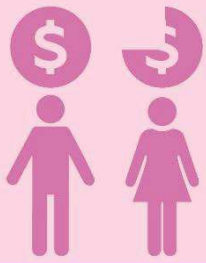


| Country            | Viet Nam |
|--------------------|----------|
| SIGI 2019 Category | Low      |
| SIGI Value 2019    | 25%      |

| Discrimination in the family                                                      |                                                                                                                | 23% |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-----|
|  | Legal framework on child marriage                                                                              | 25% |
|                                                                                   | Percentage of girls under 18 married                                                                           | 10% |
|                                                                                   | Legal framework on household responsibilities                                                                  | 25% |
|                                                                                   | Proportion of the population declaring that children will suffer if mothers are working outside home for a pay | -   |
|                                                                                   | Female to male ratio of time spent on unpaid care work                                                         | 1.5 |
|                                                                                   | Legal framework on inheritance                                                                                 | 25% |
|                                                                                   | Legal framework on divorce                                                                                     | 25% |

| Restricted physical integrity                                                     |                                                                  | 31%   |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------|-------|
|  | Legal framework on violence against women                        | 75%   |
|                                                                                   | Proportion of the female population justifying domestic violence | 28%   |
|                                                                                   | Prevalence of domestic violence against women (lifetime)         | 34%   |
|                                                                                   | Sex ratio at birth (natural =105)                                | 111.4 |
|                                                                                   | Legal framework on reproductive rights                           | 0%    |
|                                                                                   | Female population with unmet needs for family planning           | 7%    |

| Restricted access to productive and financial resources                             |                                                                                                                          | 32%  |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------|
|  | Legal framework on working rights                                                                                        | 100% |
|                                                                                     | Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay | 13%  |
|                                                                                     | Share of managers (male)                                                                                                 | 73%  |
|                                                                                     | Legal framework on access to non-land assets                                                                             | 25%  |
|                                                                                     | Share of house owners (male)                                                                                             | -    |
|                                                                                     | Legal framework on access to land assets                                                                                 | 25%  |
|                                                                                     | Share of agricultural land holders (male)                                                                                | 91%  |
|                                                                                     | Legal framework on access to financial services                                                                          | 25%  |
|                                                                                     | Share of account holders (male)                                                                                          | 50%  |

| Restricted civil liberties                                                          |                                                                                            | 14% |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----|
|  | Legal framework on civil rights                                                            | 0%  |
|                                                                                     | Legal framework on freedom of movement                                                     | 0%  |
|                                                                                     | Percentage of women in the total number of persons not feeling safe walking alone at night | 69% |
|                                                                                     | Legal framework on political participation                                                 | 0%  |
|                                                                                     | Share of the population that believes men are better political leaders than women          | 56% |
|                                                                                     | Percentage of male MP's                                                                    | 73% |
|                                                                                     | Legal framework on access to justice                                                       | 0%  |
|                                                                                     | Share of women declaring lack of confidence in the justice system                          | 56% |

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## Viet Nam

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

Marriages in Viet Nam are regulated by the Law on Marriage and Family (Law No. 52/2014/QH13) and subsequent texts governing its implementation, namely Decree No. 126/2014/ND-CP and Circular No. 02a/2015/TT-BTP which both contain additional provisions for marriages celebrated abroad or with foreign partners. Under these texts, all marriages must be registered to be legally recognised (art. 9 para. 1). Marriages involving a foreigner or contracted overseas require a more extensive registration process (Decree No. 126/2014/ND-CP)<sup>1</sup>.

Forced marriages are prohibited (art. 5 para. 2 b) and criminalised (Penal Code art. 146), with sanctions ranging from a simple warning to imprisonment of three months to three years<sup>2</sup>. Moreover, Decree No. 126/2014/ND-CP prohibits customary practices condoning forced marriages, in particular 'levirate marriages' (whereby widows are forced to marry the elder/younger brother or sister-in-law) and the practice of 'catching wives' to coerce women into marriage (Appendix, Section II). The latter refers to the act of boys kidnapping girls to marry them – a common practice among the Hmong ethnic community who believe that a girl is married to a boy after spending three days in his house (Jones N. et al., 2014).

Decree No. 126/2014/ND-CP also contains a list of family and customary practices which should be eliminated, among which marriages based on superstition or astrology signs, as well as patriarchal and matriarchal customs violating the principles of equality between women and men.

Women face further discrimination through the widespread practice of fraudulent international brokered marriages (CEDAW, 2015) and the Hmong tradition which obliges girls to wait until boys have actively pursued them for some time before showing any interest in them (Jones N. et al., 2014).

#### b) Child marriage

The legal age of marriage remains to be 20 for women and 18 for men (Law on marriage and family, art. 8 para. 1). Moreover, whilst child marriage is banned (Law on marriage and family, art. 5 para. 2 b) and criminalised (Penal Code art. 148-149), it remains prevalent in some areas of the country (CEDAW, 2015), including among the Hmong ethnic community where fines are rarely issued and underage couples can easily avoid detection (Jones N. et al., 2014). Early marriage is also reportedly linked to the prevalence of girls dropping out of school early due to societal discrimination, especially in mountainous areas (CRC, 2012).

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<sup>1</sup> Completion of a marriage dossier and individual interviews of both partners to clarify their intentions and understanding of each other's customs, language, culture etc.

<sup>2</sup> Forced marriages defined as the act of "threatening, spiritually intimidating, maltreating, ill-treating, demanding property or other means of forcing a person to get married" (Law on marriage and family, art. 3 para. 9).

### **c) Household responsibilities**

The 2014 Law on Marriage and Family proclaims equal rights and obligations between husband and wife, as well as between parents. In this respect, married couples must share family work (art. 19 para. 1) and jointly agree on their domicile (art. 20). Both parents share the obligation to meet their family's essential needs (art. 37 para. 2), to jointly care for and raise their children (art. 71 para. 1), and to act as their legal guardians (art. 73 para. 1), regardless of their marital status.

Patriarchal attitudes persist in practice, with son preference resulting in men becoming the head of the household and wives being responsible for housework and childcare under the subordination of their husbands (Jones N. et al., 2014; CEDAW, 2015). Moreover, wives are traditionally required to live in the home of their husband's family (Hays, 2014).

### **d) Divorce**

The 2014 Law on Marriage and Family proclaims equal rights for husbands and wives to file for divorce (art. 51 para 1.), unless the wife is pregnant or nursing a baby under 12 months of age, in which case the husband cannot initiate a divorce (art. 51 para. 2). Divorce can be filed by mutual consent (art. 55) or at the request of one spouse (art. 56), with conciliation encouraged as a means of resolving the situation (art. 52). Domestic violence is considered a valid ground for divorce (art. 56). Decree No. 126/2014/ND-CP further protects women by stipulating that the practice of forcing children to live with their father after a divorce or forcing the mother to return wedding gifts to her ex-husband's family are prohibited.

Whether divorce is filed together or separately, both partners have an obligation to continue educating and caring for their children (art. 81. para 1), and child custody is jointly determined by the parents. However, if no agreement can be reached, the court shall award child custody to either parent, taking into account the child's best interests and preference, if the child is above 7 years of age (art. 81 para. 2). The parent who is not granted child custody must support and visit the child (art. 82).

Divorced partners are entitled to stay in their ex-partner's home for up to 6 months if they face difficulties in finding accommodation, in the event that the home is the separate property of the other partner (art. 63).

Despite these provisions, divorce is not an option for women belonging to the Hmong ethnic community, as their families generally lack the financial means to care for them and marriage is crucial to maintaining clan ties (Jones N. et al., 2014). Moreover, the United Nations has raised concerns about the small proportion of divorced women who receive financial support from former husbands (CRC, 2011).

### **e) Inheritance**

The Civil Code and 2013 Land Law provide women with the same rights as men to inherit land and non-land assets and to make wills. Disinheritance of surviving spouses is explicitly prohibited, including after remarriage (art. 669 and 680), and property dispossession is criminalised in its many forms, including through 'spiritual intimidation' (Penal Code art 133-140). Moreover, Decree No.

126/2014/ND-CP stipulates that the practice of dispossessing surviving wives of their inheritance or of their wedding presents should be eliminated (Appendix, Section I).

In practice however, daughters reportedly do not inherit land due to strong son preference (Alvaro G. et al., 2015). Women are said to be vulnerable to losing land and property inheritance rights after the death of their husband if their name is not on the land and/or property title (Alvaro G. et al., 2015).

## 2. Restricted Physical integrity

### a) Violence against women

Viet Nam is a state party to the 2004 ASEAN Declaration on Elimination of Violence against Women (VAW) and Children and its implementation plans<sup>3</sup>. The country's legislation on VAW is scattered across several texts, namely the 2006 Law on Gender Equality (which prohibits gender-based violence, art. 10), the 2007 Law on Domestic Violence Prevention and Control, the 2011 Anti-human Trafficking Law and the 2013 Constitution (which proclaims the right to the inviolability of the human body, art. 20).

Despite the strengthening of the legal framework on VAW, the UN has raised concerns about the high prevalence of VAW and girls, the low rate of reporting and convictions, the inadequacy of victim assistance and rehabilitation services and the lack of systematic data collection. It has called on the government to prioritise the adoption of a national action plan addressing all forms of VAW, as well as awareness-raising efforts to increase reporting rates and de-stigmatise victims, and mandatory training for law officials, health and social workers to apply the legal provisions criminalising VAW (CEDAW, 2015).

### b) Domestic violence

Women are the main victims of domestic violence (81.5% of victims in 2012) but are reluctant to report due to social stigma and the widespread belief that domestic violence should remain a private family matter (Government Beijing +20 review, 2014). In this context, many efforts have been deployed to reduce and address domestic violence, including promoting the "happy family" concept and developing new models of counselling and support to victims, such as intergenerational mutual support clubs, hotlines, shelters and marriage support centres (Government Beijing +20 review, 2014).

At the political level, a law on domestic violence prevention and control was passed in 2007. The law defines domestic violence as "purposeful acts of certain family members that cause or may possibly cause physical, mental or economic injuries to other family members" (art. 1 para. 2). The law classifies acts of domestic violence in nine categories (art. 2 para. 1): physical abuse; psychological abuse; sexual abuse; economic violence; acts intended to harm someone's pride, honour or dignity; forced child marriage; property damage; acts intended to evict someone from their home; and acts intended to deny family rights/obligations. The law does not define the notion of 'family' but does specify its application to divorcees and de facto partners (art. 2 para. 2).

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<sup>3</sup> Most recently the 2016-2025 ASEAN action plan on the elimination of VAW.

The law creates a state obligation to allocate an appropriate budget for domestic violence prevention and control measures (art. 6 para. 1). The implementation of the law is further supported by several texts, such as a 2008 directive for relevant ministries (No. 16/2008/CT-TT), circulars adopted between 2009-2011 to guide the admission and provision of health care and counselling services, to support data collection and processing, and to set out how the State budget will be used<sup>4</sup>, and most recently by a 2014-2020 national action plan.

Under the 2007 law, cases of domestic violence can either be qualified as civil violations or crimes, depending on the severity and repetitive nature of the act (art. 42). The emphasis is put on reconciliation and counselling instead of instigating criminal proceedings. Administrative sanctions range from a simple warning or fine to a public apology or even expulsion from the country if the perpetrator is a foreigner (Decree No. 167/2013/ND-CP), while prison terms range from three months to three years (Penal Code art. 151). The law also stipulates that emergency shelters shall be available for survivors at 'health stations', social protection centres, counselling centres and at 'reliable addresses in the community' (art. 26).

The UN has recently raised concerns about the excessive use of reconciliation procedures (CEDAW, 2015) which can be carried out at different levels within the community: by the family or clan (art. 13), by communes, wards and townships (art. 15), or by specific institutions / organisations (art. 14).

### **c) Rape**

Rape is criminalised (Penal Code art. 111-112) and classified as a form of domestic violence (2007 law on domestic violence prevention and control, art. 2 para. 1 e), although there are no provisions explicitly criminalising marital rape.

Under the Penal Code, rape is characterised by the use of violence, the threat of using violence or the fact of taking advantage of someone's helplessness to have sexual intercourse without the consent of the person. Penalties vary depending on the age of the victim and aggravating circumstances: 12-20 years of prison where the victim is under 13 years of age, 7-15 years of prison where the victim is aged 13-16 years, 5-10 years of prison where the victim is aged 16-18 years, and 2-7 years of prison where the victim is an adult. In all cases, aggravating circumstances can lead to life imprisonment or even capital punishment, but reduced sentences are not excluded (Penal Code art. 46, 47, 48 and 49).

'Corrective rapes' were reported against the LGBTI community in 2013 as an attempt to change the sexual orientation of bisexual and lesbian women (UNIDO).

### **d) Sexual harassment**

Sexual harassment is prohibited in schools since 2005 (Law on Education, art. 75 para. 1) and in the workplace since 2012 (amendments to the Labour Code: art. 8, 37, 182 and 183). However, the Labour Code does not define sexual harassment nor create a responsibility for employers to prevent and report cases, but does require domestic workers to report cases to competent authorities (art. 182 para. 4).

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<sup>4</sup> Circulars No. 16/2009/TT-BYT, 02/2010/TT-BVHTTD, 24/2011/TT-BVHTTDL, 143/2011/TTLT/BTCBVHTTDL.

In view of these weaknesses, the Ministry of Labour, Invalids and Social Affairs developed a Code of conduct on sexual harassment in the workplace in 2015, together with the Viet Nam General Confederation of Labour and the Viet Nam Chamber of Commerce and Industry. This Code provides practical guidance to employers in the private and public spheres. It defines sexual harassment as “any behaviour of a sexual nature that affects the dignity of women and men, which is considered as unwanted, unacceptable, inappropriate and offensive to the recipient, and that creates an intimidating, hostile, unstable or offensive work environment”. The Code further states that “the worst forms of sexual harassment are criminal acts such as sexual assault or rape”. The Code also creates an obligation for employers to implement policies on sexual harassment and to respond promptly to all accusations.

#### **e) Female genital mutilation**

There is no evidence of female genital mutilation in Viet Nam (UNICEF, 2016).

#### **f) Abortion**

Abortion is legal in Viet Nam (1989 Law on the Protection of Public Health) and widely performed, especially among adolescents (CEDAW, 2015), owing to governmental strategies aimed at curbing population growth (e.g. ‘two-child policy’ adopted in the 1980s), insufficient family planning services (PATH), early marriage and school dropout rates (CRC, 2012).

The law is complemented by national standards and guidelines on abortion, which were adopted by the Ministry of Health in 2003. Accordingly, abortions can be performed at different stages of gestation at different administrative levels. Medical abortions can be performed for pregnancies up to 7 weeks at provincial and tertiary hospitals, but only for women living within 30 minutes of the hospital. Vacuum aspiration can be performed up to 6 weeks at communal health centres and from 6-12 weeks at district, provincial and tertiary hospitals. Abortion curettage can be performed from 8-12 weeks at district, provincial and tertiary hospitals. Dilation and evacuation can be performed from 13-18 weeks (Vietnam Ministry of Health, 2006).

#### **More**

Sexual exploitation and trafficking of girls is a concern in Viet Nam despite numerous governmental measures to address the issue, including the adoption in 2011 of a Law on human trafficking which explicitly prohibits sexual exploitation, the subsequent ratification in 2012 of the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, the implementation of a National action plan on human trafficking 2011-2015, the piloting of a government child friendly crimes investigation unit, and the integration of trafficking prevention into school curricula (CRC, 2011). Among the concerns raised by the UN in 2015 is the increase in numbers of girl victims and low conviction rates, the lack of effective mechanisms for the referral of victims to rehabilitation and reintegration services, and the continued stigmatisation and administrative penalties applied to women and girls in prostitution who are treated as perpetrators rather than as victims (CEDAW, 2015).

Son bias is one of the factors that drives sex work and trafficking of girls, with the UN reporting sex selection of fetuses (CEDAW, 2015). Women face strong societal pressure to have sons to maintain the family line and name, to perform ancestor worship and to look after them in their old age. Parents with sons reportedly have a better reputation in society whilst those who don't experience strong humiliation (Priya et al., 2012).

### 3. Restricted Access to productive and financial resources

#### a) Secure access to land and assets

Under the 2013 Land Law, women have the same rights as men to own and use land (art. 4 and 5), to exchange, transfer, inherit, donate, lease, sub-lease, mortgage or guarantee land use rights, or to contribute them as capital (art. 167 para. 1). The law also provides for joint land titling for land used or acquired by married couples (art. 98 para. 4) and de-facto partners (art. 3 para. 29), while the Law on marriage and family goes further by allowing a spouse whose name is not on the land title to request a competent agency to issue a new title containing both spouses' names (art. 12 para. 2). Moreover, land use rights are safeguarded after divorce (Law on marriage and family, art. 62 para. 1 and 2) and women's land rights are further protected through the requirement of notarised acts to inherit land (Land law art. 167 para. 3 c).

In practice, although women drive the agriculture sector, they face multiple barriers in accessing and using land for several reasons, such as patrilineal inheritance customs (Land Portal), the low issuance rate of joint land titles<sup>5</sup>, gender gaps in agriculture extension programs and technical/scientific training workshops, and limited access to modern machines and equipment (UN Women and IFGS, 2016). Local organisations have also reported frequent confiscation of land belonging to trafficked rural women during their absence (HRC, 2013), and women are said to suffer more than men from urban development planning and the subsequent reclaiming of land by the government (UN Women and IFGS, 2016).

In this context, the 2011-2020 Gender Equality Strategy aims to strengthen rural women's access to the labour market through increasing their access to relevant information and through policies supporting establishments that provide vocational training for rural labourers, especially those attracting female labourers<sup>6</sup>. Moreover, the Viet Nam Cooperative Alliance (VCA), which brings together over 7 000 cooperatives, is working with the government to increase female participation in cooperatives, including through workshops and research projects (VCA, website).

In relation to property and other non-land assets, the Law on marriage and family provides women with the same rights as men under both regimes (separation and community of property), whether they are married (art. 29 and 44) or not (art. 16). The law specifies that in the latter case (informal unions) property settlements must protect the rights and interests of women. The law also specifies

<sup>5</sup> Certificates mentioning only the man's name are twice as frequent as those mentioning only the woman's name. Women are thus discriminated against when their name is not on the land title. This practice is reported to be particularly frequent in rural / mountainous areas and against daughters-in-law.

<sup>6</sup> Specific targets were set in this respect: 25% of female rural labourers aged under 45 must be vocationally trained by 2015, and 50% by 2020.

that husband and wife shall create, possess, use and dispose of common property without discriminating between housework and income-generating labour (art. 29 para. 1), and that equal rights to common and separate property shall be safeguarded in the event of a divorce (art. 44 and 59). The UN has raised concerns about the frequent use of reconciliation and mediation favouring men over women in property disputes (CEDAW, 2015).

### **b) Secure access to formal financial resources**

Women enjoy equal rights as men to open bank accounts at formal financial institutions and to obtain credit, regardless of their marital status (2010 Law on the State Bank of Viet Nam and 2010 Law on Credit Institutions). Although recent statistics indicate that more women borrow than men and have access to a debit card in their name<sup>7</sup>, the UN has raised concerns about the limited access to financial resources faced by most women in the agricultural and informal sectors, as well as by older women and women from ethnic minorities (CEDAW, 2015). The discrimination faced by women in this regard is linked to the requirement under Decree No. 41/2010/ND-CP for land titles to be shown to obtain loans from credit institutions, as many women do not have such titles (UN Women and IFGS, 2016).

Measures taken to address these gender gaps include the setting of targets on preferential credit access for women under the 2011-2010 National Gender Equality Strategy, as well as the preferential credits awarded to women by the Bank of Social Policy and through micro-credit projects managed by the Women's Union (UN Women and IFGS, 2016).

### **c) Workplace rights**

Women's rights in the workplace are protected under the 2012 Labour Code (Law No. 10/2012/QH13) and under the Social Insurance Law (No. 58/2014/QH13) which establishes a comprehensive maternity regime. The government is mandated by law to develop policies protecting gender equality in the workplace (Labour Code, art. 153 para. 1), broadly defined as gender equality in relation to recruitment, employment, training, working hours and wages (Labour Code art. 154 para. 1). Employers receive incentives for employing more women (Labour Code art. 12 para. 2 and art. 153 para. 4) and are required to support them by organising obstetrics and gynaecology check-ups (Labour Code art. 152 para. 2), and by covering childcare expenses or building day care facilities and kindergartens (Labour Code art. 154 para. 4). Employers are also required to consult female employees or their representatives about decisions affecting their rights (Labour Code art. 154 para. 2).

Moreover, women are prohibited from entering into work that could harm their childbearing and parenting functions, as specified in a list issued by the Ministry of Labour, Invalids and Social Affairs, in coordination with the Ministry of Health (Labour Code art. 160 para. 1). Women are also entitled to 30-minutes breaks per day during menstruation periods, one-hour break per day for breastfeeding of

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<sup>7</sup> 21.3% of women borrowed from a financial institution in 2014, compared to 15.4% of men, and 25.2% had access to a debit card that same year, compared to 22.5% of men (source: World Bank (2017), Global Financial Inclusion Database (FinIndex), dataset for Viet Nam, <http://databank.worldbank.org/data/reports.aspx?source=1228#>)

babies under 12 months of age (Labour Code art. 155 para. 5), and 5 days leave per year for 5 prenatal check-ups (Social Insurance Law art. 21 para. 1).

Disciplinary measures and employment termination based on pregnancy, maternity leave or breastfeeding are strictly prohibited, as is termination on the basis of marital status (Labour Code art. 155 para. 3 and 4). Female employees have a right to be reinstated in their previous position after returning from maternity leave (Labour Code art. 158). Female employees are further protected during pregnancy through provisions prohibiting overtime / night hours or hardship work when they are respectively 7 months and 6 months pregnant (Labour Code art. 155 para. 1), and through provisions on reduced working hours for women performing heavy work (Labour Code art. 155 para. 2).

The maternity regime set out in the Social Insurance Law is very broad, with 6 months paid leave granted to surrogate mothers, to mothers who adopt babies under 6 months of age, to female employees undergoing sterilisation operations and to fathers, provided that the female employee has paid social insurance fees for a certain period of time (art. 31). Shorter leave is also granted in case of miscarriage, abortion or stillbirth (art. 33 para. 1). In all cases maternity leave pay is equal to the average salary obtained during the preceding 6 months, or over a shorter period of time if social insurance fees were not paid for the full 6 months (art. 39). Additional paid 'convalescence and health rehabilitation leave' (30% of wages) can also be issued after the expiration of maternity leave (art. 41 para. 1). Paid parental leave (75% of wages) is also granted for up to 20 working days if the child is under 3 months of age, and up to 15 working days if the child is between 3-7 years of age (art. 27 and 28).

Despite these provisions, various forms of discrimination against women have been raised by the UN. For instance, the differential retirement age (55 years for women, 60 years for men – Labour Code art. 187 para. 1) which was established as a positive measure for women in the 1960s is said to adversely affect them by curtailing their training and promotion opportunities, and by compounding the effect of other interruptions on their working life, thus affecting their wages (UN Viet Nam, 2012). Moreover, the persistent gender wage gap violates the principle of equal pay for work of equal value (Labour Code art. 90 para. 3), certain professions are prohibited for women (those requiring regular immersion under water or work in mines – art. 160 para. 2 and 3), and there are reports of discriminatory practices based on maternity and pregnancy. In addition, most women belong to the informal sector and are thus deprived of access to social protection (CEDAW, 2015).

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

The 2008 Law on Vietnamese Nationality regulates the right to Vietnamese nationality. It proclaims the equal right of all members of ethnic groups living in Viet Nam to have Vietnamese nationality (art. 1 para. 2) and does not contain any discriminatory provisions against women. In this respect women have the same rights as men to acquire Vietnamese nationality through marriage or other means of naturalisation (art. 19), as well as equal rights to retain Vietnamese nationality if their spouse changes nationality (art. 10) and in case of marriage, divorce or annulment of an unlawful marriage (art. 9).

Moreover, both parents confer nationality to their child – whether he/she is born in Viet Nam (art. 14-17) – and women have equal rights as men to change nationality (art. 27). Art. 13 (on the granting of Vietnamese nationality to children born overseas from Vietnamese parents) was introduced through an amendment in 2014, offering timely legal protection to children born overseas from trafficked Vietnamese mothers. While the law sets out to address statelessness (art. 8), the UN referred in 2015 to 800 stateless women who had lost their Vietnamese nationality in failed attempts to obtain another nationality (CEDAW, 2015).

The right of every child to have his/her birth declared is protected by law (Civil Code art. 30 para. 1). Either parent has 60 days to register the birth of their child (2014 law on civil status, art. 15 para. 1). Commune and district-level People's Committees are responsible for registering the births (2014 law on civil status, art. 13 and 35), although civil officers can report birth registrations to these bodies if the child is born far away from any People's Committees (2014 law on civil status, art. 73). Fines are imposed for late birth registrations in the country (2014 law on civil status, art. 11 para. 1b). Children born abroad from one or two Vietnamese parents can have their birth registered by district-level People's Committees upon moving to Vietnam (2014 law on civil status, art. 35 para. 2).

Freedom of movement within Viet Nam and outside the country is guaranteed for all Vietnamese citizens, regardless of their sex through the issuing of passports (Decree No. 05/2000/ND-CP on the exit and entry of Vietnamese citizens). The recent introduction of citizen identification cards in 2016 (Law No. 59/2014/QH13 on citizen identification) for boys and girls who turn 14 facilitates travel and administrative procedures.

### **b) Voting**

Women have equal rights as men to vote in the elections of the National Assembly (national level) and People's Councils (provincial and communal level) upon reaching the age of majority (18 years), regardless of their marital status (Law No. 85/2015/QH13 on election of deputies to the National Assembly and People's Councils, art. 2).

### **c) Political voice**

Women have the same rights as men to stand in legislative elections, to be elected as President or member of the national/local governments (Law No. 76/2015/QH13 and Law No. 77/2015/QH13), and to be part of the judiciary system. Moreover, 2015 saw the introduction of national and local quotas for female representation in electoral lists (35%), and for candidates belonging to ethnic minorities (18%) (Law No. 85/2015/QH13 on the National Assembly and People's Councils, art. 8-9).

These changes have led to an increase in female participation in political life and the country ranking second among ASEAN countries and 43<sup>rd</sup> in the world in terms of female representation in the National Assembly (HRC, 2013). Despite these measures, the UN has asked the government to consider increasing the quota for female participation in order to meet the 35% target of female parliamentarians set out in the 2011-2020 Strategy on Gender Equality (CEDAW, 2015).

#### d) Access to justice

The law provides women with equal rights as men to bring cases to civil and criminal courts (Civil Procedure Code amended in 2011, Criminal Procedure Code of 2003). Moreover, their testimonies carry the same weight as those delivered by men, regardless of their marital status, and different procedural rules apply for pregnant women or women nursing babies under 36 months of age as they are not allowed to be detained (Criminal Procedure Code, art. 88 para. 2). Women also have the same capacity as men to sue and be sued, regardless of their marital status (Civil Procedure Code, art. 56 para. 3).

There are no provisions protecting women from violence in political and public life. Alleged harassment, arbitrary arrests, detention and ill-treatment of female human right defenders has led the UN to urge the government to investigate the matter, prosecute those responsible, and provide remedies to victims (CEDAW, 2015).

Whilst legal aid is provided to certain categories of people under the 2006 Law on legal aid (No. 69/2006/QH11)<sup>8</sup>, the UN has raised concerns that women whose household income is above the poverty line can be deprived of access to legal aid even if they lack access to the household income and/or are survivors of domestic violence. The UN has also raised concerns about the frequent use of reconciliation and mediation processes favouring men over women, and about the barriers hindering access to justice for female migrants who are victims of sexual exploitation and violence (CEDAW, 2015).

Labour Mediators, Labour Arbitration Councils and People's Courts are competent to deal with cases of discrimination at work, under the authority of the Ministry of Labour, Invalids and Social Affairs (Labour Code art. 195, 198 and 199). The same Ministry is responsible for collecting gender-related data (Decree No.14/2017/ND-CP), and for conducting education/awareness-raising campaigns on gender equality and women's rights, in partnership with the Ministry of Information and Communications (Decision of the Prime Minister, No. 2351/QD-TTg, art. 2 para. 8)

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<sup>8</sup> Namely poor people, people who have served the country, people from ethnic minorities, the elderly, disabled and children.

## Sources

Alvaro G. et al. (2015), *Vietnam land access for women (LAW) program, training toolkit - Inheritance law, wills and women's rights*, International Center for Research on Women (ICRW),

[https://www.icrw.org/sites/default/files/images/Toolkit\\_4\\_0.pdf](https://www.icrw.org/sites/default/files/images/Toolkit_4_0.pdf)

CRC (2012), *Consideration of reports submitted by States parties under article 44 of the Convention – Concluding observations: Viet Nam – CRC/C/VNM/CO/3-4*,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/VNM/CO/3-4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/VNM/CO/3-4&Lang=En)

Hays J. (2014), *Men, gender roles, the elderly and families in Vietnam*,

[http://factsanddetails.com/southeast-asia/Vietnam/sub5\\_9c/entry-3389.html](http://factsanddetails.com/southeast-asia/Vietnam/sub5_9c/entry-3389.html)

Horton P. (2011), *School bullying and power relations in Vietnam*, thesis,

[https://www.researchgate.net/publication/274210483\\_School\\_Bullying\\_and\\_Power\\_Relations\\_in\\_Vietnam](https://www.researchgate.net/publication/274210483_School_Bullying_and_Power_Relations_in_Vietnam)

Immigration and Refugee Board of Canada (2015), *Vietnam: Domestic violence, including legislation, state protection and support services (2011-December 2015)*, Refworld,

<http://www.refworld.org/docid/56d8007d4.html>

Jones N. et al. (2014), *Early marriage among Viet Nam's Hmong: how unevenly changing gender norms limit Hmong adolescent girls' options in marriage and life*, Overseas Development Institute,

<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9182.pdf>

Land Portal (website), *Vietnam* (country profile), <http://landportal.info/book/countries/vietnam-0>  
(accessed on 28 March 2017)

Priya N. et al. (2012), *Study on gender, masculinity and son preference in Nepal and Viet Nam*, New Delhi, International Center for Research on Women (ICRW),

[http://www.un.org.vn/en/publications/doc\\_view/333-study-on-gender-masculinity-and-son-preference-in-nepal-and-vietnam.html](http://www.un.org.vn/en/publications/doc_view/333-study-on-gender-masculinity-and-son-preference-in-nepal-and-vietnam.html)

Program for Appropriate Technology in Health (PATH), *Strengthening the quality of abortion services in Vietnam*, Hanoi, [https://www.path.org/publications/files/CP\\_vietnam\\_med\\_abort\\_fs.pdf](https://www.path.org/publications/files/CP_vietnam_med_abort_fs.pdf)

The Socialist Republic of Viet Nam (2014), *National review of the 20-year implementation of the Beijing platform for action in Vietnam and the outcomes of the 23<sup>rd</sup> special session of the General Assembly*, Hanoi, [http://www.unescapsdd.org/files/images/Beijing20\\_national\\_review\\_VietNam.pdf](http://www.unescapsdd.org/files/images/Beijing20_national_review_VietNam.pdf)

The Socialist Republic of Viet Nam and the Program for Appropriate Technology in Health (PATH) (2006), *Examining the cost of providing medical abortion in Vietnam*, Hanoi,

[https://www.path.org/publications/files/CP\\_vietnam\\_med\\_abt\\_cost\\_study\\_rpt.pdf](https://www.path.org/publications/files/CP_vietnam_med_abt_cost_study_rpt.pdf)

The Socialist Republic of Viet Nam, Industrial Relations Committee (2015), *Code of conduct on sexual harassment in the workplace*, Hanoi, [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms\\_421220.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_421220.pdf)

United Nations Committee on the Elimination of Discrimination Against Women (2015), *Concluding observations on the combined seventh and eighth periodic reports of Viet Nam - CEDAW/C/VNM/CO/7-8*,  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/VNM/CO/7-8&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/VNM/CO/7-8&Lang=En)

United Nations Committee on the Rights of the Child (CRC) (2011), *Consideration of reports submitted by States parties under article 44 of the Convention – Third and fourth periodic reports on the implementation of the Convention in the period 2002-2007 – Viet Nam – CRC/C/VNM/3-4*,  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f3-4&Lang=en)

United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Institute for Family and Gender Studies (IFGS) (2016), *Female farmers and inclusive growth in Vietnam*, <http://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2017/01/female-farmers-and-inclusive-growth-en.pdf?vs=5110>

United Nations HRC (2013), *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Viet Nam – A/HRC/WG.6/18/VNM/1*,  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/185/15/PDF/G1318515.pdf?OpenElement>

United Nations Human Rights Council (HRC) (2013), *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 – Viet Nam – A/HRC/WG.6/18/VNM/3*, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/183/23/PDF/G1318323.pdf?OpenElement>

United Nations Industrial Development Organization (UNIDO), *Viet Nam Common Country Assessment 2015*,  
<https://open.unido.org/api/documents/5105344/download/VIET%20NAM%20COMMON%20COUNTRY%20ASSESSMENT%202015>

United Nations International Children's Emergency Fund (UNICEF) (2016), *FGM/C prevalence among girls aged 0 to 14 years (dataset)*, <https://data.unicef.org/topic/child-protection/female-genital-mutilation-and-cutting/>

United Nations Vietnam (2012), *CEDAW – Women's rights and retirement age in Viet Nam*, Discussion Paper, Hanoi, [http://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2015/05/retirement%20age\\_final\\_eng.pdf?vs=3855](http://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2015/05/retirement%20age_final_eng.pdf?vs=3855)

United Nations Vietnam (2014), *From domestic violence to gender-based violence – Connecting the dots in Viet Nam*, Discussion Paper, Hanoi, [http://vietnam.unfpa.org/sites/default/files/pub-pdf/UN%20Discussion%20Paper\\_ENG.pdf](http://vietnam.unfpa.org/sites/default/files/pub-pdf/UN%20Discussion%20Paper_ENG.pdf)

Vietnam Cooperative Alliance (VCA), website, home page, <http://www.we-apec.com/directory/vietnam-cooperative-alliance> (accessed on 27 March 2017)

Women on Waves, website, *Abortion law Vietnam*, <https://www.womenonwaves.org/en/page/4898/abortion-law-vietnam> (accessed on 27 March 2017)

World Bank (2017), Global Financial Inclusion Database (Findex), dataset for Viet Nam, <http://databank.worldbank.org/data/reports.aspx?source=1228#>