

STATEMENT

UPR Pre-session on Vietnam

Geneva, 12th December, 2018

**Delivered by: Center for Education Promotion and Empowerment of Women
(CEPEW)**

Ladies and Gentelements!

This statement is delivered by Center for Education Promotion and Empowerment of Women (CEPEW) which is a the non-governmental organization working for promotion and protection of women's human rights in Vietnam. CEPEW has participated in the 2nd and 3rd UPR cycles.

We recognize the increased dialogues between government representatives and registered civil society organizations led by women and working on women's rights including the invitation to a consultation for national UPR submission led by Ministry of Foreign Affairs of Vietnam. However, the consultation process should be more inclusive.

CEPEW and 4 other organizations including CGFED, IDEA, LEA and WWMD developed a joint submission on gender equality and women's rights which focus on 8 issues. A national consultation for this submission was conducted.

This statement addresses three critical issues: 1) Discrimination against women in laws and policies, 2) Women's participation in election process, and 3) Gender responsive budgeting.

1. Discrimination against women in laws and policies

Viet Nam supported 26 recommendations on promotion of gender equality and elimination of discrimination against women from Canada, Netherlands, Sovenia, Ethiopia, Cambodia, Liechtenstein, China, Yemen, Myanmar, Kazakhstan, Russian Federation and Chile, Sweden, New Zealand, Turkey, Singapore, Tunisia, India, Philippines, Pakistan, Nigeria in the 1st and 2nd UPR cycles. Since then, the Government of Viet Nam has taken a number of legislative and administrative actions to implement such recommendations. However, discrimination against women on different grounds still remains in laws and policies.

Lack of a comprehensive legal framework that prohibits all forms of discrimination in Vietnam. The Article 16 of the Constitution 2013 regulates that all citizens are equal before the law and no one shall be

discriminated against based on his or her political, civic, economic, cultural or social life which is incompatible with the scope of non-discrimination as expressed in UN-human rights treaties that Vietnam is a state member and makes people difficult to realize discriminatory clauses in laws and discriminatory behaviors in practice.

Lack of clauses on non-discrimination or a comprehensive definition of non-discrimination in national legal framework such as Civil Code, Criminal Code, Labor Code, Law on Gender Equality, Law on Social Insurance, Law on Access to Information, Law on Children, Law on Election, Law on Family and Marriage, Law on Press, Law on Religion and Believe. Discriminatory clauses still exist and gender stereotype is reinforced in different laws and policies such as Labor Code, Law on Social Insurance, Law on Family and Marriage, Law on Children, guidance documents on election, population policy applied for ethnic minority women.

Recommendations:

We recommend the Government of Vietnam should:

- 1) Amend the Article 16 of the Constitution 2013 and revise all discriminatory laws and regulations to fully incorporate the principle of non-discrimination in human rights treaties to which Vietnam is a member by 2023;
- 2) Adopt a Law on Anti-discrimination in accordance with the principles of non-discrimination in all of international human rights instruments to which Vietnam is party, including specific measures and punishment for violations by 2023.

2. Women's participation in election process

There was no recommendation on promotion of women's participation in election process in the last UPR cycles.

The Government of Vietnam has taken some legislative and administrative actions to higher number of female deputies of elected bodies at all levels. However, the percentage of female deputies of National Assembly is 26.8% which did not meet the expected target of 30% as set in the National Strategy for Gender Equality and 35% as recommended by CEDAW Committee in 2015.

In the other hands, Law on Election does not require to check ID of voters before giving them the voting registration card and during the voting process to prevent family or proxy voting. Such Law does not require ballot counting to be done in wide public and preliminary results of each electorate is published immediately that limits female voters' right to participation in election process.

Recommendations

We recommend the Government of Vietnam should:

- 1) Introduce affirmative actions to ensure each gender of candidates in each electorate should be no less than 45% by 2021;
- 2) Introduce measures to prevent proxy voting, including a protocol to check ID card together with voter registration and before cashing ballot, adopt the practice of ballot counting in public and immediately release the preliminary result at each electorate after the public ballot counting by 2021;
- 3) Give legitimacy and space for civil society organizations working on gender equality and women rights to conduct voter education programs and monitoring election by 2021.

3. Gender responsive budgeting

There was no recommendation on gender responsive budgeting in the last UPR cycles.

While the National Assembly of Vietnam adopted a provision to ensure gender equality in Law on State Budget. However, concern on the lack of understanding of substantive gender equality concept among legislators, policymakers and Government officials as well as about the limited awareness of temporary special measures in order to accelerate the achievement of substantive equality between women and men was raise by CEDAW Committee to Vietnam in its dialogue in 2015. The most common way of understanding of gender responsive budgeting is to allocate a specific budget portions for activities targeting women such as budget for women's advancement affairs and for workshops, trainings on gender equality. A number of regulations and guidance stay focused on specific issues of women, but does not specify principles to ensure equity in public investment including gender equity nor preventing government-funded projects from reinforcing stereotypes or discriminations on any basis. The lack of gender-disaggregated statistics, budget estimates and budget settlements of budget spending units posed a great challenge to the monitoring of gender-responsive budgeting.

Recommendations:

We recommend the Government of Vietnam should:

- 1) Provide technical training on developing, implementing, supervising and assessing gender responsive budgeting for elective representatives, civil servants in state finance and auditing sectors;
- 2) Implement the Decision No. 56/2011/QĐ-TTg to ensure that statistics in all sectors are gender disaggregated and publicize detailed data and explanations on the budget estimates and settlements of budget spending units;
- 3) Formulate and promulgate legal normative documents guiding the development, implementation, supervision and evaluation of gender responsive budget.

Thanks for your attention!