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VNM103322.E

Viet Nam: Domestic violence

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Domestic violence directed at women in Viet Nam is "a serious problem" (UN 29 Oct. 2009; US 25 Feb. 2009, Sec. 5; VCHR Jan. 2007, 7). Domestic violence is reportedly present in all areas of the country and across the social spectrum (VNS 26 Nov. 2009; Viet Nam 17 Jan. 2007, 9; DED n.d.). In June 2008, the Vietnamese Ministry of Culture, Sports and Tourism and the United Nations (UN) Children's Fund (UNICEF) jointly published the *Result of Nation-wide Survey on the Family in Viet Nam 2006*, which was conducted in collaboration with the Vietnamese General Statistics Office and the Viet Nam-based Institute for Family and Gender Studies (Viet Nam/UNICEF June 2008, 3). According to the survey, approximately 21 percent of married couples stated that they had experienced some form of domestic violence in their marriage (*ibid.*, Sec. 8.2). Sources report that from 50 to 70 percent of divorces throughout Vietnam have been linked to domestic violence (US 25 Feb. 2009, Sec. 5; DED n.d.; *Than Nien* 21 Sept. 2008).

Various sources note the continuing prevalence of traditional values which encourage wives to be subordinate to their husbands (UN 29 Oct. 2009; Viet Nam/UNICEF June 2008, Sec 8.3; UN 2 Feb. 2007, Para 12; VCHR Jan. 2007, 7). According to human rights observers, some within Vietnamese society believe that husbands can discipline their wives, including through physical punishment, because it is a husband's responsibility to educate his wife (UN 29 Oct. 2009; VCHR Jan. 2007, 7, 28; DED n.d.). Sources report that victims are often reluctant to report cases of domestic violence (Denmark 25 Aug. 2009; US 25 Feb. 2009, Sec. 5; VCHR Jan. 2007, 28). Many Vietnamese believe domestic violence to be a private, family-related matter (VNS 3 Dec. 2009; Viet Nam 17 Jan. 2007, 9).

Legislation

On 21 November 2007, the government of Viet Nam passed the *Law on Domestic Violence Prevention and Control*, which came into force on 1 July 2008 (Viet Nam 1 July 2008). The law legislates the duties of the state, individuals, families, organizations and institutions in regards to preventing and controlling domestic violence and supporting of its victims (*ibid.*, Art. 1.). The law also defines what constitutes domestic violence (*ibid.*, Art. 2) and states that those who perpetrate domestic violence "shall either be fined as a civil violation, disciplined or charged for criminal penalty and have to compensate for any damages caused" (*ibid.*, Art. 42). The law also prescribes "re-education" measures for repeat offenders (*ibid.*, Art. 43). According to the United States (US) *Country Reports on Human Rights Practices for 2008*, punishment ranging from warnings to two years' imprisonment can be imposed by the law (US 25 Feb. 2009, Sec. 5). For more information please refer to the attached English language copy of the *Law on Domestic Violence Prevention and Control*. The Vietnamese government also issued decrees on the implementation of the law in 2008: the *Decree on Administrative Punishment for Domestic Violence* and the *Decree on Specifying Certain Articles of the Law on Prevention of and Control over Domestic Violence* (UN n.d.a). Details on these decrees could not be found among the sources consulted by the Research Directorate.

Concerns have been raised over the law's effectiveness (Denmark 25 Aug. 2009; US 25 Feb. 2009, Sec. 5; *Than Nien* 21 Sept. 2008). The Ho Chi Minh City-based newspaper *Than Nien* reports that according to government and non-governmental officials at a conference on domestic violence in September 2008, "it takes six to nine months to prepare documents required by the law before sending a person committing domestic violence to education centers" during which time the victim "would continue to suffer" (ibid.). According to the article, many of the officials also "expressed the opinion that domestic violence should be considered a crime under the Vietnam Criminal Codes," indicating that domestic violence is not criminalized (ibid.).

According to a 3 December 2009 article from the Hanoi-based newspaper *Viet Nam News* (VNS), a report from the Viet Nam Domestic Violence Prevention Network detailing the implementation of the law in the provinces of Yen Bai, Hoa Binh, Dien Bien, Lai Chau and Hung Yen reports that the legislation against domestic violence is being implemented "at a snail's pace" (VNS 3 Dec. 2009). The report also indicates that many Vietnamese, including government officials, are not aware of the law or choose to ignore it (ibid.). In addition, observers have been calling for heavier punishments for offenders (*Than Nien* 21 Sept. 2009; VNS 25 Nov. 2009). According to *Country Reports 2008* spousal rape appeared to be criminalized through legal measures against coercive sexual intercourse, but as of 2008 there were no known cases of spousal rape being prosecuted (US 25 Feb. 2009 Sec. 5).

State protection

In January 2007, the France-based Viet Nam Committee on Human Rights (VCHR) criticized the government for not publicizing women's rights sufficiently and reported that the implementation of legal prohibitions of violence against women was "slow and insufficient" (VCHR Jan. 2007, 7). The VCHR also accused state legislation and policies of perpetuating stereotypes regarding the role of women (ibid). In its February 2007 comments, the Committee on the Elimination of Discrimination Against Women (CEDAW) expressed

its concern about the lack of information and data on all forms of violence against women and girls, the insufficient information on measures taken to prevent and combat violence against women, including services provided to victims, and the prosecution and punishment of perpetrators of all forms of violence. (UN 2 Feb. 2007, Para. 16)

In 2008, the government put in place an "anti-violence pilot model" at the grassroots level throughout the country involving local authorities, law enforcement and health professionals in dealing with domestic violence (UN n.d.b). As well, a "National Program of Action" against domestic violence will begin in 2010 and continue until 2020 (Thai News Service 25 Sept. 2009; UN n.d.c). Vietnamese authorities, foreign governments, domestic and international non-governmental organizations (NGOs) and several UN agencies have collaborated on domestic violence awareness campaigns in recent years (Vietnam Business Forum 27 Nov. 2009; Denmark 25 Aug. 2009; *The Saigon Times Daily* 9 Mar. 2009; UN 6 Mar. 2009; US 25 Feb. 2009, Sec. 5). Those involved in law enforcement and the justice system have also reportedly begun to receive training in dealing with domestic violence issues (UN 29 Oct. 2009; ibid. 7 Oct. 2009; US 25 Feb. 2009, Sec. 5). Information on current police protection measures was not found among the sources consulted by the Research Directorate.

Support services

Several domestic and international NGOs offering support to victims of domestic violence operate in Viet Nam (Vietnam Business Forum 27 Nov. 2009; Denmark 25 Aug. 2009; US 25 Feb. 2009, Sec. 5; DED n.d.). They include the National Committee for the Advancement of Women (NCFAW), which provides policy advice to the Prime Minister and relevant government agencies on issues relating to women (NCFAW n.d.). As well, the Vietnam Women's Union, founded in 1930, works to protect women's rights and promote gender equality (Vietnam Women's Union 20 Apr. 2005).

The Center for Women and Development (CWD), established in 2002 by the Vietnam Women's Union, offers counselling and raises awareness on domestic violence related issues (CWD n.d.). It also operates at least one shelter for victims of domestic violence (ibid.) According to Deutscher Entwicklungsdienst (German Development Service, DED), an international development agency funded by the German government, other shelters for domestic violence survivors are also being built by the CWD (DED n.d.) According to a media report, Hanoi has a shelter for victims of domestic violence called the Peaceful House which reportedly assisted more than 1,200 people during the first ten months of 2009, an increase of 130 percent from 2008 (VNS 25 Nov. 2009).

According to *Country Reports 2008*, a national hotline for victims of domestic violence is operated by the CWD and there were also hot lines in major cities run by domestic NGOs (US 25 Feb. 2009 Sec. 5). However,

Country Reports 2008 also notes a lack of support infrastructure resources in rural areas (ibid).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Attempts to reach the Center for Women and Development (CWD), Hagar Vietnam, the Research Center for Gender, Family and Environment in Development (CGFED) and the Vietnam Women's Union were unsuccessful. The Institute for Reproductive and Family Health did not provide current information.

Internet sources, including: Amnesty International (AI), Human Rights Watch (HRW), Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR), Organisation mondiale contre la torture (OMCT), Stop Violence Against Women (StopVAW), UNITE to End Violence against Women, UN Development Fund for Women (UNIFEM), UN Human Rights Council (UNHRC).

Attachment

Viet Nam. 1 July 2008. *Law on Domestic Violence Prevention and Control*. <<http://webapps01.un.org/vawdatabase/uploads/Viet%20Nam%20-%20Law%20on%20Domestic%20Violence%20Prevention%20and%20Control%202007.pdf>> [Accessed 9 Dec. 2009]

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