

FROM DOMESTIC VIOLENCE TO GENDER-BASED VIOLENCE: CONNECTING THE DOTS IN VIET NAM

A UN discussion paper



COMMON GOALS, COLLECTIVE ACTION

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LIST OF ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEOPC	Child Exploitation and Online Prevention Centre
CCIHP	Centre for Creative Initiatives in Health and Population
CSAGA	Centre for Studies and Applied Sciences in Gender, Family, Women and Adolescents
DEVAW	Declaration on the Elimination of Violence Against Women
DV	Domestic Violence
DV Law	Law on Domestic Violence Prevention and Control (2007)
EEOC	Equal Employment Opportunity Commission (USA)
GBV	Gender-based violence
GoV	Government of Viet Nam
GSO	General Statistics Office of Viet Nam
ICRW	International Center for Research on Women
ILO	International Labour Organization
IOM	International Organization for Migration
IPV	Intimate partner violence
MOCST	Ministry of Culture, Sports and Tourism
MOH	Ministry of Health
MOJ	Ministry of Justice
MOLISA	Ministry of Labour, Invalids and Social Affairs
RaFH	Institute for Reproductive and Family Health
MPS	Ministry of Public Security
SRB	Sex ratio at birth
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN GBV Working Group	United Nations Gender-based Violence Working Group
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
VAW	Violence Against Women
VND	Vietnamese Dong
WHO	World Health Organization

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Viet Nam as well as UN Women gender specialist Estefania Guallar and UNODC gender specialist Belissa Guerrero Rivas also provided significant feedback and inputs into this paper which was edited by Simon Drought, UN Communications team editor. The views expressed in this paper do not reflect any official view of UN. Any errors and omissions that remain are the sole responsibility of the authors.

Nata Duvvury - Stacey Scriver

FOREWORD

Gender-based violence (GBV) is a complex problem with roots in attitudes and behaviors deeply engrained in culture that are difficult to change. GBV refers to a wider set of issues than domestic violence (DV) and can take many forms, such as sexual assault and rape, trafficking and sexual harassment at school and in the workplace, or a preference for boys over girls through sex-selective abortions. Although men and boys are also affected, women and girls predominantly suffer from GBV. The fundamental cause of GBV is gender inequality, the persistent attitudes and beliefs that see women as inferior to men and less worthy of rights and control over their own lives.

The National Study on Domestic Violence against Women in Viet Nam, released in 2010 by General Statistics Office (GSO) and the United Nations in Viet Nam, illustrates the depth of the problem with 58% of ever-married women having experienced at least one form of physical, sexual and emotional violence in their lifetime. The effects of GBV in Viet Nam are not limited to individuals and families, but GBV also negatively affects Viet Nam's economic development. The cost of GBV in the form of DV against women in Viet Nam, in out-of-pocket expenditures and lost earnings, represents nearly 1.41% cent of national gross domestic product (GDP). Furthermore, it was found that women who had experienced violence earned 35% less than those who had not, representing another significant drain on the national economy. The overall productivity loss was estimated at 1.78% of GDP in 2010 (UN, 2012). Releasing national data on Domestic Violence against Women in Viet Nam in 2010 marked a big step forward in providing an understanding of the issue and reflected Government's efforts to end domestic violence. More actions have been taken by the Government to address DV since then. Viet Nam has become

more proactive in addressing DV, with more robust legal and policy frameworks in place. However, GBV not only occurs in domestic settings, but also in public and other environments. Therefore, it is important to have a broader view on GBV that recognises the multiplicity of its forms and the gaps in implementation of relevant policies and laws to move beyond DV. But more still needs to be done, including creating a general awareness and greater coordination among all stakeholders working to prevent and address GBV.

Combating GBV is not the business or task of a single ministry, it's everybody's business. It requires the commitment of all policy-makers and programmers to work under one comprehensive framework, the National Action Plan on GBV, and full accountability to ensure these commitments are fulfilled. Only then can we expect real progress in fighting the social menace of GBV that affects so many women and girls in Viet Nam.

Real progress can only be made if we look beyond the focus on DV, to address GBV in all its forms. More needs to be done to enable men and boys to discover their role in preventing violence and in protecting and respecting women.

The UN in Viet Nam is committed to preventing and addressing the consequences of GBV, in close partnership with the Government, development and civil society partners. Civil society and the private sector will continue to be engaged in ending violence against women and girls, working with survivors to empower them and making sure their experiences are taken into consideration in the development of responses. The UN will also continue to work with particularly vulnerable women and girls who suffer multiple and intersecting forms of violence.

As GBV is one of the key indicators to monitor the achievement of Millennium Development Goal 3 on gender equality, as well as the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, we have prioritized efforts to address this issue in our One Plan 2012-2016.

This discussion paper was commissioned by the UN in 2013 as a review of issues relating to GBV internationally and in Viet Nam. It is designed to update knowledge and inform policy discussion and programme development on GBV in

Viet Nam. We hope this paper will help take these efforts forward and broaden the understanding of and subsequent responses to GBV by the Government of Viet Nam and its development partners.



Arthur Erken

UNFPA Representative in Viet Nam
Convener of UN GBV Working Group

OVERVIEW



Purpose: This paper was commissioned in July 2013 by the UNFPA Viet Nam Country Office with technical inputs by the UN Gender-based Violence Working Group¹ (UN GBV Working Group) to update knowledge, inform policy discussion and programme development on GBV in Viet Nam. Building on an earlier commissioned One UN GBV Issues Paper, (Gardsbane et.al.2010), this paper takes a broad view of GBV in Viet Nam that recognizes the multiplicity of forms it takes and includes the experiences of women and girls, men and boys as well as transgender people, all of whom may be vulnerable to GBV - a consequence of gender inequality.

How this paper feeds into strategic planning:

In December 2010, the UN in Viet Nam developed the GBV Issues Paper (Gardsbane et.al. 2010) to provide recommendations for policy development and programming, some of which have been taken up by the Government of Viet Nam (GoV) and development partners and are well reflected in related GBV intervention programmes for 2012-2016. From 2010 up to now, a number of new studies on GBV in Viet Nam have provided an evidence base for further policy dialogue, development and programming to address different aspects and types of GBV. Drawing on these studies, this discussion paper provides an updated overview of GBV issues in Viet Nam to identify gaps and needs for addressing GBV. In particular, this paper is a useful reference source for upcoming reviews of the Law on Domestic Violence, Prevention and Control 2007 (DV Law). A scientific review of the law's implementation over the past six years is urgently needed and, hopefully, this paper

will assist the GoV to identify gaps and challenges in implementation to enhance the law's effectiveness.

Approach: This paper was produced by an international consultant team that undertook a desk-based review of existing research, programmes and legislative documents as well as academic literature published primarily since 2010. This paper was then circulated, reviewed and revised in accordance with comments provided by members of the UN GBV Working Group and the Joint Programming Group on Gender. As a desk review, this paper is limited in scope and does not assume to provide an in-depth or exhaustive review of GBV programmes and interventions in Viet Nam. Moreover, this paper's authors only consulted publications available in the English language, thus limiting the breadth of knowledge upon which analysis is drawn.

Why GBV is an important issue:

Gender-based violence is a global problem that is pervasive and has significant consequences for women, communities and society at large. While GBV primarily affects women and girls, it can also leave its mark on men, boys, minority and marginalised communities, such as transgender people. International studies have used evidence to demonstrate significant connections between violence, compromised physical and mental health and the high costs of intimate partner violence (IPV) and GBV at household and community levels in industrialised and developing communities (ICRW, 2005; Duvvury, 2004). Other studies have illustrated GBV's negative impacts on the achievement of Millennium Development Goals (Duvvury, 2009).

¹ The UN GBV Working Group comprises representatives of UN agencies, including ILO, IOM, UNESCO, UNICEF, UNFPA, UNODC, UN Women and WHO.

Viet Nam is no different from other nations, with GBV a serious and pervasive problem within society. Gardsbane et.al's 2010 GBV Issues Paper summarised and updated information about the types of violence (specifically physical, sexual, emotional/psychological and economic violence as well as trafficking), the socio-economic context that enables GBV and the legislative framework for addressing GBV within the context of Viet Nam. Since the publication of this paper, the GoV has incorporated some of its recommendations into policy frameworks, programmes and interventions.

These initiatives are outlined in relevant national action plans, such as the National Action Plan on Domestic Violence, Prevention and Control as well as the GoV-UN's One Plan for 2012-2016. The GBV Issues Paper was published in 2010 at a time when the GoV and UN were preparing

to develop programmes for 2012-2016. However, the GBV Issues Paper was developed prior to the publication of the GSO's 2010 National Study on Domestic Violence against Women in Viet Nam. Since 2011 new GBV studies, including a costing study on domestic violence (Duvvury et.al. 2012), have provided more understanding on the types, prevalence and consequences of GBV, as well as policy and programming gaps. This UN discussion paper aims to further build knowledge and provide targeted solutions for bridging the knowledge and implementation gaps in addressing GBV. In particular, it will update commonly held knowledge about the prevalence, the drivers and consequences of different forms of GBV as well as assess recent laws, policies and frameworks introduced to counter GBV and consider the 'next steps' to effectively tackle GBV in Viet Nam.





PART I:

UNDERSTANDING GENDER-BASED VIOLENCE

Gender-based violence is a broad and complex phenomenon which manifests in multiple forms, from DV to sexual harassment. Although GBV encompasses DV, it is not limited to DV or violence against women (VAW). Rather, it refers to forms of violence that are directed at an individual because of their gender and which are predicated on gender inequalities (UNHCR, 2003). GBV also maintains inequalities between men and women and reinforces traditional gender roles. Due to patriarchal social systems dominant throughout the world that disempower women in the home, the economy, politics and other public environments, women and girls are the most common victims of GBV. Across all forms of GBV, women and girls are disproportionately represented as victims and often have the least access to support and justice services. However, GBV may also be experienced by men and boys, transgender people, people with disabilities, ethnic minority groups and other marginalized people(s) (ibid.). Furthermore, GBV is not confined to any one age group. Rather, it can occur throughout the human life cycle, from pre-birth in the form of sex-selective abortion to death, in cases of dowry deaths or honour killings. GBV may also occur in a multitude of different contexts, including the home, workplace, public or social spaces. It is perpetrated by intimate partners, family members, strangers, acquaintances, colleagues, persons of authority as well as by community and State institutions (UNFPA, 2005). Understanding GBV thus requires a broad and contextual definition that recognizes the many forms and guises through which GBV is manifested.

Evolution of the definition of GBV: from Violence Against Women to Gender-based Violence in International Discourse

The concept of GBV has gone through several stages as analysis and research into violence predicated on the concept of gender inequalities and VAW was

developed. In 1992, the CEDAW Committee in its General Recommendation 19 provided one of the first internationally recognized definitions of GBV:

Gender-based violence is a form of discrimination; violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty (CEDAW, 1992).

This definition importantly recognizes that GBV may include psychological, sexual and physical violence which may be inflicted through a number of different means.

Building on this CEDAW recommendation, the 1993 Declaration on the Elimination of Violence Against Women (DEVAW) states:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life (UN General Assembly, 1993).

The DEVAW built on the argument that GBV can be manifested in various forms and made the important clarification that it could occur in public or private life, thus demanding accountability from public bodies to prevent forms of violence that occur within the home or other private spheres, institutional spaces and in public spheres.

These definitions have been essential to clarify the meaning and reach of GBV in Viet Nam and elsewhere. Within these international human rights instruments, GBV and VAW are often used interchangeably with a focus on violence perpetrated against women by individuals, State and non-State actors.

From Violence against Women to Gender-based Violence

As the study of VAW and GBV developed and increased the depth and breadth of knowledge about forms of violence disproportionately experienced by women and girls, evidence has drawn attention to the underlying structural causes of GBV as gendered power dynamics. This focus has led to recognition that the power dynamics that fuel violence against women also fuel forms of violence directed at other groups, such as boys, transgender people and men who have sex with men. For instance, the Secretary-General's Message to the Human Rights Council Meeting on Violence and Discrimination based on Sexual Orientation or Gender Identity (2012) urged States to *'take the necessary measures to protect their citizens from violence and discrimination on the grounds of sexual orientation and gender identity'*. This more comprehensive understanding of GBV is being increasingly reflected in international literature.

The United Nations High Commissioner for Refugees (UNHCR) and implementing partners use an *'expanded definition of sexual and gender-based violence'*², which defines GBV as follows:

Gender-based violence is violence that is directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. While women, men, boys, and girls can be victims of gender-based violence, women and girls are the main victims.

GBV shall be understood to encompass, but not be limited to, the following:

a) *Physical, sexual, and psychological violence occurring in the family, including battering, sexual exploitation, sexual abuse of children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;*

b) *Physical, sexual, and psychological violence occurring within the general community, including rape; sexual abuse; sexual harassment and intimidation at work, in educational institutions, and elsewhere; trafficking in women and forced prostitution;*

c) *Physical, sexual, and psychological violence perpetrated or condoned by the State and institutions, wherever it occurs*³.

The updated and now commonly used definition expands the remit of GBV to include groups of people who may have been excluded by earlier definitions of VAW. However, the expanded definition maintains the recognition of the fundamental drivers of GBV introduced by CEDAW - inequitable gender relations expressed through norms, attitudes and social behaviours.

² Based on Articles 1 and 2 of the UN General Assembly Declaration of the Elimination of Violence against Women (1993) and Recommendation 19, Paragraph 6, of the 11th session of the CEDAW Committee; Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons, Office of the United Nations High Commissioner for Refugees, Geneva, 2003.

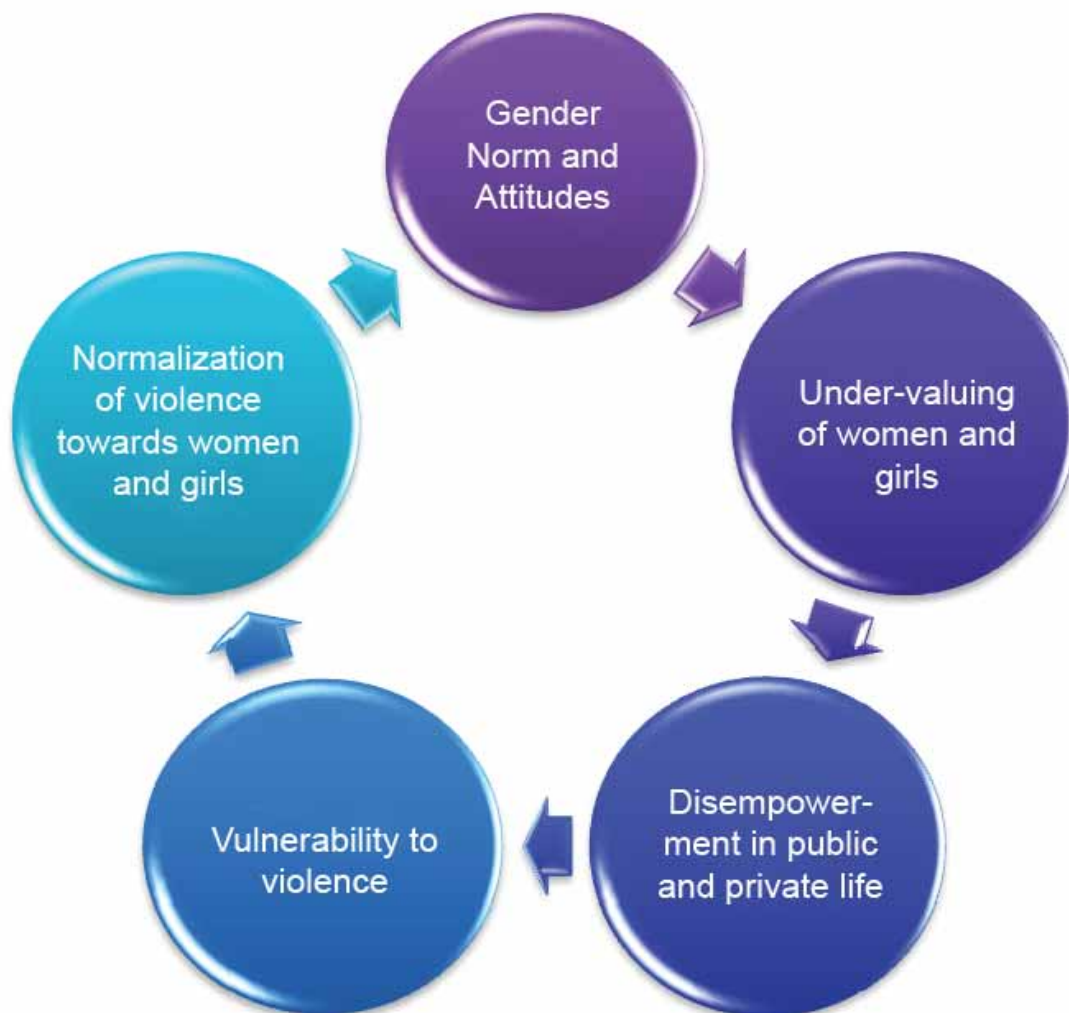
³ UNHCR. Available at: <http://www.unhcr.org/4371faad2.pdf>

Drivers of GBV: the GBV Cycle

Various definitions of GBV recognize that the primary underlying structural cause of GBV is unequal power relations and individual attitudes that condone violence within private and public spheres (UNHCR, 2003; UNGA, 2006). The ways in which violence manifests within a given society is dependent on the socio-cultural context and gender norms and values. For instance, the son preference norm that exists in some Asian countries leads to sex-selective abortions and infanticide resulting in sex ratio at birth (SRB) imbalances.

The relationship between these gender and family norms, vulnerability to, and normalization of GBV creates a cycle that increases the chances of GBV occurring and decreases the likelihood of sanctions, their severity, or their effective implementation against perpetrators of GBV. The cycle, presented in Figure 1, demonstrates the ways in which GBV is driven by inequitable norms, attitudes and behaviours relating to gender roles, family structures and responsibilities and the inequitable development and application of legislation, leading to the normalization and consequently the perpetuation of violence. These drivers are relevant to all forms of GBV.

Figure 1: GBV Cycle



- Gender norms and attitudes, including norms of masculinity, femininity, gender roles and expectations as well as a preference for sons provide the structural context for GBV.
- Inequitable norms and attitudes lead to an under-valuing of women and girls that impact on educational and career attainment, bargaining power in the household and recognition of potential. They also undervalue transgender people and men who do not conform to norms of hegemonic masculinity and instead assign power to those who embody hegemonic masculinity.
- Disempowerment in public and private life increases vulnerability to GBV, as options are narrowed and protection is missing, inaccessible or dismantled leaving limited or no access to the freedom to use/exercise economic, political or social resources and rights.
- Gender-based violence appears 'normal' within the context of the under-valuing of girls and women and inequitable gender attitudes. Women's lack of power in their public and private lives results in silence and non-action by relevant authorities/duty bearers.
- Normalization of violence perpetuates gender norms that associate aggression and authority with masculinity along with passivity and dependence with femininity.

While the factors in this cycle described in Figure 1 can influence vulnerability to different types of GBV, they also link types of GBV to increased likelihood of experiencing other kinds of GBV. This relationship may be concurrent, such as the greater likelihood of experiencing sexual harassment for women who experience

DV, or consecutive, such as the greater likelihood of child marriage, coerced sex work and/or trafficking for those who witness DV in childhood. For many victims of GBV, the experience results in a cumulative disadvantage as their vulnerability increases and they experience additional forms of violence aside from the original one. A better understanding of the dynamics between types of GBV is essential to ensure effective policies to prevent GBV. For example, a preference for sons fuels sex selective abortions that lead to an SRB imbalance, which in turn is a factor in trafficking, child marriage and coerced sex work. These forms of violence individually and collectively perpetuate inequitable attitudes that propel the cycle of GBV.

Linking Types of GBV

Given the deep interlinking of forms and structural causes of GBV, a comprehensive and effective approach to addressing the problem requires a thorough understanding of how these forms of violence are connected. While norms and attitudes are significant, the role of social behaviours should not be overlooked as there is a dialectical relationship between attitudes and behaviours, with behaviour modification also influencing attitudinal change as individuals will attempt to achieve cognitive consistency between behaviour and attitudes (e.g. if behaviour changes, attitudes are likely to change to match behaviour or vice versa) (e.g. Festinger et.al. 1956; Kilmartin, 2003). Given the shared root cause of all forms of GBV, modifications in such inequitable attitudes, norms and/or social behaviours will likely elicit changes across multiple forms of GBV.

Thus, there is potential for a ripple effect of positive impacts across forms of GBV from well-designed policies and interventions if the inter-linkages between such forms are thoroughly understood. However, the process through which such ripple effects may occur requires

a deeper understanding of the various connection points between disparate forms of violence. Currently a knowledge gap exists in this area, where the majority of work on violence examines each form in isolation, albeit acknowledging the common structural causes.

Two examples from the international literature on GBV provide evidence of these linkages between forms of violence.

Example 1: Linking perpetration with childhood experiences of violence

Research has consistently demonstrated a link between boys' experiences of domestic violence, either as direct victims of violence perpetrated by parents or others in the home or as witnesses to domestic violence perpetrated against their mothers, and perpetration of violence later in life (Whitfield et.al. 2003; Duvvury et.al. 2012:58; Priya et.al. 2012:8). Fulu et.al.'s study of 10,000 men in the Asia-Pacific region found that childhood experiences of abuse were related to general violent behaviour, including gang membership and fights involving weapons, and to perpetration of sexual violence against non-partners, perpetration of intimate partner violence and use of transactional sex (2013:15-16). These findings provide important evidence that violence is cyclical in nature, motivated by understandings of masculinity and power that are enacted on those with the least power, in this case women and children, and that these forms of GBV are linked.

Example 2: Linking trafficking of women to domestic violence and forced/coerced sex work

Research has demonstrated that trafficked women commonly experience other forms of GBV prior to being trafficked. In particular, a relationship between domestic violence, forced sex work and trafficking is evident. As described by Leidholdt:

“The relationship between prostitution and domestic violence is profound, but rarely understood. In societies where wives are considered the property of their husbands and their husbands’ families, women fleeing domestic violence find themselves in circumstances similar to that of girls fleeing incest in industrial and post-industrial societies - homeless and vulnerable to pimps and other sex industry profiteers.” (2005: 173)

Drawing from interviews with female sex workers in Bangladesh and Mali, Leidholdt explains that women commonly identified violence by their spouses and the ensuing homelessness once they left as push factors that led them into sex work. Other studies in South Asia have similarly found that divorce, abandonment and ensuing poverty act as push factors for entering sex work (e.g. Miller, 2002: 1053). Furthermore, pimps and managers of sex workers may also be their husbands or boyfriends and may use violence to control them (ibid.174). Other studies have similarly identified a link between domestic violence and sex work (e.g. Miller, 2002; Harding and Hamilton, 2009).

Once in the sex industry, by choice, coercion or force, women are especially vulnerable to being trafficked. Trafficking may occur within a State, as their managers move sex workers to other locations, or between States, as women cross national borders. For instance, a study by Vocks and Nijboer in the Netherlands found that a large number of trafficked women had worked in the sex industry prior to being trafficked (2000: 383). These studies point to the ways domestic violence may be linked to trafficking, such as through forced or coerced sex work in this example. This suggests that addressing trafficking issues may also require attention to gender inequality expressed through violence within the home.

The various types of GBV are strongly linked through their shared basis in gender inequality. Addressing only the manifestations of this inequality, such as DV, is unlikely to change the base cause. Furthermore, it could result in a shift from one type of expression of inequality to another. For instance, interventions targeting DV behaviour may result in a reduction in physical violence in the

home, but an increase in psychological or sexual violence in the home if the gender, family and son preference norms are not modified. Similarly, targeting one or a combination of GBV types will not address the problem if other forms are left intact. A comprehensive and coordinated response, informed by an understanding of the linkages, is required to address GBV in all its multiple manifestations.

Assessing the Current State of GBV Knowledge in Viet Nam

While the expanded definition of GBV is used within UN discourse, the majority of policy-makers, development practitioners and researchers continue to assume GBV is synonymous with DV. In Viet Nam, concrete steps have been taken to recognize the extent and various types of GBV that occur, such as through the introduction of legislation on anti-human trafficking and sexual harassment in the workplace. However, as Gardsbane et.al noted, *“Many of the types of GBV are only just beginning to be discussed in Viet Nam and little is known about the incidence of each individual form or the intersections among these”* (2010:16). Since 2010, research has attempted to address this

issue and better inform policy-makers and society’s understandings of GBV. However, further work is required to fully comprehend the linkages between types of GBV in Viet Nam.

A review of recent publications by this paper’s authors revealed that forms of GBV evident in Viet Nam include domestic violence, sex selective abortion, child marriage, human trafficking/forced migration, forced/coerced sex work and sexual harassment. These forms of GBV evident in Viet Nam are driven by gender norms, including masculinity norms and perceptions of acceptable gender roles, as well as family norms. This discussion paper offers a snapshot of the commonly held knowledge and understandings of these forms of GBV in Viet Nam.

DOMESTIC VIOLENCE AGAINST WOMEN

The 2010 National Study on Domestic Violence against Women provides an insight into women’s experiences of domestic violence in Viet Nam⁴. The study found that:

Type of Violence	% of ever-partnered women during lifetime	% of ever-partnered women in past 12 months
Experienced at least one type of physical, sexual or emotional violence	58	27
Experience of physical violence	32	6
Experience of sexual violence	10	4
Experience of physical and/or sexual violence	34	9
Experience of emotional abuse	54	25

The study also discovered that while women’s experiences of violence cut across socio-demographic factors, the rates of physical, sexual and psychological violence were higher in rural areas and among the less educated (GSO, 2010). The study also found that less than 3% of women reported initiating violence towards their male spouses (GSO, 2010). A further

analysis of the survey data suggests that women were 2.8 times more likely to experience domestic violence if they experienced sexual violence as a child and 5.8 times more likely if they experienced sexual violence from a non-intimate partner as an adult (aged above 15 years) (GSO, 2013).

⁴ The study is based on a nationally representative sample of 4,838 women between 18 and 60-years-old across the rural and urban regions of Viet Nam.

SEX SELECTIVE ABORTION

SRB imbalances are a strong indication of sex selective abortions, whereby female fetuses are aborted in preference for sons. Data from 2010 suggests that the SRB in Viet Nam is currently significantly imbalanced, with 111.2 males to every 100 females born in 2010 (GSO, 2010). Guilмото found differences in SRB among different ethnic groups, with the Kinh majority demonstrating the greatest SRB imbalance (2012:33).

The same study also found that the SRB imbalance was higher among better-educated women, with an imbalance of 113 males to 100 females among women who had studied for 10 years or more and almost no imbalance among illiterate mothers (ibid.). 2012:33). Regional differences were also noted, with the Red River Delta in northern Viet Nam demonstrating the greatest SRB imbalance at birth (Ibid.).

The SRB imbalance indicates the role of reproductive technologies and abortion in facilitating parents' preference for a son. Tran et.al. found that Vietnamese women received an average of six ultrasound scans in urban areas and 3.5 scans in rural areas per pregnancy (2011). Parents' demand for ultrasound scans has led to the privatization of ultrasound scans away from the State health system in Viet Nam with many private health clinics offering scans for varied prices (UNFPA, 2011: 46). Although sex-selective abortion and the use of ultrasound for that purpose is illegal in Viet Nam, evidence suggests that providers of ultrasounds regularly convey the sex of the fetus to expectant parents which in some cases is used for sex-selective purposes (ibid.).

CHILD MARRIAGE

Early or child marriage is defined by UNICEF as marriage before the age of 18. While the official age of adulthood varies between States, the concept of child

marriage recognizes that regardless of the legal status of an individual under the age of 18, child marriage presents a number of risk factors. Girls are particularly ill-effected by child marriage: marriage before the age of 18 is associated with, early school leaving, infant and maternal mortality, and experience of domestic violence among others (UNICEF, 2009). As argued by UNICEF, *"Marrying girls under 18-years-old is rooted in gender discrimination, encouraging premature and continuous child bearing and giving preference to boys' education and is a social norm in some regions"* (UNICEF: 2012) which clearly presents as a form of GBV.

Unlike some South East Asian countries, where the age of first marriage has increased significantly in recent years, Viet Nam exhibited a much more modest increase in age of marriage at a rate of 0.4 per year between 1997 and 2005 (Lung, 2009:8). This compares to an average 1.5-year increase in other Asian countries (ibid.5). Among the H'Mong [ethnic] minority group [in Viet Nam], it is estimated that child marriage is double that of the Kinh majority (Jones et.al. 2013). Although the minimum legal age for marriage is 18 for women and 20 for men in Viet Nam, studies have found a significant proportion of Vietnamese women marry during adolescence before the legal age of marriage. In 2005, approximately 14.5% of women in a large study sample (n=16,381) were found to have married before the age of 18 (Vu, 2009: 8), while in Duvvury's 2012 study 24% of the sample of married women from rural areas and 8.6% from urban areas, married before the age of 18 or an overall child marriage rate in Viet Nam of approximately 16% (2012:41). Although anecdotal evidence suggests that child marriage is common among certain ethnic minority groups, a gap remains in fully understanding the link between child marriage and ethnic minorities in Viet Nam.

TRAFFICKING/FORCED MIGRATION

Data on human trafficking is sparse with few large-scale studies and fragmented data from GoV sources. Between 2005 and 2009, almost 6,000 women and children were identified as victims of trafficking in Viet Nam (CEOP, 2011:4). Trafficking in men, however, remains largely unknown. Further difficulties in estimating the prevalence of human trafficking in Viet Nam are caused by the lack of recognition for self-identified and self-rescued victims of trafficking (ibid.). Viet Nam's National Steering Committee on Trafficking in Persons reported 430 Vietnamese trafficking victims identified by Vietnamese authorities, 250 of whom were repatriated by foreign governments or NGOs, while 120 victims were self-identified as victims of trafficking in 2011.

Between 2012 and 2013's first quarter, 550 cases of trafficking with 950 perpetrators and 1,080 men, women, boy and girl victims were identified (Ministry of Public Security (MPS), unpublished report, 2013) although the data was not disaggregated by sex. In 2012, the Supreme People's Court stated that it had prosecuted 490 defendants in relation to human trafficking (US Dept. of State 2013). These statistics provide a picture of the prevalence of trafficking in Viet Nam, but only represent a minority of cases given the vast majority never identified by authorities.

A preference for sons leads to men outnumbering women and an increased 'pull factor' to supply women as wives and sex workers and baby boys as sons. China, where the SRB imbalance caused by a preference for sons favours men, is one of the most common destinations from Viet Nam for women trafficked for marriage or sex work and for baby boys. Sexual violence and engagement in sex

work put women at increased risk of being trafficked for sex work to other parts of Viet Nam or other countries. Women trafficked for marriage are also vulnerable to DV because they are separated from family and other sources of support, potentially facing communication barriers to seeking help and with little or no economic independence. Gender inequalities perpetuate both 'push' (economic necessity, son preference and sexual violence) and 'pull' factors (imbalance of SRB, male power, economic power) that drive human trafficking in Viet Nam (see Hang and Koehler, 2012: 12; MPS, 2010; UNICEF, 2009; OHCHR et.al., 2011).

FORCED/COERCED SEX WORK

It is estimated that Viet Nam has approximately 300,000 female sex workers⁵ (FSW), out of which 80,000 are living and working in Ho Chi Minh City (Le et.al. 2010:39). With respect to male sex workers, a 2012 study indicated that approximately 2% of Ho Chi Min City's population were men who had sex with men and 20-40% had exchanged money for sex (Hiep, 2012). These estimates of sex workers do not indicate the proportion of sex workers who were coerced, though a majority might engage in sex work given the lack of choices due to poverty, troubled family settings or sexual identity. Data on commercially sexually exploited children is limited; a 2005 study estimated that between 2,000 and 20,000 children under the age of 18 are commercially sexually exploited in Viet Nam (Rubenson et.al. 2005:392). Whether engaged in sex work by force, coercion or as a matter of choice, sex workers face a significant risk of violence given the stigma, informal nature and illegality of the work.

⁵ This figure maybe an underestimate given the sensitivity of acknowledging involvement in this type of work.

A cross-national survey found that 73% of surveyed sex workers in South Africa, Thailand, Turkey, the United States and Zambia had experienced physical abuse and 62% rape (Farley et.al. 2003). More recent studies found similarly high levels of violence experienced by among sex workers (Shannon et.al. 2009; Decker, et.al. 2010).

SEXUAL HARASSMENT

Sexual harassment can occur in schools, workplaces, institutions and public spaces. A small study conducted by the Centre for Studies and Applied Sciences in Gender, Family, Women and Adolescents (CSAGA) and cited in Gardsbane, et al. (2010:16-17) indicated that 15.6% of 314 pupils surveyed reported being sexually fondled by others, 4.3% were forced to fondle others and 4.3% were forced to have sex in the previous 12 months. Girls are the primary target of sexual harassment by boys and teachers (Hong, 2004). A recent study of homosexual, bisexual and transgender youth found that 41% reported experiencing discrimination and violence, including sexual violence, in school or university (CCHIP, 2012). Teachers may also use threats of lower grades to intimidate their victims (ILO, 2008: 24).

Men and women are potential victims of sexual harassment in the workplace, with evidence having identified the workplace sexual harassment of men (ILO/MOLISA, 2013:24). However, gender inequalities

result in women occupying a larger share of lower level jobs than men, exposing them to sexual harassment from superiors. Young women are particularly at risk of workplace sexual harassment (ILO/MOLISA, 2013:23). Although qualitative evidence demonstrates the commonality and normalisation of offensive sexual comments, gestures and unwanted touching in public spaces in Viet Nam, no quantitative evidence exists to indicate the prevalence or nature of this form of sexual harassment. Sexual harassment also includes, at the extreme end of the scale, sexual assault and rape⁶. *The National Study on Domestic Violence against Women in Viet Nam* revealed a poor understanding of sexual abuse or violence in Viet Nam. Respondents thought sexual violence only happened to teenage girls and was perpetrated by strangers, intoxicated men and drug addicts (GSO, 2010: 70), indicating an acceptance of stereotypes about rape victims and perpetrators that disadvantage victims of sexual violence. Furthermore, although current definitions of sexual harassment collapse a range of incidents, ranging from offensive comments to sexual assault and rape by a colleague (ILO, 2012), there is considerable need to develop more specific definitions of “sexual harassment” and distinguish more serious sexual crimes such as rape from ‘harassing’ behaviours, while also recognizing their relationship.

⁶ The (Equal Employment Opportunity Commission) EEOC in the United States currently defines “sexual harassment” as ‘Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment’. Harassing behaviour may include actual or attempted rape (UN.ORG). While the EEOC definition focuses on workplace sexual harassment, there is growing recognition of sexual harassment that occurs within education settings and in social situations.

CHILD SEXUAL ABUSE

Each year, approximately 1,000 cases of child sexual abuse are reported in Viet Nam (Jakarta Post, 2012), but this is likely a gross under-estimation of the problem. In Nguyen's 2006 study almost 20% of participating children indicated having experience of child sexual abuse (Nguyen, 2006:113). Victims of known child sex abuse in Viet Nam range in age from 2-17 years, with 12-years-old the most common age to suffer childhood sexual abuse (UNICEF, 2005). A lack of research in this area means little is known about the nature of child sexual abuse or the relationship between victims and perpetrators. However, international studies demonstrate that a high rate of sexual abuse of children aged under 13 is perpetrated by parents and close relatives (Whealin, 2007; Harris, 2013; Scriver et.al. 2013). This pattern is likely to be found in Viet Nam. Fresh research is needed to understand the scope and nature of this type of violence, especially as it has significant consequences for inter-generational transmission of violence

within the family as indicated by the GSO's analysis of the national survey data on DV against women (2013).

Consequences of GBV

The consequences of GBV are considerable for victims, families and communities. They include negative health, financial/economic, social and personal development consequences and increased vulnerability to additional GBV. Importantly, these consequences play out over the lifetime of the person affected and may extend to future generations.

People exposed to GBV can suffer a diverse range of health consequences. While physical injuries including death as a result of domestic violence, sexual harassment, trafficking, forced sex work and forced or repeated abortions have been well documented (e.g. Hoa, 2012: 52; GSO, 2010; Duvvury et.al. 2012), the debilitating psychological health consequences of GBV are often overlooked. Some of these health consequences associated with different forms of GBV include:

Health consequences of GBV in Viet Nam

Health Type	Impacts	Evidence
Physical Health	All types of physical injuries, Death	Reported in Hoa, 2012: 52; GSO, 2010; Duvvury et.al. 2012
Mental Health Disorders and Addiction	Suicide Ideation	37% of women who experienced domestic violence in the previous 12 months (Duvvury et.al. 2012). Women who experienced physical or sexual violence three times more likely (GSO, 2010:83).
	Attempted Suicide	6% of female victims of DV in the past 12 months (Duvvury, 2012), three times more likely among women who experienced physical or sexual violence (GSO, 2010:83).
	Emotional Distress and other Mental Health difficulties (e.g. PTSD, Stress, Depression)	Increased risk of emotional distress for victims of DV (GSO, 2010), sexual harassment (ILO/MOLISA, 2013:32), child marriage (IPPF, 2006:11), trafficking (Hoa, 2012:52) and sex work (MOLISA/UNICEF, 2011:15).
	Addiction	Increased risk of alcohol and drug addiction among victims of all forms of DV (Hoa, 2012:52).
Reproductive and Sexual Health	Miscarriage, Stillbirth, Abortion, Obstetric complications, Multiple births, HIV and other STIs, Unwanted Pregnancy.	Increased risk for victims of DV, child marriage (GSO, 2010:21). (IPPF, 2006:11), sexual harassment in the form of sexual assault and rape, sex work and trafficking (ILO/MOLISA, 2013:32; IOM 2012:45; MOLISA/UNICEF, 2011:14; Hoa, 2012:52).

The children of GBV victims may also suffer adverse health consequences. For instance, the children of domestic violence victims were more likely to demonstrate a range of behavioural problems (GSO, 2010:21-22). More than 25% of women who experienced intimate partner violence reported that their children had frequent nightmares and were extremely timid or aggressive compared to approximately 15% of women who did not experience intimate partner violence. Moreover, women who experienced intimate partner violence were more likely to report that their children did not attend school or had to repeat a school year (GSO, 2010:84). Children also suffer the consequences of violence between parents, as described by a survivor of domestic violence in the national study:

“When I visited him [son][at the kindergarten] I recognized that [his isolation]. He sat still in one place. He did not play with other children. He was miserable. In this case, he was the victim” (2010:85).

Children who witness or experience DV at home are at greater risk of experiencing or perpetrating DV as adults. More than half of the women who experienced DV in the GSO study reported that their children had witnessed it at least once. Furthermore, a quarter of women who experienced DV reported that their children had also been abused by the same perpetrator (GSO, 2010:87).

In addition to health consequences, GBV has a negative impact on personal finances and the economic well-being of individuals, families and the national economy. Although research has only just begun to examine the true economic cost of GBV in Viet Nam, some recent studies have sketched out the likely economic consequences.

- **Domestic violence impacts on personal, family and national economic well-being:** The GSO survey found that almost one-third of abused women reported that their work was interrupted by husbands, 16% could not concentrate on work, 6.6% were unable to work due to sickness and 7% lost self-confidence as a result of domestic violence (GSO, 2010). Duvvury et. al. found that women who experienced domestic violence, on average, lost approximately 20% of their potential monthly income (2012:60). A macro-estimate of national level DV costs concluded that 1.41% of Viet Nam’s annual gross domestic product was lost due to GBV. The productivity impact of DV was also significant for Viet Nam with productivity losses amounting to 1.78% of gross domestic product and nearly 38% of the Government’s expended health budget in 2011 (ibid.).
- **Educational attainment and related life chances are curtailed for victims:** Early marriage (Vu, 2009), forced or coerced sex work (MOLISA/UNICEF, 2011:14), human trafficking (MOLISA/UNICEF, 2011:14) and sexual harassment (ILO, 2013) have been associated with children dropping out of school and their lower educational attainment (UNICEF, 2009). This failure to secure a sound education will potentially restrict opportunities for personal and professional enhancement and consequently have long-term financial security implications, which in turn could have impacts on the children of GBV victims.
- **Sexual harassment impacts on productivity for victims and industry:** Victims of sexual harassment also encounter negative economic consequences due to poor concentration and lost productivity. In some cases, victims are forced to leave jobs or are fired if they refuse sexual requests (ILO/MOLISA, 2013:32).

These factors impact on long-term career progression, limiting women's future economic well-being (ibid.32-33). Businesses and organizations also encounter negative consequences of sexual harassment that occurs in their organization. These consequences include reduction in productivity and profits, damage to reputations and business relationships, loss of skilled employees and increased costs (ILO/MOLISA, 2013:33).

GBV victims' social interactions and overall well-being are also compromised due to stigma, post-traumatic stress disorder, isolation, fear of disclosure and poor self-esteem. As a result, engagement in public life, a necessity to ensure equal political representation, is also constrained. Nussbaum writes: *"Violence and the threat of violence affects many women's ability to participate actively in many forms of social and political relationships, to speak in public, to be recognized as dignified beings whose worth is equal to that of others"* (2005:173). Recent research has produced some examples of how GBV restricts women's engagement in social and public life:

- **Stigma towards sexual harassment restricts disclosure and help-seeking.** Social attitudes towards gender roles negatively impact on victims of sexual harassment who are blamed and stigmatised for the harassment (ILO/MOLISA, 2013:32). These consequences lead to silence around incidents of sexual harassment.
- **Gender norms that prioritise passiveness, obedience and virginity before marriage for women cast blame on victims.** Huong (2009) explains attitudes towards sexual violence against women as follows: *"Good women who do not transgress moral and social boundaries of appropriate female behaviour are safe; respectable women are expected to fight*

off their attacker physically to safeguard their honour; and rape and other sex crimes can only be expected from the working and low classes" (Huong 2009). Women who are victimised are thus less likely to seek help if they are sexually assaulted or raped, resulting in a more difficult recovery.

LINKS BETWEEN FORMS OF GBV

In Viet Nam and throughout the world, unequal power relations and individual and social attitudes that condone violence against women within the private and public spheres drive GBV (UNHCR, 2003; UNGA, 2006). In Viet Nam these attitudes are also influenced by Confucian ideology that posits gender roles as polarised. Masculinity is associated with sexual aggression, power, authority and 'heat' which itself is linked to alcohol and anger, while femininity is linked with sexual passivity, subservience to men, family nurturing roles and 'coolness' linked to maintaining calmness and family harmony (Gardsbane et.al 2010: 22-24). These perceptions of appropriate gendered behaviour lead to the normalization of violence perpetrated by men against women. As such, it is often perceived as 'natural' for a man to get angry and maintain authority over his wife, with the woman at fault for not maintaining family harmony and accepting her husband's authority. Furthermore, such norms discourage the reporting of GBV perpetrated by women or GBV that victimises men and transgender people, as such incidents do not relate to traditional gender roles.

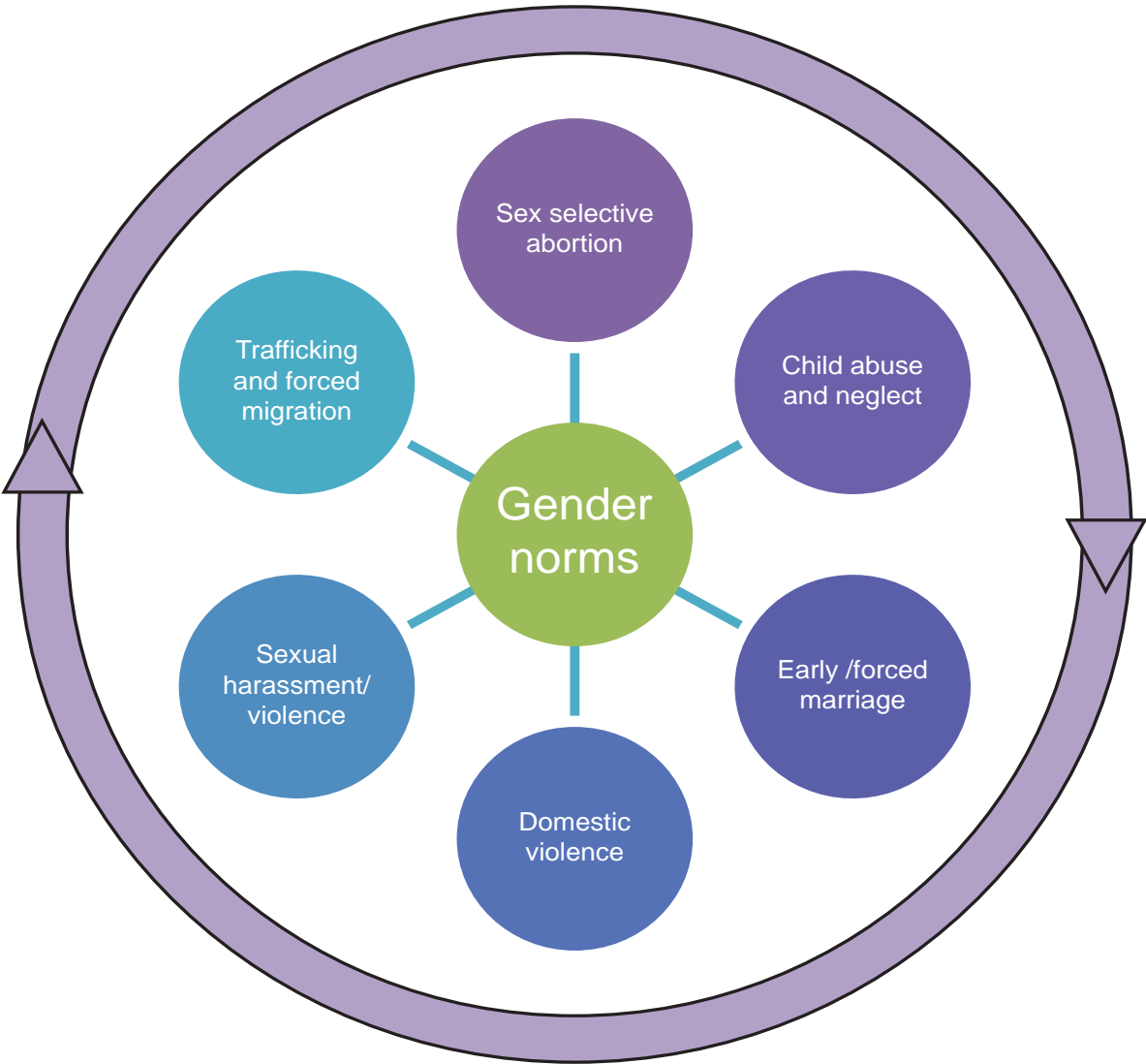
Family norms are also implicated in GBV. Tolerance of domestic violence has been linked to institutionalized social norms and the State ideology of the 'Happy Family', which creates pressure on men and women to maintain a public face of harmony (Gardsbane, 2010b). In a report on masculinity in Viet Nam, men pointed to the shame of any public disclosure of violence in the family (Duc et.al. 2012).

Women are also less likely to report violence due to pressure to reconcile with their husbands and the community’s disapproval of failing at one’s duty to maintain harmony act in collusion to encourage women to remain silent in the face of domestic violence.

These norms and attitudes perpetuate all forms of GBV in Viet Nam. The shared basis of different types of GBV also

results in connections between GBV, as the experience of one form increases vulnerability and risks of experiencing other forms of GBV. Figure 2 outlines some of the most relevant types of GBV in Viet Nam. Two examples are further given to illustrate how types of GBV may be interconnected. These examples are only illustrative and not exhaustive, as the figure indicates that all types of GBV are deeply interconnected.

Figure 2. Interlinkages of Forms of GBV in Viet Nam



Example 3: Coerced sex work

In addition to being female and having previous experience of violence, which both exhibit a strong link to sex work, a number of factors have been identified that create vulnerabilities to entering sex work or coercion into sex work in Viet Nam. These include economic pressures, a strong sense of family duty and previous experience of violence.

Sex workers commonly stated that they entered sex work due to a lack of resources (NGO, 2007; Hien, 2012; Phuong et.al, 2012). Once in sex work, many such workers incurred debts to brothel owners, pimps or others (Rubenson, et.al. 2005: 407). These debts acted to prevent them from leaving the industry or seeking better working conditions, creating a greater vulnerability to additional violence.

The strong sense of familial duty that is ingrained in children in Viet Nam creates pressures on them to provide financially for parents and family members. Where options are few, sex work may present as an opportunity to provide remittances to family members and meet one's filial duty (Rushing, 2006). Studies have found that male and female sex workers of all ages in Viet Nam indicate the importance of supporting family as a pressure to enter and remain in the sex industry (IOM, 2012:26).

"All I wanted to do was help my mother and respect my father by getting enough money to build his grave" (male, aged 16, sex worker) (Huong and Dodds).

Previous experience of domestic and/or sexual violence appears to expose individuals to greater risk of engaging in sex work, as it may be seen as a means of escaping on-going sexual and/or domestic violence or it may be seen as the only alternative after being 'shamed' through sexual violence. Two young women illustrate the point:

"I have an aunt working in Hai Phong [and] I work[ed] for her as a servant. [But], my uncle was [molesting] me. [I once went] in a cyclo around the city and he [the cyclo driver] showed me [to] here [the bar] with the price of VND500,000 to the cyclo driver from the bar owner. The bar owner said I must receive clients because he paid VND500,000 for me. My aunt didn't want me to leave and my uncle also wanted me to stay for his reasons. I never told anyone about my uncle, I don't want my parents to be worried about that. And my aunt doesn't know anything." (Hien, Thien Loi Street) (Rushing, 2007:8).

"I was so frightened, but I did not dare to scream [as] I was afraid people would know my story. So I had to let him rape me. I dared not tell my parents about this event, as I was afraid my father would beat me even worse than before. After that my boyfriend had intercourse with me several times and then he forced me to also receive customers." (Rubensen et.al. 2005:18).

A consequence of sex work in Viet Nam, whether entered by choice, force or coercion, is exposure to violence. Nearly 30% of female sex workers in Viet Nam stated they experienced sexual violence and 22% forced sex at the hands of a customer (IOM, 2012:45). Female sex workers were also more likely to experience physical violence than male sex workers (20% vs. 12%) (ibid.). These differences may be explained by the gendered power differentials experienced by women who primarily service men, in comparison with men who primarily service other men. In this regard, female sex workers appear to have increased vulnerability to other forms of violence.

The examples discussed in this paper provide evidence of the interlinking forms of GBV in Viet Nam and highlight the way in which normative factors fuel violence, acting to perpetuate violence against women. These factors should be understood within the context of the GBV cycle presented earlier in this paper. Gendered inequalities in relation to experiences of poverty, access to education, prior experience or the witnessing of GBV, attitudes such as a son preference and tolerance of GBV as well as family and gender norms cut across different types of GBV. The end result is the disempowerment for women in the home, workplace and public sphere. For many victims, experience of GBV results in cumulative disadvantages as their vulnerability increases and they experience other forms of violence in addition to the original violation.

These examples illustrate that while women and girls are most likely to be

victims of GBV as an outcome of gendered inequalities, GBV also affects men, boys and transgender people and others who do not conform to normative ideals of masculinity. In Viet Nam this ideal posits men as aggressive, dominant and 'hot' in temperament, in contrast to women who are posited as passive, submissive and calm. The GSO Summary Report makes clear links between behaviours associated with 'harmful forms of expressing manhood', such as drinking alcohol and physical fights with other men, and the perpetration of domestic violence (2013:8). These perceptions of 'normal' gender behaviour not only impact on the likelihood of perpetrating/experiencing GBV, but also influence the development of legislation and policies to address GBV in Viet Nam. In the following section, the legislation and policy context in Viet Nam is assessed with an examination of its function within the cycle of GBV.



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PART II:

LEGISLATIVE AND POLICY CONTEXT FOR GBV IN VIET NAM, 2010 - 2013



Two key laws underpin the legislative framework for addressing GBV in Viet Nam - the Law on Gender Equality (2006) and the Law on Domestic Violence Prevention and Control (2007). The Gender Equality Law explicitly forbids acts of violence for gender reasons and prescribes gender equality measures that address some of the structural drivers of GBV (GoV, 2006). The DV Law focuses explicitly on domestic violence perpetrated by family members within the family.

Although the DV Law makes all forms of DV (physical, sexual, economic and psychological) illegal, only incidents of severe physical violence considered to incur an infirmity rate of 31% or more and certified by a doctor, are treated through State-initiated criminal procedures, with other violence addressed through civil and administrative procedures or women-initiated criminal procedures (UNODC, 2011, UNODC/UN Women, 2013).

Access to medical treatment can be a challenge for women in DV situations, as restrictions of movement by a violent spouse as well as the significant distances to hospitals and clinics can make certification and a subsequent criminal prosecution impossible. Civil procedures, instituted in lieu of criminal procedures and the 'Happy Family' ideology place a strong emphasis on reconciliation within the family, with only repeated incidents addressed through more assertive measures. Other civil procedures include counselling for perpetrators at grassroots level and 'comments and critics' for repeat offenders (MOCST, 2013:6). Furthermore, public and Government officers' knowledge about the DV Law is poor, with many perceiving DV as a private family matter.

Thus, DV Law implementation weaknesses have been identified, including a lack of awareness of the law, weak sanctions that focus on warnings, advice and education and an inability to criminally prosecute non-physical forms of DV. Decree 8 and

Circulars 16 (MOH) and 2 (MOCST) were introduced following the DV Law to guide its implementation, provision of health care for victims of DV and counselling procedures. Developing robust laws with clear and effective implementation procedures is necessary to ensure the DV is not normalized as simply intra-family discord, but rather is perceived as a social problem requiring a firm and comprehensive response.

Programmes aimed at raising awareness and reducing the rate of GBV in Viet Nam were also introduced in the latter half of the past decade, notably the GOV-UN Joint Programme on Gender Equality (2009). Interventions implemented through this programme included awareness raising campaigns among community members, local leaders and policy-makers as well as the development of education and communication materials. Men and boys have been targeted by initiatives, such as the national 'I am a Man, I am against Violence' campaign or the 'Gender Equity Movement in Schools' in Da Nang (ICRW, 2012) and clubs targeting perpetrators or men in general, such as the 'Husbands and Fathers' club, the 'Men's Club' founded by Centre for Creative Initiatives in Health and Population (CCIHP) as well as violence prevention training courses initiated with male perpetrators (MOCST, 2013).

Despite the GoV's commitment to reducing GBV, Gardsbane et.al. (2010) identified a number of challenges in the implementation of GBV policies. Limited funding, norms and attitudes within the justice system, lack of central coordination and clear accountability for GBV legislation as well as the absence of a unified GBV data collection and reporting system presented barriers to implement newly introduced GBV laws, such as the Law on Gender Equality, the Law on Domestic Violence and Control and the Law on Suppression and Prevention of Human Trafficking.

Gardsbane's Issues Paper provided a number of recommendations for strengthening policies, such as developing the Law on Trafficking and signing of the Palermo Protocol, both of which Viet Nam achieved in 2011 (ibid.2010). Some other key recommendations such as developing M&E guidelines, indicators and reporting requirements for all laws and policies, the creation of a coordinating mechanism for

gender equality and GBV and strengthening laws to include stigma and discrimination as illegal activities, have been made by UN agencies and accepted by the Government and are reflected in the One Plan between the GoV and UN for 2012-2016. While Viet Nam has begun the process of developing a holistic policy environment to address GBV, challenges remain.

	Laws	Policies	Strategy Documents
Gender Equality	Viet Nam Constitution, Articles 52, 63, 1992	Decree No. 70/2008/ND-CP, 2008 (stipulates enforcement of Gender Equality Law)	National Strategy for the Advancement of Women by 2010
	Civil Code, Article 5, 1995	Decree No. 48/2009/ND-CP, 2009 (stipulates measures to ensure gender equality)	National Plans of Action for the Advancement of Women by 2005, 2006-2010
	Law on Marriage and Family, Article 2, 2000	Decree No. 55/2009/ND-CP, 2009 (stipulates penalties for administrative violations)	National Family Strategy 2005-2010
	Penal Code, Article 3, 1999	Resolution No. 57/2009/NQ-CP, (Implementation of Resolution No.11/2007/NQ/TW of the political bureau on work for women during the period of accelerating the country's industrialization and modernization).	Strategy for Socio-Economic Development 2001-2010
	Penal Code, Article 5, 2003		Strategy for Socio-Economic Development, 2011-2020
	Civil Procedure Code, Article 8, 2004		Comprehensive Poverty Reduction and Growth Strategy (Ha Noi 2003)
	Law on Gender Equality, 2006		National Strategy on Gender Equality (2011-2016). Gender Equality (2011-2020) and National Programme on Gender Equality (2011-2016).

	Laws	Policies	Strategy Documents
Domestic Violence	<p>Viet Nam Constitution, 1992</p> <p>Civil Code, 1995</p> <p>Law on Marriage and Family, 2000</p> <p>Penal Code, 2003</p> <p>Civil Procedure Code, 2004</p> <p>Law on Gender Equality, 2006</p> <p>Law on Domestic Violence Prevention and Control, 2007</p> <p>Population Ordinance 03/2003/PL-UBTVH11</p>	<p>Directive on the implementation of the Law on Domestic Violence Prevention and Control No. 16/2008/CT-TTG (guides collaboration of each ministry that has responsibility for the DV Law).</p> <p>Decree 08/2009/ND-CP on implementing several articles of the Law on Domestic Violence Prevention and Control (guides the implementation of a number of articles of the DV Law).</p> <p>Circular for DV Law 16/2009/TT-BYT-2009 by MOH (guides the admission and provision of health care and reporting on patients at health facilities who are victims of DV).</p> <p>Circular for DV Law 02/2010/TTBVHTTDL-2010 (provides detailed regulations on procedures relating to counselling facilities, services and professionals).</p> <p>Circular No. 23/2011/TT-BVHTTDL: regulating the collection and processing of information on families and domestic violence prevention and control.</p>	<p>Plan of Action on Domestic Violence Prevention and Control of the Ministry of Culture, Sports and Tourism, 2008-2015</p> <p>National Plan of Action for Domestic Violence Prevention and Control, 2014-2020</p> <p>National Family Strategy 2005-2010.</p>

	Laws	Policies	Strategy Documents
		<p>Circular No. 24/2011/TT-BVHTTDL: regulating criteria and conditions for rewards for individuals and teams that take part in domestic violence prevention and control initiatives. Objects, conditions and agencies to pay for the property value of damage for people directly involved in domestic violence value of damage for people directly involved in domestic violence prevention and control.</p> <p>MOJ Circular No. 07/2011/TT-BTP: this circular aims to ensure gender equality in personnel structure and activities of legal aid organizations. The circular identifies women victims of violence as a target group to be prioritized by legal aid organizations in providing assistance and sets out duties for legal aid providers and for legal aid organizations (re: identifying victims, in providing legal advice, in providing legal representation). (UNODC, 2011:12).</p> <p>Inter-Ministerial Circular No. 143/2011/TTLT/BTC-BVHTTDL: details the management and utilization of the State budget to support institutions/agencies which provide support for DV victims, private DV counselling institutions and reliable addresses in the community (MOCST, 2013).</p>	

	Laws	Policies	Strategy Documents
Trafficking of Women and Girls	<p>Law on Universal Primary Education, 1991</p> <p>Law on the Protection, Care and Education of Children, 2004</p> <p>Constitution, Section 65, 1992.</p> <p>Penal Code, Articles 119, 120, 1999</p> <p>Labour Code, 1995</p> <p>Law on Prevention and Suppression of Human Trafficking, 2012.</p>	<p>Directive No. 766/1997/TTg</p> <p>Resolution 09/1998/NQ-CP</p> <p>Decree 62, October 2012 (identification of trafficking victims).</p>	<p>National Plan of Action Against Trafficking of Women and Children 2004-2010</p> <p>National Programme of Action for Children 2001-2010</p> <p>National Plan of Action on Human Trafficking (2011-2015).</p>
SRB	Draft Law on Population (stipulating conditions for legal abortion).	Family and Marriage Law (currently under revision).	
Sexual Harassment	<p>Sexual harassment at school: Article 75.1 of the Law on Education.</p> <p>Sexual harassment at work: Articles 8, 37, 182, 183 of the Labour Code amended and supplemented in 2012, but lacks a clear definition.</p> <p>Amendment to Articles 8, 37, 182, 183 of the Labour Code, 2012.</p>	Sexual harassment at health facilities: Article 27.2 of the Decree No. 45/2005/ND-CP dated 6-4-2005 of the Government on dealing with administrative violations in the health sector.	
Sex Work	<p>Criminal Code, 1999</p> <p>Law on Protection, Care and Education for Children, 2004</p> <p>Ordinance on Prostitution Prevention and Control, 2003.</p>	MPS Decree on Administrative Sanctions on Social Evils.	

Laws

The GoV has sought to uphold its obligations as a signatory to numerous international human rights treaties and conventions. These include the CEDAW, International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, which relate to gender equality and GBV, especially DV, as well as to other commitments such as the ones made at the 57th Commission on the Status of Women in 2013. In 2011, Viet Nam became a signatory to the UN Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol).

In line with these obligations, the GoV introduced the Gender Equality Law (2006), followed by the Law on Domestic Violence Prevention and Control in 2007 which marked significant advances in the establishment of a legal framework to address GBV in Viet Nam. In the past two years, the GoV has sought to meet its commitments through the introduction of new laws. The Law on Prevention and Suppression of Human Trafficking came into effect on January 1, 2012 and established guidelines for the receipt, reintegration and support of trafficked persons and detailed agencies responsible for implementation. The Labour Code was amended in 2012 to specifically address sexual harassment in the workplace through Article 8 (prohibition of sexual harassment), Article 37 (providing employees with the right to unilateral termination), Article 183 (the prohibition of mistreatment) and, of some concern, the obligation to report to the authoritative agency (Article 182). In addition, the Law on Population, due to replace the Population Ordinance, seeks to create stricter controls on access to abortion to address sex selective abortion.

Although these are important additions to Viet Nam's legislative framework and indicate recognition of the need to address multiple forms of GBV, some concerns emerge. The new anti-trafficking law for instance, does not provide a specific definition of "trafficking in persons". Instead, Vietnamese versions of the law use the term 'buying and selling' which does not adequately cover all situations identified as trafficking by the Palermo Protocol (UNODC/UN Women 2013:16). Variances in how agencies identify victims of trafficking and interpret the law create further inconsistencies in implementation. An explicit provision to protect victims from prosecution is not included in the law and may discourage victims from coming forward, particularly victims of sex trafficking. Furthermore, the law is prosecuted through the Penal Code, most commonly Article 119 (trafficking in persons) and Article 120 (trading in, fraudulently exchanging or appropriating children) (ibid.16). However, the Penal Code does not cover all acts prohibited by the Law on Prevention and Suppression of Human Trafficking, resulting in a lack of coherence between the law and its implementation.

Finally, the law requires backing from specific procedures and support mechanisms. Victims of trafficking face multiple issues including potentially chronic negative health effects (such as HIV), loss of official documentation, stigma upon return and trauma-related psychological disorders and have many needs such as immediate housing and healthcare, financial support, travel documents, legal advice and counselling (Hoa, 2012: 53-54). As repatriation and reintegration of trafficking victims is complex, involving multiple agencies and potentially an extended process, effective coordination and oversight by a single government body to ensure coherent implementation is necessary for victims to receive the full support of the law.

The Labour Code is important for distinguishing potential perpetrators and victims such as patients, students or clients (ILO/MOLISA, 2013:37). However, the amended code has a weakness in that there is a lack of clear responsibility assigned to employers in preventing and reporting sexual harassment in the work place, while the responsibility assigned to domestic workers to report incidents also creates an undue burden on a group that is vulnerable to repercussions from employers. Furthermore, there are no clear enforcement mechanisms or appeals procedures, in part due to the lack of clarity around the definition of “sexual harassment” and the policy is included within the Labour Code, rather than identified within the Penal Code and thus potentially diminishing the perceived significance of sexual harassment.

In relation to the Law on Population, preliminary discussions suggest this law will stipulate conditions for abortion, including abortions due to pregnancy from rape, to save a woman's life, abortion of a foetus with congenital malformations or if the woman is too young or financially incapable of supporting a child (Viet Nambridge, 23/06/2013). While there is a clear need to redress the rate of abortion and the likelihood of abortion for sex-selective purposes, caution should be exercised in adopting a law that may disempower women, by restricting their reproductive choices. Furthermore, how a woman would prove she is pregnant as a result of rape is unclear and may create added pressures for victims of sexual violence. Focussing on the underlying factors, particularly social norms and attitudes such as a preference for sons, gender equality interventions would be a more effective solution without removing women's rights to choose when and under what circumstances they bear children and give birth.

Policy Context

Policy in Viet Nam since 2010 has also sought to address aspects of GBV through supporting implementation and clarifying existing laws, such as the DV Law, Gender Equality Law and the newly introduced Law on Prevention and Suppression of Human Trafficking.

National Strategy on Gender Equality (2011-2020)

The National Strategy on Gender Equality for 2011-2020 was introduced in 2011 and creates an important foundation for the coordination of gender equality issues, details responsibilities for the implementation of programmes and outlines specific goals and targets. The strategy also specifically mentions domestic violence and human trafficking (objective 6) as well as abortion and the SRB imbalance (objective 4) to provide recognition of a broader understanding of the negative impacts of GBV and its underlying cause – gender inequality. The GoV's efforts are laudable. However the strategy displays some weaknesses, such as widely spread responsibility for implementation of its different elements, no clear central organization or overseeing ministry as well as budget constraints.

Domestic Violence Policy

To supplement and support implementation of the DV Law (2007), in addition to Circulars 2 and 16 and Decree 8 (see table), six further circulars were introduced in 2011 to support the DV Law with the intention of professionalizing the role and responsibilities of DV service providers. These are important regulations to raise the status and value of those engaged in domestic violence prevention and control. Moreover, these circulars create a more holistic framework for the DV Law's implementation through the National Plan of Action for Domestic Violence Prevention and Control.

National Plan of Action for Domestic Violence Prevention and Control, through 2020

In recognizing the successes and limitations of the Domestic Violence Law, the National Plan of Action for Domestic Violence Prevention and Control to 2020 was approved to supplement, support and address such limitations through development of guiding documents for implementation, cross-sector coordination as well as routine data collection and management. The plan outlines a set of objectives, indicators and interventions with a particular focus on enhancing the responsibilities of families and communities for DV prevention and control. This objective is further met with the establishing and replicating of model interventions and developing of innovative strategies for early detection, support and strict enforcement of penalties.

This plan has the potential to make a significant impact on knowledge and implementation of the DV Law. However, cost restraints are likely to present a barrier to its full implementation. Furthermore, a barrier to the efficacy of the Domestic Violence Law are gender power inequalities and social attitudes and norms that promote 'Happy families' and stigmatise women who report violence in the family and condone or tolerate male violence towards spouses. The plan's objectives do not include specific interventions to address such attitudes either within the public or within agencies and authorities.

Human Trafficking Policy

The National Plan of Action on Human Trafficking (2011-2015) sets out specific goals and measures to improve awareness and implementation of the Law on Prevention and Suppression of Human Trafficking (2012). Among these goals is the desire to enhance awareness of laws against human trafficking and improve practices to combat trafficking through educational activities, to improve the effectiveness of the investigation and prosecution of trafficking cases, improve systematization of legal documents and implementation of laws as well as improve international cooperation (Dung et.al. 2011).

In addition to the National Action Plan, Decree 62 was issued in October 2012 by the MPS to address the identification of trafficking victims. Previously, authorities required the identification or arrest of the trafficker before a person could be classified as a victim of trafficking and receive support. Decree 62 stipulates that the identification of victims be "based on several factors, which include documents and evidence from the agency conducting the proceedings; information and documents issued by the rescued victims; information and documents provided by the Vietnamese representative offices abroad; documents issued by the foreign counterpart; testimony provided by the victim and by witnesses" (Hoa, 2012). Although this decree dispenses with the need to identify the trafficker, it has been criticised as too narrow and lacking a detailed list of indicators that can be used by authorities to determine the veracity of a potential victim (ibid.).



PART III:

BRIDGING GAPS IN KNOWLEDGE AND PRACTICE



The GoV has made advances in creating a legislative and policy context to prevent GBV, protect potential victims and punish acts of GBV, focussing primarily on domestic violence, human trafficking and workplace sexual harassment. It has also developed strategies and policies, based on research and evaluation, to support these laws. Interventions, programming, policies and laws evidence the GoV's commitment to comprehensively address GBV and point towards expanded understanding of the complexities and nuances of GBV in Viet Nam⁷. Nevertheless, GBV knowledge gaps among policy-makers and duty-bearers have been identified in constructing coherence across laws, policies and programmes as well as coordinating an effective response to GBV. The absence of a multi-sectoral and centrally-coordinated approach that addresses all forms of GBV is also noted.

Gaps in Knowledge and Research

In this paper's examination of different types of GBV in Viet Nam, a number of gaps were identified in current research agendas and knowledge on specific forms of GBV. These gaps include:

- **A narrow understanding of GBV** that excludes non-traditional victims/perpetrators and focuses on domestic violence, often overlooking other forms of GBV, such as coerced sex work. Furthermore, while some other forms of GBV are considered, they are often assessed through a narrow lens, such as a focus of workplace sexual harassment or male violence against an intimate partner.
- **The inadequate addressing of underlying norms and attitudes** that normalise GBV and make disclosure, law enforcement, reporting and successful prosecution more difficult.

- **Lack of knowledge and/or understanding of interlinkages** between forms of GBV that multiply gendered vulnerabilities to additional forms of violence. A thorough understanding of pathways through which forms of GBV increase the risk of additional violence would facilitate the targeting of laws, policies and programmes to reduce GBV.

One of the complicating factors to building a sound understanding of GBV is that research is often pillared, with forms of GBV examined in isolation. This results in significant knowledge gaps in understanding GBV that limit the effectiveness of even the most well-intentioned laws, policies and programmes.

Gaps in Legislative and Policy Context

Gaps in the legislative and policy context have also been identified by this paper and other research. One of the most significant and cross-cutting issues was the tendency to overlook the linkages between different forms of GBV and address each one independently, with programmes and interventions narrowly focusing on one form and different ministries and agencies tasked with addressing specific forms of GBV. As a result, different types of GBV are approached and addressed in a disjointed way that limits a comprehensive approach to GBV and the ability of policies and programmes to develop effective interventions. For example, while DV is under the remit of the Ministry of Culture, Sports and Tourism (MOCST), trafficking in persons falls under the aegis of the MPS, child marriage under the General Office for Population and Family Planning and gender equality and gender-driven acts of violence under MOLISA. This results in the clear links between various forms of GBV being overlooked and GBV as a holistic concept not being comprehensively addressed.

⁷ See Ministry of Culture, Sports and Tourism 2013 for a discussion of interventions by civil society actors, particularly in the area of DV.

Moreover, poor coordination between ministries, departments, agencies and NGOs working on different aspects of GBV results in a failure to join the dots between types of GBV and undermines the GoV’s capacity to comprehensively address GBV. Enhanced coordination would collectively strengthen the individual impacts of different ministries and agencies’ efforts to address specific forms of GBV.

Gaps in Data Collection and Management

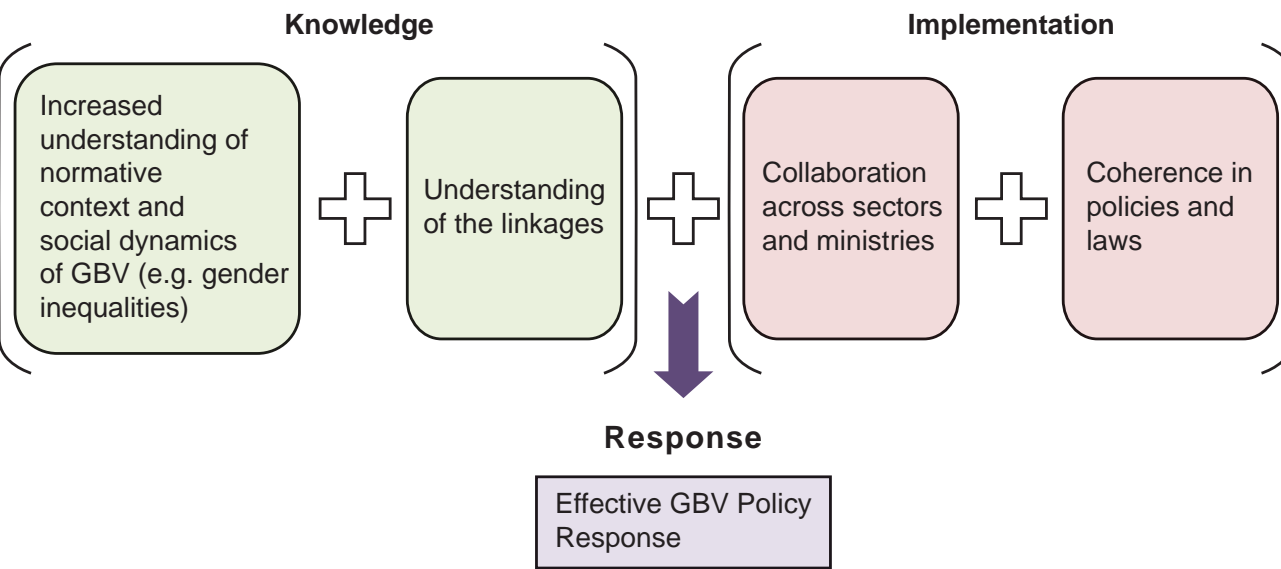
The lack of reliable, rigorous and regular data needed to monitor progress on responses to GBV as well as understand its changing dynamics as the societal landscape shifts with economic progress, has been noted by recent research undertaken in Viet Nam. The costing study found that service providers do not systematically record incidents of violence experienced by women accessing services (Duvvury et.al. 2012). Where they did, the collected data fed into particular sectors’ data systems. Currently, there is no national mechanism to compile sectoral data into a comprehensive statistical database on GBV.

The lack of evaluation studies of existing interventions result in the continuance of a significant knowledge gap in Viet Nam. As the GSO’s National Study on Domestic

Violence against Women recommended, there is an urgent need to develop a monitoring and evaluation framework to ensure that the scale-up of interventions is evidence driven (2010). The development of monitoring and evaluation frameworks to assess the efficacy and success of large interventions is lagging behind and limiting the ability to assess the quality and impact of interventions.

This paper has identified a lack of understanding about the interlinkages between forms of GBV that feed into policy-making and programming, with approaches pillared according to type rather than addressing GBV in a holistic way. Furthermore, the lack of collaboration across sectors and between ministries results in poor coherence between laws and policies as well as between programmes and interventions. An effective GBV policy response requires a deep understanding of the normative context and social dynamics of GBV as well as its interlinkages and forms. Such knowledge would lay the foundation for enhancing coherence in policies and strengthening collaboration between policy-makers and stakeholders involved in addressing GBV. Bringing these essential elements together, as shown in Figure 3, would create the context for an effective GBV policy response in Viet Nam

Figure 3: Effective GBV Policy Response







PART IV:

RECOMMENDATIONS

1. Strengthen coherence and coordination across laws, policies and interventions by designating a single agency with the authority to address GBV and gender inequality **and ensure accountability.**

- Coherence and coordination across laws, policies and interventions for an effective multi-sectoral response that includes all forms of GBV, with adequate resources and monitoring authority to ensure accountability of different stakeholders at local, provincial and national levels is urgently required.
 - GBV impacts women, men, children, families and communities at every socio-economic level in all of Viet Nam's provinces. It is, therefore, important that the GoV engages community leaders, health service providers and justice system to implement a well-coordinated, comprehensive and multi-sectoral response that creates an enabling environment for tackling GBV.
 - GBV is deeply linked to inequitable gender norms and thus addressing GBV is an integral part of realising gender equality. The responsibility for implementing the Gender Equality Law and framework sits with the MOLISA, while multiple ministries are involved in implementation of different laws addressing GBV. Though the efforts of individual ministries are laudable, a consistent gap highlighted in various reports and the Gardsbane et al. (2010) issues paper is the lack of coordination, as there is no central focal point with responsibility for GBV. Assigning responsibility to a single agency would facilitate the coordination of GBV initiatives.
- 2. Review existing related legislation** (including laws, codes, decrees, plans or regulations) to identify gaps and **ensure clear, consistent and enforceable legislation on GBV.**

3. Intensify efforts to build duty bearers' knowledge on legislation, increase their capacity to implement it in a gender sensitive, survivor-focused manner with responsiveness towards GBV and decrease impunity.

- The lack of awareness of laws and gender-biased attitudes among duty bearers, (encompassing the judiciary, police, military, education, health, social welfare, defence and immigration workers) and the public at large that condones violence against women and girls, continues to be a significant challenge. The Commission on the Status of Women, at its 57th session in March 2013, urged governments to build public officials' capacity to ensure women and girls who experience violence encounter public officials who are sensitive to their needs and understand the trauma of such violence. Public officials should also be held accountable for not complying with laws and regulations related to violence against women and instead prevent and respond to such violence in a gender-sensitive manner and end impunity.
- 4. Continue expansion of interventions that engage men and boys.**
- Social dynamics that privilege men and associate masculinity with authority, aggression and dominance, in contrast to femininity with passivity, responsibility for family harmony and subservience to men, create a context where GBV continues to occur in various forms in Viet Nam. Interventions that engage men and boys have demonstrated how shifting their attitudes, norms and values can be achieved and many can become active partners to reduce incidents of GBV.

Such interventions should include knowledge building for men and boys as not only actual or potential perpetrators of GBV, but also as victims, survivors and agents of change to prevent this type of violence. Intensification of existing efforts involving men and boys should be a critical component of an overall strategy addressing the multiple forms of GBV.

5. Scale-up and improve the quality of women's economic empowerment initiatives to address violence in their lives through life skills training, self-help groups, education, job training, legal and financial support.

- Implement interventions focussed on raising the value of girls and women through strengthening their political, economic and social empowerment.
- While some interventions that train victims of domestic violence in life skills, education and jobs as well as develop self-help groups are evident throughout Viet Nam, the quality of services and access to such empowering groups and activities is inconsistent. The central coordination of services, including trainings for victims and self-help group facilitators, is needed to ensure equal access and a minimum quality of services. Financial support by the State remains limited and needs reconsideration to ensure victims are not unfairly penalised, particularly in respect to the costs of medical care and legal proceedings.

6. Continue to focus on awareness raising and normative change to promote gender equality and eliminate GBV, including establishment of a national behaviour change communication strategy.

- Although a number of communication campaigns have been rolled out in parts of Viet Nam, they lack coordination. A GoV-managed national communication strategy on GBV and gender equality is required to ensure coherence of messaging across the country, single source budgeting for the strategy and coordination of campaigns.

7. Build on research agenda developments to broaden the evidence base for programming to address forms of GBV relevant to Viet Nam, **establish and strengthen a unified data collection system and a planning, monitoring and evaluation framework** as well as ensure sex and age disaggregated data on all forms of GBV.

- Recent years have witnessed increased research into GBV in Viet Nam, particularly DV and human trafficking. Sexual harassment in the workplace has also received growing recognition in the research agenda. However, other aspects of GBV need greater attention, especially sex-selective abortion, sexual harassment outside the workplace and coerced sex work. Furthermore, research in all areas of GBV must be deepened and broadened to consider non-traditional victims and perpetrators and better assess the social dynamics and psycho-social factors that facilitate GBV. Finally, the connections between types of GBV remain under examined and largely remain off the research agenda, despite this essential research being needed to fully understand and address GBV in Viet Nam.

- A big gap identified in recent policy briefs⁸ is the lack of reliable, rigorous and regular data on GBV needed to monitor progress on responses to GBV as well as understand the changing dynamics of GBV as Viet Nam's societal landscape shifts with economic progress. Efforts to construct a single data collection system to cover all forms of GBV have not materialised. The regular collection of statistics gathered by law enforcement, the justice system and health sectors is a critical starting point for developing a comprehensive GBV database. Research must be undertaken to design appropriate data collection systems and procedures for each sector with compilation into a national data system.
- Equally important is to undertake evaluation studies of existing interventions, to fill a significant knowledge gap on GBV in Viet Nam. As recommended by the GSO's National Study on Domestic Violence (2010), there is an urgent need to develop a monitoring and evaluation framework to ensure the scale-up of interventions is evidence driven.

⁸ See Policy Kit on Gender-based Violence (2013) providing four policy briefs summarizing recent research studies on GBV in Viet Nam.

CONCLUSION

This paper has provided an overview of GBV knowledge in the international and Viet Nam arenas, identified forms of GBV prevalent in Viet Nam and provided illustrative examples as well as considered the legislative and policy context in relation to GBV in the country. This paper asserts the need for a national response to the GBV problem that recognizes the driving forces in the cycle of GBV and the interlinkages between its various forms. It has also identified the need for a single coordinating agency to oversee this national response and ensure coherence between its legal,

policy and programmatic aspects. This response must ensure it recognizes and addresses the needs of multiple vulnerable groups – women, girls, boys, men as well as lesbian, gay, bisexual, transgender and intersex– who are affected by GBV to break the cycle of violence. Because GBV is driven by inequitable gender norms and attitudes, it is essential that all sectors, groups and individuals in society be engaged through systemic transformative interventions and communication campaigns.

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