



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### VNM101942.E

Vietnam: Prevalance of spousal abuse in Vietnam; laws related to spousal abuse; law enforcement, including police response and the extent to which laws are enforced by the courts; services for victims of spousal abuse (November 2002 - October 2006)

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#### Extent of Spousal Abuse

Domestic abuse is reportedly widespread in Vietnam (AI 2004, 49; US 8 Mar. 2006, Sec. 5; SDC/UNFPA n.d., 2; UN 15 Sept. 2006). Since 2002, the government of Vietnam has officially recognized that domestic violence poses an obstacle to the country's development (UN/World Bank Dec. 2005, 28; Vietnam Nov. 2003, 43; ADB Nov. 2005, 48).

Accurate statistical data on the nature and extent of domestic abuse in Vietnam is scarce (ADB 2002, 17; US 8 Mar. 2006, Sec. 5; UN 17 Nov. 2005, 7; ADB Nov. 2005, 48). In particular, there is a need for a nationally representative survey on gender-based violence, according to the report of a gender analysis prepared for the Asian Development Bank (ADB) (ibid).

However, some provincial surveys on domestic abuse have been undertaken (*Viet Nam News* 13 Mar. 2006; ibid. 7 May 2004). According to *Viet Nam News*, the Women's Union - a quasi-governmental mass organization that operates at national, provincial, district and commune levels (FAO n.d.) - surveyed families in three provinces regarding domestic violence (*Viet Nam News* 13 Mar. 2006). The Women's Union reportedly found that about 40 percent of women have experienced abuse in the home (ibid.). Also according to *Viet Nam News*, a survey reportedly conducted by a Vietnamese research organization found that 20 to 25 percent of families have reported incidents of domestic violence (7 May 2004). *Viet Nam News* also reports survey results that indicate and 30 percent have reported cases of spousal rape (30 Sept. 2006). Further information on the research organization or the survey it conducted could not be found within the time constraints of this Response.

An earlier World Bank-supported study undertaken by a team of Vietnamese sociologists involved surveys in each of Vietnam's three distinct geographical regions (Central, South, and North) (Loi et al 1999, 3). Those interviewed by the researchers estimated that physical violence occurs in 5 to 20 percent of Vietnamese households (Loi et al 1999, iii). "This figure is well below recorded international data," states the research report, "and may simply reflect the fact that certain levels of domestic violence are accepted as normal in Vietnamese culture" (ibid).

Sources suggest that unless abuse results in "serious injury", it is often accepted - by both men and women - as a "normal" part of domestic life (*Viet Nam News* 13 Mar. 2006; see also ADB Nov. 2005, 49). Therefore, many Vietnamese believe that domestic violence refers only to "extreme physical violence," according to ActionAid (2005), an international development agency established in 1972 that works to address poverty in 42 countries (n.d.).

Several sources highlight cultural attitudes related to the roles of men and women in Vietnam as a factor in the way spousal abuse is perceived in the country (UN 17 Nov. 2005, 19; ADB Nov. 2005, 48). For instance, societal attitudes are such that victims of domestic violence may be seen as responsible for the abuse (ActionAid 2005; ADB 2002, 7). In particular, victims may be perceived as having failed in their responsibility to "encourage household harmony" (*Violence Against Women* 2003, 676; *Viet Nam News* 13 Mar. 2006; see also ADB 2002, 7). Rather than face social stigmatization, some women remain in abusive relationships (US 8 Mar. 2006, Sec. 5).

*Xinhua* reports that, during the first three months of 2006, 30.5 percent of murder cases in Vietnam were reportedly related to domestic violence (24 Aug. 2006). In 2005, domestic violence accounted for close to 14 percent of murder cases, according to *Viet Nam News* (21 Sept. 2006).

## Laws Related to Spousal Abuse

Article 151 of Vietnam's 1999 Penal Code addresses violence against spouses (ADB Nov. 2005, 49; CRR 2005, 228; OMCT June 2001, 16). The provision, which addresses violence against family members, (ibid; ADB Nov. 2005, 49) stipulates that anyone who "ill treat[s]" or "persecute[s]" a family member and thereby causes "serious consequences" for the victim would be subject to penalties (CRR 2005, 228; OMCT 2001, 17; ADB Nov. 2005, 46). Also subject to penalties are "those who have already been administratively sanctioned for such acts but repeat their violations" (ibid). The penalties for violating the law include "[a] warning, non-custodial reform for up to two years, or a prison term of between three months and two years" (OMCT June 2001, 17; CRR 2005, 228). Of note is the fact that marital rape is not a criminal offence (OMCT June 2001, 20).

The World Organization Against Torture (Organisation Mondiale Contre la Torture) (OMCT) maintains that Article 151 of the penal code is "problematic" because it does not clarify what is meant by "serious consequences" (June 2001, 17). Furthermore, the OMCT points out, the law does not specify what threshold of violence must be crossed to merit these consequences or how one-time acts of violence would be punished (June 2001, 17).

Article 4 of the Law on Marriage and the Family also forbids the "ill treatment" or "persecution" of spouses or other family members (CRR 2005, 228; OMCT June 2001, 17). Anyone who violates the law could be subject to administrative sanctions, penal liability, or the payment of monetary compensation (ibid, 17).

Domestic violence has been addressed by village laws in some communities (UN/World Bank Dec. 2005, 30). Further or corroborating information related to village law could not be found among the sources consulted by the Research Directorate.

The government of Vietnam has stated that it is developing an anti-domestic violence law for proclamation in 2007 in order to "improve" gender equity legislation (Vietnam 2006, 3). The draft law takes into account the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other relevant international treaties (ibid). However, *Viet Nam News* reports that the proposed law does not "clearly define" domestic violence, nor does it stipulate preventative measures or means of protecting victims (*Viet Nam News* 30 Sept. 2006).

## Enforcement of Laws

According to the OMCT and the ADB, spousal abuse is not generally considered to be a criminal act deserving of punishment to the same degree as other crimes (OMCT June 2001, 18; ADB 2002, 8). According to the results of a four-year research study on domestic violence in Vietnam (*Violence Against Women* June 2003, 676), women who report domestic violence to the police are often encouraged to return home to reconcile with their partners (ibid, 693; see also ADB 2002, 8).

In general, police will not intervene in situations of domestic violence unless the victim specifically asks them to (ActionAid 2005; OMCT June 2001, 19). A study conducted by a social science research team that consulted with Vietnamese experts, civil society organizations, donors and United Nations agencies states that the law forbidding spousal abuse is "only rarely enforced" (UN/World Bank 2005, 29). *Country Reports on Human Rights Practices for 2005* states that neither the police nor the legal system is well-equipped to deal with cases of domestic violence (US 8 Mar. 2006, Sec.5).

In addition, cultural attitudes may constrain women from reporting domestic violence to the police or bringing cases of domestic abuse to court (OMCT June 2001, 19; Vietnam Nov. 2003, 35). The government of Vietnam suggests that women may refrain from filing complaints against their spouses in order to "protect"

them from the authorities (12 July 2002, 3) or to avoid bringing shame on their family (Vietnam 21 July 2003). For a case of domestic violence to be taken seriously (ADB Nov. 2005, 48) or to make it to court, the victim's injury reportedly must be severe, according to a United Nations/World Bank thematic discussion paper on gender equity in Vietnam (Dec. 2005, 29).

Domestic violence figured in about half of the 323,000 court cases related to marriage and families that were handled by local courts, according to *Viet Nam News* (21 Sept. 2006). The newspaper did not specify the date range of these statistics (ibid.).

The Vietnamese government stated in 2003 that "policies on gender equality are adequate but not strictly implemented" in isolated areas of the country (Vietnam Nov. 2003, 35). The government further said poor or young women from many of these remote areas are often victims of family violence (ibid.). "In remote and mountainous areas," a government delegation reported to the United Nations, "family violence is viewed as a private matter, which draws no attention from local authorities and community" (Vietnam 21 July 2003). However, according to the United Nations Development Programme (UNDP) gender-based violence is "widespread" in "all regions in both rural and urban locations, within families at all income levels" (UN 2002, 2).

### Services Provided to Women

Non-governmental organizations (NGOs) have established some services for victims of domestic abuse (US 8 Mar. 2006, Sec. 5). For example, a women's centre for counselling and healthcare runs a hotline that provides counselling to victims of domestic abuse (*Viet Nam News* 21 Sept. 2006; Population Council n.d., 4). The centre was established as part of a pilot project supported by international donors, the Hanoi Health Service (HHS) and the Center for Applied Studies in Gender and Adolescence (CSAGA) (ibid.).

With the support of international donors, a provincial branch of the Women's Union is educating the public about spousal abuse, providing counselling to and intervention services for abused women, as well as running "husband and father" clubs (ADB Nov. 2005, 49). There is a domestic violence hotline in Ho Chi Minh City, as well as several shelters - however these services are reliant on donor funding (ibid.). *Viet Nam News* reports that the Women's Union supports "many" projects to prevent domestic violence and help victims (13 Mar. 2006). Information on whether or not these projects were state-funded or donor-funded could not be found among the sources consulted by the Research Directorate.

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 additional sources consulted in researching this Information Request.

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