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| **VIET NAM** |
| **Report on the Implementation of the ICCPR**  **ON GENDER EQUALITY**  **(Replies to the List of Issues CCPR/C/VNM/Q/3)**  For the Review of the Third State Report of Viet Nam (CCPR/C/VNM/3)  At the 125th session of the Human Rights Committee  (Geneva, 4 - 29 March 2019) |
| **Submitted by: CEPEW** | | |
| *Hanoi, 04 February 2019* | |
| |  |  | | --- | --- | | **With the support from:** | | |  | | | | |

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# I - Introduction

## Description: Description: C:\Users\Administrator\Documents\Talk 1\logo cepew.pngJoining organisations

Center for Education Promotion and Empowerment of Women (CEPEW) is a non-governmental organization (NGO) founded in 1997 in Vietnam. Since the date of establishment, CEPEW has run a number of programs on poverty reduction for poor rural women, literacy for ethnic minority women, strengthening women’s participation in politics and public life, prevention of trafficking in women and domestic violence against women, promotion of grassroots democracy, advocacy for freedom of information. CEPEW has engaged with different United Nations Human Rights Mechanisms to promote women’s human rights and gender equality such as Universal Periodical Review and CEDAW.

CEPEW and its partners would like to submit a report to reply the List of Issues raised by Human Rights Committee to Vietnam with a focus on gender issues and women’s rights.

## Methodology

In 2018, CEPEW lead the GENDER EQUITY COALITION of NGOs, community-based groups and individuals to prepare a joint-submission for the Universal Periodic Review (UPR) of Vietnam in July 2017. The joint submission covered thematic reports and testimonies prepared by members. There were 41 people who are representatives of 21 organizations and groups including NGOs, community-based groups, international organizations and individuals provided comments, information, recommendations for the submission through a consultation workshop on the 27th June 2018.

This report is developed based on relevant information from the joint submission of the Coalition, and updated with the results of desk research and legal analysis, responding to the List of Issues by the Human Rights Committee to Vietnam.

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# II - Responses to the List of Issues

## Non-discrimination and gender equality (arts. 2, 3, 20 and 26)

* 1. **There is a lack of a comprehensive legal framework that prohibits all forms of discrimination** as set out in the Covenant and other human rights instruments.[[1]](#footnote-1) The provision of non-discrimination in the Constitution 2013 is incompatible with the scope of non-discrimination as expressed in ICCPR and other UN-Human Rights Treaties.[[2]](#footnote-2) Discriminatory clauses exist in different laws, including: **The Marriage and Family Law** (revised in 2014) differentiates marital age between males (20 years-old) and females (18 years-old),[[3]](#footnote-3) and mentions gender-role concepts of women[[4]](#footnote-4) or despite CEDAW’s recommendations (2007)[[5]](#footnote-5); **The Labor Code** contains provisions that discriminate on the ground of sex and reinforce gender stereotypes:different retirement age between men (60) and women (55).[[6]](#footnote-6) The Code also provides a list of jobs in which the employment of female is prohibited.[[7]](#footnote-7) These regulations received particular concerns and recommendations to revise by CEDAW (2001)[[8]](#footnote-8) and CESCR (2014),[[9]](#footnote-9) yet they prevail. Some of the other provisions of this Code also reinforce gender stereotypes about women's carework responsibity[[10]](#footnote-10). As the Labor Code is under revision, MOLISA proposes a roadmap to raise retirement age by 2021 which would still differentiate between men and women.[[11]](#footnote-11) **The Law on Children (2016)** does not provide clear forbidden grounds of discrimination against children**[[12]](#footnote-12)** and strengthen gender stereotype when it requires the duty of a child to his/her family [[13]](#footnote-13). **Lack of non-discrimination regulations in legal framework for election**[[14]](#footnote-14) as the principle has been removed from the electoral rights provisions of Article 27 of the Constitution 2013[[15]](#footnote-15) and the 2015 Election Law.

**Recommendations:**

The State Party should:

1. Adopt a Law on Anti-discrimination in accordance with Article 2 of the ICCPR, ICESCR, CERD, CRC, CRPD, and Article 1 of CEDAW including specific measures and punishment for violations.
2. Implement training programs for policy makers in the legislative, executive and judicial branches about the obligations of the Member State on the non-discrimination principles of ICCPR, CEDAW and other international human rights conventions.
3. Revise all discriminatory laws and regulations to comply with international human rights standards, including: Remove the discriminatory provisions that reinforce gender stereotypes in the Law on Marriage and Family Law to ensure compliance with the Covenant; Revise the Labor Code according to CEDAW Committee’s concluding comment No 271 for Vietnam in 2001;[[16]](#footnote-16) Review and revise the Law on Children 2016 to protect the child from recognized forms of discriminations in line with CRC.
4. Amend Article 16 of the Constitution 2013 to incorporate the principle of non-discrimination in the legal framework on election, following Article 2 of the ICCPR, Article 1CEDAW and other human rights treaties to which Vietnam is a member.

**1.2 Discrimination against women**

**Measures taken to identify laws that directly and indirectly discriminate against women.** The Law on Gender Equality 2006 requires gender mainstreaming in the development of legal normative documents.[[17]](#footnote-17) The State Budget Law 2015 requires the State to allocate budget for gender equality as one of priorities. The Department of Reviewing Legal Normative Documents under Ministry of Justice also maintains the function to review laws and policies.

The National Assembly’s Committee on Social Affairs is responsible for gender issues. It has a responsibility to examine gender mainstreaming in the draft laws, ordinances and resolutions before submitting to the National Assembly’s Standing Committee and National Assembly for reviewing and adoption of such legal normative documents in coordination with the Council of Ethnic Minorities and other committees of the National Assembly.[[18]](#footnote-18) The examination of gender mainstreaming shall include: i) the identification of gender issues in the draft laws and other documents; ii) the assurance of the principles of gender equality in the draft laws and other documents; iii) the compliance with the procedure and sequence for assessing gender mainstreaming in the development of draft laws and other documents, and; iv) the feasibility of the draft laws and other documents to ensure gender equality.[[19]](#footnote-19)

In reality, it was not clear how these mechanisms address laws and other regulating documents which, in effect, contain discriminatory provisions. The CEDAW Committee has raised their concerns that the implementation of laws and policies remains weak owing to the lack of accountability mechanisms and insufficient human, technical and budgetary resources and unawareness of the concept of substantive gender equality by lawmakers and policymakers and government officials and that that there is limited understanding in the State party of temporary special measures to accelerate the achievement of substantive equality of women and men.[[20]](#footnote-20)

**Reinforced gender norms and stereotypes in textbooks and media.**Research conducted from 2009 to 2010 indicated the prevalence of gender-biased content and images in textbooks.[[21]](#footnote-21) A rapid review of elementary textbooks by the research team for this report confirmed this trend.[[22]](#footnote-22) Other educational materials by private companies would include similar stereotypes in contents and illustrations.[[23]](#footnote-23) Studies from 2010 to 2012 indicated that men are more dominant in news stories and media products where gender norms are further reinforced.[[24]](#footnote-24) A rapid test of commercials to review gender stereotypes (which is forbidden by Law on Advertisement[[25]](#footnote-25)) on a national TV channel in two days in 2018 confirmed this trend.[[26]](#footnote-26) In this test, only 1.16% of the advertisements showed non-traditional role such as male involvement in housework as part of their responsibilities.[[27]](#footnote-27) Such practices were also observed on television game shows and entertainment programs.[[28]](#footnote-28) In addition, news stories tend to depict female leaders attaching to traditional roles such as caring for family, children and housework.[[29]](#footnote-29)

**Government-funded propagandas and projects re-enforced gender stereotypes.** For instance, the campaign by the Vietnam General Confederation of Labour for women members has been introduced since 1989 encourages women employees to register to be “excellent in public, responsible at home” while there was no similar qualification required for men. The campaign has been continuously promoted in all sectors without being evaluated or adjusted from gender equality perspective.[[30]](#footnote-30) The Women’s Union’ mass communication projects provide more responsibilities on women and did not address men’s roles and responsibilities, and thus, in many cases increasing women’s responsibilities at home and in public spheres. Examples include “Four virtues: Self-confidence - Self-respect - Kindness and Diligence” approved by a Prime Minister’s Decision[[31]](#footnote-31) and a movement on “Families with 5 without-s and 3 Clean-s”[[32]](#footnote-32) started in 2010 and remained central to the Women’s Union agenda in 2012 - 2017[[33]](#footnote-33) and the project "Supporting the development of private childcare groups/centres in export processing and industrial zones by 2020" targeting at 95% of mothers in industrial and export processing areas to raise their awareness on child-care and children’s development[[34]](#footnote-34). These projects create barriers for participate in the public life for as woman are pressured to fulfil multiple responsibilities in both public and private spheres.

**Representation of women in the public life, especially in the executive bodies and judicial bodies.** Women account 26.8% in the National Assembly, however their representation in senior decision-making positions remain low: women head only three of thirteen Committees of the National Assembly; only one woman is a cabinet member (of 27 cabinet members); one female Deputy Chief Justice has been appointed (out of a total five position; the Chief Justice is a male); four female Judges are appointed to the Council of Judges (out of seventeen members, and; there is no woman appointed to the People’s Supreme Procuracy. Further, there is a lack of statistical information regarding number of female staffs as public servants from the main portal of information on public servants at the Ministry of Home Affairs,[[35]](#footnote-35) nor from the General Statistics Office and other relevant ministries[[36]](#footnote-36).

**Imbalance of ratio of female-male teachers at the school system.** While the percentage of female teachers at college and university levels were respectively 49.8% (school year 2014-2015) and 47% (2015-2016), this number at high school, primary school and pre-school increased to 68.6%, 73% and 99.7% respectively.[[37]](#footnote-37)

**Lack of statistical data on female staff as public servants** from the main portal of information on public servants at the Ministry of Home Affairs,[[38]](#footnote-38) nor from the General Statistics Office and a few other ministries[[39]](#footnote-39).

**Discrimination in the enrolment in the universities and colleges on military, public security, procuracy and justice.** Clause 3, Article 3, Circular 17/2016/TT-BQP[[40]](#footnote-40) dated 11 March 2016 on guideline for enrolment in the army universities and colleges provide an enrolment quota of 10% women for all disciplines,[[41]](#footnote-41) and in particular no more than 6% women as the total enrolment quota for disciplines of information technology, telecommunication, biomedical electronics, military engineering at Academy of Military Techniques. Those targets are also applied to all universities and colleges on public security, people’s police and fire control. In addition, the University of Procuracy, for instance, does not specify quotas of male or female students but provides differentiated requirements such as higher enrolment exam results for female candidates than male**. This institution also announced that people with disabilities are not eligible for enrolment.**[[42]](#footnote-42)

**Recommendations**

The State Party should:

1. Provide effective measures including an accessible complaint mechanism for victims of gender discrimination and their representatives, and sanctions on violations of non-discrimination;
2. Provide trainings on gender equality in accordance with international human rights obligation of Vietnam including those under ICCPR and CEDAW for civil servants, journalists and media managers, using hands on tool such as the Gender-Sensitive Indicators for Media[[43]](#footnote-43);
3. Ensuring that the principle of substantive gender equality and non-discrimination on all grounds, including non-discrimination on the basis of sexual orientation and gender identity is applied in the process of formulating and reforming the educational program under the Circular No. 14/2017/TT-BGDDT[[44]](#footnote-44);
4. Assess discriminatory regulations and practices in the enrolment in universities and colleges, especially at public institutions on public security, military and the justice sector, and take actions to ensure fair and equal opportunities for all;
5. Make available records of the public servants disaggregated by sex, ethnic minorities and religious minorities and disabilities status on the website and statistical yearbook of ministries and relevant agencies, especially, the website of the General Statistics Office and Ministry of Home Affairs;
6. Review and adjust all state-funded projects and campaigns on gender equality and to ensure that all stereotypes of gender roles are eliminated.

## Measures taken to combat violence against women[[45]](#footnote-45)

The amendment of the Labour Code in 2013 introduced the term “sexual harassment” as one of the prohibited behaviours for employers; however, there are no definition of sexual harassment as well as the sanctions for this behaviour. In 2015, the Code of Conduct for sexual harassment in the workplace was issued[[46]](#footnote-46), but only mentions about the concept of workplace harassment, which is not legally binding, nor outlining an enforcement mechanism. Such Code of Conduct only applies for enterprises[[47]](#footnote-47) but not for other workplaces such as state agencies and public offices.

Since the 2012 Labour Code amendment, however, not one case regarding sexual harassment has been heard at Court. The Bell[[48]](#footnote-48) does not list any instances of punishment for sexual harassment. The government does not maintain publicly accessible data on sexual harassment, nor provide a listing of complaints received and regarding sexual harassment. While research reports have been published outlining sexual harassment in public and private spheres, the lack of comprehensive information regarding sexual harassment in public spaces, at the workplace, in schools and in government offices limits follow-up.

Only 5% women and girls who have experienced sexual harassment reported the incident to the police, while 47,1% did nothing.[[49]](#footnote-49) In the workplaces, very few victims of sexual harassment speak publicly because many of them were concerned that they would be blamed and stigmatized when reporting. The causes of this situation were identified as lack of sanctions and gender sensitive treatment as well as protection mechanism. At the same time, with the lack of knowledge and understanding of gender and women’s human rights, staff in the counselling offices has provided emotional and biased comments. Therefore, when receiving harassment cases, their advice and comments sometime turned to victim-blaming and could not provide any remedy. In the community life, acts as whistling, teasing, glancing are considered normal and acceptable men’s behaviours with women. If complained, victims were usually advised to accept and live with it.

Comprehensive sexuality education (CSE) is not widely and consistently implemented in schools and there is a lack of information in workplaces about sexual and reproductive health, including the prevention of and reporting of sexual harassment. This means people have limited awareness of gender equality, lack of knowledge about the meaning of consent and little understanding of how to intervene if they observe sexual harassment taking place.

**Recommendations:**

The State Party should:

1. Ensure that a comprehensive definition of sexual harassment and appropriate sanctions for this behaviour are included in the forthcoming revised Labour Code in 2019 and the Law on Gender Equality in 2021;
2. Introduce mandatory training for officials, targeting judicial officers, lawyers, police and health care staff etc. on handling cases of sexual violence and discrimination;
3. Encourage reporting by removing stigma towards victims and ensuring that all of reporting case are properly investigated and addressed with appropriately;
4. Introduce a National Action Plan to raise public awareness of sexual harassment, criminal nature and legal knowledge and sanctions;
5. Implement comprehensive sexuality education curricula, includes education regarding consent, safe sexual relationships and the prevention of sexual violence, including sexual harassment;
6. Promptly implement the Concluding Observation of the CEDAW Committee para 19 on conducting national surveys on gender-based violence;
7. Introduce media guidelines on gender and provide sanctions for violations of gender-equality policy;
8. Adopt temporary special measures to ensure gender-balance in the employment of the education sector at different levels.

## Freedom of association of women[[50]](#footnote-50)

**Lack of a comprehensive legal framework to ensure the women’s right to freedom of association.** Vietnam has not yet passed a law on associations despite a 15-year drafting process. The prevailing legal framework is not compatible with the Constitution 2013 and international human rights standards, as the following:The registration procedure for establishing an association in Vietnam is complicated and time-consuming;[[51]](#footnote-51) Limited scope of activities of associations and other scientific and technological organizations;[[52]](#footnote-52) Restriction of fundraising of women-led organization’s and/or the organizations working in the fields of gender equality, promoting and protecting women’s rights[[53]](#footnote-53) and requires the approving power of the Prime Minister.[[54]](#footnote-54) and several other layers of approval[[55]](#footnote-55); Under Circular 07/2010/TT-BKH[[56]](#footnote-56), in order to receive an amount of aid/grant, a social organization must go through an approving procedure including obtaining a written agreement from the local authority where the project/grant will be carried out, 6 to 8 confirmations of no-objection to the amounts of grants from state agencies in relation to the grant contents as well as the consent of the host or lead agency or corresponding state bodies being responsible for approving the grants. These regulations are applied to control the receipt of foreign aid to associations, non-governmental organizations, non-profit organizations and philanthropic foundations in Vietnam.

**Delay or refusal of approval of the programs/projects of women-led associations and organisations working on gender equality and women’s rights.** It took more than 4 months to approve 26% of the projects, 4 months for 12% of the projects, 3 months for 26% of the projects, 2 months for 34% and 1 month for 2%,[[57]](#footnote-57) despite regulation required 20 days[[58]](#footnote-58). Another survey[[59]](#footnote-59) on the implementation of Decree 93/2009/NĐ-CP, conducted in 2016, indicated that it must take projects from 2 to more than 5 months to receive approval and 18,1% of the projects were not approved or had not been approved yet.[[60]](#footnote-60)

**Discrimination among associations.** Five mass organisations and those recognised as "associations of specific characteristics" are guaranteed with state budget[[61]](#footnote-61) and personnel to operate[[62]](#footnote-62). Paragraph 2, Article 6 of Decree 45/2010 requires that the head of the association be a physically fit person resulted in exclusion of people with disabilities, patients and elderly among others.

**Autonomy in the operation of association.** Right to mobilize financial resources from international organizations of Vietnamese associations is still limited by a cumbersome process with complex documentation requirements. To receive a grant from a foreign organization, it is necessary to go through a process of approval that includes a written approval of the local authority where the project/grant would be implemented, six to eight acceptance notices from relevant state agencies at central and/or local levels, and the agreement of the line umbrella agency or the relevant state body responsible for approving the aid. These procedures are set out in Decree 93/2009 dated 22 October 2009 and are detailed in Circular 07/2010 / TT-BTC, which is applicable to control the receipt of foreign aid of organizations in Vietnam. Approval process for projects on human rights, democracy, ethnic minorities was often lengthy and unsuccessful.

A survey on the implementation of Decree 93/2009 in 2016 said that 50.1% of projects took from 2 months to more than 5 months to receive approval, and 18.1% of projects were not yet approved or approved. Reasons for the unapproved projects cited include: (i) the local authorities refused to approve (28%); (ii) the contents of the project were inappropriate and sensitive (22%); (iii) the concerned agencies disagreed to the approval (11%); (iv) the location of the project is sensitive (6%), and; (v) no reason provided (11%). Although there was no fee requirement for the approval process, one third of the projects surveyed paid for the approval process. The fees paid ranged from approximately US$ 50 to US$500, in particular there were two payments of US$2,500 and US$ 5,000 to have a project approval.[[63]](#footnote-63)

**Recommendations**

The State Party should:

1. Develop and implement a training program for officials and policy makers on freedom of association in accordance with the ICCPR and those recommendations by the Special Rapporteur on Freedom of Association and Peaceful Assembly;
2. Introduce and implement policies and measures (possibly within the Law on Freedom of Association) to facilitate an association's access to and mobilization of domestic and international funding;
3. Collaborate with the Special Rapporteur on Freedom of Association and Peaceful Assembly through accepting his request for a country visit before 2021;
4. Review to amend those documents promulgated by administrative body, including Decree No.45/2010/ND-CP, Decree No.93/2009/ND-CP, Decision 97/2009/QĐ-TTg, Circular 07/2010/TT-BKH to comply with Vietnam’s obligations under ICCPR and Constitution 2013;
5. Promulgate a Law on Association that adheres to the spirit of Article 22 of the ICCPR, Article 7 of CEDAW, Article 29 of the ICRPD, Article 15 of the CRC, Article 5 of the CERD, in particular to: (i) ensure the principle of equality and non-discrimination for citizens and assorted associations in Viet Nam;(ii) respect an association's autonomy without any interference into internal decisions of the association; (iii) simplify the process of association registration to a "notification procedure" to better comply with international standards; (iv) include effective implementation measures and remedy mechanisms, compensation for those whose right to freedom of association are violated and; (v) clearly specify that any limitations of freedom of association be compatible with ICCPR and international standards and the 2013 Constitution;
6. Progressively apply Article 14 (2) of the 2013 Constitution and Article 6 (1) of the Law on International Treaties 2016 for the consideration and approval of foreign non-governmental aid projects, especially during the drafting a law on association and making amendments and supplements to legal normative documents promulgated by the Government.

## Freedom of peaceful assembly of women[[64]](#footnote-64)

**Women's right to freedom of assembly is limited by legal normative documents promulgated by the administrative bodies** including Decree 38/2005/ND-CP[[65]](#footnote-65), Circular 09/2005/TT-BCA[[66]](#footnote-66) and Decision 76/2010/QD-TTg[[67]](#footnote-67). These documents are not in line with the 2013 Constitution and incompatible with international standards on freedom of assebly. As stipulated under **Decree No. 38/2005/ND-CP and Circular 09/2005/TT-BCA[[68]](#footnote-68)**, the gathering in public places five or more people in common areas[[69]](#footnote-69) must be registered in advance to district-level People's Committees or provincial-level People's Committees. The duration of such activities is only allowed to be carried out between 8.00 and 17.00 everyday, unless otherwise provided for by law. However, these two documents are not applicable to the activities organized by the Communist Party, state agencies, Vietnam Fatherland Front and socio-political organizations.

**The right to peaceful assembly, particularly for conferences with foreign elements, is also limited.** The organization of international conferences is regulated by the Prime Minister's Decision No.76/2010/QĐ-TTg dated November 30, 2010 (Decision 76) on the organization and management of international conferences and workshops in Vietnam. Article 3.1.b of Decision76/2010/QD-TTg stipulates that the Prime Minister approves the organization of international conferences and seminars with contents related to political issues, ethnicity, religion, human rights among others. Organizers must obtain written opinions of the Ministry of Foreign Affairs and other relevant local agencies on a detail proposal,[[70]](#footnote-70) based on which the proposal might need an approval from the Prime Minister if the topic of the event related to human rights and international elements. The conduct of conferences and seminars needs to follow approved program and proposal and the result must be reported to the approval level within 15 days.

**Recommendations:**

The State Party should abolish or amend the Decision No. 76/2010/QĐ-TTg, Decree 38/2005/ND-CP, Circular 09/2005/TT-BCA in the direction of minimizing the interference while respecting the autonomy of organizations and individuals when carrying out their activities in the public

## Women’s participation in public life[[71]](#footnote-71)

**Gender inequality was reproduced in the electoral process.** 5/21 members of the National Election Council 2016 were women, account for 23.8%.[[72]](#footnote-72) In some provinces, women accounted from as low as 3.7%[[73]](#footnote-73) to no more than 30% in the election committees. Regarding election candidates, no specific quota but a general direction of “make sure there are women in the list of nomination for the National Assembly” by 18 agencies and organizations of the Government or to “have women in the list of candidates” of 31 candidates nominated by the Fartherland Front and its member organizations. There is no suggested quotas on female candidates for other agencies.[[74]](#footnote-74) As men takes a majority of leadership positions, fewer women were nominated to powerful groups**[[75]](#footnote-75)** of candidates in the election, therefore reproduced gender inequality in the electoral process. In the Election 2016, women accounted 38,97% candidates of National Assembly at all levels, but only 14.72% of those powerful groups of candidates introduced by national agencies, while 46.06% candidates nominated by local agencies were women.[[76]](#footnote-76) As a result, the percentage of National Assembly delegates for the course XIV and People’s Council delegates in the course 2011 - 2016 do not meet the expected target of 30%[[77]](#footnote-77) and 35% according to recommendations of the CEDAW committee for Vietnam[[78]](#footnote-78) . In 2016, 26.8% of elected candidates of National Assembly were women.[[79]](#footnote-79)

**Uncontrolled practice of proxy voting affected the principles of universal, direct and confidential vote.** Law on Election 2015 does not require to check voters’ ID before giving them the voting registration card and during the voting process. While it was reported that 99.35% voters cashed their votes,[[80]](#footnote-80) it was also admitted by the General Secretary of the National Assembly - Administrative Clerk of the National Election Council that “family voting or proxy voting” had not been controlled.[[81]](#footnote-81)

**The ballot counting were not done in public and prelliminary results at each electorate were not published immediately.** The ballot counting is required to be done at the election unit right after the voting completed, with witness from two voters, journalists, candidates and their designated representatives.[[82]](#footnote-82) As ballot counting was not done in public, it was difficult to monitor the count of the preliminary result of each eletorate, while there was no requirement to publish such result immediately.[[83]](#footnote-83) In practice, the result of the election for National Assembly deputies was publicized on the 8th June 2016, 17 days after the election day.

**Recommendations:**

1. Adopt a quota on ratio of each gender in each election in-charged organization not lower than 30%; Introduce a requirement on gender balance in the leadership positions of each election in-charged organization;
2. Introduce affirmative actions to ensure each gender in each electorate should be no less than 45%;
3. Adopt the practice of ballot counting in public and immediately release the preliminary result of each electorate after the public ballot counting;
4. Introduce measures to prevent proxy voting, including a protocol to check ID card together with voter resgistration before cashing the ballot;
5. Give legitimacy and space for civil society organizations working on gender equality and women rights to conduct communication and education on fair election, and monitoring election.

## Other issues: Protecting the rights of Juvenile offenders

In accordance with Vietnamese legislation, a person over 18 years of age is referred to as an “adult”, which is in line with international law. According to Vietnamese law, persons under the age of 18 are referred to as “juveniles” (Civil Code Article 20), which covers persons aged between 16 and 18. The term “juvenile(s)” is commonly used in documents indicating juvenile’s rights and duties in relation to being subject of the law; such as being in violation of the law or in breach of the peace.[[84]](#footnote-84) Based on Vietnamese Country report, the family and juvenile courts - specialized courts - were established in 2016 to protect the rights of women and children under 18. By January 2019, Viet Nam has established only two Family and Juvenile Court in Ho Chi Minh city (2016) and Đồng Tháp province (June 2018).

There is no distinction between the time periods for dealing with juvenile offenders and those that apply in adult cases. In the 2015 Criminal Procedure Code, the time limit for investigating, prosecuting and adjudicating juvenile offenders is the same as for adults, depending on the seriousness and complication of the crime. This is not in compliance with international standards, which require that the time period for handling juveniles should be much shorter than for adults [[85]](#footnote-85). It is forbidden to keep juvenile offenders together with adult offenders (Criminal Procedure Code Article 303 linked to CRC Article 37(c)).

In practice, most counsel or lawyers participating in juvenile cases or cases involving a person of ethnic minorities are appointed based on requests from the court.[[86]](#footnote-86) The appointed counsel enjoy the favour of the requested bodies because their participation is seen as not only defending juvenile offenders but also ‘helping’ to complete required proceedings. Many appointed lawyers say nothing during the trial or have an inadequate understanding of the case due to having not studied the case files.

**Recommendations**

The State Party should:

1. Continue its effort to establish Family and Juvenile Court system nation-wide;
2. Seek international cooperation for the capacity building for judicial officials on good practices in Juvenile justice;
3. Encourage the participation of civil society organisations, especially those working on justice and child rights, to engage with the Family and Juvenile Court.

1. Recommendation of the CERD Committee 1993 (Official Records of the General Assembly], Forty-eighth Session, Supplement No. 18 (A/48/18), para 348-358), in 2001 (CERD A/56/18 (2001) para. 414-415) and 2012 (CERD/C/VNM/CO/10-14 para. 7); by CESCR in 2014 (E/C.12/VNM/CO/2-4 para 13) and accepted UPR recommendations in 2014 (Recommendation No.88 from Chile) (see A/HRC/WG.6/14/L.14 para. 143.88). [↑](#footnote-ref-1)
2. Article 16 of the of the Socialist Republic of Vietnam 2013 states: 1) Everyone is equal before the Law and 2) No one is discriminated against in political, civil, economic, cultural or social life. It does not provide enough specific forbidden grounds of discrimination as stipulated by international standards. Moreover, the non-discrimination provision in the Constitution (and other laws) are articulated in an exhaustive list of forbidden ground. [↑](#footnote-ref-2)
3. Article 8, paragraph 1a. [↑](#footnote-ref-3)
4. Such as "assist mothers in properly fulfilling their lofty motherhood functions" (Article 2, paragraph 4), "perpetuate and promote the Vietnamese nation’s fine cultural traditions and ethics on marriage and family"(Article 2, paragraph 5) or using general terms such as [accepting] marriage and family practices "which are repetitive over a long period of time and widely accepted in an area, a region or a community"(Article 3, paragraph 4), or continuosly addresses the gap in marital age between males (20 years-old) and females (18 years-old) (Article 8, paragraph 1a). Law No 52/2014/QH13 dated June 19th 2014 on Marriage and Family. An English translation is accessible at <http://vbpl.vn/TW/Pages/vbpqen-toanvan.aspx?ItemID=10874> [↑](#footnote-ref-4)
5. On revising the law and set a minimum age limit for marriage for both females and males in line with Article 16 CEDAW [↑](#footnote-ref-5)
6. Or 65/60 respectively for men and women who are professionally qualified workers, high-tech workers, management positions and some other special cases, following Article 187 of the Labor Code 2012 and Decree No. 53/2015 / ND-CP issued by the Government on May 29, 2015 on retirement age of cadres and officers. [↑](#footnote-ref-6)
7. Article 160 Labor Code No. 10/2012/QH13 dated 18/6/2012. Follow this provision, the Circular No. 26/2013/TT-BLĐTBXH dated 18/10/2013 provides a list of 77 jobs in which the employment of women is forbidden. The list includes several manual labor job and others, for instance or carrying weight more than 20kg or the operation of dead bodies. [↑](#footnote-ref-7)
8. Document No. 38 (A / 56/38) - Section 271 [↑](#footnote-ref-8)
9. Document No. E/C.12/VNM /CO/2-4 [↑](#footnote-ref-9)
10. Clause 6 of Article 153 states that "the State makes plans and takes measures for the organization of preschool, kindergarten at the place where there are many female employees", Clause 6, Article 154 stipulates one of the obligations of employers is "to assist and support the building of nursery school, kindergarten or partial cost of child care at kindergartens for female employees". [↑](#footnote-ref-10)
11. <http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1270&TabIndex=2&TaiLieuID=2591> (access on 6 June 2017). In this proposal, the retirement age is proposed with two options. The first option is to maintain the current retirement age of workers under normal working conditions, which is 60 years for men and 55 years for women. Option 2 would follow the first until January 1, 2021, after which it would make incremental increases of 6 months until reaching the age of 62 for males and 60 for females. [↑](#footnote-ref-11)
12. Article 5 para.2 only provides “discrimination against children is forbidden”. [↑](#footnote-ref-12)
13. Article 37 para.2 requires the duty of a child to help their parents and other relatives to do housework that is suitable with his/her gender. [↑](#footnote-ref-13)
14. Principles of non-discrimination on the basis of race, sex, social status, beliefs, religion, educational attainment, occupation, the length of stay in the electoral process has been stipulated in the 1992 Constitution, the Law on the Election of delegates to the National Assembly in 1997 and the Law on the Election of delegates to the People's Councils in 2003Article 2 of the Law on the Election of Delegates to the People's Council 2003 stipulates that "Citizens of the Socialist Republic of Vietnam will be not discriminated on the basis of nationality, sex, social status, belief, religion, occupation or residence duration, who are full eighteen years or older and have the right to vote and are twenty-one years or older, shall have the right to stand for election to the People's Councils according to the provisions of law”. [↑](#footnote-ref-14)
15. Article 27 of the Constitution states that "Citizens who are eighteen years of age or older shall have the right to vote and twenty-one years or more shall have the right to stand for election to the National Assembly or the People's Council. The exercise of these rights is governed by law. [↑](#footnote-ref-15)
16. CEDAW A/56/38 (2001) para. 271. [↑](#footnote-ref-16)
17. Article 21. [↑](#footnote-ref-17)
18. Article 22. Law on Gender Equality [↑](#footnote-ref-18)
19. Law on Gender Equality 2006, article 22, para.2 [↑](#footnote-ref-19)
20. CEDAW/C/VNM/CO/7-8 para. 8 and 14 [↑](#footnote-ref-20)
21. MOET, UNESSCO, 2010. The Study on National textbook review and analysis from a gender perspective; and Nguyen Thi Tuyet Minh and Nguyen Thi Thu Hang, 2009. Gender stereotypes in primary textbooks. The study indicated, for example, , in which men appear as the main character (41%) more frequently than women (15.6%); names of male characters in textbooks usually mean 'intelligent' (66.67%), 'ambitious' (10%), 'natural phenomenon' (13.33%), 'strong animals' (10% ), while female names are names of flowers (27.5%), names of plants (15%), seasons' names (10%), birds' names (7.5%), or rivers' names (40%). [↑](#footnote-ref-21)
22. The team reviewed elementary textbooks of Vietnamese; Nature, Society and Science textbook, Ethics books and workbooks. These textbooks showed 100% of the career-related illustrations of construction workers, engineers are associated with male imagery; 88.68% of the teacher profession illustrations are female; 53.49% of the farmer images are female; 70% of the images associated with the health sector are male; 64.29% of the images associated with the care and education of children are female; 96.67% of the images in the military, security sector are men; and 95.83% of illustrations of housework are attached to women. The terms describing male characteristics are "strong", "the breadwinner", "the director". The words that describe the female characters are "gentle", "patient", "good cook", "child care", "secretary". Some posters used in primary schools with the topic of occupation and family published by the Vietnam Education Publishing House still uphold gender stereotypes such as male professions are related to engineering and health sectors such as builders, mechanics, engineers; women often work as farmers, teachers, cleaning staff. [↑](#footnote-ref-22)
23. Coloring book "Be tap lam noi tro" (Learn to do housework) by Ha Tay Printing and Packaging Company (fourth edition), May 2017; The coloring book "Nganh nghe" (Jobs) Ha Tay Printing and Packaging Company (sixth edition), May 2017; "Be hoat dong va kham pha chu de Nghe nghiep cho be tu 3-4 tuoi" (Activities for kids to explore the topic of jobs for children aged 3-4 years old) by the printing company of the General Staff (fourth edition), September 2016. [↑](#footnote-ref-23)
24. Global Media Monitoring Project 2010 and the Survey on Gender Equality, Prevention of Domestic Violence and Sex Ratio at Birth via Mass Media (Case Study of Vietnamese Women Newspaper, Tien Phong Newspaper, Dan Tri Newspaper) and commercials on VTV3, VOV1 by CSAGA in 2012 [↑](#footnote-ref-24)
25. Article 8 para.6 [↑](#footnote-ref-25)
26. The team observed from 6:30 to 22:30 everyday from 7-9 June 2018 and found out among 432 commercials broadcast on VTV3 channel, 58.56% of the commercials used images, characters with female characteristics that reinforce gender stereotypes and prejudices, Including advertisements of formula milk companies such as Optimum Gold Plus, Pediasure; dipping sauce companies such as Chin-su, Long Dinh, Nam Ngu or baby-friendly products such as Johnson baby Top-to-Toe Shower Gel. The images in the promotional clips play into gender stereotypes, particularly the expectation that women are responsible for maintaining a household in addition to achieving professional success. Women are attached to the image which is soft, sweet, delicate, gentle to attract men. Meanwhile, men must be strong, proactive to protect women and children, taking charge of the family's economy and social relations, as well as they should do the job requires strength and technical skills (Including the advertisements of some dairy products, beverages, energy drinks such as Pepsi, Pediasure milk, Fami and Bkav Pro, an antivirus software) [↑](#footnote-ref-26)
27. Including the advertisements of Vedan sweet powder, 3 Mien dipping sauce, washing water Sunlight Aloe. [↑](#footnote-ref-27)
28. Including the programs “Đại chiến quý ông” (Gentlemen's War), “Chất lượng cuộc sống”(Life quality), “Trí lực sánh đôi” (Matching force), “Chuẩn cơm mẹ nấu” (That’s my mom dishes) and “Lựa chọn của trái tim” (Heart’s choice) [↑](#footnote-ref-28)
29. The study "Newspapers and gender stereotypes against women" conducted by Oxfam in Vietnam in 2016 [↑](#footnote-ref-29)
30. Most recently was the Order No. 03/CT-LD dated 18/8/2010 by Vietnam General Confederation of Labour Unions on continuous promotion of the campaign. The campaign was reviewed in 2015 following Guidelines No. 21/HD-TLĐ on 07/01/2015 on the review of the implementation of the program for five years 2010 – 2015. The review guideline however did not take any consideration on the gender equality perspective and how the program affect gender stereotypes or gender equality. [↑](#footnote-ref-30)
31. Decision No.343/QD-Ttg dated 12/3/2010 by the Prime Minister on the approval of the project “Communications and Education of virtues and qualities for Vietnamese women in the period of enhancing industrialisation and mordernisation of the country (period 2010 – 2015). [↑](#footnote-ref-31)
32. “5 without-s “stand for: without poverty, violation of law and social evils, domestic violence, violation of population policies, and having malnourished and school drop-out children; “3 Clean-s” stands for: clean house, kitchen and surrounding streets) [↑](#footnote-ref-32)
33. No poverty and “social evils”, no domestic violence, no third child and beyond, no manultritious children and children drop out from school. Clean house, clean kitchen and clean lane. The movement’s criteria has been implemented since 2010 and mainstreamed to the national program on New Rural as criteria to rate communes which are qualified as “New Rural communities”. [↑](#footnote-ref-33)
34. Project issued following Decision 404/QĐ-TTg dated 20/03/2014 by the Prime Minister. [↑](#footnote-ref-34)
35. Source: <https://www.moha.gov.vn> (visited on 18/6/2018) [↑](#footnote-ref-35)
36. such as the Ministry of Defense Source: <http://www.mod.gov.vn> (visited on 18/6/2018); the Ministry of Public Security Source: <http://bocongan.gov.vn> (visited on 18/6/2018). [↑](#footnote-ref-36)
37. Source: <https://www.moet.gov.vn/thong-ke/Pages/thong-ke.aspx> (access on 18/6/2018) [↑](#footnote-ref-37)
38. Source: <https://www.moha.gov.vn> (visitedon 18/6/2018) [↑](#footnote-ref-38)
39. such as the Ministry of Defense Source: <http://www.mod.gov.vn> (visited on 18/6/2018); the Ministry of Public Security Source: <http://bocongan.gov.vn> (visited on 18/6/2018) [↑](#footnote-ref-39)
40. Circular 17/2016/TT-BQP dated 11 March 2016 on regulations and guideline for enrolment works of universities and colleges related to military and public security. [↑](#footnote-ref-40)
41. including in those disciplines such as the Military Medical Academy; the international relations on defense and foreign language faculties at Academy of Military Science. [↑](#footnote-ref-41)
42. Enrollment notice of the University of Procuracy 2018, accessed at <http://tks.edu.vn/bai-viet/chi-tiet/35/2396/thong-bao-so-tuyen-nam-2018> on 12/7/2018. [↑](#footnote-ref-42)
43. The Gender-Sensitive Indicators for Media developed and published by the Ministry of Information and Communication with the support of UNESCO and OXFAM in 2014. [↑](#footnote-ref-43)
44. Circular No. 14/2017/TT-BGDDT issued by the Ministry of Education and Training dated June 6, 2017 promulgating regulations on standards and procedures for the construction and adjustment of general education programs; the organization and operation of the National Council for Appraising General Education Programs and Textbooks. [↑](#footnote-ref-44)
45. Responding to Issue No.6 in the list of Issues [↑](#footnote-ref-45)
46. Developed by Ministry of Labor, Invalid and Social Affairs, Vietnam General Confederation of Labour Unions, Vietnam Chamber of Commerce and Industry [↑](#footnote-ref-46)
47. The Chapter II of the Code of Conduct [↑](#footnote-ref-47)
48. [www.tiengchuong.vn](http://www.tiengchuong.vn) or www.bell.org.vn is the official website of National Committee for prevention and control of HIV/AIDS, drug and prostitution. It serves as a database and information hub on prevention and control of HIV/AIDS in Vietnam. [↑](#footnote-ref-48)
49. CGFED, Action Aid, Molisa.2016 Safe Cities for women and girls. A Policy Brief based on the report is accessible at <http://www.actionaid.org/vi/vietnam/publications/policy-brief-safe-city-women-and-girls> (accessed on February 2, 2019). [↑](#footnote-ref-49)
50. Responding to Issue No.24 in the List of Issues [↑](#footnote-ref-50)
51. Decree No. 45/2010/NĐ-CP enacted by the Government dated 21 April 2010 stipulating the organization, operation and management of associations According to Articles 6, 7, 9, 10, 12 and 13 of the Decree 45/2010 / ND-CP, the establishment of an association in Vietnam requires three compulsoryadministrative procedures, including (i) setting up anadvocateand lobbying committee which must be recognized by the Government; (ii) compiling a dossier of application for establishment and must obtain the approval from the Government, (iii) holding a congress and its establishing charter and the leader of that association must be approved by the Government. The current three-step administrative procedure does not show the respect for freedom of association, but rather creates more barriers to the excising of people's rights as well as the intervention of stateinto the internal affair of such association. [↑](#footnote-ref-51)
52. Clause 1, Article 5 of Decree No. 45/2010 / ND-CP has created a "monopoly on association activities" with the stipulationthat "the main activities of an association shall not be duplicated with the main activities of the association that was legally established earlier." Decision 97/2009 / QD-TTg enacted by the Prime Minister dated 24 July 2009 on promulgation of the list of eligible areas to individuals establishing Science and Technology organizations. The Decision regulates 265 fields belonging to 7 specialized sectors (Including natural sciences, social sciences, humanities, science and technology, medical and pharmaceutical sciences and health, agricultural science, science and technology services) that individuals are allowing to set up scientific and technological (S&T) organizations. This regulation restricts individual women from setting up scientific and technology organizations in a number of areas, including promoting gender equality and protecting human rights of women and girls. [↑](#footnote-ref-52)
53. Decree No.93/2009/NĐ-CP enacted by the Government dated 22 October 2009 promulgating the regulations on management and use of foreign non-governmental grants prescribes some priority areas for using foreign non-governmental aid. Under the provisions of Article 3 Decree No. 93/2009/ND-CP, foreign non-governmental aids that shall be used to support the implementation of socio-economic development and humanitarian priority objectives of Vietnam over each period, mainly include a) Agricultural and rural development (including agriculture, irrigation, forestry and fisheries) in combination with hunger eradication and poverty alleviation; b) Development of social infrastructure (health, education and training, labuor, employment, population); c) environmental protection and management of natural resources, prevention and mitigation of the aftermaths of natural disasters and epidemics; d) Enhancing institutional, managerial, technical capacities and human resource development; technological transfer, capacity building for research and implementation; e) humanitarian activities; and a number of other areas as decided by the Prime Minister. [↑](#footnote-ref-53)
54. Under Clause 1.a, Article 15 of Decree No. 93/2009 / ND-CP, the Prime Minister is competent to approve foreign aid/grants related to national security, defense, religion and the grants that directly support the elaboration of legal normative documents, policies, advocates falling under the promulgating competence of the Prime Minister and higher levels, the strategies, plannings and socio-economic development plans of the whole country, sectors and territories; The detailed list of categories of the used goods, equipment with simple structures; FNG aid amounts related to the import of automobiles and other means of transport. ; heads of State agencies, organizations’, Chairs of People’s Committees of provinces and cities under Central control, heads of Central agencies of various organization’s [↑](#footnote-ref-54)
55. Under Clause 1.b, Article 15 of Decree No. 93/2009/ND-CP, heads of State agencies and organizations, chairs of people's committees of provinces and cities under central authority, heads of central bodies under agencies of the Party, the National Assembly, ministries, ministerial-level agencies, government-attached agencies, Supreme People's Procuracy, Supreme People's Court, People's Committees of centrally-run provinces and cities; organizations under central bodies of Vietnam Fatherland Front, Vietnam General Confederation of Labour, Ho Chi Minh Communist Youth Union, Vietnam Farmers’ Union, Vietnam Veterans' Association, Vietnam Women's Union, Vietnam Lawyers Association; Organizations belonging to associations or association coalition established under the decision of the Prime Minister shall be authorized to approve used goods with simple structure that have more than 80% compared with the value of being newly used (verified in writing by the Donor) on the list approved by the Prime Minister mentioned in paragraph 2, Point a of this Clause; and Emergency relief amounts that have specific addresses. [↑](#footnote-ref-55)
56. Circular No. 07/2010/TT-BKH enacted by MPI dated 30 March 2010 guiding the implementation of Government Decree 93/2009/NĐ-CP promulgating regulations for management of foreign non-governmental aids. [↑](#footnote-ref-56)
57. Follow the discussion at the Workshop on Decree 93/2007/NĐ-CP held by VUSTA on 11 August 2016, a count on 50 projects under VUSTA were approved in the first 6 months of 2016 [↑](#footnote-ref-57)
58. Article 13.3, Decree 97/2009/NĐ-CP on the enactment of the regulations on management and use of foreign non-governmental aids [↑](#footnote-ref-58)
59. Lê Quang Bình et al., 2016, Study on implementation of Decision 93/2009/NĐ-CP of grant recipients [↑](#footnote-ref-59)
60. According to the survey, excuses for not approving or not yet approving the projects include: Local authorities refused to approve (28%), the contents of the projects were inappropriate and sensitive (22%), the concerned agencies disagreed (11%), the locations for project implementation are sensitive (6%) and no reason specified (11%). In 2017, at least 6 foreign non-governmental aid projects of the five women-led organizations were refused by lead agencies for the reasons not related to national security, public order and safety, protection of health or morals of the community as provided for in Clause 2 of Article 14 of the 2013 Constitution or the spirit of Article 22.1 of the ICCPR. [↑](#footnote-ref-60)
61. Para 7 and 8, Article 8 of Law on State Budget 2015 confirm that State budget shall cover operating costs of political organizations and socio-political organizations while state budget supports performance of tasks given by the State as prescribed by the government for socio-political - professional organizations, social organizations, socio – professional organizations [↑](#footnote-ref-61)
62. Following Article 33 of Decree 45/2010/NĐ-CP; Prime Minister enacted Decision 68/2010/QĐ-TTg dated 01/11/2010 and Prime Minister issued Decision 71/2011/QĐ-TTg [↑](#footnote-ref-62)
63. Lê Quang Bình et al., 2016, study on implementation of Decree 93/2009/NĐ-CP of foreign aid recipients [↑](#footnote-ref-63)
64. Responding to Issue No.25 in the List of Issues [↑](#footnote-ref-64)
65. Decree No. 38/2005/NĐ-CP enacted by the Government dated 18 March 2005 defining some measures ensuring public orders [↑](#footnote-ref-65)
66. Circular No. 09/2005/TT-BCA enacted by the Ministry of Public Security dated 5 September 2005 guiding the implementation of some articles of Decree No. 38/2005/NĐ-CP [↑](#footnote-ref-66)
67. Decision 76/2010/QĐ-TTg enacted by the Prime Minister dated 30 November 2010 on the organization, management of international conferences and workshops in Vietnam [↑](#footnote-ref-67)
68. Point 4.1 Article 4 Circular 09/2005/TT-BCA [↑](#footnote-ref-68)
69. such as pavements, road beds, squares, economic and cultural facilities, spaces for community activities. [↑](#footnote-ref-69)
70. The proposal on the organization of the international conferences should clearly state the reason and name of the organizers and purpose of such conference or seminar; time and avenue for holding conferences and seminars; Places of visit or survey (if any); format and technology to organize (in the case of online conferences and seminars); content, agenda and activities, side events of conferences and seminars; organizing members including Vietnamese agencies, foreign agencies and donors (if any); Participants: Number and composition of participants, including Vietnamese delegates and delegates with foreign nationality; funding; (Article 4.1 and 4.2). [↑](#footnote-ref-70)
71. Responding to Issue No.26 in the List of Issues [↑](#footnote-ref-71)
72. Analysis from the National Assembly's Resolution No.105/2015/QH13 on the establishment of the National Election Council. [↑](#footnote-ref-72)
73. Counted from different online portals on Election Committees at provincial level: Ha Giang:24%; Hanoi:17.2%; Da Nang:16%; Binh Dinh:10.7%, Soc Trang: 9.1% and Quang Nam: 3.7%. [↑](#footnote-ref-73)
74. Resolution No 1135/2016/UBTVQH13 dated 22/01/2016 of Standing Committee of the Naitonal Assembly on tentative number and compostion of the national assessmembly candidates for Congress XIV [↑](#footnote-ref-74)
75. There are three types of candidacy in the election of the National Assembly candidates and People Council, including (1) oriented group; (2) recommended group and (3) combined group mechanism. The first group includes persons who are holding key leadership position in the party organizations, communist party membership organizations, state agencies, political –social organizations, the army organizations at all level (central, provincial/city, district, and commune). The second group includes candidates who are representatives for ministries (at the national level), department (at the provincial level), units and agencies(at district level ) and representatives of relevant agencies at commune level (at commune level). The combine mechanism was designed to respond to quotas of women, ethnic minority, non-party membership candidates, youth and religion leaders in all field, at all level and those people may not be in the leadership positions. (Following Resolution No 1135/2016/UBTVQH13 dated 22/01/2016 of Standing Committee of the Naitonal Assembly on tentative number and compostion of the candidates for national assessmembly Congress XIV). [↑](#footnote-ref-75)
76. Resolution No 270/NQ-HĐBCQG dated 26/4/2016 by National Election Council on the list of official candidates for National Assembly delegates at all election units [↑](#footnote-ref-76)
77. 30% as indicated in the National Strategy on Gender Equality period 2011 - 2020 [↑](#footnote-ref-77)
78. CEDAW/C/VNM/CO/7-8 (2015) para. 23 [↑](#footnote-ref-78)
79. According to Report No 695/BC-HĐBCQG dated 19/7/2016 made by the national election committee on review the result of national assembly delegates and people’s council delegates in the period 2016 – 2021. A study group in our coalition randomly took 21 provinces and found six provinces have the percentage of the female delegates higher than 35% (Da Nang city: 37.5%, Dien Bien province: 50%, Hung Yen: 42.8%, Quang Ngai: 57.1%, Vinh Long: 50% and Vinh Phuc: 50%), On the other hand, the percentage of female delegates in some provinces are only about 10%, for example, Hai Phong: 11.2% and Binh Dinh: 12,5%. There are 1.038 female delegates among 3.908 people council’ delegates at provincial People’s Council (equal to 26.56%); 6.925 female delegates among 25.181 delegates at district level (equal to 27.5%) and 77.724 female delegates among 292.306 people council’ delegates at commune level (equal to 26.59%) at whole country. [↑](#footnote-ref-79)
80. Report No 695/BC-HĐBCQG dated 19/7/2016 made by the national election committee on review the result of national assembly delegates and people’s council delegates in the period 2016 – 2021. [↑](#footnote-ref-80)
81. Mr. Nguyen Hanh Phuc admited about proxy voting at the 6th meeting by the National Electoral Council on the 8th June 2016 [↑](#footnote-ref-81)
82. According to Article 73, Law on Election 2015. [↑](#footnote-ref-82)
83. Regarding the announcement of election, the Law on Election provides (1) the national election council has to publicize the result of election at whole country, based on the report of the election result and the list of persons who were selected for national assembly delegates, no later than 20 days after the election finished ; (2) the election committees have to publish the result of election and the list of persons who are selected for people’s council delegates, no later than 10 days. [↑](#footnote-ref-83)
84. Article 14(4) of the ICCPR: ‘In the case of juvenile persons, the procedure shall be such as will take account their age and the desirability of promoting their rehabilitation.’ [↑](#footnote-ref-84)
85. CRC General Comment No 10: para. 51–52. [↑](#footnote-ref-85)
86. Article 21 &27 of Lawyer’s Law 2012 and Circular no. 70/2011/TT-BCA dated 10/10/2011 on defense lawyer and right to be defended (guiding Criminal Procedure Code 2003). [↑](#footnote-ref-86)