VIET NAM

The National Policy Framework for Gender Equality (NSGE) was approved for the period 2011-2020 with the goal of highlighting the importance of gender equality for the socio-economic development of the country. Along with this strategy, a National Targeted Program on Gender Equality (NTPGE) for the period of 2011 to 2015 was developed in July 2011.¹

1. Discriminatory family code

The Marriage and Family Law passed in 2000 gives women and men the same legal rights in marriage,² but forbids unmarried people to live together as husband and wife.³ The Government amended the Marriage and Family Act to decriminalize alternative unions such as customary marriages in 2000.⁴ The minimum legal age of marriage is 18 for women and 20 for men, with penalties of up to two years in prison for anyone arranging or registering the marriage of people below these minimum ages.⁵ Early marriage occurs in rural and mountainous regions, but at low rates that appear to be declining slowly: a 2004 United Nations report citing data from 1997 estimated that 8% of Viet Namese girls between 15 and 19 years of age were married, divorced or widowed, but new data from 2009 show this figure to have fallen to 9.9%.⁶ UNICEF estimates that only 1% of Viet Namese girls are married by 15.⁷

Women have equal legal rights to exercise parental authority in the family⁸, and the 2006 Equality Law stipulates that “[f]emale and male members in the family have the responsibility to share housework”.⁹ However, in practice men are traditionally seen as the head of the household.¹⁰

In regard to inheritance, Viet Nam’s Civil Code provides men and women with equal opportunities to write a will or benefit as an heir. However, certain inequalities can be observed. If a person dies without a will, the law requires an equal distribution of property among the next of kin. In practice, the general custom is for the eldest son to inherit the parental home and the largest portion of the family property, particularly land. Younger sons will often inherit some land or other assets of value, while daughters receive only small symbolic items.¹¹ In addition,

¹ Government of Viet Nam (n.d)
² The Marriage and Family Law, No.: 22/2000/QH10 of June 9, 2000, Article 19
³ The Marriage and Family Law, No.: 22/2000/QH10 of June 9, 2000, Article 4(1)
⁴ ICRW (2007), p.10
⁵ The Marriage and Family Law, No.: 22/2000/QH10 of June 9, 2000
⁶ UN (2012)
⁷ UNICEF (2013)
⁸ CEDAW (2005), pp. 9, 53
⁹ The Gender Equality Law 2006 No. 73/2006/QH11, Article 8.2
¹⁰ FAO and UNDP (2003)
¹¹ CEDAW (2005), pp. 48-50.
traditional practices affect inheritance in practice, particularly in remote communities. According to 2013 research published by UNDP, traditions still exist among some ethnic minority groups - particularly those that are patrilineal – according to which women either do not inherit at all from their parents, or in smaller shares than male siblings, and widows are excluded from inheriting the land of their deceased husband in favour of his parents, sons or other male relatives.  

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Bigamy is illegal in Viet Nam, and a decree passed in 2002 specifically bans polygamy among ethnic groups living in remote mountain areas. The same decree also bans practices of dowry, bride kidnapping, and forcing widows and widowers to marry a relative of their deceased husband or wife.  

Women and men have the same legal rights to divorce in Viet Nam.  

2. Restricted physical integrity  

In 2007, the Government of Viet Nam passed the Law on Domestic Violence Prevention and Control. The law legislates the duties of the State, individuals, families, organizations and institutions in regards to preventing domestic violence and supporting of its victims. The law also prescribes ‘re-education’ measures for repeat offenders. In order to implement the law, the Government of Viet Nam has enacted a National Strategy on Gender Equality for the 2011-2020 period, which aims to increase the provision of legal and health counselling, support, and care to domestic violence victims to 40% by 2015, and to 50% by 2020; and increase the rate of perpetrator counselling to 85% by 2020. However, according to the US Department of State, local NGOs consider the law to be weak and that police and legal systems remain ill-equipped to deal with domestic violence cases. In 2007, 34% of Viet Namese women report experiencing at least one type of domestic violence in their lifetime. In 2010, the Government released a ‘Study on Domestic Violence against Women in Viet Nam’, which shows that women are three times more likely to be abused by a husband than by any other person. News outlets reported that in March 2013, the Government publicised the results of a preliminary government survey on domestic violence prevalence, which found that more than 53,860 domestic violence cases were reported from 2009 to June 2012; victims were mostly women; and reported motivations including gender inequality, jealousy, economic difficulties, and social evils. UNDP has similarly reported that the Confucian concept that men are responsible for the ‘education’ of their wives

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12 UNDP (2013)  
13 Decree 32/2002/ND-CP on the implementation of the Law on Marriage and Family among ethnic minorities  
14 CEDAW (2005), p.52  
15 Law on Domestic Violence Prevention and Control No.: 02/2007/QH12, Article 43  
16 Government of Viet Nam (n.d)  
17 US State Department (2013)  
19 Government of Viet Nam (2010)  
20 Voice of Viet Nam (2013)
and children underpins the social acceptance of physical violence. Domestic violence is also related to other social issues such as alcohol and drug addiction and gambling.

The number of shelters for victims of domestic violence and human trafficking is very low (2 shelters in Hanoi, 1 shelter in Ho Chi Minh City, 1 sub-shelter in Phu Tho province). There is a network of “safe addresses” operated by the Viet Nam Women’s Union (VWU) (a socio-political organisation) and the Women’s Unions (WU) in the provinces, districts and villages to support victims. Mostly, reconciliation between the spouses is being sought for by the VWU/ WU. One of the indicators of the National Plan of Action to Prevent and Control Domestic Violence developed by the Ministry of Culture, Sports and Tourism (MoCST) targets that, by 2015, 40% of the detected victims of domestic violence will receive legal and social counselling as well as health care support at specialized establishments, while 70% of the perpetrators of domestic violence may receive free counselling services.

Rape, including spousal rape, is criminalized under Viet Namese law, with rapists subject to 2 to 7 years’ imprisonment. In severe cases of rape, including organized rape, a repeat offense, or extreme harm to the victim, sentences may range from 7 to 15 years in prison. The government does not release arrest, prosecution, conviction, or punishment statistics. Data on rape prevalence is similarly limited, although one study released by the Government found that only 2% of women surveyed in Viet Nam reported ever having experienced non-partner sexual violence. Observers have noted that the law on rape has significant weaknesses: namely a provision that considers a women's ability to defend herself, rather than whether or not she has given her consent, the deciding factor in conviction; as well as the article that allows the court to hear evidence of prior sexual conduct or reputation. Although Government provision of victim services is limited, the Viet Nam Women’s Union and international NGOs promote rehabilitation programmes and shelters for victims of violence and sexual abuse, including commercial sexual exploitation.

Sexual harassment in the workplace has only recently been made illegal. Amendments to the Labour Code, which took effect on 1 May 2013, make sexual harassment a prohibited act, which will amount to grounds to unilaterally terminate a definite term labour contract. Victims of sexual harassment may contact social associations such as the Women’s Union to request their involvement, and victims with access to a labour union representative may lodge complaints with union officers. In serious cases, victims may sue offenders under a provision that deals with

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21 UNDP (2010), p.21  
22 Pistor, Nora and Le Thi Quy (2013)  
23 Government of Viet Nam, Ministry of Culture (2011)  
24 UN Women (2011), p.135  
25 US State Department (2013)  
26 US State Department (2013)  
27 Government of Viet Nam (2010)  
28 Chionson (2009)  
29 Penal Code No. 15/1999/QH10, Article 111  
30 Penal Code No. 15/1999/QH10, Articles 111-114  
31 US State Department (2013)  
32 Labour Code 2012 No.:10/2012/QH13, Articles 7 and 37.
‘humiliating other persons’ and specifies punishments that include a warning, noncustodial reform for up to 2 years, or a prison term ranging from 3 months to 2 years. However the implementation of these laws is yet to be seen. The ILO reports that sexual harassment in the workplace is a sensitive issue due to the limitations of traditional gender hierarchies; and reports that Viet Namese men, and a large number of Viet Namese women, accept the premise that women are a legitimate and natural target for flirting by men.

There is no indication that female genital mutilation (FGM) is practised in any form in Viet Nam.

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Abortion is available on request in Viet Nam. Until recently, Viet Nam had one of the highest abortion rates worldwide. Still, frequently abortions are being undertaken also due to son preference, especially when the first child is a girl. It is legally prohibited for doctors to display the sex of the unborn child; however, it has been reported that parents still would receive the information whether the parents were expecting a ‘bird’ or a ‘butterfly’. Human trafficking continues to be an issue in Viet Nam. Some NGOs are providing safe places for young girls who have been victims of human trafficking or who are at high risk of becoming victims such as the ‘Little Rose Shelter’, operating since 1992. Most of these NGO initiatives are rather small-scale projects at the grassroots level.

Women in Viet Nam have the right to use contraception and make decisions regarding which form of contraception to use. In theory, the law restricts couples to a maximum of two children, with penalties for public sector workers who have more than two children, although the law is inconsistently applied, according to the US Department of State. Contraceptive prevalence rates appear to be increasing in Viet Nam. Where a 2002 Demographic and Health Survey (DHS) found that nearly 57% of married women were currently using a modern method of contraceptive, United Nations data from 2011 estimated this rate to be 59.8%. According to the US State Department, the government has allocated additional resources to increase the contraceptive prevalence rate to 80% by 2015. Nonetheless, unmarried women of reproductive ages continue to have limited or no access to subsidized contraceptives due to a lack of available government-approved contraceptives throughout the country, as well as social stigma.

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33 US State Department (2013)
34 ILO (2013), p.8
35 UN (2011)
36 Pham Bac, Preference for boys causes population problems in Viet Nam, Jul 10, 2011, dpa.
37 Little Rose Shelter (n.d.)
38 UN (2013)
39 US State Department (2013)
40 UN (2012b)
41 US State Department (2013)
3. Son bias

The male/female sex ratio at birth in 2013 is 1.12 and 1.1 in the working age population (15-64).\(^{42}\)

In 2007, the UN Committee on the Elimination of Discrimination against Women (CEDAW) raised concerns about the preference for male children at birth.\(^{43}\) As a result, there is now evidence to suggest that Viet Nam is a country of low incidence of missing women given elevated sex ratios at birth.

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The Demographic and Health Survey (DHS) indicates that vaccination rates were slightly higher for girls under the age of two included in the survey than for boys.\(^{44}\) A 2009 report into child labour practices in Viet Nam by the Understanding Children’s Work project (UCW) concluded that children’s work in Viet Nam ‘did not have a strong gender dimension’ in terms of the types of work children were engaged in, and how many hours they worked, beyond a very slight preference for removing boys from school in order to partake in economic activity outside the home.\(^{45}\)

Enrolment rates for girls are slightly lower than for boys at both primary and secondary school level, although attendance rates are equal, according to UNICEF.\(^{46}\) According to the 2010 Viet Nam Household Living Standards Survey, girls’ and boys’ education, training and employment are oriented in a highly gender-separated way resulting in most women working in the education sector or in small and medium enterprises while the range of employment and income-generating activities of men is more diverse, including male employment in the sectors of technology, computing and engineering (where very low ratio of female employers are found).\(^{47}\) Sex-segregation is also prevalent in the kind of skills learned by women and men. A report conducted in 2000 found that most women receive trainings in sewing (100% of female participants), hair dressing and hotel related trainings, while most men are getting training in mechanical skills, electronics and mechanics (90% of male participants). The report shows that, of the 35 occupations for which Vocational Training is offered, women are mostly enrolled in 9 occupational fields, while men are enrolled in 16 courses. In 10 occupations, women and men were found to be participating equally.\(^{48}\)

4. Restricted resources and assets

Women and men in Viet Nam have equal ownership rights, including access to land. However, the government of Viet Nam does not legally recognise privately owned land. Instead, the 2003

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\(^{42}\) CIA (2013)

\(^{43}\) CEDAW (2007), para 12

\(^{44}\) Committee for Population, Family, and Children and ORC Macro (2003), Table 8.8

\(^{45}\) UCW (2009), pp.18, 43

\(^{46}\) UNICEF (n.d)

\(^{47}\) Pistor, N. (2014)

\(^{48}\) Tran Thi Van Anh and Le Ngoc Hung (2000), p. 17.
Land Law grants individuals long-term leaseholds through land-use right certificates.\textsuperscript{49} The Land Law provides for de jure equality to land use and for joint titling of certificates, however implementation of this guarantee has been hampered by the fact that the law is not retrospective, and applies only to certificates issued after 2003.\textsuperscript{50} Moreover, the World Bank has found that the process of converting pre-2003 land titles is cumbersome, effectively dissuading people from registering joint certificates.\textsuperscript{51} Therefore, although UNDP has found that since the law was amended, 90% of newly-issued land use right certificates have the name of both husband and wife, the Viet Nam Household Living Standards Survey 2004 reveals that for agricultural land, only 15% of the total number of households with land user certificates held them jointly, while 66% were held by men and only 19% by women alone.\textsuperscript{52} Additionally, in 2010 a UN expert group meeting on women’s access to land cites a 2009 study that has found that Viet Nam’s female headed households had much lower access to assets.\textsuperscript{53}

Viet Namese women have equal access to non-land assets, although this is also affected by cultural practices, with the UN Committee on the Elimination of Discrimination against Women (CEDAW) noting that some ethnic minority groups favour male ownership, while others follow matriarchal systems in which women control family property.\textsuperscript{54}

Officially, women in Viet Nam have legal access to financial services, including bank loans, but many women have only a limited understanding of their financial possibilities and lack the capacity to formulate the effective business plans needed to acquire commercial loans. These issues may be addressed by the recent establishment of lending institutions that specifically target women borrowers.\textsuperscript{55} The Government does not actively promote microlending programmes for women. However, in 2012 the Viet Nam Women’s Union, one of the country’s largest women’s organizations, established a Credit Support Fund to promote the over 300 microfinance programmes within the Women’s Union system.\textsuperscript{56}

5. Restricted civil liberties

There are no legal restrictions on women’s freedom of movement and access to public space, although traditions and customs often insist that women ‘follow after’ their husbands, meaning they are expected to live in the residence of their husband’s choosing.\textsuperscript{57} Freedom of speech, assembly and association are all restricted in Viet Nam.\textsuperscript{58}

Women’s Union, affiliated with the Communist Party of Viet Nam, advocates on women’s rights. NGOs, including those working on women’s rights, operate under considerable

\begin{itemize}
  \item 49 CEDAW (2005)
  \item 50 UNDP (2010)
  \item 51 World Bank (2008)
  \item 52 UNDP (2010)
  \item 53 UN Women and OHCHR (2013)
  \item 54 CEDAW (2005), p. 48.
  \item 55 CEDAW (2005), p. 41.
  \item 56 Viet Nam Women’s Union (n.d)
  \item 57 CEDAW (2005), p. 50.
  \item 58 Freedom House (2012)
\end{itemize}
restrictions, limiting their capacity to challenge government policy and speak out against rights abuses. As such, most women’s rights NGOs in Viet Nam focus on service delivery, women’s capacity building, and providing support to victims of violence against women. 

Women and men appear to have the same rights to vote and stand for election in Viet Nam. There is no quota for women at the national or sub-national levels. By November 2011, women held 122 of 500 (24.4%) seats in national parliament. Women’s representation at lower levels of government, such as in People’s Councils or at the provincial or district level, reaches between 20 and 24%, but women only comprise between 1 and 4% of leadership positions.

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All employed women in Viet Nam are entitled to up to six months (of which two months are compulsory) of paid maternity leave depending on working conditions and the nature of their work. Women receive 100% of their wages, financed by a national social security system into which they must have made contributions for six months before the birth of their child. In addition, they receive protections from night-time, overtime and dangerous work, and cannot be dismissed on account of their pregnancy.

Viet Namese women can pass Viet Namese citizenship onto their children.

59 Freedom House (2012)
60 Freedom House (2012)
61 CEDAW (2005), pp.22-23
62 Inter-Parliamentary Union (n.d.)
63 Anonymous (2006)
64 ILO (2009)
65 CEDAW (2005), p.28
Sources


Pham Bac, Preference for boys causes population problems in Viet Nam, Jul 10, 2011, dpa.


UN (2012b), ‘World Contraceptive Use 2012’,


www.progress.unwomen.org, (last accessed 1 November 2013).


