

1. **Introduction:** This report presents the cases of gender-based violence in Vietnam with the focus on the most vulnerable and marginalized groups including adolescent and young people, women, elderly people, people living with HIV (PLHIV), drug users (IDU), sex workers (SW), homosexual and transgender people (LGBT), people with disabilities (PWD), ethnic minority people and migrant workers. The report highlights physical, sexual and emotional violence against these groups and the social and factors attribute to the problems. It calls for policy and program actions from the state to respond to the problems. This report is joined submission of civil society organizations of the Gender-Based Violence Prevention and Response Network in Vietnam.

2. **Consultation methods:** The report is based on literature review and series of consultative meetings, focus group discussions (FGDs) and in-depth interview (IDIs) with more than 150 people representing organizations, groups and people of the most vulnerable and marginalized groups in Ha Noi and Ho Chi Minh city – the two biggest cities in the North and South of Vietnam. The details are: consultative meeting with 24 participants coming from 16 organizations and community based groups in Ha Noi; 3 IDIs with 4 people who are managers and program officers at three organizations working for the rights of PLHIV, IDU, SW, LGBT and PWD in Ho Chi Minh city; 13 FGDs with 126 people (66 females and 60 males) representing elderly people, people living with HIV (PLHIV), drug users (IDU), sex workers (SW), homosexual and transgender people (LGBT), migrant workers, people with disabilities (PWD) in Ha Noi and Ho Chi Minh city

3. **Gender-based violence problems:** Data from small and national studies in Vietnam show that violence, bullying and discriminations toward vulnerable and marginalized groups are popular. Though men are also subjected to violence, women including transwomen and girls suffer more from violence. Even in the cases where both women and men are suffered from similar violence and discriminations, women and girls are under more negative consequences of these violence and discriminations.
 - 3.1. **Child sexual abuse (CSA):** Research shows that prevalence of CSA in Vietnam ranges from 8%-22.7% (Tran 2010). Reported rate is very low. It is estimated that only 0.24%-0.34% cases of CSA are reported. In developed countries such as the US, UK, Canada, Australia and Netherlands, this reported rate is 10% (Tran et al. 2017). Review of data for ten years from 2007-2017 shows that while physical abuse to children decreases, sexual abuse is increasing especially among young people (Tran et al. 2018).

 - 3.2. **Young girls are in high risk of sexual assault:** Review of sexual assault cases in Vietnam shows that 74% of victims are under 18 years old. All of them are female. Regarding perpetrators: 21% of them are under 18 years old, 79% are over 18 years old and half are 18-25 years old. 86% of the perpetrators are known to the victims (Jones, Presler-Marshall, and Tran 2014).

 - 3.3. **Child marriage:** Early marriage is still popular among some ethnic minorities in Vietnam. Girls who are married at early age face a hard life with heavy household duties and high risk of domestic violence by their husband (Jones, Presler-Marshall, and Tran 2014). Though many of these marriages

are results of abduction of the girls, these marriages and abduction are accepted by the community as cultural norms.

3.4. Homo/transphobic toward LGBT people: Though laws in Vietnam become more open to people in same sex relationship and transgender people, stigma and discriminations are still prevailed in the society and at families. FGDs with LGBT people show that they are under forced therapy to treat homosexuality and transgenderism. They may even suffer from “corrective rape” arranged by their family members. LGBT people, who are in heterosexual marriage, meet difficulty when they want to get divorce. Many transwomen are forced to become sex workers as it is difficult for them to find job. They are in higher risk of suffering from violence including sexual violence and abuse from the clients and pimps. However, it is difficult for them to report because they know that sex work is illegal in Vietnam. In addition, many of them share experience of discrimination and humiliation by the police including negative attitude or asking them to show their body and genital part. They also meet discriminations at health services. The health staff may laugh at them. They may not be able to access health services because photo and name on their ID do not match with their appearance. Distress and stress are popular among LGBT people but there is no mental health support service specifically for them. There are less services for lesbians in comparison with gays.

3.5. Violence against sex workers: Sex work is illegal in Vietnam thus there is no formal data regarding their social, economic and health status. FGDs and IDIs show that SWs are in high risk of being violence and abuse from clients but also from pimps and their husbands and lovers. Violence can be in form of physical but more in form of emotional and sexual. They may also suffer from maltreatment by the police. Health providers treat them differently if they know that they are SW. For examples: doctors asked them to touch the their genital part by themselves rather than the doctor did it.

3.6. Violence toward PWDs: Though there is no official data, FGDs with women and men with disabilities show that PWDs are suffered from violence and various forms of discrimination at home, at school, at health facilities and in public places. Women with disabilities such as visual and hearing impairments and mental disability are in higher risk of sexual abuses. They may be forced by family members to have sterilization to avoid unwanted pregnancy from sexual assaults. This procedure is even done without knowledge of PWDs. Due to the perceptions that women and men with disabilities cannot fulfill their roles in the family and produce healthy children, PWDs especially women are prevented from having lovers, forming their own family or having children. Women with disabilities can face discouraged attitude when they come for reproductive health services at clinics. Health friendly services are not available in most places for PWD. Doctors and nurses are often not trained to work with PWDs (CCIHP 2018; Hoang, Nguyen, and Nguyen 2011).

3.7. Violence toward elderly people: National study on violence against women included only women in reproductive age (15-49 years old), thus there is not yet national data on gender equity and domestic violence among elderly people and elderly women. In the FGDs elderly people share that they meet tremendous challenges if they want to get marriage after the death of their spouse. Elderly widow are often advised or forced to stay alone as a way to keep their moral and chastity.

Women who are at pre-menopause and menopause often experience dry and discomfort at their genital part. Having sex with their husband causes them pain. Many of them also reduce sexual interest. However, they often accept to have sex with their husband because they think that satisfying husband's sexual desire is women's duty. In addition, they are also afraid that if they do not respond to their husband's demand, their husband will find other women.

3.8. Violence in school: Study shows that 71% of interviewed students suffer from violence. While physical violence is only 30% of all cases of violence, 66% are emotional violence and 11% are sexual harassment and abuse. Peer-based violence is 33%. Only 49% students have equitable gender attitude (44% boys, 58% girls). Children exposed to domestic violence have more regressive gender attitudes (Plan International 2015). Homo/transphobic violence and bullying is also popular in school. LGBT people suffered from violence and bullying in school. Many of them attempted suicide as consequence of these violence and bullying (Hoang and Nguyen 2012).

3.9. Sexual harassment in the workplace: Research shows that sexual harassment at the workplace is prevalent and the majority is by male employers or managers to female workers (Institute for Family and Gender Studies 2012). The amended Labour Code has four articles relating to sexual harassment¹ (National Assembly 2012). However, review of legal framework shows that the law is not effective in preventing of sexual harassment and protecting the victims because it does not have clear definition of sexual harassment (MOLISA Vietnam and ILO 2013).

3.10. Attritions present at all stages of litigation and low conviction rate: Though Vietnam has laws on domestic violence (DV) and other forms of violence including rape and sexual assaults, these laws seem not effective in bring justice. Conviction rate is very low. For example, in the case of domestic violence, out of 46 cases were brought to court, 8 cases were convicted. This means that 1 out of 100 reported cases of DV led to a conviction in court (UNODC and RCGD 2011). This shows that the criminal justice system in Vietnam may not be responsive to DV yet. While social stigma and cultural shame prevent women from reporting, this ineffectiveness of juridical system discourages the women reporting violence. Perception of people working in juridical system on violence and their prejudice on some of the most vulnerable and marginalized groups such as sex workers, LGBT people are among the reasons that contribute to the low conviction rate. According to UNODC research (2011) only 37% think that DV as crime, 54% think that it is wrong but not a crime. Only 10% of women suffered from violence by their husband reported to the police. However, after reported, only 83% cases with police visited. These visits were up to the person who received the report rather than done systematically. The response of police and local authority often consider only the current incident rather than see violence as a prolonged pattern of violent acts. Majority visits resourced reconciliation. This method is not effective as violence continued in 77% of reconciliation cases. According to the law if the injury is below certain level, the police needs consent of the survivor to begin the investigation. Many women do not want to take the responsibility of testifying as it puts pressure on them and they can be perceived negatively by other

¹ Article 8 strictly prohibits "maltreating a worker and committing sexual harassment at the workplace"; Article 37 provides that an employee, who is maltreated or sexually harassed, shall have the right of unilateral termination of labor contract; Article 182 states that a domestic worker shall have an obligation to "report to the authoritative agency if his/her employer has acts of sexual harassment"; and Article 183 strictly prohibits the employer to mistreat, sexually harasses his/her domestic workers.

people in the community and in their family. Research shows that 47% of the survivors are not satisfied with results of police work and 54% think that the measures by police were not strict enough. Meanwhile taboo around sex and sexuality and social hierarchy are the main reasons for low reporting and low prosecution in the case of child sexual abuse. VTV1 Program “Movement in 24 hours” on 11 September 2017 cited Ministry of Public Security: among 4,100 cases of child sexual abuse within 3 years of 2014-2016 and 800 cases reported during first six months of 2017 only 10% were prosecuted.(<http://vtv.vn/video/chuyen-dong-24h-toi-11-9-2017-246023.htm>).

3.11. Laws on sexual assault are improved but not enough for realization of justice and protecting of victims: Penal code in 2015 added “other sexual contacts” as a constituent element of rape and forced sex crimes in addition to “sexual intercourse”. This expanded the range of prohibited acts to include vaginal, anal and oral penetration of a sexual nature of the body of another person. Criminal Procedure code 2015 provides protection of witness, informants and victims but no requirement of offender to stay away from place where victim of violence is present. The litigation process focuses more on corroboration but not friendly to victims especially children. Victims are often required to tell their story multiple times or are treated with disrespect and insensitivity. Police may refuse to take their reports, or take reports and then fail to conduct investigations, conduct inadequate investigations, or delay investigations. Court proceedings can be long and drawn out, and often focus on physical or forensic evidence or the victim’s credibility rather than the credibility of the incident or the victim’s lack of consent.

3.12. Supporting services are not available or not meet the needs: there are few health care and counselling services in Vietnam and most are supported by NGO. For the whole country, there are only 2 shelters for victims of domestic violence and 9 shelters for victim of trafficking. 20% of women leave house with nowhere to go and thus they have to return to the perpetrator (General Statistics Office 2010). In circular 16, 2009, the ministry of health mandates budget to support victim of violence but the majority of hospitals do not make this as priority. Legal aid is available for free only to poor women and women suffer from domestic violence. Forensic service is costly and may not be affordable to many women. Women can use forensic service only if they go for prosecution. Many women have limited knowledge about the availability of services and their rights. There are limited referral networks and coordination mechanisms within the justice system, and between government, justice system agencies, and civil society service providers, often resulting in uncoordinated and inconsistent services.

3.13. Social norms on gender and sexuality prevent people from speaking up and accessing to justice

Gender and sexuality stereotype norms and values play important roles in condoning these violence (Gardsbane et al. 2010; Jansen, Nguyen, and Hoang 2013; Skinider, Montgomery, and Garrett 2017). Double standards tolerating men’s freedom in sexual activities and blaming women for the same conducts are still prevalent among 50% of the surveyed population (ISDS 2015). Mass media and programs promoted by the government and Women’s Union many times reinforce these gender stereotypes and double standards (Gardsbane et al. 2010; Schuler et al. 2006). This gender stereotype is so embedded through these mechanisms thus, even in younger generation, gender inequity attitude prevails. Study on gender-based violence at school shows that less than half of the students have

equitable gender attitude (44% boys, 58% girls) (Plan International 2015). This study also confirms other studies that children exposed to DV have more regressive gender attitudes. More than 13% of currently married women reported experiencing unwanted sex within the last 12 months. The belief that it is natural for men to commit violence because they have the right is still common. Most cases of domestic violence (98.57%) sunk into silence, implying that regardless of family background, this issue should be seen as a private matter and should be kept behind closed doors (ISDS 2015).

4. RECOMMENDATIONS: We call for the government of the Socialist Republic of Vietnam:

- 4.1.** To improve the laws to make sure that a clear definition is included when addressing violence especially sexual violence and sexual harassment at workplace. The laws should also contain articles that ensure humanity, safety and supporting services for the victims especially in the case of children, women and transgender people. The laws and other related services should be established and functioned using victim central approach: focusing on victims' needs and perspectives to make them visible and to voice out their experiences and their specific needs. While maintaining justice, legal framework should promote education for changes for example: fostering public education and sending perpetrators for behavior change education and counselling programs.
- 4.2.** To urgently adopt laws that recognize and realize the rights of transgender/transsexual people and legalize sex work so they can be protected from violence and discriminations.
- 4.3.** To have policies and procedures that recognize, integrate and fund quality supporting services provided by non-government organizations and community groups in national program for public education, male engagement, counseling and supporting services for victims of violence and perpetrators.
- 4.4.** To censor and sanction media and public programs that promote gender inequity and other prejudice norms that may cause negative consequences for people belong to marginalized groups. Equally important, the state should support and encourage education programs including from non-public sectors that promote diversity and inclusivity.
- 4.5.** To have systems that help collect and share information on violence (physical and sexual) incidents that are accessible to children, young people and people of marginalized groups such as migrant workers, ethnic minority people, sex workers, LGBT people, people with disabilities and elderly people. Investment should prioritize solutions that use technologies for reporting, documentation and sharing. National surveys on violence in general and gender-based violence in particular should consider relevant approaches to include groups that are often excluded such as street people, migrant people, elderly people and people with disabilities.
- 4.6.** To establish more shelter to make sure that the number of shelter meets the standard of essential service package for victims of violence. These services should also recognize the diversity of women in age, occupation, gender identity, sexual orientation, disabilities, etc. to make sure that these services can meet needs from these groups.

4.7. To evaluate and improve the effectiveness and friendliness of justice system and supporting services on gender-based violence. In the past few years, several good works on policy and program have been conducted such as the circular on Police Response to Domestic Violence, protocol for gender-responsive policing or handbook on Effective Police Responses to Violence against women and Handbook on Effective Prosecution Responses to Violence against women and girls. These works should be evaluated on the effectiveness and to improve and expand accordingly. Similarly are the policies and works on education and supporting services. Evaluation and monitoring are important. Victims of violence should take part in these evaluations and monitoring.

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