercising women's rights of inheritance that requires efforts by relevant agencies to encourage people to abolish.

To ensure women's equal rights in civil transactions, article 12 of the Civil Code stipulates that in case their legitimate rights and interests are violated, citizens have the right to request the court or other competent authorities to intervene. The Civil Code also provides that a civil transaction will be considered invalid if one contracting party use gender difference as an excuse to force women to sign contract or participate in civil transactions, or taking advantage of women's difficulties to force them enter into civil transactions. Furthermore, to ensure equality for women in proceedings, Article 8 of the Law on Organization of People's Courts stipulates that the court proceeds according to the principle that every citizen is equal before law regardless of sex, nationality and religion. The 1989 Ordinance on Proceedings of Administrative Cases also stipulates that every citizen regardless of sex, has the rights to sue in administrative cases in accordance with laws to request the People's Court to protect their legitimate rights and interests (Article 1) and every person has equal rights and responsibilities in civil proceedings (Article 4). Similarly, the 1994 Ordinance on Proceedings of Economic Cases stipulates that every individual, men or women, legal entity has the rights to file economic cases in accordance with laws to ask the court to protect their legitimate rights and interests (Article 1) and every person has equal rights and responsibilities in the proceedings (Article 6).

15.2 Women's rights to freedom of movement and residence of choice:

In addition to provisions of the Constitution (Article 68, 73) and of the Civil Code (Article 42) mentioned in the previous report, a number of other laws also have provisions and sanctions to ensure these rights. For example, article 20 of the Marriage and Family Law indicates that, "The domicile of husband and wife is selected by themselves without being bound by customs, practices and/or administrative boundaries." The Penal Code provides that, "Those who conduct illegal searches of other persons' places of residence, illegal expel other persons

from their residence places or commit other illegal acts infringing upon citizens' inviolable rights relating to places of residence shall be subject to warning, non-custodial reform for up to one year or a prison term between three months and one year." Article 275 of the same Code also stipulates that, "Those who organize and/or coerce other persons to flee abroad or stay abroad ... shall be sentenced to between two years and seven years of imprisonment. If the offence is committed more than once or causes serious or very serious consequences, the offenders shall be sentenced to between five and twelve years of imprisonment. And if particularly serious consequences are caused, the offenders shall be sentenced to between twelve and twenty years of imprisonment." These provisions free women from discrimination in terms of freedom of residence, movement even when married. The penal sanctions also show the State's determination in ensuring the rights of men and women to freedom of residence and movement. (See Figure 1.5 of the Index of Statistics)

However, there remain customs and practices the result in inequality between men and women and thus fail to ensure women's rights, such as the custom of "women have to follow their husband" and "a young girl has to obey her father, a young married woman has to obey her husband, the widow has to obey her son". The Vietnamese Government has encouraged people to abolish such customs and comply with the laws.

Some complicated administrative procedures such as that on transfer of residence registration from rural to urban areas (Decree No 51/1997/ND-CP on Residence Registration and Management) also prevent a number of women from exercising their rights to freedom of residence and choosing residence places. On the other hand, women of ethnic minorities are not yet fully aware of their rights. Subjective reasons namely residence situated far from economic and trading centers, poor infrastructure, lack of means of transportation also make it difficult for both women and men to exercise their rights to freedom of movement and to choose residence places for themselves and their families.

To overcome this situation, the Ministry of Public Security has been working on the final draft amendment to Decree No 51/1997/ND-CP on Residence Registration and Management to submit to the Government. The Ministry of Justice is in charge of drafting amendments to the Civil Code. The Ministry of Public Security is in charge of revising the Residence Law. The Ministry of Construction is in charge of amending the Housing Law and the Ministry of Justice is drafting a Referendum Law. The drafts will be submitted by the Government to the National Assembly for consideration in the future. This will contribute to building a more favorable legal framework for people including women to enjoy fully their civil rights and responsibilities.

ARTICLE 16

WOMEN'S EQUAL RIGHTS IN MARRIAGE AND FAMILY RELATIONS

16.1. Laws on marriage and family

Over the last four years, women's rights to freedom and equality in marriage and family relations have continued to be exercised and protected by laws. The 2000 Marriage and Family Law, which has entered into force since 1 January 2001, has created a strong legal basis to ensure equality between women and men in areas like personal rights, names to be written in property ownership certificates; division of property when divorced; alimony; nurturing children and so on as written in the combined third and fourth report.

The Marriage and Family Law provides for legal norms for the building of "prosperous, equal, progressive, happy and lasting families" (Article 1), and the basic principles of the marriage and family mechanism is "voluntary, progressive, and monogamous in which husband and wife are equal"; marriage between Vietnamese citizens of different nationalities and/or different religions, between religious and non-religious people, and between Vietnamese citizens and foreigners is respected and protected by law; husband and wife are obliged to implement population and family planning policy; parents are obliged to bring up children into citizens useful for the society; discrimination among children is not accepted; the State and society have the duty to protect women and children, and help mothers well fulfill their lofty motherhood functions (Article 2).

To ensure the effective implementation of the Marriage and Family Law, the State has issued a number of specific legal documents as follows:

The National Assembly's Resolution 35/2000/QH10 on 9 June 2000 on the Implementation of the Marriage and Family Law that encourages marriage registration for husband-wife relations established before 30 January 1987; this type of relation if established from 3 January 1987 to 1 January 2001 must be registered; relations established after 1 January 2001 without registration are not recognized by law. This regulation will ensure women's rights in marriage and divorce. In 2001, the Government issued Decree 70/2001/ND-CP providing detailed guidelines on the implementation of the Marriage and Family Law, Decree 77/2001/ND-CP providing detailed guidelines on marriage registration in accordance with Resolution 35 of the National Assembly, Decree 87/2001/ND-CP on handling administrative violations in marriage and family. On 10 July 2002, Decree 68/2002/ND-CP was promulgated to guide the implementation of a number of articles of the Marriage and Family Law on marriage and family relations with foreign elements. Notably, the Government's Decree 23/2002/ND-CP on the application of the Marriage and Family Law to ethnic minorities provides that backward customs and practices that have bad effects on ethnic women must be eliminated gradually through flexible and strict ways such

as encouraging people to eliminate backward customs and practices that fail to ensure the equal rights of husband and wife in marriage and family relations (Article 10); encouraging people to get rid of customs and practices that discriminate between son and daughter (Article 13); strictly forbidding forced marriage between a widow or widower with another member of the family of the ex-husband or ex-wife without agreement of that person (Article 6); strictly prohibiting commercially motivated wedding request and acts that hinder marriage or violate women's dignity (Article 9), parents' discrimination among children (Article 13), and customs and practices that allow the reclaim property or impose of penalty when divorced.

16.2. Marriage and Divorce

On marriage: The Marriage and Family Law provides for no exception for marriage between men aged under 20 and women under 18. Marriages that contravene this regulation are considered as “premature marriage” (in contravention of the law) and must be invalidated by Court. The Penal Code states that for those who organize weddings and register marriages for people under marriage age, imprisonment of two years may be imposed. In reality, the average marriage age of women for the first time is 22.8 and for men is 26 (see figure 2.1, Statistics Annex). Over the last four years, most people have strictly complied with regulations and laws on marriage registration procedures. However, in mountainous and remote areas, due to difficulties in transport, many people cannot register marriage as stipulated by law. On the other hand, in these areas, a large number of backward customs have not been done away with completely. These include premature marriage, string extension custom of some ethnic groups (a younger brother who is single or whose wife is dead is entitled to getting married with his sister in law if his older brother dies (Brau ethnic group's), an brother in law is entitled to marry his wife's younger sister if his wife is dead (Ro Mam ethnic group's) and so on. Therefore, to protect the rights of ethnic minorities in general and ethnic women in particular in marriage and family aspects, the Marriage and Family Law, in paragraph 2, article 11, tasks the Government to give guidelines on the implementation of the law for ethnic minorities. In 2002, the Government promulgated Decree 32/2002/ND-CP regulating the application of Marriage and Family Law to ethnic minorities in remote and mountainous areas. At present, the Decree has been implemented effectively, thus contributing to the promotion of fine customs and practices on marriage and family as well as elimination of backward customs and practices in the field.

On divorce: the Marriage and Family Law ensures the rights to divorce of both men and women. However, in ethnic minority areas, divorce is usually not handled by law but by customs and practices of ethnic minorities. The Marriage and Family Law also ensures equality in division of common properties of husband and wife when divorced, especially the division of land-use rights and housing by stipulating that all valuable properties must be registered in the names of husband and wife. This is an important legal basis for fair judgment by Court on division of

properties in divorce cases in recent years. In 2002, 60,265 cases on marriage and family were handled, of which 44% were sued merely by women and 18% of which were requested by both wife and husband.

16.3. Equal rights during marriage

The 2000 Marriage and Family Law continued to state the equal rights between men and women as a fundamental principle of the marriage and family regime in Viet Nam in the Doi Moi reforms by indicating that “Husband and wife are equal to each other, having equal obligations and rights in all aspects of their family” (Article 19). This means husband and wife have equal rights and responsibility in exercising the role of parenthood, matters related to children and settlement of common property of the family.

The 2003 Ordinance on Population stipulates that each couple and individual have rights to and responsibilities for productive healthcare, application of family planning measures, building small scale family with a few children. Decree 104/2003/ND-CP provides specific regulations and guidelines to implement provisions on the gender equality of the Ordinance on Population. According to the Decree forbids any acts that aims to hinder or force people to take family planning measures, acts that threaten, humiliate dignity and do physical harm to those using contraceptive measures and those having only sons or only daughters (Article 9). It also prohibits sex selection (Article 10). Especially, the Ordinance has one separate article on gender equality. It covers issues like education, information and communication on gender equality, elimination of all forms of gender discrimination on gender basis; assistance for women in reproductive healthcare, family planning and equal access to education and training as well as improvement of all-rounded knowledge and participation into social activities; men's responsibility in family planning; elimination of all forms of discrimination against child girls; protection of legitimate rights and interests of child girls in daily activities, medical examination and treatment, learning, recreation and comprehensive development. These regulations are of practical significance in the current circumstances in Viet Nam due to a fact that a proportion of the population still has preference for men to women, which put women under pressure that they must have at least a son to please the husband's family.

16.4. Domestic violence against women

Domestic violence still exists and can be seen mostly in rural areas where people's mindsets are old-fashioned and women are not fully aware of their rights and interests. According to a recent research, 80% of women asked tell that they have suffered some types of domestic violence and more than 15% have been beaten by their husbands.

The basic causes for domestic violence against women are the fact that women are still looked down in the society and economic difficulties often lead to disagreement between husband and wife. Though having been informed about their rights and interests, a proportion of women, especially those who living in remote areas have not been fully aware of their legitimate rights and interests. In addition are impacts of the social evils like alcoholism, gambling, prostitution, drug, extra marital affairs as well as mentality that women when getting married must give birth to a son to maintain the continuity of the family line and disagreement between mothers-in-law and daughters-in-law.

Relevant agencies, especially Women Unions at different levels have worked out various means and ways to prevent domestic violence against women and to help the victims. The National Target Program on Hunger Eradication and Poverty Reduction has helped improve living conditions of many households. Remarkably, Women Unions at different levels have been active in disseminating legal knowledge for women and organizing campaigns to raise public awareness on gender equality. They have also increased reconciliation efforts and proposed to local governments to strict punishment towards those who mistreat women.

In the future, to ensure women's equal rights in marriage and family, relevant agencies will continue to work with mass organizations and the public to strengthen law enforcement and oversight and strictly deal with acts that violate legitimate rights and interests of women. At present, the National Committee on Population, Family and Children is finalizing the Viet Nam Family Strategy to 2010 to submit to the Government for approval. The Ministry of Justice is preparing to submit to the Government the amendment to Decree 68/2002/ND-CP on the implementation of some articles of the Marriage and Family Law on marriage and family relations with foreign elements.

CONCLUSION

In the 2000-2003 period, Viet Nam has made a step forward in implementing provisions of the Convention as committed at the 25th session of the CEDAW Committee when the Vietnamese delegation presented the second, third and fourth reports. The achievements attained then have been built on and furthered. Since 2000 till now, Viet Nam has made new progress, especially in the following areas:

- Women's rights to freedom and equality have been further ensured. Women have been given more favorable conditions and opportunities to contribute actively to the national political and economic, cultural and social development. The role and position of women in the family and community have been enhanced.
- Education and training, healthcare and living standards of women and child girls have been remarkably improved. Viet Nam has basically acquired gender equality in primary education and is trying to accomplish universalization of lower secondary education. Healthcare indicators are higher income per capita.
- The State of Viet Nam has taken proactive measures to address gender inequality in some fields especially in access to land and social welfare, enabling women to have their names registered together with their husbands in the land-use right and house ownership certificates and to enjoy social insurance as men do.
- Viet Nam is among the best performers in Southeast Asia-Pacific region in terms of Gender Development Index (GDI).

One of the important factors behind Viet Nam's success as mentioned above are the achievements recorded in the Doi Moi reform process aiming at 'sustainable economic development in parallel with poverty reduction and addressing social issues'. The biggest lesson drawn from the last four years is the cooperation the shared responsibility among various authorities, institutions working for women's advancement and Viet Nam Women's Union on the basis of the State's strong political will and efforts of the people to address inequality and improve women's rights. Viet Nam's consistent policy on gender equality and for women's advancement has once again been demonstrated by the announced National Strategy for Advancement of Vietnamese Women to 2010. We are fully aware that numerous difficulties and challenges are still facing Vietnam on its way to eliminating discrimination against women, but the State and entire people of Vietnam are determined to fulfill all its commitments under CEDAW.