



**BỘ TƯ PHÁP**  
NƯỚC CHXHCN VIỆT NAM  
MINISTRY OF JUSTICE



**PHÁI ĐOÀN LIÊN MINH  
CHÂU ÂU TẠI VIỆT NAM**  
EUROPEAN UNION



**CHƯƠNG TRÌNH PHÁT TRIỂN  
LIÊN HỢP QUỐC**  
UNDP

**POLICY DIALOGUE ON LEGAL IMPROVEMENT AND  
ENFORCEMENT**  
**ANTI-DISCRIMINATION AGAINST WOMEN AND GIRLS AND PREVENTION OF  
GENDER-BASED VIOLENCE**

*Hilton Hanoi Hotel,  
1 Lê Thánh Tông, Phan Chu Trinh, Hoàn Kiếm, Hà Nội  
August 9<sup>th</sup> 2019*

**Chairpersons:**

- Mr. Nguyen Khanh Ngoc, Vice Minister of Justice
- Ms. Axelle Nicaise (Chargé d'Affaires) - Representative of Delegation of the European Union to Vietnam
- Ms. Caitlin Wiesen, Resident Representative, UNDP Vietnam

Time	Content
08:15 – 08:30	<b>Registration</b>
08:30 – 08:35	<b>Welcome and Introduction</b> <i>Mr. Nguyen Huu Huyen, Director of International Cooperation Department</i>
08:35 – 09:00	<b>Opening Remarks</b> <i>Mr. Nguyen Khanh Ngoc, Vice Minister of Justice</i> <i>Ms. Axelle Nicaise (Chargé d'Affaires) - Representative of Delegation of the European Union to Vietnam</i> <i>Ms. Caitlin Wiesen, Resident Representative, United Nations Development Programme in Vietnam</i>
09:00 – 10:30	<b>Discussion Session I: Sharing information on laws and policies on anti-discrimination against women and girls, gender-based violence prevention, and practical implementations</b> <b>Co-chaired by</b> <i>Mr. Nguyen Khanh Ngoc, Vice Minister of Justice</i> <i>Ms. Axelle Nicaise (Chargé d'Affaires) - Representative of Delegation of</i>

Time	Content
	<p><i>the European Union to Vietnam</i></p> <p><i>Ms. Caitlin Wiesen, Resident Representative, United Nations Development Programme in Vietnam</i></p> <p><b>Topics of discussions:</b></p> <p><b>Policies and laws on dealing with discrimination against women and girls and gender-based violence</b></p> <p>Representative of Criminal and Administrative Legislation Department, Ministry of Justice</p> <p><b>The implementation of international commitments on anti-discrimination against women, girls and prevention of gender-based violence</b></p> <p>Representative of Department of Legal affairs, Ministry of Labor, Invalids and Social Affairs</p> <p><b>International experience in gender-based violence prevention and anti-discrimination against women and girls</b></p> <p>Mr. Nick Booth, UNDP representative</p> <p><b>Open discussion</b></p>
10:30 – 10:45	<b>Tea break</b>
10:45 – 12:15	<p><b>Discussion Session II: Improving the effectiveness of anti-discrimination against women and girls and gender-based violence prevention</b></p> <p><b>Co-chaired by</b></p> <p><i>Mr. Nguyen Khanh Ngoc, Vice Minister of Justice</i></p> <p><i>Ms. Axelle Nicaise (Chargé d’Affaires) - Representative of Delegation of the European Union to Vietnam</i></p> <p><i>Ms. Caitlin Wiesen, Resident Representative, United Nations Development Programme in Vietnam</i></p> <p><b>Topics of discussions:</b></p> <p><b>Laws and practices on legal aid for domestic violence survivors, child victims of gender-based violence and anti-discrimination and solutions</b></p> <p>Representative of Legal Aid Department, Ministry of Justice</p> <p><b>Prevention of domestic violence: law and practical implementation</b></p> <p>Representative of Department of Criminal Police, Ministry of Police</p> <p><b>Enhancing the role of women and girls in preventing gender-based violence in Hoa Binh Province</b></p> <p>Women’s Union of Hoa Binh Province</p> <p><b>Open discussion</b></p>
12:15 – 12:30	<p><b>Wrap-up and Closing Remarks</b></p> <p><i>Mr. Nguyen Khanh Ngoc, Vice Minister of Justice</i></p>
12:30	<b>Lunch</b>

**THE IMPLEMENTATION OF INTERNATIONAL COMMITMENTS  
ON ANTI-DISCRIMINATION AGAINST WOMEN, GIRLS AND  
PREVENTION OF GENDER-BASED**

*Representative of Department of Legal affairs,  
Ministry of Labor, Invalids and Social Affairs*

**I. Some international commitments to eliminate  
discrimination against women and girls and prevent  
violence based on gender**

- Universal Declaration of Human Rights (UDHR)
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)
- The United Nations Convention on the Rights of the Child (CRC)
- International Covenant on Civil and Political Rights (ICCPR)
- The Beijing Platform for Action
- Equal Remuneration Convention, 1951 (No. 100 - ILO)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **1. Vietnam legal framework**

- ✓ The Constitution of the Socialist Republic of Vietnam 2013
- ✓ The law on gender equality 2006
- ✓ Children law 2016
- ✓ Labor Code 2012
- ✓ The Law on domestic violence prevention and control 2007
- ✓ Decree No. 70/2008/ND-CP of June 4, 2008, detailing the implementation of a number of articles of the Law on Gender Equality
- ✓ Decree No. 48/2009/ND-CP of providing of May 19, 2009, measures to assure gender equality
- ✓ Decree No. 55/2009/ND-CP of June 10, 2009, on sanctioning of administrative violations of gender equality

## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **1. Vietnam legal framework**

- ✓ Action plan of the Government until 2020 to implement the Resolution No. 11-NQ/TW of the Politburo dated April 27, 2007 about women's relating works in the period of industrialization and modernization of the country (promulgated with Resolution No. 57/NQ-CP December 1, 2009)
- ✓ National campaign on gender equality period 2011 – 2020
- ✓ National program about gender equality period 2011-2015
- ✓ National action plan about gender equality period 2016 – 2020
- ✓ Project on gender-based violence prevention and response in the period 2016-2020, vision to 2030



## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.1 In political area**

- ✓ Law on election of deputies to the National Assembly and People's councils (Law No. 85/2015/QH13) have ruled that at least 35% of total official National Assembly and People's Council candidates are women
- ✓ Decree No.05/2011/NĐ-CP dated 14/01/2011 on ethnic minorities work, in Article 11 has ensured appropriate ratios of ethnic minority cadres, prioritizing those who are female and young to work in agencies and organizations within the political system at all levels.
- ✓ Guidance of Central Organization Commission, No. 22-HD/BTCTW dated 2/10/2008 on staff planning work: female ratio about 10-15% in provincial and city commissioner
- ✓ Limitation: the difference of retired age according to the law (55 years old for women and 60 years for men) leads to the age difference in planning, appointment and promotion between men and women

## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.2 In economic area**

- ✓ Enterprises employing many female workers are entitled to tax and financial incentives in accordance with the law
- ✓ Women in rural areas are supported with credit, agricultural, forestry and fishery incentives in accordance with the law
- ✓ Limitations: Although there is an increase in the rate of women as business owners, women still focus mainly on micro and small enterprises. Up to 98% of women-owned SMEs are super-small and small, of which micro-scale enterprises account for 72%, the remaining small ones account for 27%, resulting in certain difficulties in access with capital support for businesses.

## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.3 In labor-using area**

- ✓ The labor code 2012 ruled about the equality of works and jobs for male and female employers
- ✓ Labor law encourages employers to prioritize recruitment and use of women to work when those women are eligible and working standards are suitable for both men and women.
- ✓ Training and capacity building for female workers
  - ✓ Scheme on vocational training for rural laborers up to 2020 (Decision No. 1956/QĐ-TTg)
  - ✓ Scheme on support for women in vocational training and job creation in the 2010-2015 period (Decision No. 259/QĐ-TTg)
- ✓ Limitations: The difference of retired age leads to the limitation of job opportunities and promotion

## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.4 In education**

- ✓ Equality in regulations for men and women in terms of school age, study opportunities and conditions
- ✓ Supporting learners who are women and rural laborers when participating in primary level training programs and under 3-month training programs with free training expenses (Law on Vocational Education)
- ✓ Integrating gender into education programs and textbooks and conducting gender equality violations in current textbooks
- ✓ Vocational training for female workers focuses on agricultural occupations (accounting for 62%), non-agricultural occupations (accounting for 38%) are mainly done in the areas where shifting land use purposes are associated with economic structure.
- ✓ Limit:
  - ✓ The rate of girls in mountainous provinces attending school is still low, some places only account for 10-15%.
  - ✓ The gender gap at the post-graduate level is quite significant
  - ✓ The percentage of untrained female workers in the country is still high at 87.1%, of which rural areas are 92.8% and urban areas are 71.2%.
  - ✓ Gender stereotypes in educational materials and textbooks still exist



## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.5 In science and technology**

- ✓ Law on Science and Technology issued in 2013 stipulates that individuals have the right to freedom of creativity and equality in scientific and technological activities, regardless of male and female
- ✓ Since 1985, the Kovalevskaya Prize selects female scientists or collective scientists from the year to award. This annual award has contributed to encouraging and encouraging Vietnamese women to participate in scientific research and application
- ✓ Limit:
  - ✓ In fact, there is still a significant gap between men and women in science and technology activities.
  - ✓ Gender stereotypes still exist in many forms, women still take the main responsibility in caring for their families so there is not much time for scientific research; some women still have their own mindsets about their responsibilities of caring for family, and not participating in scientific research
  - ✓ On the other hand, prescribing women to retire five years earlier than men is also a factor affecting women's scientific research.

## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.6 In the field of culture, information, fitness and sports**

- ✓ Communication on gender equality in the media has been promoted in recent years
- ✓ Radio and television broadcasting programs on gender equality have been implemented in both Vietnamese and ethnic languages
- ✓ In the field of fitness and sports, female and male athletes have made many contributions and contributed to the overall achievement of Vietnamese sports. In the past 10 years, the percentage of top-level female athletes tends to increase
- ✓ Limit:
  - ✓ Many broadcast gender equality categories are not regular
  - ✓ Although appearing with great frequency, but women are always in the position of "housewives", associated with "kitchen", around in a narrow space from the house to the market, supermarket .....

## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.7 In the field of healthcare**

- ✓ Supporting policy for poor-household women from ethnic minorities who follow the population policy
- ✓ Control of sex imbalance at birth
- ✓ National guidelines for reproductive health care services
- ✓ Limit:
  - ✓ Limited access to health care services for pregnant women in rural and ethnic minority areas.
  - ✓ The maternal mortality ratio is still high compared to some countries in the region.
  - ✓ Sex imbalance at birth in some localities is still quite significant, especially in the Red River Delta region

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## **II. Implementation of international commitments to eliminate discrimination against women and girls and prevent violence based on gender**

### **2.8 Prevent violence based on gender**

- ✓ The Law on domestic violence prevention and control 2007
- ✓ National scheme on gender equality period 2011 - 2020
- ✓ Raising awareness activities for women
- ✓ Models for the prevention of trafficking in women and children, prevention of domestic violence:
  - ✓ Shelters
  - ✓ Trusted addresses in the community
  - ✓ Consultation rooms ...
- ✓ National research on domestic violence against women
- ✓ Limitations: Regarding the issue of violence against women, the number of services provided is still limited, gender stereotypes are still significant.

## **III. Some proposals and recommendations**

- ✓ Continue to improve the policy and legal framework in order to implement international commitments
- ✓ Promote verification and supervision activities to integrate gender equality issues in developing legal documents
- ✓ Strengthening communication, training and retraining, training to raise awareness and capacity building on anti-discrimination against women and girls and preventing gender-based violence
- ✓ Strengthen inspection, examination and handling of violations in the field of gender equality
- ✓ Promote statistics and reporting on the implementation of international commitments
- ✓ Strengthen interdisciplinary coordination and promote mobilization of domestic and international resources for gender equality work

# INTERNATIONAL EXPERIENCE IN GENDER-BASED VIOLENCE PREVENTION AND ANTI-DISCRIMINATION AGAINST WOMEN AND GIRLS

*-Mr. Nick Booth, UNDP Bangkok Regional Hub-*

## Justice for survivors of GBV in Viet Nam: Research, recommendations and responses

Nick Booth, UNDP Bangkok  
Regional Hub

Nguyen Thi Thuy, UN  
Women Viet Nam

Nguyen Ngoc Anh, UNICEF  
Viet Nam

EU/UN/MOJ Legal Policy  
Dialogue

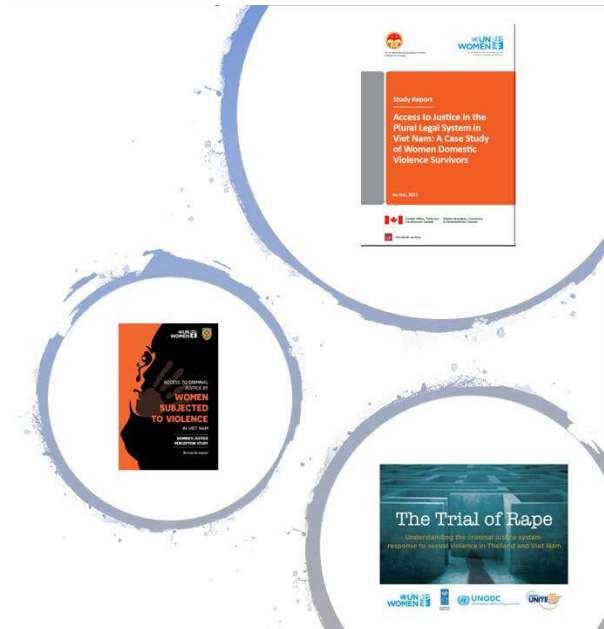
Ha Noi August 2019

### International standards

- **Convention on the Elimination of All Forms of Discrimination Against Women (1979)**
  - **Overriding obligation of “due diligence” (Art 2(e))** to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise
  - **No specific reference** to violence against women and girls, but **CEDAW Committee General Recommendation 19 (1992)** clarified that GBV comes within the definition of “discrimination” and provided comprehensive guidance on international standards in addressing VAWG
  - Later updated by **CEDAW Committee General Recommendation 35 (2017)**
  - Guidance focuses on legislation, prevention, protection, prosecution and punishment, reparations, coordination monitoring and data collection, and international cooperation
- **UN Essential Services Package for Women and Girls Subject to Violence (ESP)** translates the international standards into an integrated set of standards, services and coordination systems aligned to CEDAW and GR 35, including a module on police and justice
- **UN (UN Women, UNODC, UNFPA, WHO)** have supported Viet Nam to implement ESP pilot in Ben Tre including Rapid Task Force on VAWG

## Recent international recommendations and UN research

- CEDAW committee concluding recommendations (2015)
- Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors (2015)
- Access to criminal justice by women subjected to violence in Viet Nam Women's justice perception study (2017)
- The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam (2017)



## Awareness of rights

- 2015 study:
  - forced (marital) sex, psychological, emotional and economic violence often not recognized as DV/husbands regarded as 'entitled' and wives expected to 'obey'
  - Women in areas with DV prevention/control projects showed much higher awareness on reporting of DV
  - Many women felt violence was 'their fault', that a 'good wife' should not complain against her husband, and they would 'cause trouble/disturb' if they reported it
  - Legal dissemination was limited and ineffective: "nobody has told me about DV", "information is general", "men rarely attend meetings"
- 2017 perception study: need for more awareness raising of rights. Some justice providers consider women bear the main responsibility for protecting their rights

## Legal aid

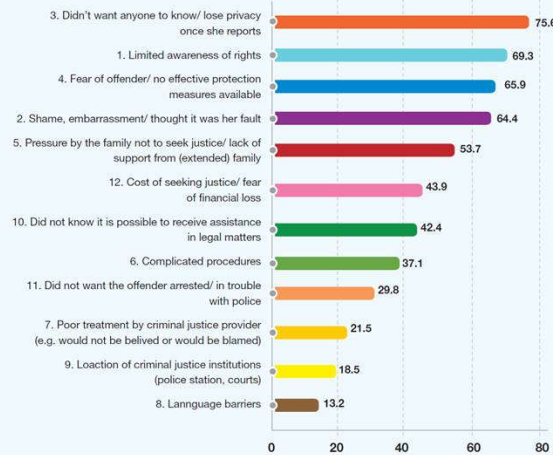
- CEDAW 2015: Women's access to legal aid remains low and legal aid is not free of charge for women whose household income is above the poverty line, even if they lack access to household income and/or are survivors of domestic violence.
- 2017 study:
  - Low awareness of legal aid in rural areas
- Legal Aid Law 2017 includes victims of domestic violence "who experience financial difficulties"

## Reconciliation

- CEDAW 2015: excessive use of reconciliation procedures to address domestic violence
- Trial of Rape study:
  - judge adjourned the trial to allow for informal mediation between the two 'parties'.
  - police - after reconciliations physical evidence of sexual violence would be compromised and they would often not proceed due to the 'weak' case
- 2015 study:
  - Although DV law prohibits reconciliation in cases of violence subject to criminal/administrative sanction, it is still widely used/encouraged even by police
  - WU officials conducting reconciliation considered violence was the 'woman's fault' and she should 'make concessions' and 'learn to behave well'
- 2017 study:
  - Most victims reported reconciliation (even by police) as the usual response even after multiple incidents of violence and reports



What are the significant barriers women victim of violence face when seeking justice



Source: 2017 study

## Reporting and Justice System Response (1)

- CEDAW 2015: concern at low rate of reporting and conviction of perpetrators of violence against women ... and the overreliance on forensic evidence in investigating physical and sexual violence;
- Trial of Rape study:
  - Perception by justice providers that rape and sexual violence is only a problem when it happens to 'good' or 'innocent' women and girls.
  - **Blaming the victim:** "You were raped because of the way you dressed yourself, if not by this offender you shall be abused by another" (police); "A girl who is drunk or showing a lot of cleavage might be the cause of the offence." (male prosecutor)
  - No criminal cases of marital rape: "The police and Women's Union do not believe rape can happen in marriage, so they try to solve these problems through reconciliation."
  - Reluctance by police to proceed without forensic evidence
  - Long delays
  - Limited support to survivors, limited coordination with other support services (counselling, health)
  - Revictimisation of survivors who have to tell their story to multiple authorities in the justice chain
  - Not enough specialized training or women-friendly facilities, not enough female police officers and investigators
  - Inadequate or incomplete administrative data, whether police or court records; poor record-keeping on duration of cases and on outcomes of police investigations and prosecutions; limited monitoring and evaluation of programmes and responses, leaving the justice systems without an evidence base on which to build strategies, policies and practices for improving services.

## Reporting and Justice System Response (2)

- 2015 study:
  - complicated multiple procedures, but better in areas (like Ben Tre) which had DV prevention/control projects
  - Preference for informal resolution by husband's family, pressure on survivor to be 'soft' and 'make concessions', neighbours should "turn a blind eye"
  - Judicial officials and police advised women to 'deal with it herself'
- 2017 perception study:
  - Numerous social, cultural, institutional barriers to reporting violence
  - Uncertainty about reporting, with some women believing they need to report to four authorities (head of residential committee, People's Committee, Women's Union and police)
  - Most victims expressed dissatisfaction with the system and lack of trust
  - Of 17 victims of DV who reported, 4 cases of administrative punishment (2 stabbings, one choking with towel, one hospitalized 9 days), one (hospitalized) woman persuaded to drop the case by prosecutor, 2 resulted in criminal conviction
- Good practice: VN has piloted integrated multi-sectoral coordinated response system aligned with UN Essential Service Package principles with support from UN (UN Women, UNODC, WHO, UNFPA) including Rapid Task Force on VAWG (UNODC-supported)—this can be a model for national scale-up

## Recommendations: CEDAW (1)

- **Prioritise judicial process over reconciliation and mediation, and raise the awareness of community leaders, law enforcement officers, lawyers and the judiciary to ensure women's access to justice;**
- **Develop comprehensive legal aid scheme with a clear timeline and mechanism for monitoring in accordance with the UN Principles and Guidelines on Access to Legal Aid;**
- **Enhance women's awareness of their rights and legal literacy**
- **Criminalize all forms of violence against women, including marital rape, dating violence, violence in public spaces and sexual harassment;**
- **Develop national plan of action to prevent and respond to all forms of violence against women and allocate sufficient human, technical and financial resources for its effective implementation;**

## Recommendations: CEDAW (2)

- Encourage women to report cases of violence and abuse by destigmatizing victims and raising awareness about the criminal nature of such acts, and ensure that all reported cases are effectively investigated and that perpetrators are prosecuted and adequately punished;
- Review the use of reconciliation and ensure that women who are victims of domestic violence have effective access to protection orders and legal remedies;
- Provide mandatory training for judges, prosecutors, lawyers, police officers, health professionals and social workers on the strict application of legal provisions criminalizing violence against women and girls;
- Ensure that victims have access to support services, including free legal aid, medical and psychological care, shelters, counselling and livelihood support;
- Systematically collect statistical data on all forms of violence against women, disaggregated by form of violence, age, disability, ethnicity and relationship between the perpetrator and the victim, and on the number of complaints, prosecutions, convictions and sentences imposed on perpetrators, as well as on reparations provided to victims.

## Recommendations - Legal framework

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- **Penalise the full range of sexual offences against children:** there are some gaps remaining to be addressed to ensure full compliance with the CRC and CEDAW
- **Revise the definition of rape**
- **Extend the offence of rape of a person under 16 to provide equal protection for all minors**
- **Add a new offence of sexual assault**
- **Penalise non-contacts sexual acts with children**
- **Prohibit grooming or luring of children**
- **Penalise child pornography in line with the OPSC**

## Recommendations – Legal framework

- Enhance protection of minor's privacy
- Prohibit confrontations involving a minor victim and a defendant
- Strengthen special measures for minor victim and witnesses
- Establish specialist Women and Child Protection units within the law enforcement and judiciary sectors
- Coordinate the actions of the multiple sectors in prevention and response to VAC such as health and education, in addition to justice agencies
- Improve access to safe and responsive support services, including child-friendly, age-appropriate and gender-sensitive procedures

### Responses: Strengthening access to justice for GBV survivors through EU JULE

- Women, in particular survivors of GBV, are key beneficiaries of EU JULE and its activities offer many entry points to address GBV response:
- Result 1 on increased public awareness and understanding of rights and how to invoke them (study on legal awareness of rights and A2J in 4 provinces, capacity assessment of legal disseminators and communicators (ongoing); development of master communication plan and IEC materials to strengthen legal awareness of minors in contact with the law and survivors of GBV; grants for awareness raising under JIFF)
- Result 2 on legal advice, assistance and representation
  - study on legal aid needs and capacities in 6 provinces (ongoing)
  - study on mediation in 3 provinces (2019);
  - support to gender-sensitive training in Ben Tre
  - 2.7 specific activity on Support for the protection and assistance to survivors of gender based violence and child victims of abuse
  - Development of training programme and processes and SOP for judges, prosecutors, police etc.
  - Policy workshops and dialogues on VAC, GBV
  - JIFF grants for legal assistance
- Result 3 on revision of laws and regulations to enhance access to justice



# **Law and practice of legal aid to victims in cases of domestic violence and children with gender-based violence and discrimination**

*Legal Aid Department, Ministry of Justice*

## **I. OVERVIEW OF LEGAL AID**

Legal aid is one of the areas that are concerned by the Party, the State, and society. From the late years of the 90s, the Prime Minister issued the Decision No. 734-TTg dated September 6, 1997 to establish legal aid organization for the poor and policy beneficiaries, creating a legal basis for the foundation and development of the State's legal aid system. In particular, on June 29<sup>th</sup> 2006, at the 9<sup>th</sup> session, the 11<sup>th</sup> National Assembly passed the Law on Legal Aid No. 69/2006/QH11. This is an important legal normative document since it marked the milestone for the comprehensive and sustainable development of legal aid in Viet Nam. Since then, the system of legal normative documents on legal aid has been increasingly improved; the network of organizing the implementation of legal aid and officials performing legal aid works are strengthened, improved in both quantity and quality.

More than a decade has passed, in response to the country's new development requirements and implementation of the Constitution 2013, the National Assembly has promulgated many new important laws and adopted many reform policies, for example, strengthening legal and judicial reforms following the orientation of the Resolution of the Party's 12<sup>th</sup> National Congress and being proactive in international integration. In implementing such policies, legal aid operation has revealed some limitations and shortcomings that need to be modified. On June 20<sup>th</sup> 2017, the 14<sup>th</sup> National Assembly passed the Law on Legal Aid No. 11/2017/QH14 with the approval rate of 100%, and hence creating legal basis for the sustainable development of legal aid at a higher level that is not only suitable with the practical requirements of national development, but also integrated with regional and international development trends.

### **1. Definition of legal aid**

Unlike some countries, Viet Nam's Law on Legal Aid defines legal aid as the state responsibility to ensure free legal services to legal aid beneficiaries. Since 2006, the Law on Legal Aid 2006 states: *"Legal aid is the provision of free legal services to legal aid beneficiaries... helping them to secure their*

*legitimate rights and interests and enhance their legal knowledge as well as respect and law compliance; contributing to law dissemination and legal education, justice protection, social justice, prevention and limitation of disputes and violating laws” (Article 3).*

Then in 2017, the Law on Legal Aid 2017 affirmed: *“Legal aid is the provision of free legal services to legal aid beneficiaries in cases of legal aid....., contributing to protect human rights and citizen rights in access to justice and equality before the law” (Article 2).*

Thus, it should be noted that according to the provisions of the Law on Legal Aid, people who are entitled to be legal aid beneficiaries (for example, the poor, children, social policy beneficiaries, vulnerable people, etc.) are provided free legal services (for example, legal consultation, representatives in non-legal and legal procedures) by legal aid organizations and providers to protect their legitimate rights and interests. Although these legal services are provided free for legal aid beneficiaries, the State or the legal aid organizations must still pay for people who perform legal aid services through the mechanism of remuneration, refresher to perform the task, investment in facilities construction, equipments, or training and refresher, capacity building for performers, etc. Financial resources for legal aid include state budget; donations from domestic and foreign organizations and individuals; and other legitimate sources. Operating funds of those organizations who voluntarily participate in legal aid are borne by themselves.

The Law on Legal Aid clearly provides that legal aid is the responsibility of the State. The State has policies to enhance the quality of legal aid; ensure the right to receive legal aid services that are appropriate with socio-economic conditions; attract resources to implement legal aid; and support, encourage, recognize, and honor organizations and individuals who participate in and contribute to legal aid activities.

As a specialized field, legal aid activities must follow certain principles. In addition to complying with laws and code of conduct of legal aid, people who perform legal aid services must perform the tasks promptly, independently, and honestly; respect the objective truth; do not collect money, material benefits, or other benefits from legal aid beneficiaries.

## **2. The system of legal documents governing legal aid**

### ***2.1. Legal documents on legal aid***

The legal system on legal aid is increasingly improved. Currently, there are about 20 legal normative documents in this field that takes effect, including

01 Law, 01 Decree, 01 Decision of the Prime Minister, 08 Joint Circulars, and 08 Circulars of the Ministry of Justice<sup>1</sup>. These legal normative documents have created a synchronous, coherent, and comprehensive legal basis for almost all aspects of legal aid, from legal aid beneficiaries to standard conditions, rights and obligations of legal aid organizations and people who perform legal aid services; responsibility and coordinating mechanism of relevant agencies and organizations; financial mechanism; organizational model, state management, social participation, etc.

It can be observed that, basically, the system of legal documents regulating legal aid in Viet Nam has nationally legalized relevant commitments in the international treaties to which Viet Nam is a member, such as: International Economic, Social and Cultural Convention (CESCR); International Convention on Civil and Political Rights (CCPR); Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); International Convention on Elimination of all forms of Racial Discrimination (CERD); Convention on the Rights of Children (CRC); Convention on the Rights of Persons with Disabilities (CRPD), etc.

## ***2.2. Some provisions related to legal aid in other specialized legal documents***

In addition to legal documents that directly regulate legal aid, currently there are more than 80 other legal normative documents with provisions related to legal aid, including 19 laws, 03 ordinances, 25 decrees, 01 Government resolution, etc.

In particular, it is noteworthy that a number of legal documents directly related to legal aid for victims of domestic violence and children such as the Law on Domestic Violence Prevention and Control in 2007 and the Law on Children in 2016.

The Law on Domestic Violence Prevention and Control in 2007 provides that victims of domestic violence have the right to request competent agencies, organizations and people to protect their health, life, dignity, other

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<sup>1</sup>Law on Legal Aid 2017; Decree No. 144/2017/NĐ-CP dated 15/12/2017 of the Government detailing a number of articles of the Law on Legal Aid; Circular No. 08/2017/TT-BTP dated 15/11/2018 of the Minister of Justice detailing a number of articles of the Law on Legal Aid and guiding a number of documents in legal aid activities; Joint Circular No. 10/2018/TTLT-BTP-BCA-BQP-BTC-TANDTC-VKSNDTC dated 29/6/2018 of the Ministry of Justice, Ministry of Public Security, Ministry of Defense, Ministry of Finance, Supreme People's Court, and the Supreme People's Procuratorate regulates the coordination of legal aid in legal procedures; Circular No. 12/2018/TT-BTP dated 28/08/2018 of the Minister of Justice guiding a number of legal aid activities and quality management of legal aid cases; Circular No. 11/2014 / TT-BTP dated April 17, 2014 providing for ensuring equality in legal aid Decision No. 09/2008/QĐ-BTP dated 08/12/2008 of the Minister of Justice promulgating code of conduct in legal aid, etc.

legitimate rights and interests; be provided with medical services, psychological and legal counseling, etc. At the same time, the Law clearly stipulates the responsibilities of individuals, families, agencies and organizations in the prevention and control of domestic violence.

The Law on Children in 2016 provides children's rights and obligations and principles and measures to ensure children's rights. The law reserves a chapter defining the responsibilities of agencies, organizations and individuals, in the exercise of children's rights and obligations, including clearly defining the Ministry of Justice's responsibilities in managing and guiding legal aid for children and parents, child care providers as prescribed by law<sup>2</sup>.

Some procedural codes also contain provisions relating to legal aid, including the implementation of legal aid for children and victims of domestic violence. For example, the Criminal Procedure Code 2015 stipulates the responsibility of people participating in legal procedures in cases the accused/the victim is entitled to legal aid. The State Legal Aid Center appoints legal aid assistants and defense lawyers for persons entitled to legal aid. The 2015 Civil Procedure Code and the 2015 Administrative Procedure Law stipulate legal aid executors as a person to protect the legitimate rights and interests of the litigants; responsibilities of the State, Court, Judges in ensuring legal aid rights of people entitled to legal aid, etc. These provisions supplement to form a legal basis that is synchronized and coherent with the provisions of the Law on Legal Aid 2017 to create a comprehensive, coherent, and synchronized legal system to ensure people's legal aid rights.

### **3. Legal aid beneficiaries**

Compared to the Law on Legal Aid in 2006, the Law on Legal Aid in 2017 has expanded the scope of legal aid beneficiaries from 6 groups to 14 groups. It can be said that with this new provision of the Law, the number of legal beneficiaries has increased remarkably. Currently, Viet Nam is one of the countries with the largest number of people who receive free legal aid services in the region and internationally.

According to the provisions of the Law on Legal Aid in 2017, the two groups of legal aid beneficiaries continuing to inherit completely from the Law on Legal Aid in 2006 are the poor and people with meritorious contributions to the revolution; the two groups who are inherited and expanded are “helpless children” to “children” and “resident” ethnic minorities to “residing” ethnic minorities in regions with extreme difficult socio-economic conditions.

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<sup>2</sup> Article 84, the Law on Children



Besides, there are 02 new groups of “accused person from full 16 to under 18 years old” and “accused person belonging to near poor households”. Additionally, Clause 7 of Article 7 of the Law has been supplemented the provision of “conditions of financial hardships” for 08 groups of people who really need legal assistance but do not have the financial ability to pay for lawyers' legal services.

Thus, according to the provisions of the Law on Legal Aid in 2017, children (regardless of gender, ethnicity, whether having financial difficulties/being helpless or not, etc.) are eligible for legal aid (free) in the form of legal consultation, participation in legal procedures, representatives in non-legal procedures in all cases such as civil, criminal, administrative (except for commercial business). In other words, children having gender-based violence, discrimination, etc. are entitled to legal aid. One noteworthy point is that under the provisions of the Law on Children 2016, children are under 16 years of age (Article 1). Therefore, to ensure the legitimate rights and interests of people from full 16 to under 18 years old, the Law on Legal Aid 2017 supplements the provision: “accused persons from full 16 to under 18 years old” and “persons from full 16 to under 18 years old who are victims of criminal cases that have financial difficulties” are entitled to legal aid. Furthermore, people from full 16 to under 18 years old belong to poor households and ethnic minorities residing in areas with extreme difficult socio-economic conditions are also entitled to legal aid.

From January 1st 2018, those who are victims of domestic violence (regardless of gender, ages, ethnicities, religions, etc.) and have financial difficulties (belong to near poor households or are receiving monthly social subsidies as prescribed by law)<sup>3</sup> are entitled to legal aid. This is a new provision in the Law on Legal Aid in 2017. In addition, victims of domestic violence who belong to the following groups will also be provided with free legal services in cases their legitimate rights and interests directly affected: the poor<sup>4</sup>; people with meritorious contributions to the revolution<sup>5</sup>; ethnic

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<sup>3</sup> Decree No. 144/2017/NĐ-CP dated 15/12/2017 of the Government detailing some provisions of the Law on Legal Aid.

<sup>4</sup> Have income level from 700,000VND/person/month in rural areas and 900,000VND/person/month in urban areas according to the Prime Minister's Decision No. 59/2015/QĐ-TTg dated November 19<sup>th</sup>, 2015 on the promulgation of multi-dimensional approach to poverty for the period 2016-2020.

<sup>5</sup> The revolutionary activists before January 1st, 1945; The revolutionary activists from 01/01/1945 to the date of August revolution in 1945; Vietnamese heroic Mother; Hero of the People's Armed Forces; Labor Hero during the resistance period; War invalids and beneficiaries of war invalids policy; Sick soldiers; Resistance activists infected with chemical toxins; The revolutionary activists and resistance activists that were arrested and imprisoned by the enemy; Activists in national liberation, national defense and international obligations; people with meritorious contributions to the revolution.

minorities residing in areas with extreme difficult socio-economic conditions; accused persons who are from full 16 to under 18 years old, etc.

#### **4. Rights of legal aid beneficiaries**

Children and victims in domestic violence cases with financial difficulties and other legal aid beneficiaries have the rights to:

- , Conduct legal procedures themselves or through relatives, competent agencies and individuals; request for legal aid through other agencies, organizations and individuals; reserve the right to change or withdraw requests for legal aid.

- Receive legal aid services without paying money, material benefits or any other kinds of benefits;

- Be informed about the rights on legal aid, process and procedures to receive legal aid when coming to legal aid organizations and relevant governmental agencies;

- Have the right to request the confidentiality of the contents of legal aid cases. In order to create favourable conditions for legal aid beneficiaries (especially children, women, the elderly, the disabled, victims of violence, etc.) in accessing to and presenting their legal aid requests, the organizations providing legal aid have the responsibility to arrange a convenient location for legal aid beneficiaries. In cases the contents of legal aid are required to keep confidential, the legal aid organizations shall provide appropriate location, such as a private room or separate reception places so that legal aid requesters feel safe and comfortable to present the case.

- Select a legal aid-providing organization and legal aid provider; request to change legal aid provider according to the regulations of the law;

- Submit complaints and denunciations about legal aid in accordance with the regulations of the law.

#### **5. Scope, areas and forms of legal aid**

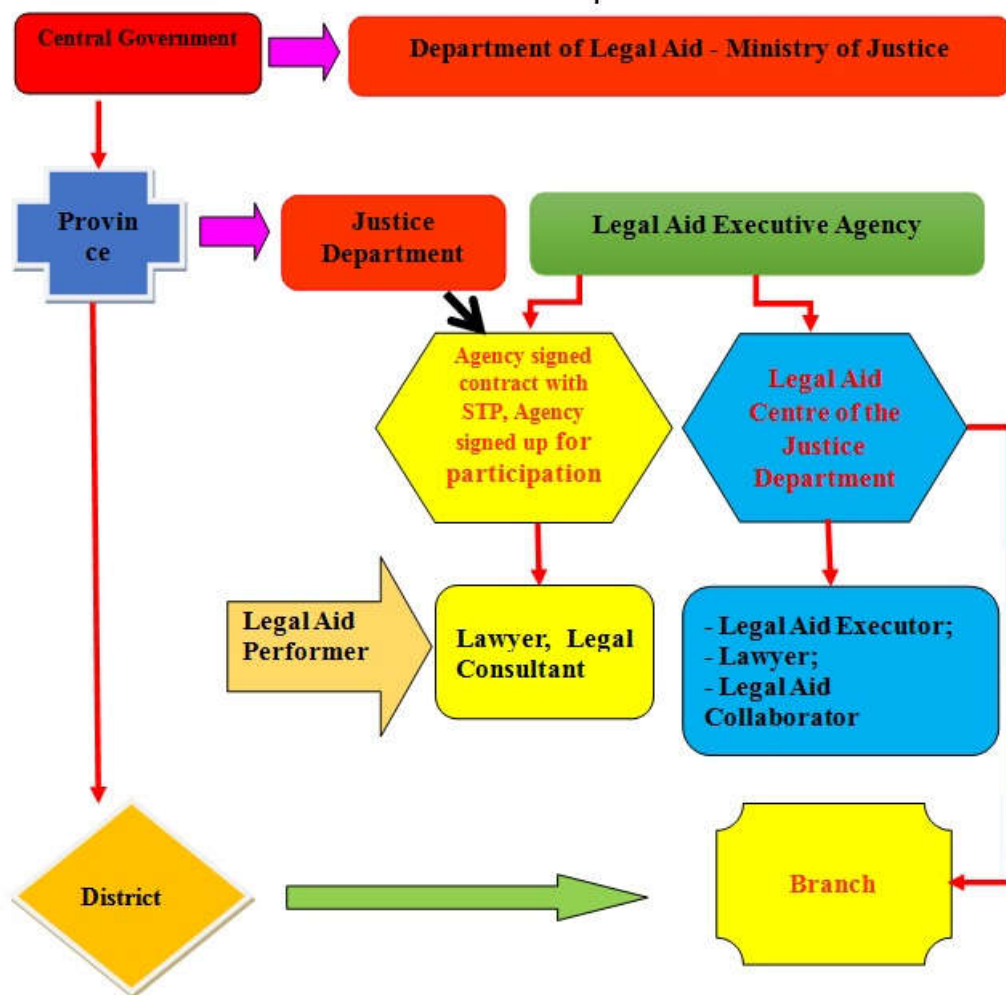
According to the provisions of the Law on Legal Aid in 2017, when a case is directly related to the legal rights and interests of legal aid beneficiaries, they can request legal aid to protect their legitimate rights and interests themselves or through their relatives, agencies, organizations or other individuals.

- Forms: Legal aid beneficiaries could request legal aid in the forms of legal consultancy, legal procedures, or representatives of non-legal procedures.

- Areas: Legal aid beneficiaries could request legal aid in all legal areas such as civil, criminal, administrative, except for business and commercial fields.

- Scope of legal aid: Legal aid cases occur locally; the legal aid beneficiaries currently residing in that locality request for legal aid; or cases that are requested by the competent legal aid agency at central level.

## 6. Legal Aid Executive Agency



In accordance to the 2017 Law on Legal Aid, Legal Aid Executive Agency includes: National Legal Aid Centre and Legal Aid Participating Agency.

- National Legal Aid Centre is a public business unit directly under Legal Department, established by People's Committee, has individual legal person status, seal, headquarter and account. National Legal Aid Centre may have Branches.

- Legal Aid Participating Agency includes agency which signed the Legal Aid Executive Contract and agency which signed up for legal aid participation.

- + Agency which signed the Legal Aid Executive Contract includes agency of lawyers and legal consulting agency which meet specific standards and is assigned to sign the Legal Aid Executive Contract by the Legal Department. The Legal Department is in charge of the payment for legal aid implementation of the agency.

- + Agency which signed the Legal Aid Executive Contract includes agency of lawyers and legal consulting agency which meet specific standards and volunteer to practice legal aid with their own resource and are eligible to sign up for participation in legal aid implementation.

## **7. People who perform legal aid services:**

Legal aid beneficiaries may request the following people for legal aid execution:

- *Legal Aid Executor*: who is an official of National Legal Aid Centre with good moral dignity; has Bachelor of Laws Degree or higher; has been professionally trained to be a lawyer or waived for training, has completed lawyer or legal aid probation; has guaranteed health conditions for legal assistance and is not in the discipline punishment period.

- *Legal Aid Executive Lawyer* in compliance to the contract with National Legal Aid Centre or assigned by Legal Aid Participating Agency.

- *Legal Consultant* with two-year experience or more in legal consulting at Legal Aid Participating Agency.

- *Legal Aid Collaborator*: who has retired, has proficient civil behavioral capacity, good moral dignity, guaranteed health conditions and a will to execute legal aid can become legal aid collaborator in areas with exceptionally severe economic-social conditions. They can be legal assistants, judges, court-examinants, investigators; executors, civil-examinants, legal task executive at national agencies.

## **II. LEGAL AID EXECUTION REALITY**

### **1. Communications task on legal aid:**

In order to guarantee rights and benefits of legal aid receiver, including domestic violence victims and children who suffer from violence and discrimination, communications task on legal aid and relevant legal documents



have received attention from Legal Department and local agencies and have been stimulated by multiple means that fit the reality. For the past period, Legal Department has organized several Law on Legal Aid Training Conferences and documents of execution instructions; published articles and documentaries on public media (including documentaries on legal aid for children, domestic violence victims and handicapped people...) in contribution to raising awareness of the society, ministries, branches, local agencies and citizens of legal aid; assisting citizens, including victims in domestic violence and children in understanding their legal aid capacity in order to approach national legal aid service (for free) timely to protect their legal rights and benefits.

## **2. Legal aid capacity building:**

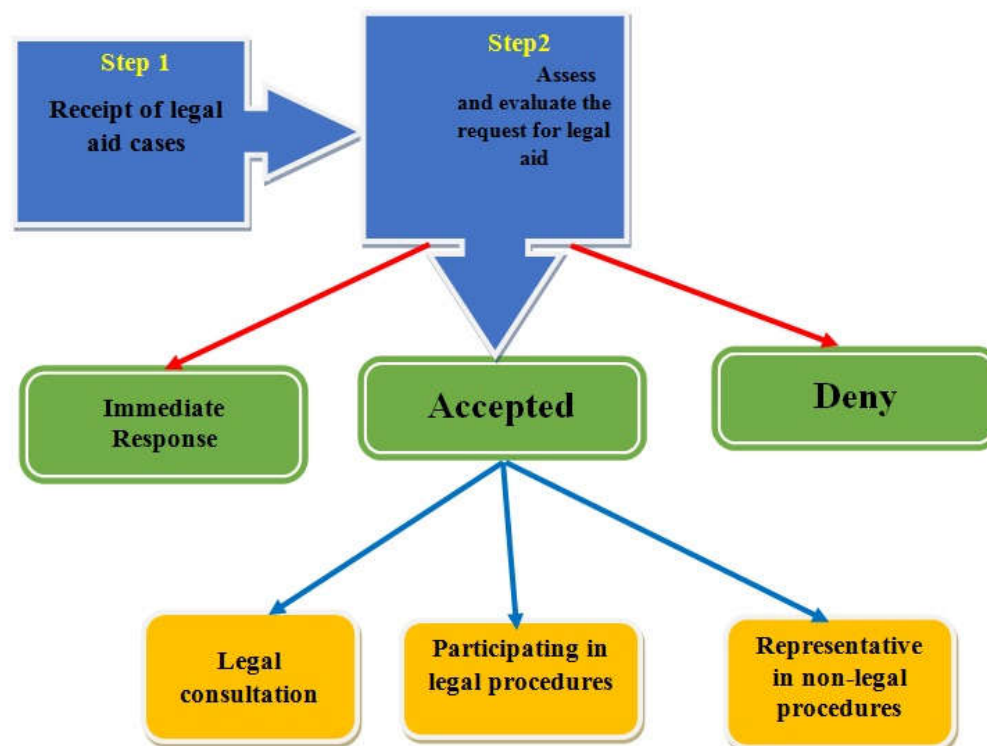
In order to response to the increasing demand of qualified legal service for legal aid receiver, including victims of domestic violence and children suffering from violence and discrimination, for the past period of time, Ministry of Justice and Legal Branch has focused on improving the quality of Legal Aid Executive Agencies and Legal Aid Executors. Aside from consolidating and improving the executive agencies, renovating management policies and quality evaluation; fixing the budget sources and facilities; intensifies cooperation between related agencies... Ministry of Justice and relevant ministries have emphasized on training and improving professional, vocational skills for legal aid executive team. A significant amount of specialized instruction materials, several information updating classes and specialized skill training courses in participating in civil, criminal and administrative litigation along with legal aid skills for children, women and victims of domestic violence...have been organized in both the center and local regions, which received positive evaluations from the trainees. For example, the specialized instruction materials and vocational skill training courses in legal aid for children are supported by UNICEF; legal aid skill classes for victims of violence are supported by UNODC...

Apart from that, legal aid agencies and executors on every part of the country have received attentson and guidance of the government and concerned authorities in the center and local regions; the coherent co-operation of agencies, especially central and local litigative agencies, Vietnam's Women Union, Vietnam Association for Protection of Child's Rights...in communicating, delivering incidents and coordinatively execute legal aid.

## **3. Regarding the process of implementing legal aid cases**

The provision of legal aid to legal aid beneficiaries in general, including victims of domestic violence and children of gender-based violence and discrimination, must comply with the provisions of the Law on Legal Aid in 2017 and relevant documents. Currently, there is no specific regulation on the process of implementing legal aid for such groups. However, in fact, in the process of implementing legal aid, legal aid providers and people who perform legal aid tasks pay attention to the specific factors of the victim such as the development of the physiological and psychological characteristics of children and women, health, psychology, age, gender sensitivity, family circumstances, etc. to have appropriate, sophisticated and flexible ways to work with victims of domestic violence, and children suffering from gender-based violence and discrimination.

Basically, the implementation of legal aid for victims of domestic violence and children suffering from gender-based violence and discrimination follow the process below:



#### **4. Regarding the results of implementation of legal aid**

To implement legal aid policies for people with meritorious services to the revolution, for the disadvantaged including victims of domestic violence,

children of gender-based violence and discrimination, legal aid centers nationwide have made great efforts to provide free legal services in many forms: legal consultancy, criminal procedure, non-proceeding representation, etc. Such efforts help the victims solve legal problems in several areas of law such as criminal, civil, land, family, marriage, administrative, complaints, and denunciations.

According to local statistical reports, the number of legal aid cases for victims of children and domestic violence since 2016 has been as follows:

No.	Year	Total	In which	
			Children	Victims of domestic violence/having financial difficulties
1	<b>2016</b>	87.421	3478*	315
2	<b>2017</b>	85.987	4736*	114
3	<b>2018</b>	50.547	2684	197
4	<b>05/2019</b>	16.345	1584	110
<b>Total</b>		<b>513.184</b>	<b>12482</b>	<b>736</b>

It should be noted that in 2016 and 2017, according to the Legal Aid Act 2006, children with no support can get legal assistance. From 2018 until now, all children are entitled to legal aid in accordance with the Legal Aid Act 2017. Specially, the number of legal aid cases in the form of criminal proceedings increases every year, accounting for a large proportion of the total number of legal aid cases for this group. For example, in 2018, the number of legal aid cases in the form of criminal proceedings for children accounted for more than 80% of the criminal legal aid cases for children and nearly 50% of the total legal aid cases for children. Some localities carried out many legal aid cases for children such as Hanoi - 703 cases, Ho Chi Minh - 549 cases, Quang Tri - 185 cases. While some localities have carried out many legal aid cases for victims of domestic violence with financial difficulties such as Ha Nam - 66 cases, Hanoi - 42 cases.

Through the quality inspection of legal aid cases every year, it shows that most of the implemented legal aid cases are qualified as prescribed by law. Especially, all criminal proceedings are assigned by legal aid centers with legal assistants and lawyers who have many practical experiences and a good understanding of women's psychology and children to assist these subjects. Many justifications to protect the rights and benefits of legal aid

providers have been recorded at all court levels. There are many successful cases where the penalty of the court is lower than the penalty when prosecuting or changing the penalty frame.

### **5. Constraints in providing legal aid for victims of domestic violence and children suffering from gender-based violence and discrimination**

*First*, due to different reasons such as limited awareness, the influence of some habits, depraved customs, and disadvantaged circumstances, cases of child abuse and family violence still happen. However, there are still a large number of people, including women and children, who do not really care or know about the law and their right to legal aid or are still afraid to approach state agencies and related agencies, including legal aid organizations. For many different reasons, many legal aid beneficiaries, especially women, children, the disabled, victims of domestic violence, and victims of sexual abuse choose a resigned solution, not sharing information when an incident occurs. They often only come to ask for help when things have become serious. Some ethnic minorities do not know how to speak the official language. Some with disabilities cannot easily overcome their complex to express their will. Therefore, it is very difficult for related agencies and organizations to discover early and take appropriate support measures or for legal aid assistants to approach and carry out the case.

*Second*, communication on legal aid in some mountainous areas and islands has not been frequent. Some of the media contents are not really diverse and attractive, not suitable for specific subjects, gender balance, age, psychology, circumstances and geography of the people; not yet truly reflected the legal aid work, leading to the lack of attention for this work from people society.

*Third*, the information coordination among agencies and organizations in the process of implementing some of the activities or tasks, at some point and some places, has not been timely and ineffective. The transfer and delivery of cases from related agencies and organizations to the legal aid organization and vice versa are not regularly, fully and promptly. Some local social organizations are not really active and proactive in promoting supporting resources, information, and coordinating with organizations and legal aid providers.

*Fourth*, the team of legal aid providers of some organizations is still young and do not have much experience and skills to work with victims of domestic violence (especially specific subjects who are the elderly, women



who are trafficked, HIV-infected, disabled...) and children (especially those with special circumstances like children with special circumstances such as abandoned children, children with disabilities, HIV / AID-infected children, sexually abused children...).

### **III. KEY METHODS TO IMPROVE THE EFFECTIVENESS OF LEGAL AID**

#### **1. Strengthen communication on legal aid**

Strengthening information<sup>6</sup> and communication<sup>7</sup> on legal aid helps people know the basic contents of legal aid and their rights to ask for help when needed, especially when victims are women and children. At the same time, communication on legal aid helps to raise awareness of legal aid activities among agencies, organizations and individuals, and hence they could actively participate in the process of monitoring, observation, evaluation and verification of the quality of legal aid.

A variety of communication methods should be provided, such as: bulletins, leaflets, newspapers, radio, television, loudspeakers in communes and villages; explanations by citizen reception offices, lawyer's offices, socio-political organizations (farmers' union, women's union, veterans' union, youth union, etc.), mediation teams, citizen groups; information boards introducing centers and organizations implementing legal aid placed at the offices of procedure-conducting agencies, detention houses, custody houses and offices of People's Committees at all levels, schools, hospitals, health stations, commune post offices, etc. Innovating communication methods is also important, for example: making reports, documentaries, and films; promoting messages, slogans; images, illustrations; questions and answers about legal aid, legal situations, etc.

#### **2. Establish early warning system for child abuse and domestic violence cases**

Due to the sensitive nature of these cases and the characteristic that victims, who often are the weak and vulnerable, are afraid to report their issues. Therefore, agencies, organizations, especially legal aid centers and organizations

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<sup>6</sup>Information on legal aid such as: people entitled to legal aid; rights and obligations of legal aid beneficiaries; rights and obligations of organizations and legal aid providers; forms, scope and domains of legal aid; procedures for requesting legal aid; cases of refusal or discontinuation of legal aid; strictly prohibited acts in legal aid; address and contact phone number of legal aid organizations; list of legal aid executors, lawyers, collaborators, etc.

<sup>7</sup>Especially, cases of typical complicated legal aid that attract attention of public opinion have been successful in recent years, such as domestic violence cases, sexual violence, discrimination and violence against children at school, in public, in family, etc.

providing legal aid, should establish early warning system for discrimination, child violence or domestic violence cases.

Early warning system of cases involving domestic violence and children abuse can be established through application of information technology, such as building websites, social networks like Facebook, Youtube, Twitter, etc. so not only victims but also their acquaintances, neighbors, friends, journalists, etc. can convey information about these cases and how to prevent and react in such situations.

A hotline with easy-to-remember numbers, on duty 24 hours a day, is installed at central and local levels.

It is recommended to establish a quick response teams at the grassroots levels with participation of commune judicial officers, commune polices, women, youth, social activists, etc. to collaborate with legal aid providers to detect domestic violence, sexual violence, gender-based violence, children abuse cases, etc., and to timely provide legal aid services for these vulnerable groups.

### **3. Improve the quality of legal aid services**

- Focus on providing legal aid services, especially procedure-conducting cases, to promptly protect the rights and fundamental benefits of vulnerable groups;

- Strengthen quality management; evaluate and assess the quality of providing legal aid; mobilize a team of legal experts, lawyers and legal aid providers, etc. with extensive experiences in assessing the quality of providing legal aid. At the same time, it is important to enhance the mechanism of getting feedbacks from legal aid recipients and/or their relatives; opinions of relevant agencies, especially procedure-conducting agencies, to assess the quality of legal aid provision, and hence improving the quality of legal aid provision and the responsibilities of legal aid providers.

### **4. Capacity building for people who perform legal aid services**

Based on the locality's demand of legal aid services, each locality needs to clearly determine the number of people who perform legal aid services, especially Legal Aid Executor, to build a plan to recruit public employees. This serves as the source to appoint Legal Aid Executor or the criteria to sign a contract on performing legal aid with lawyers, legal aid organizations. Implementing appropriate measures to attract social resources to participate in legal aid services through signing a legal aid contract with lawyers, collaborators, law practice

organizations, and legal consultancy organization; registering for legal aid participation for organizations qualified to perform legal aid.

Developing short-term and long-term training plans to improve the quality of human resources performing local legal aid services. Diversifying training processes to improve the level of legal aid staff of the Legal Aid Center, contracted lawyers and collaborators, and other organizations performing legal aid in the direction of combining self-study with concentrated training or other methods such as online learning, application of information technology in learning, etc. Renovating content and training methods in the direction of focusing on improving professional ethics, professional qualifications and legal aid skills, especially skills to support specific people such as women, children, disabled people, and elders, etc. in civil, criminal and administrative fields.

Raising the responsibility of lawyers as a justice protector; when participating in legal aid should be enthusiastic, responsible, and ensure the provision of quality legal services when performing legal aid for vulnerable groups.

#### **5. Strengthening coordination with relevant agencies**

Strengthening coordination between organizations performing legal aid services and relevant agencies (procedural bodies, agencies, unions, socio-political organizations, especially the Women Association at all levels, Youth Union, Farmer's Union, etc.) to detect early and promptly implement legal aid for legal aid beneficiaries, including victims of domestic violence and children suffering from gender-based violence and discrimination. Organizations performing legal aid services need to be more proactive in coordinating to approach and handle information related to legal aid beneficiaries who are women and children on mass media to protect their legitimate rights and interests in a timely manner.

Establishing a coping or quick response mechanism among agencies, especially child and women protection agencies, procedural agencies with legal aid organizations to have timely solutions for legal aid beneficiaries who are victims of domestic violence and children suffering from gender-based violence and discrimination in certain periods.

#### **6. Strengthening state management on legal aid**

The state management agencies should strengthen the guidance, monitoring and inspection of the organization and operation of the Center and organizations performing legal aid services to ensure legal aid activities are implemented strictly according to the provisions of law and quality assurance;

promptly detect and handle violations of law. More attention should be paid to the work of rewarding, setting good people, good deeds, honoring typical examples that make positive contributions to legal aid.

Developing mechanisms for implementing, inspecting, monitoring and responding to results of handling of complaints, accusations, and petitions related to the quality of cases and operation of the Center and other organizations performing legal aid services.

Further promoting the monitoring role of the Vietnamese Fatherland Front and its member organizations as well as information and press agencies in implementing the Law on Legal Aid and relevant legal documents, organization and operation of the Center and organizations performing legal aid services.

## **7. Facilities and funds**

Ensuring facilities (working offices and equipments) in accordance with the characteristics of legal aid beneficiaries, for example, the office is easily recognized and accessible; fully equipped for disabled people; have a child-friendly area; a private room or appropriate location for victims of domestic violence to present the case.

Ensuring funds for organizations performing legal aid services to carry out specialized legal aid activities for disadvantaged groups, especially women, the elders and children through communication measures; supporting the implementation of legal aid services, especially complicated and typical cases; strengthening capacity building for people who perform legal aid services for such targets.

## **8. Strengthening international cooperation in the field of legal aid**

Further expanding bilateral, multilateral and regional international cooperation relations; specialized cooperation forums on legal aid. Enhancing information exchange, sharing experiences in implementing legal aid, especially legal aid for domestic violence victims and children suffering from gender-based violence and discrimination. More specific cooperation activities are needed to support capacity building for people who perform legal aid services; developing methods to mobilize resources, improving operational efficiency and management of legal aid in the upcoming time.



## **Prevention and control of domestic violence:**

### **Legal regulations and their implementation**

*Bureau of Criminal Police,  
Ministry of Public Security*

#### **I. Implementing the Law on domestic violence prevention and control of the Ministry of Public Security (MPS)**

##### **1. Providing consultation and guiding the drafting of legal normative documents and their guiding documents to implement the Law on Domestic violence prevention and control**

Pursuant to the Law on Domestic Violence Prevention and Control, the Ministry of Public Security provided consultancy to the Government to issue Decree No. 167/2013/ND-CP dated November 12, 2013 (replacing Decree No. 110/2009/ND-CP) prescribing sanctions for administrative violations in the field of security, social safety, fire prevention and domestic violence prevention and control. Accordingly, administrative violations of domestic violence are stipulated at articles 49 to 65, section 4, Chapter 2 of the Decree which is a legal basis for police officers to deal with cases related to domestic violence not to the extent of being examined for penal liability.

- The MPS in collaboration with the Ministry of Culture - Sports and Tourism issued the Joint Circular No. 02/ TLT-BVHTTDL-BCA dated May 4, 2016 guiding the coordination of national security protection and ensuring social order and safety in the fields of culture, family, fitness, sports and tourism. In particular, at point h, article 6, Chapter II provides the coordination in the implementation of domestic violence prevention and control.

- The MPS promulgated the Plan No. 157/KH-BCA-C41 dated June 23, 2015 to implement the Decision No. 215/QD-TTg dated February 6, 2014 of the Prime Minister on approving the "National action program on domestic violence prevention and control until 2020"; the Decision No. 2468/QD-BCA-C41 dated May 28, 2018 approving the project "Combating crimes against children and juvenile delinquents and preventing and combating domestic violence and human trafficking" for the period 2018-2020; and the Circular No. 16/2016/TT-BCA dated April 8, 2016 regulating disciplinary measures against police officers committing acts of domestic violence, clearly stating disciplinary action for each specific behavior.

- The MPS is continuing to guide the review, amendment and drafting of relevant documents to effectively implement the Law on Domestic Violence Prevention and Control, to draft documents on the legal framework, basic

knowledge on gender equality and gender-based violence as training and propaganda materials for police officers in subordinating units and localities.

**2. Drafting and submitting to competent agencies for promulgation or promulgating according to its competence and presiding over and coordinating with ministries and localities in organizing the implementation and inspection of legal documents, programs and plans on domestic violence prevention and control**

- Coordinating with relevant ministries and agencies in drafting and submitting to the National Assembly the 2015 Criminal Code and Criminal Procedure Code (amended and supplemented in 2017), the Law on Organization of Criminal Investigation Agencies, the Law on execution of temporary custody and detention.

- Leading and coordinating with relevant ministries and agencies to issue the Joint Circular No. 06/2013/TTLT-BCA-BQP-BTC-BNN&PTNT-VKSNDTC dated August 2, 2013 guiding the implementation of the Penal Code on receiving, resolving denunciations, crime reports and prosecution petitions; the Joint Circular No. 01/2017/TTLT-BCA-BQP-BTC-BNN&PTNT-VKSNDTC on the coordination between competent agencies in implementing some provisions of the 2015 Criminal Procedure Code on receiving and resolving denunciations, crime reports and prosecution petitions.

- Coordinating with ministries and agencies to submit to the Government for promulgation the Decision No. 21/2016/QĐ-TTg dated May 17, 2016 on Inter-ministerial coordination regulations on prevention and control of domestic violence.

- Issuing the Circular No. 28/2014/TT-BCA dated July 7, 2014 on criminal investigation of the Public Security; the Circular No. 26/2018/TT-BCA dated October 8<sup>th</sup>, 2018 on amending and supplementing a number of articles of the Circular No. 56/2017/TT-BCA dated November 16, 2017 on assigning heads and deputy heads of investigating agencies and criminal investigation authorities of the Public Security and investigation teams of the district Police Investigation Department.

**II. PREVENTION OF CRIMES RELATED TO FAMILY VIOLENCE AND WOMEN AND CHILDREN HARRASSMENT**

**1. Prevention**

- Directing the police forces of subordinating units and localities to continue strengthening the implementation of the Directive No. 48-CT/TW dated October 22, 2010 of the Politburo on strengthening the Party's leadership on prevention of crimes in the new situation, the Directive No. 09-CT/TW dated December 1, 2011 of the Secretariat on strengthening the Party's leadership on the participation of all citizens in national security protection in the new situation, the Resolution No. 37/2012/QH13 and No. 63/2013/QH13

of the National Assembly on strengthening measures to fight against crimes and law violations and to participate in the implementation of socio-economic development programs contributing to preventing crimes, the Decision No. 1555/QĐ-TTg dated October 17, 2012 of the Prime Minister approving the National Action Program for Children in the period of 2012-2020 and the Directive No. 18/CT-TTg dated May 16, 2017 of the Prime Minister on strengthening measures to prevent and combat violence and children abuse.

- The MPS guided all police officers at subordinating units and localities to thoroughly implement the Law on Domestic Violence Prevention and Control. Over 10 years of implementation, these officers have been well aware of the role and responsibilities of police forces in the prevention and control of domestic violence, anti-discrimination against women and girls which contributed to ensuring social order and safety.

Based on the functions and tasks of each subordinating unit and locality, dissemination has always been renewed in diversified with various forms and rich contents, focusing on public security media and press. Meetings have been organized to respond to "International Day to eliminate violence against women and girls" with thousands of participants. Public security TV channel regularly broadcasts documentaries about domestic violence. Seminars on prevention and control of domestic violence chaired by experts have been recorded and broadcasted.

The MPS assigned the General Department of Police to organize training courses for officials on domestic violence prevention and control, which are the training courses for source trainers of the Police force tailored for heads of the local police units in order to equip them with knowledge and skills in the handling and settlement of cases related to domestic violence. The workshop on "Improving the effectiveness of the inter-sectoral coordination mechanism on domestic violence prevention and control" was organized in Hanoi to fully, objectively and comprehensively assess the situation as well as identify difficulties and challenges to make recommendations on better coordination mechanisms in domestic violence prevention and control.

In addition, the Committee for the Advancement of Women, Families and Children and organizations under the People's Police forces have organized a number of dissemination programs for the staff to equip them with basic knowledge and skills on gender equality and gender-based violence to raise their awareness on the traditional moral values to strengthen and build their family bonds.

- The MPS coordinated with the Ministry of Labor, War Invalids and Social Affairs (Children Bureau) to establish a 24/24 national hotline to protect children (Dial 111) by receiving and processing information and denunciations on risks and acts of child abuse.

- Local police forces in coordination with other departments and organizations including the Departments of Information and Communications, Fatherland Front, Women Union, Youth Union and Veterans Association, etc. through meeting and dissemination programs have encouraged citizens to report on criminals through mailboxes, phone calls and hotlines. They have also integrated the content of domestic violence prevention and control in the dissemination sessions on crimes, drug and human trafficking prevention. These police forces have built a movement for local people in their assigned territories to participate in protecting public security, especially in key localities with complex security issues.

- To continue the management and protection of juvenile delinquents and to implement the Project 4 of the Program 138/CP, the MPS approved and implemented the project "Combating crimes of abusing children and juvenile delinquents and prevent domestic violence and human trafficking" in the period of 2018-2020. In particular, the Criminal Police Department was assigned to be the Permanent agency in coordination with other ministries and agencies to direct local police units to fully control crimes related to domestic violence and violence against children, especially crimes against children and juvenile delinquents who are victims of domestic violence.

- The MPS directed police forces at all levels to conduct surveys to identify victims of domestic violence, especially children and acts of domestic violence in families with delinquent and drug addict parents and families with domestic violence, especially against women and children.

- Develop a system of statistical forms of criminal cases related to domestic violence which specifies the number of cases, number of victims, victims, gender, age, crime and domestic violence forms, etc. and organize the review, collection and analysis of the situation and data to assess the causes and methods of crimes as well as difficulties and obstacles in the verification and investigation of cases of domestic violence in order to come up with effective measures to effectively prevent and combat these crimes. At the same time, the MPS also plans to coordinate with ministries and agencies and direct local police forces to apply measures to manage education, support and protection of children, especially victims of domestic violence.

- Develop a plan to organize training to improve the capacity of grassroots police on the prevention and combat of crimes against children and juvenile delinquents, domestic violence and human trafficking.

- Direct police units and localities to deploy focus plans of combating crimes, including crimes related to domestic violence, violence against women and child abuse to ensure security and order in holidays as well as political, cultural and social events nationwide.



### **III. INVESTIGATION AND HANDLING OF CASES RELATED TO FAMILY VIOLENCE AND CHILDREN ABUSE**

#### **1. Current situation of domestic violence**

Crimes related to domestic violence are committed in many provinces in different forms as such:

- Violence between spouses: This is the most common form of violence in the family. The main and most serious one is physical violence where the husband causes injury to the wife due to his patriarchal and authoritarian mindset and his lack of awareness of its illegality. However, not all acts of violence by husbands are physical violence, but at times, they may use many other ways to cause psychological trauma to their wives, such as scolding, swearing, insulting, sexual harassment and financial control. In addition, even wives are violent to their husbands not only by using abusive words, harsh behaviors but also by directly causing physical and psychological harms<sup>8</sup>.

- Violence between parents and children: Many parents believe that “Spare the rod, spoil the child”. Therefore, they beat their children and use verbal abuse when the children make mistakes thinking it helps their children to recognize their mistakes and motivates them to try harder. Besides, child-to-parent violence is also increasing with some serious cases recorded<sup>9</sup>.

- Violence among other family members: Domestic violence among other family members has also existed for a long time though not popular due to looser bonds compared to spouses or parents and children relationship. The main victims of this type of violence are women and children. In addition, family conflicts resulting in prolonged lawsuits or property disputes may lead to violence among family members.

Criminal cases related to domestic violence are increasing, seriously affecting the social security, local order and children's development. The awareness, knowledge and skills of each family member about ethics and how to resolve disputes are therefore necessary.

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<sup>8</sup> On August 23, 2018, Binh Duong People's Court held a trial and sentenced defendant Hang Thi Hong Diem (born in 1985, residing in Thuan An Town, Binh Duong Province) to life imprisonment for murdering his husband - Tran Thanh Tu (born in 1981) due to conflicts. On July 3, 2018, An Giang Province People's Court held a trial and sentenced the defendant Vo Van Nang Lon (born in 1962, residing in Thoai Son district, An Giang province) for 15 years imprisonment for murdering his wife - Nguyen Thi Trang (born in 1965) due to refusing intercourse.

<sup>9</sup> On August 31, 2018, Hanoi City People's Court held a trial and sentenced defendant Tran Hoai Nam (born in 1983, residing in Nghia Do ward, Cau Giay district) for 6 years and 6 months imprisonment and Pham Thi Tu Trinh (born in 1983, Nam's second wife) for 5 years imprisonment for abusing their child and deliberately causing injury. According to the indictment, the two defendants brutally tortured and injured Tran Gia K (born in 2007, Nam's son). On June 13, 2016, Hanoi City People's Court held a trial and sentenced defendant Vu Van Minh (born in 1961, residing in Ung Hoa district, Hanoi) for 7 years imprisonment for murdering his father - Vu Van Khue (born in 1931) due to family conflict.

## **2. Reception and handling of crime reports and prosecution petitions; investigation and prosecution requests of crimes related to domestic violence**

According to Article 41 of the Law on Domestic Violence Prevention and Control, police agencies within the scope of functions and tasks are assigned to lead and coordinate with relevant agencies and organizations to exercise their rights and benefits of victims of domestic violence, to proactively prevent and promptly detect and handle acts of violating the domestic violence prevention and control law and to create conditions for state management agencies to perform the task of collecting data on domestic violence.

More than 50,000 criminal offenses occur nationwide every year, including some related to domestic violence with more than 1,600 cases of child abuse (accounting for 3,2%), about 7,500 cases of deliberately causing injuries (accounting for 15%). Family conflicts, illness, land disputes, economic conflicts, jealousy, etc. Are among the most popular causes.

Police investigation agencies have coordinated with the People's Procuracies and the People's Courts at all levels to complete documents and proceedings to prosecute and adjudicate people charged with domestic violence crimes<sup>10</sup>.

For cases related to order and security in general and domestic violence in particular, the police forces have received and handled them in a timely manner. However, analysis of domestic violence cases have not yet been carried out, only the total number of cases are collected. In the 2018 action plan, the leadership of the MPS assigned the Criminal Police Department to lead and coordinate with the units involved to formulate the form on domestic violence statistics.

## **3. Guidance, prevention and handling of domestic violence**

- Based on legal normative documents, police forces at all levels have organized training for officials on basic knowledge and skills to solve cases domestic violence and gender-based violence cases, to strengthen coordination with relevant agencies in implementing inter-agency coordination regulations on domestic violence prevention and control.

- Public security forces at all levels have actively coordinated relevant agencies and organizations to strengthen the dissemination of laws on domestic violence prevention and control to raise awareness, prevent and fight against domestic violence.

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<sup>10</sup> Crimes related to domestic violence: Article 94 (killing new-born children); Article 100 (Murder); Article 104 (Intentional injury or harm to the health of others); Article 110 (Abuse); Article 111 (Rape); Article 112 (Child Rape); Article 113 (Forced Sex); Article 115 (Intercourse with children); Article 116 (Molesting children); Article 119 (Human trafficking); Article 120 (Child trafficking); Article 121 (Humiliation); Article 123 (Illegal arrest or detain); Article 124 (Infringing upon the residence of citizens); Article 146 (Forced marriage or obstructing voluntary marriage); Article 147 (Violating monogamy), and Article 150 (Misdemeanor).

The MPS directs the police forces at all levels to always uphold the sense of objectivity and responsibility in receiving and handling domestic violence cases to perform better in prevention, deterrence and education which contributes to ensuring security and order in the localities and protecting the rights and interests of families. The MPS has also implemented effectively the Plan No.157/KH-BCA on the implementation of the "National Action Program on domestic violence prevention and control up to 2020 of police forces where the following important targets and tasks are set out to prevent and fight against domestic violence:

- + Firstly, the role and responsibility of the police forces in preventing, fighting and preventing domestic violence and discrimination against women and girls and ensuring security order to advise the Party, National Assembly and Government to improve the law on domestic violence prevention and control;

- + Secondly, the role of police forces at all levels to provide consultancy and guidance for the local governmental committees and related departments and agencies in the prevention and control of domestic violence;

- + Thirdly, investigating and handling violations of domestic violence law, closely coordinating with the Procuracies and People's Courts at all levels in investigating, prosecuting and adjudicating domestic violence cases.

#### **IV. GENERAL ASSESSMENT**

##### **1. Advantages:**

The police forces have been implementing professional measures to jointly prevent and fight against domestic violence, gender-based violence and anti-discrimination against women and children, focusing on promoting basic investigation to set out solutions to curb the increase of crime in general and domestic violence in particular.

Police forces at grassroots levels often coordinate with departments, unions and relevant units to organize legal dissemination and education on violence prevention and control to contribute to raising awareness about the role and responsibility of society and each family in implementing policies and laws on marriage and family, gender equality and prevention and fight against society's vices.

##### **2. Difficulties, challenges and causes**

- Domestic violence, gender-based violence and child abuse are still complicated issues with increasing number of cases and complexity of the nature and form of violence. Social awareness on gender equality, domestic violence prevention and control is still limited (Social awareness in many rural and remote areas with difficult economic conditions still suffers from social prejudices about gender equality derived from obsolete customs and practices). In some localities, domestic violence prevention and control has not been

given adequate attention. The implementation of plans and programs focused mainly at the central level instead of grassroots level. Besides, legal regulations and policies have not created conditions for people to boldly report domestic violence.

- Domestic violence cases handled and solved by investigation agencies (including cases to be handled criminally) have not been collected and analyzed (on the subjects, victims, gender, age, occupation, education level, social status, causes and forms of violence, etc.) to provide specific and effective solutions.

There are still many cases of victims and relatives who keep silent, do not declare and sometimes hide details of assaults, especially sexual violence. Therefore, the task of collecting, detecting and processing information is not carried out in a timely manner which leads to multiple infringements of offenders. In some cases, victims and their families lack cooperation with investigating agencies in providing evidence. The reporting and denunciation of domestic violence acts are often delayed, so the examination of the crime scenes, collecting signs and reinforcing the evidence still encounter many difficulties which have significantly affected results of investigation. In cases of sexual assault and violence against children without direct witnesses, the victims are still young with limited capacities and are in unstable mental and psychological health after the trauma. Therefore, they may provide inaccurate testimonies or provide testimonies under the guidance of their parents and relatives which creates difficulties for investigation.

- Domestic violence prevention and control is still being carried out together with the prevention of other crimes, lacking specific analysis of the characteristics of domestic violence.

- Legal awareness of grassroots officials, especially on the Law on Domestic Violence Prevention and Control and gender-based violence is still limited. Many officials in charge of family issues still have gender prejudice. A part of government and organization leaders still consider domestic violence an internal issue. Only domestic violence cases with serious consequences are given due attention.

- Officials in charge of domestic violence prevention and control work on an unstable part-time basis. They often have limited practical experience, especially at the grassroots level.

- Funding is still limited and not enough to ensure effective implementation which leads to the lack of dissemination materials, trainings for inter-sectoral coordination and support to build effective models of domestic violence prevention and control at the grassroots level.

### **3. Recommendations for legal completion and key solutions for enhancement of prevention and control of domestic violence and gender violence**

- Law on prevention and control of domestic violence and National Action Plan for prevention and control of domestic violence up to 2020 identified that prevention and control of domestic violence is an important political duty. It should mobilise the all resources including the participation of the whole political system and of the people; it should emphasize to the prevention, dissemination and education on family issues. In addition, it should also strengthen consultation and mediation suitable for cultural tradition, good custom and practice of the Vietnamese people. Formost, it should prioritise the protection of legitimate rights and benefits of the children, women, the aging, and the disable people. It should step by step prevent and eliminate domestic violence, gender violence and discrimination against women and female children.

- It should recommend the National Assembly, the Government to take more attention to give guidance, to issue resolutions, programmes, workplans and projects on hunger elimination and poverty reduction, on socio- economic development, especially, to the far and remote areas, the regions where live the ethnic minority people, as well as to the regions where there are many backward practices, gender prejudices... The implementation of the National Action Plan on prevention and control of domestic violence should be considered as a prioritised duty in the hunger elimination and poverty reduction programmes or projects. This important task requires the participation of both the political system and the entire people as a whole (including core forces such as police, military force, culture - sports and tourism management, labor - invalids and social affairs, women' union...). These forces will participate in legal dissemination and education, raising awareness for soldiers and people of all classes on the Law on Gender Equality, the Law on Marriage and Family; Law on Prevention and Control of Domestic Violence; Law on Children and other relevant issues.

- It should complete the legal framework on prevention and control of domestic violence and children protection, especially protection of children who are sexually abused, violent or beaten. It should issue soon guidance, develop a mechanism of receiving, processing and settling reports/complaints on domestic violence acts in order to have a common understanding among litigational agencies in the process of handling cases related to domestic violence and child sexual abuse so that the legal application is synchronized, consistent and effective.

- It should evaluate the pilot project on "Community- based prevention and support of juvenile people who violate the laws", "Conduct education and



care of children and teenagers wandering, violating the law in the community”, etc. Experience will be withdrawn from this evaluation in order to replicate effective pilot project into practice.

- It should conduct research to renew or supplement regulations on policies to support the social workers for prevention and combat against domestic violence. Timely commend and reward organisations and individuals who have many achievements in the process of implementing domestic violence prevention and control.

- Party committees and authorities at all levels should pay attention to allocate more regular budget for activities relating domestic violence prevention and control. It should privatize work related prevention and control of domestic violence, and strengthen the coordination and cooperation with international organizations for experience sharing and further support, including financial support.

- Particularly, under Article 41 of the Law on Domestic Violence Prevention and Control, within its scope and power, the Ministry of Public Security will continue to coordinate with other ministries and local authorities to effectively implement the Program on “Children protection, management and protection of children violating law; Project 4 on "Fighting and preventing crimes on child abuse, juveniles violating laws, and preventing and combating domestic violence and human trafficking" in the period of 2018-2020. The Ministry of Public Security should concentrate its force to quickly verify, investigate, and thoroughly handle criminal cases related to domestic violence, especially child abuse, violence against children causing public anger; proactively prevent and promptly detect, prevent and handle acts of violating Law on domestic violence prevention and control; protect the legitimate rights and interests of victims in domestic violent cases; coordinate well with other state management agencies to perform the task of statistics on domestic violence.

## **Strengthening the role of Women and Girls in Hoa Binh province in preventing gender violence**

### *Women's Union of Hoa Binh Province*

Hòa Bình is a mountainous province of Vietnam with many ethnic minorities, located in the Northwest region, borders Hanoi. According to the current statistics, there are 06 main ethnicities has lived here, with the major ethnic group is Muong accounts for 63,3% of the population; followed by Kinh with 27,73%; Tai with 3,9%; Dao with 1,7%; Tay with 2,7%; Mong with 0,52%; and others with 1,18%. The socio-economic situation and people's life in the province have been increasingly improved, however, Hoa Binh is still a mountainous province with certain difficulties. With complex terrain, wide area, unfavorable traffic, uneven levels of education among regions, awareness of people including women and children about gender violence, domestic violence, child sexual abuse or related issues to women and children is still limited.

Meanwhile, in fact, gender violence still exists in many different forms, taking place daily, is no longer a new issue. However, it has complicated developments with increasing trend and people are very interested in this “hot” issue. Although men and boys may also be victims, women and girls in fact are the main victims of gender violence.

In Hoa Binh, according to statistics from 2008 to the end of the first 6 months of 2018, the units of provincial Public Security received, investigated and solved 156 cases relating to domestic violence. In 2018, there are 25 children sexual abuse cases and in the first 6 months of 2019, there are 11 cases occurred. However, these statistics are only cases discovered and reported. Many cases have not been discovered, denounced. In addition, women and children also face the risk of being trafficked, child marriage, sex selection at birth ...

The Women's Union of Hoa Binh province is a socio-political organization with the function of representing and protecting legitimate rights and interests for women and children. In the past years, Hoa Binh Women's Union constantly renew the content and method of operation, actively propagandizing to raise awareness of members and women in the province, especially EM women, to enhance the role of women and children in the prevention of GBV.

For propaganda and education, this is one of the key tasks of the Association. GBV has been rooted in many ways, despite the Gender Equality

Law (2006); Law on Prevention and Control of Domestic Violence (2017); The Law on Children (2016) has been issued but a part of women and children have still not really aware of equal rights, have not protected themselves from the forms of GBV according to the law. Being aware of that problem, the Hoa Binh Women's Union determined that it is necessary to build a contingent of capable and skillful staffs to spread information to members and women. Furthermore, we pay attention to training the source lecturers and propagandists, who are the Women Union's members, on the Law on Domestic Violence Prevention and Control, the Law on Gender Equality and communication skills with the following contents: ways, methods, skills for the preparation of communication sessions on law; some creative forms of communication (drama, media, competitions). In the past 10 years, 18 training courses were organized for 40 provincial and district reporters, over 200 propagandists at all levels; coordinating to organize 110 training courses on legal knowledge, law dissemination and education and legal aid for 4,950 people who are officials, members and collaborators working on law dissemination and education, legal aid, and grassroots mediation.

In addition to improving the capacity of the Union's members, the propaganda and dissemination of education are carried out in various forms such as propagating directly to members and women through seminars, training, competitions, thematic talks, association activities... The Provincial Women's Union has organized two seminars to disseminate the content of the Law on marriage and family (revised) and "Status and solutions to improve accountability and supervisory roles of Women in developing law enforcement related to marriage and family". Union's members at all levels have organized 426 meetings to disseminate the laws relating to women and children<sup>11</sup> to 47,537 women; 03 forums to propagate laws on prevention and control of domestic violence, child sexual abuse and social evils for 120 people (who have violent acts, alcoholics, drug abusers, victims of violence, gambling, people preparing to get married); 01 propaganda meeting to prevent child sexual abuse and HIV/AIDS prevention for 120 pupils in Hoa Binh city; organizing 20 propaganda and legal education on gender equality, marriage and family, the consequences of child marriage ... with 1,197 members participating; 15 legal policy dialogues on social insurance, health insurance to protect the environment, the issue of child marriage and overcontrolled birth

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<sup>11</sup>The Law on Social insurance; the law on health insurance; the law on marriage and family; the Law on Prevention and Control of Domestic Violence; the Law on legal dissemination and education; Land Law; Gender Equality Law; Law on Prevention and Control of Human Trafficking; Decree 39/2015 ND-CP dated April 27, 2015 on regulations on support policies for women of poor households who are ethnic minorities when giving birth to children according to population policy.

and policies for female cadres with 1,270 participants. We have also propagating through mass media such as: Coordinating the Provincial Radio and Television Station, Hoa Binh Newspaper, the Association's Website, Hoa Binh Women's Information Sheet, distributed for free to 2,074 branches. There are 630 handbooks and 3700 legal propaganda leaflets has been compiled and distributed for female farmers and ethnic minority women. 3,287 booklets of the Central Women Union<sup>12</sup>, 72 brochures on women and gender quality contents, 22 picture sets on domestic violence prevention and control to the branch Women's Union.

In order to promptly receive and resolve the feedbacks and proposals of organizations, officials, members, women and people, the contents related to the activities of all levels and members, we set up a consultant team of the Women's Union of Hoa Binh province in 2016 regarding the education of family life, pre-marriage education, pre-marriage counseling. Up to now, the Consultant team has successfully received and advised 08 cases difficulties in building a happy family; provide case questions to the Research Advisory Team and answer 02 articles published in the Union's Newspaper and be supported by members and women across the province. We have also guided and informed the hotlines managed by the provincial public security force to officials, members, women and people in the province to timely detect, denounce, prevent and handle violations of the law on prevention and control of domestic violence<sup>13</sup>.

We have maintained and replicated effective legal propaganda models, including 254 branch clubs (35 domestic violence prevention clubs; 35 women's legal clubs; 169 happy-family clubs; 10 legal bookshelves, 65 legal and life clubs...). We also direct and guide the Union at all levels to maintain reliable address model in the community. Up to now, the whole province has built 525 models, of which there are 67 excellent models with the recognition decision of the Chairman of the Commune People's Committee. Here is the place for women to meet, share and solve the victims' discord and propagate to raise awareness of the community and the role of each citizen in the prevention of domestic violence and security order.

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<sup>12</sup>Including 8 types of "Propaganda documents on Marriage and Family Law"; "Social Feedback Review Handbook"; "Communication materials for human trafficking prevention and control"; "Handbook for understanding Land Law 2013"; "Handbook about the Constitution of the Socialist Republic of Vietnam in 2013"; "Leaflets on implementing Decree No. 39/2015/NĐ-CP dated April 27, 2015 stipulating policies to support women from poor households who are ethnic minorities when giving birth to children according to population policy"

<sup>13</sup>Official Correspondence No. 80/BTV-GDXH dated 13/3/2017 of the Provincial Women's Union to announce the hotlines to prevent and handle violations of the Law on Prevention and Control of Domestic Violence

On the other hand, we closely coordinate with departments, agencies and unions to propagandize, specifically coordinate with Department of Justice, Provincial Police, Department of Culture, Sports & Tourism, Department of Health, Department of Labor, Invalids and Social Affairs; Committee for Ethnic Minorities...to develop a plan to propagate and disseminate legal education, legal aid for women, and co-organized 1,650 propaganda and dissemination with various forms: writing exam, theater contest and meetings of the branch union to raise awareness for members and people on prevention of domestic violence, family marriage, gender equality, drug and prostitution prevention. At the end of July 2019, our Provincial Women's Union implemented the project "Strengthening the role of women and girls in Hoa Binh province in preventing and combating gender violence" by Oxfarm's support through the Justice Initiatives Facilitation Fund (JIFF). This project applies a rights-based approach to help women and children, especially ethnic minority women, to understand why they have to change to have a stronger voice not only in the family, but also out of society. Thus, they are able to overcome the sensibilities that have existed for a long time and protect themselves.

In order to strengthen the role of women and girls in preventing gender violence, from lessons learned through implementing process, some solutions need to be implemented in the coming time are:

Firstly, continue to focus on propaganda and education: Propagate with specific objects, specific points and reasonable methods and avoid widely propagation. Specifically, we shall propagate to those who are at high risk to raise their understanding to protect themselves, protect their beloved and speak up when the incidents happen.

The most important thing is to propagate in many diverse and creative forms so that the whole community shall be aware of the consequences of gender violence and condemn it. Particularly, legal dissemination and education must be strengthened in remote areas with low academic levels because in fact, many ethnic minority people do not know that it is a legal violation. They simply think that it is a family affair or that they must be resigned and do not dare to speak up, even do not know who to speak with and where to call for help.

Secondly, we need to pay attention to understand people's common sense, aspiration and thoughts, especially those of women and children by various ways. It is necessary to have policies to support job creation, poverty



reduction, increase income through vocational training, loans .... in order for them to have stable job or business to ensure the basic level of life needs.

Thirdly, we need to strengthen the leadership role of local authorities in order to coordinate with relevant agencies, departments and unions in the implementation of policies and laws on domestic violence prevention and control, law on marriage and family, gender equality law, child law... By that coordination, we can well organize propaganda and education to all the people for raising their awareness. Furthermore, we can have better support for victims of violence and abuse to integrate to the community by various activities such as psychological counseling, free medical examination and treatment for victims, creating conditions for victims to quickly overcome economic difficulties, help them to eliminate their stigma and complexity and support them vocational training to quickly help them settle down.

Last but not least, we need to organize inspection and supervision; review, summarize and evaluate the propagation and have praise in time for individuals and organizations with achievements. There should be researches and proposals of law amendments in order to have suitable legal framework within this area.