



INDEPENDENT REVIEW REPORT

**25 YEAR-IMPLEMENTATION OF THE BEIJING DECLARATION
AND PLATFORM FOR ACTION IN VIET NAM,
FOCUSING ON GENDER-BASED VIOLENCE FROM
PERSPECTIVES OF CIVIL SOCIETY ORGANISATIONS**

9/2019

Photo: UN Viet Nam/Aidan Dockery

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ABBREVIATIONS

ACDC: Action to the Community Development Center

CSAGA: Center for Studies and Applied Sciences in Gender - Family - Women and Adolescents

EM: Ethnic Minority

GBV: Gender-based Violence

GBVNet: Gender-based Violence Prevention and Response Network in Viet Nam

GSO: General Statistics Office

IBID: Internet Business Investment and Development Company

ILO: International Labour Organization

INGAD: Institute for Gender and Development

ISDS: Institute for Social Development Studies

iSEE: Institute for Social, Economic and Environment

MICS: Viet Nam Multiple Indicator Cluster Survey

MOCST: Ministry of Culture, Sports and Tourism

MOLISA: Ministry of Labour, Invalids and Social Affairs

QD-TTG: Prime Minister decision

SRB: Sex ratio at birth

TB/TW: Central announcement

UN Women: United Nations Entity for Gender Equality and the Empowerment of Women

UN: United Nations

UNDP: United Nations Development Programme

UNFPA: United Nations Population Fund

UNODC: United Nations Office on Drugs and Crime

UNICEF: United Nations Children's Fund

VOV: Voice of Viet Nam

FOREWORD

This report was produced by the Gender-based Violence Prevention and Response Network in Viet Nam (GBVNet), with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). GBVNet carries out activities to eliminate gender-based violence and promote gender equality in Viet Nam through research, law enforcement monitoring, advocacy, building and promoting positive social movements, strengthening the capacity of the community and providing services to victims of gender-based violence. This report is a review of the progress made on the Beijing Declaration and Platform for Action in the last five years (2014 - 2019), focusing on gender-based violence from the perspective of civil society organisations. The report also highlights efforts and achievements on the prevention of gender-based violence by the government and civil society organisations in Viet Nam, identifies challenges and proposes solutions to these challenges. Due to time constraints, the report cannot cover all aspects of gender-based violence, but aims to reflect the voices of disadvantaged and marginalized women in society such as ethnic minority women, women with disabilities, migrant women, female workers, etc.

The report has been prepared to celebrate the 25th anniversary of the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development in Viet Nam. We hope that the recommendations in this report will be reviewed and accepted by the government to promote the implementation of policies for gender equality and women's empowerment. In addition, we hope that this report will provide a more detailed picture of gender-based violence in particular, and the situation of gender equality in Viet Nam in general, at a time when the region and the world celebrate the 25th anniversary of the Beijing Declaration and Platform for Action.

**Sincerely,
GBVNet**



Photo UN Women/Bui Viet Duc

PART 1

GENERAL BACKGROUND OF GENDER IN VIET NAM IN THE PERIOD 2014 - 2019

Vietnamese women account for over half of the population and nearly half of the labour force,¹ participating in almost every socio-economic sector in the country. The participation of ethnic minority women in the labour force is also increasing, especially in the fields of education and health.²

1 According to the result of 2019 Population and Housing Census of Vietnam, the female population was about 50.2%.

2 UNDP, 2017 <http://hdr.undp.org/en/composite/GII>
VOV, 2018 <http://vovworld.vn/en-US/current-affairs/vietnam-achieves-high-in-gender-equality-625168.vov>

Women hold many key positions including Politburo member (3/17), member of the Central Committee of the Communist Party of Viet Nam (20), National Assembly Chairwoman and Vice Chairwoman, Vice President, Minister (01) and Deputy Minister (11). The percentage of female National Assembly deputies in 2017 was 26.7 per cent, one of the highest percentages in the world. Despite the growth in the percentage of women participating in leadership positions compared to the previous period, the targets of the “National Strategy on Gender Equality 2011-2020” have still not been reached.³

The issue of education has not changed much compared to the previous period. Women still have less of a chance to pursue education than men (39.7 per cent of men hold high school diplomas or higher compared to only 29.2 per cent of women).⁴

In employment, women’s participation in the workforce is almost as high as men’s (72.5 per cent and 82.4 per cent respectively),⁵ however, the quality of employment for female workers remains lower than that of males. The gender income gap persists with men’s average monthly income higher than that of women in every type of ownership, economic sector, level of qualification and occupation.⁶

Migration in Viet Nam, including internal, cross-border and overseas migration, continues to increase, leaving women vulnerable to labour exploitation, abuse and trafficking (the number of Vietnamese international migrant workers increased from 106,840 in 2014 to 142,860 in 2019, among which almost 40 per cent are women).⁷

Although the standard of living has improved, the role of women in the family has not changed much. Women are still responsible for household chores and are the primary caregivers while men have more decision-making power.⁸ The majority of home and property owners are men (50 per cent for men and 21.3 per cent for women).⁹

One significant achievement is the rapid increase in health insurance coverage. By 2016, 78.5 per cent of women and 77.0 per cent of men had health insurance or free health care.¹⁰ The use of contraceptives increased from 37 per cent in 1988 to 67 per cent in 2016. However, more than 70 per cent of couples reported using female methods of contraception. The maternal mortality rate has fallen from 233 per 100,000 live births in the 1990s to 69 per 100,000 live births in 2009 and 58.3 per 100,000 live births in 2016 – a dramatic improvement.¹¹ However, Viet Nam still has one of the highest abortion rates of in the region and worldwide at 35.2 per cent.¹²

3 Targets of The National Strategy on Gender Equality are: 25% or higher of women participating in Party committees in the 2016-2020 tenure; over 35% of female deputies elected to the National Assembly and People’s Councils at all levels; over 95% of senior female leaders in ministries and state agencies by 2020. In reality: The percentage of women participating in Party committees in the 2016-2020 tenure is 12.6% at the provincial level, 15.5% at the district level and 20.8% at the grassroots level, respectively; The gender gap among party members across the country is still quite large, only 31.0% of female. Also, the number of state agencies with female leaders is only 36.7%, much lower than the target. The proportion of women in the National Assembly is only 26.8% for the 2016-2020 tenure, which is far from the target even though, at this rate, Vietnam is still one of the few Asia-Pacific countries to reach more than 25% of congresswomen.

4 ISDS, 2015. Social Determinants of Gender Inequality in Vietnam- Findings of a research study between 2012 – 2015. Hong Duc Publishing House.

5 GSO, 2018. Gender Statistics in Vietnam 2016. Statistical Publishing House.

6 GSO, 2018. Gender Statistics in Vietnam 2016. Statistical Publishing House.

7 ILO, 2019 https://www.ilo.org/asia/publications/WCMS_614384/lang--en/index.htm

8 ISDS, 2015. Social Determinants of Gender Inequality in Vietnam- Findings of a research study between 2012 – 2015. Hong Duc Publishing House.

9 IBID

10 UN Women, 2016. Facts and Figures on Women and Men in Vietnam 2010 – 2015.

11 UNFPA, 2018 <https://vietnam.unfpa.org/en/news/investing-family-planning-key-achieving-sdgs-2030-new-report-shows>

12 World Population Review, 2019 <http://worldpopulationreview.com/countries/abortion-rates-by-country/>

1.1. Government efforts

During this period, Viet Nam has refined its legal framework and policies on gender equality. Many key legal and policy documents have been enacted or amended, including the Amended Marriage and Family Law in 2014, the Amended Criminal Law 2015, Civil Law 2015, the Law of Election of Deputies to the National Assembly and People's Council 2015, the Law on Promulgation of Legal Documents 2015, the Law of Organization of the Government, the Children's Law 2016, the Law on Legal Aid 2017, the Education Law 2017, the Anti-trafficking Programme 2016 - 2020 with specific measures to better protect the rights of women and children and promote gender equality.

In addition, Viet Nam has implemented various policies, regulations, research and programmes to solve the sex ratio at birth (SRB) imbalance, such as the 2013 Population Ordinance, which prohibits the use of methods for sex selection and enhances communication that promotes the value of women and girls as well as gender equality. The government has issued specific guidelines to reduce the SRB imbalance in the "National Strategy on Population and Reproductive Health 2011 - 2020", the "National Strategy on Gender Equality 2011 - 2020", and "Controlling the SRB imbalance in the period 2016 - 2025" project. In 2016, the Prime Minister approved Decision No. 178/QĐ-TTĐ on 28 January, promulgating the implementation plans of Notice No. 196-TĐ/TW dated 16 March 2015, from the Secretariat Committee, on "Strengthening the Party's leadership on gender equality and the advancement of women in the new situation" project.¹³ This is also a key stage for the implementation of the "National Strategy on Gender Equality 2011 - 2020" and the "National

Action Programme on Gender Equality 2016 - 2020" to raise awareness, reduce gender gaps and empower women. Recently, in August 2019, the General Statistics Office (GSO) announced the Gender Development Statistics Kit with 78 indicators on important issues that reflect the key issues in gender development in Viet Nam.¹⁴ The government has also strengthened multi-stakeholder and international cooperation to raise awareness about gender equality, eliminate gender-based violence and reduce gender gaps in labour, income and social position.

The government has been more proactive in promoting communication on gender-based violence prevention. Since 2016, the Ministry of Culture, Sports and Tourism (MOCST) and the Ministry of Labour, Invalids and Social Affairs (MOLISA) have implemented the Month of Family and the Action Month for Gender Equality and GBV prevention. As a result of these events, people have reported domestic violence and sexual harassment in the workplace.

1.2. Efforts of civil society organisations

During this period, social and community organizations have contributed to the prevention and response activities of violence against women and girls. The research, service provision models, media campaigns and capacity building activities of civil society organisations have had a positive influence on legislators and government agencies in their national programmes.

Notably, there are many activities organized by GBVNet that include 17 civil society organisations. GBVNet has introduced initiatives against sexual

¹³ UN Women, 2016. Facts and Figures on Women and Men in Vietnam 2010 – 2015.

¹⁴ GSO, 2019. https://www.gso.gov.vn/default_en.aspx?tabid=768&ItemID=19331

violence against women and children and always reacts promptly and effectively to these cases. GBVNet not only provides support to survivors but helps to link them with appropriate services and relevant authorities. GBVNet has been able to mobilize the public to call for government action, for example, GBVNet successfully initiated a social media campaign to request public support. From 2016 to 2019, GBVNet has sent three petitions to the National Assembly and the government to propose amendments to laws and policies to improve the effectiveness of prevention and response to gender-based violence. GBVNet's recommendations have been signed by a large number of people. Specifically, the 2016 petition received nearly 4,000 signatures, more than 32,000 signatures in 2017, and nearly 18,000 signatures in 2019. The National Assembly and the government have responded positively and implemented solutions according to GBVNet's recommendations.

Despite the comprehensive law and policy framework, as well as the noticeable improvements, the implementation of legislation remains a challenge. Vietnamese women still face many barriers such as poverty, low levels of education, and limited job opportunities, as well as discriminatory attitudes and behaviours from both family and society. In 2017, Viet Nam ranked 67 out of 189 countries on the UN's Gender Inequality Index, which was a fall of 7 spots from 2014.



Photo: UN Women/ Michael Fountoulakis

PART 2

CURRENT SITUATION AND RESPONSE TO GENDER-BASED VIOLENCE

2.1. The reality of gender-based violence

2.1.1. Domestic violence

National data on domestic violence in Viet Nam has not been updated since the General Statistics Office (GSO) surveys in 2010. Therefore, this report uses the research results of community organizations. Results from the Institute for Social Development Studies (ISDS) (2015), showed that physical and emotional abuse were the most reported forms of abuse with 44.85 per cent of women and 41.51 per cent of men saying that they had experienced at least one form of physical or emotional abuse in the last 12 months. Economic abuse was reported by 9.58 per cent of women and 5.85 per cent of men. Sexual violence was reported by 4.2 per cent of women and 4.72 per cent of men. Young women with low levels of education, ethnic

minority women, those living in the south of the country and are unskilled workers, were more likely to experience these forms of violence than others.

Among the forms of violence occurring during the 12 months before the survey, 6.7 per cent of women reported being beaten/abused by their husbands, 27.2 per cent reported verbal abuse and 5.5 per cent were forbidden to work by their husbands. Another 2.05 per cent reported being forced to have sex by their husbands.¹⁵

Regarding domestic violence among ethnic minorities, research carried out by CARE in 2018 with 329 women and 101 men in Dien Bien, showed that 66.6 per cent of women reported having experienced at least one type of violence during the 12 months before the research, 66.6 per cent of women reported psychological abuse, 35 per cent was yelling and 32 per cent was threatening and controlling where the victim goes. Another 23.8 per cent of women in the survey said they had been forced to have sex in their lifetime 97.4 per cent of whom endured it and did not resist.¹⁶

For marginalized groups such as women with disabilities, migrant women, women with HIV, female sex workers and LGBT individuals, cases of domestic violence have been reported in the media, however, research and statistical gaps remain.

2.1.2. Sexual violence against women and children

Sexual harassment is a fairly conspicuous issue in Viet Nam. Reports of recent sexual harassment cases in the mass media and on social media, as well as accompanying social movements such as #MeToo,

#IfNotNow,When, etc. have shown the extent of the issue of sexual harassment in both public places and the workplace.

According to a survey in 2014, 87 per cent of 2000 women in Hanoi and Ho Chi Minh City said that they had been sexually harassed in public places.¹⁷ In schools, 31 per cent of adolescents and young girls have been sexually harassed in public places and on public transportation, 11 per cent of students at 30 high schools in Hanoi have been sexually abused and harassed.¹⁸ For every 10 women with disabilities, 4 have ever experienced sexual violence in different forms.¹⁹ Although there is no official data, the percentage of sexual violence in marginalized groups such as female sex workers and LGBT individuals may be higher.

Sexual harassment in the workplace among women is not restricted to any age group, but women aged 18 to 30 are more likely to be affected. Victims of sexual harassment are often in a lower position, under authority and dependent on those who harass them.²⁰ Sexual harassment also occurs in non-official domains and with domestic workers.

Child sexual abuse is a hot issue in Viet Nam, causing a lot of outrage in society. According to the report of the Ministry of Public Security, there were 1,544 cases in 2014, 1,355 cases in 2015, 1,248 cases in 2016, 1,370 cases in 2017, and 1,269 cases in 2018. According to this data, an average of three Vietnamese children are sexually abused each day. However, this data does not demonstrate the real scale of the problem as many victims do not dare to speak out. Certain groups of children may be at

15 ISDS, 2015. *Social Determinants of Gender Inequality in Vietnam- Findings of a research study between 2012 – 2015*. Hong Duc Publishing House.

16 CARE, 2018. *Gender assessment report*. SUSO project.

17 ActionAid, 2014. *Safe City for Women and girls: Will dream come true?*

18 Plan International, 2016. *Towards a safe, friendly and equal environment at school*

19 ACDC, 2018. *Capacity Building for Women and Girls with Disabilities in Ba Vi District, Hanoi and Thanh Khe District, Da Nang*.

20 MOLISA & ILO, 2012. *Research Report on Sexual Harassment at the Workplace in Vietnam: an overview of the legal framework*.

higher risk of sexual abuse. These include migrant children, children with disabilities and street children who earn money by shining shoes, selling newspapers, selling chewing gum or working as maids, babysitting or working in restaurants and pubs.²¹

Sexual abuse of boys and other forms of abuse on social networks has been detected and reported in the media, but there are no statistics on this issue.

Sexual violence cases have been appearing regularly on social media channels recently. In 2018 alone, up to 5,410 news/articles on sexual harassment were published in online newspapers and news websites (CSAGA, 2019).

2.1.3. Gender-based Harmful Practices

Sex ratio at birth

A high SRB has been identified in Viet Nam since 2003 and so far, the imbalance has not decreased but has been increasing despite many government interventions. In 2018, the rate was 115.1 boys per 100 girls, an increase of 3 per cent compared to 2017.²² Among different regions, at the top of the list is the Red River Delta region. Higher SRB is typically observed among the second and third births, especially when the sex of the previous birth(s) was female.²³

In Viet Nam, son preference is the most important and common factor leading to the practice of pre-natal sex selection. Moreover, assisted reproductive technologies such as sperm sorting, embryo transfer and ultrasound lead to sex-selective abortion and

are widely applied in Viet Nam. Although the law prohibits using ultrasound for fetal sex determination, this is still very common. In Viet Nam, up to 96 per cent of women received prenatal care during their last pregnancy and most mothers (83 per cent) knew the sex of their baby before delivery.

Early marriage and forced marriage

Many people with disabilities are forced to marry or live with others. According to a study in 2016, about 2.3 per cent of women with disabilities were forced to marry or live with men with disabilities. The proportion of people with disabilities who are forced to get married is often those with hearing or speech disabilities.²⁴

Early marriage and “bride kidnapping” customs take place mainly in ethnic minority areas. According to the Law on Marriage and Family (2014), the marriage age for males is at least 20 years old and for females is at least 18 years old. The average early marriage ratio of 53 ethnic minorities was 26.6 percent²⁵ (26.4 per cent male and female 27.12 per cent female), of which the highest percentage was among ethnic minorities living in very difficult socio-economic conditions. In the age groups under 15 and under 18, the percentage of early marriage among females was three times higher than among males (the percentages were 4.7 per cent and 15.8 per cent in comparison with 1.8 per cent and 5.8 per cent respectively). In the MICS 2014 report, the proportion of ethnic minority women (age group 15-19) who became pregnant was 23.9 per cent in 2014, while the overall rate among young women in the same age group in Viet Nam was 8.2 per cent.

21 CSAGA, 2018. *Gaps and recommendation in helping children who was sexual abused.*

22 General Department of Population and Family Planning, 2018. <https://baomoi.com/mat-can-bang-gioi-tinh-len-moc-moi-nguoi-viet-ham-con-trai-so-1-khu-vuc/c/29559491.epi>

23 UNFPA, 2016. *Sex Imbalances at Birth in Vietnam 2014: Recent trends, factors and variations.*

24 Vietnam Federation on Disability, 2016. *Vietnam initial state report on the implementation of the United Nations convention on the Rights of Persons with Disabilities.*

25 UNDP, 2016. *Survey on the socio-economic situation of 53 EMs in 2015.*

Forced marriage due to cultural practices such as “wife stealing”, “bride kidnapping” or “wife pulling, wife arresting” of some ethnic minority groups such as the Mong, Thai, and other groups, has contributed to an increase in child marriage and consanguineous marriage. Many school age girls have to give up their future when they are forced to be wives.

Consanguineous marriage

Viet Nam’s Law on Marriage and Family regulates legal standards for the conduct of family members, including a ban on “marriage or cohabitation between people of the same direct bloodline.” However, 47,224 cases of consanguineous marriage were discovered, of which 22,247 were men (accounting for 47.11 per cent) and 24,977 were women (accounting for 52.89 per cent).²⁶ Consanguineous marriage was found in 47 out of 53 ethnic minority groups.

2.1.4. Trafficking in women and children

Trafficking occurs both domestically and internationally. Domestic trafficking, specifically in women and girls, is mainly directed from poor rural areas to urban areas. With regard to international cross-border trafficking from Viet Nam, four main forms have been identified: forced marriage, forced labour, sex work and boys for adoption.²⁷

Information about the incidence and prevalence of trafficking in Viet Nam is difficult to obtain. A 2018 report by the Vietnamese National Committee on Crime Prevention and Control found from 2012 to 2017, law enforcement agencies rescued and received about 7,500 victims of trafficking (1,250 per annum), where over 90 per cent were female and 80 per cent were from an ethnic minority. Most victims were trafficked internationally (90 per cent to China), and

80 per cent were sexually exploited in both marriages and the sex industry.²⁸ However, this figure does not fully demonstrate the reality of the problem. Walk Free Foundation’s Global Slavery Index estimated that between 2012 and 2016, over 400,000 Vietnamese people were subjected to modern slavery (including labour exploitation, forced marriages, and sexual servitude).²⁹

The rise of international and domestic migration flows has been increasingly exploited by trafficking networks. However, information and data collection on this issue have been insufficient.

2.2. The reality of services

Recognizing the negative impacts of sexual harassment in the workplace in particular and public places in general, the Government of Viet Nam and NGOs have implemented some interventions.

2.2.1. Government Services

The support services for victims of gender-based violence include reconciliation teams, social workers, and trusted addresses from the grassroots level up to the central level. A number of support services have been included in the National Project on Prevention and Control of Gender-based Violence, 2016-2020. The ‘Safer City for Women and Girls’ model has also been deployed in some big cities such as Ho Chi Minh City in coordination with government and international agencies. Police and transportation company hotline numbers are advertised on buses, however, these hotlines are reported to be ineffective in responding to sexual harassment complaints at the time of the

26 UNDP, 2016. *Survey on the socio-economic situation of 53 EMs in 2015*.

27 ISDS, 2018. *Cross-border marriage between Vietnam and China - Report of a qualitative research conducted in 2017-2018 period*

28 <https://en.vietnamplus.vn/workshop-reviews-assistance-for-returnee-victims-of-trafficking/138095.vnp>

29 <https://www.globalslaveryindex.org/2018/data/country-data/viet-nam/>

incident.³⁰ Moreover, gender-based violence incidents are not well identified and reported due to lack of awareness and proactive approach to victims of gender-based violence, incompetence and concerns about the performance of the staff. Services and models of interventions to prevent sexual harassment in public places are limited and fail to respond to the reality on the ground.

Up to two-thirds of abused women and girls with disabilities cannot access support from authorities³¹ and only 43 per cent of domestic violence cases were reported to the police. A high number of violence cases are not reported and prosecuted. The level of support needed is very high in relation to the response measures and remedies, meaning needs are not being met.³²

The main issues of current services are:³³

- Complicated procedures are barriers to women's access to justice: Access to interdisciplinary law enforcement systems is primarily implemented by individuals and organizations such as neighborhood chiefs, police, women's associations and people's committees, and they often overlook the dangers of violent (non-criminal) behaviour. Mediation between the victim and the violator is often the priority solution, leading to delays in resolving the case, ignoring the need for urgent protection and medical care, and victim support activities. Very few people are satisfied with the reconciliation solution.³⁴ For cases of domestic sexual violence, it is often after the reconciliation, when the violator continues their violent behaviours, that the police get involved.

- The criminal justice system does not yet respond to the rights of women who are victims of sexual harassment and violence. Women often find it difficult to approach judicial officials (police, procurators) when requesting protection and legal assistance; the judicial system does not respond to the needs of victims of sexual harassment in particular and harassment in general, and does not create appropriate legal mechanisms for women who have been victims of violence to engage in legal procedures.
- There is a lack of centres to effectively support victims of sexual harassment and violence such as facilities with the necessary equipment to provide complete support services, including medical treatment, psychological consultation, legal aid as well as a lack of effective referral mechanisms among these centres. The Social Work Centre model has been established in some areas but still does not meet the needs of society.³⁵
- The current hotlines and psychological support services are ineffective; women who are victims of sexual harassment and violence are not able to access and use these services. There is a lack of information about support services for women who are sexually harassed, for example, "113" is used for reporting serious cases, "111" is used for victims of human trafficking and children who are sexually abused, but very few people know about these phone numbers. Often, these hotlines are used to report criminal cases, while sexual harassment or violence is considered non-criminal so victims do not use these hotlines.

30 Plan International Vietnam, ISDS, 2015. *Review Vietnam's Policies and Programs about sexual harassment against girls in transports and public places.*

31 <https://www.nguoiduatin.vn/nhuc-nhoi-van-de-tro-giup-cho-nguoi-khuyet-tat-phu-nu-tre-em-bi-bao-hanh-a444551.html>

32 GSO, 2010. *Results from the National Study on Domestic Violence against Women in Vietnam*

Read more: UNODC, HEUNI, INGAD, 2010. *Research on the Quality of Criminal Justice Services available to Victims of Domestic Violence in Vietnam*

33 UN Women, UNODC, CSAGA, 2015. *Access to Justice for women survivors of sexual violence.*

34 UN Women, UNODC, CSAGA, 2015. *Access to Justice for women survivors of sexual violence.*

35 UN Women, 2013. *Assessment of the situation of women in the criminal justice system in Vietnam.*

Victims of violence do not believe in the quality of support services so they do not access and use these services. At commune, ward, and town (grassroots) level, there is no hotline for women to contact in case of sexual harassment or violence. Often, they choose to report directly to the police, local authorities and local organizations (Women's Union). The reaction of the authorities (commune chairman, police) to cases of violence against women is relatively slow.

- There is a lack of funding for activities supporting victims of sexual harassment and violence, such as health care services, shelters, mediation to best support victims of sexual harassment and violence. Many women who experience sexual harassment/violence cannot access health insurance, e.g. poor rural women are unable to participate in voluntary health insurance. Support centres are managed and use state or local funding, but often lack facilities, the staff lack skills, and the support activities for people who are victims of sexual harassment/violence are therefore not effective.

2.2.2. Services from civil society organisations

Civil society organisations have made many contributions in the effort to prevent gender-based violence. Studies conducted by civil society organisations have provided evidence and data about gender-based violence and revealed policy gaps. They also participate in policy monitoring, development, and review processes.

Civil society organisations are often concerned with vulnerable groups (e.g. people with disabilities, LGBT community, migrant people, people living with HIV, female sex workers, etc.) and perpetrators that are not adequately supported by existing policies. Services provided by civil society

organisations are comprehensive, coordinated, responsive, flexible and have simple procedures making them easy for victims and the community to access and use. Support services for victims of gender-based violence provided by civil society organisations are quite diverse and involve different sectors, from legal advice, counselling and psychotherapy, providing information, health care, livelihood support, community reintegration and so on. These services fill service gaps that the government is not covering and reduce the burden as well as improving and enhancing the quality of the government's services, especially services for vulnerable groups.

Civil society organisations also contribute to raising awareness and building the capacity of community and government officials to prevent gender-based violence. They provide experts, training activities and technical support tools to successfully implement models in the community.

The initiatives launched by GBVNet and other civil society organisations incorporate many creative activities, attracting the interest and participation of the community, influencing policymakers, National Assembly agencies, and the government to adjust and amend policies to reflect reality.

Several successfully implemented models have been acknowledged and implemented by the government through the promulgation of the National Guidelines for nationwide implementation. However, most of the models and initiatives from civil society organisations are only piloted on a small scale due to a lack of human and other resources. The existing government service system is not ready to coordinate with and apply the civil society organisations' successful intervention models.

2.3. Legal gaps

The laws on sex selection at birth and human trafficking in Viet Nam are quite comprehensive. Viet Nam also has a basic legal framework containing policies on the prevention of gender-based violence, especially for women and girls.³⁶ However, the issue of gender-based violence still has gaps in some aspects of legal policies and practice, especially for marginalized women including women with disabilities and ethnic minority women.

Firstly, there is a need for concrete definitions of gender-based violence and related sexual violence/harassment. Although the Law on Gender Equality (2006) refers to gender-based violence as a prohibited act (Clause 3, Article 10), the Law and other legal documents with relevant content do not include a detailed definition or description of different types of gender-based violence behaviours,³⁷ leading to difficulties for the competent agencies and individuals to identify and apply the provisions on violence prevention and control.

Secondly, the mechanism to protect victims is weak. The regulations for obtaining evidence and the use of evidence can make it difficult for victims of sexual harassment and violence.³⁸ Victims of sexual violence often have to answer difficult and painful questions about their case from many different people who involved in the legal proceedings (police, procuracy, court, lawyer), which can cause mental distress to victims of sexual violence. Requiring victims to provide

evidence of resistance or other evidence to prove the acts of sexual harassment and violence, such as clips, recordings, or witnesses in cases of sexual harassment are hard to fulfil. Viet Nam has no rules of responsibility or specific instructions for the relevant agencies for collecting evidence in a manner that minimizes revictimization and violation of privacy and protects the dignity of victims. These regulations create barriers to reporting acts of sexual harassment and violence.

Current penalties and compensation for gender-based violence and sexual violence are insufficient and do not provide enough of a deterrent. Currently, Viet Nam has no specific laws that prescribe compensation for damages from sexual harassment. While there are laws on compensation for damages in the Civil Law for mental damage due to honour, dignity and prestige violation, these laws do not correspond to the damage of victim of sexual harassment. For example, in the case of a female official in Trieu Phong, Quang Tri who was sexually assaulted by a male colleague, causing harm to her health, her mental health and insulting her dignity, the perpetrator was only fined 200,000 VND and did not have to pay any compensation to the victim. This kind of penalty is of concern to Vietnamese society community because it is not a serious deterrent for acts of harassment or assault.

There are no specific provisions on GBV prevention for women with disabilities, migrant women, gay, bisexual, or transgender individuals because the current legal provisions are difficult to apply to these groups.

36 The policy on prevention of GBV is stipulated in the legal documents such as the 2013 Constitution; Law on Gender Equality 2006; Law on Prevention and Control of Domestic Violence 2007; Law on the Prevention of and Combat against Human Trafficking; Criminal Code amended in 2017; ... and a series of Decrees and Circulars guiding implementation.

37 Lack of definitions of "gender-based violence"; "sexual harassment"; "sexual assault"; "subscene acts with people under 16" ... in various laws (or legal documents) including the Gender Equality Law 2006; the Law on Prevention of Domestic Violence 2007; the Labour Code 2012 and the Criminal Code 2015.

38 UNODC, UN Women, 2013. *Assessment of the situation of women in the criminal justice system in Vietnam.*



PART 3

RECOMMENDATIONS

3.1. Conclusion

Gender-based violence has received more and more attention from the government, civil society organisations and communities in Viet Nam. Gender-based violence takes many forms: physical, emotional, economic and sexual violence, threats and coercion, forced marriage, forced childbirth, sexual harassment, trafficking in women and children, etc. It occurs everywhere: in the family, the community, the workplace, in schools and public places. These behaviours violate Vietnamese laws and international conventions, hindering efforts to achieve Viet Nam's Sustainable Development Goals.

Vietnamese civil society organisations are more actively participating and effectively contributing to raising awareness, providing services, advocating, and mobilizing communities on gender-based violence issues. While there are still many gaps in public services to prevent and respond to gender-based violence in Viet Nam, civil society organisations have contributed to narrowing these gaps. However, these efforts are not always acknowledged. Therefore, the government should encourage and create a legal framework and institutionalize the role of civil society organisations in the fight against gender-based violence.

3.2. Recommendations

First: It is necessary to increase awareness raising activities about gender-based violence among the public and service providers, especially criminal justice service providers. Gender-based violence needs to be considered as a social issue, not just a private issue between men and women. Sexual harassment is not only bad behaviour, but also a violation of laws and women's rights. Ending gender-based violence is the responsibility of society as a whole.

Second: It is necessary to review and fill gaps in gender-based violence laws and policies. There should be clear and specific definitions of gender-based violence, including sexual harassment, sexual assault etc. In addition, penalties should be strengthened to deter gender-based violence, including domestic violence. Mediation should not be considered as the first measure. The role of mass organisations is to support victims, not to solve the case. It is necessary to review the criteria of "no violence" in the campaign of cultural family and cultural neighborhood (cultural family and

cultural neighborhood are two indicators set by the Vietnamese government to be implemented at the neighborhood level to establish certain cultural standards and encourage families to meet those standards).

Third: Strengthen services to support victims of gender-based violence in terms of health, psychological support, economic support, legal support and shelter, etc. Concentrate on improving the knowledge and skills of service providers and the connection among the public service providers, as well as the coordination between the public and private services.

Fourth: Implement services to support perpetrators to change perceptions and behaviours and engage men in promoting gender equality and preventing gender-based violence.

Fifth: It is necessary to strengthen the integration of life skills education into the school curriculum for adolescents.

Sixth: It is necessary to enforce laws and enhance inspection, examination and evaluation of activities and impose penalties on individuals and organizations that fail to fulfill their responsibilities.

Seventh: Recognize the role of civil society organisations as a service provider in the domain of gender-based violence prevention and strengthen the cooperation with the government system.

Eighth: It is necessary to develop a comprehensive and synchronous data collection system, generate statistical reports on gender-based violence from the local to the central level and conduct research on gender-based violence against marginalized groups that is lacking. This information will be used to provide a complete picture of the current situation and provide evidence for service and policy improvements.

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