



REVIEW REPORT

25 YEAR-IMPLEMENTATION OF THE BEIJING DECLARATION
AND PLATFORM FOR ACTION IN VIETNAM,
FOCUSING ON GENDER-BASED VIOLENCE
UNDER THE VIEW OF SOCIAL ORGANIZATIONS

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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 Vietnam

GSO: General Statistics Office

IBID: Internet Business Investment and Development Company

ILO: International Labor Organization

INGAD: Institute for Gender and Development

ISDS: Institute for Social Development Studies

iSEE: Institute for Social, Economic and Environment

MICS: Vietnam Multiple Indicator Cluster Survey

MOCST: Ministry of Culture, Sports and Tourism

MOLISA: Ministry of Labor, 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 Vietnam

FOREWORD

This report was conducted by the Gender-based Violence Prevention and Response Network in Vietnam (GBVNet), with the support of the United Nations Entity for Gender Equality and the Empowerment of Women. In the field of GBVNet's activities, we are interested in and carry out activities to eliminate gender-based violence and promote gender equality in Vietnam through research and law enforcement monitoring; advocacy; building and promoting positive social movements; strengthening the capacity of the community; and providing services to gender-based violence victims and stakeholders. Therefore, we have participated in writing this report to review the progress of the Beijing Declaration and Platform for Action in the last 5 years (2014 - 2019), focusing on gender-based violence from the perspective of social organizations. The report also identifies efforts and achievements on the prevention of gender-based violence of the government and social organizations in Vietnam, and at the same time identifying difficulties, challenges and proposes solutions to solve these problems. Due to time constraints, the report cannot cover all aspects of gender-based violence, but within our working field, we try to reflect the voices of disadvantaged, marginalized women in society such as ethnic minority women, women with disabilities, migrant women, female workers, etc.

The report is prepared to celebrate the 25th anniversary of the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development in Vietnam. 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. Besides, we hope that this report will provide a more detailed picture of gender-based violence in particular and the situation of gender equality in Vietnam in general at the time when the region and the world celebrate the 25th anniversary of the Beijing Declaration and Platform for Action.

Sincerely,

GBVNet.

PART 1: GENERAL BACKGROUND OF GENDER IN VIETNAM IN THE PERIOD 2014 - 2019.

Vietnamese women account for over half of the population and nearly half of the labor force¹, they participate in almost every social-economic sector of the country. The number of ethnic women in Vietnam working in a variety of occupations is also increasing, especially in the field of education and health².

Women hold many key positions including Politburo member (3/17), member of Central Committee of the Communist Party of Vietnam (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%, one of the highest percentages of female parliament members in the world. Despite the growth in the percentage of women participating in leadership positions compared to the previous period, the targets of “*National Strategy on Gender Equality 2011-2020*” have still not been reached³.

The education issue has not changed much compared to the previous period. Women have less chance to pursue education than men (39.7% of men had high school degrees or higher compared to only 29.2% of women)⁴.

The employment, although women’s participation in the workforce is almost as much as men’s (72.5% and 82.4%)⁵, the quality of employment of female laborers remained lower than that of males. The gender gap in income persisted. The average monthly

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>

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.

income from employment for men is higher than that for women in every type of ownership, economic sector, level of qualification, and most of the occupations⁶.

About the migration issue in Vietnam, including internal, cross-border and overseas migration, continues to increase, making women vulnerable to labor 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 forty percent are women⁷).

Although the standard of living has improved, the role of women in the family has not changed much. They still have to do household chores and they are the primary caregiver while men have more power to make decisions⁸. The majority of owners of land and house properties are men (50% men and 21.3% women)⁹.

A significant achievement is a rapid increase in health insurance coverage. Up to 2016, there were 78.5% women and 77.0% men who had health insurance or free health care¹⁰. The modern contraceptive prevalence rate increased from 37% in 1988 to 67% in 2016. However, more than 70% of the couples reported using modern contraceptives rely on female methods. 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 improvement¹¹. Nonetheless, Vietnam remains as having one of the highest rates of abortion in the region and worldwide at 35.2%¹².

1.1. Efforts of government.

During this period, Vietnam has refined its legal framework and policies on gender equality. Many key legal and policy document 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

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/>

People's Council 2015, the Law on Promulgation of Legal Document 2015, Law of Organization of the Government, Children Law 2016, Law on Legal Aid 2017, Education Law 2017, Anti-trafficking Program 2016 - 2020 with specific measures to better protect the rights of women and children and promote gender equality. Besides, Vietnam has various policies, regulation, research and program implemented to solve the SRB imbalance, such as the 2013 Population Ordinance, which prohibits the use of methods for sex selection, enhancing communication that promote the value of girls and women as well as gender equality. The Government has issued specific guidelines to reduce the SRB imbalance in "National Strategy on Population and Reproductive Health 2011 - 2020", "National Strategy on Gender Equality 2011 - 2020", and "Controlling the SRB imbalance in the period 2016 - 2025" project and so on. In 2016, the Prime Minister approved Decision No. 178/QĐ-TTĐ on January 28, promulgating the Implementation plans of Notice No. 196-TĐ/TĐ dated March 16, 2015, from the Secretariat Committee, on the "Strengthening the Party's leadership on gender equality and the advancement of women in the new situation" ¹³project. This is also a key stage for the implementation of the "National Strategy on Gender Equality 2011 - 2020" and the "National Action Program on Gender Equality 2016 - 2020" to raise awareness, reduce gender gaps, and empowering 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 Vietnam¹⁴. The Government has also strengthened multi-stakeholder and international cooperation to raise awareness about gender equality, eliminate gender violence, and reduce gender gaps in labor, income, and social position.

The Government has been more proactive in promoting communication on gender violence prevention. Since 2016, the Ministry of Culture, Sports and Tourism (MOCST) and Ministry of Labor, Invalids and Social Affairs (MOLISA) have implemented Month of Family, Action Month for Gender Equality and GBV prevention. Because of these events, people have identified domestic violence and sexual harassment in the workplace.

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

1.2. Efforts of social organizations

During this period, social organizations and community organizations have effectively contributed to prevent and respond to violence against women and girls. The researches, service provision models, media campaigns, enhancing capacity activities and so on of social organizations have a positive influence on legislators and government agencies, making them have better orientations in national programs.

Notably, there are activities of the Gender-Based Violence Prevention and Response Network in Vietnam (GBVNet) including 17 social organizations. GBVNet has initiated movements against sexual violence against women and children, and always react promptly and effectively to these cases. GBVNet not only provides support to survivors but help to link with other services and relevant authorities to find the best solution to the problem. For those cases that need to involve collective voices to call for the government action, GBVNet has successfully initiated social media campaign to seek for support from the people. From 2016 to 2019, GBVNet has sent 3 Petitions to the National Assembly and the Government to propose amendments and regulations to laws and policies to improve the effectiveness of prevention and response to gender violence. The recommendations of GBVNet have been signed by a large number of people. Specifically, the 2016 Petition has nearly 4,000 signatures, more than 32,000 signatures in 2017, and in 2019 there are nearly 18,000 signatures. 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 improvement, the implementation of legislation remains a challenge. Vietnamese women still have to face many barriers such as poverty, low levels of education, and limited job opportunities, as well as discriminatory attitudes and behaviors from the family and society. In 2017, Vietnam was ranked 67th out of 189 countries on the UN's Gender Inequality Index, which was a fall of 7 spots from 2014.

PART 2: CURRENT SITUATION AND RESPONSE TO GENDER VIOLENCE.

2.1. The reality of gender violence

2.1.1. Domestic violence

National data on domestic violence in Vietnam has not been updated, only data from the General Statistics Office (GSO) based on surveys since 2010. Therefore, this report uses research results of community organizations. Results from studies of ISDS (2015) showed that physical and emotional abuse was reported the most with 44.85% of women and 41.51% of men said that they had experienced at least one of these forms of physical and emotional abuse in the last 12 months. Economic abuse occurred in 9.58% of women and 5.85% of men. Sexual violence occurred in 4.2% of women and 4.72% of men. Young women, with education level under primary education, who are ethnic minorities, live in the Southern, and are unskilled workers, are more likely to experience s than others.

Among the forms of violence occurring during the 12 months before the survey, 6.7 % of women reported being beaten/abused by their husbands, 27.2% were being verbally abused/insulted by their husbands, and 5.5% were forbidden to work by their husbands, 2.05% was forced to have unwanted sex by her husband¹⁵.

Regarding domestic violence among ethnic minorities, in a CARE research in 2018 with 329 women and 101 men in Dien Bien, there are 66.6 % of women reported having experienced at least one type of violence during the 12 months before to the research. The percentages of forms of psychological abuse were 66,6%; 35% and 32% corresponding with behaviors of yelling, threatening and controlling where the victim goes. There are 23.8% of women in the survey said they had been forced to have sex in their lifetime. In which, there are 97.4% endured and waited for it to happen when forced to have sex¹⁶.

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*.

For other marginalized groups such as women with disabilities, migrant women, women with HIV, female sex workers, LGBT, and so on, although some cases of domestic violence have been shown on mass media, there are still statistics and research gaps.

2.1.2. Sexual violence with women and children.

Sexual harassment is a fairly conspicuous issue in Vietnam. Reports of recent sexual harassment cases in the mass media and social media, as well as accompanying social movements such as #MeToo, #IfNotNow,When, etc. have shown the extent of the alarming issue of sexual harassment in both public places and workplace.

According to a survey in 2014, 87% of 2000 women in Hanoi and Ho Chi Minh City said that they had been sexually harassed in public places¹⁷. In school, 31% of adolescents and young girls have been sexually harassed in public places and public transport, 11% of the student at 30 high schools in Hanoi have been sexually abused and harassed¹⁸. For every 10 women with disabilities, 4 have ever experienced sexual violence in different forms¹⁹. Although there is no official data, the percentage of sexual violence in marginalized groups such as female sex workers and LGBT may be higher.

Sexual harassment in the workplace is among women and is not restricted to any age group, but young people from 18 to 30 are more likely to be affected. Victims of sexual harassment are often in a lower position, under authority, depend on those who had harassment behaviors²⁰. Sexual harassment also occurs in non-official area working groups and domestic workers.

Child sexual abuse is a hot issue in Vietnam, causing a lot of frustration in society. According to the report of the Ministry of Public Security, there were 1544 cases in 2014, 1355 cases in 2015, 1248 cases in 2016, 1370 cases in 2017, and 1269 cases in 2018. According to this data, an average of three Vietnamese children is sexually abused each day. However, this data does not demonstrate the true situation of the

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.*

problem because many victims did not dare to speak out. Certain groups of children may be at higher risk of sexual abuse. These include migrant children, children with disabilities, and street children who earn money by shoeshine, selling newspapers, selling chewing gum or working as maids, babysitting or working in restaurants and pubs²¹.

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

sexual violence cases have been constantly appearing on social media and channels recently. In 2018 alone, up to 1,685 news/articles on sexual harassment were published in online newspapers and news websites (CSAGA, 2018).

2.1.3. Gender Practices are harmful

Sex selection at birth (SRB)

A high SRB problem has been recognized in Vietnam since 2003 and there have been many interventions from the Government. So far, this ratio has not decreased but has been increasing. In 2018, the rate was 115.1/100, an increase of 3% compared to 2017²². 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) is female²³.

In Vietnam, son preference is the most important and common factor leading to the practice of sex selection. Besides, assisted reproductive technologies such as sperm sorting, embryo transfer and ultrasound lead to sex-selective abortion and so on are widely applied in Vietnam. Although the law prohibits using ultrasound for fetal sex determination, this is still very common. In Vietnam, up to 96% of women went to prenatal care during the last pregnancy and most mothers (83%) knew the sex of their baby before delivery.

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.*

Early marriage and forced marriage

Many people with disabilities are also forced to marry or live with others. According to a study in 2016, about 2.3% of women with disabilities were forced to marry or live with other men with disabilities. The proportion of people with disabilities who are forced to get married is often those with hearing - speech disabilities²⁴.

Early marriage and “bride kidnapping” custom take place mainly in ethnic minority (EM) areas. According to regulations of the Law on Marriage and Family in 2014, the marriage age for males is at least 20-year-olds and for females is at least 18-year-olds. Average early marriage ratio of 53 EM was 26.6% ²⁵(male 26.4% and female 27.12%), of which the highest percentage was among EMs living in very hard socio-economic condition. In the age group under 15 and under 18, the percentage of early marriage among females was 3 times higher than among males (the percentages were 4.7% and 15.8% in comparison with 1.8% and 5.8% respectively). In the MICS 2014 report, the proportion of EMs women (age group 15-19) who started pregnancy was 23.9% in 2014, while the overall rate among young women in Vietnam was 8.2%.

Forced marriage through cultural of ethnic minorities such as “wife stealing”, “bride kidnapping” or “wife pulling, wife arresting” of the Mong, Thai, etc... This practice has contributed to the increase in child marriage and inbreeding marriage. Many children of school age have to give up their future when they are forced to be wives.

Inbreeding marriage

Vietnam's Law on Marriage and Family provides cases of marriage ban, including "Marriage or cohabitation between people of the direct bloodline". However, the reality founded that there were 47,224 cases of inbred marriage, of which 22,247 were men (accounting for 47.11%) and 24,977 were women (accounting for 52.89%)²⁶. Inbreeding occurred in 47 out of 53 ethnic minorities with different levels.

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*.

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

2.1.4. Trafficking in women and children

Such 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 Vietnam, four main routes have been identified: to China for forced marriage, forced labour, sex work and boys for adoption²⁷.

Information about the incidence and prevalence of trafficking in Vietnam 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 trafficking victims (1,250 per annum), where over 90% were female and 80% were from an EM. Most victims were trafficked internationally (90% to China), and 80% were sexually exploited in both marriages and the sex industry²⁸. However, this figure does not fully demonstrate the reality of the problem. Walk Free Foundation's Global Slavery Index estimated between 2012 and 2016, over 400,000 Vietnamese people were subject to modern slavery (including labour exploitation, forced marriages, and sexual servitude)²⁹.

The rise of international and domestic migration flows has been increasingly taken advantage of by trafficking lines. However, information and data on this issue have not been fully collected.

2.2. The reality of services

Recognizing the dangers and impacts of sexual harassment in the workplace in particular and public places in general, the Government of Vietnam with NGOs has been implementing some interventions for this issue.

2.2.1. Services from Government.

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.globallslaveryindex.org/2018/data/country-data/viet-nam/>

The system of interventions and support services for victims of gender-based violence includes reconciliation teams, social workers, and trusted addresses at 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 Safety 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. Hotlines of police and transport companies are available on buses. However, these hotlines are reported to be ineffective in responding to sexual harassment complaints when the incident happened³⁰. Services and models of interventions to prevent sexual harassment in public places are limited and failed to respond to the requirements and the development reality of society. Up to two-thirds of abused women and girls with disabilities are without support from grassroots authorities³¹. Only 43% of domestic violence cases were reported to the police. A high number of violence cases are not detected and prosecuted. The rate of victims needs to be supported is very high while protecting measures and remedies are neither unrecognized nor met³².

Main issues of current services are³³:

- 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 chief, police, women's associations, people's committees, and they often overlook the dangers of violent (non-criminal) behavior. Mediation between the victim and the violator is often the priority solution, leading to delays in solving the case, ignoring the need for urgent protection, medical care, and victim support activities. However, very few people are satisfied with the reconciliation work³⁴. For cases of domestic sexual violence, it is often after

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.*

the reconciliation, the violator continues their violent behaviors, the police would enter.

- The criminal justice system does not yet respond to the rights of woman, who are victims of sexual harassment and violence: they find it difficult to approach judicial officials (police, procurator) when they request to be protected and to have legal aid; the judicial system does not yet respond to the need of victims of harassment in particular and sexual harassment in general, and does not create appreciated legal mechanism for women who have been victim of violence to perform legal procedures.
- Lack of centers to effectively support woman who are who are victims of sexual harassment and violence: material facilities, necessary equipment for providing complete support services: medical treatment, psychological consultation, legal aid are insufficient and ineffective; lack of effective referral mechanism between these centers, the model of Social Work Center has been established in some localities but still not meet the needs of society³⁵.
- The current hotlines, psychological support services are ineffective; women, who are victims of sexual harassment and violence are not able to access and use this services: lack of information about support services for women who are sexually harassed, for example, “113” used for reporting serious cases, “111” 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. Victims of violence do not believe in the quality of support services so they do not access and use these services. At commune, ward, 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 polices, local authorities and local organizations (Women’s Union). The reaction of competent people (commune chairman, police) to the violence cases is relatively slow.
- Lack of funding for activities supporting victims of sexual harassment and violence: lack of funding for health care services; shelters, mediation to best support for

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

victims of sexual harassed and violence; many women who experience sexual harassment/violence cannot access health insurance (rural women), who are poor and unable to participate in voluntary health insurance. Support centers are managed and use state or local funding, but often lack of facilities, the staff are lack of consulting skills, so support activities for people who are victims of sexual harassed/violence often are not effective.

2.2.2. Services from social organizations.

Social organizations have made many contributions in the effort to prevent gender-based violence.

Studies conducted by social organizations have provided evidence, data about gender-based violence and policy gaps. They also participated in the policy monitoring, development, and review process.

Social organizations are often concerned with vulnerable groups (people with disabilities, LGBT community, migrant people, HIV groups, female sex workers, etc.) and men who cause violence that policies in general still cannot reach to provide appropriate support. Services provided by social organizations are comprehensive, easy to access, friendly to victims and community, responsive and flexible, having simple procedures and highly connected. Support services for victims of gender-based violence provided by social organizations are quite diverse, involved many sectors, from legal advice, counseling and psychotherapy, provided information, to health care, livelihood support, community reintegration and so on, have contributed to sharing and supplementing service gaps that the Government has not covered, reducing the burden as well as improving and enhancing the quality of the Government's service system, especially services for the vulnerable groups.

Social organizations have contributed to raising awareness and building the capacity of the community and government officials to prevent gender-based violence. Social organizations have provided experts, training activities, and technical support tools to successfully implement models in the community.

The movements initiated and launched by GBVNet and social organizations have many forms of creative activities, attracting the interest and participation of the community,

influencing policymakers, National Assembly agencies, and the government to adjust and amend policies to suitable for the reality.

Several successfully implementation models have been acknowledged and realized by the Government through the promulgation of National Guidelines for nationwide implementation. However, most of the models and initiatives from social organizations 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 connect and apply interventions from the models of social organizations.

2.3. Law gaps

The laws on sex selection at birth and human trafficking in Vietnam are quite comprehensive. Vietnam has also formed a basic legal framework containing policies on the prevention of gender-based violence, especially for women and girls³⁶. 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 EM women.

Firstly, there is a lack of definition of gender-based violence and related sexual violence/harassment definitions. Although the Law on Gender Equality (2006) referred to the gender-based violence as a prohibited act (Clause 3, Article 10), however, the Law and others legal documents with relevant content are not included detail definition or description the contents of gender-based violence behaviors at different levels³⁷, leading to difficulties for the competent agencies and individuals to identify and apply the provisions on violence prevention and control in this domain.

Secondly, the mechanism to protect victims is weak and insufficient. The regulations of evidence and the use of evidence can make it difficult for victims of

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 violence"; "Sexual harassment"; "Sexual assault"; "Obscene acts with people under 16" ... in various laws (or legal documents) including Gender Equality Law 2006; Law on Prevention of Domestic Violence 2007; Labor Code 2012; Criminal Code 2015.

sexual harassment and violence³⁸. Victims of sexual violence often have to answer questions about the content of the cases to many people conducting legal proceedings (police, procuracy, court, lawyer), which can cause mental hurt to victims of sexual violence. Requiring the 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 realize. Vietnam has no rules of responsibility of the relevant agencies to collect evidence in a manner that minimizes violation of privacy and protects the dignity of victims, as well as specific instructions. These regulations make victims face many barriers when they want to report acts of sexual harassment and violence.

Penalties and compensation for gender-based violence, sexual violence are not justifiable and not enough deterrents. Currently, Vietnam has no specific laws prescribe on compensation for damages of sexual harassment behavior. While laws on compensation for damages in the Civil Law for mental damage due to honor, dignity and prestige violation, they do not correspond to the damage of victim of sexual harassment because the law provides for a maximum of unnegotiable compensation of only 10 months of minimum wage at the time of compensation settlement. 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, but the perpetrator was only fined 200,000 VND and did not have to pay any compensation for the victim. This kind of penalty makes the Vietnamese social community concerned because it is no deterrent to a person who has harassment acts.

There are no specific provisions on GBV prevention for women with disabilities, migrant women, gays, bisexuals, and transgender people because the current legal provisions are difficult to apply to their characteristics.

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, social organizations and communities in Vietnam. Gender-based violence occurs in all forms: from physical to emotional, economic and sexual violence, from beatings to injuries to sexual threats and coercion, or rape and sexual assault, forced marriage, forced childbirth, sexual harassment, trafficking in women and children, and so on. Gender-based violence occurs everywhere: from the family, community, to workplace, study or public places. These behaviors violate Vietnamese laws and international conventions, hindering efforts to achieve Vietnam's Sustainable Development Goals.

Vietnamese social organizations are more actively participating and effectively contributing to raise awareness, provide services, advocate, and mobilize communities on gender-based violence issues. While public services on gender violence prevention in Vietnam still have many gaps, the participation of social organizations has contributed to narrowing these gaps. However, these efforts are not always well appreciated. Therefore, the Government should encourage and create a legal framework and institutionalize the role of social organizations in the fight against gender violence.

3.2 Recommendations

Firstly, it is necessary to continue and increase activities to raise awareness about gender-based violence among people and service provider staff, especially criminal justice service provider staff. Gender-based violence needs to be considered as a social issue, not just domestic violence or violence between men and women, sexual harassment is not only a barbarism but also a violation of laws, ending gender-based violence is the responsibility of the whole society.

Second, it is necessary to review and fill in gaps in gender-based violence laws and policies. There should be clear and specific definitions of gender-based violence, including sexual harassment, sexual assault and so on. Besides, stricter penalties should be strengthened to ensure deterrent even for domestic violence behaviors. Mediation should not be considered as the first and priority measure. The role of organizations and unions is to help victims, not to deal with their problems. It is

necessary to review the criteria of "non-violence" in the campaign of cultural family and cultural neighborhood.

Third, strengthening services to support victims of gender-based violence in terms of health, psychology, economics, law, shelters, etc... Which, it should concentrate on improving the knowledge and skills of services provider staff, the ability to connect between the public service system, as well as the connection between the public-private service system.

Fourth, services to support perpetrators to change perceptions and behaviors, to engage men in promoting gender equality and preventing gender-based violence, should be implemented.

Fifth, it is necessary to strengthen the integration of life skills education into the curriculum in schools for adolescents.

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

Seventh, strengthening cooperation with social organizations: recognizing and working with social organizations as a service provider in the government system in the domain of prevention of gender-based violence.

Eighth, it is necessary to develop a comprehensive and synchronous data collection system, statistical reports on gender-based violence from the local to the central level, and conduct research on gender-based violence against marginalized groups that still lack information. This information is intended to provide a complete picture of the current situation and provide evidence for service and policy improvement.

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