

PROTECTING VICTIMS OF DOMESTIC VIOLENCE IN VIETNAM: LEGAL SAFEGUARDS, INSTITUTIONAL COORDINATION AND REFORM DIRECTIONS

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ABSTRACT

Protection against domestic violence demands more than a prohibition of abusive behavior. It requires timely intervention, safe reporting, coordinated services and remedies adapted to risks that may continue after an initial complaint. This article examines Vietnam's Law on Prevention and Control of Domestic Violence 2022 and Decree No. 76/2023/ND-CP through a victim-centred doctrinal framework. It distinguishes prevention, immediate protection, recovery support and accountability, arguing that each stage requires different institutions and evidentiary practices. The analysis considers physical, psychological, sexual and economic abuse, the risks associated with repeated conduct, temporary contact restrictions, shelter arrangements, confidentiality and access to legal and psychological support. It identifies tensions between formal legal measures and the practical difficulties of reporting within dependent family relationships. Reform proposals include consistent risk assessment, better protection of confidential information, structured referral pathways, stronger follow-up after emergency intervention and accessible legal assistance. The article contributes an integrated account of victim protection as a continuous legal and institutional process rather than a single enforcement event.

Keyword: Domestic violence; Victim protection; Protective measures; Risk assessment; Legal aid; Vietnam; Access to justice.

1. INTRODUCTION

Domestic violence is not adequately understood as an isolated private disagreement. It may involve repeated coercion, threats, physical or sexual harm, psychological intimidation and economic restriction. The victim's ability to leave or report can be constrained by dependency, children, social pressure and fear of retaliation. A legal response that treats each report as a self-contained incident risks overlooking the cumulative nature of harm.

Vietnam's Law on Prevention and Control of Domestic Violence 2022 (Law No. 13/2022/QH15), effective from 1 July 2023, expanded and structured the statutory approach to prevention, intervention, protection and support. Decree No. 76/2023/ND-CP, effective from 25 December 2023, supplies implementing rules. These instruments create important opportunities for timely assistance; their effectiveness depends on how public authorities and service providers respond to victims in real situations.

This article examines the legal logic of victim protection, focusing on prevention, emergency response, sustained safety and access to justice. It adopts a doctrinal and normative approach and draws on established international human-rights standards for interpretation. It does not present fabricated case statistics or claim interview-based findings. Its central argument is that the strength of protective law should be measured by continuity of protection, not merely by the number of measures formally available.

2. THE LEGAL CONCEPT OF DOMESTIC VIOLENCE AND PROTECTION

The 2022 Law defines domestic violence in terms of intentional conduct by a family member that causes or is capable of causing physical, mental, sexual or economic harm to another family member. This broad approach is significant because severe coercion does not always leave visible physical injury. Threats, humiliation, control of resources and sustained intimidation

can undermine autonomy and safety even where bodily harm is difficult to document.

A victim-centred perspective treats the person experiencing violence as a rights holder whose safety, dignity and agency deserve legal protection. Such a perspective does not dispense with procedural safeguards for a person accused of wrongdoing. Rather, it distinguishes the evidentiary threshold needed for immediate preventive action from the stronger requirements applicable to criminal punishment or final findings of civil liability. Different decisions serve different functions and should not be collapsed into one standard.

International frameworks provide interpretive guidance. The Convention on the Elimination of All Forms of Discrimination against Women and CEDAW General Recommendation No. 35 emphasize gender-based violence and state responsibilities of prevention and protection. The United Nations Declaration on the Elimination of Violence against Women and the WHO's public-health guidance highlight the importance of coordinated response. Although victims may be of any gender, responses should recognize patterns of vulnerability, including risks experienced by children, older persons and persons with disabilities.

Effective protection is multidimensional. A victim may need a temporary safe place, emergency medical treatment, legal representation, child-related assistance, psychological support and access to financial resources. These needs do not necessarily arise in a predictable order. Legal institutions should accommodate changing risk rather than assume that once a warning has been issued the danger has passed.

2.1. Vietnam's statutory protective measures

The 2022 Law provides a range of measures to prevent domestic violence and support affected persons. Publicly described measures include requiring cessation of violent conduct, requiring the person responsible to attend the commune-level police office in relevant circumstances, prohibiting contact, arranging temporary shelter and essential assistance, medical care, legal aid and psychological counseling. The availability and conditions of each measure must be assessed under the governing provisions rather than treated as automatically interchangeable.

The value of a protective order or contact restriction is fundamentally preventive. It seeks to interrupt exposure to further harm. Its practical effectiveness depends on timely issuance, clear communication to both parties, realistic monitoring and an accessible response if the restriction is violated. A nominal prohibition without a reliable channel for urgent assistance may give an appearance of safety while leaving the victim exposed.

Temporary shelter and essential assistance serve a different purpose. They address the immediate practical barriers to safety, including lack of housing, money and privacy. Shelter arrangements should account for the presence of children and the possibility that the perpetrator may locate the victim through relatives, routine contacts or digital information. Confidentiality is therefore a substantive protection, not simply an administrative preference.

Legal and psychological support are similarly distinct. Legal aid helps victims understand options and pursue remedies; psychological assistance supports recovery and informed decision-making. Neither should be conditioned on the victim agreeing to a particular course of prosecution or family reconciliation. Assistance is more effective when providers communicate available choices without substituting their judgment for that of the victim.

2.2. Reporting, evidence and repeated harm

Domestic violence often occurs without independent witnesses. A victim's account may be the central starting point, especially in cases of threats, coercive control or abuse within the home. This does not mean that every allegation is automatically established; it means that competent authorities must investigate without assuming that the absence of external witnesses disproves the complaint. Contemporaneous messages, medical notes, witness accounts of aftermath, financial records, prior reports and other lawfully obtained material may help reconstruct events.

Repeated violence poses a particular evidentiary challenge. Separate incidents may appear minor if assessed individually but reveal significant danger when considered together. Risk assessment should therefore examine escalation, prior threats, access to weapons, stalking, attempts to control mobility, children's exposure and previous

failures to comply with protective measures. Such factors inform preventive planning; they are not shortcuts around the legal standards needed to establish guilt.

Digital evidence can assist but also threaten safety. Messages, recordings or location records may corroborate a complaint, yet gathering them may expose a victim to surveillance or retaliation. Authorities and counselors should avoid urging unsafe evidence collection. Where a device is monitored by the perpetrator, ordinary communication about seeking help may create additional risk. Confidential reporting arrangements and secure records management are essential.

Documentation should preserve the victim's words accurately, record relevant circumstances and distinguish direct observation from inference. Repeatedly requiring a victim to recount distressing events to numerous officials can produce avoidable harm and inconsistent records. Coordinated documentation and referral, with appropriate consent and legal safeguards, can both improve evidentiary quality and reduce the burdens imposed by the response system.

2.3. Institutional coordination and the role of local authorities

Responsibility for responding to domestic violence is spread across law-enforcement bodies, local government, healthcare institutions, social services, legal-aid providers and community organizations. Multiplicity can improve access, because victims may seek help from different entry points. It can also create fragmentation where each institution assumes another will provide shelter, explain rights, investigate threats or monitor safety.

Coordination requires defined referral pathways. At the initial point of contact, personnel should identify urgent medical needs, immediate threats and the presence of children. They should provide comprehensible information about available measures and facilitate contact with the competent authority. The next institution should receive only the information necessary for its function, with confidential handling of sensitive details. A named responsibility for follow-up helps prevent cases from being lost between agencies.

Commune-level authorities may be especially accessible but face pressure to prioritize informal

settlement. Voluntary family counseling can be appropriate in some settings; it should not displace emergency safety measures or be used to force victims back into dangerous situations. Where severe coercion or credible risk is present, apparent agreement to reconcile may not demonstrate free choice. Protection should remain the primary concern.

Training should extend beyond general awareness of statutory provisions. Responders need to understand coercive control, trauma-informed communication, documentation standards, child safeguarding and how to distinguish risk assessment from findings of liability. Standard operating procedures can improve consistency, but they should allow individualized judgments as circumstances evolve.

2.4. Access to justice and long-term recovery

Immediate intervention and long-term access to justice are related but not identical. A victim may first need to find a safe place and later seek divorce, child-related orders, property rights, compensation or criminal accountability. Legal processes may operate on different timelines, creating a period in which the victim remains economically vulnerable or exposed to further intimidation.

Information about legal options should be delivered in understandable language and at appropriate intervals. A person in immediate distress may not be able to make complex decisions at the first contact. Follow-up advice can help clarify changing priorities while preserving autonomy. When children are involved, their protection must be assessed independently rather than assuming their interests always coincide with the preferences of either adult.

The availability of remedies should not be confused with actual access. Travel costs, lack of documentation, dependence on the abusive household and fear of disclosure can discourage action. Legal-aid programs and local service networks should consider these barriers. The objective is to give victims a meaningful opportunity to act, not to require them to navigate multiple institutions without assistance.

Recovery also has a temporal dimension. Risks may rise during separation or after formal proceedings begin. Follow-up safety planning, confidential referral and access to relevant social

services therefore belong within a coherent protection strategy. A case should not be regarded as successfully resolved simply because the first complaint was administratively processed.

2.5. Implementation challenges and reform directions

First, institutions should adopt a common, adaptable risk-assessment framework. Such a framework should examine patterns of violence, threats, coercion, child exposure and changes in circumstances. It should inform safety planning rather than operate as a mechanical score that determines whether a victim deserves assistance.

Second, protective measures require enforceable operational protocols. Agencies should clarify who issues, communicates and monitors contact restrictions; how victims can report breaches; and how urgent requests are handled outside ordinary office hours. Third, confidential information systems should minimize unnecessary circulation of addresses, telephone numbers and sensitive statements while enabling lawful cooperation among professionals.

Fourth, authorities should improve referral arrangements among police, healthcare providers, legal aid, shelters and psychological services. Fifth, professional training should distinguish evidence required to investigate alleged wrongdoing from information sufficient to identify immediate risk. Sixth, accessible communication should be designed for children, older persons, people with disabilities and persons who face linguistic or digital barriers.

Finally, evaluation should assess whether measures are timely, understood and practically usable. Relevant indicators might include speed of referral, continuity of shelter support, accessibility of legal aid and responsiveness to reported breaches. Developing such indicators would require actual administrative data and ethically sound evaluation; this article does not claim that those outcomes have already been measured. Reform should prioritize safety and accountability while preserving fairness and procedural legality.

3. CONCLUSION

The Law on Prevention and Control of Domestic Violence 2022 and its implementing framework represent an important legal foundation for protecting victims in Vietnam. The breadth of

recognized harms and the range of available protective and supportive measures support a move beyond viewing domestic violence solely as a matter of private family conflict.

The next challenge is to connect rights and procedures into continuous protection. Risk-sensitive intervention, careful evidence handling, confidential records, clear institutional referrals, accessible legal support and follow-up after immediate measures are necessary for effective implementation. The central lesson is that protection is not a single order or complaint: it is a coordinated process that must remain responsive to a victim's changing circumstances and the legal rights of all persons involved.

4. ACKNOWLEDGEMENTS

The author would like to thank TNU- University of Sciences for supporting us to complete this article.

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