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## Some Legal Issues Related To Family Violation in Vietnam: Facts and Solutions

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### Abstract

The family violation exists a long time ago until now not only in Vietnam but also many countries around the world. The authorities try to prevent and combat this problem via enacting legal documents and implementing many legal measures. In this article, the author will analyze the facts of family violation in Vietnam and recommend solution to solve it.

**Keywords:** Family violation; Laws and regulations; Vietnam; Facts; Solutions.

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### 1. Introduction

In Vietnam, the law on preventing and fighting family violence was approved by National Assembly in 2007. It consists of six chapters and 46 articles. The Law took effect from July 1, 2008. After 15 years of implementation and enforcement, the Law on preventing and fighting Family Violence has institutionalized to protect basic human rights in the process of building a socialist rule of law state; adjust family relationships and responsibilities of agencies and organizations in family violence prevention and control; create a legal basis for promulgating policies on this problem. However, the process of implementing the Law has revealed some shortcomings and limitations. To overcome these limitations, in order to create a synchronous legal basis for family violence prevention and control, in accordance with the Vietnamese legal system as well as international standards, within the scope of this article, the author clarified the results, some limitations and causes of limitations in family violence prevention and control in Vietnam over the past time; perspectives and propose policies to improve limitations in family violence prevention and control in Vietnam in the future.

### 2. Methodology

To do this research, the authors use different kinds of methodology to analyze international and national legal policy and documents related to family violence prevention and control. Moreover, statistics and surveys are also used to finish this research. The author used the poll to survey the Vietnamese citizens including children and adult, man and woman, individual and associations in Vietnam. The author also sent the questionnaires to ask them questions related to the laws and policies on family violence prevention and control. The author combined all kinds of the methodologies above to do this research. However, because of time and financial limitations, this research cannot cover inclusive aspects of researching issues. Thus,

the author looks forward to taking the comments and opinions of readers and reviewers to do better in the next papers.

### **3. Findings and Discussion**

#### **3.1 Information, propaganda, and implementation of the Law on Family Violence Prevention and Control**

Propaganda on family violence prevention and control is a content that the Vietnam's Ministry of Culture, Sports and Tourism and other ministries and branches are always interested in. Since 2008, communication campaigns have been launched in province of Tay Ninh and Bac Giang. After that, communication activities on Family violence prevention and control were carried out in many localities with different levels. In 2017, the Vietnam's Ministry of Culture, Sports and Tourism launched a communication campaign to prevent and combat domestic violence on the occasion of the National Family Violence Action Month.

The Vietnam's Ministry of Culture, Sports and Tourism has also coordinated with the Vietnam's Ministry of Education and Training to implement a project to integrate the content of building a happy family and preventing and combating family violence into the educational program of the national education system guide 63 provinces and cities nationwide to integrate propaganda and education on morality and family lifestyle into meetings of residential groups; community communication activities at the grassroots to bring the provisions of the Law and policies of the Party and the State to each household and individual.

State's authorities over the past 15 years have issued propaganda projects and programs on family violence prevention and control and directed units to organize propaganda on the content of the Law on Family Violence Prevention and Control such as Topics project "Propaganda on family building and domestic violence prevention and control in the mass media until 2020" of the Ministry of Information and Communications; The program "For children" is hosted by the Ministry of Labor, War Invalids and Social Affairs and is broadcast weekly to propagate the prevention and control of violence and child abuse; The Supreme People's Procuracy directs the attached units and the People's Procuracy of the provinces and cities to strengthen the direction and organize seminars to disseminate and thoroughly understand all officials civil servants in the family violence prevention and control industry.

In addition, the Vietnam Women's Union has organized seminars and forums with functional sectors, press agencies to share information, strengthen communication on gender equality and prevent and fight against women and children family violence; organize training courses on gender equality and family violence prevention and control for media agencies and key agencies at provincial, district and grassroots levels. Over the past 15 years, the Women's Unions at all levels have compiled and distributed 3,413,129 leaflets and brochures; 11,303 posters and posters; 2,617,819 propaganda documents related to family building. Organized more than a thousand seminars and training sessions on domestic violence prevention and control for nearly one hundred thousand people who were reporters, legal collaborators of the Women's Union and propagandists in residential communities.

In the period 2008-2019, the working bulletin of the Central Association and the Farmers' Union of 63 provinces and cities had 306,178 news, articles and reports on domestic violence prevention and control. Implemented 1,625 training courses for 105,096 Farmers Union officials from central to local levels to improve communication capacity on family violence prevention and control, men's responsibilities in family violence prevention and control. Associations at all levels organized 22,141 counseling activities with the participation of 844,507 male farmers at high risk of family violence; 29,206 conferences, seminars, talks, rallies, theatrical exchanges with the participation of 2,919,478 male farmers in nearly 8,000 communes, wards and towns throughout the country. In addition, there are 5,438 communication models that integrate domestic violence prevention and control with loans and credits, savings, agricultural extension (195,406 participants); family violence prevention and control work has been implemented by the Association in more than 70% of communes and wards across the country with 443,355 participating branches and associations.

Also in this period, the Central Committee of the Ho Chi Minh Communist Youth Union issued the Project "Strengthening moral education, lifestyle, fostering revolutionary ideals for young people in the period 2013 - 2020"; coordinate with the Central Vietnam Women's Union, the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Education and Training, and the Ministry of Public Security to deploy contents related to gender equality, marriage and family, domestic violence prevention and control, child abuse prevention, handling of family-related law violations, infringing upon people's legitimate rights and interests, especially young adolescents women and girls.

Provinces and cities across the country have organized various forms of propaganda on the mass media through bulletins and articles broadcast on radio systems in communes and wards; visual propaganda on panels, banners, slogans; build specialized pages and columns on the occasion of Vietnamese Family Day (June 28), International Day of Happiness (March 20), International Day for the Elimination of Violence Against Women and Girls (25 /11),... Departments of Information and Communication of provinces and cities have coordinated with the Provincial Party Committee's Propaganda Department and the Provincial Journalists Association to do a good job of orienting propaganda in periodical press briefings, issue documents to local press agencies, radio and television stations of districts, towns and cities directing extensive propaganda against domestic violence.

The localities also built legal bookcases, leaflets on domestic violence prevention and control; duplicate, compile, and distribute documents to convey the message of building a happy family and preventing and combating domestic violence to a large number of people. In addition, the provinces/cities organize many propaganda activities through cultural and artistic forms. Mobile information teams of the province and district build cultural programs with diverse contents, including skits and plays on building a cultural family, preventing and combating domestic violence, and performing in the province attracts a large number of people to see. Organize contests, festivals, seminars, thematic activities on the occasion of Vietnam Family Day (June 28); International Day of Happiness (March 20); International Day for the Elimination of Violence against Women and Girls (November 25); International Women's Day

(March 8) and other celebrations with the participation of families and Clubs, teams and groups.

### **3.2. Reconciliation, counseling and advice in domestic violence prevention**

From July 1, 2008 to July 31, 2018, the People's Courts at all levels accepted 1,422,067 divorce cases according to first-instance procedures, resolved 1,384,660 cases, reaching a rate of 97, 4%, the remaining 37,407 cases are in the process of being resolved. Of the 1,384,660 divorce cases that the Court has settled, there are 1,060,767 cases stemming from domestic violence causes such as: being beaten, mistreated; spouse addicted to drugs, alcohol, gambling; adultery (accounting for 76.6% of divorce cases). According to the regulations, the Court will conduct the mediation of divorce cases. A report of the Justice sector shows that in 2014, 31,528 cases of domestic violence were accepted for mediation, and 33,966 cases were received in 2015.

Regarding consulting activities, performing tasks in Decree No. 08/2009/ND-CP, the Ministry of Culture, Sports and Tourism issued Circular No. 02/2010/TT-BVHTTDL dated March 16, 2010 detailing procedures for registration of operation and dissolution of domestic violence victim support establishments; counselling facilities on domestic violence prevention and control; standards of consultants; issue a consultant's card; certified professional care, counseling and training for domestic violence prevention and control.

The Ministry of Labor, War Invalids and Social Affairs also assumes the prime responsibility for, and coordinates with relevant agencies in, formulating and submitting to the Government for promulgation Decree No. 68/2008/ND-CP; Decree No. 81/2012/ND-CP supplementing a number of articles in Decree No. 68/2012/ND-CP; Decree No. 136/2013/ND-CP; Decree No. 103/2017/ND-CP; coordinate with media agencies to carry out various forms of propaganda, education and dissemination of policies and laws related to domestic violence prevention and control into propaganda content on the rights of children who are victims of domestic violence; coordinate with media agencies such as channel VTV1, VOV, to organize the production of the program "One hour hotline" and the weekly TV program "For children" to propagate about violence prevention and control. Develop a guide to working with men who cause violence for social workers to guide social assistance facilities to provide care, provide psychological counseling, arrange temporary shelters and support necessary conditions for domestic violence victims. Currently, in 63 provinces/cities, there are 418 public social assistance establishments and 40 specialized social work centers, with a total number of staff, social workers working at the commune level network is 30,000 people. The Ministry has directed the integration of content on domestic violence prevention and control in the Employment Settlement Programs; protect and take care of children; preventing and combating social evils in activities under the National Target Program on poverty reduction and on Employment and Vocational Education.

The Vietnam Women's Union organizes a number of models of legal advice and legal aid to protect the rights and interests of its members and women, including women who are victims of domestic violence. The model of free legal aid groups in many provinces and cities such as Ho Chi Minh City, Da Nang, Dak Lak... has been quite effective, providing timely legal advice and knowledge on domestic violence prevention and control for family members, women in general and domestic violence victims in particular. Associations at all levels have cooperated

with other sectors to establish a quick intervention team at the grassroots level, timely prevent many domestic violence cases, protect victims in combination with counseling knowledge and skills to prevent domestic violence. The Peace House model implemented by the Center for Women and Development has become a reliable place to support women and children who have been trafficked, affected by domestic violence to recover and reintegrate into the community.

### **3.3 Protection and support for victims of domestic violence**

In the period 2012-2017, the total number of domestic violence cases handled was 97,405 cases (out of a total of 139,395, reaching 69.8%). Accordingly, there were 24,985 domestic violence victims who attended medical examination and treatment facilities and 2,726 victims received assistance from social protection facilities. In addition, trusted addresses in communities across the country have also supported and helped 34,263 victims of domestic violence. In the period 2012-2021, 4475 decisions to ban contact were issued to protect people experiencing domestic violence. This is a modest number compared to the number of domestic violence cases reported as well as the number of domestic violence cases occurring in practice.

From 2008 to 2017, the Legal Counseling Centers of the Vietnam Women's Union (14 centers) consulted 14,783 times, disseminating legal education and consulting for 134,873 people. There are 7,848 medical facilities providing medical examination and treatment and receiving temporary victims. During the period 2012-2017, the total number of domestic violence victims who went to social protection facilities for help was 2726 people and 34263 people went to trusted addresses in the community.

### **3.4. Domestic violence victim support facilities and activities of domestic violence prevention models**

#### **Domestic violence victim support facility**

Carrying out the tasks in Decree No. 08/2009/ND-CP, the Ministry of Culture, Sports and Tourism issued Circular No. 02/2010/TT-BVHTTDL dated March 16, 2010 detailing procedures for continue to register for operation, dissolve domestic violence victim support establishments; counseling facilities on domestic violence prevention and control; standards of consultants; issue a consultant's card; certified professional care, counseling and training for domestic violence prevention and control.

#### **Model of domestic violence prevention and control**

From 2008 to 2010, the Ministry of Culture, Sports and Tourism chaired and coordinated with localities to build and invest in pilot funds for a model of domestic violence prevention and control in 64 communes/wards/towns of 64 provinces/cities directly under the Central Government. At the end of 2010, the Ministry of Culture, Sports and Tourism summarized and evaluated the results of the pilot model. Thereby, in 2008, in 64 communes that implemented the model, 1,071 cases of domestic violence occurred, down to 238 cases (a decrease of 77.8%) in 2010.

On the other hand, in the communes/wards/towns that have piloted the Model, no serious violence cases have occurred. Before the success of the Pilot Model, the Ministry of Culture, Sports and Tourism has reviewed, evaluated and perfected to guide the replication of the Model to other communes/wards/towns in the area. After 10 years of pilot implementation from 64 communes/wards/towns, thousands of communes/wards/towns nationwide have officially implemented the Domestic Violence Prevention and Control Model. According to reports of 61/63 provinces/cities directly under the central government, there are 9,024 communes/wards/towns that have domestic violence prevention and control models, out of a total of 12,055 communes/wards/towns, reaching about 74.85%. In which, the number of communes/wards/towns implementing the Model under the guidance of the Ministry of Culture, Sports and Tourism is 6,616 (accounting for 73.31% of the total number of models on domestic violence prevention and control being implemented); the rest is guided by other branches. According to the target assigned by the Prime Minister in Decision 215/QĐ-TTg dated February 6, 2014, over 90% of communes and wards will be reached by 2020 (in difficult mountainous areas, in remote areas, reaching over 70%) of communes and wards. The town replicates the domestic violence prevention and control model. Thus, localities need to continue to promote the implementation, replication and maintenance of the Model in the coming time to achieve the target assigned by the Prime Minister.

The Vietnam Women's Union also organizes and replicates models of legal advice and legal aid to protect the legitimate rights and interests of its members. In the period 2008-2017, the Legal Counseling Centers (14 centers) consulted 14,783 times, disseminated legal education and advised 134,873 people. There are 7,848 medical facilities providing medical examination and treatment and receiving temporary victims. The Central Association has consulted about profession and gender introduced to vocational training institutions for 760 people who are victims of domestic violence.

### **3.6 Handling of violations of the law on domestic violence prevention and control**

The handling of domestic violence perpetrators is organized through the form of comments and criticism in residential areas, administrative penalties in the form of warnings or fines, criminal prosecutions of cases that intentionally cause domestic violence injury, torturing others, destruction of property, murder.

In general, localities have seriously directed the implementation of documents and policies on domestic violence prevention and control, stepped up the work of information, propaganda, dissemination and education of the law on prevention and control of family force; inspect, examine and urge the implementation of policies and laws at all levels; receive citizens, settle complaints and denunciations in the field of domestic violence prevention and control; focus on implementing the model of domestic violence prevention and control and the trusted address in the community; detect and handle administratively and criminally a number of cases of domestic violence.

### **3.7. Training and retraining**

From 2008 to now, the Vietnam Ministry of Culture, Sports and Tourism has organized 20 professional training courses, skills as well as disseminated and deployed new documents on

the field of family and domestic violence prevention and control. Subjects of the training are not only civil servants in the Culture, Sports and Tourism sectors, but also representatives of the Vietnam Women's Union and the Ho Chi Minh Communist Youth Union of provinces/cities participating in these training courses. In addition, the Ministry of Culture, Sports and Tourism also coordinates with other agencies and organizations such as the Ministry of National Defense, the Ministry of Public Security, the Central Vietnam Association of Elderly, the Vietnam General Confederation of Labor, etc. organize training courses to improve knowledge and skills on family and domestic violence prevention and control.

The training of national and provincial rapporteurs and lecturers is focused on implementation. The Ministry has issued certificates of completion of professional training programs to 274 trainees from ministries and branches and the Departments of Culture, Sports and Tourism, the Departments of Culture and Sports of the provinces/cities directly under the Central Government. Developing a Project on Family Studies, establishing the Faculty of Family and Social Work at Hanoi University of Culture. Up to now, the Faculty of Family and Social Work has trained 3 graduate courses (about 100 graduates) and 4 ongoing courses with more than 150 students.

### **3.8. International cooperation in domestic violence prevention and control**

Implementing Clause 6, Article 36 of the Law on Domestic Violence Prevention and Control on international cooperation in domestic violence prevention and control, the Ministry of Culture, Sports and Tourism has actively coordinated with international organizations, the Ministry of Culture, Sports and Tourism. Foreign embassies in Vietnam mobilized funds and consulted foreign experiences in implementing the Law on Domestic Violence Prevention and Control. From 2008 up to now, the Ministry has cooperated with agencies and organizations such as: Embassy of the Kingdom of Denmark; Danish International Development Agency-DANIDA; United Nations Population Fund in Vietnam (UNFPA); Spanish Agency for International Development Cooperation (AECID); United Nations Children's Fund (UNICEF)... in developing legal documents and implementing communication and intervention activities on domestic violence prevention and control, capacity building training for public employees positions in the family sector.

The United Nations Population Fund in Vietnam also sponsored the Vietnam Farmers' Union with USD 1,100,000 through the Project "Strengthening the role of Vietnamese social organizations in responding to gender-based violence and some other population issues of concern" and the Project "Support in the development and implementation of policies and programs to prevent and respond to gender-based violence, domestic violence, and to deal with trade-related issues of evidence-based prostitution and human rights approaches". In addition, the United Nations Population Fund through the Farmers' Association sponsored 2000 essential toolkits for women at high risk of domestic violence due to the impact of the Covid-19 pandemic in Da Nang city (estimated at two billion VND).

International organizations also provide financial support to carry out propaganda, education and dissemination of knowledge and skills on domestic violence prevention and control such as: Organizing communication campaigns to prevent and combat family violation (in 2008) launched one million signatures saying no to domestic violence; Organized a media campaign

to respond to the World Day of Elimination of Violence against Women and Girls (November 25) continuously from 2013 to 2015. Organized a learning course in implementing intervention activities support for victims of domestic violence in Sweden for officials from a number of ministries, sectors and localities. Support capacity building for domestic violence victim support groups at the grassroots level, direct communication at central and local levels to support improvement of intervention programs and advocacy; develop and pilot the Minimum Intervention Package on Domestic Violence Prevention and Control (MIP); Review and evaluate domestic violence prevention and control from 2008 to 2016.

### **3.9 Synthesis, analysis and statistics on domestic violence situation**

To sum up, synchronous, transparent, feasible, suitable between international commitments and the actual situation of Vietnam.

Fourthly, fully inheriting the basic provisions of the current Law that are still relevant, with appropriate adjustments and amendments to overcome problems, inadequacies and supplement new problems.

### **4. Proposing policies to improve limitations in family violence prevention and control**

Firstly, detail and specific measures to prevent domestic violence, strengthen protection and support for domestic violence victims. Pay attention to domestic violence education; clearly specify the principles, scope, level, subjects, standards and subjects of counseling and conciliation activities in domestic violence prevention and control, and prevent the recurrence of domestic violence, do not replace measures to handle domestic violence cases; supplementing contents related to domestic violence perpetrators and building models of domestic violence prevention and control in the community. Regarding protection and support in domestic violence prevention and control: clearly define contents on protection and support for victims of domestic violence, supplement regulations on protection and support for people participating in prevention work against domestic violence; clearly prescribe measures to prohibit contact based on the point of view of the person experiencing domestic violence; amending regulations on support facilities in domestic violence prevention and control.

Second, clearly stipulate the coordination mechanism and ensure conditions for the implementation of domestic violence prevention and control. Consolidate the organization of the state management apparatus in the family sector at the central level in the direction of increasing resources and pro-activeness in state management of the family, and domestic violence prevention and control; on types of public services in the family sector, especially support services for domestic violence victims and people at high risk of domestic violence; implement socialization in mobilizing investment resources for domestic violence prevention and control.

Third, stipulate content to encourage the socialization and state management of domestic violence prevention and control; and responsibilities of all levels and sectors in the implementation of domestic violence prevention and control. State management tasks on violence prevention and control, implementation of the Law on Domestic Violence Prevention and Control.



## **5. Conclusion**

In conclusion, Vietnam's authorities have the right legal policies to prevent and fight Family Violence. Although they try to implement and enforce legal measures for controlling the fact of Family Violence but the situation is still existing. In the future, they need to more effort to improve the result of protecting human right in general and eliminating family violence in particular.

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