Fighting Domestic Violence - Vietnam

3. Similarities and differences in terminology

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# 3.1 Domestic violence

Domestic violence is an intentional act of a family member that physically, mentally or economically harms or that could physically, mentally or economically harm other family members.

Domestic violence acts include the following:

corporal beating, ill-treating, torturing or other purposeful acts causing injuries to one's health and life

insulting or other intended acts meant to offend one's human pride, honor and dignity

isolating, shunning or creating constant psychological pressure on other family members causing serious consequences

preventing the exercise of the legal rights and obligations in the relationship between grandparents and grandchildren, between parents and children, between husbands and wives, as well as among brothers and sisters

forced sex

forced child marriage, forced marriage or divorce and obstructing freewill and progressive marriage

appropriating, demolishing, destroying or other purposeful acts to damage the private properties of other family members or the shared properties of family members

forcing other family members to overwork or to contribute more earning than they can afford and controlling other family members' incomes to make them financially dependent

conducting unlawful acts to turn other family members out of their domicile

Articles 1.2 and 2.1 and of the Law on Domestic Violence Prevention No. 02/2007/QH12 ("**Domestic Violence Law**")

# 3.2 Stalking

No definition has been provided.

# 3.3 Harassment

Vietnamese laws only define "sexual harassment at the workplace." There are no definitions of "harassment" in the context of domestic violence.

# 3.4 Victim

Domestic violence is an intentional act of a family member that physically, mentally or economically harms or that could physically, mentally or economically harm other family members. Therefore, the victim is another family member who is harmed by the domestic violence acts of his/her family member.

Article 1.2 of the Domestic Violence Law

# 3.5 Abuser

The abuser is a family member who harms his/her other family members.

Articles 1.2 of the Domestic Violence Law

# 3.6 Civil protection order

The concept of a civil protection order is not provided in Vietnamese law. During a court proceeding, one or multiple "temporary emergency measures" listed under the Civil Procedure Code No. 92/2015/QH13 (CPC) can be requested.

The temporary emergency measures' purpose is to resolve urgent requests from involved parties; protect lives, health and properties; collect and preserve evidence; prevent irreparable damage; and ensure dispute resolution and judgment enforcement.

Article 111 of the CPC

# 3.7 Causes of action

Vietnamese laws do not have an exact concept of "cause of action." The Civil Code has a general provision on the legal basis of liabilities to damages. Accordingly, anyone who violates others' lives, health, honor, dignity, reputation, properties or other legitimate rights and interests will be liable to damages.

Per the Family and Marriage Law, parents' rights over their minor children can be restricted due to the following causes of actions:

if parents are convicted of any crime that intentionally violates their children's health, life, honor or dignity or that severely violates their obligations of childcare toward their children

if parents damage their children's property

if parents have a corrupt lifestyle

if parents solicit or force their children to do illegal or unethical things

Article 584 of the Civil Code

# 3.8 Marital rape

Vietnamese laws do not have a definition of "marital rape." However, the Domestic Violence Law includes "forced sex" as a domestic violence act. Further, the Penal Code criminalizes rape in general, which is defined as "using violence or threatening to use violence or taking advantage of the victims' inability to defend themselves or using other measures to have sex against the victims' will" without any exemption for husbands and wives in a marriage. Therefore, as long as the abuser's act constitutes the rape crime as defined in the Penal Code, the abuser can be charged for the rape crime.

Article 141 of the Penal Code

# 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

N/A

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