Vietnam's Law on Gender Equality

by Ann Hibner Koblitz

Readers of the *Kovalevskaia Fund Newsletter* (the July 2005 issue) might recall our discussion of sexist employment ads in the English-language newspaper *VietNam News*. At the Caravelle Hotel in Ho Chi Minh City men were invited to apply for engineering positions, while women were wanted solely as floor managers. The newspaper sent us a noncommittal reply to our complaint, and Vietnam Women's Union officials said at the time that they were aware of the problem and were in the process of drafting a new gender-equity law.

On 24 December 2007 we had a meeting with Hà Thị Thanh Vân, who is Deputy Head of the Law and Policy Department of the VWU, and other members of her group. They presented us with a copy of the new Law on Gender Equality (LGE), which went into effect on 1 July 2007.

The law is quite extensive, and covers the conduct of foreign as well as Vietnamese agencies, organizations, companies, and individuals. Included are prohibitions against most forms of gender discrimination as well as mandates to publicize the provisions of the LGE, gather gender-differentiated statistics from all social and economic sectors, and enforce compliance.

The crucial question, of course, is enforcement, and this is what most of our discussion with Hà Thị Thanh Vân concerned. The VWU is a powerful grassroots organization, but VWU activists are well aware of the hard work it will take to ensure that the LGE becomes an instrument of social change rather than mere lip service.

A central concern is how to compel transnational corporations to obey the law. Vietnamese feminists have had some success in publicizing discriminatory actions of foreign companies. For example, a Korean corporation recently has been pilloried in the Vietnamese press for bad treatment of its mostly female labor force. But in general foreign companies (as in many other countries) feel free to ignore complaints, since there are few mechanisms in place to fine or otherwise punish them for discriminatory practices. Hà Thị Thanh Vân told us that the VWU was currently working with government ministries to develop procedures for enforcement of the LGE.

In addition, the activists in the VWU Law and Policy Department pointed out that some companies have devised devious ways around gender-equity laws. They gave the example of a firm that warned in its help-wanted ads that extensive travel would be required; this description of the job discouraged women with families. It turned out, however, that the ad was misleading — the position did *not* actually involve travel. But VWU people didn't see a way of preventing this type of *de facto* discriminatory advertising.

Another interesting point of discussion concerned Article 40.7.b, dealing with gender equity in public health. It is forbidden to choose the sex of a fetus or abort a fetus because of its sex. Technically, it is illegal to reveal the sex of a fetus, but it is difficult to enforce this provision in the case of ultrasound or amniocentesis performed in private clinics. Sex ratios are nowhere near as imbalanced as in some parts of China or India

— the partial information the VWU has suggests 104 male babies for every 100 female in some rural regions of Vietnam, whereas ratios in the worst areas of India are close to 130/100. But activists do not want the gender imbalances to get any higher, so they included explicit prohibition of fetal sex determination and sex-selective abortion in the LGE. Again, however, the real question remains enforceability.

While the LGE covers many areas of gender discrimination and equity (there are, for example, injunctions that men and women should share equally in the housework!), it is not complete. Although gender-based violence is outlawed, sexual harassment in the workplace is not mentioned at all. Hà Thị Thanh Vân told us that extreme cases of sexual harassment would be covered by the criminal codes. But clearly Vietnam is far from being able to prevent harassment of women in the private sector, especially at foreign companies.