

A close-up photograph of a woman with dark hair tied back in a bun, wearing a traditional Vietnamese ao dai with a black base and a vibrant red and yellow floral patterned sash. She is holding a young child in her arms, who is wearing a bright red long-sleeved shirt. The background is dark and out of focus.

ENDING VIOLENCE AGAINST WOMEN AND CHILDREN IN VIET NAM

OPPORTUNITIES AND CHALLENGES FOR
COLLABORATIVE AND INTEGRATIVE APPROACHES



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Individuals shown in the photos are not necessarily survivors of gender-based violence or child abuse. No images that identify survivors have been used.

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DEFINITION OF KEY CONCEPTS

Violence against children (VAC) refers to “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” against any person under age 18 (United Nations Convention on the Rights of the Child, 1989).

Violence against women (VAW) refers to “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Declaration on the Elimination of Violence against Women, 1993). In general, the term “women” is assumed to refer to females of all ages. Some institutions specify a focus on violence against women and girls (VAWG) to emphasize the inclusion of girl children in their work on VAW.

ABBREVIATIONS AND ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	United Nations Convention on the Rights of the Child
CSAGA	Centre for Studies and Applied Sciences in Gender, Family, Women and Adolescents
CSO	Civil Society Organization
CWD	Centre for Women’s Development
GBV	gender-based violence
LGBTI	lesbian, gay, bisexual, transgender and intersex
MCC	Mennonite Central Committee
MCST	Ministry of Culture, Sport and Tourism
MICS	Multiple Indicator Cluster Surveys
MOLISA	Ministry of Labour, Invalids and Social Affairs
MOPS	Ministry of Public Security
NGO	Non-governmental Organization
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
VAC	Violence against children
VAW	Violence against Women
VAWG	Violence against women and girls
WHO	World Health Organization

EXECUTIVE SUMMARY

Background

While the fields working to end VAC and VAW have largely developed separately, recent reviews and analyses of large datasets have identified multiple intersections between VAC and VAW including: co-occurrence, shared risk factors, similar underlying social norms, common consequences, intergenerational effects, and the period of adolescence as unique period of heightened vulnerabilities to both types of violence. These intersections suggest that collaboration between the sectors is essential to a more effective prevention and response. Integration of certain aspects VAC and VAW prevention and response across services, programmes, and policies may also be advantageous. However, there are key areas of divergence between the traditional approaches in the VAC and VAW fields that have created challenges to collaboration and may suggest some disadvantages to fully integrative approaches. To date there are no evidence-based or widely accepted integrative models.

This multi country study, commissioned by UN Women, UNICEF and UNFPA, explored existing examples of collaboration and integration of VAC and VAW policies, services, and programmes, as well as challenges and future opportunities in the East Asia and Pacific region, with a focus on four countries – Cambodia, Papua New Guinea, the Philippines, and Viet Nam.

Key research questions

This research initiative sought to answer following overarching questions through dialogues and interviews with relevant stakeholders in each country:

1. What are the existing VAW and VAC policies, action plans, programmes (prevention) or services (response/support)?
2. What are some examples of policies, action plans, programmes, or services where there is some evidence of VAW and VAC integration

(i.e.: addressing both VAW and VAC at the same time)? Include any efforts to try to develop cohesive strategies or plans or collaboration.

3. How do VAW-focused and VAC-focused stakeholders collaborate or interact? How do donors drive the VAW-VAC agenda?
4. What are the areas of tension between VAC and VAW work? How do various stakeholders address areas of tension between VAW and VAC?
 - a. Under what circumstances are boy-children accommodated in places of safety?
 - b. How are adolescents' complex needs met and rights protected?
 - c. How are mothers viewed and "processed" in VAC cases?
5. What are some opportunities within the existing policies, action plans, programmes or services where integration and/or collaboration could be introduced or enhanced?

Key findings

Violence against children (VAC) and violence against women (VAW) affect the lives and welfare of millions of people around the world. Many women and children in Viet Nam suffer multiple types of violence. The multiple negative sequelae of this violence can be long-lasting throughout the lifespan and across generations as well as impacting on individuals, relationships, communities, and broader society.

Agenda and priorities

- Viet Nam has good quality national prevalence data on VAW and VAC, although improvements in collecting childhood sexual abuse data could be considered. However, to date there have been no significant efforts to drive a VAC-VAW integrative analysis of these data to understand the manifestations of various intersections of VAC and VAW in Viet Nam.
- There are significant funding restraints within government which is leading to constraints to both VAC and VAW work.

Government, legislation and policy

- Domestic violence is under the mandate of the Ministry of Culture, Sport and Tourism, while gender-based violence (GBV) and VAC cases are under the mandate of the Ministry of Labour, Invalids and Social Affairs (MOLISA). There appears to be very little coordination or collaboration between ministries to address these issues cohesively and comprehensively. At the commune level, committees on family affairs and on child protection address and respond to cases as needed; these committees favour a mediation approach unless the violence is deemed to be serious and needing referral to other services and authorities.
- While there is a legal framework addressing various forms of VAC and VAW, some forms of this violence have not been clearly defined. For example, issues of corporal punishment, neglect, child pornography and trafficking, women's property rights, and dating violence within non-cohabiting or unmarried couples are not well addressed.

Access to justice

- There are numerous barriers to victims easily accessing legal and justice services despite the provisions for legal aid for poor households or severe cases. The burden of evidence is high in Viet Nam courts. Some specialized courts for juveniles and family cases have been established. NGOs play a key role in supporting survivors through the complex judicial system.
- A VAC-VAW intersection relates to child custody trends in Viet Nam. Because financial means are a key consideration in custody decisions, fathers are seen more favourably even if they are abusive. This bias increases the vulnerability of women and children.
- Achieving standards around Happy Family, 'cultured families' and 'cultured community' makes individuals and village or commune officials reluctant to officially record VAC or VAW cases which further isolates women and children as their needs cannot be fully addressed through the justice system or support services.

Response and support services

- Various hotlines are available to report cases and obtain referral advice.
- Social workers and police are often the frontline service providers receiving VAC and VAW reports; however, there are often challenges with these service providers taking VAW reports seriously and sometimes engage in victim blaming and shaming.
- There are very few social work positions available leading to very few service providers able to support VAC and VAW survivors. Further, social workers usually have multiple responsibilities and do not only address VAC and VAW.
- The Essential Services Package (ESP) for women and girls subjected to violence is being piloted in Ben Tre and Quang Ninh provinces. The learning from these pilots will be essential in service improvements for VAC and VAW survivors across the country.
- There are very few shelters available for VAW and VAC survivors and few service providers are aware of how to make referral links to these shelters.

Prevention programming

- Awareness raising or knowledge-focused education campaigns seemed to be the main approach to prevention work, but these are known not to be effective in preventing VAW and VAC. However, there are some encouraging signs that evidence-based models for social norm change addressing core underlying risk factors including gender inequality are being used (e.g., Partners for Prevention Male Advocacy Clubs, SASA! programming, several fatherhood and parenting programmes). There are also upcoming opportunities to integrate VAC and VAW prevention efforts into general education curriculum revisions.
- GBVNet is a working group of international and national or local non-governmental organizations (NGOs) and civil society organizations who address various aspects of GBV in Viet Nam though they do not appear to take on formal integrative programming work.

Recommendations

Based on the findings of this brief country visit, the following have been identified as areas for further exploration in integrative approaches to address VAW and VAC:

- There would be great benefit in the Viet Nam offices of UNICEF, UNFPA, and UN Women coming together to understand their various VAW and VAC programming. One area of obvious convergence are the multiple parenting programmes that the agencies are supporting. Greater coordination and collaboration at this level may allow for more integrative programmes and in particular piloting innovative approaches to such integration. It was noted by the heads of all three UN agencies that they would find such discussions useful. Further, the education sector could be another entry point. For instance, school-related GBV and school-based prevention of violence (Connect with Respect tool) are common areas of interest for UNICEF, UNFPA and UN Women. There is also interest from the Government of Viet Nam on this.
- Similarly, it would be of benefit for the different government Ministries responsible for women and children to find ways to better coordinate their work on VAC and VAW to ensure that their services are coordinated and integrated. This could be achieved through the establishment of a multisectoral task force or other coordination mechanism.
- Continued investment in evidence-based VAC and VAW prevention strategies is necessary and it would be a key opportunity to make both VAC and VAW focused prevention work more integrative. Both VAC and VAW prevention experts should be brought together to adapt programmes to integrate both VAC and VAW issues within future programming. These programmes should be carefully and rigorously evaluated and documented as there is the potential for them to become leaders in innovative integration work.
- Any integrative work must ensure inclusion of boy children in Viet Nam both in terms of protecting them from violence and in terms of preventing them from becoming perpetrators, which were recognized to be connected.
- There is a clear concern in relation to adolescent victims of VAC and VAW, and it is recommended that the Child Law is amended to raise the age of the child from 16 to 18, without further delay.
- Viet Nam has a strong foundation in collecting reliable prevalence data. Further research to understand nuanced areas and how experiences of abuse by mother-in-laws (against daughter-in-laws) links with VAW perpetrated by husbands or other men. Another area of interest among stakeholders was also in understanding intersections between VAC and VAW and other issues such as the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, disability, and the urban/rural divide. Some of these questions (specifically around disability and urban/rural comparisons) can be explored in analysis of the national data on the prevalence of VAWG. There are well-established expert teams working on the National VAW Prevalence Survey and the Multiple Indicator Cluster Survey (MICS); there may be an opportunity to organize some discussion between these teams to brainstorm ways in which their respective studies could take an integrative approach or ways in which secondary data analyses may be able to explore various questions around integrative approaches.
- The domestic violence National Action Plan was due to be updated when the research was being undertaken. This was identified as a key opportunity to bring together VAC and VAW experts from data/research, prevention, and response to explore possibilities for inclusion of integrative approaches in the new National Action Plan.

INTRODUCTION

Violence against children (VAC) and violence against women (VAW) are global epidemics inhibiting the fulfillment of human rights and optimal development at the individual, family, community, and society levels. This violence affects millions of women, girls, men, and boys across the world with many long-lasting and wide-ranging health, economic, and well-being consequences.¹ There are international legal frameworks protecting children and women, including the United Nations Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Sustainable Development Goals include targets and indicators for the elimination of VAW (under Goal 5) and VAC (under Goal 16). Although these fields have historically developed separately, growing research has recognized the multiple intersections between VAC and VAW including shared risk factors, common underlying social norms, co-occurrence, intergenerational effects, similar consequences, and the adolescent developmental period as a unique time of intersection of both VAC and VAW.² These multiple and inextricable links suggest that the response to and prevention of one is necessarily connected with an effective response to and prevention of the other.

While policies, programmes, and services have developed to address both VAW and VAC, to date there are no evidence-based best practice models that integrate these. Concerns about either women's or children's needs and rights overshadowing the other, a nuanced understanding of the context and abilities to fulfil parental duties, a developmentally sensitive approach to adolescents, and how to serve and engage with boys are some of the tensions in

pursuing integrative and/or collaborative VAW and VAC policies, programmes, or services.

VAC and VAW in Viet Nam

The 2014 Multiple Indicator Cluster Survey (MICS) findings show that 68.4% of children (aged 1-14 years) in Viet Nam experienced some form of violent discipline and 58.2% experienced psychological aggression.³ Approximately 2.8% of women reported experiencing sexual abuse before age 15.⁴ Among women responding to the national VAW prevalence survey who had children under 15 years old, 23.7% reported that their husbands perpetrated some form of emotional or physical violence against their children. Indeed, violence is largely considered socially acceptable when used as a form of discipline and children do not often speak out or seek help when experiencing violence in their families. Patriarchal social norms that promote gender hierarchies and aggressive forms of masculinity are key drivers of family violence.⁵

Viet Nam lacks comprehensive data on the nature and extent of child sexual abuse. Data from the National Study on Domestic Violence in Viet Nam found that 3% of women had experienced sexual violence prior to the age of 15 years.⁶ This increased to 4.4% in the 2019 National Study on Violence Against Women in Vietnam⁷. According to administrative data within MOLISA annual reports, more than 1,000 children were reported to be sexually abused per annum in 2013 and in 2016. Administrative data is not a reliable

1 WHO (2013). *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*. Geneva. Available at https://apps.who.int/iris/bitstream/handle/10665/85239/9789241564625_eng.pdf;jsessionid=1943FBB5E348D6C99D7FA9F5F062A917?sequence=1.

2 Guedes, A., S. Bott, C. Garcia-Moreno and M. Colombini (2016). Bridging the gaps: a global review of intersections of violence against women and violence against children. *Global Health Action*, vol. 9, Issue 1, Special Issue: Gender and Health Inequality - intersections with other relevant axes of oppression.

3 General Statistics Office and UNICEF (2015). *Viet Nam Multiple Indicator Cluster Survey 2014, Final Report*. Available at http://mics.unicef.org/news_entries/21.

4 General Statistics Office (2010). *'Keeping Silent is Dying': Results from the National Study on Domestic Violence against Women in Viet Nam*. Available at <https://asiapacific.unfpa.org/en/publications/national-study-domestic-violence-against-women-viet-nam-2010-full-report>.

5 UNICEF Viet Nam, UNICEF Office of Research – Innocenti and University of Edinburgh (2016). Understanding the Drivers of Violence Affecting Children in Viet Nam.

6 National Study on Domestic Violence in Viet Nam, General Statistics Office.

7 https://vietnam.unfpa.org/sites/default/files/pub-pdf/5._eng-factsheet_1.pdf

indicator of national prevalence but rather of reported and recorded cases.

The national VAW prevalence survey conducted in 2010 recorded that 58% of ever married women (18-60 years old) experienced physical, sexual, and/or emotional violence perpetrated by their husbands.⁸ This figure increased to almost 63% in the 2019 follow up study. The prevalence of physical violence by a partner decreased slightly in 2019 (26%, compared to 31.5% in 2010) as did emotional abuse (47% compared to 53.6%), and it was found that younger women were experiencing less physical violence by a husband in 2019 than older women, suggesting that change may be happening especially among young generations. However, reports of sexual violence by a partner rose from 10% to 13.3%, and by a non-partner, from 2% to 9%. More young women reported sexual violence by a non-partner in 2019 than in 2010. This may indicate higher levels of confidence in reporting this sensitive issue but requires more study.

Mandate of United Nations agencies

UNICEF, UNFPA and UN Women are sister agencies in the One UN system, and they are all committed to a human rights-based approach to development. From this perspective, human rights which include both women's and children's rights, are interdependent and indivisible, and serve to reinforce each other. UNICEF has an express mandate to promote the implementation of both the CRC and CEDAW; UN Women leads and coordinates the UN system's work on gender equality and carries out programming in relation to ending violence against women and girls (VAWG); and UNFPA works to prevent and respond to gender-based violence (GBV) (including VAWG) and helps to engage men and boys to advance gender equality.



⁸ National Study on Domestic Violence in Viet Nam, General Statistics Office.

METHODOLOGY

UNICEF East Asia and Pacific Regional Office, UNFPA Asia Pacific Regional Office, and UN Women Regional Office for Asia and the Pacific partnered to undertake this study to explore the ways in which VAC and VAW intersect and how policies, action plans, programmes, or services take an integrative approach to address these intersections. Field trips were conducted in Cambodia, Papua New Guinea, Philippines, and Viet Nam as part of this regional study. This report discusses the study and findings for Viet Nam.

Key research questions

This project seeks to explore the following overarching questions through dialogues and interviews with relevant stakeholders in each country:

- What are the existing VAW and VAC policies, action plans, programmes (prevention) or services (response/support)?
- What are some examples of policies, action plans, programmes, or services where there is some evidence of VAW and VAC integration (i.e.: addressing both VAW and VAC at the same time)? Include any efforts to try to develop cohesive strategies or plans or collaboration.
- How do VAW-focused and VAC-focused stakeholders collaborate or interact? How do donors drive the VAW-VAC agenda?
- What are the areas of tension between VAC and VAW work? How do various stakeholders address areas of tension between VAW and VAC?
 - Under what circumstances are boy-children accommodated in places of safety?
 - How are adolescents' complex needs met and rights protected?
 - How are mothers viewed and "processed" in VAC cases?
- What are some opportunities within the existing policies, action plans, programmes or services where integration and/or collaboration could be introduced or enhanced?

Research methodology

This exploratory study used a variety of qualitative methods including document review, group discussions and dialogues, and individual interviews with a variety of stakeholders in Viet Nam. These meetings and discussions were conducted in-person around Hanoi by a two-consultant team consisting of both a VAC specialist and a VAW specialist. A full list of stakeholders' meetings is available in Annex 1.

A flexible inquiry guide formed the basis for all discussions:

- A review of the current status quo on VAC and VAW policies, plans, programming, and/or services from the perspectives of the stakeholders in each meeting.
- Insights into typical VAC and VAW cases with exploration into the manifestations of various intersections between these types of violence.
- Discussion and debate of examples of integration between VAC and VAW within policies, plans, programming, and/or services including key strengths and gaps.
- Discussion of tensions between VAC and VAW work including specific case illustrations.
- Recommendations and ideas from stakeholders about integration.

Both consultants took notes throughout each meeting or discussion and these notes were combined and analysed thematically to prepare for presentation in a report. Feedback on the findings, recommendations, and report overall was sought from the respective UNICEF, UN Women and UNFPA country offices.

All interviews and discussions were voluntary and participants were free to decline to answer any or all questions. All participants were fully informed about the study prior to their participation and gave their consent to participate.

FINDINGS

VAC and VAW agenda and priorities in Viet Nam

Data to understand the epidemic

In 2010, the General Statistics Office of Viet Nam (under the Ministry of Planning and Investment) in partnership with the Ministry of Labour, Invalids, and Social Affairs (MOLISA), UNFPA, WHO, UN Women, the United Nations Development Programme and various civil society organizations (CSOs) conducted the National Study on Domestic Violence against Women in Viet Nam.⁹ The data from this study have been widely disseminated and used for policy advocacy. The General Statistic Office, UN, MOLISA, and UNFPA supported a second national study on VAWG prevalence among adolescent girls and women between 15 and 64 years old which indicated differences between younger women and those over 25 in reporting physical and sexual violence. This study did not taken a specialist VAC perspective.

MOLISA describes the VAC situation in their annual report using administrative data; but because such data are on reported and recorded cases only it does not necessarily reflect the national prevalence. VAC data in Viet Nam are regularly collected using the MICS. The last MIC survey was conducted in 2014.

Given the good availability of high quality VAW and VAC data in Viet Nam including partnerships to achieve these data, there is a key opportunity for increased integration of VAC perspectives in the VAWG survey and VAW perspectives in the MICS. Additional specialized partners could join the respective teams and explore specific opportunities or mechanisms for integration.

Insights into the cultural context and VAC/VAW intersections in Viet Nam

"In Viet Nam mothers and children are a fixed phrase – they always come together... If a child suffers from abuse or violence, we have to acknowledge the difficulties the mother experiences. We should not focus only on one branch but on the whole tree."

Co-occurrence of VAC and VAW was the most commonly recognized intersection by all stakeholders. A key opportunity for integrative services or programming was identified around supporting domestic violence survivors and simultaneously addressing violent discipline of children.

Another intersection that was described was that fear and risk of losing custody of children prevents women from reporting VAW. Custody can be decided based on financial means to raise the children, so it favours the father even if he is abusive. In addition, there is a cultural expectation that fathers should have custody over their sons to ensure that their sons can continue the family line.

The Ministry of Culture, Sport and Tourism (MOCST) collects data related to 'cultured' families and is trying to increase the number of these. In order to become a 'cultured' family your data on violence will have to meet a certain standard (i.e. no cases of violence). This ideal creates conflicts between a woman reporting her case and whether her family and village can be considered cultured or not. Village heads try to avoid reporting these cases as this will impact their reputation and personal achievement. This can have the effect of silencing women and preventing them from reporting (one of the women from a non-governmental organization (NGO) reported that she was asked to change her score to a better score to preserve the reputation of the family and community).

The Happy Family is a much-promoted ideal based on family harmony and goes hand in hand with demonstrable patriotism though it appears to be

⁹ National Study on Domestic Violence in Viet Nam, General Statistics Office.

more popular in rural areas. In a consultation with UN Women Viet Nam, a community in Danang advocated to replace the Happy Family policy with a Safe Community policy and encourage people to report VAWG.

Dominant cultural ideals around masculinity were seen to underlie both VAC and VAW and this understanding has driven some prevention programming (see below).

Stakeholders interviewed commented that early marriage is an issue in Viet Nam with an estimated 11.2% of girls married before 18 years of age, and 0.9% before the age of 15.¹⁰ It was reported that girls who are married at an early age also come under pressure to maintain a happy family and are assumed to be responsible for keeping their husbands happy and non-violent by pre-empting his needs and not provoking him to anger.

Funding

Civil service reforms have led to dissolving and merging government departments and agencies, and down-sizing across all levels of government, so recommendations for increases in human resources to be allocated to VAC and VAW are likely unrealistic in the current context. This is likely to further constrain services for survivors. Reduced funding is one of the reasons that the VAW and VAC desks at local levels are being merged.

Government structure, policy and legislation

Coordination

Domestic violence cases are handled by the Ministry of Culture, Sport and Tourism (MOCST), from a cultural point of view, while GBV cases are managed by the Gender Equality department under Ministry of Labour, Invalids, and Social Affairs (MOLISA). Child Protection is also under the mandate of MOLISA. Domestic violence and GBV are managed by two different ministries without much formal and ongoing coordination. There is a clear division of responsibility in handling various types of VAW and VAC, but there

seemed to be very little coordination or collaboration between the different and multiple government stakeholders (MOCST, MOLISA, Ministry of Public Security (MPS), Ministry of Justice, Ministry of Health).

GBVNet is a working group of international and national or local NGOs and CSOs who address various aspects of GBV in Viet Nam (International: CARE, Plan, Australian People for Health, Education and Development Abroad (APHEDA), Batik. Mennonite Central Committee (MCC). Local: Centre for Studies and Applied Sciences in Gender, Family, Women and Adolescents (CSAGA), Human Capital Development Centre, Institute for Social Development Studies, SCDC, Sisi, MC, Light, Hagar). They meet quarterly to share progress updates, lessons learned, case reference, and organize fundraising campaigns. UN agencies are sometimes invited to join these meetings but are not regular members. UNFPA will provide technical and financial support to GBVNet until 2021.

At the commune level, there are committees on family affairs and on child protection, with members from Women's Unions and heads of families. These committees are responsible to address and respond to VAW and VAC cases. Usually committees are advised to mediate the cases within the family, but serious cases are referred to other services.

Legislation and policy

There are various pieces of legislation, policy, and action plans that address VAW:

- Law on Gender Equality (2007) includes mention of VAW but it is not comprehensive (see below). MOLISA is the custodian of this legislation.
- Law on Domestic Prevention and Control (2007) falls under the mandate of MOCST and is focused on building a 'happy family' with reconciliation a primary objective in domestic violence cases. It is not rights-based. This law establishes 'forced sex' within the family as an act of domestic violence that is subject to administrative, rather than criminal punishment. Marital rape is not a criminal offence in Viet Nam.

¹⁰ General Statistics Office and UNICEF (2015). *Viet Nam Multiple Indicator Cluster Survey 2014, Final Report*. Available at http://mics.unicef.org/news_entries/21.

- The Penal Code (and other criminal laws) address other forms of violence including sexual violence and humiliation
- The Anti-Human Trafficking Law (2011) explicitly prohibits forced labour and sexual exploitation
- National Strategy on Gender Equality (2016-2020)
- The National Plan of Action on Domestic Violence Prevention and Control (2014-2020). Revisions to this plan will be developed for release when the current NAP expires at the end of 2020.
- National Thematic Project (NTP) on GBV prevention and response 2016 - 2020 and vision to 2030, approved in 2016.
- National Action Plan to address CEDAW Concluding Observation to Viet Nam (2017-2021)
- Second National Plan of Action on anti-human trafficking (2011- 2015)

The Child Law (2016) chapter on child protection sets out systems for prevention, early intervention and tertiary response to VAC, including policy and procedure to respond to cases of violence and abuse. A key gap in this law is that the age of the child is set at under 16, and currently that leaves children/adolescents aged 16 and 17 without any special protection from violence. This is particularly concerning for boys who are also not protected under VAW/DV laws in the way that 16 and 17-year-old girls would be. Further, some forms of child abuse, such as corporal punishment, neglect, child sex abuse materials, child trafficking, and online violence against children have not been clearly defined in the law making it difficult to take adequate legal protection measures.

The Gender Equality law does not address women's property rights. When women marry they generally go and live with their parents-in-law where they usually work unpaid within the husband's family for over 20 years. The property remains under the name of the parents in law and the wife will have no rights to that property even if she contributed to it for 20 years. The Law on Marriage and Family recognizes women's domestic work as an economic contribution to the family which may be considered in calculations during a divorce. However, this law also encourages reconciliation processes during

marital disputes or separations which may favour existing power dynamics in a relationship.

While dating violence has some overlaps with domestic violence, they are not fully the same so there are some forms of dating violence that are not covered by the domestic violence laws. There does not appear to be a law criminalising sexual harassment.

UN Women worked with MOLISA in 2012 looking at the overlaps between CRC and CEDAW, as part of the CEDAW Programme 2012-2015. At that time, the Government of Viet Nam (represented by MOLISA) was Chair of the Commission on the Promotion and Protection of the Rights of Women and Children of the Association of Southeast Asian Nations (ASEAN) and they looked at both women and children's rights together.

Access to justice

Decree 56 provides six steps to respond to child victims and those at risk of abuse and violence that aims to increase multi-sectoral and coordinated interventions and service delivery. For cases of VAC, government forms (Decree 56) include role of mother and father in responding to the incidents of violence against children, but do not ask questions about the mother's experience of violence. Article 51 of the Child Law mentions mandatory reporting, but with a humanitarian exception for parents. There are forms for reporting domestic violence cases in the health system (according to Circular 24 of the Ministry of Health) and forms for collecting data and reporting domestic violence cases by MOCST from commune to central level.

Many challenges were expressed in having VAW reports taken seriously by frontline staff including both social workers and police. Most women do not seek assistance from formal services because of reported victim blaming and shaming attitudes of the service providers, and because of the prevailing notion of preserving family harmony at all costs. It was also reported that women feel that service providers may not be adequately skilled to respond to their needs even if they are empathetic. There

is a lack of an inter-disciplinary and child friendly mechanism for effective and timely receiving and handling of child abuse reports.

Justice and legal services

From a human rights-based perspective, and as the basis of a strong rule of law, the State is the primary duty bearer with the responsibility to implement the law on behalf of rights holders in the population. State actors, including police, lawyers, judges, magistrates and court officials, are all duty bearers within the criminal and civil justice systems. Police officers are duty bearers with a mandate to implement the criminal law, in accordance with international treaties that Viet Nam has ratified. Judges and magistrates also have duties under the law once criminal or civil cases are referred to them. However, it was reported by stakeholders interviewed in Viet Nam that the purpose of the legal system is primarily to restore harmony, which again is consistent with the notion of 'family harmony'. Further, there are barriers to accessing justice through the legal system. For Legal Aid Law to take a case, it has to be a case of repeated or severe offences, or from a poor victim; proving that one is from a poor household is another administrative burden because many local authorities do not wish to certify poor households as it contradicts their achievement of a 'cultured community'. In addition, poor literacy is another barrier to victims accessing legal help. In upholding the rule of law, it is important that the legal system's main purpose is to ensure justice for all, even if that may sometimes involve disrupting family or community harmony.

The rules on evidence in Viet Nam are challenging for both VAC and VAW cases. There is heavy reliance on physical evidence, but such evidence is rarely collected at the time, in which case decisions are made on the basis of victim testimony. But this is rarely given much weight, and that makes it difficult to secure a conviction of perpetrators of VAW or VAC. Although the Penal Procedure Code sets forth seven procedural principles for handling cases related to minors (Article 414) and the Child Law stipulates 10 requirements for protection of children in judicial proceedings (Article 70), there is no guidance for translating these principles into concrete measures for effective handling of child abuse cases and adequate protection of children during criminal proceedings.

Courts for juveniles and families have been established in 38 provinces to increase protection of the rights of juveniles and women. All children are eligible for free legal assistance from the legal assistance department under the Ministry of Justice (Legal Assistance Policy of 2017). Free legal assistance is also available for women survivors of violence depending on meeting criteria in 14 categories (including financial resources at the household rather than personal level, proof of admission in social protection center, health certificate, restriction order) which can pose barriers to women trying to access legal assistance in terms of a high burden to certify meeting the necessary criteria. Staff providing this free legal assistance are getting some training for supporting domestic violence victims.

The role of NGOs in assisting with rape cases is important because it is unlikely that regular citizens can navigate the maze of the system in Viet Nam without help. There are many laws, policies, decrees and circulars, which makes it very complex to navigate and know which to apply in each case. Unlike other countries in the region, Viet Nam does not have a large number of NGOs staffed by social justice lawyers who push to hold the government accountable. The complexity of the system and strict rules of evidence mean that enforcement of VAW and VAC laws are problematic and weak.

Response and support services

Victims of VAC and VAW have rights to services to enable their recovery and reintegration. Health workers are duty bearers with a mandate to ensure that the physical and mental health needs of victims of VAC and VAW are met, and to support police investigations where required. Service provision at district and provincial level is very poor and significantly underfunded. There are no standard protocols for VAW or VAC survivors nor to assess for co-occurring VAC or VAW respectively.

A child protection system has been developed to provide care and protection to child victims of abuse, violence, exploitation and neglect, including a case management system. However, the existing services

for prevention, early identification and intervention, referral to rehabilitative and specialized services and follow up are either not in place or are fragmented and unregulated. Particularly at sub-national level, child protection services are provided primarily by volunteers and untrained workers undertaking complex tasks without the necessary skills and training.

Reporting

There is a phone hotline available for VAC cases. The 111 Child Helpline (24/7) receives an average of 100 calls per day, and this can go up to 500. This hotline collects data as well as referring callers to services, however a local NGO noted that the hotline often does not refer cases at the provincial level. UNICEF, ChildFund, and Plan International are discussing use of software that will allow survivors (or others on behalf of survivors) to report directly to the helpline through a phone app. The CSAGA Women's hotline is only operational 8am-9pm Mondays-Saturdays and receives around five calls per day. Viet Nam Women's Union's also runs a hotline on trafficking and GBV.

Service providers

There is poor capacity among service providers to appropriately deal with cases and many women reportedly do not trust them. UNICEF, UN Women and UNFPA are working jointly to strengthen social work in health, justice and education.

Social workers and child protection officers are duty bearers in relation to victims of VAC and VAW, and they have a mandate to implement services according to the legal framework of Viet Nam; however, their role and functions have not been legally mandated. Although establishing social work as a profession in Viet Nam has made some recent strides, the social welfare workforce is not yet very well established with very few paying positions available for trained social workers. There are 200,000 social work collaborators at ward and commune level who have received short- and long-term training on social work. There are over 40 social work service centres at district and provincial levels and social work positions have been introduced at 70% of central hospitals and 50% of provincial hospitals. While social welfare personnel are focal points at local level on VAW (specifically domestic violence) and VAC, they do not work exclusively

on these issues; they work on any types of social welfare cases that arise in the community. Many work a part-time job with no payment for their work, so it's not possible to hold them accountable for delivering professional services. They need training on VAW and VAC issues, and to be recognized by the government system in terms of payment for daily work. The current government policy to freeze the new civil-service positions has negative effects on the employment of social workers to ensure proper human resources necessary to deliver community-based services.

Health and social welfare services

There is a clear need for improved health and social welfare services for VAW and VAC survivors. Further, there is an urgent need for strong collaboration between this sector, law enforcement, and the justice sector in order to ensure that the physical evidence needed to secure convictions in VAW and VAC cases are collected in a timely fashion and processed appropriately.

UN Women has been coordinating the pilot programme on essential services packages for women and girls subject to violence as part of a global joint programme. This pilot has been a partnership between UN Women, UNFPA, UNODC, WHO, MOLISA (government coordinating agency), Ministry of Health, Ministry of Justice, and MPS. This programme covers essential services for survivors including Social, Health, Justice and Policing, and Coordination. Ben Tre province (a Southern province) was selected to pilot the programme. The piloting will come to an end in 2019. The Ben Tre provincial leader has issued a Decision on the establishment of a coordination mechanism involving all services sectors. UNFPA is also piloting an essential services package in Quang Ninh province with funding from KOICA.

Shelters and safe houses

There are some refuges in bigger cities where victims of VAW can seek shelter and, if applicable, they bring their children aged under 16, both boys and girls. There is a very limited number of shelters (approximately six or seven shelters were mentioned in one interview) and some service providers did not seem to be aware of them. There are no shelters specifically for children.

Despite the accommodation of boys in refuges, in practice women are often forced to leave their boy children with their husbands due to a cultural preference for the boy child, and a widely held view that it's better for him to stay in the father's home so he can inherit the property and continue the father's name.

The social protection centre accommodates women, men, and children with social welfare needs (primarily mental health and homelessness). Although the women and children housed in the centre were not necessarily referred due to violence, it could be that they have become homeless and in need of shelter due to undisclosed violence. It is concerning that vulnerable women and children are being accommodated alongside men with mental health problems and in the absence of on-site psychosocial support.

Prevention programming

Awareness raising or knowledge-focused education campaigns seemed to be the main approach to prevention work, but these are known not to be effective in preventing VAW and VAC.¹¹ Since 2013, UNFPA has supported MOCST (2013-2016) and MOLISA (since 2017) and CSOs to conduct annual national communications campaigns on ending VAWG in response to 16 days of activism (25 November to 10 December) and activism month (November) every year.

However, there are some encouraging signs that evidence-based models for social norm change addressing core underlying risk factors including gender inequality are being used (e.g., Partners for Prevention Male Advocacy Clubs, SASA! programming). Indeed, education sector interventions and social norm change were mentioned by different actors as a key aspect of an integrative approach to preventing VAW and VAC. Parenting programmes



¹¹ Ellsberg, M., D.J. Arango, M. Morton, F. Gennari, S. Kiplesund, M. Contreras and C. Watts (2015). Prevention of violence against women and girls: what does the evidence say? *The Lancet*, vol. 385, No. 9977, 1555-1566.; and Fulu, E. and A. Kerr-Wilson (2015). *Paper 2: Interventions to prevent violence against women and girls*. Pretoria, South Africa: What Works to Prevent Violence. Available at www.whatworks.co.za/documents/publications/15-global-evidence-reviews-paper-2-interventions-to-prevent-violence-against-women-and-girls/file.

and school-based programmes were also seen as key priorities to prevent both VAC and VAW, including violence against boys and LGBTI individuals.

Some existing parenting projects include two fatherhood programmes by the Farmer's Union, CCHIP and CSAGA with technical and financial support from UNFPA. The My Father's Caring Hands is based on the Canadian White Ribbon Model. The Model Fatherhood project is being piloted in rural and urban areas to understand the best methods for mobilising young men who are going to become fathers. They hope to equip these young men to be positive role models who practice gender equality in their families as part of efforts to prevent sexual violence. UNICEF has a project that is using the Canadian programme 'Nobody's Perfect Parenting Model'. The VAC and VAW related prevention outcomes were not available for these projects.

UNWomen is working on men's clubs, continuing the implementation of the UN Partners for Prevention model in Da Nang. This club aims to promote men becoming gender equality and anti-VAW advocates in their communities. A qualitative evaluation of the intervention found that participants had an improved understanding of VAW, increase gender equitable attitudes, greater appreciation of and commitment to family life including instituting positive parenting practices, and a sense of self-efficacy and motivation to be a positive role model and agent of change in their communities.¹² UN Women supports the adaptation of the evidence-based SASA! approach for community-mobilization to prevent VAW in Da Nang with promising results. UN Women is also implementing the Safe Cities programme in Ho Chi Minh City and engaging young people using the Change Makers toolkit.

At the time of this study, the Government was planning to issue a national action plan on the prevention of VAC. The national steering committee on VAC was established in 2017 and it is chaired by a deputy minister. Many ministries, social organizations, the Youth Union, the Women's Union, and child rights protection organization are all represented on the national VAC committee.

At the time of the study, the government was also in the process of developing a new general education curriculum and plans to strengthen life skills for students to know how to handle situations that may lead to violence and other risks. Previously driven by the World Bank, UNICEF is planning to engage with this work. The Connect with Respect Tool has been used in schools (driven by a Plan International and Ministry of Education and Training project in Hanoi). UN Women, in partnership with Child Fund and Ministry of Education and Training, is now implementing the Connect with Respect tool. The curriculum engages male and female students, teachers, parents and the wider community to teach younger generations about gender equality and respectful relationships.

Integration

None of the stakeholders interviewed for this study expressed any concerns about integrating services or programming for women and children survivors of violence. In general, the existing services for VAW and VAC survivors are inadequate and do not currently display any evidence of integrative approaches. Therefore, there may be an opportunity to improve these services and develop them with an integrative approach. However, this should be undertaken carefully with due consideration to overcoming areas of disagreement between VAC and VAW services and ensuring that any future strengthened services meet the needs and protect the rights of both women and children. One stop shop centres to support both women and children survivors of violence where they can receive all services they need was suggested as an integrative solution.

The Department of Labour, Invalids, and Social Affairs (DOLISA) has been directed to merge gender equality and child protection units at the provincial level. This is challenging because they have to implement the instructions to merge from the central level (MOLISA) where gender equality and child protection units are still separate, so they have two agendas from different central agencies to implement in parallel but with less human resources.

¹² Nguyen, H.T., PK. Tran, A. Gevers and K. Taylor (2017). A Qualitative Endline Study of a Male Advocate Intervention to Prevent Violence against Women and Girls in Da Nang, Viet Nam. Partners for Prevention. Available at www.partners4prevention.org/sites/default/files/resources/vn_qual_report_final_sep_15.compressed.pdf.

RECOMMENDATIONS

Based on the findings of this brief country visit, the following have been identified as areas for further exploration in integrative approaches to address VAW and VAC:

- There would be great benefit in the Viet Nam offices of UNICEF, UNFPA, and UN Women coming together to understand their various VAW and VAC programming. One area of obvious convergence are the multiple parenting programmes that the agencies are supporting. Greater coordination and collaboration at this level may allow for more integrative programmes and in particular piloting innovative approaches to such integration including prevention and social norms change. It was noted by the heads of all three UN agencies that they would find such discussions useful. Further, the education sector could be another entry point. For instance, school-related GBV and school-based prevention of violence (Connect with Respect tool) are common areas of interest for UNICEF, UNFPA and UN Women. There is also interest from the Government of Viet Nam on this.
- Similarly, it would be of benefit for the different government Ministries responsible for women and children to find ways to better coordinate their work on VAC and VAW to ensure that their services are coordinated and integrated. This could be achieved through the establishment of a multisectoral task force or other coordination mechanism.
- Continued investment in evidence-based VAC and VAW prevention strategies is necessary and it would be a key opportunity to make both VAC and VAW focused prevention work more integrative. Both VAC and VAW prevention experts should be brought together to adapt programmes to integrate both VAC and VAW issues within future programming. These programmes should be carefully and rigorously evaluated and documented as there is the potential for them to become leaders in innovative integration work.
- Any integrative work must ensure inclusion of boy children in Viet Nam both in terms of protecting them from violence and in terms of preventing them from becoming perpetrators, which were recognized to be connected.
- There is a clear concern in relation to adolescent victims of VAC and VAW, and it is recommended that the Child Law is amended to raise the age of the child from 16 to 18, without further delay.
- Viet Nam has a strong foundation in collecting reliable prevalence data. Further research to understand nuanced areas and how experiences of abuse by mothers-in-law (against daughters-in-law) links with VAW perpetrated by husbands or other men. Another area of interest among stakeholders was also in understanding intersections between VAC and VAW and other issues such as LGBTI rights, disability and the urban/rural divide. Some of these questions (specifically around disability and urban/rural comparisons) can be explored in analysis of the national VAWG prevalence data.
- The domestic violence national plan of action was due to be updated. This represents a key opportunity to bring together VAC and VAW experts from data/research, prevention, and response to explore possibilities for inclusion of integrative approaches in the new NAP.

ANNEX 1 : STAKEHOLDER MEETINGS

1. Group meeting with staff representatives from UNICEF, UN Women, UNFPA
2. Group meetings with Stakeholders
 - a. Monday afternoon: academics/researchers
 - b. Tuesday morning: government representatives
 - c. Tuesday afternoon: NGOs and CSOs
 - d. Wednesday morning: service providers
3. Visit to CARE office
4. Visit to Hotline 111 (child helpline)
5. Visit to Duc Giang Hospital (nurse)
6. Visit to Peace House shelter (survivors)
7. Visit to the Centre for Studies and Applied Sciences in Gender, Family, Women and Adolescents (CSAGA)
8. Visit to Social Protection Centre of Hanoi
9. Visit to Light Clinics
10. Skype call with CODES Hue province
11. Skype with Ms. Thang, Department of Labour, Invalids and Social Affairs, Ho Chi Minh City
12. Skype call with Farmers Union
13. Debriefing with UNICEF, UN Women, UNFPA

