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**RESEARCH ON LAW ENFORCEMENT PRACTISES
AND LEGAL SUPPORT TO FEMALE VICTIMS OF
DOMESTIC VIOLENCE IN VIETNAM**

Working Paper

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The findings, interpretations, and conclusions expressed in this working paper do not necessarily reflect the views of the United Nations or the Government of Viet Nam.

ACRONYMS, ABBREVIATIONS AND GLOSSARY

| | |
|-----------------------|---|
| CEPEW | Centre for Education Promotion and Empowerment of Women |
| CIPH | Consultation of Investment in Health Promotion |
| CSAGA | Center for Studies and Applied Sciences in Gender, Family, Women and Adolescents |
| CWD | Centre for Women and Development |
| GBV Sub-Working group | Gender-Based Violence Sub-Working Group of the United Nations in Viet Nam |
| GSO | General Statistics Office |
| HEUNI | European Institute for Crime Prevention and Control |
| MOCST | Ministry of Culture, Sport and Tourism |
| MOJ | Ministry of Justice |
| MPS | Ministry of Public Security |
| Project T28 | Project “Strengthening capacity of law enforcement and justice sector to prevent and respond to domestic violence in Vietnam” |
| PyD | Paz y Desarrollo |
| RCGAD | Research Centre for Gender and Development |
| UNDP | United Nations Development Programme |
| UNFPA | United Nations Population Fund |
| UNODC | United Nations Office on Drugs and Crime |
| VWU | Vietnam Women’s Union |
| WHO | World Health Organization |

FOREWORD

In Viet Nam, the family is seen as “a sweet home”, as the cornerstone of society, bringing happiness for each individual and stability for society. Yet, this “sweet home” can turn into a “cold home”, a violent place where family members cannot feel safe anymore.

Domestic violence is a pervasive problem in all regions of the world, occurring in every culture and social group. It has devastating physical, emotional, financial and social effects on the victims, families and communities. The victims are overwhelmingly female and they face many challenges in accessing justice and protection. In many societies, including Viet Nam, persistent gender inequality and a culture of male domination pressurizes women to accept, tolerate and even rationalize domestic violence and to remain silent about such experience.

International efforts have recognized the need for a comprehensive and multi-sectoral approach to this complex social problem, with the law enforcement and justice sectors having crucial roles to play.

Recent legislation in Viet Nam to address domestic violence, especially the adoption of the Law on Domestic Violence Prevention and Control, sends a clear message that such violence is not to be tolerated and should no longer be seen as a “private matter”. In Viet Nam, various government agencies and mass organizations have a role in ensuring a comprehensive, coordinated and multi-faceted response to domestic violence. The law enforcement and justice sectors are key players, as they can be mobilized to become more effective in protecting the victims, ending impunity, providing access to justice, and responding to the special needs and vulnerabilities experienced by women victims within the justice system.

To encourage effective implementation of the legal framework to respond to domestic violence in Viet Nam, UNODC launched a three year project, VNM/T28, at the end of 2008. The specific objective of the project is to strengthen the capacity of law enforcement and justice sector officials to deal with domestic violence cases and the key government counterparts are the Ministry of Public Security and the Ministry of Justice of Viet Nam. This project complements various other programmes aimed at strengthening prevention and response mechanisms to domestic violence in Viet Nam and campaigns to raise awareness, throughout society, of the issue of domestic violence and the devastating consequences for the victims and their families.

As the availability of data is crucial to effective policy development and interventions, one VNM/T28 project component focuses on researching current law enforcement practices related to domestic violence, legal services available to victims and the use of reconciliation to stop the violence.

In 2009, the Research Centre for Gender and Development of the Hanoi University of Social Science and Humanities (RCGAD), together with the General Statistics Office of Viet Nam (GSO) and the Viet Nam Women’s Union (VWU) carried out a study of the current law enforcement practices and available legal and social support for female victims of domestic violence and the role of local authorities in dealing with such cases. Around 900 female victims were interviewed and focus group discussions with authorities and victims were held in nine provinces. The whole process was extensively supported by the European Institute for Crime Prevention and Control (HEUNI), specifically assisting in the development of the questionnaire and providing inputs to the findings and recommendation sections of the working paper.

This working paper represents the first comprehensive study on law enforcement response to and legal services for domestic violence cases in Viet Nam. The cultural sensitiveness of the issue demanded very careful preparation and formulation of the working paper. It is recommended that a similar study be conducted again in the future in order to assess improvements in Viet Nam’s response to and prevention of domestic violence.

The findings, together with the key recommendations, aim at raising awareness of current gaps in the response to domestic violence issues in Viet Nam and will hopefully encourage evidence-based policy development of the law enforcement and legal sectors as well as the social sector and mass organizations. Other international organizations and national institutions are also encouraged to use the findings and recommendations in their

programmes. It was not easy for the women to participate in this survey and share their traumatic experiences of domestic violence and we now need to make sure that the findings are used in an appropriate way and contribute towards another important step being taken towards better protection of the victims and greater accountability for the perpetrators.

ACKNOWLEDGEMENTS

The working paper on law enforcement practices and legal support to female victims of domestic violence in Viet Nam is presented in memory of Ms. Jenni Viitala, former International Project Coordinator of the VNM/T28 project, who passed away in October 2009. As the driving force, she initiated and coordinated large parts of the research process and motivated all participants with her professionalism and enthusiasm to improve the situation of the domestic violence victims in Vietnam.

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EXECUTIVE SUMMARY

Purpose of the research

This working paper presents a picture of the current law enforcement practises and available legal support from the point of view of female victims of domestic violence and local authorities dealing with cases of such violence. The research on which this working paper is based on was not designed to provide a prevalence study of the whole population but to be a survey of domestic violence victims who contacted local authorities. Therefore, the findings cannot be generalized to apply to the whole population. Nevertheless, the aim is to provide necessary baseline data to guide further policy development for the implementation of the Law of Domestic Violence Prevention and Control entered into force in July 2008, which is necessary to improve the criminal justice response to domestic violence in Viet Nam.

Methodology

The study includes a three-part quantitative component consisting of structured interviews with victims of domestic violence and a qualitative component consisting of focus-group discussions with victims of domestic violence and in-depth thematic interviews with law enforcement and justice sector officers.

Structured questionnaire-based interviews with 900 women who were victims of domestic violence were conducted in nine Vietnamese provinces (Hanoi, Phu Tho, Thai Nguyen, Da Nang, Gia Lai, Ninh Thuan, Ho Chi Minh City, An Giang and Can Tho), equally representing the north, centre and south of the country. Only women were interviewed because the focus of the survey was to study the services available to female victims, who are the majority of domestic violence victims, as various research studies worldwide show. In Hanoi, Thai Nguyen, Da Nang, Ho Chi Minh City and Can Tho, the research team also conducted 10 focus-group discussions with 50 victims of domestic violence and 30 in-depth thematic interviews with 15 police officers and 15 judicial officers.

All interviews were conducted by women in safe premises provided by the local Women's Union.

Key findings

Socio-demographic background of respondents

When analysing the results, information on the socio-economic background of the respondents was taken into account where appropriate. That included information on age, marital status, geographical area, ethnicity and income.

The majority of the respondents were married (81%); the remainder were either separated (12%) or divorced (5%). With regard to ethnicity, 92% of the interviewees were of Kinh (Viet) ethnicity and only 8% belonged to other ethnic groups. The majority of respondents lived in rural areas (59%).

Domestic violence acts and consequences

In 95% of the cases, the perpetrator of domestic violence was the woman's husband. This also corresponded with the statements of police officers. The most common form of reported violence was physical violence. 90% of the victims had been slapped, kicked, bitten or hit, leading to bruises and contusions but also resulting in psychological suffering such as depression, fear, panic attacks and sleeping disorders. In addition, over one third of the victims had been forced (or an attempt was made to force them) into sexual intercourse. Nearly one third of the victims had been exploited economically as well. The victims of domestic violence also suffered from various forms of psychological abuse, including by calling names and other insults (91%), damaging or destroying possessions or property (59%) and trying to limit the woman's contact with family and friends (39%). One third of the respondents said that their abusive spouses also engaged in violent behaviour outside the family.

Police responses to domestic violence

Of all domestic violence cases disclosed in this study, only 43% came to the attention of the police. The incidence of reporting was highest in central Viet Nam and increased as victims got older and once they got divorced from their abusive husbands. The most common reasons for not reporting were that victims preferred to deal with the problem themselves or within the family. They did not want anyone to know or belittle the incident as not being

serious enough.

Physical violence was the most common form of violence reported to the police. Sexual violence was rarely reported, even though 36% of women said they had experienced rape or attempted rape. According to in-depth interviews, victims were less comfortable reporting sexual violence to the police, especially to male police officers.

Most of the cases were reported by the victims (67%) or, to a lesser extent, by family members or neighbours. Most cases were reported through visits of the local police station (60%) or phone calls (26%).

The majority of respondents (65%) found it easy to report to the police. Of those victims who found such reporting troubling (16%), the main reason cited was the attitude of the police. This emphasizes how important it is for the local authorities to treat victims in a sensitive and sympathetic way. Younger and more educated women found it easier to report.

As a response, the police most often visited the house (83%). However, 34% of victims were told to solve the incidents within the family or with the assistance of other agencies (15%). An obstacle to an adequate police response can be close relations between the officer and the perpetrator, especially in small communes and villages.

Most victims felt that the police behaved adequately during the reporting process, showing sympathy and correctly reflecting their story. Nevertheless, the police only rarely assessed the injury level (5%) or took photos of injuries. Only 2% of victims were asked about sexual violence; 32% were asked about threats and 23% about the need for protection.

Whereas the way in which the police dealt with the victims was perceived to be rather good, the impact of the intervention remained somewhat limited, sometimes even leading to more severe and continuing violence. In only 12% of cases were charges brought against the perpetrator and figures show that, on average, only 1 in 100 cases of domestic violence led to a conviction in court. Consequently, the majority of victims thought that the measures taken by the police were not strict enough and 40% of respondents were rather dissatisfied with the result of the police's work because the case was not investigated or no charges were made. The results for both were better in central Viet Nam, which shows the close link between the strictness of the measures and the satisfaction of the victims. Respondents would have needed more information about the proceedings, where to get additional assistance and more measures against the perpetrators such as handing out of warnings or even an arrest.

According to in-depth interviews with police officers, the main challenges to dealing with domestic violence cases relate to evidence-related issues and to the withdrawal of complaints and witness statements. The lack of specialized female officers and of skills and knowledge, in particular among local police officers in communes and wards (often the first responders in domestic violence cases), were also noted. In addition, the law was perceived as not offering sufficient measures to protect victims of domestic violence, making it difficult for the police to ensure the safety of the victims

Legal support to domestic violence victims

77% of the cases had not been brought to the attention of legal aid providers. Again, this percentage was lower in central Viet Nam (where 72% of cases were brought to the attention of legal aid providers). Most cases were reported by the respondents themselves. The Woman's Union reported 20% of the cases. Overall, the majority of victims were rather satisfied with the services provided.

According to qualitative interviews, the main challenges faced by legal aid providers were similar to those mentioned for the police: lack of specialized officers and training about domestic violence. In addition, the public did not know about the services available to them. Particularly mentioned by officers from the National Legal Aid Agency outside of this research, an obstacle to provide legal assistance to victims of domestic violence is that they are not included in the list of beneficiaries and therefore are only eligible when coming from a poor household.

Reconciliation as a response to domestic violence

The majority of cases (61%) had been reconciled, mostly by the Woman's Union but also by the family or the head of the commune or village in which the case took place.

In 77% of cases, reconciliation did not produce the expected outcome and violence continued. Interestingly, the study also showed that most of the respondents were satisfied with the reconciliation despite the continuing violence. One explanation might be that victims were satisfied that someone had listened to them, although the problem was not solved.

In 42% of the reconciled cases, there was no follow-up or visits to the family after the reconciliation. Qualitative data indicates that reconciliation has limited success because the teams have not received adequate training and skills to deal with domestic violence.

Support from other organizations for domestic violence victims

One third of all respondents were in contact with the Woman's Union; 52% of the victims found the Union's services helpful.

Most victims had not received medical care (68%) and those that had did not have their cases reported to other authorities by health-care providers (93%). This indicates that collaboration between sectors, especially health care and other authorities is not yet in place.

Background variables

Geographical area: Services and practices for responding to domestic violence are more effective in central Viet Nam, where, for example, women more often reported cases of such violence to the police, the police more often visited the home of those women after an incident and the perpetrators more often received an administrative punishment.

Ethnic minorities: Ethnic minorities seem to have more difficulties receiving sufficient support in situations of domestic violence compared to the majority ethnic group (Kinh Vietnamese).

Age: Young women reported more injuries and received medical care more often but contacted the police and legal services less often. Older women found it more difficult to report to authorities and were less often taken to reconciliation.

Marital status: Divorced or separated women more often reported cases of domestic violence to the police and specialized service providers but were less satisfied with the result of reconciliations and the police visited their house less often.

Conclusions and recommendations

The working paper indicates that there are several challenges limiting the effectiveness of police intervention, legal assistance, and efforts to resolve and respond to cases of domestic violence. Generally, there needs to be more capacity-building of the appropriate agencies so that they have the knowledge and skills to handle domestic violence cases, stronger collaboration between agencies to facilitate case referrals, more guidance from high-level authorities and more awareness and change in attitudes towards the problem of domestic violence among authorities and the public.

Capacity-building

There is a need for police officers, reconciliation teams and legal aid providers to receive training on the concepts, causes and consequences of domestic violence so that they can take the cases seriously and avoid blaming the victims. Special attention should be paid to local authorities (e.g. local wards, people's committees) who are often the first responders.

Training should be provided on how to sensitively conduct investigations and interviews with victims and children, to avoid re-victimization. It is recommended that specialized police and legal officers and members of people's committees, preferably female officers, be available to deal with domestic violence cases.

Health-care personnel should be informed and trained about their role in domestic violence prevention, in particular relating to identifying victims and making referrals to the police.

Case referrals and inter-agency collaboration

A serious obstacle to dealing effectively with domestic violence cases is the lack of collaboration between different agencies, especially between the health sector, the police, mass organizations (e.g. the Women's Union, the Youth Union) and legal aid providers. There should be an efficient transferral mechanism between those agencies in order to ensure that all cases are referred and addressed appropriately. This includes the establishment of a comprehensive reporting and filing system of domestic violence cases so information can be shared easily.

High-level commitment and resources

In order to implement and apply the law on Domestic Violence Prevention and Control at the local level, there should be more guidance and support from national level, both in terms of technical assistance and resources. This includes the development of concrete guidelines on the implementation of the law and how to deal with domestic violence cases by the law enforcement sector, as well as for the legal sector to include domestic violence victims in the list of beneficiaries of free legal aid services. Further, grass-roots organizations (e.g. the local Woman's Union) conducting reconciliation processes need more direct supervision and financial support to be able to conduct their tasks effectively.

Protection and safety of victims of domestic violence

There is a need for additional specialized services, such as shelters, safe addresses and hotlines for victims of domestic violence to ensure victims' rights, safety and protection.

Dissemination of information on the rights of victims, available services and legal framework

The public's awareness about the unacceptability of domestic violence should be raised through mass media in order to change perceptions of such violence and empower women to report. In particular, the awareness of police officers, legal aid providers and mass organizations on available support services for victims and the existing legal framework on domestic violence should also be raised.

Further research

It is recommended to conduct further research with the disaggregated data as well as focus more on perpetrators and primary prevention.

CHAPTER I. INTRODUCTION TO DOMESTIC VIOLENCE SITUATION IN VIET NAM

Section I. Findings from national research on forms and prevalence of domestic violence

This section summarizes the current knowledge about the domestic violence situation in Viet Nam, including the social context and available statistics. It is based on the information collected through the review of a number of key national reports and publications by national researchers (see Annex 1).

I.1. Context

Domestic violence is a widespread problem in Viet Nam occurring in both urban and rural areas, amongst rich and poor families, educated and less educated families, and across social classes. It can take the form of physical, sexual, emotional and economic abuse. It may be severe and result in homicide, or it may be less serious and only leave bruises, tears and silent sufferings. Although domestic violence is often triggered by factors such as alcohol and drug abuse, gambling and unemployment, those factors are not the root causes of violent behaviour. It is an intentional behaviour with the purpose to establish and exert power and control over another.

Any family member can become a victim or a perpetrator; domestic violence can happen between husband and wife, children and parents, siblings and other intimate people. Although there is no comprehensive data on domestic violence in Viet Nam yet, some small-scale studies indicate that the majority of victims of domestic violence are women abused by their husbands.

Traditionally, the family in Viet Nam is seen as the cornerstone of society, bringing happiness for each individual and stability for society. Family being the smallest and most fundamental unit of society, domestic violence is sometimes considered a form of social violence. The major difference with other forms of social violence is that domestic violence occurs between people who are related and supposed to love each other. In contradiction with this concept of social violence, domestic violence is most often regarded as a private matter that should be solved inside the family.

Domestic violence is a complex issue in Vietnamese society, as it is in many societies. It is supported by strong cultural traditions and beliefs concerning family and gender roles based on thousand-year-old Confucian values establishing the power relationships within the society as well as the family. Despite the formal adoption in the first constitution of gender equality between men and women in 1946, men continue to hold dominant roles within and outside the households while women assume primary responsibility for homework and childcare (see Eileen Skinnider 2009). This also includes the belief that the husband has the right to teach his wife and children, if necessary using physical violence as a legitimate means. As a result, women often blame themselves for being abused by their husband and try to behave and please him better so he would change his behaviour and love them more. Out of those feelings of self-blame, shame, fear and not wanting to lose face in front of neighbours and friends, domestic violence is often not reported and is more likely to reoccur because it is not adequately addressed.

I.2. Available data related to domestic violence

Before the Doi Moi or Innovation period started in 1986, there was not much research on domestic violence. One of the reasons was the widespread belief that domestic violence is a private family issue that families can solve by themselves. After the Doi Moi, some researchers started to study the phenomenon of domestic violence and some cases were even published through mass media.

Recently, the first ever “National Study on Domestic Violence against Women in Viet Nam 2010” was conducted and published in Viet Nam by the General Statistic Office (GSO) with technical assistance from the World Health Organization (WHO). The research methodology consisted in interviewing 4838 women throughout the country between December 2009 and February 2010 as well as conducting in-depth interviews with victims and officers from agencies involved in prevention and response to domestic violence.

This data shows that overall, 32% ever married women have experienced physical violence in their life and 6% had experienced physical violence in the past 12 months. Results show that physical violence starts early in the relationship and lessens with the age.

Even though it is much more difficult for women to talk about sexual violence, as much as 10% of ever-married women reported in the interviews that they experienced sexual violence in their lifetime and 4% in the past 12 months. Furthermore, in Viet Nam, as in many other countries, women who report sexual violence almost always also report physical violence.

The results also show high prevalence of emotional abuse: 54% of all women report lifetime emotional abuse and 25% report current emotional abuse.

The prevalence rate of economic abuse for lifetime is 9%.

Comparing partner and non-partner violence, women in Viet Nam are three times more likely to have experienced violence by partners rather than by someone else.

Half of all women who ever had been physically or sexually abused by their husband never told anybody about the violence before the interview. If women had told to anyone, it was usually the family member. Most abused women (87%) never sought help from formal services or authorities. If they sought help, usually when the violence was severe, it was most commonly from local leaders.

This data can be completed with interesting numbers collected by official governmental authorities. Although, as explained earlier, victims do not often report to the authorities and the numbers therefore only reflect a small part of the extent of the problem.

The Ministry of Public Security reported in 2006 that nationwide every 2-3 days a person was killed in a case related to domestic violence. In 2005, 14% of the homicide cases were related to domestic violence (151/1113 cases). In the first three months of 2006, this rate was 30.5% (26/77 cases).

The People's Supreme Court of Justice published a statistics report covering the period from January 2000 to December 2005, which states that local courts in the whole country handled and solved 186,954 divorce cases due to domestic violence. Domestic violence was the main cause for divorce (53 % of the cases). A similar trend was shown in a 2006 report from the National Assembly's Department of Social Affairs: in 2005 only, there were 39,730 divorce cases because of domestic violence, which accounts for 60 % of a total of 65,929 divorce cases.

Other data are available in statistics from the health sector. A report from the Health Department in Cuu Long (Mekong River Delta) indicates that in 2005 1,011 patients (out of 1,319) attempted or committed suicide due to domestic violence, resulting in 30 deaths. A report from the Health Department in Tay Nguyen indicates that among 3,944 patients, 715 people attempted or committed suicide, resulting in 27 deaths. Finally, according to the statistics from the Department of Burns in Cho Ray Hospital, for the period from 1994 to 1997, they received 114 cases of burns due to acid splashes, of which 90% cases concerned marital and family problems.

Statistics provided by 18 provinces and cities for the period 2000-2007 indicate that in these localities 11,630 cases of domestic violence occurred and needed intervention from the local government agencies or legal aid office. Most of these cases concerned violence by the husbands against their wife or by adults against their children. Some cases concerned violence among other family members, such as adult children against their elderly parents, members of the family-in-law against their daughters-in-law (see Le Thi Quy 2007, 19-20).

A few national NGOs and research centres have carried out small-scale (mostly qualitative) research about gender-based violence and domestic violence (see Annex 1). These studies have shown that domestic violence can happen in any family, any social community, and any area. It can also happen in families with high educational backgrounds: in recent years, courts had to judge many cases in which perpetrators were intellectuals such as medical doctors, teachers, and governmental officers. These studies have also shown that the violence can be very severe. It does not only concern cases of beatings due to excessive anger, but there are also cases of wicked plots. For example, a husband used a knife to cut his wife in pieces; another one locked his wife in a dog cage; and another forced his wife to take off her clothes and to stand naked in the yard all night or to walk around naked in the village.

Section II. Legal framework

This section gives an overview of the existing legal framework regulating domestic violence in Viet Nam and its application. It is based on the findings from a number of key national reports and publications by national researchers (see Annex 1).

II.1. Vietnamese laws

A few Vietnamese laws provide the legal framework in which the law enforcement and justice sectors can respond to situations of domestic violence against women to protect victims of domestic violence and hold perpetrators accountable. These are in particular:

- (1) the Penal Code;
- (2) the Criminal Procedural Code;
- (3) the Administrative Violations Ordinance; and
- (4) the Law on Domestic Violence Prevention and Control.

These administrative and criminal laws are part of a broader policy framework involving various government agencies and mass organizations in setting out a coordinated and multi-faceted response to prevent and combat domestic violence. The key features of these legal documents are described below (see Eileen Skinnider 2009).

Ordinance on Dealing with Administrative Violations, 2002

The Ordinance sets out sanctions for those who commit violations to the Vietnamese laws, which do not constitute crimes but which require by law to be administratively sanctioned. These administrative sanctions (such as fines and community criticisms) apply to certain acts of domestic violence that are included in other laws:

- Violation to the Law on Marriage and Family, when ill-treating, persecuting or hurting the honour and dignity of a family member;
- Violation to the Law on Gender Equality, when treating family members unequally because of gender bias;
- Violation to the legal document on Security and Social Order, when making brutal gestures, speeches to provoke, annoy, infringe upon the honour of other persons or make noise from 11 pm to 5 am;
- Violation to the Law on Domestic Violence Prevention and Control, for (1) frequent domestic violence perpetrators whose acts are not considered as crimes; (2) not respecting the no-contact order.

Penal Code, 1999

The Penal Code defines a number of offences that are relevant to domestic violence against women. As in many countries, the general offence of intentional causing injury or the offence of assault can apply to both violence involving strangers as well as violence occurring within the family. The two most common crimes that would apply to domestic violence against women are covered under articles 104 and 151.

Article 104 on "Intentionally inflicting injury on or causing harm to the health of other persons" sets 4 levels of injury that are considered criminal. Each level of injury is based on the infirmity rate¹ caused by the violent act and is linked to a different sanction.

1. Where the infirmity rate is under 11% and an aggravating factor is present (such as using a dangerous weapon; causing minor permanent main to the victims; committing the crime more than once against the same person; committing the crime against pregnant women; being of hooligan character or dangerous recidivism), the sentence term is a non-custodial reform for up to three years, or imprisonment between six months and three years.
2. Where the infirmity rate is between 11-30%, the sentence term is a non-custodial reform for up to three years, or imprisonment between six months and three years.
3. Where the infirmity rate is between 31-60% or 11% and 30% with an aggravating factor as listed above, the sentence term is imprisonment between two and seven years.
4. Where the infirmity rate is above 61% or between 31% - 60% with an aggravating factor as listed above, the sentence term is imprisonment between five and fifteen years.

¹ In Viet Nam, the infirmity rate is the primary tool to determine whether a case is criminal or not. It also defines the extent of the punishment. The main thresholds are the following: injuries with an infirmity rate between 11-30% are considered administrative cases and all injuries with an infirmity rate of 31% and over are considered criminal cases. In some cases, aggravating factors can change the threshold (see below).

It is important to note that this article requires the victim's consent to proceed with criminal investigation where the infirmity rate is under 31%. Where the infirmity rate is 31% and over, the police and prosecutors should proceed with criminal charges notwithstanding the victim's agreement. In addition, the article notes the need of a medical certificate, which documents the infirmity rate. Inter-Circular 12/1995 provides injury standards used by medical examiners who prepare a medical certificate indicating the percentage of infirmity rate.

Article 151 on "Ill-treating or persecuting of family member, including spouses" has two main elements:

- ill treatment or persecution of family member,
- either causing serious consequences or by persons who have already been administratively sanctioned for acts but repeat their violations.

Inter-Circular 01/2001 provides further clarifications for the terms used in this article. "Ill-treatment and persecution" are defined as maltreatment in terms of food, clothing, accommodation in daily life activities against relatives (such as scolding, forcible abstention from eating, drinking, forcible standing in the cold, worn-out clothing in abnormal ways) or acts of violence against victims (such as beating, detention), thus making the victim suffer from physical and psychological pains. "Serious consequences" are defined as always tormenting sentimentally, hurting their honour, undergoing spiritual suffering or getting injured, damaging their health. It is also important to note that the victim's consent is not required for prosecution nor is a medical certificate.

[The Law on Domestic Violence Prevention and Control, 2007](#)

The above-mentioned administrative and criminal laws that sanction violent and abusive behaviour already included violence that occurs within the context of the family. However, with the increasing recognition that existing civil and criminal procedures often do not adequately address the unique characteristics of domestic violence, a separate legislation has recently been enacted, i.e. the Law on Domestic Violence Prevention and Control. This Law promotes greater emphasis on support and protection to victims, whereas the other criminal and administrative laws focus primarily on sanctioning the perpetrators. It stipulates principles and measures for prevention and control of domestic violence and the roles and responsibilities of various agencies and organizations.

Articles 1 and 2 provide a broad definition of domestic violence to include physical violence, sexual violence, psychological/emotional violence, and economic abuse. In some respects, the definition is even broader than what is generally understood to be violence by international standards. For instance, psychological or emotional abuse is generally limited to acts of persistent threatening, demeaning or controlling behaviour, rather than simply creating mental pressure.

In defining these violent acts, the Law does not create new criminal offences or administrative violations to sanction the perpetrator. The criminal and administrative sanctions to be imposed are still defined in the Penal Code and the Ordinance on Dealing with Administrative Violations. Hence, the definition of domestic violence in the Law is mainly used to stipulate the kinds of violent acts that entitle victims to special protection orders and other support services.

The Law contains emergency measures to protect victims of domestic violence, including a "no-contact order" (see Articles 19-22). Such order can be issued by the Chair of the People's Committee prohibiting the perpetrator from contacting the victim for three days, or by the court, during civil or criminal proceedings, prohibiting contact for up to four months. Requests for these no-contact orders must come from the victim and can be used in situations where the domestic violence acts "cause or threaten to cause serious physical injury to health or life of the victim".

The Law also describes the principles of "reconciliation" (see Articles 12-15). These include respecting the free will of all the parties involved in reconciliation. Therefore, if the victim cannot exercise free will due to feeling threatened or intimidated by the perpetrator, the reconciliation should not take place. In addition, there should be no reconciliation for incidents of a criminal nature or for violations of administrative laws subject to civil fines. In other words, the Law provides that reconciliation should not be used in cases where there is serious or persistent violence.

Recognizing that domestic violence often goes undetected and unreported due to the private context in which it occurs, this Law imposes an obligation on those who discover such violence to report to the nearest police station or to the local authorities (see Articles 18 and 23). Where police or local authorities are informed about a case of domestic violence, they are responsible to ensure immediate treatment and apply specified prevention and protection measures. In addition, medical staff, who treat victims and believe a crime has been committed, have an obligation to inform the police.

II.2. Theory versus practice

There is clearly a serious effort to address domestic violence, in particular reflected in the enactment of the Law on Domestic Violence Prevention and Control in 2007. The Government as a whole is responsible for preventing and controlling domestic violence. This requires a comprehensive, coordinated and multi-faceted approach, including the creation of a culture that does not tolerate violence against women in any form.

A legal framework exists to enable official police and justice sector responses to prevent domestic violence and to intervene effectively where violence does occur. The responses include criminal sanctions, administrative penalties and civil law responses, such as no-contact orders and reconciliation.

However, despite the fact that the administrative and criminal justice systems have been in place for some time, there has been limited response to domestic violence by these sectors. Only in the most serious of cases do they get involved. Domestic violence is still viewed by many as a private family matter and the response of the administrative and criminal justice system reflects this view, namely by focusing on reconciliation. The common police approach is to reconcile and to avoid arrests or detentions, except in the most serious cases. As a result, prosecutors see only the most serious domestic violence cases and are reluctant to pursue them because of the difficulties presented by these cases and the belief that they will have little success with the prosecution. The courts share the view that these cases do not belong in the criminal courtroom and are best handled through reconciliation. These traditional approaches leave the victim, the children and the public unprotected from the devastating consequences of domestic violence.

Additionally, an obstacle to the reporting of domestic violence cases by local authorities might be out of fear to lose the status of "cultural village". The more cases of "social evils" are reported, the more likely it is to lose this status and therefore lose prestige and good reputation. This reflects a very common understanding that reporting more domestic violence cases means that there is more prevalence of domestic violence in society.

Further to those factors, there are some technical difficulties that the criminal justice sector faces when dealing with domestic violence cases. Often, victims of domestic violence are unwilling or unable to participate in criminal prosecution and withdraw their statement after the police's investigating bodies have submitted the case to the prosecutor (see Eileen Skinnider 2009, 133). The police have to ensure the diligent collection of all the possible evidence, but it can be challenging to collect enough evidence to build a case.² For example, the perpetrator's confessions or children's witness statements may not be enough evidence to proceed with the investigation; or the victim may not agree to seek medical attention in order to obtain medical certificate to determine the injury level that is required in certain cases. Determining the infirmity rate of a victim is crucial for an appropriate criminal justice response. However, in practise, determining the infirmity rate is a complex process and it can only be used in court if given by medical examination committee and not by the police. Furthermore, the victim has to give consent to this medical examination. The Inter-Circular No 12/1995 of the Ministry of Health provides injury standards that are used by medical examination committee who prepare a medical certificate indicating the percentage of the infirmity rate. Attached is a long and complex table of what infirmity rate is attributed to what injury. Long-term consequences of injuries are given a higher infirmity rate. For example, a broken nose bridge without impacts on respiration/ smelling results in 10% infirmity rate while a broken nose with clear consequences on respiration / smelling is 25-30%. Several injuries are added up.

This said, not all criminal code offenses require a medical certificate or the consent of the victim. Article 151 for

² This information comes from the UNODC office in Viet Nam, based on their observation of provincial pilot trainings for law enforcement and justice sectors on how to deal with domestic violence cases and on their discussions with local police officers during the implementation of their Project T28 "Strengthening capacity of law enforcement and justice sectors to prevent and respond to domestic violence in Viet Nam".

example, “ill-treating of persecuting of family member, including spouses”, does not require a medical certificate but in most cases where this article is applied, the victim has been in psychological treatment due to her abuse.

However, it is the responsibility of the police as first responders to assist the victim to seek medical assistance, irrespective of the need for a medical certificate for evidentiary purposes. This requires a sensitive approach towards the victim, explaining that receiving medical assistance does not automatically mean that the victim consents to an investigation and that she can still decide how to proceed later.

It is extremely important that the medical and law enforcement sectors work closely and effectively together in order to make sure that the injuries of every victim are assessed, the offence is appropriately addressed but also to make sure that the victim receives sufficient medical treatment.

Still, all police as first responders should receive training to do a correct first assessment of injuries, including screening for sexual assault and strangulation, both injuries that are common in domestic violence cases and are easy to overlook.

CHAPTER II. RESEARCH METHODOLOGY

Section I. Rationale and objective

This working paper on law enforcement practises and legal support to female victims of domestic violence in Viet Nam is part of the broader UNODC project “Strengthening capacity of law enforcement and justice sectors to prevent and respond to domestic violence in Viet Nam” (Project T28). UNODC provides technical assistance to the law enforcement and justice sectors to effectively deal with domestic violence cases.

The working paper presents a picture of the current practises and available support services to female domestic violence victims in Viet Nam through analysing experiences and perception of female victims of domestic violence as well as local authorities dealing with those cases. The aim is to provide necessary baseline data to guide further policy development for the implementation of the Law of Domestic Violence Prevention and Control which is necessary to improve Viet Nam’s response to domestic violence. As mentioned in the previous chapter, the new legislation offers little clarification on the specific roles and responsibilities of law enforcement (i.e. police) and justice sectors in providing services to the victims. The implementation of the Law on Domestic Violence Prevention and Control will depend on the more detailed legal documents, such as decrees and ministerial circulars, which are currently under development. In addition, effective implementation of the laws and concrete improvement of the criminal justice response to domestic violence requires extensive capacity building of both law enforcement and justice sectors. This research aims at identifying these capacity-building needs.

The findings will provide the necessary baseline data to conduct a similar research within a certain timeframe (e.g. ten years) to assess whether the availability and quality of the services has improved and how the new law has changed the situation of the victims of domestic violence.

The key partners in conducting the study are the Research Centre for Gender and Development of the Hanoi University of Social Science and Humanities (RCGAD), the General Statistics Office of Viet Nam (GSO), the Viet Nam Women’s Union (VWU) and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), under the coordination of the UNODC office in Viet Nam.

Section II. Scale of the research

The research included a quantitative and qualitative component; it followed a three-fold approach consisting of structured questionnaire interviews with victims of domestic violence, focus-group discussions with victims of domestic violence, and in-depth thematic interviews with law enforcement and justice sector officers.

All interviewed victims of domestic violence were women because the objective of the survey was to study the services available to female victims. All interviewers were also women because, based on international experience, it was considered ethically better for women to interview women in this study (see Mary Ellsberg and Lori Heise 2005, 157). The interviewed police and judicial officers were both male and female.

II.1. Quantitative component

The structured questionnaire-based interviews with 900 victims of domestic violence were conducted in nine provinces: Hanoi, Phu Tho, and Thai Nguyen provinces in the North; Da Nang, Gia Lai, and Ninh Thuan provinces in the Centre; Ho Chi Minh, An Giang and Can Tho in the South. The selected provinces cover a wide geographical area in the three main regions of Viet Nam and include both rural and urban sites. However, all selected provinces are in lowland area, which is mainly populated by Kinh (Vietnamese). Hence, there are not many other ethnic groups represented in the survey results.

On average, 100 interviews were conducted in each of the nine provinces. In some provinces it was more difficult to identify victims of domestic violence (e.g. due to smaller population); therefore, in some provinces only 80 interviews were conducted, compared to 120 interviews in others. In each province, the victims were selected in different communes, with a maximum of 5 to 10 victims from the same commune. The Viet Nam Women’s Union (VWU) at commune level assisted in identifying victims of domestic violence, locating willing participants, and providing safe premises to conduct the interviews. The questionnaires were supposed to be completed in 15 to

20 minutes.

As expected, identifying and reaching the interviewees was a challenge. Since the VWU at commune level was in charge of identifying potential respondents, commune leaders were informed about the topic of the survey. Some commune leaders refused that interviews would take place in their commune saying that there were no domestic violence cases. As already explained in Chapter I, this could be a consequence of the practise of “cultural village status” and the fact that reporting more domestic violence cases could result in losing this status. In other cases, the identified victims did not want to cooperate with the interviewers as soon as they were informed about the topic of the survey.

Further, it is important to keep in mind that all respondents were already in contact with authorities. Hence, the sample represents, by definition, a specific group of women. However, the research results give an excellent overview of the experiences of victims of domestic violence in Viet Nam in their relation with support services.

Other challenges faced by the interviewers were that the interviews sometimes took much longer than anticipated because respondents were emotionally disturbed and it took much more time to conduct the interview in a sympathetic way. Some of the victims did not see themselves as being abused and did not want to answer the questions or did not show up.

II.2. Qualitative component

The research team conducted 10 focus-group discussions with 50 victims of domestic violence and 30 in-depth thematic interviews with 15 police and 15 judicial officers. These were conducted in five provinces: Hanoi, Thai Nguyen, Da Nang, Ho Chi Minh and Can Tho.

In each province, there were two focus-group discussions with five victims of domestic violence. The local VWU assisted in identifying victims of domestic violence, locating willing participants, and providing safe premises to hold the discussions. The discussions were supposed to take 60 to 90 minutes per group. The objective of these focus-group discussions was to provide qualitative information from the perspective of the victims of domestic violence. This information would be useful when analyzing the data of the structured questionnaires and when preparing the final working paper.

In each province, in-depth thematic interviews were conducted with six representatives of the law enforcement and justice sector; namely, one district level police officer, one district level judicial officer, two commune level police officers and two commune level judicial officers. The objective of these in-depth thematic interviews was to provide qualitative information from the perspective of the local authorities, as accurate and truthful as possible. Therefore, the questions were simple and did not anticipate a certain answer from the officers, but rather allow for personal interpretation. In addition, the anonymity of the answers was emphasized. The interviews were supposed to be completed in 30 to 60 minutes.

Section III. Process and development

III.1. Research tools

HEUNI developed the detailed research methodology and tools, based on their experience in many countries. After sending the draft questionnaires and guidelines to Viet Nam, GSO, VWU and RCGAD organized pilot interviews to assess whether the questionnaires were suitable for Viet Nam. After the piloting, the experts from HEUNI came to Viet Nam in order to discuss and finalize the questionnaires together with the national partners.

The findings of the pilot interviews and proposed amendments were discussed in a workshop in Hanoi from 30 March to 3 April 2009. Participants included representatives from GSO, VWU, RCGAD, HEUNI and UNODC. The objectives of the workshop were to discuss and finalize the questionnaires, as well as to prepare the fieldwork and further steps of the research (see Annex 2). Participants also discussed other relevant issues such as the selection of interviewers, interviewer training and safety and ethical considerations. Subsequently, the survey questionnaire and the qualitative research guidelines were finalized.

III.2. Data collection

The quantitative interviews took place in May 2009 and lasted for 3 weeks. The interviewers were selected among staff from GSO, VWU and RCGAD. They received training in domestic violence issues and interviewing techniques, which was conducted by trainers from GSO and UNODC. The eight-day training included sessions on definitions and types of violence, effects of violence on female victims, myths and explanations for domestic violence, ethical considerations, safety issues, how to respond to emotional trauma, how to encourage honest responses, learning the questionnaire structure, and role playing (see Annex 3).

Interviewers from VWU and GSO conducted the structured interviews with victims of domestic violence. These interviewers were carefully selected; all had previous experience working with vulnerable groups and conducting interviews with high confidentiality. All interviewers were women in order to ensure that the interviewees feel more comfortable and secure.

Interviewers from RCGAD conducted the focus-group discussions with victims of domestic violence and the in-depth thematic interviews with local law enforcement and justice sector officers. These interviewers all had previous experience conducting qualitative research on domestic violence.

III.3. Research

After the data collection, GSO was in charge of cleaning and processing the quantitative data. Once both sets of data were available, a senior researcher from the RCGAD made the first analysis and draft of the working paper. Following, based on their experience with similar questionnaires and analysis, the experts from HEUNI gave extensive inputs to all chapters of the draft working paper and inserted comparisons with results from international research. Thereafter, an independent international gender-based violence expert reviewed and edited the working paper, in close consultation with UNODC and all partners, to make sure the Vietnamese and international perspectives were appropriately reflected.

The working paper starts by providing background information on the domestic violence situation in Viet Nam the criminal justice services and the new legislation. The working paper then analyzes all the data collected through the interviews and focus-group discussions to provide a picture of the quality of services and the biggest obstacles. Finally, the working paper compares the practises and available services to international standards and provides recommendations for improvement.

It is recommended that the working paper will be used as a policy document to develop further UN strategies in the area and assist the Government of Viet Nam in the further development of effective responses and services. A national level workshop will be organized to discuss the results and recommendations of the research and assist the Government in developing adequate services for victims of domestic violence.

Note on terminology

Throughout the working paper a few terms are used, which may need some clarification, especially for readers not familiar with Viet Nam.

“Judicial officers” are employees of the provincial Departments of Justice. They can work at province, district and/or commune level. They are responsible for disseminating and propagandizing mainly civil and administrative laws, such as the Law on Domestic Violence Prevention and Control. They are also responsible for advising and guiding the People’s Committees on the practical implementation of these laws. This can include providing advice when People’s Committees and/or reconciliation teams deal with domestic violence cases, and participating in the process of community criticisms towards the perpetrators of domestic violence. While it is the head of village who organizes the communal meeting to collect comments and criticisms of the community and invites concerned people, the judicial officer will provide guidance. Sometimes, judicial officers can also act as legal aid officers and provide legal assistance to individuals, especially on local level.

“Legal aid officers” are responsible for providing free legal assistance to the poor and disadvantaged members of society at district and/or commune level (see UNDP 2004, 3-5). They primarily deal with civil disputes, land disputes, marriage, family disputes, and criminal cases. They work in over 60 legal aid centres in provinces and

cities, which are directly managed by the provincial Department of Justice and directed by the Department of Legal Aid of the Ministry of Justice.

At the local level, the division of roles and responsibilities between judicial and legal aid officers is not always clear and there can be some overlaps, as both groups sometimes have similar tasks. Hence, for the general population it is often difficult to differentiate between judicial and legal aid officers. Originally, this research intended to focus solely on legal aid officers but while conducting the interviews on local level, the focus turned more to judicial officers. However, taking into consideration that on local level it is not always possible to make a clear distinction between the both, the research team has chosen to use the all-encompassing terms “legal aid providers” and “legal support services”.

CHAPTER III. FINDINGS

The goal of the research was to provide a picture of victims' experiences and opinions of the responses and services provided to women victims of domestic violence, also taking into account the view of local authorities such as police and judicial officers.

The data referred to in this chapter are based on the results of three components³:

1. Structured questionnaire-based interviews with 900 women victims of domestic violence in 9 provinces;
2. Focus-group discussions with 50 women victims of domestic violence in 5 provinces; and
3. In-depth thematic interviews with 30 police and judicial officers in 5 provinces.

This chapter presents the findings of the research, divided into six sections:

1. Domestic violence victims and perpetrators
2. Domestic violence acts and consequences;
3. Police responses to domestic violence;
4. Legal support to domestic violence victims;
5. Reconciliation as response to domestic violence;
6. Support from other organizations for domestic violence victims.

The structure of this chapter is based on the structure of the survey questionnaire (see annex 4). The survey results are illustrated and complemented by the qualitative data from the focus-groups discussions with victims and thematic interviews with police and judicial officers.

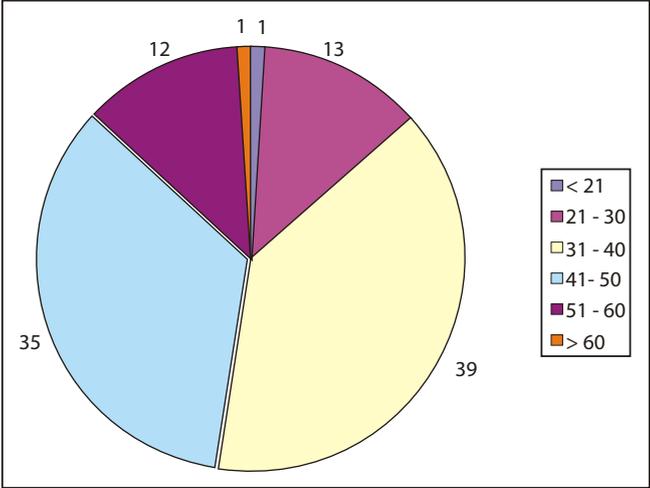
Section I. Socio-demographic background of respondents

This section presents the findings regarding the socio-demographic background of the women interviewed for the research. All of them had been identified as victims of domestic violence by the local Women's Union. When analyzing the survey results, this background information (i.e. age, marital status, geographical area, ethnicity, education and income) will be considered, where appropriate. This section also summarizes the information collected about perpetrators.

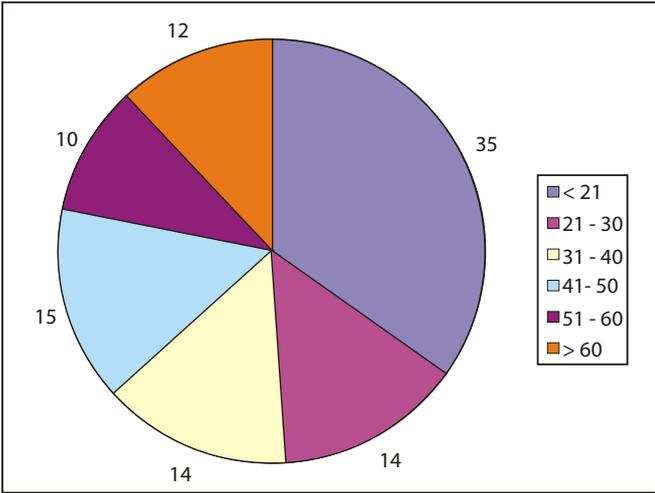
In terms of age, the majority of interviewees were concentrated in two groups: 39 % were aged 31-40 and 35 % were aged 41-50 (figure 1). The group of respondents between the ages of 21-30 comprised 13 % and the group between 51-60 years 12 %. Only 1 % of the interviewees were under 20 years or over 60 years old; therefore, the analysis does not consider these age groups as separate groups.

³ More information about these 3 components can be found in chapter II on methodology.

Figures 1 (a) and (b). Age of interviewees (a) and age of women in Viet Nam⁴ (%)
(a) Interviewees (n=900)



(b) Age of women in Viet Nam (n=44,056,927)



The distribution of Vietnamese women across the age groups shows that the share of women under 20 years is 35% of the total population. The survey did not set a lower limit for interviewees’ age, but the victims that composed the sample were adult women living or having lived in a relationship and having suffered from domestic violence. This naturally explains the small size of the youngest age group in the sample. The distribution of other age groups is rather even in the general population. However, in the survey, the age groups 31-40 and 41-50 were more commonly represented compared to the general population and also compared to the other age groups in the survey. An explanation could be that the survey sample was selected from known victims of domestic violence and some age groups might be more open to discuss their family problems.

In terms of marital status, most respondents were married (81 %), whereas 12 % were separated and 5 % divorced (figure 2). As a comparison, the 2008 Household Survey (N=25,630,000) shows that 82 % of Vietnamese women were married, 16 % widowed, 1.8 % divorced and 0.7 % separated. In the survey sample, the share of divorced and separated women was higher and the share of widowed women smaller than in the general population.

⁴ The data from figure 1 (b) are calculated according to the Viet Nam Household Survey 2008.

Figure 2. Marital status of interviewees (%)

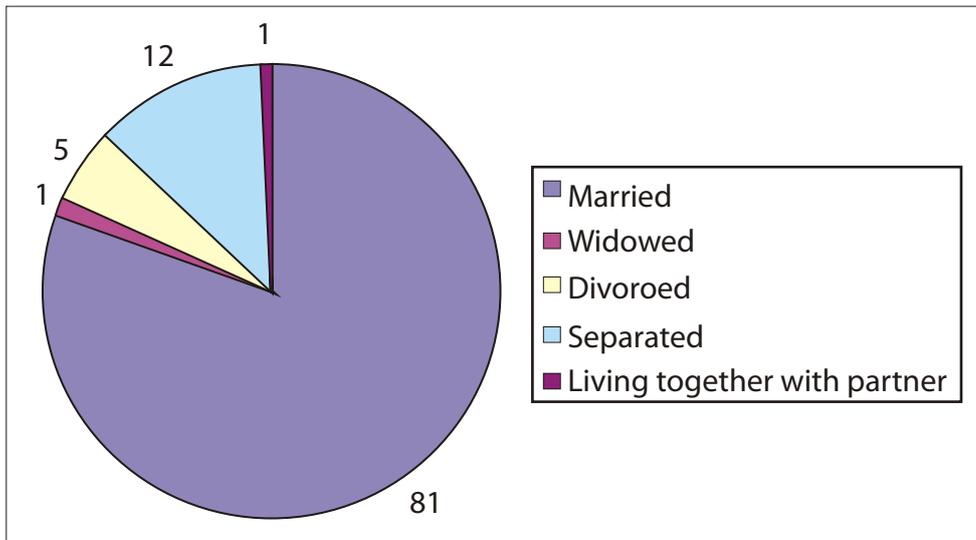


Figure 3 shows the distribution of interviewees across provinces. Although the research group had planned to interview the same number of respondents in each province, there were some differences. For example, in Ho Chi Minh Province the number of respondents was smaller than in all other provinces. However, the balance between the three regions of Viet Nam is good: 35 % of respondents came from the North, 33 % from the Centre and 32 % from the South (figure 4). Most interviewees (i.e. 59 %) lived in rural areas (figure 5). The survey was conducted mainly in lowland provinces; therefore, 92% of interviewees were from Kinh (Viet) ethnicity and only 8 % from other ethnic groups.

Figure 3. Distribution of interviewees across provinces (%)

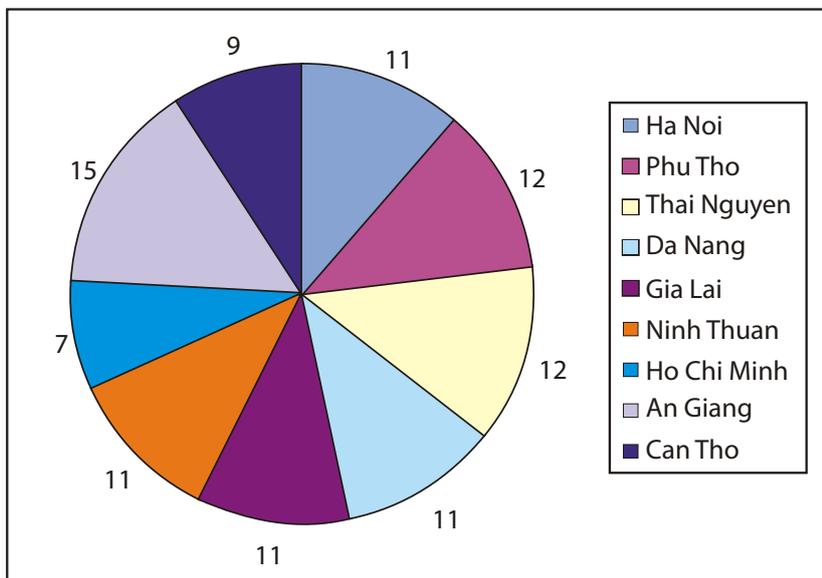


Figure 4. Distribution of interviewees across regions (%)

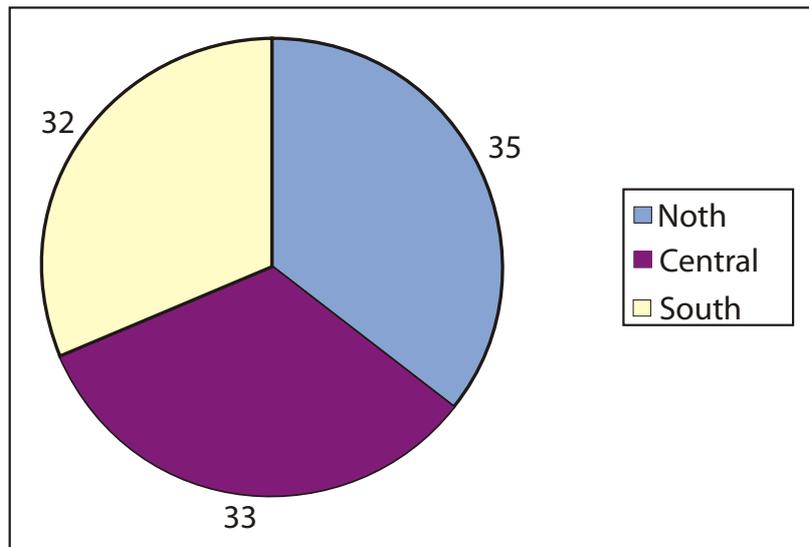
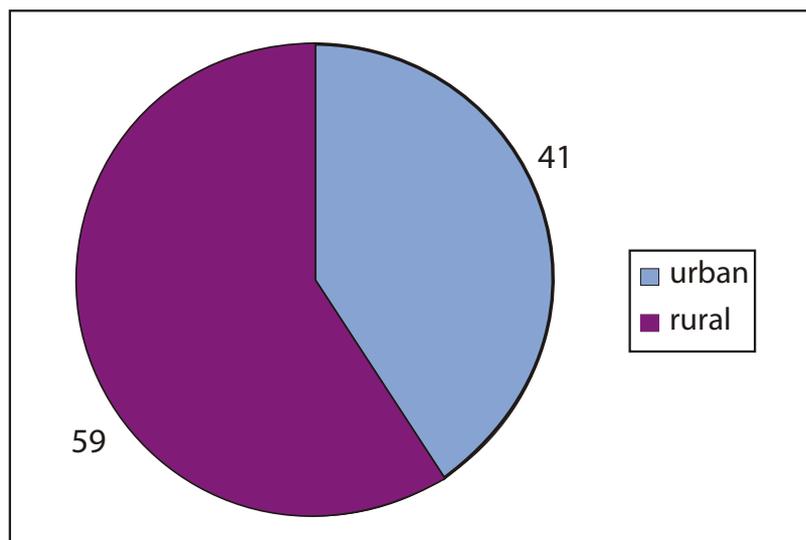


Figure 5. Distribution of interviewees across urban and rural areas (%)



In terms of education level, table 1 show that the majority of the interviewees had graduated from secondary school (52 %). In addition, 20 % graduated from primary school and 16 % from high school. Only 1 % had graduated from college or university, while the number of those who said that they had never gone to school or never finished primary school was 10 %.

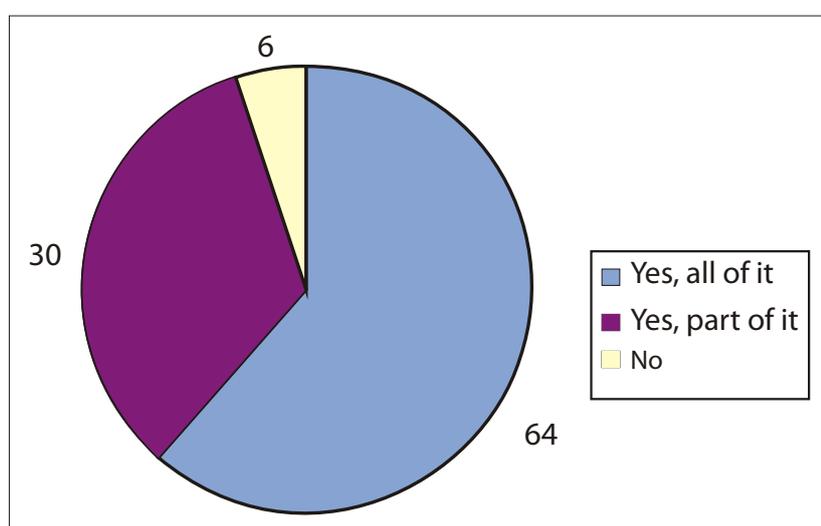
Table 1. Education level of interviewees (%)

| Highest education | % |
|---|----|
| Never went to school or never finished primary school | 10 |
| Primary school | 20 |
| Secondary school | 52 |

| | |
|--|-----|
| High school | 16 |
| Primary, intermediate Technical/ vocational training | 2 |
| College/University and higher | 1 |
| Don't know/Refused to answer | 0 |
| Total | 100 |
| Number of respondents | 900 |

In terms of income 76 % of the interviewees had a stable income, 21 % irregular income and 3 % no income. Out of the 870 victims who had a stable or irregular income, 64 % could decide how to spend their money and 30 % could decide how to spend part of their money, but 6 % could not decide how to use their income (figure 6). Of these women, who could not decide how their income is spent in the family, the vast majority (77 %) came from a rural area.

Figure 6. Ability to make a decision on how income is spent (%)



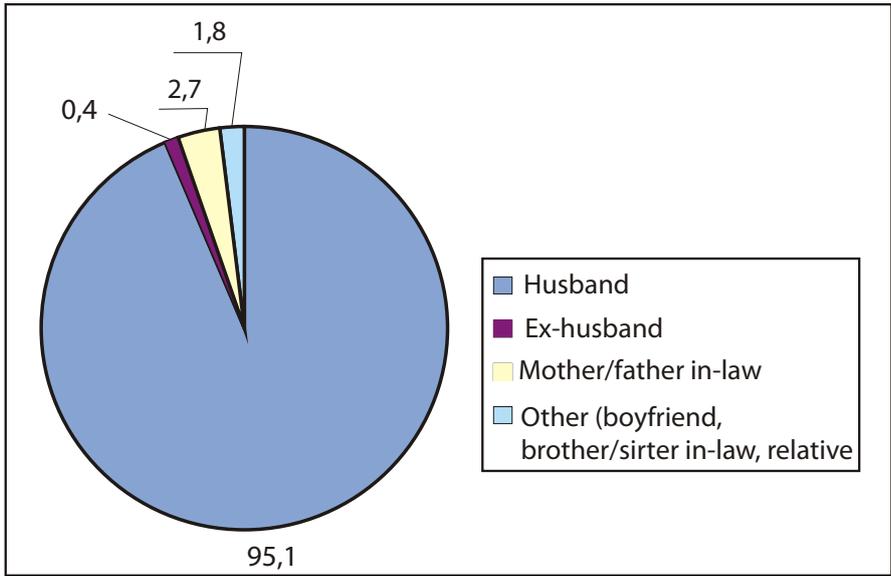
In addition, the women were asked about their awareness of the existence of any specific legislation related to domestic violence: 24 % of the respondents told that they knew some specific laws. The difference in the legal awareness was considerable between the regions: for instance, 43 % of the respondents from the Central region were aware of domestic violence legislation, compared to only 8 % of the respondents in the Southern region. Women with no or little education were considerably less aware than women with higher education, and respondents from poor households were less aware than respondents from wealthier households. Divorced women were more aware than women from other marital groups.

Section II. Domestic violence acts and consequences

This section presents the findings regarding the different forms of domestic violence committed against the victims and their consequences.

The survey results show that in 95 % of the cases, the perpetrator of domestic violence is the woman's husband (figure 7). Mothers- and fathers-in-law committed the violence in 3 % of the incidents; they committed different forms of physical violence, but no sexual violence.

Figure 7. Perpetrators of domestic violence (%)



This research looks at four types of domestic violence, as recognized in international research: (1) physical violence, (2) psychological or emotional violence, (3) sexual violence, and (4) economic violence (see e.g. Holly Johnson et al. 2008). While some victims suffer from only one of those types, some may suffer from two, three or all types.

To measure the prevalence of violence, respondents were asked behaviourally specific questions, which did not include loaded or abstract terms such as violence, abuse or rape. International research shows that women’s experiences of violence are better captured if asked this way (see United Nations Study of the Secretary-General 2006, 72). The prevalence question was formulated as follows: “During the last 2 years, has your partner, ex-partner or a member of your husband’s family behaved against you in the following way?”. The response options included a list of forms of physical and sexual violence, as well as economic exploitation and child abuse (table 2).

Table 2. Violence types and prevalence (%) amongst 900 interviewed women (responses presented in the order of the questionnaire)

| Forms of violence | % |
|--|----|
| Threatening to hurt physically | 83 |
| Throwing something or hit with something that hurts or frightens | 69 |
| Pushing, grabbing, twisting arm or pulling hair in a way that really hurts or scares | 64 |
| Slapping, kicking, biting, or hitting with a fist | 90 |
| Strangling, trying to suffocate, burning or scalding | 29 |
| Using or threatening to use a knife/sword/gun | 37 |
| Using physical violence in some other way | 38 |
| Forcing or attempting to force to have sexual intercourse | 36 |
| Touching sexually against the will | 20 |
| Exploiting economically | 32 |
| Harming or threatening to harm or kill children or someone close | 33 |

Because the study focused on known victims of domestic violence, the prevalence of different forms of violence is high. Of all respondents 90 % have been slapped, kicked, bitten or hit. Also other forms of violence are common. In addition, over one-third (36 %) of the victims has been forced (or attempted to be forced) to sexual intercourse. Harming or threatening to harm or kill children or someone close is also common (33 %). The following extracts from the qualitative research can illustrate these numbers:

My husband has a concubine, so he maltreats me and beats me. He said that no one can interfere in his business. He threatened to beat our children if I report our case to the police. (Victim X)

He has been beating me as soon as the night comes for 6 years. He beats at my face with his hands, saucepans or bowls. Sometimes he beats me crazily with chains. He has had a concubine for two years. We are now separated, he is feeding our son but he does not let me meet the child. I have to avoid seeing him. I had to move to another place because he never lets me selling stuff at the market. (Victim M)

Many times, I come home, very tired of working all day long, my husband gets drunk and wants to have sexual intercourse. If I deny, he will beat me. I fear that he will go out for whoring, bring home diseases and transfer them to me. (Victim Y)

Nearly one-third of the victims said they have been exploited economically (table 2). During the qualitative interviews, the women mentioned that many husbands go out to work but don't give money to their wives to raise the children. Some men even asked their wives for additional money and beat them if they refused.

There were only some hundred thousand dong left that I had saved for my children's school tuitions but he took it away for alcohol. I complained and he beat me crazily. (Victim T)

Only three months after giving birth, I already had to carry water for money. One member of the Women Union asked me why I had to carry water just three months after giving birth to my child. I did not dare to say that it was because my husband had not given me any money. (Victim H)

As a consequence of the violence, 83 % of the victims were physically injured. The most common injuries are bruises and contusions, cuts, scratches and burns, and head injuries (figure 8). Almost all victims (98 %) also suffered from psychological consequences. The most common psychological consequences are depression, fear, anxiety or panic attacks and difficulties in sleeping (figure 9).

Figure 8. Injuries due to domestic violence (%)

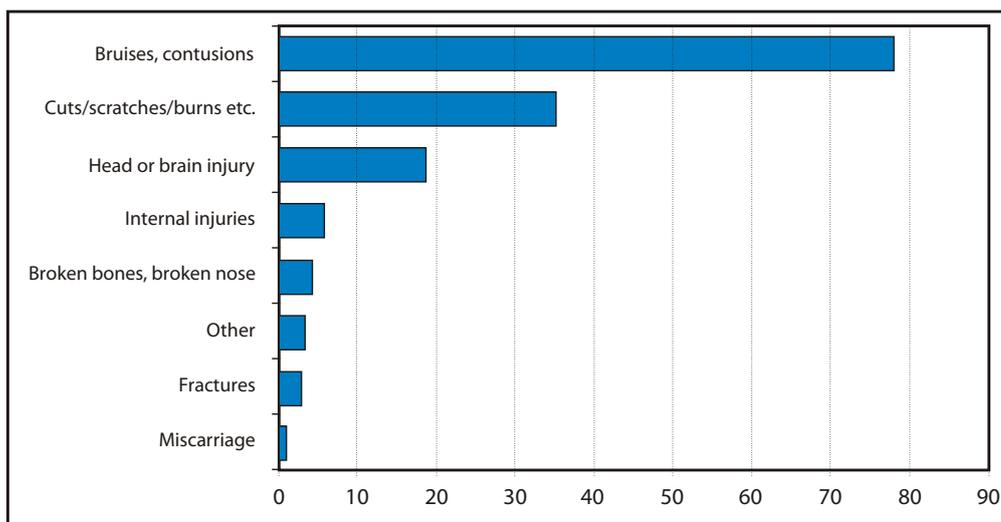
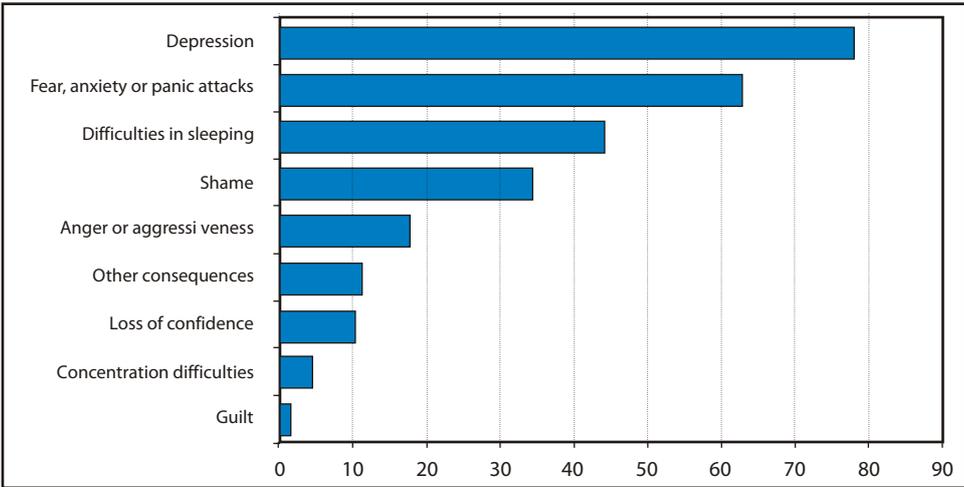


Figure 9. Psychological consequences of domestic violence (%)



When analysing the physical injuries of domestic violence as one measure of the severity of violence, there are no significant differences between women living in urban or rural areas, nor according to their income or right to decide how to spend it. On the other hand, injuries are more common among victims living in the Central region (93 %) compared to the North (77 %) and South (79 %); among younger women (86 % in 21-30 group) compared to older ones (71 % in 51-60 group); among other ethnic groups (94 %) compared to the Kinh majority (82 %). They are also more common among women with no education compared to those with high school education (78 %); and among divorced (92 %) and separated (90 %) women compared to married women (81 %).

Victims of domestic violence also suffer from various forms of psychological abuse. International research shows that partners, who are psychologically abusive, are also more likely to use physical violence (see Holly Johnson et al. 2008, 109-115). In this study, the questionnaire included a series of questions on male dominance and control. Name-calling and insulting are particularly common, with 91 % of the respondents who have experienced it (table 3).

Table 3. Forms of psychological violence (%) (Responses presented in the order of the questionnaire)

| Forms of psychological violence | % |
|--|----|
| Gets angry if you speak with other men? | 37 |
| Tries to prevent you from doing activities, such as work or studies, outside the home? | 35 |
| Tries to limit your contact with family and friends? | 39 |
| Follows you or keeps track of you? | 22 |
| Calls you names, insults you ? | 91 |
| Damages or destroys your possessions or property? | 59 |
| Has taken control of your possessions? | 22 |
| Is constantly suspicious that you have been unfaithful? | 35 |
| Insists on knowing who you are with and where you are? | 31 |
| Threatens to kill himself? | 10 |

International research shows that male violence outside the home is linked to the use of violence also within the home (see Holly Johnson et al 2008, 101-102). In this study, 30 % of the respondents said that they knew that their spouse had used physical violence against someone outside the family, and 18 % said that their spouse had been in trouble with the police because of violent behaviour (other than partner violence).

In international research, there are several theoretical explanations for violence against women. These include, for example, the social learning theory and patriarchal social structures (see e.g. Holly Johnson et al 2008, 80-81). While the main underlying cause for domestic violence is gender inequality and resultant unequal power relations between men and women, prior research in Viet Nam has identified a number of risk factors as contributing to domestic violence, such as alcohol addiction, gambling, and adultery (see e.g. UNFPA 2007, 24-25). Some women also mentioned these factors during the qualitative research:

Women work harder and have more stressful while their husbands are lazy, alcohol addicted and violent. Why do we tolerate such husbands? Men complain that women are angry due to their hard work but that is very natural because who can suffer without complaining. (Victim Q)

We are sometimes beaten but some of our friends are more frequently beaten. Their husbands beat them without any reasons. (Victim L)

Section III. Police responses to domestic violence

This section presents the findings regarding the police response to domestic violence. Information was collected about how and why the case was (or not) brought to the attention of the police. Women were also asked a number of questions about their experience with the police when they requested assistance and/or reported cases of domestic violence. In addition, information on police perceptions was collected through in-depth interviews with police officers.

III.1. Domestic violence cases reported to the police

Like in many other countries, domestic violence in Viet Nam is rarely reported to the police. Of all domestic violence cases disclosed in this study, 43 % had been reported to the police, while 57 % had not been brought to the attention of the police. Taking into consideration that most of the incidents disclosed in this study were serious (i.e. 83 % of the victims said they were physically injured because of the violence), the reporting rate to the police seems rather low.

Table 4 shows a few differences in reporting rates between certain groups of interviewees. The reporting was lowest in the North and highest in the Central region. There are also other differences. Reporting increases with age. A large difference in reporting was found between divorced women compared to married women, with divorced women having reported more often than married women have. International research shows similar results, in that women are more likely to report violence committed in previous relationships. An explanation can be that the violence was more serious or that the reporting preceded the separation or a combination of the two (see Holly Johnson et al. 2008, 138).

Table 4. Share of cases brought to the attention of the police (%)

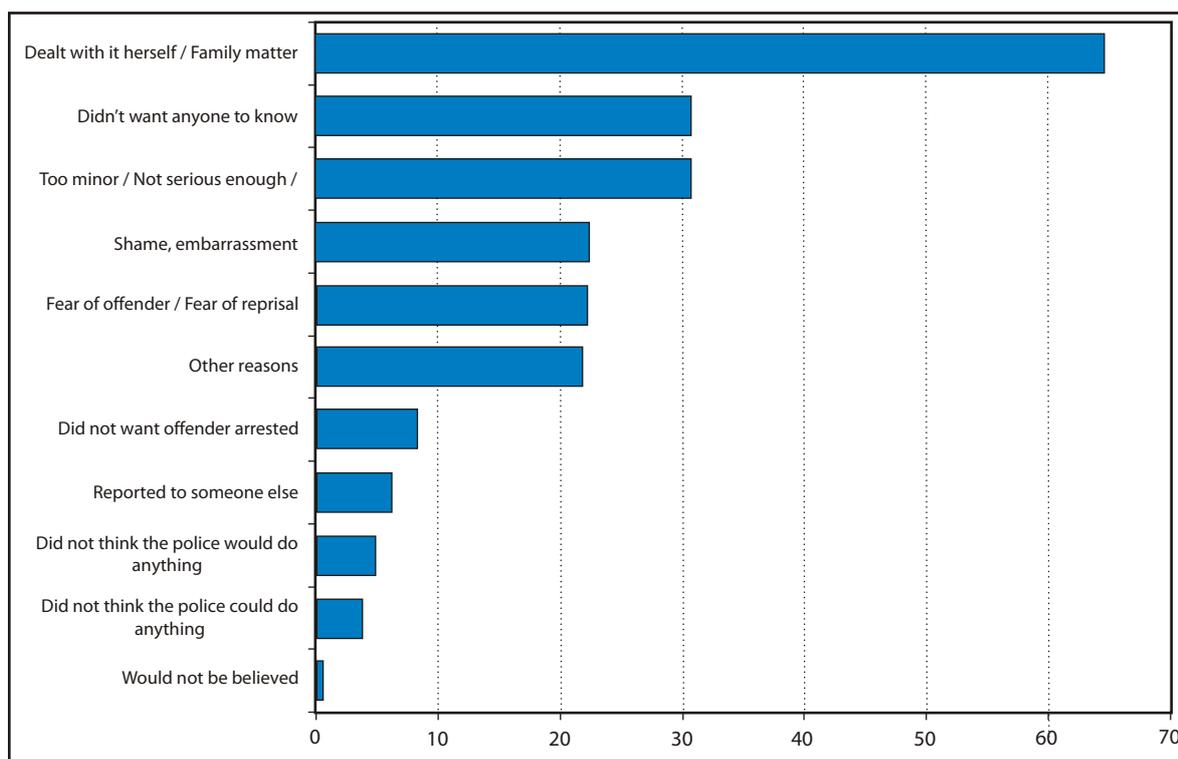
| | Yes | No | Don't know/ Can't remember | Total | n |
|--------------------|-----------|-----------|-------------------------------|------------|------------|
| Total | 43 | 57 | 0 | 100 | 900 |
| Urban-Rural | | | | | |
| Urban | 45 | 55 | 0 | 100 | 369 |
| Rural | 42 | 58 | 1 | 100 | 531 |
| Region | | | | | |

| | | | | | |
|--|-----|-----|---|-----|-----|
| Northern | 29 | 71 | 0 | 100 | 319 |
| Central | 56 | 44 | 1 | 100 | 297 |
| Southern | 45 | 54 | 1 | 100 | 284 |
| Age | | | | | |
| < 20 | 22 | 78 | 0 | 100 | 9 |
| 21-30 | 29 | 71 | 0 | 100 | 114 |
| 31-40 | 47 | 53 | 1 | 100 | 348 |
| 41-50 | 46 | 53 | 1 | 100 | 316 |
| 51-60 | 41 | 59 | 0 | 100 | 106 |
| > 60 | 0 | 100 | 0 | 100 | 7 |
| Ethnicity | | | | | |
| Kinh | 43 | 56 | 0 | 100 | 828 |
| Others | 37 | 63 | 0 | 100 | 71 |
| Highest education | | | | | |
| Never went to school/ never finished primary school | 43 | 56 | 1 | 100 | 88 |
| Primary school | 47 | 52 | 1 | 100 | 177 |
| Secondary school | 42 | 58 | 0 | 100 | 466 |
| High school | 40 | 59 | 1 | 100 | 140 |
| Primary, intermediate technical/ vocational training | 41 | 59 | 0 | 100 | 17 |
| College/University and higher | 50 | 50 | 0 | 100 | 10 |
| Don't know/Can't remember | 100 | 0 | 0 | 100 | 1 |
| Income | | | | | |
| Yes, all the time | 45 | 55 | 0 | 100 | 682 |
| Yes, part of the time | 39 | 61 | 1 | 100 | 188 |
| No | 30 | 70 | 0 | 100 | 30 |
| Decision on how to spend the income | | | | | |
| Yes, all of it | 45 | 54 | 1 | 100 | 555 |
| Yes, part of it | 41 | 59 | 0 | 100 | 262 |
| No | 35 | 65 | 0 | 100 | 52 |
| Poor household | | | | | |
| Yes | 45 | 53 | 2 | 100 | 187 |
| No | 42 | 57 | 0 | 100 | 710 |
| Don't know/Can't remember | 50 | 50 | 0 | 100 | 2 |
| Marital status | | | | | |

| | | | | | |
|------------------------------|----|----|---|-----|-----|
| Married | 38 | 61 | 1 | 100 | 726 |
| Widowed | 25 | 75 | 0 | 100 | 8 |
| Divorced | 79 | 21 | 0 | 100 | 48 |
| Separated | 58 | 42 | 0 | 100 | 110 |
| Living together with partner | 63 | 38 | 0 | 100 | 8 |

Most victims do not report or tell others about domestic violence for a variety of reasons (figure 10). Many victims said that domestic violence is their own business and better resolved within their family (65%). 30% did not want anyone to know about the incident, and 30% belittled the case, stating it was minor or not serious enough. Shame and fear among respondents are also common reasons for not reporting to the police. Compared to findings from international research, the reasons for not reporting to the police in Viet Nam are largely similar to other countries. However, it seems that not reporting because the victim did not want anyone to know is more common in Viet Nam than in some other countries (see Holly Johnson et al. 2008, 152-154). Figure 10 also indicates that the inability of the police to deal with the incident is not among the most important reasons for victims not to report to the police.

Figure 10. Most important reasons for not reporting domestic violence to the police (%)



The qualitative research showed that victims fear community rumours and believe that people think that their husbands beat them because they did something bad. As a result, victims silently suffer from domestic violence and hence indirectly encourage perpetrators to continue their violent behaviour. The following testimonies illustrate that many victims do not want to talk about the violence and do not want people to know about it:

I have never shared my problem with anyone. I always resolve my problems by myself, I do not want to share with anyone. When asked, I just answer very briefly, pretend to be okay, but never tell the truth. (Victim T)

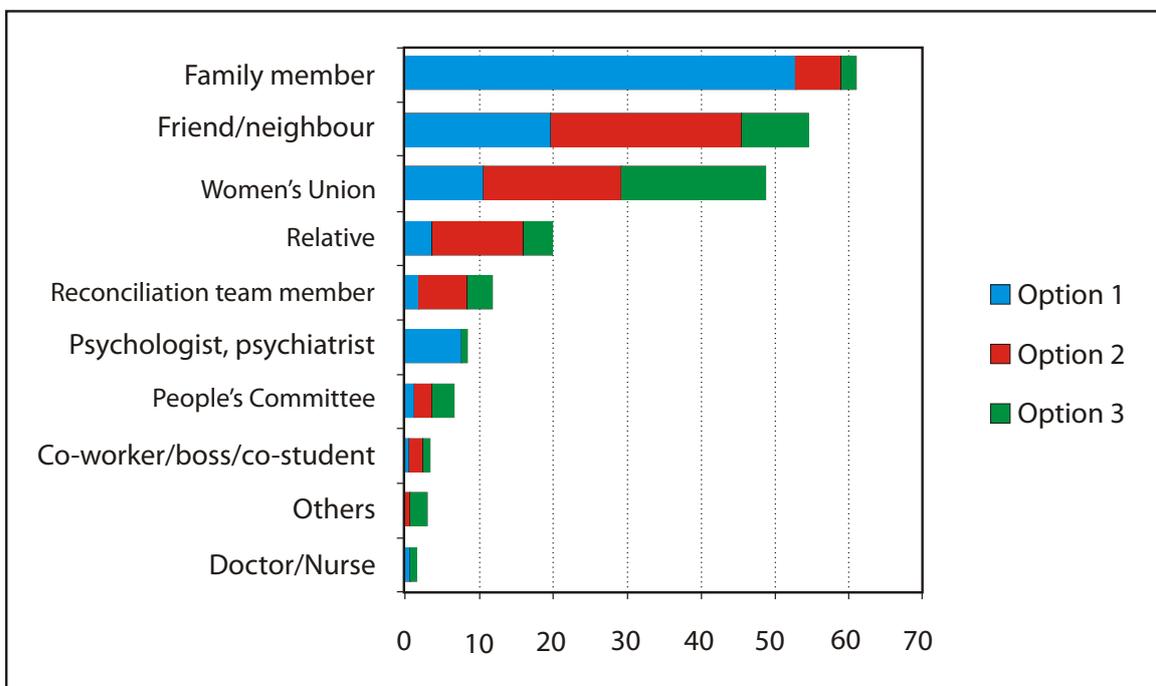
I have not reported to the police or to anyone. Nobody can put their hands in our problems because we hide them. I do not want other people to know our family problem. (Victim M)

I wanted to save my children's faces, so I did not report to the police. If I had reported my problem to the police, they would have come to our house and judged our problem by law and my husband would have been arrested. I thought about my family, we still live together so I wanted to save my husband's face. However, it would be okay if the Women Union reports it to the police. (Victim L)

I fear that he would beat me more and would not give me any money if I report (our problem) to the police. (Victim P)

When victims do talk about the violence, they most often reveal their problems to their family members (61%), friends or neighbours (55%), Women's Union representatives (49%), but rarely to colleagues (3%) or medical staff (1 %) (figure 11). This is similar to other countries, where women most often turn to their family and friends when they want to talk about the violence (WHO 2005, 73-74).

Figure 11. With whom did the women talk about domestic violence (police not included)



In the questionnaire, the woman could name three persons or groups of persons (Option 1, Option 2 and Option 3 in figure 11) with whom she had talked about the violence. Option 1 is the one that the respondent mentioned first, and as outlined above, women were most likely to talk to family members. "Family member" was the first alternative in the questionnaire; this might explain why so many women first mentioned a family member. Women's Union was in the middle of the list, which might be the reason that it was chosen most often as the third option.

Most cases brought to the attention of the police are cases of physical violence (table 5). In Viet Nam, as in many other countries, domestic violence is often associated with physical violence, especially because the visible injuries make it the easiest type of violence to identify. People, including victims, may not be aware of other types of domestic violence such as psychological violence, sexual violence and economic violence. This situation is gradually changing as efforts are made to widely disseminate the Law on Domestic Violence Prevention and Control and violence against women is discussed in various media.

Physical violence (hitting with fist or with object) was the most common form of violence in those cases reported to the police (see figure 12). It should be noted that one respondent may have named several forms of violence that were in the most severe case reported to the police. During the in-depth interviews, the police confirmed that they are mostly aware of physical violence cases.

Sexual violence was not often reported to the police, although 36 % of women said that they has experienced rape or attempted rape.

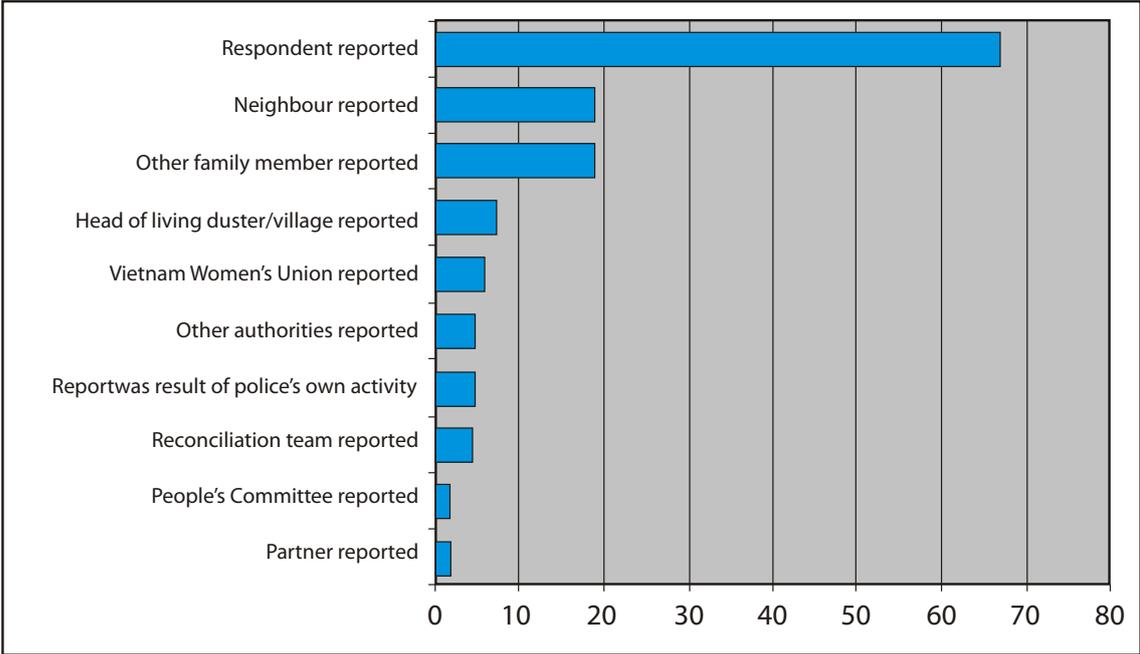
Table 5. Types of domestic violence brought to the attention of the police (the most serious case, %)

| | Types of violence | % |
|----|---|----|
| 1 | Threatened to hurt you physically | 30 |
| 2 | Threw something at you or hit you with something that hurt or frightened you | 46 |
| 3 | Pushed or grabbed you or twisted your arm or pulled your hair in a way that really hurt or scared you | 38 |
| 4 | Slapped, kicked, bit, or hit you with a fist | 81 |
| 5 | Strangled, tried to suffocate you, burned or scalded you on purpose | 23 |
| 6 | Used or threatened to use a knife or gun on you | 30 |
| 7 | Used physical violence against you in some other way | 27 |
| 8 | Forced or attempted to force to have sexual intercourse | 3 |
| 9 | Touched you sexually against your will | 2 |
| 10 | Exploits you economically | 8 |
| 11 | Harms or threatens to harm or kill your children or some one close to you | 13 |

During the qualitative research, victims mentioned that they are less comfortable to report sexual violence to the police, especially to a man. However, they are willing to talk about their experiences of sexual violence with female members of the Women’s Union or female researchers (such as the interviewers for this study).

The police can be informed about the domestic violence cases through different sources, but figure 12 shows that most often victims reported the cases themselves (67 %). Family members and neighbours also reported quite often (19 % each). Even the perpetrator himself reported in a few cases (2 %). However, the frequency of reporting by other organizations such as the Women Union, People’s Committee or local reconciliation teams, was low (2 % and 4 % respectively). Reports of domestic violence resulting from the police’s own activity were also few (5 %).

Figure 12. Who informed the police of the domestic violence cases (%)



Some extracts from the qualitative research can illustrate these numbers:

When my husband beat me, our neighbours came to our house and called the police. The police called my husband in, he told them he beat me because of my fault but he promised not to beat me again. (Victim X)

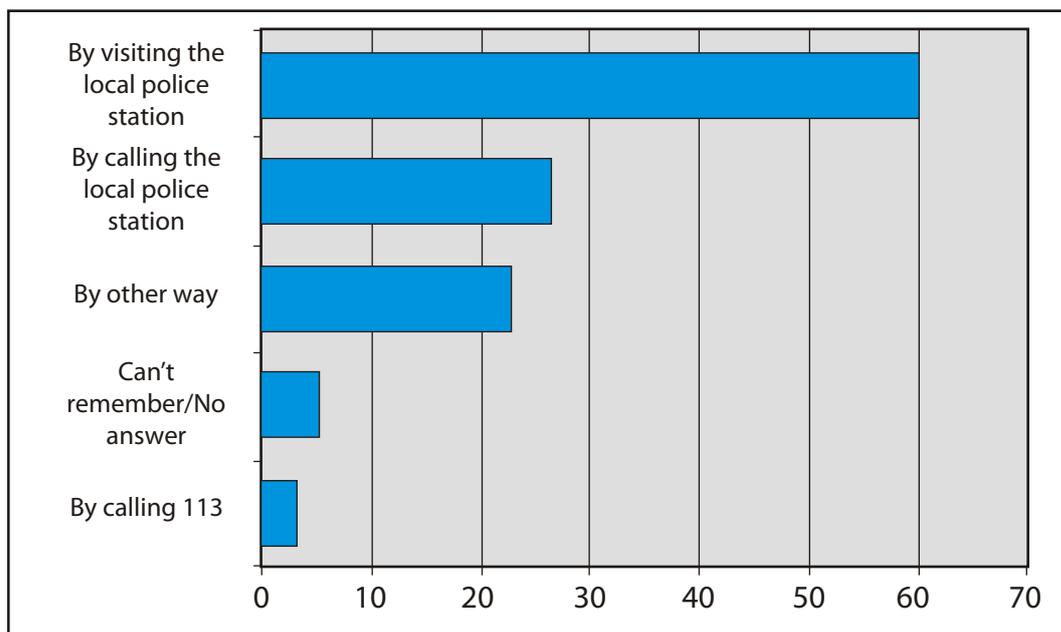
On day a policeman came to our village for his business, I met him and told him that my husband beat me. The policeman was angry with my husband and said that "husbands are not allowed to do so (to beat their wives)". (Victim H)

Looking at the respondents who reported the incident themselves to the police, some differences can be seen between certain groups of victims, especially in terms of age, ethnicity, marital status and poverty. 73 % of victims aged 21-40 reported themselves, compared to 63 % of those between 51-60 years. Of Kinh victims, 66 % reported themselves, compared to 85 % of victims from other ethnicities. Of married women, 65 % reported themselves, compared to 68 % of divorced women and 80 % of separated women. Of poor households, 61 % reported themselves, compared to 69 % of non-poor households.

The educational level of the victims does not seem to have an impact on whether or not the victims reported their case to the police themselves: 80 % of victims with a university degrees, compared to 76 % of victims who never went to school/ never finished primary school. However, it must be taken into account that only 5 women among the 900 respondents had a university degree and 4 of them reported their case to the police themselves. Victims with primary school degrees or secondary school degrees reported for 68 % and 66 % respectively. On the other hand, the qualitative research shows some differences in the reasons why the women report. Many victims with a tertiary education degree said they reported their problems to the police because they believed that the law and the police could protect them from domestic violence. In contrast, victims with no education reported their problems because they did not feel ashamed about their situation.

When reporting the case themselves, most victims chose to do so at the police station (60 %), while 26 % made a phone call to the police and 3 % called the emergency number 113 (figure 13).

Figure 13. Ways of reporting domestic violence to the police (%)



The share of victims who went to the police station to report domestic violence was somewhat higher in urban areas than in rural areas (table 6). In the North 59 % of victims went to the police station, 56 % in Central and 65 % in the South. From the qualitative research data, it appeared that in rural areas, fewer victims reported via a phone call to the police because they did not have a telephone.

Table 6. Domestic violence cases reported to the police by visiting the police station and via phone (%)

| Domestic Violence Reported to the Police | | |
|--|----------------------|------------------|
| | Visit to the station | Contact by phone |
| Total | 60 | 26 |
| <i>Area</i> | | |
| Urban | 62 | 36 |
| Rural | 58 | 20 |
| <i>Region</i> | | |
| North | 59 | 26 |
| Central | 56 | 24 |
| South | 65 | 29 |

III.2 The police response to women reporting domestic violence

The women were asked whether they found it easy or troublesome to inform the police about the domestic violence. The majority (65 %) found it was easy to report to the police. However, 16 % of the respondents said it was troublesome. As shown in table 7, the main reason for making it easy or troublesome to report, is the attitude of the police. This shows that the attitude of the police plays a very important role in resolving domestic violence. An open and sympathetic attitude will help victims feeling more confident, while to the contrary, unmindful and indifferent attitude will discourage victims to request police assistance.

Table 7. Reasons why victims found it easy or troublesome to report domestic violence to the police (%)

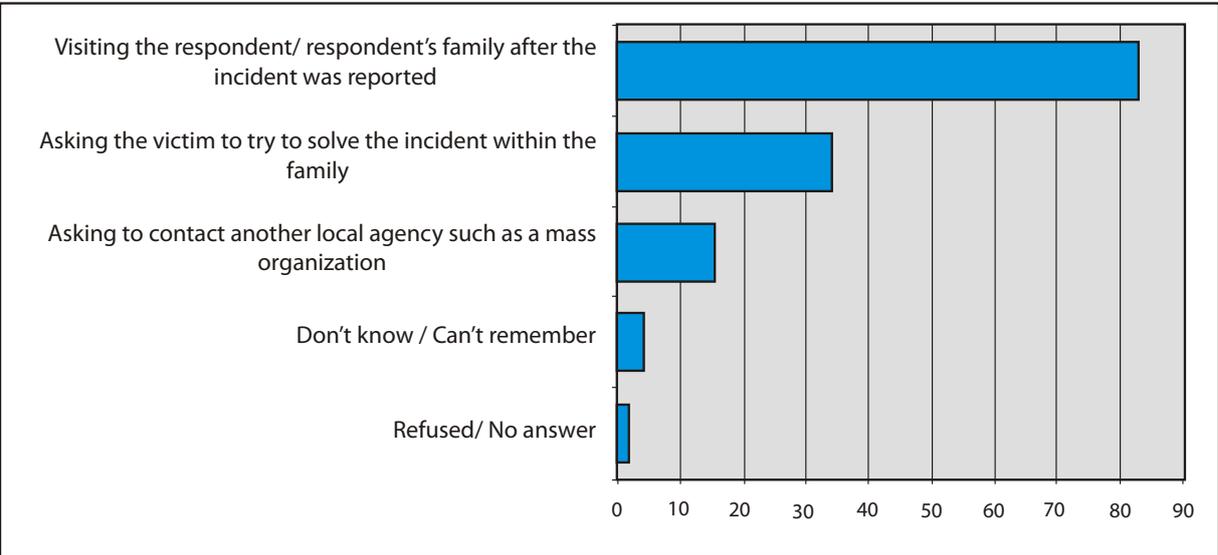
| The reason for finding the reporting easy or troublesome | Easy | Troublesome |
|--|------|-------------|
| Because of the way the police behaved | 54 | 61 |
| Because of the location of the police station | 34 | 6 |
| Because the respondent had enough information | 3 | 0 |
| Because the respondent did not have enough information | 0 | 10 |
| n | 250 | 62 |
| % of reporting | 65 | 16 |

The victim’s age and level of education seems to play a role in finding it easy or troublesome to report to the police. 76 % of the 21-30 year old women found it easy to report, compared to 63 % of those in the age group 51-60 years. All victims with a college or university degree (n=5) and 71 % of the women with a high school education found it easy, whereas a lower number of those women who did not have any degrees (63 %) or only a primary school degree (61 %) found it easy.

There are no differences between the urban and rural areas. However, there are differences between regions: In the Centre 75 % of the victims found it easy to report to the police; this number is lower in North (64 %) and in South 53 %.

The police response to women asking for assistance varies. Respondents were asked how the police responded to their request for assistance. As shown in figure 14, 83 % said that the police came to visit their home. However, 34 % were told to solve their problems within their family and 15 % were told to ask another local agency, such as Women Union or reconciliation team, for support.

Figure 14. Police response to requests for assistance from domestic violence victims (%)



Some extracts from the qualitative research illustrate that the police often comes to the house:

A man living near my family always beats his wife. Recently, I have not seen him beating his wife because the police warned him that if he beats his wife, they will arrest him. When domestic violence is reported, the police come right away. (Victim M)
The police came to our home, took my husband to the station, warned and fined him, then let him go home. If my husband beats me at night, the police will not come. (Victim H)

As shown earlier, the attitude of the police is very important in determining the outcome of the case and the victim's feelings about the police. This is particularly difficult if the police officer is a relative or acquaintance of the perpetrator; during the focus-group discussions, some victims mentioned that in such cases the police are inclined to let domestic violence cases go unresolved instead of dealing with them according to the law.

My husband cut me in the neck with a knife and I had my wound stitched up. My father was a police officer at that time and he pardoned my husband. My father wished that my husband would change, but he did not. (Victim P)
Sometimes my husband drank with the police officers and did business with them, so the police dealt with my domestic violence problems based on their own emotions (Victim K).
I reported to one police officer that my husband beat me. The police officer was a relative of my husband's family, he did not do anything and my husband's family scolded me more (Victim L).

The data show that the police response is different depending on the age and marital status of the victim. After receiving a request for assistance, the police immediately visited 82% of the victims aged 21-30, 73% of the victims aged 31-40, but only 53% of the victims aged 51-60. The police visited most of the married victims (73%) or those living with their partners (80%, n=5), but was less inclined to visit those victims who are divorced (63%) or separated (58 %).

There are also differences between areas and regions. In urban areas, the police immediately visited 74% of the victims, in rural areas 67%. The police visited more victims in the Centre (78%) than in the North (66%) and South (63%).

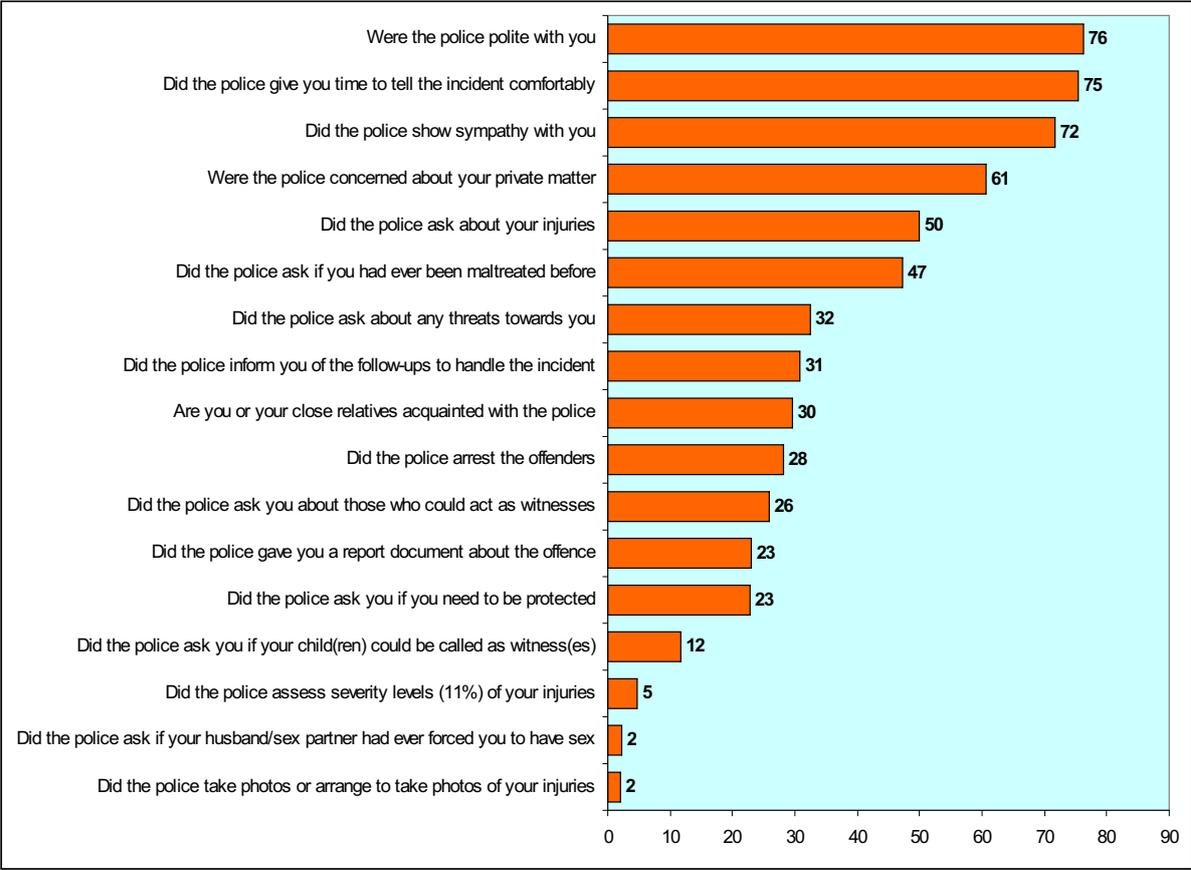
III.3. Victims' satisfaction with the way the police handled the case

In order to analyze how the police handled each domestic violence case, the respondents were asked whether the police had taken any of the 17 actions described in the questionnaire. Figure 15 provides an overview.

Most respondents felt that the police facilitated the process of reporting the incident. For instance, the police were polite to the victim (76%), gave her enough time to tell her story comfortably (75%) and showed sympathy (72%).

Most of the victims felt that the police had correctly understood their story. Of the women who had been given a written document of the crime report (n=109), 78% said that the police report corresponded with the account they had given the police.

Figure 15. Actions taken by the police when handling a domestic violence case (%)



In terms of documenting the violence and injuries, 50% of the women said the police asked about their injuries. However, the police did not often assess the severity levels of the injuries (5%), nor did they take photos of the injuries (2%). The police very rarely asked victims about their experience of sexual violence (2%).

In terms of assessing the safety and security of the victim, the police asked about threats made towards the respondent in 32% of cases and about her need of protection in 23% of cases.

III.4. The impact of police interventions and measures taken

As seen earlier, victims seem generally satisfied with how the police deal with their request for assistance and during the reporting process. However, when it comes to impact and follow-up after the reporting, victims are much less satisfied.

For each victim who has the courage to report her case to the police, it is important that follow-up and security measures are taken against the perpetrator. The qualitative research reveals that police intervention does not have much impact, i.e. violence continues, subsequent violence attacks are more serious, and victims suffer more. However, sometimes reporting to the police may yield positive consequences, as shown in one of the testimonies of the women:

I had come to the police station one time to report that my ex-husband beat me because he was angry about the divorce procedures. After I reported our problem to the police, my husband got better. Several months after that, we divorced (Victim N).

During the in-depth interviews, the police officers explained that, in practice, they can take five different measures

against the perpetrator, depending on the severity of each case: (1) order him to write a self-criticism addressed to the authorities, (2) place him in public criticism in front of the local community, (3) give him an administrative punishment, (4) place him in a re-education facility, or (5) bring the case to court, where the perpetrator can be sentenced to imprisonment.

The survey data show that only few perpetrators were given an administrative punishment (28%). The situation is similar in both urban and rural areas, as well as among families of Kinh or other ethnic background. There is a difference between the regions: in the Centre, 33% of the perpetrators had received an administrative punishment, while only 26% in the South and 24% in the North.

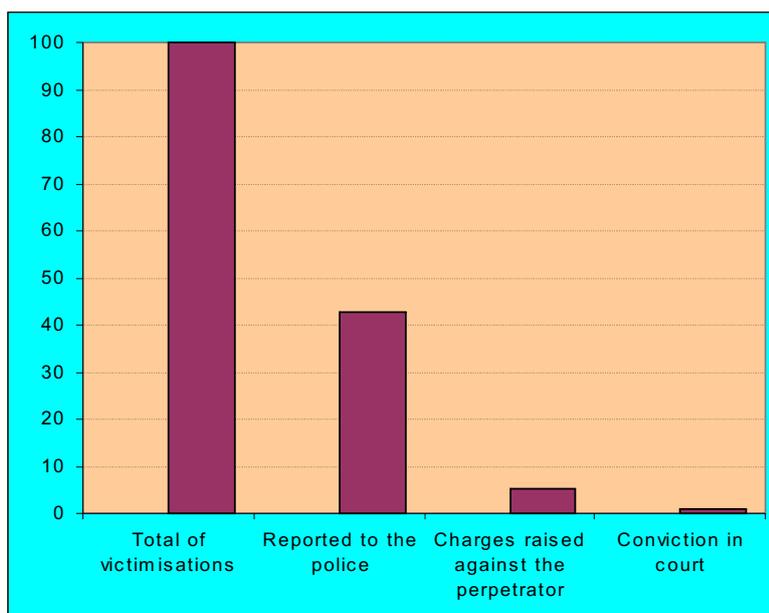
The fact that only few measures are taken against the perpetrators has many consequences. In particular, it is not effective in preventing further violence and it increases perpetrators' acts of revenge against the victims. It also gives a wrong signal to the perpetrator that violence is allowed to continue, which places the victim at increased risk of further violence.

I was beaten and notified the police up to 4-5 times. The police invited him to the police station and drew up a report, but afterwards everything returned to the same situation as before. (Victim H)

There was a time my husband made a lot of noise in our home; he was called to the police station twice and was fined with 200,000 VND. Later on, he was released and continued his behaviour. Notifying the police is easy, and sometimes they even come right away. However, we think that notifying the police does not change anything. (Victim H)

The percentage of perpetrators against whom charges were brought by the police after reporting is very low, just 12%. This means that in 81% of the cases where the victim reported the case to the police, no charges were brought against the perpetrator. Subsequently, out of the 46 cases that were brought to court, only 8 lead to a conviction. From these results, we can see that police and justice are not handling domestic violence cases very severely. According to these data, only one out of 100 victimisations of domestic violence led to a conviction in court (figure 16).

Figure 16. Attrition of domestic violence cases: total victimisations (all victims of any domestic violence act reported in this survey), share of cases recorded by the police, share of cases in which charges were raised against the perpetrator, and share of convictions in court (%)



Attrition refers to the sifting out of cases as they move through the criminal justice system, from reporting to the police, investigating the case and laying a charge against a suspect, prosecuting an offender, arriving at a conviction, and passing a sentence (see Holly Johnson et al 2008, 145). The findings of this study confirm what is known from other countries: only a fraction of all cases of violence against women result in a criminal sanction against the perpetrator. Most of the attrition happens at the very early stages of the process as only a minority of all violence cases is reported to the police. As the data show, in Viet Nam most of the cases reported to the police do not lead to a charge against the perpetrator.

When asked whether the measures taken by the police were strict enough, the majority of respondents said no (54%) (figure 17). However, still 37% of the women think that the measures taken by the police are strict enough. In accordance with the earlier finding that in the Centre more perpetrators received an administrative punishment, the victims also assess that the police in Central Viet Nam more often handles the cases strictly enough, than in North and South (table 8).

Figure 17. Strictness of police measures against domestic violence perpetrators in the opinion of respondents (%)

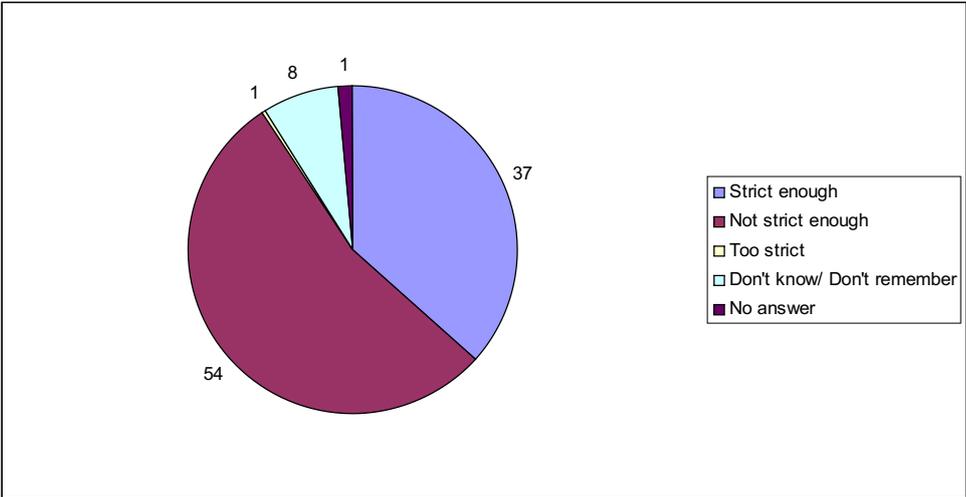


Table 8. Victim’s opinion whether the police measures against the perpetrator were strict enough (%)

| | <i>Strict enough</i> | <i>Not strict enough</i> | <i>Too strict</i> | <i>Don't remember / No data</i> |
|--------|----------------------|--------------------------|-------------------|---------------------------------|
| Total | 37 | 54 | 1 | 9 |
| North | 33 | 57 | 1 | 10 |
| Centre | 47 | 46 | 1 | 7 |
| South | 27 | 63 | 0 | 10 |

The survey data indicate that many respondents were not satisfied with the police’s work results: 40 % were rather dissatisfied and 7 % were very dissatisfied (figure 18). Satisfaction levels differ between regions. In general, many victims in the three regions were not satisfied with the results of the work of the police. However, as noticed above, the police from Central Viet Nam get the best score, with 21 % very satisfied and 35 % satisfied (table 9).

Figure 18. Victims' satisfaction with the police's work results (% of respondents)

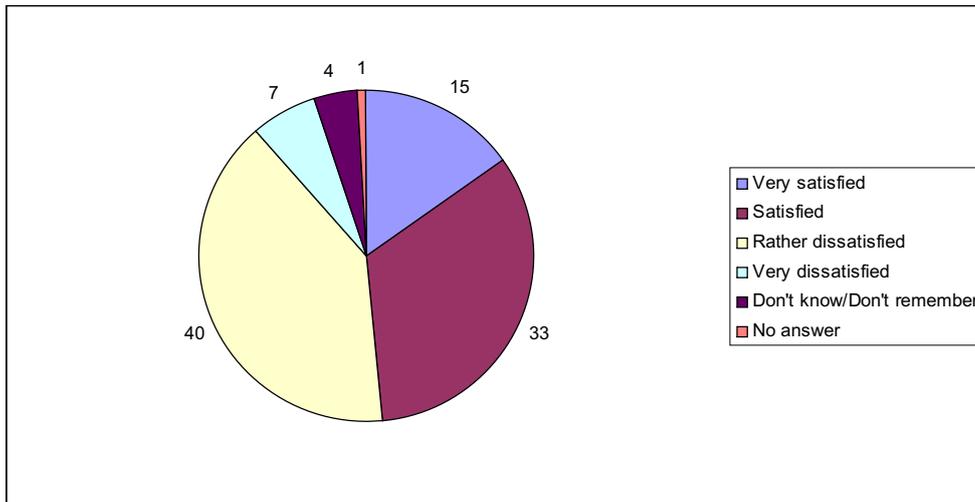
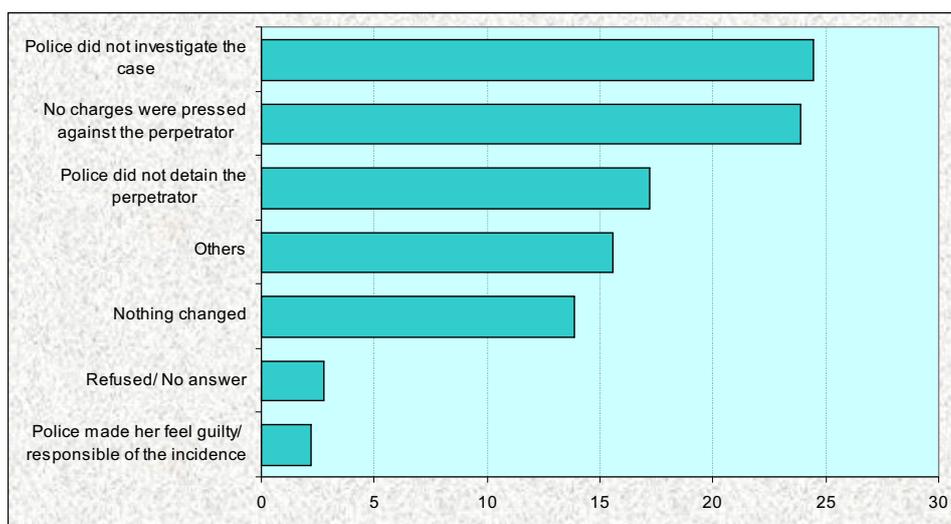


Table 9. Victims' satisfaction with the result of the work of the police in different regions (%)

| | | Very satisfied | Satisfied | <i>Not satisfied</i> | <i>Very dissatisfied</i> | Don't know/ Don't remember | Refuse to reply |
|---------|--------|----------------|-----------|----------------------|--------------------------|-------------------------------|-----------------|
| Total | | 15 | 33 | 40 | 7 | 4 | 1 |
| Regions | North | 11 | 28 | 47 | 8 | 4 | 2 |
| | Centre | 21 | 35 | 39 | 2 | 2 | 1 |
| | South | 11 | 35 | 37 | 11 | 6 | 0 |

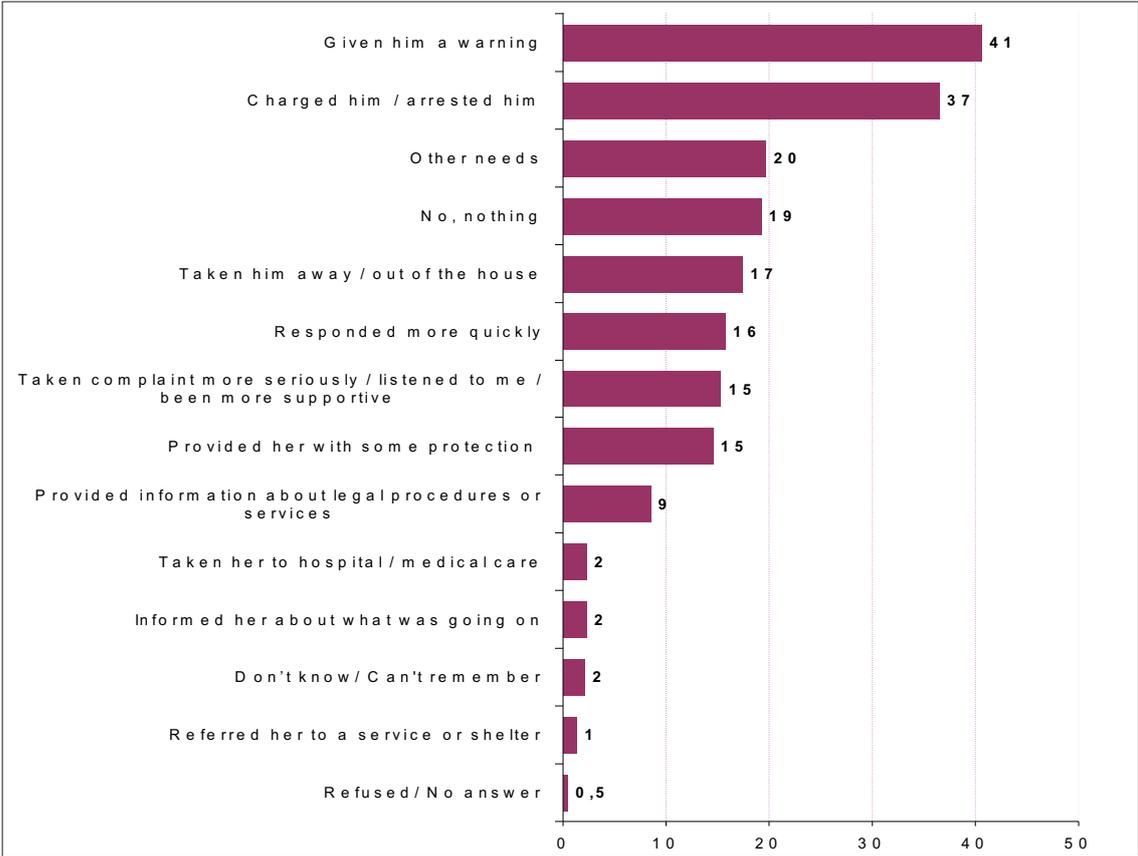
Figure 19 indicates the reasons why the victims were not satisfied with the police's work. Dissatisfaction is mainly related to the police not investigating the case (24%) or not pressing charges against the perpetrator (24%).

Figure 19. Reasons why domestic violence victims were not satisfied with the results of police work (% , n=189)



Respondents were asked what else they would have needed from the police and could name three issues. Their responses concentrated on the need to get information about the proceeding of the case, the need to get information about available services, the actions the police should take against the perpetrator, and the behaviour of the police (figure 20).

Figure 20. Additional services the victims would have needed from the police (%)



The following testimony taken from the qualitative interviews shows a situation where the police did not take the woman seriously, despite the severe and repeated violence she is experiencing:

Usually when he hit me not too hard, I would not notify the police. In most fights, I cannot answer back and just cry. Once, when I notified the police, they told me to go back home and to settle the problem myself, they did not want to intervene for that kind of fight. Another time, they just told me that they would ask my husband to come to the police station to criticize him. Whenever I get home after seeing the police, my husband gets more angry with me, saying that "you notify the police again and I will kill you ". Once, I urged the police to come help us, but the policeman in charge of my area replied to me: "Oh, well, I just sat and drank beer with him in the beer shop over there". He told me to calm my mind and that he would ask my husband to come to the police station to threaten him. (...) Many times they said they needed a written complaint in order to come to my house. (Victim X)

The last question regarding the police in the survey was the following "Taking into account your experiences of the police, if a similar incident would happen to you, would you report it to the police?". To this question, 60% of the respondents said that they would report a similar incident, 35% that they would not, and 5% could not respond. Of those who had been in contact with the police, 79% said that they would report a similar incident, while of those who had not reported the incident to the police, 46% said that they would report a similar case.

The share of women who would not report a similar incident was rather high, and it was somewhat higher in rural areas (37%) compared with urban areas (32%), as well as in the South (42%) and North (42%) compared with the Central region (22%). In terms of age and marital status, the data also show differences. Of the victims aged 21-30 years, 31% would not report a similar incident, compared to 42% of the 51-60 years old. Of the married women, 37% would not report a similar incident, compared to 26% of the separated women and 19% of the divorced women.

Although 60% of the respondents said they would report a similar incident, only 37% of all the interviewed victims of domestic violence regarded the violence as a crime. 54% thought that it was “wrong, but not a crime” and 7% thought that it was “something that just happens”.

58% of all women interviewed in the survey trust the police very much (31%) or rather much (27%), the share of those that does not trust was 13%. 23% neither trusted much, nor little, and 5% did not have any opinion.

III.5. Challenges faced by the police

The findings under this section come from the data collected through the in-depth interviews with the police officers in five provinces. The challenges include problems with evidence gathering, lack of specialized and female police officers, lack of training, lack of measures provided by the law, and overload of responsibilities.

Usually, the police arrive only after the violence has occurred. In many cases, it is difficult to find evidence. Victims are often not sure whether they want to officially report their case or they withdraw their complaints during the investigation process. The same issue arises with witnesses: in many situations, what they say is vague or they withdraw their testimonies because family matters are considered too delicate and private.

Regarding the case where the husband forced his wife to remove her clothes and to stand all night in the yard, we came to verify the next morning, but it was very hard because Mrs. L. did not present anything, we did not have any foundation to build a case.

(Police officer V)

When the investigation officers come to the house and the incident is over, we will meet difficulties. (Police officer D)

When asked about what victims should do in cases where perpetrators are related or befriended with the local police, some police officers advised to directly contact the higher-level police authorities.

In such cases, the victims have to send a written complaint. If the complaint sent to the commune authority is ignored by the husband's family member, the victim can send it directly to a higher authority. The law enforcement officers there will have to look into it, they cannot hide it anywhere. (Police officer P)

There are not many female police officers in the police corps and most of them work in the administration, advisory boards or logistics. Sometimes, superiors specifically assign a female police officer to join a domestic violence scene, for example when it is necessary to examine a woman, or when a woman obstructs the male police officers in the execution of their duty. When asked whether they would need female police officers to deal with domestic violence, the interviewed police officers said yes, especially because female victims usually find it easier to talk about sensitive issues with other women. This would make it easier for female police officers to collect relevant evidence. Interviewed victims shared the same opinion.

Victims are mostly female. (...) When there is no more work, the men hold parties and gamble. Their wives are not happy with that but then those men hit them badly. We really need female specialized police officers. (Police officer A)
Even when I am sleeping, I sometimes get hit. There should be female police officers so that when we are hit during the night, we can call them to come witness the beating and help us. Male police officers will just think that we are beaten because we speak too much, they blame the women. (Victim W)
It doesn't not a matter whether the police officer is male or female. What matters, is whether their way of working is fair and truthful. When wearing the police uniform, all police officers (male or female) need to know how to speak to people who are asking for assistance and they shouldn't drive people away rudely. (Victim T)

According to the interviewed police officers, the number of domestic violence cases does not constitute a large part of their daily work. They mentioned two reasons: first, because victims do not often submit written complaints; second, because local reconciliation teams solve most cases.

Domestic violence cases are very few, about 1-2% of the total cases of social security disorders in a year. Only cases with signs of criminal offences or with unsuccessful reconciliation are referred to investigation body. (Police officer T)
Domestic violence cases do not occur on a daily basis. There can be 2-3 cases a month, or even months with no cases. (Police officer B)

There are no specialized officers trained to deal with domestic violence. Thus, when a case occurs, superiors assign whoever is available at that moment to look into it. Their interventions and investigations do not take place in a systematic way. The police also complained that they lack training in specific skills needed to deal with a difficult issue such as domestic violence.

The danger for the victims of domestic violence is higher than for other forms of social violence. However, the police are not equipped with specific skills to deal with domestic violence cases. (Police officer D)

When asked about their knowledge of their roles and responsibilities, many police officers gave the impression that police are well informed of the procedures and their roles as prescribed by the law. However, they also said that the law does not offer sufficient measures to protect victims of domestic violence, which makes it very difficult for police to protect the victims.

We are working in a unit in charge of domestic violence. In principle, all criminal or civil cases must be investigated. We have to investigate them systematically according to the criminal law. Very few cases are brought to criminal justice agencies. Domestic violence cases are usually brought to the Women Union, Farmer Union, Veteran Association, or close relatives for reconciliation. A case will only be reported to criminal justice agencies if it is very serious. The police will investigate domestic violence cases after all collective organizations have tried reconciliation. (Police officer D)
We concentrate on domestic violence prevention but do not focus much on investigating. (...) The way we deal with domestic violence cases depends on the seriousness. If the victim reports to the police, we will investigate the case right away. If the case continues for a long time, we need a written report from the victim to investigate it. If the perpetrator repeats his violence, we can send him for re-education with strict surveillance for about 6 months. If a victim's injury is 11%, we will arrest the perpetrator under the criminal law. Even if victim's injury is not 11% but we anticipate a serious case, we may bring the case to the criminal system. If it is lower than 11%, we will use administrative and re-education measures. (Police officer T)

However, during the focus-group discussions with victims in one district, women mentioned a few cases of police officers scolding the victims. When the police from the same district were asked about these cases during the in-depth interviews, they admitted that some police officers do not know how to behave correctly and according to the law.

Recently, when I was beaten by my husband, I ran to the Resident Security Team for help. The Team and the Commune Police came but they were all angry at me saying that it was my own family business. When I reported to them, they only said that "Have you finished yet?" and turned to scold me in front of my husband. (...) I did not understand why they behaved like that. (...) They told my husband that if he didn't want to live with me, he should divorce and told me to go to the hospital for medical examination. (Victim T)

In my village, a woman asked the Resident Security Team for help because her husband beat her. The Resident Security Team did protect her from further violence, but then also scolded her. Men are always supportive to each other. (Victim K)

Police officers receive little training related to domestic violence. This is especially problematic for local police officers in communes and wards, who are often the first respondents to domestic violence incidents. Some attended brief information sessions on the dissemination of the new Law on Domestic Violence organized by the judicial office or Women's Union. Overall, their knowledge about domestic violence is very limited. Most have not read the legal documents relating to domestic violence and have only heard of them from mass media. Interestingly, they mentioned that the passing and dissemination of new laws does have an impact on their work, as more people are aware of their rights, which is useful during the police's investigation process.

Besides applying the principles set by the law, police officers deal with domestic violence based on their own personal experience. They acknowledge that dealing with domestic violence cases is very hard and that it does not provide the same immediate results as solving conflicts between neighbours.

Lastly, interviewed police officers also mentioned that the commune police have too many responsibilities.

When speaking about the work of the commune police force, we include 14 policemen, 9 tasks and 5 areas of authority. We have to do all the work, just like the district police force. In addition, we have to maintain social order and deal with drugs and road traffic safety. (Police officer X)

The commune has 11 villages, each village has one policeman. These policemen do not work 100% of their time because this is only a part-time job and they need an other job to earn their living. They receive 210,000 VND/month. Whenever there is a problem, at any time of day or night, the policeman on duty will have to go. (Police officer H)

Section IV. Legal support to domestic violence victims

This section presents the findings related to the legal support received by victims of domestic violence. Information was collected about how and why the case was (or not) brought to the judicial/ legal aid office. Women were also asked whether they were adequately informed by the legal aid providers and whether they were satisfied with the services. Importantly, women were asked to refer only to the most severe case that was reported to the police, or if not reported, to the most severe case that happened in the last 2 years. Additional information was collected through in-depth interviews with judicial officers.

IV.1. Domestic violence cases brought to the attention of legal aid providers

Only 8% of respondents stated that the most serious domestic violence case had been brought to the attention of legal aid providers, while 77% of the cases had not. It should be noted that 15% of respondents did not know or did not remember whether the case had been reported to legal aid providers.

Figure 21. Domestic violence cases brought to the attention of the legal aid providers (% of respondents)

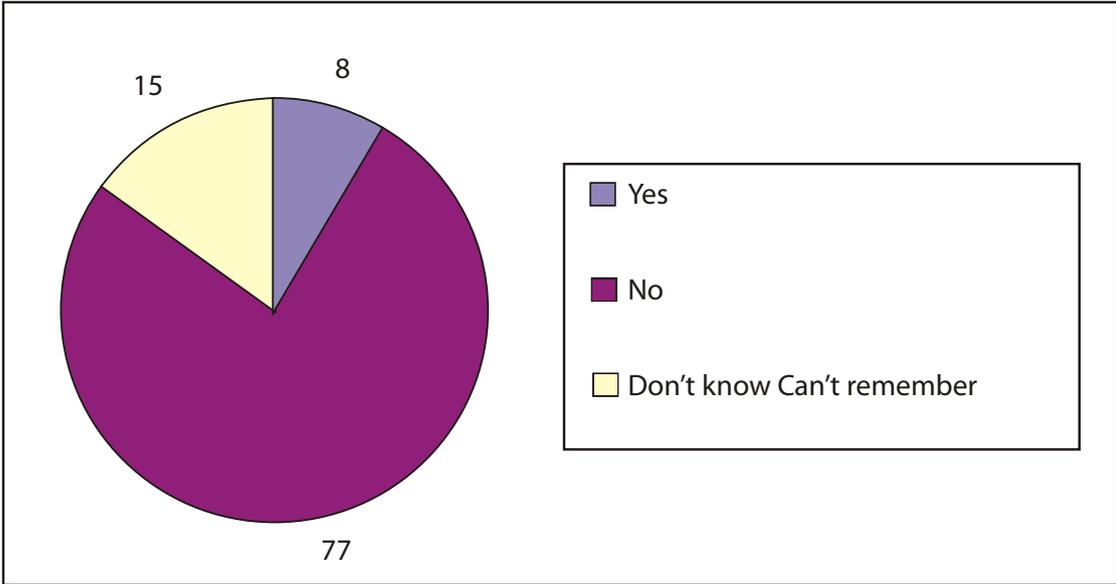


Table 10 gives an overview of the socio-demographic characteristics of the cases brought to the attention of legal aid providers. Compared to women in the South (4%) and North (3%), women in the Central region have reported more often (18%) to legal aid providers. Of the total number of 74 cases mentioned in this study that were brought to the attention of legal aid providers, 72% were in the Centre. Victims in that region therefore seem to report domestic violence cases more often to the legal services, as well as to the police (see above section III). Divorced and separated women reported more often than married women.

Table 10. Share of cases brought to the attention of legal aid providers (%)

| | Yes | No | Don't know/ Can't remember | Total | n |
|--------------------|-----|----|-------------------------------|-------|-----|
| Total | 8 | 77 | 15 | 100 | 900 |
| Urban-Rural | | | | | |
| Urban | 9 | 80 | 11 | 100 | 369 |
| Rural | 8 | 75 | 18 | 100 | 531 |
| Region | | | | | |
| North | 3 | 88 | 8 | 100 | 319 |
| Central | 18 | 75 | 7 | 100 | 297 |
| South | 4 | 66 | 30 | 100 | 284 |
| Age | | | | | |
| < 20 | 22 | 67 | 11 | 100 | 9 |
| 21-30 | 4 | 75 | 21 | 100 | 114 |
| 31-40 | 10 | 78 | 12 | 100 | 348 |
| 41-50 | 8 | 76 | 16 | 100 | 316 |

| | | | | | |
|--|----|-----|-----|-----|-----|
| 51-60 | 8 | 79 | 16 | 100 | 106 |
| > 60 | 0 | 57 | 43 | 100 | 7 |
| Ethnicity | | | | | |
| Kinh | 9 | 77 | 14 | 100 | 828 |
| Others | 1 | 69 | 30 | 100 | 71 |
| Refused/No answer | 0 | 100 | 0 | 100 | 1 |
| Highest education | | | | | |
| Never went to school/ never finished primary school | 9 | 61 | 30 | 100 | 88 |
| Primary school | 7 | 65 | 28 | 100 | 177 |
| Secondary school | 8 | 82 | 10 | 100 | 466 |
| High school | 10 | 81 | 9 | 100 | 140 |
| Primary, intermediate technical/ vocational training | 12 | 88 | 0 | 100 | 17 |
| College/University and higher | 0 | 90 | 10 | 100 | 10 |
| Don't know/Can't remember | 0 | 100 | 0 | 100 | 1 |
| Refused/No answer | 0 | 100 | 0 | 100 | 1 |
| Income | | | | | |
| Yes, all the time | 9 | 75 | 16 | 100 | 682 |
| Yes, part of the time | 6 | 82 | 12 | 100 | 188 |
| No | 7 | 80 | 13 | 100 | 30 |
| Decision on how to spend the income | | | | | |
| Yes, all of it | 8 | 77 | 16 | 100 | 555 |
| Yes, part of it | 10 | 77 | 14 | 100 | 262 |
| No | 10 | 75 | 15 | 100 | 52 |
| Refused/No answer | 0 | 0 | 100 | 100 | 1 |
| Poor household | | | | | |
| Yes | 8 | 67 | 25 | 100 | 187 |
| No | 8 | 79 | 12 | 100 | 710 |
| Don't know/Can't remember | 0 | 100 | 0 | 100 | 2 |
| Refused/No answer | 0 | 100 | 0 | 100 | 1 |
| Marital status | | | | | |
| Married | 6 | 79 | 15 | 100 | 726 |
| Widowed | 0 | 63 | 38 | 100 | 8 |
| Divorced | 25 | 69 | 6 | 100 | 48 |
| Separated | 14 | 67 | 19 | 100 | 110 |
| Living together with partner | 13 | 75 | 13 | 100 | 8 |

In addition, table 10 shows higher percentages of women not knowing whether the case had been brought to the attention of legal aid providers among certain groups: namely among the women from the South, among the women from other ethnic groups and among the women with low levels of education (table 10). This could indicate that the legal support services may not be known to certain groups of victims.

Most respondents said they do not know or have never gone to any legal aid providers. This confirms the general trend that Vietnamese people are not often using legal support services (UNDP 2004, 10-14).

IV. 2. Reasons for not reporting domestic violence to legal aid providers

As shown in table 11, the most common reasons for women not to report their cases to legal aid providers was because they solved the problem themselves as a family matter (29%) or they considered the case minor. Women also did not report because of feelings of shame and self-blaming (13%); related to these, privacy issues were also named in 12% of the responses.

However, the interpretation is affected by the high share of respondents naming “other” reasons (23%), and the high share of those who did not know or could not remember the reason for not reporting (32%). The numbers might contain also respondents who were not aware of the services provided by legal aid providers...

Table 11. Reasons why the victims do not report to legal aid providers (% of respondents)

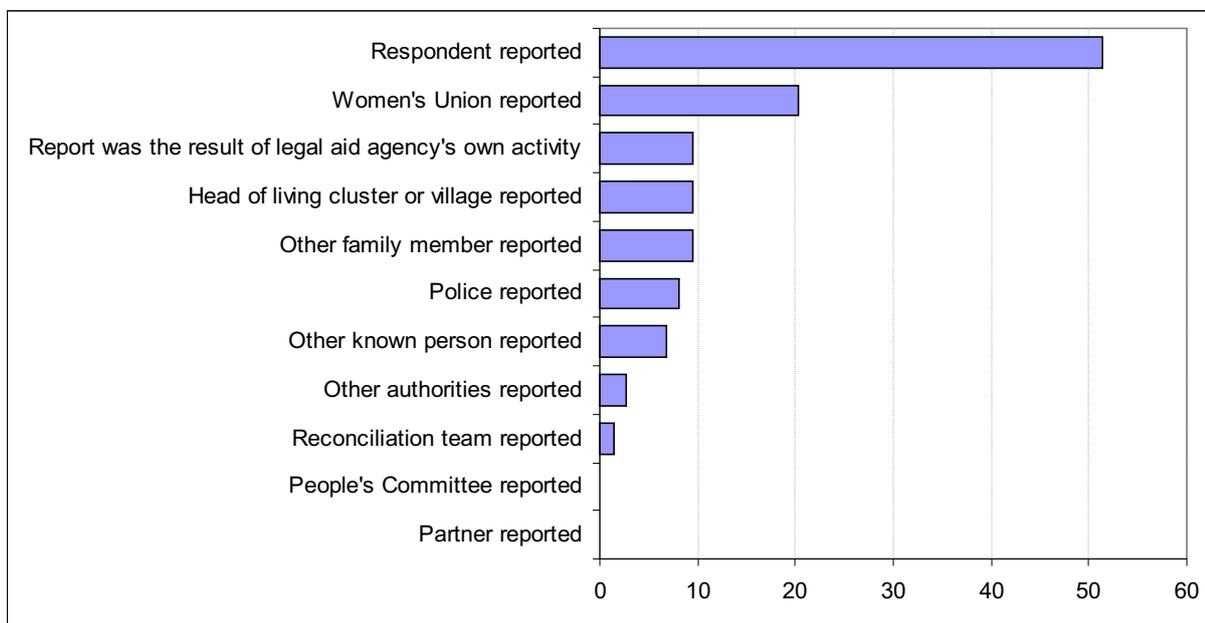
| Reasons | % |
|---|----|
| Dealt with it herself / Family matter | 29 |
| Too minor / Not serious enough | 18 |
| Shame, embarrassment / Thought it was her fault | 13 |
| Didn't want anyone to know / Kept it private | 12 |
| Fear of offender / Fear of reprisal | 11 |
| Reported to someone else | 8 |
| Did not think the legal aid providers would do anything | 3 |
| Did not want offender arrested / in trouble with police | 3 |
| Did not think the legal aid providers could do anything | 2 |
| Would not be believed | 1 |
| Did not qualify for legal support services | 1 |
| Others | 23 |
| Don't know/ Can't remember | 32 |

Some women were also afraid of reprisals from their husband if he would discover that they had requested assistance from legal aid providers, as shown in the following abstract from the qualitative research.

He has beaten me for 8 years now. Before, I just tried to suffer in silence and did not notify the police. Last time, however, he hit my head with a bottle of beer and I had to be taken to the emergency service of the general hospital. There was a centre of legal consultation within the hospital. They helped me and said that when I have any problem, I would be welcome to ask their assistance. Thus, I went back to the centre. However, since my husband knows that I have been to that centre of legal consultation, he is beating me even more, saying: "You smear my honour, you make me lose points. You notify this to those officers and make your husband lose face." (Victim K)

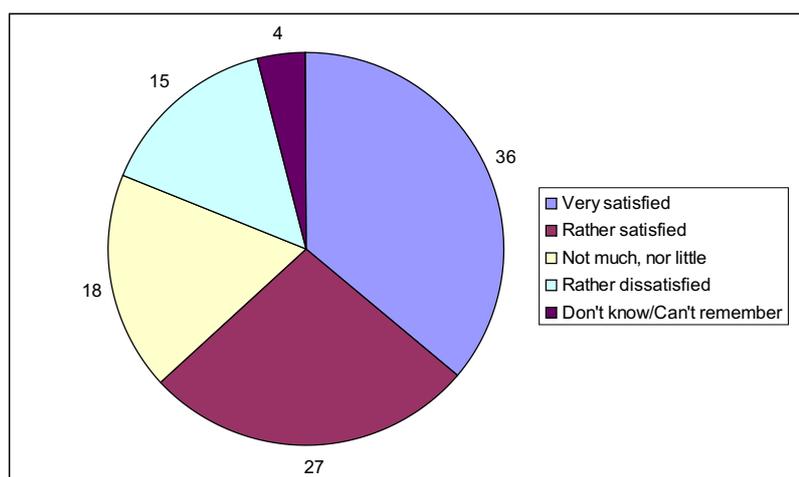
In most cases the respondents reported to legal aid providers by themselves. The Women's Union reported in 20% of the cases.

Figure 22. Who reported the case to legal aid providers (% , n=74)



68% of the respondents stated that the legal aid provider adequately explained the process (e.g. what will happen next, when it will happen). 64% of the women who had used the services of the legal aid providers were very or rather satisfied with the services. None of the respondents was very dissatisfied, but 15% told that they were rather dissatisfied (figure 23).

Figure 23. Satisfaction of the respondents to the legal support services (% , of those who had used the services, n=74)



IV.3. Challenges faced by the judicial officers

The findings under this heading come from the data collected through the in-depth interviews with judicial officers in five provinces. As seen earlier, the core task of the judicial officers at commune and district level consists in disseminating and propagandizing laws, especially newly issued ones, mostly through big meetings with

representatives from the different unions and mass organizations. Only few citizens participate in these meetings. New legal regulations thus rarely reach the people through the judicial officers. In many locations, people consider the reconciliation teams as the ones to consult about laws.

The district has given special attention to the new laws on domestic violence and gender equality. We printed 50,000 leaflets about the Law on Gender Equality and sent them to the 24 communes and towns of the district, as well as to some units in our district. (...) Cases of domestic violence are brought to our attention through different sources: our office in the district health care centre, the Women Union or the police. Legal consultation is provided in our office or via phone free of charge. Usually, the victims come to see the local officers, but if there is any obstructive problem, they go to the district's judicial office. (Judicial officer H)

In the district's judicial office, we have 7 officers, who have to cover 14 major tasks, including dissemination of laws, provision of legal consultation, verification and certification of documents, local reconciliation, and more. Judicial work in the district is heavy and dissemination of laws is only a part of our daily tasks. Regarding domestic violence prevention, we have organized competitions and seminars to disseminate the new law. Victims of domestic violence do not report the incident directly to the district office. If they report, they will go to their ward's office first. (Judicial officer C)

There are 12 types of functions and tasks for judicial officers, I can't remember them all. For example, compose legal documents, assist the People's Committee to check official documents, register civil status of citizens, certify documents, disseminate and educate about laws. Each year, we have about 1 to 3 conflicts to reconcile, but many of them are not domestic violence. (Judicial officer X)

The challenges faced by the judicial officers are very similar to those mentioned by the police officers: the lack of officers specialized in domestic violence, the low number of few female officers, and the lack of training about domestic violence.

Section V. Reconciliation as response to domestic violence

This section summarizes the findings related to reconciliation, which is a method often used in Viet Nam to solve domestic violence cases. Women were asked whether their case had been reconciled, who had conducted the reconciliation, the outcome of the reconciliation and whether the woman was satisfied. The questions and responses all related specifically to the most severe case reported to the police, or if not reported, to the most severe case that happened in the last 2 years. In addition, police and judicial officers were also asked a few questions on reconciliation during the qualitative in-depth interviews.

V.1. Domestic violence cases brought to reconciliation

The majority (61%) of the interviewed women said that their domestic violence case had been taken to reconciliation (figure 24). Table 12 gives an overview of the socio-demographic characteristics of the cases brought to reconciliation and some differences can be seen. In geographical terms, it was more common for reconciliation to take place in Central Viet Nam (79%), compared to 52% in the North and 54% in the South (table 12). Among the oldest age group (women over 60 years old), as well as in the age group 51-60 years, reconciliation happened less often than in the other age groups. Reconciliation was more common among those with no education and those with primary, intermediate technical or vocational training compared to other education groups. There were no major differences between respondents based on ethnicity, urban or rural residence, income, poverty or marital status.

Figure 24. Share of cases taken to reconciliation (% of all respondents)

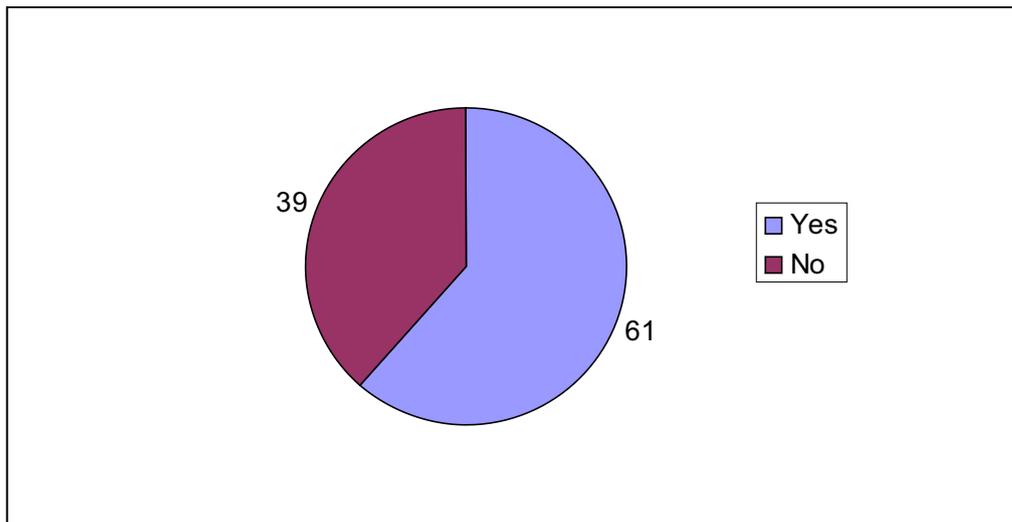


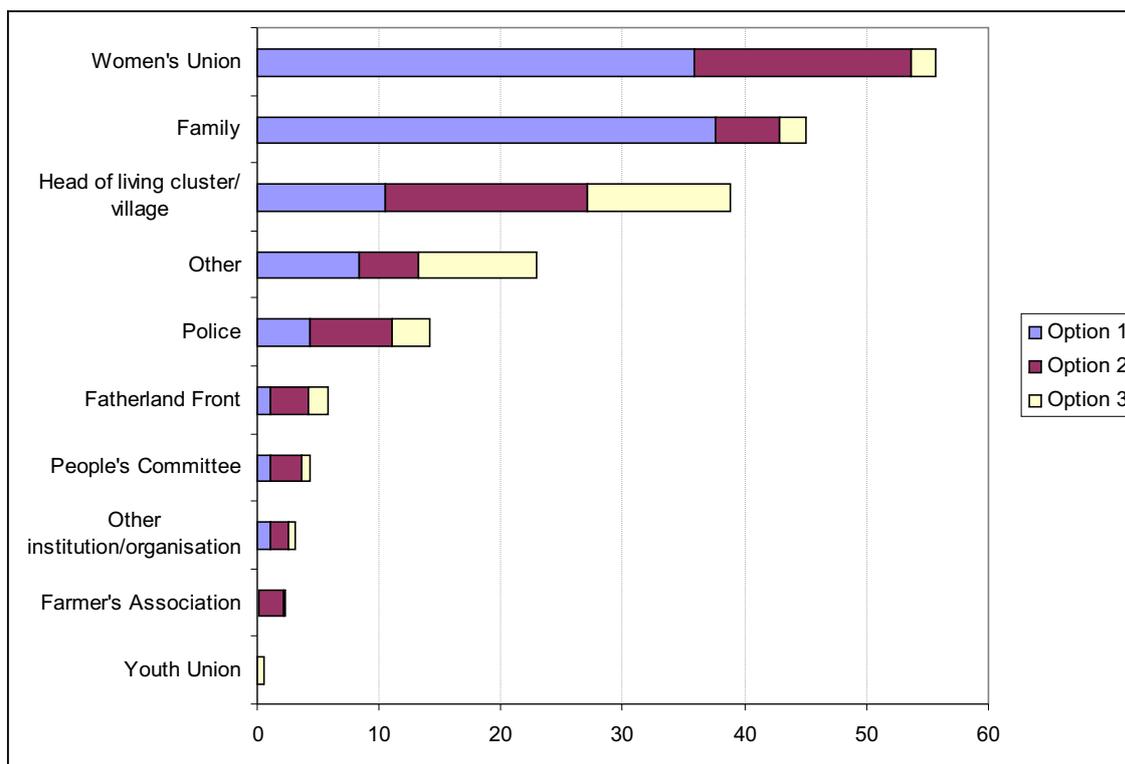
Table 12. Share of cases taken to reconciliation (%)

| | Yes | No | Total | n |
|--------------------|-----------|-----------|------------|------------|
| Total | 61 | 39 | 100 | 900 |
| Urban-Rural | | | | |
| Urban | 64 | 36 | 100 | 369 |
| Rural | 60 | 40 | 100 | 531 |
| Region | | | | |
| Northern | 52 | 48 | 100 | 319 |
| Central | 79 | 21 | 100 | 297 |
| Southern | 54 | 46 | 100 | 284 |
| Age | | | | |
| < 20 | 56 | 44 | 100 | 9 |
| 21-30 | 61 | 39 | 100 | 114 |
| 31-40 | 63 | 37 | 100 | 348 |
| 41-50 | 63 | 37 | 100 | 316 |
| 51-60 | 54 | 46 | 100 | 106 |
| > 60 | 29 | 71 | 100 | 7 |
| Ethnicity | | | | |
| Kinh | 61 | 39 | 100 | 828 |
| Others | 62 | 38 | 100 | 71 |
| Refused/No answer | 0 | 100 | 100 | 1 |

| | | | | |
|--|-----|-----|-----|-----|
| Highest education | | | | |
| Never went to school/ never finished primary school | 73 | 27 | 100 | 88 |
| Primary school | 61 | 39 | 100 | 177 |
| Secondary school | 60 | 40 | 100 | 466 |
| High school | 60 | 40 | 100 | 140 |
| Primary, intermediate technical/ vocational training | 76 | 24 | 100 | 17 |
| College/University and higher | 30 | 70 | 100 | 10 |
| Don't know/Can't remember | 0 | 100 | 100 | 1 |
| Refused/No answer | 0 | 100 | 100 | 1 |
| Income | | | | |
| Yes, all the time | 64 | 36 | 100 | 682 |
| Yes, part of the time | 51 | 49 | 100 | 188 |
| No | 63 | 37 | 100 | 30 |
| Decision on how to spend the income | | | | |
| Yes, all of it | 62 | 38 | 100 | 555 |
| Yes, part of it | 62 | 38 | 100 | 262 |
| No | 52 | 48 | 100 | 52 |
| Refused/No answer | 0 | 100 | 100 | 1 |
| Poor household | | | | |
| Yes | 62 | 38 | 100 | 187 |
| No | 61 | 39 | 100 | 710 |
| Don't know/Can't remember | 100 | 0 | 100 | 2 |
| Refused/No answer | 100 | 0 | 100 | 1 |
| Merital status | | | | |
| Married | 62 | 38 | 100 | 726 |
| Widowed | 50 | 50 | 100 | 8 |
| Divorced | 60 | 40 | 100 | 48 |
| Separated | 60 | 40 | 100 | 110 |
| Living together with partner | 25 | 75 | 100 | 8 |

Figure 25 shows that the highest number of reconciliations was conducted by the Women's Union (56%), followed by the family (45%). Respondents could list up to three different entities that were involved in the reconciliation: the family was most often given as a first response option, whereas the head of the cluster/village and the Women's Union were as common as second response option. The police were involved in 14% of reconciliations and the People's Committee in 4%.

Figure 25. Who conducted the reconciliation (%)



In the qualitative research women mentioned that the police quite often recommended the victims to solve their problems themselves or to try reconciliation. When asked about this, the police confirmed that they usually try to reconcile and prioritize family happiness.

I live near the police station so I often report my problems to them. The police called my husband in and warned him, but my husband did not change. The police also tried to reconcile but they did not know that we had been separated for years already. (Victim P)

I asked the police for help and they took us to their office for questioning. Mr. H, one of the police officers, was very kind to me. He witnessed my husband beating me and tried to stop him. My husband told him it was our private family business. Mr. H then tried to reconcile. (Victim X)

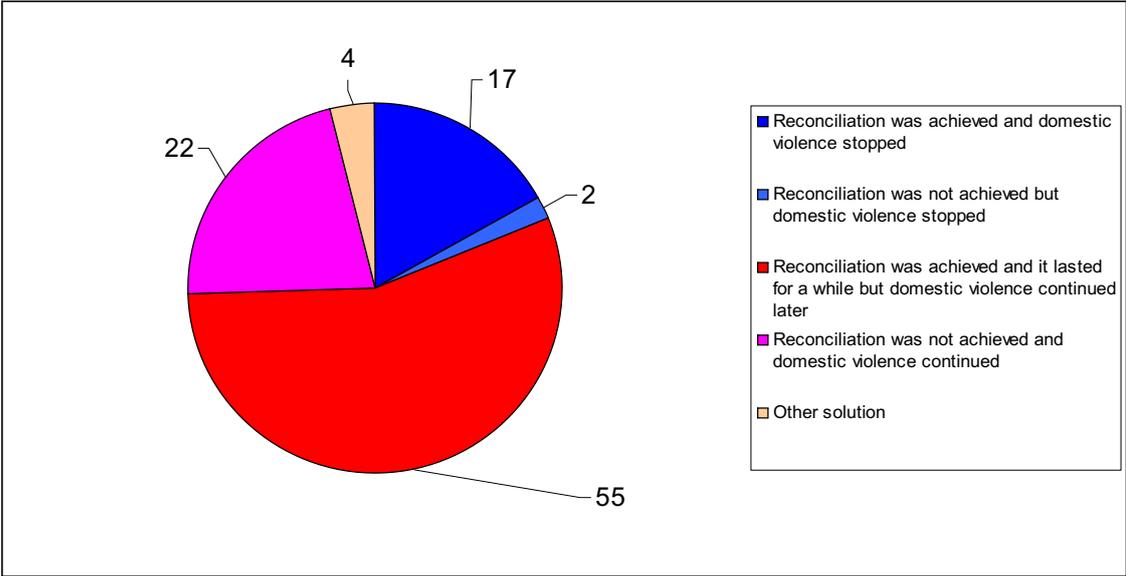
We try to ensure family happiness and every person's happiness. We help families to reconcile and to keep emotional relationship between the spouses. We also teach men about domestic violence, including that it is illegal. (Police officer B)

The police carefully consider domestic violence cases, we have the responsibility to follow the laws' requirements, but we are concerned about how to ensure family happiness after each incident of domestic violence. If the case does not need criminal prosecution, then we try to reconcile. (Police officer D)

V.2. Outcomes of the reconciliation and victims' satisfaction

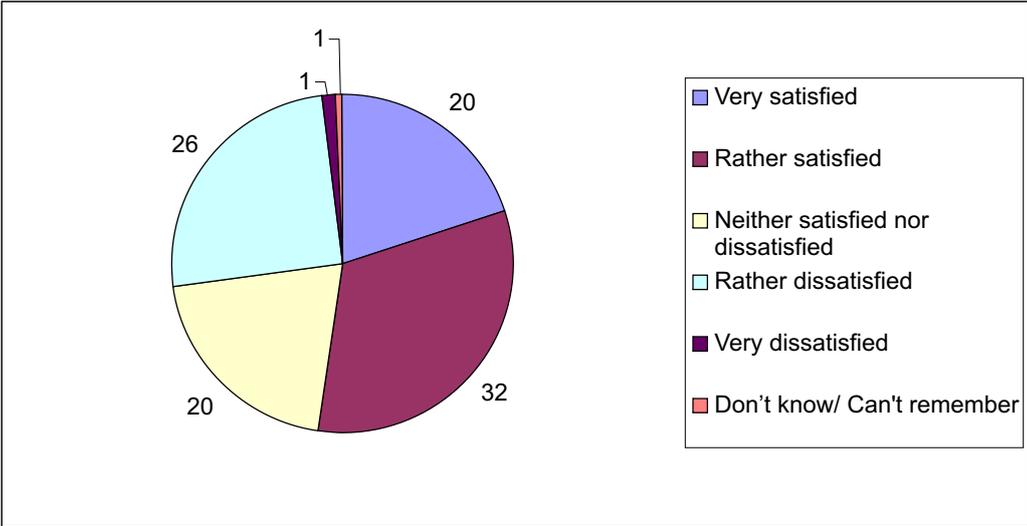
Figure 26 shows that out of all the domestic violence cases taken to reconciliation, 17% were successful in the sense that the violence stopped after the reconciliation. However, for the majority of the respondents, domestic violence did not stop after reconciliation. In 55% of the cases domestic violence continued despite the initial achievement of reconciliation. In 22% of the cases, reconciliation was not achieved at all and the violence continued. Reconciliation is meant to help reduce tension, educate perpetrators and repair the family's peaceful environment. However, the study shows that reconciliation seldom produces the expected outcome as violence continued in 77% of cases taken to reconciliation.

Figure 26. Outcomes of reconciliation (%)



The results of the research show that most of the respondents were satisfied with the reconciliation despite the violence continuing in such a high number of cases. Figure 27 shows that a total of 52% of the respondents were satisfied with the reconciliation (20% very satisfied and 32% satisfied) and 27% were dissatisfied with the reconciliation (26% dissatisfied and 1% very dissatisfied). The share of satisfied respondents is relatively high when compared to the fact that violence continued in 77% of cases after reconciliation. One explanation might be that the victim thought the reconciliation was satisfactory as such, in that people paid attention to her problems, even though violence continued later on. Another explanation might be that the victim was pleased with those conducting the reconciliation, despite the fact that the reconciliation did not solve her problem.

Figure 27. Victim’s satisfaction with the reconciliation (%)

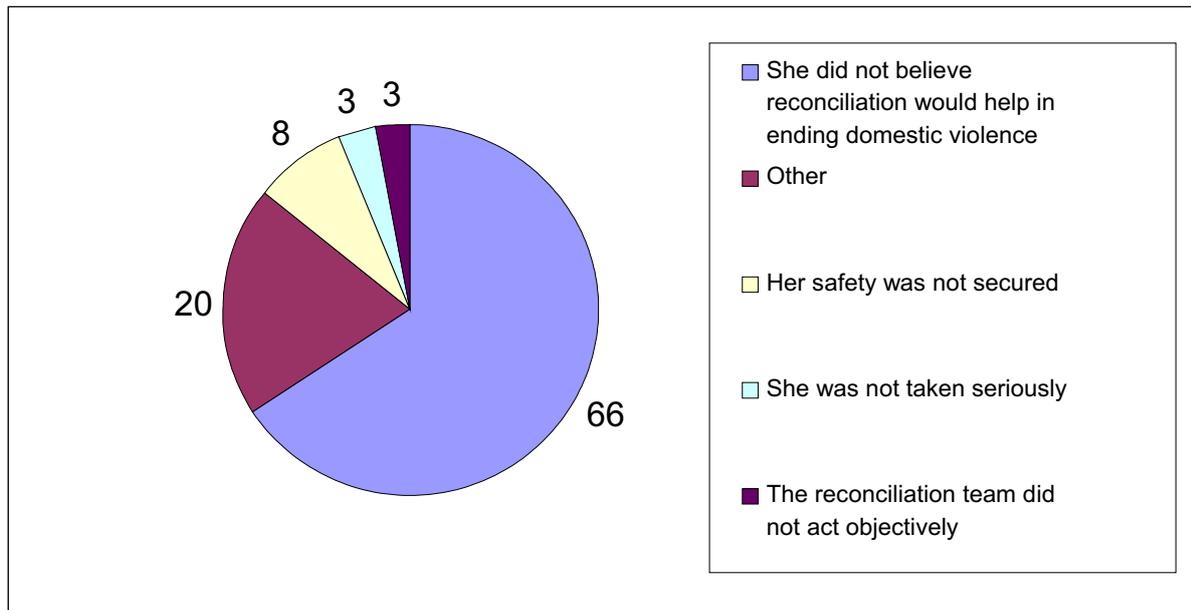


There are no major differences in satisfaction with the reconciliation between residence areas, ethnicity or income groups. However, divorced and separated respondents were more dissatisfied than any other groups of respondents: 62% of divorced women and 47% of separated women were dissatisfied or very dissatisfied with the

reconciliation. Women in the Central region were also more dissatisfied (40%) than women in the North (19%) and South (15%).

Out of those respondents who stated that they were not satisfied with the reconciliation, 66% did not believe that reconciliation would help in ending domestic violence. As shown above, the violence indeed continued after reconciliation in a majority of the cases, indicating that this is not just a belief but also a reality for many women. Other reasons for women not to be satisfied with the reconciliation included not being taken seriously by those conducting the reconciliation (3%), and not feeling that her safety was secured (8%) (figure 28).

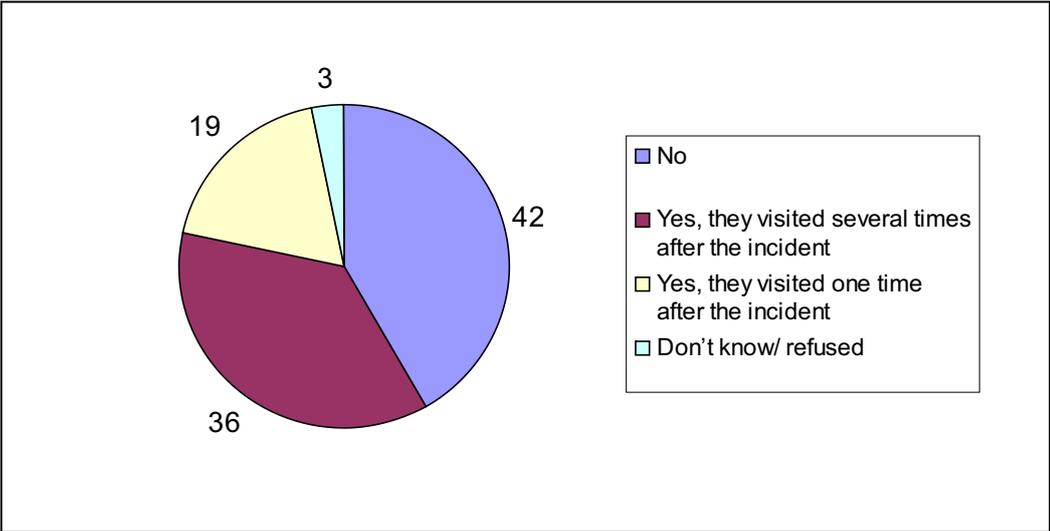
Figure 28. Reasons for dissatisfaction with reconciliation (% of the respondents who were not satisfied with the reconciliation, n=148)



In addition, the qualitative interviews revealed some limitations: reconciliation would be applied only when physical violence happens; women often prefer to hide their problems because of shame and thus they pretend that their families are happy; those who conduct reconciliations have not received adequate training and don't have the necessary skills to deal with domestic violence.

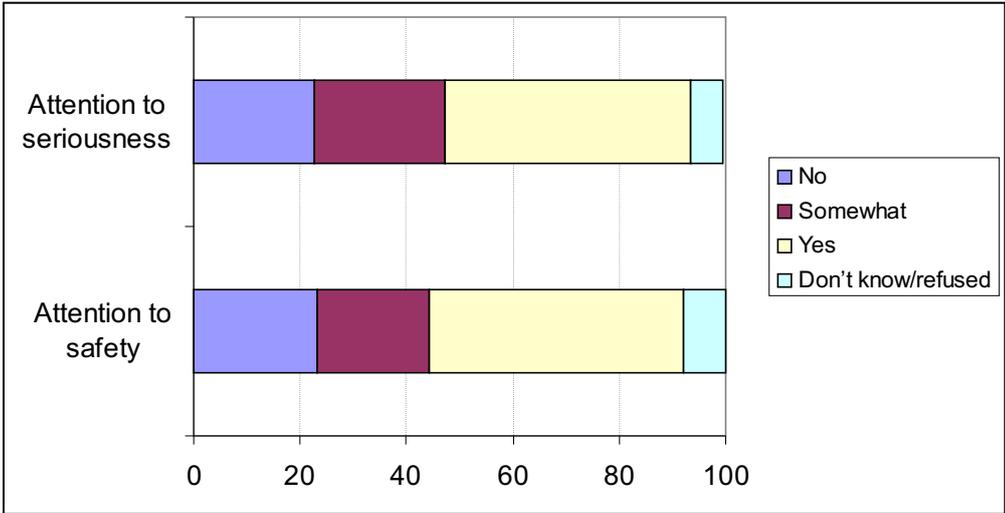
Victims explained that many reconciliation teams or police officers did not keep an eye on the victim's family after the reconciliation; indeed there was no follow-up visit in 42% of the reconciliations. However, the survey results show that in more than half (55%) of the cases the reconciliation team made one or more follow-up visits to the victim's house (figure 29).

Figure 29. Follow-up visit after the reconciliation (%)



The majority of the respondents felt that the reconciliation team had paid attention to both the seriousness of the incident as well as the safety of the victim. However, in 23% of the cases the respondents felt that the teams did not pay attention to the seriousness of the incident or to the safety of the victim (figure 30).

Figure 30. Reconciliation team’s attention to the seriousness of the incident and the victim’s safety (%)



Section VI. Support from other organizations to domestic violence victims

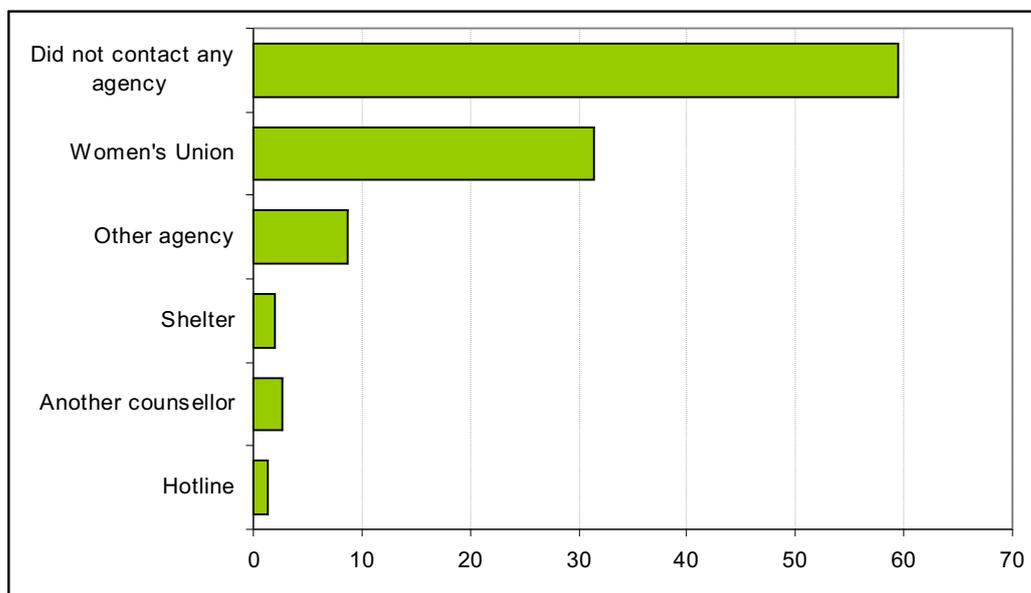
This section summarizes the findings related to support received from other organizations. Women were asked whether they contacted any other agency or authority (other than police, judicial officers and reconciliation teams). Information was collected about the kind of support received, the quality and satisfaction of the women. For this section, no information was collected from these other agencies or authorities.

VI.1. Contacts with specialized agencies

All respondents were asked whether they had contacted some specialized agency or organization apart from the police, the judicial officers or the reconciliation teams. Respondents could list up to three different specialised entities they contacted. Figure 31 shows that 59% of the respondents had not contacted any other specialised

agency. The women mostly contacted the Women's Union⁵ as specialized agency for support (31%). Only very few women contacted a shelter (2%), a counsellor (3%) or a telephone hotline (1%). An explanation for the small number of women using other services might be due to a lack of specialised services for victims of domestic violence.

Figure 31. Contact with specialised agencies (% of all respondents)



Women in the North were less likely to contact a specialised agency (66 % did not contact any agency) than women in the Centre (60 %) and the Southern (51 %). Divorced and separated women, on the other hand, were more likely than married women to contact an agency (42 % and 44 % respectively did not contact an agency).

VI.2. Contacts with the Women's Union

One-third of all the respondents (i.e. 283 out of 900 women) has been in contact with the Women's Union. Since the Women's Union was instrumental in sampling respondents for the survey, it was expected that many of the respondents would have been in touch with the Women's Union prior to the study. As shown in the previous section, very few respondents used any other specialised services. The following analysis of victims' satisfaction with the specialised agencies therefore focuses only on the Women's Union.

The Women's Union is a mass organization, which promotes women's rights and therefore has an important role in domestic violence prevention. Besides informing and educating people, the Women's Union also has specific tasks with regards to the implementation of the Law on Domestic Violence Prevention and Control, such as setting up counselling and support centres for victims, organizing vocational training, credit and saving activities for victims, and cooperating with the authorities to protect and assist victims.⁶

In terms of satisfaction of the Women's Union's services, figure 32 shows that half (52 %) of the respondents found their services very helpful, 33 % found them rather helpful and 10 % found their services not at all helpful. There are no major differences between the different groups of respondents. However, separated women were less satisfied than married women (table 14).

⁵ This percentage is lower than the percentage shown previously in figure 11. Figure 11 showed the results of an other question, dealing with whom the victim had ever talked to about the violence.

⁶ Article 34, Law on Domestic Violence Prevention and Control 2007.

Figure 32. Victims’ assessment of the services provided by the Women’s Union (% of those who had used the service)

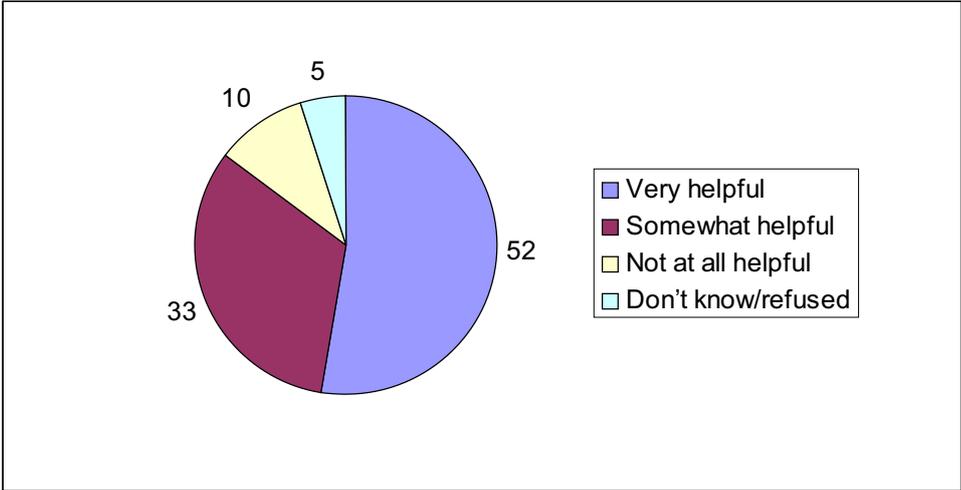


Table 13. Satisfaction with the services of the Women’s Union (% of those who contacted them, n=275)

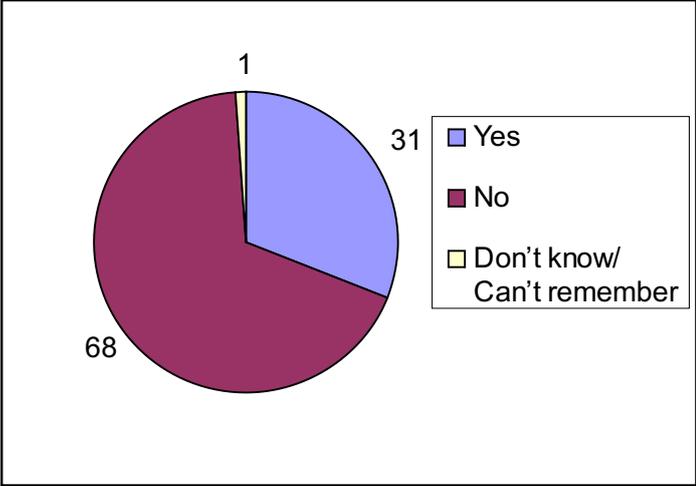
| | Very helpful | Somewhat helpful | Not at all helpful | Don't know/Refused | Total | n |
|--------------------|--------------|------------------|--------------------|--------------------|------------|------------|
| Total | 52 | 33 | 10 | 5 | 100 | 275 |
| Urban-Rural | | | | | | |
| Urban | 55 | 29 | 10 | 5 | 100 | 119 |
| Rural | 50 | 35 | 10 | 5 | 100 | 156 |
| Region | | | | | | |
| Northern | 50 | 37 | 10 | 4 | 100 | 52 |
| Central | 54 | 32 | 12 | 2 | 100 | 103 |
| Southern | 52 | 32 | 8 | 8 | 100 | 120 |
| Age | | | | | | |
| < 20 | 100 | 0 | 0 | 0 | 100 | 2 |
| 21-30 | 48 | 37 | 4 | 11 | 100 | 27 |
| 31-40 | 50 | 33 | 12 | 5 | 100 | 103 |
| 41-50 | 54 | 31 | 10 | 5 | 100 | 105 |
| 51-60 | 51 | 35 | 11 | 3 | 100 | 37 |
| > 60 | 100 | 0 | 0 | 0 | 100 | 1 |
| Ethnicity | | | | | | |
| Kinh | 52 | 34 | 9 | 5 | 100 | 257 |
| Others | 65 | 18 | 12 | 6 | 100 | 17 |

| | | | | | | |
|--|-----|----|-----|----|-----|-----|
| Refused/No answer | 0 | 0 | 100 | 0 | 100 | 1 |
| Highest education | | | | | | |
| Never went to school/ never finished primary school | 52 | 33 | 6 | 9 | 100 | 33 |
| Primary school | 49 | 36 | 10 | 5 | 100 | 61 |
| Secondary school | 51 | 33 | 11 | 5 | 100 | 129 |
| High school | 57 | 31 | 12 | 0 | 100 | 42 |
| Primary, intermediate technical/ vocational training | 83 | 17 | 0 | 0 | 100 | 6 |
| College/University and higher | 50 | 25 | 0 | 25 | 100 | 4 |
| Don't know/Can't remember | | | | | | |
| Refused/No answer | | | | | | |
| Income | | | | | | |
| Yes, all the time | 56 | 32 | 7 | 5 | 100 | 205 |
| Yes, part of the time | 40 | 37 | 20 | 3 | 100 | 60 |
| No | 60 | 20 | 10 | 10 | 100 | 10 |
| Decision on how to spend the income | | | | | | |
| Yes, all of it | 51 | 33 | 8 | 7 | 100 | 165 |
| Yes, part of it | 56 | 31 | 11 | 1 | 100 | 80 |
| No | 42 | 42 | 16 | 0 | 100 | 19 |
| Refused/No answer | 100 | 0 | 0 | 0 | 100 | 1 |
| Poor household | | | | | | |
| Yes | 45 | 45 | 6 | 4 | 100 | 53 |
| No | 54 | 30 | 10 | 5 | 100 | 221 |
| Don't know/Can't remember | 0 | 0 | 100 | 0 | 100 | 1 |
| Refused/No answer | | | | | | |
| Marital status | | | | | | |
| Married | 51 | 35 | 7 | 6 | 100 | 203 |
| Widowed | 0 | 67 | 33 | 0 | 100 | 3 |
| Divorced | 67 | 33 | 0 | 0 | 100 | 18 |
| Separated | 54 | 21 | 21 | 4 | 100 | 48 |
| Living together with partner | 67 | 0 | 33 | 0 | 100 | 3 |

VI.3. Medical care to victims of domestic violence

As mentioned earlier, many women suffer physical injuries due to the violence, for which they might need specialized medical care. Figure 33 show that 31% of women received medical care after they were abused.

Figure 33. Share of victims who received medical care (% of respondents)



There is no difference between women living in urban or rural areas, but there are some differences in geographical terms, between age groups and ethnicity groups. Women have more often received medical care in the Centre (40 %) than women in the North (25 %) and in the South (29 %). The share of women who received medical care decreased with age. 41 % of other ethnic groups received medical care compared to the Kinh majority.

The data of this survey does not provide information about the availability of medical care for victims of domestic violence, nor about the seriousness of their injuries. However, as shown above in section I, victims in the Central region were injured more often than victims in the other regions. Similarly, younger women were injured more often than other women, and women belonging to other ethnic groups were more often injured than the women of Kinh ethnicity. This could provide an explanation for the differences in access to medical care. Perhaps, most women had less severe injuries, which did not require specialized medical intervention.

Most health care workers did not report the incidents to other authorities. From the interviewed women who received medical care, only 7 % said that the medical personnel had reported their case to the authorities (most often to the police, Women's Union or the village head). This is a sign that coordination between different sectors, especially between health facilities and other authorities, is not yet in place. On the other hand, it is important to note that only very few women ever told their doctor or nurse that they were victims of domestic violence (1 %).

CHAPTER IV. CONCLUSIONS AND RECOMMENDATIONS

Section I. Conclusions

In this study, the victims of domestic violence were asked about their experiences of different support services they had received. One reason behind the study was the new legislation on domestic violence, which lays out in detail the responsibilities of the state, central line-ministries, local authorities and supporting organisations, as well as the responsibilities of the family, perpetrator and victim.

The Law on Domestic Violence Prevention and Control came into force in July 2008 and the interviews were conducted during May 2009; therefore, it is evident that knowledge of the new law has not yet deeply influenced the authorities and the citizens. In addition, because this study focused on the victimisation experiences in the past two years, much of the victimisation data describes the situation before the new law came into force. On the other hand, the authorities should be aware of the new legislation, and it was expected they would respond accordingly.

The results described in this working paper are not the result of an ordinary population survey on domestic violence, but of a survey of known victims. Statistically representative samples drawn from the population would have required a very large sample to reach an adequate amount of victims of domestic violence. Therefore, only victims who had contacted the authorities for domestic violence problems were interviewed. This was done in nine provinces across the three regions of Viet Nam. Consequently, the results of this survey cannot be generalised to apply to the whole population. Nevertheless, the regional representative of the sample and the statistical rules followed in choosing the respondents give us evidence that the 900 completed interviews, complemented with focus-group discussions with the victims and thematic in-depth interviews with the local authorities, provide a rather representative picture of the situation of the services given to victims of domestic violence.

I.1. Background variables

The research results show many differences between the three regions. Women in the Centre disclosed more injuries, reported more often to the police, found the reporting more often easy, the police visited their home more often immediately after the incident, and the perpetrators more often received an administrative punishment. The respondents were less often dissatisfied, they would also more often report a similar incident to the police in the future, they had more often used the services of the reconciliation teams, medical care and legal support services, and they were also more often dissatisfied with the reconciliation. These differences can be due to better awareness among the victims living in the Central region, due to better services for victims of domestic violence or due to the selection criteria or availability of respondents for the interviews. It is not possible to assess the need for region-specific needs based on the survey results only, because the services are probably adapted in different ways to local needs.

Other reasons can explain these differences, but further research would need to be done to clarify this issue. The presence or absence of governmental or non-governmental projects and programs related to domestic violence, could explain why the public, including victims, police and legal aid providers, are better aware. There are also some cultural differences between the regions, which could explain why women more often report and why police and legal aid providers respond more efficiently. The province of Da Nang in Central Viet Nam is known to have a very supportive leader, who promotes initiatives to better prevent and respond to domestic violence and positively influences the whole criminal justice system.

In general, minorities are often at risk of being marginalised or at least given less attention than the majority. In this survey, the results indicate that women belonging to ethnic minorities might have more difficulties in receiving sufficient support in situations of domestic violence, compared to the majority group of Kinh Vietnamese.

Age of respondents is a factor showing some differences. Injuries due to domestic violence were more common among young women than among older women, and young women received medical care more often. Young women report less often to the police, but they found reporting more often easy than the average. Police visited the homes after the incident more often and young women were more satisfied with the work of the police. On the other hand, the share of young women who used legal services was smaller than average. In cases of reconciliation,

young women were about the average, whereas older women were taken less often to reconciliation. Young women also contacted the Women's Union less often than average. From these findings, it seems that especially older women might need increased attention and specialised services to handle their domestic violence victimisation.

Marital status also shows differences. Divorced or separated women had more injuries, they reported more often to legal aid providers, but the police visited their homes less often. Use of reconciliation was on the average level, but divorced women were more often dissatisfied with the reconciliation. Divorced or separated women also more often contacted other specialised agencies. In other countries, research has shown that divorced or separated women are a special risk group for domestic violence. One explanation for this might be that violence was the reason for the divorce. Because the work of the reconciliation teams in Viet Nam builds on the family-centred tradition and on values that support the marriage-institution, women who are separating their violent partner may find the process especially difficult if the surrounding society rejects them and do not support divorced or separated women.

I.2. Police assistance to victims

The police are the key authority dealing with victims of domestic violence. In this survey, the victims' experiences about police were contradictory; on the one hand, a majority of victims thought that the police are doing their job well; on the other hand, the victims were disappointed with the results of police work. This is a fact recognised also in many other countries. However, those perceptions may not only be a result of the limited response of the police but also because victims may have too high expectations towards the police. In the latter case, the police should put more emphasis on explaining their role and function to the victims as not to create unrealistic expectations. International research has shown that victims and police may have different views on the same situation. There is a difference between what the victim wants from the police and what the police think they are supposed to do. The police are results-oriented and focus on the evidence and the outcome of the case. Victims want to be believed and taken seriously by the police, they often want the police to provide them with protection and some form of sanctions against the perpetrators (see e.g. Johnson et al 2008, 163-165).

Most victims (65 %) found it easy to report domestic violence to the police; they also considered the police polite (76 %) and sympathetic (72 %). Nevertheless many were not satisfied with the results of the police work (47 %) and thought that the measures taken by the police were not strict enough (54 %). These findings confirm the idea that while victims may be pleased with the behaviour of the police, they are dissatisfied with the results.

It is important to note that the results of the survey are related to the way the questions were asked and to the data collection method. Qualitative and quantitative methods may describe the victims' situation very differently, because the questions in quantitative survey questionnaires are more or less general by nature and may not exactly correspond to the unique situation and circumstances of the interviewees. This means that people may in a quantitative survey say that they are satisfied with the services of the police on a general level, although at the same time they may in a qualitative interview express a completely opposite view on those same services. Furthermore, qualitative interviews might reveal some important information, even if there are only very few cases in the sample. For instance, some victims said in the focus-group discussions that the police had scolded the victim when she reported the violence. If this kind of information about the police behaviour spreads among the victims, this may considerably decrease the reporting rates. Similarly, fear of being scolded by other authorities may prevent the victim from seeking help at all.

The police was active in contacting victims. In 83% of the cases, the police visited to the house of the victim. However, in 34% of the cases the police suggested the victim to solve the problem herself inside the family, or to contact another agency (such as the VWU or reconciliation team).

During the in-depth interviews with selected police officers, they stated that their roles and procedures as prescribed by the law are clear. This is no surprise: in most countries, the police is well aware of its duties and responsibilities. However, the interviewed police officers found domestic violence cases complex and difficult to deal with. This may reflect the fact stated above, i.e. that since the police is preoccupied in finding evidence (proof and verification) of the crime, the often very complex nature of domestic violence cases may be difficult

to deal with. The results also show the classical dilemma between the needs and wishes of the victim and the objectives of the police. The approach of the police – and the criminal justice system at large – is often quite rigid and results-oriented, and does not always consider that the needs of the victim may change during the process. Initially victims often seek protection from the immediate violence. Some victims want justice and sanctions for the perpetrator, while others only want the violence to stop (see Johnson et al. 2008, 163-164).

The police officers interviewed in this study claim that domestic violence only constitutes a minor part of their work, at the same time asserting that they have too many duties. They mentioned that only few women submit a written complaint, which is needed for starting the investigation. The police also complained about the lack of specialized officers and the lack of adequate training on domestic violence. While the police on one hand claim that their roles and obligations are clear in principle, the study also shows that in practice the police is not well acquainted with their obligations concerning domestic violence.

Identifying different forms of domestic violence is difficult for the police – it may be a problem for the victim too. As a result, the police mainly records cases of physical violence. Nevertheless, the police asked about injuries in 50% of cases, but in only 5% of the cases did the police assess the severity of these injuries. Since injuries above 11 % of infirmity⁷ define the threshold of investigating a case of domestic violence as a criminal offence, then all reported cases of domestic violence should be assessed for injuries (by a medical examination committee) to be able build up a case and to make sure the victim receives adequate medical treatment. However, the results show that this is not happening. Vice versa, most health care workers did not report the incidents to other authorities such as the police. There is a great need to improve the transferral system by strengthening the collaboration between the law enforcement and health sector.

In only 2% of cases did the police ask the victim about sexual violence, although 36% of respondents said they had experienced sexual violence. Sexual violence is a sensitive issue. It causes trauma to the victims and it is difficult for victims to talk about it to the police. It is evident that there is a need for detailed training on domestic violence, as also expressed by the police themselves.

According to the police officers interviewed in this survey, in principle all criminal and civil cases must be investigated. In practice, however, very few cases are investigated and subsequently brought to the court. In this study, only one out of 100 cases of domestic violence led to a conviction in court. Police often follow the 11% injury rule: in cases that fulfill the criteria, the perpetrator is arrested for investigation. However, as noted above, police seldom assessed the severity of the injuries and in only a fraction of cases the victim was taken to receive medical care.

In addition, the Penal Code requires the victim's consent in order to proceed with criminal investigation where the infirmity rate is under 31%. Where the infirmity rate is 31% and over, the police and prosecutors should proceed with criminal charges notwithstanding the victim's agreement. Thus, in situations where the infirmity rate is above 11% but below 31%, the victim may need support to determine whether to press charges against the perpetrator or not.

One problem reported in the focus-group discussions with the victims was that police may be a friend or acquaintance of the perpetrator and therefore not willing to start the investigation. The interviewed policemen confirmed this observation and said that if this kind of behavior occurs, the victim may complain to higher authorities, who are obliged to study the case; in these cases, however, a written document of the victim is needed. It is evident that the victims are in many cases not willing or able to write such documents by themselves. Legal assistance (and awareness of) how to bring their case forward is clearly needed for victims of domestic violence.

1.3. Legal assistance to victims

Legal consultation is provided to victims of domestic violence at commune or district level by legal aid providers. This is only one of the many tasks of legal aid providers, who are responsible for an average of 5,000 to 6,000 citizens. As a result, it is difficult for them to provide efficient consultancy for domestic violence victims. The interviewed officers complained about the lack of specialized officers and the lack of adequate training on domestic violence.

⁷ Article104, Penal Code 1999.

Legal aid providers are also responsible for the dissemination of new laws. However, only 24% of the respondents of the survey said they were aware of any specific law on domestic violence.

The services of legal aid providers were used by 8% of the victims. Compared to the police, this is a much smaller figure. The knowledge of these legal support services might have been unclear to many respondents, because 15% of victims did not know (or did not remember) whether their most severe victimization during the last two years had been handled by a legal aid provider. In addition, one-third (32%) of those who did not report to a legal aid provider, did not know or could not remember the reason for not reporting. One conclusion that can be drawn from these data is that the role of legal aid providers giving support to the victims of domestic violence should be made clearer to victims.

A considerable majority of the cases (over 70%) that were brought to the attention of legal aid providers came from the Central region of Viet Nam. The service was used more often by divorced (25%) and separated (14%) women. Most (64%) of the women who requested legal assistance, were satisfied with the services.

I.4. Reconciliation

Reconciliation is a method often used in Viet Nam to solve domestic violence cases. The majority (61%) of the interviewed women said that their domestic violence case had been taken to reconciliation. One reason for the high share of reconciled cases in the data might have been the sampling: i.e. known victims of domestic violence were easily found among those who had participated in reconciliation.

Reconciliation was conducted most often by the Women's Union, the family of the victim or the head of the living cluster or village. Police, Fatherland Front, People's Committee, Farmer's Association and other instances were also involved, but only in a small number of cases. Reconciliation is meant to help reduce tension, educate perpetrators and repair peace within the family. It is not clear from the data what the reconciliation was like in concrete terms in each case, i.e. whether it was a discussion at the police station or a discussion within the family, or a more systematic and longer-term reconciliation process.

According to the study, the police often sent the victim and the perpetrator to reconciliation in situations where the police did not think prosecution was needed. In other countries where reconciliation is a method to solve legal problems, reconciliation is used mostly in minor property crimes and assaults and/or in cases where the perpetrator is an adolescent; it is most often voluntary and independent from the possible criminal proceeding; and it is conducted by professionals or trained volunteers. However, in these countries reconciliation is usually not applied in cases of domestic violence.

This study indicates that in most cases the reconciliation was not successful because violence continued in 77% of those reconciled cases. It seems that the reconciliation teams do not have enough knowledge and skills in order to provide consultancy for domestic violence prevention in the long term. Therefore, training for the reconciliation teams is needed. It is particularly important to ensure that reconciliation teams consider the security needs of the victim, carry out follow-up visits, and check that the criminal justice authorities take action in cases where the perpetrator continues to commit violence.

An interesting feature in the results is that, despite the scarce results of the method, a majority of 52% of the respondents was satisfied with the reconciliation, 20% was not satisfied nor dissatisfied and only 27% was dissatisfied. One reason might be that the women assessed the reconciliation as satisfactory because the reconciliation provided an opportunity to discuss their problem, even though violence continued later on – violence might have stopped for a while before continuing. Victims might also be satisfied with the reconciliation team as persons, even though the long-term outcome of the reconciliation was not positive. Reconciliation is based on values that put the family central; this also appears from the data, as women who are no longer living with their husband were more often dissatisfied (62% of divorced women and 47% of separated women) compared to the other women.

I.5. Other support services

In general, it seems that only a very limited amount of specialized services exist for acute domestic violence cases, such as shelters, hotlines or special counselors. The most common service providers, such as police, claim that its staff is not specialized enough to deal with domestic violence and that domestic violence is only a minor part of their daily workload. It is worrisome that so few victims receive medical care and that so few talk about their problems with professionals in the health services. This study shows that there is a need to increase the awareness of domestic violence not only among criminal justice personnel, but also among health care workers.

Section II. Recommendations

Prevention of domestic violence requires a change in attitudes and actions of the police, legal aid providers and reconciliation teams in dealing with domestic violence, as well as a change in attitudes and behaviour among the population.

A number of issues seriously limit the police and legal aid providers in their ability to respond to domestic violence. Police and legal aid providers have a narrow understanding and knowledge of domestic violence. Many still believe that domestic violence is primarily caused by women's behaviour. Traditional roles and cultural values also affect how they deal with domestic violence.

Police and legal aid providers do not have a thorough understanding of the Law on Domestic Violence Prevention and Control and consequently, continue treating domestic violence as they have always done in the past. They mostly investigate "serious" (i.e. with considerable physical injuries) domestic violence cases and consider less serious domestic violence cases as private family issues, which should be reconciled. The new law provides the opportunity to prohibit perpetrators to contact victims and it provides other safety measures, such as shelters for victims. However, these have yet to be implemented.

At the village and commune levels, reconciliation teams often provide consultancy for victims but they are not professionals and have not been trained properly. Many conciliators try to change the victims' attitude to prevent domestic violence although perpetrators' attitudes need to be changed in order to prevent domestic violence.

Police and legal aid providers consider their interventions in domestic violence cases as a way to sustain family happiness and to ensure social security. Although many reconciliations are successful in the sense that families seem to lead a happy life after the reconciliation, violence often continues. Victims continue suffering in silence and avoid calling the police to protect their families' honour. It is also possible that reconciliation efforts lead to increased domestic violence if perpetrators take revenge.

Public awareness about domestic violence is low. The public is not sufficiently aware of the Law on Domestic Violence Prevention and Control and the availability of services or the responsibilities of different authorities in responding to domestic violence. There is a need to raise awareness among the public as well as among those authorities providing support to victims of domestic violence. In some cases, victims had a good knowledge of the law, but this did not help their case as upon reporting to the commune police, if the police did not want to deal with the problem and advised the victims to solve the problem themselves.

Gradually, through training, education and wide dissemination of the new law, domestic violence will become more visible to the society, both to the authorities and the families.

To respond to these issues and challenges, the researchers would like to make the following recommendations:

II.1. Specific recommendations for the police services

Capacity building

- Police officers at village, commune and district level need adequate training in particular about the concept, forms (psychological, sexual, physical, and economic) and consequences of domestic violence. They need to learn skills how to deal with victims and perpetrators of domestic violence (e.g. determine

the history of violence), how to secure evidence, record cases and how to apply the legal framework in practise. All police officers need to be able to take measures against the perpetrators, such as temporary detention, police custody, no-contact orders as outlined in legislation. All measures should take into account the safety needs of the victim

- There is a need for specialized officers to intervene in domestic violence cases. These specialized officers should preferably be female to ensure the understanding of female victims (the large majority of victims), which in turn will be beneficial to reach more results in the investigation. These officers should have enough authority and legal basis to carry out their tasks.
- Police officers should be trained on how to sensitively deal with female victims as well as children witnesses of violence (e.g. interrogation skills) to avoid re-victimization.
- The Laws of Gender equality and Domestic Violence Prevention and Control should be disseminated more widely among police officers. More information materials should be provided, including training materials. Most importantly, police must be able to implement the law in practice, for example to assess the injuries of the victim.

Case referrals and collaboration

- There is a need for increased coordination and collaboration between the police, Women's Union, and other support organisations in order to ensure that all cases are assessed and addressed appropriately.
- In order to make sure that all victims receive sufficient medical care as well as to be able to continue a criminal investigation if appropriate, there needs to be a much stronger collaboration between the law enforcement and other first responders with the health sector, including the implementation of an efficient transferral mechanism.

Guidance and support from national level

- The police need more resources for effective domestic violence prevention and control. These include logistical issues, for example, a separate room in which victims can be interviewed in private.
- High-level police authorities need to commit to the Law on Domestic Violence Prevention and Control, and take concrete measures to implement it at all levels of the police administration. This should include the development of specific guidelines for police officers on how to deal with the specific features of domestic violence cases such as withdrawals of complaints and evidence collection issues.

II.2. Specific recommendations for legal aid providers

Wider availability and access to legal assistance for domestic violence victims

- The services of legal aid providers should be made known to the public and especially to victims of domestic violence.
- One of the tasks of legal aid providers is the dissemination of laws. They should give higher priority to the broad dissemination and education on the gender equality and domestic violence laws, including women's rights. Awareness raising should focus on changing the public's perceptions of domestic violence and empowering women to feel confident enough to report to the police. Mass media, including television and radio, should be involved in raising the public awareness and include messages directed at men. Messages could also be directed to schools to educate the younger generations. Materials given to the public should be brief and include illustrative pictures, which makes it easier to understand.
- Specifically regarding the National Legal Aid Agency: The legal aid law should be revised in order to include domestic violence victims in the list of beneficiaries. As it is now, only victims coming from poor household can qualify for free legal assistance. As many female victims are dependent on their perpetrators income (their husband), many do not have the means to seek legal advice from private lawyers.⁸

Capacity building

- a. Legal aid providers need adequate training, in particular about the concepts, forms and consequences of domestic violence. In some cases, it could be beneficial to have specialized officers to deal with domestic violence cases. These specialized officers should be female to ensure the understanding of the victim.

⁸ This recommendation cannot be directly linked to the results of the research but from informal discussions between UNODC and the National Legal Aid Agency (NLAA) in Viet Nam.

Case referrals and interagency collaboration

- b. There should be a close collaboration and coordination with the police, mass organizations and health sector to solve domestic violence together. For example, for building up a court case, a legal aid collaborator must have access to information provided by the Woman's Union, people's committees and the police (e.g., reports of previous incidents, evidence, witness statements etc.)

II.3. Specific recommendations to agencies conducting reconciliation of domestic violence and for other organizations

Reconciliation teams

Reconciliation teams need to be properly trained (only trained people should be part of such teams), especially on the concept, forms (psychological, sexual, physical, and economic) and consequences of domestic violence as well as on the various reconciliation techniques and safeguards to protect both the victims but also the offender (e.g. in term of dignity and rights). They also need to be able to assess whether the cases are appropriate for reconciliation (and refer the other cases to relevant agencies), to consider the risks involved and the safety of the victim and to follow-up cases and visit the homes on regular basis. It needs to be clearly communicated that successful reconciliation only takes place when the violence stops. These teams at grassroots level need supervising and financial support. These teams would also benefit from a compilation of all relevant laws and other guiding documents, as well as regular (at least yearly) training.

People's Committees

There should be domestic violence specialists in the executive boards.

Health care personnel

There is a need for training and awareness raising of the health care personnel about their role in prevention of domestic violence, as prescribed by the law, including to identify victims of domestic violence and to refer them to the police and other adequate services for victims.

Specialised services

There is a need for additional specialised services, such as safe addresses, shelters and hotlines for victims of domestic violence.

Collaboration and coordination mechanism

There is a need for a tight system of management of domestic violence cases, to ensure that when there is a case, a proper report and investigation is carried out, in coordination with all relevant services so that the domestic violence case can be solved effectively. This should be accompanied with the establishment of a efficient reporting and filing system of domestic violence cases in order to facilitate information sharing (e.g. to determine the history of violence and previous incidents)

II.4. Recommendations for further research

One starting point for this study was the idea that the survey could be repeated after about ten years to assess the possible changes in the criminal justice services to victims of domestic violence. According to the results of this survey, there are many problems in the service system; these could be monitored in detail even within a shorter timeframe. However, this kind of general evaluation survey for comparative purposes would nevertheless be important

In addition, the results of this survey should yet be studied more in-depth, because this working paper is mostly a description of the survey responses without detailed analysis of the different topics studied. More group specific research should be done considering the disaggregated data. For example, some answers indicate that female victims of domestic violence from ethnic minorities seem to have more limited access to services. More data should be available specifically on the problems and needs of women from ethnic minorities in Viet Nam and other disadvantaged groups. Further, it would be interesting to study law enforcement practises and legal support in the Centre in order to determine good practises for the other provinces.

More research is also needed in the field of primary prevention of domestic violence and perpetrators.

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ANNEX 2. Questionnaire for the structured interviews with victims

Questionnaire for Survey on Services for Victims of Domestic Violence in Viet Nam

Interviewer fills in before the interview

1. Date of the interview ____ / ____ 2009

2. Name of the interviewer _____ Code

3. Affiliation

- 1 GSO
- 2 VWU

4. Province

- 1 Hanoi
- 2 Phu Tho
- 3 Thai Nguyen
- 4 Da Nang
- 5 Gia Lai
- 6 Ninh Thuan
- 7 HCMC
- 8 An Giang
- 9 Can Tho

District

Code

Commune

Code

5. Respondent's living area

- 1 City (urban district)
- 2 Town
- 3 Village, rural

6. Response number

Interview begins

Read out the whole text to the respondent

We are conducting a survey at the request of the United Nations about women's experiences of services given by the authorities to victims of domestic violence. It aims to improve the services to victims of domestic violence. The Vietnam's Women's Union has chosen 900 women from nine provinces in different areas of the country for this interview survey.

Now, I would like to ask you some questions about your experiences and opinions. Your name will not be written down in the document. All of your answers will be treated as strictly confidential and none of the survey results will be reported in a way that you could be identified. Your participation is voluntary, but very important if the survey is to be successful. The aim of the research is to influence policy making to improve services provided for victims of domestic violence.

1. Background information

First, I ask some information about you.

Q1 *What year were you born?*

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Q2 *What is your ethnicity?*

- 1. Kinh
- 2. Other
- 98. Don't know/Can't remember
- 99. Refused/No answer

Q3 *What is your highest level of education?*

- | | |
|-------------------------|--|
| 0. Never went to school | 9. Grade 9 |
| 1. Grade 1 | 10. Grade 10 |
| 2. Grade 2 | 11. Grade 11 |
| 3. Grade 3 | 12. Grade 12 |
| 4. Grade 4 | 13. Primary, intermediate Technical/ vocational training |
| 5. Grade 5 | 14. College/University and higher |
| 6. Grade 6 | 15. Don't know/Can't remember |
| 7. Grade 7 | 16. Refused/No answer |
| 8. Grade 8 | |

Q4 *Have you had any source of income all of the time or part of the time in the last 2 years?*

- 1 Yes, all of the time
- 2 Yes, part of the time
- 3 No => Q6
- 98 Don't know/Can't remember => Q6
- 99 Refused/No answer => Q6

Q5 *Do you decide how to spend all or part of your income?*

- 1 Yes, all of it
- 2 Yes, part of it
- 3 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q6 *Is your household at the moment classified as a poor household?*

- 1. Yes
- 2. No
- 98. Don't know/Can't remember
- 99. Refused/No answer

Q7 Are you at the moment:

- 1 Married
- 2 Widowed
- 3 Divorced
- 4 Separated
- 5 Single
- 6 Living together with partner
- 7. Relationship with a man without living together (e.g. dating)?
- 98 Don't know/Can't remember
- 99 Refused/No answer



2. Victimization to domestic violence

2.1. Occurrence of domestic violence

Next, I will ask you some questions about your personal experiences of abusive behaviour in relationships or among family members. Some of the questions may be difficult for you to answer and you are under no obligation to respond. However, your answers are very important. They will help us to better understand the experiences of women in Viet Nam and to prevent violence against women.

Q8 During the last 2 years, has your partner, ex-partner or a member of your husband's family behaved against you in the following way:

READ OUT ALOUD ALL ALTERNATIVES ONE BY ONE AND MARK TO ALL VICTIMISATION TYPES WHETHER IT HAS HAPPENED OR NOT, AND WHO WERE THE POSSIBLE PERPETRATORS

| No. | | Answer | By whom? MARK ALL |
|-----|---|---|---|
| | | 1 Yes 2 No 3 Don't know/Can't remember 4 Refused/No answer | 1=husband 2=ex-husband 3=boyfriend 4=ex-boyfriend 5=mother/father in-law 6=sister/brother in-law 7=other relative |
| 1 | Threatened to hurt you physically | | |
| 2 | Threw something at you or hit you with something that hurt or frightened you | | |
| 3 | Pushed or grabbed you or twisted your arm or pulled your hair in a way that really hurt or scared you | | |
| 4 | Slapped, kicked, bit, or hit you with a fist | | |
| 5 | Strangled, tried to suffocate you, burned or scalded you on purpose | | |
| 6 | Used or threatened to use a knife or gun on you | | |
| 7 | Used physical violence against you in some other way? IF YES: Specify: _____ | | |

| | | | |
|----|--|--|--|
| 8 | Forced or attempted to force to have sexual intercourse? | | |
| 9 | Touched you sexually against your will? | | |
| 10 | Exploits you economically | | |
| 11 | Harms or threatens to harm or kill your children or some one close to you? | | |

Q9 Were you physically injured in any of the incident(s)?

- 1 Yes
- 2 No => Q11
- 98 Don't know/Can't remember => Q11
- 99 Refused/No answer => Q11

Q10 What were your injuries?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Bruises, contusions
- 2 Cuts/scratches/burns etc.
- 3 Fractures
- 4 Head or brain injury
- 5 Broken bones, broken nose
- 6 Internal injuries
- 7 Miscarriage
- 8 Genital injury
- 9 Other. Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q11 Did you suffer from psychological consequences because of the violence, such as fear, shame or depression?

- 1 Yes
- 2 No => Q13
- 98 Don't know/Can't remember => Q13
- 99 Refused/No answer => Q13

Q12 What kind of psychological consequences did you suffer?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Anger or aggressiveness
- 2 Fear, anxiety or panic attacks
- 3 Shame
- 4 Guilt
- 5 Depression
- 6 Loss of confidence
- 7 Difficulties in sleeping
- 8 Concentration difficulties

- 9 Other. Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

2.2. Medical care

Q13 Did you receive medical care?

- 1 Yes
- 2 No => Q16
- 98 Don't know/Can't remember => Q16
- 99 Refused/No answer => Q16

Q14 Did the medical personnel report any of the incidents to other authorities?

- 1 Yes
- 2 No => Q16
- 98 Don't know/Can't remember => Q16
- 99 Refused/No answer => Q16

Q15 To which authorities did the medical personnel report the violence?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Head of the living cluster (urban)/ village (rural)
- 2 Police
- 3 Women's Union
- 4 Legal aid/ Legal office
- 5 People's Committee (other than police)
- 6 Fatherland Front
- 7 Farmers' Association
- 8 Other authorities. Specify? _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

2.3. Police response

Q16 Did any of the victimisations you just mentioned to me come to the attention of the police?

REFERENCE PERIOD IS LAST 2 YEARS

- 1 Yes
- 2 No => Q35
- 98 Don't know/Can't remember => Q35
- 99 Refused/No answer => Q35

Q17 In that case, what kind of violence was that incident and who was the perpetrator?

If necessary: if many of the victimisations have come to the attention of the police, the questions here refer to the **most severe** incident during the last 2 years

READ OUT ALOUD ALL ALTERNATIVES ONE BY ONE AND MARK ALL VICTIMISATION TYPES THAT TOOK PLACE DURING **THAT INCIDENT**, AND WHO WERE THE POSSIBLE PERPETRATORS

| No. | | Answer | By whom? |
|-----|---|---|--|
| | | 1 Yes 2 No 4 Don't know/Can't remember 5 Refused/No answer | 1=husband 2=ex-husband 3=boyfriend 4=ex-boyfriend 5=mother/father in-law 6=sister/brother in-law 7=other relative |
| 1 | Threatened to hurt you physically | | |
| 2 | Threw something at you or hit you with something that hurt or frightened you | | |
| 3 | Pushed or grabbed you or twisted your arm or pulled your hair in a way that really hurt or scared you | | |
| 4 | Slapped, kicked, bit, or hit you with a fist | | |
| 5 | Strangled, tried to suffocate you, burned or scalded you on purpose | | |
| 6 | Used or threatened to use a knife or gun on you | | |
| 7 | Used physical violence against you in some other way? IF YES: Specify: _____ | | |
| 8 | Forced or attempted to force to have sexual intercourse ? | | |
| 9 | Touched you sexually against your will? | | |
| 10 | Exploits you economically | | |
| 11 | Harms or threatens to harm or kill your children or some one close to you? | | |

READ OUT: THINKING ABOUT YOUR **MOST SERIOUS** DV CASE THAT CAME TO THE ATTENTION OF THE POLICE DURING THE LAST 2 YEARS:

Q18 How did that incident come to the attention of the police?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Respondent reported
- 2 Partner reported
- 3 Other family member reported
- 4 Neighbour reported
- 5 Report was result of police's own activity
- 6 Reconciliation team reported
- 7 Head of living cluster/ village reported
- 8 Legal officer reported
- 9 People's Committee reported
- 10 Vietnam Women's Union reported
- 11 Other authorities reported: Specify: _____

- 98 Don't know/Can't remember
- 99 Refused/No answer

Q19 In what way was the police contacted to report the violence?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 By calling 113
- 2 By calling the local police station
- 3 By visiting the local police station
- 4 By other way. How? _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q20 How did the police respond to the request for assistance?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 By taking action after the incident was reported by visiting the family
- 2 By asking to contact another local agency such as a mass organization
- 3 By asking the victim to try to solve the incident within the family
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q21 Did you visit the police station immediately after the violence?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q22 Did the police visit your home immediately after the violence?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q23 Did you find reporting to the police easy or troublesome?

- 1 Easy
- 2 Troublesome
- 3 Both easy but also troublesome
- 98 Don't know/Can't remember => Q25
- 99 Refused/No answer => Q25

Q24 What was the reason that you felt the reporting troublesome/ easy?

- 1 It was troublesome, because of the way the police behaved.
- 2 It was troublesome, because of how the reporting situation took place (e.g. no privacy)
- 3 It was troublesome, because of the location of the station
- 4 It was troublesome, because she did not have enough information about the procedure/ my rights

- 5 It was easy, because of the way the police behaved.
- 6 It was easy, because of how the reporting situation took place (e.g. privacy ensured)
- 7 It was easy, because of the location of the station
- 8 It was easy, because she had information about the procedure/ my rights
- 9 Other reason, what? _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q25 I am now going to ask some questions related to how the police dealt with your case. Did the police:

| | 1 = yes | 2 = no | 98 = DK/ CR | 99 = R/ NA |
|---|---------|--------|-------------|------------|
| 1. Make sure that you could tell your story comfortably by giving you enough time to tell your story? | | | | |
| 2. Take care of your privacy? | | | | |
| 3. Show sympathy? | | | | |
| 4. Act politely? | | | | |
| 5. Ask you about the history of abuse in the relationship? | | | | |
| 6. Ask you specific information about any threats made against you? | | | | |
| 7. Ask you if your partner has ever forced you to have sex when you did not want to have sex? | | | | |
| 8. Ask about all your injuries? | | | | |
| 9. Assess that your injuries were above 11% severity level? | | | | |
| 10. Take pictures of your injuries or arrange to have pictures taken? | | | | |
| 11. Ask you about possible witnesses? | | | | |
| 12. Ask you about the need for protection? | | | | |
| 13. Ask you about children as witnesses? | | | | |
| 14. Adequately explain to you what will happen next and when it will happen? | | | | |
| 15. Did you or your family member know the police officer? | | | | |
| 16. Did the police take away the perpetrator? | | | | |
| 17. Did the police give you a written document of the crime report? | | | | |

Q26 Did the police report correspond to the story you told to the police?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer



Q27 Was public criticism raised against the perpetrator?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q28 Did perpetrator receive an administrative punishment?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q29 Were the measures that the police took in your opinion strict enough?

- 1 The measures were strict enough
- 2 The measures were not strict enough
- 3 The measures were too strict
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q30 Were charges ever brought against the perpetrator as a result of this incident?

- 1 Yes
- 2 No =>Q32
- 3 The case is still in investigation =>Q32
- 98 Don't know/Can't remember =>Q32
- 99 Refused/No answer =>Q32

Q31 Did these charges lead to a conviction in court?

- 1 Yes
- 2 No
- 3 The court process is still continuing
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q32 How satisfied are you with the result of the work of the police? Were you:

READ OUT THE ALTERNATIVES, IF NEEDED

- 1 Very satisfied => Q34
- 2 Rather satisfied => Q34
- 3 Rather dissatisfied
- 4 Very dissatisfied?
- 98 Don't know/Can't remember => Q34
- 99 Refused/No answer => Q34

Q33 Why were you dissatisfied with the result of the work of the police?

- 1 Police made her feel guilty/ responsible of the incidence
- 2 Police did not investigate the case

- 3 Police did not detain the perpetrator
- 4 No charges were pressed against the perpetrator
- 5 Nothing changed
- 6 Other? Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q34 Is there something else that you would have needed from the police?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Informed her about what was going on
- 2 Provided information about legal procedures or services
- 3 Responded more quickly
- 4 Charged him / arrested him
- 5 Given him a warning
- 6 Taken complaint more seriously / listened to me / been more supportive
- 7 Taken him away / out of the house / should have given restraining order
- 8 Referred her to a service or shelter
- 9 Provided her with some protection / helped her leave the house
- 10 Taken her to hospital / medical care
- 11 Other (specify) _____
- 12 No, nothing
- 98 Don't know/Can't remember
- 99 Refused/No answer

=> GO TO Q36

Q35 Why did you not report this incident to the police?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Dealt with it herself / Family matter
- 2 Too minor / Not serious enough /Never occurred to her
- 3 Did not think the police would do anything
- 4 Did not think the police could do anything
- 5 Fear of offender / Fear of reprisal
- 6 Shame, embarrassment / Thought it was her fault
- 7 Didn't want anyone to know / Kept it private
- 8 Did not want offender arrested / in trouble with police
- 9 Would not be believed
- 11 Reported to someone else. Specify: _____
- 12 Other reason. Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q36 Apart from people already mentioned did you ever talk to anyone about what happened, such as:

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM (READ OUT IF NECESSARY)

- 1 Immediate family member,
- 2 Other relative
- 3 Friend/neighbour

- 4 Reconciliation team member
- 5 Co-worker/boss/co-student
- 6 Women's Union
- 7, People's Committee
- 8 Doctor, nurse
- 9 Psychologist, psychiatrist, or
- 10 Someone else? Specify: _____
- 11 None of the above
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q37 Did you regard the incident that we have been discussing as a crime, wrong but not a crime, or something that just happens?

REFERS TO THE MOST SEVERE CASE

- 1 A crime
- 2 Wrong, but not a crime
- 3 Something that just happens
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q38 In general, how much do you trust to the police? Do you trust to the police:

- 1 Very much
- 2 Rather much
- 3 Not much, nor little
- 4 Rather little
- 5 Very little
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q39 Taking into account your experiences of the police, if a similar incident would happen to you, would you report it to the police?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

2.4. Legal aid response

Q40 Did the case come to the attention of the legal aid office?

THE MOST SEVERE CASE REPORTED TO THE POLICE (OR IF NOT REPORTED, THE MOST SEVERE CASE THAT HAPPENED IN THE LAST 2 YEARS)

- 1 Yes
- 2 No =>Q44
- 98 Don't know/Can't remember =>Q44
- 99 Refused/No answer =>Q44

Q41 How did it come to the attention of the legal aid office?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Respondent reported
- 2 Police reported
- 3 Partner reported
- 4 Other family member reported
- 5 Other known person reported
- 6 Head of living cluster or village
- 7 Report was result of legal aid agency's own activity
- 8 Reconciliation team reported
- 9 People's Committee
- 10 Vietnam Women's Union reported
- 11 Other authorities reported: Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q42 Did the legal aid officer adequately explain to you what will happen next and when it will happen?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q43 How satisfied are you with the service of the legal aid? Were you:

READ OUT THE ALTERNATIVES, IF NEEDED

- 1 Very satisfied => Q61
- 2 Rather satisfied => Q61
- 3 Rather dissatisfied => Q61
- 4 Very dissatisfied? => Q61
- 98 Don't know/Can't remember => Q62
- 99 Refused/No answer => Q62

=> GO TO Q45

Q44 Why did you not report this incident to the legal aid office?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Did not qualify for legal aid
- 2 Did not know it is possible to receive assistance in legal matters
- 2 Dealt with it herself / Family matter
- 2 Too minor / Not serious enough /Never occurred to her
- 3 Did not think the legal aid office would do anything
- 4 Did not think the legal aid office could do anything
- 5 Fear of offender / Fear of reprisal
- 6 Shame, embarrassment / Thought it was her fault
- 7 Didn't want anyone to know / Kept it private
- 8 Did not want offender arrested / in trouble with police
- 9 Would not be believed

- 11 Reported to someone else. Specify: _____
- 12 Other reason. Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

2.5. Reconciliation

Q45 Was the incident reconciled?

THE MOST SEVERE CASE REPORTED TO THE POLICE (OR IF NOT REPORTED, THE MOST SEVERE CASE THAT HAPPENED IN THE LAST 2 YEARS)

- 1 Yes
- 2 No =>Q53
- 98 Don't know/Can't remember =>Q53
- 99 Refused/No answer =>Q53

Q46 Who conducted the reconciliation?

MARK UP TO THREE MOST IMPORTANT AS MENTIONED BY THE VICTIM

- 1 Family
- 2 Women's Union
- 3 Farmer's Association
- 4 Fatherland Front
- 5 Head of living cluster/ village
- 6 People's Committee
- 7 Youth Union
- 8 Other institution/organisation: Specify: _____
- 9 Police
- 10 Other: Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q47 What was the outcome of the reconciliation?

- 1 Reconciliation was achieved and domestic violence stopped
- 2 Reconciliation was achieved and it lasted for a while but domestic violence continued later
- 3 Reconciliation was not achieved but domestic violence stopped
- 4 Reconciliation was not achieved and domestic violence continued
- 5 Other solution. Specify: _____
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q48 How satisfied are you with the reconciliation? Were you:

READ OUT THE ALTERNATIVES

- 1 Very satisfied =>Q50
- 2 Rather satisfied =>Q50
- 3 Rather dissatisfied =>Q49
- 4 Very dissatisfied? =>Q49
- 98 Don't know/Can't remember =>Q50
- 99 Refused/No answer =>Q50

Q49 Why were you dissatisfied with the reconciliation?

- 1 She was not taken seriously
- 2 Her safety was not secured
- 3 She did not believe reconciliation would help in ending domestic violence
- 4 The reconciliation team did not act objectively
- 5 Other? Specify: _____

Q50 Did the reconciliation team do a follow up visit to your home

- 1 Yes, they visited one time after the incident
- 2 Yes, they visited several times after the incident
- 3 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q51 Did you feel that the reconciliation team paid attention to the seriousness of the incident?

- 1 Yes
- 2 Somewhat
- 3 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q52 Did you feel that the reconciliation team paid attention to your safety?

- 1 Yes
- 2 Somewhat
- 3 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q53 In relation to this incident, did you contact a specialised agency, such as:

READ OUT, MARK ALL THAT APPLY

- 1 Shelter
- 2 Hotline
- 3 Another counsellor
- 4 Women's Union
- 5 Some other agency? Specify: _____
- 6 Did not contact any agency
- 98 Don't know/Can't remember
- 99 Refused/No answer

IF Q53=1-5, GO TO Q54. ELSE GO TO Q55.

Q54 How helpful was the service in

ASK SEPARATELY FOR EACH OF THOSE ITEMS MENTIONED AT Q60

Was it very helpful, somewhat helpful or not at all helpful?

| | | Code | Code |
|---|------------------------|------|-----------------------|
| 1 | Shelter house | | 1. Very helpful |
| 2 | Hotline | | 2. Somewhat helpful |
| 3 | Another counselor | | 3. Not at all helpful |
| 4 | Women's Union | | 98. DK/CR |
| 5 | Other agency (specify) | | 99. Ref/NA |

Q55 Are you aware of the existence of any specific legislation related to domestic violence? If so, what?

IF THE RESPONDENT MENTIONS THE LAW ON DV PREVENTION AND CONTROL, MARK YES.

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer



2.6. Other forms of violent behaviour

Q56 Now, I would like to ask about some situations that sometimes happen in relationships and between family members living in the same household. Would you say your partner, ex-partner, father/ mother in-law or brother/ sister in-law

READ OUT ALL ITEMS ONE BY ONE

| | | Answer 1 Yes 2 No 98 DK/CR 99 Ref/No answer | Who? MORE THAN ONE CODE IS APPLICABLE 1=husband 2=ex-husband 3=boyfriend 4=ex-boyfriend 5=mother/father in-law 6=sister/brother in-law 7=other relative |
|---|--|---|---|
| 1 | Gets angry if you speak with other men? | | |
| 2 | Tries to prevent you from doing activities, such as work or studies, outside the home | | |
| 3 | Tries to limit your contact with family and friends? | | |
| 4 | Follows you or keeps track of your whereabouts in a way you find controlling or frightening? | | |
| 5 | Calls you names, insults you or behaves in a way to put you down or to make you feel bad? | | |

| | | | |
|----|---|--|--|
| 6 | Damages or destroys your possessions or property? | | |
| 7 | Has taken control of your possessions that legally belong to you | | |
| 8 | Is constantly suspicious that you have been unfaithful? | | |
| 9 | Insists on knowing who you are with and where you are at all times? | | |
| 10 | Threatens to kill himself? | | |
| 11 | Threatens to hurt you or your children if you leave him? | | |

Q57 Has your partner ever been violent physically towards anyone outside the family, for example in bars or in the workplace?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q58 Has your partner ever been in trouble with the police because of his violent behaviour?

- 1 Yes
- 2 No
- 98 Don't know/Can't remember
- 99 Refused/No answer

Q59 The interview has now come to an end. I would like to thank you for responding these difficult questions. If you still have some opinions or comments concerning the topic of the interview, I would be happy to write them down to the questionnaire.

THANK YOU!

3. For the interviewers, to be filled in after the interview

Q60 How long did the interview last?

Total time spent from the first interview question to Q59: _____ minutes

Q61 Did the respondent have difficulties in certain questions? E.g. she did not understand what was asked or felt some questions too intimate or sensitive?

- 1 Yes
- 2 No=>Q62

Q62 Which question numbers?

Q63 Signature of the interviewer: _____

ANNEX 3. Guidelines for the focus-group discussions with victims

Starting points

- One group could include about 5 victims with similar background but unknown to each other
- Is tape recording possible? If yes: Transcription of the interviews?
- If no tape recording possibility: detailed written document of the interview
- The focus group interview is administered by two members of the research team: it is led by a moderator; the other member of the research group is observer who takes notes of the discussion, and reads out the conclusions of the discussion to the group at the end of the group discussion. The conclusions should also be discussed whether it corresponds to the discussion or whether something is missing.
- Full confidentiality must be ensured: no names are asked, no possibility to identify the interviewee afterwards. Data will be given to researchers only.
- No personal domestic violence experiences should be shared in the group discussion; the moderator may lose the lead of the discussion, if very sensitive atmosphere because of personal experiences emerges. The moderator is not a counsellor and the focus group is not counselling session: all participants must be informed that the focus group is a thematic discussion for research purposes to better understand DV from the view of victims
- No outsiders allowed (no colleagues, chiefs, or others controlling the interview)
- "Natural" everyday environment: tea/coffee, small snacks etc. served
- All participants should have the possibility to express their opinions. (Moderator's task is to ensure equal opportunity and space)
- Length of the session: 45-60 minutes, avoid yes/no answers
- Probing possible, i.e. the moderator can ask additional questions e.g. "is there something else" if there seems to be willingness to continue the discussion of some specific topics

Topics

Start

- What is violence? What kind of forms of violence are there (if not mentioned, probe: physical, sexual, psychological, and economic)?
- Is DV a crime? Are there certain situations in which DV is more/less accepted than violence in general?
- Should all DV cases be handled in the criminal justice system or by other authorities or should they be handled within the family? Could there be other/more effective possibilities to deal with the incident?
- Who is the first point of contact in DV cases? Family, VWU, police, health sector?

Domestic violence and the authorities:

The police

- Is it easy for the victim to report DV to the police? Compared to other crime types e.g. property crimes? What are the complicating factors in reporting? Why should victims report DV to the police?
- Does the police respect the DV victim and does the police regard DV as "real crime" = worth of investigation, OR: are they not interested in DV? What is the police's attitude to DV?
- How about confidentiality? In small towns/villages?
- Sensitivity of the police in DV house calls and investigation? Is it common that the police make DV house-calls? What does the police typically do in a DV house-call?
- Are the police officers trained to understand/investigate DV?
- Do police officers believe woman's stories or do they believe more easily the perpetrator? Can the perpetrator speak or pay himself free of the case?
- Should female police officers be used in DV investigation? Or is it easier to talk to a male police officer? Or is there no difference?
- Can police prevent or decrease DV?
- What should the police do in cases of DV? Are there other ways police can help the victim than to arrest the perpetrator and write a report of the incident? Examples of good practices?

Legal aid providers

Is legal aid known among people in general and victims of DV in particular?

- Are their services accessible enough or are there limitations in services/groups to whom the service is available? Are there any other problems with legal aid services?
- Is it easy for the DV victim to approach legal aid and to get assistance? Compared to other crime types e.g. property crimes? What are the complicating factors?
- Does legal aid respect the DV victim and does legal aid regard DV as “real crime” = worth of taking on as a case, OR: are they not interested in DV?
- What is legal aid’s attitude to DV?
- How about confidentiality of the handling of the case? In small towns/villages?
- Sensitivity of legal aid officers towards DV victims?
- Are the legal aid officers trained to understand/investigate DV?
- Do legal aid officers believe woman’s stories or do they believe more easily the perpetrator? Can the perpetrator speak or pay himself free of the case?
- Is there a difference if the legal aid officer is a male or a female for the victim of DV?
- Can legal aid prevent or decrease DV?

Vietnamese Women’s Union (VWU)

- In what ways VWU helps victims of DV?
- Is it easy to approach local VWU for assistance in DV cases?
- How about confidentiality of the handling of the case? In small towns/villages?
- Sensitivity of VWU officers towards DV victims?
- Is DV seen as a crime by VWU officers?
- Do VWU officers refer victims to police/ health services/ legal aid? Or vice versa?

Reconciliation

- Are reconciliation services offered in DV cases? By whom? Are the reconciliation team members female or male?
- In which kind of DV cases reconciliation is offered? Serious/ less serious
- How do you define serious/ less serious DV?
- Is reconciliation effective, i.e. there is no more DV between the partners? Do the reconciliation teams make house calls/ check ups after the first reconciliation?
- In case reconciliation is not effective, what is the next step? Is the reconciliation repeated? Are other authorities (e.g. police) involved when reconciliation is not effective at the first time?
- Do the reconciliation teams pay attention to the safety of the victim? Is there some follow up?
- Do reconciliation teams respect the DV victim and they regard DV as “real crime”
- Sensitivity of reconciliation teams towards DV victims?

The image of the authorities

- Do you trust/appreciate the police in general?

The law on DV

- Do the discussants know it? <IF NOT, EXPLAIN THE CONTENT OF THE LAW AND THE DUTIES OF DIFFERENT STAKEHOLDERS SHORTLY>.
- Can the law help in decreasing DV?
- If not, how could its effect be improved?
- Do you think the measures included in the law will be successful in dealing with and preventing DV, e.g.: reconciliation of conflicts and disputes in the community (for reference §12-15); advice and criticism in the community (§16-17); prohibition of contact (§20-22); re-education measures for perpetrators (§43)
- Are there sufficient support mechanisms for DV victims in the community?

Ending topics

- Do you feel that DV is increasing in your community? Why?
- Reasons for DV? In certain cases, can DV be justified? Why?
- How could DV be decreased?

ANNEX 4. Guidelines for the in-depth interviews with police and judicial officers

Starting points

- Qualitative interview: discussion on the topics with the focus on the respondent.
- Is tape recording possible? Transcription of the interviews? If no tape recording: written document of the interview (as detailed as possible).
- Full confidentiality must be ensured: no names on the written notes or on tape, no possibility to identify the respondent.
- No outsiders allowed (no colleagues, chiefs, or others controlling the interview).
- Length 30-60 minutes, avoid yes/no answers.
- Probing suggestion: “what about something else” option can be added to all items.

List of topics for the POLICE officers

1. The status and extent of violent crime investigation compared to the total workload:

- In your daily work;
- In the police work of your working unit (do you have a specialised unit, how many persons working with violence, %, etc.);
- In the police work of the police district (a larger organisational area of police);
- At the country level (common recommendations etc.)?

2. The status of domestic violence (DV):

- In your work. Your experience of DV investigation/prevention;
- In the police work of your working unit (how many persons working, number of cases, %,etc.);
- In the police work of the district (a larger organisational area of police);
- At the country level?
- DV as a crime. Different forms (physical, sexual, and psychological); how are they represented in the DV cases? Are statistics available / reliable? Are all DV cases really violence/crimes that should be handled in the CJS?
- Have you during the last 12 months received training on how to handle DV? Which kind of training? During the last 5 years? Are DV issues included in basic police training?
- Future prognosis of the development of DV/reporting activities/police work in your area?

3. Organisation and practise of DV investigation in your unit:

- Share of your working time used for DV (%);
- Special skills/practices/equipment needed;
- Availability of female police officers for house-calls/investigation;
- Special problems in investigating DV?

4. Taking into account the victim:

- Is violence/DV a complainant offence? Does the victim have to be active in her case? In practice?
- Protection of the victim against the perpetrator(s) – what is done in practice?
- Do the police consider the sensitivity of the incident?
- Confidentiality in practice; is it possible?
- Do you inform the victim of the services of other authorities or organisations (e.g. legal aid, social sector, organisations supporting DV victims)? Which authorities or organisations?
- Is it easy for the victim to report DV? Compared to other crime types? What are the complicating factors in reporting (argument: many DV incidents remain hidden)?

5. The victim-perpetrator relations in the case:

- Victim's role in investigating the case
- Is withdrawal of cases possible / common?
- Reconciliation of conflicts in the community / mediation?
- Restraining order / other protective measures? Are these commonly used? In what cases are these used?
- Corruption in the police (e.g. can the perpetrator pay police / court to drop the charges)?

6. Investigation:

- Is the police responsible of the whole investigation; if not/not in all cases, who is?
- Main objectives in the investigation of the DV case?
- How does the work proceed in practice?
- Use of technical evidence and witnesses?

7. Co-operation of the police with other (victim support) authorities:

- Health care; Does the health care personnel report/not report obvious DV cases to the police? How does the co-operation work in practise? Are there written rules of the practices? Are these rules pursued? Problems in the co-operation?
- Legal aid: do police and legal aid have same/conflicting aims? Is the involvement of legal aid useful for the police or not?
- Criminal justice sector. Practices. Experiences. Problems.
- Civil society: Women's Union. Co-operation with other local authorities? Practices. Problems. Other authorities?

8. DV prevention:

- In your work / in the work of your unit / at national level?
- Preventing repeated victimisation / tools for risk assessments?
- Other proactive work?

9. The image of police among public:

- How the public thinks / trusts / appreciates the police in general? Is the police seen as corrupted? How about the court and prosecution officials? Are they corrupted compared to police?
- In taking care of DV incidents at homes?
- Reporting the incidents (writing truthful crime reports)?

10. Law on DV:

- Check whether the respondent knows the content of the law, otherwise introduce it briefly.
- Has the law had any effects on reporting?
- Has the law had any effects on police practices?
- Future effects of the law?

11. Other issues of DV the respondent will discuss / report.

List of topics for the JUDICIAL officers

1. The status and extent of violent crime among legal aid cases compared to the total workload:

- In your daily work;
- In the work of your working unit (do you have a specialised unit, how many persons working with violence, %, etc.);

- In the work of the district (a larger organisational area);
- At the country level (common recommendations etc.)?

2. The status of DV:

- In your work. Your experience of DV handling (number of cases);
- In the work of your working unit (how many persons working, number of cases, %, etc.);
- In the work of the district (a larger organisational area);
- at the country level?
- DV as a crime. Different forms (physical, sexual, psychical); how are they represented in the DV cases? Are statistics available? Are all DV cases really violence/crimes that should be handled in the CJS?
- Have you during the last 12 months received training on how to handle DV? Which kind of training? During the last 5 years? In your basic legal training?
- Future prognosis of the development of DV/reporting activities in your area

3. Organisation and practise of DV investigation in your unit:

- Share of your working time used for DV (%)?
- Special skills/practices/equipment needed?
- Availability of female legal aid officers?
- Special problems in dealing with DV?

4. Taking into account the victim:

- On what basis do you take on a DV case?
- Is violence / DV a complainant offence? Does the victim have to be active in her case? In practice?
- Protection of the victim against the perpetrator(s) – what is done in practice?
- Sensitivity of the incident?
- Confidentiality in practice; is it possible?
- Do you inform the victim of the services of other authorities or organisations (e.g. social sector, organisations supporting DV victims)? Which authorities or organisations?
- Is it easy for the victim to report DV? Compared to other crime types? What are the complicating factors in reporting (argument: the number of hidden crimes is high)?

5. The victim-perpetrator relations in the case:

- Victim's role in investigating the case?
- Is withdrawal of cases possible / common?
- Reconciliation of conflicts in the community / mediation?
- Restraining order/other protective measures? Are these commonly used/in what cases are these used?
- Corruption (e.g. can the perpetrator pay police / legal aid / court to drop the charges)?

6. Legal representation:

- Main objectives in the building up of the DV case?
- How does the work proceed in practice?
- Use of (technical) evidence and witnesses?

7. Co-operation with police and with other (victim support) authorities:

- Health care; Do you cooperate with health care personnel? Problems in the co-operation?
- Police: How does cooperation work in practice? Is the involvement of legal aid appreciated by the police or not?

- Criminal justice sector: Practices? Experiences? Problems?
- Civil society: Women's Union? Co-operation with other local authorities? Practices? Problems? Other authorities?

8. DV prevention:

- In your work / in the work of your unit / on national level?
- Preventing repeated victimisation /risk assessments?
- Other proactive work?

9. The image of legal aid among public:

- How the public thinks/trusts/appreciates legal aid in general/is legal aid seen as corrupted? How about the police/court/and prosecution officials?
- What is your view of the police's handling of DV: in taking care of DV incidents at homes; reporting the incidents (writing truthful crime reports); dealing with victims and perpetrators?

10. Law on DV:

- Check whether the respondent knows the content of the law, otherwise introduce it briefly.
- Has the law had any effects on your reporting?
- Has the law had any effects on police practices? On your work?
- Future effects of the law?

11. Other issues of DV the respondent will discuss / report.



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