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Legal aid for domestic violence victims in Vietnam: comparative insights from international legislative instruments

Assistência jurídica às vítimas de violência doméstica no Vietnã: perspectivas comparadas a partir de instrumentos legislativos internacionais

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Legal aid for domestic violence victims in Vietnam: comparative insights from international legislative instruments*

Assistência jurídica às vítimas de violência doméstica no Vietnã: perspectivas comparadas a partir de instrumentos legislativos internacionais

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Abstract

Domestic violence remains a pervasive human rights concern that demands integrated legal and social responses. Legal aid plays a critical role in enabling survivors to access justice, yet the effectiveness of such provision varies considerably across jurisdictions. This article examines the extent to which Vietnam's legal aid framework for domestic violence survivors aligns with internationally recognised standards and identifies areas for further development. Adopting a qualitative comparative research design, the study conducts documentary and textual analysis of national legislation, key international instruments – including the Istanbul Convention and UNODC guidance – and relevant regional frameworks issued by AICHR. The findings reveal that Vietnam has made notable progress in establishing a legislative foundation consistent with global principles of accessibility and state responsibility. However, meaningful alignment remains constrained by limited integration of survivor-centred approaches, inconsistent service quality, and uneven implementation across regions. Moreover, gaps persist in specialised training, multi-agency coordination, and outreach to marginalised communities. The article concludes that Vietnam's legal aid system possesses a promising platform for further harmonisation with international standards, yet sustained institutional reform, capacity-building, and culturally responsive practice are required to ensure that legal aid becomes genuinely accessible, effective, and empowering for domestic violence survivors.

Keywords: domestic violence; Istanbul Convention; gender equality; legal aid; policy reform.

Resumo

A violência doméstica permanece como uma questão generalizada de direitos humanos que exige respostas jurídicas e sociais integradas. A assistência jurídica desempenha um papel fundamental ao possibilitar que as vítimas tenham acesso à justiça; contudo, a eficácia dessa prestação varia conside-

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ravelmente entre diferentes ordenamentos jurídicos. O presente artigo examina em que medida o sistema de assistência jurídica do Vietnã para vítimas de violência doméstica está em conformidade com os padrões internacionalmente reconhecidos, bem como identifica áreas que demandam aperfeiçoamento. Adotando um desenho de pesquisa qualitativa comparativa, o estudo realiza análise documental e textual da legislação nacional, de instrumentos internacionais relevantes – incluindo a Convenção de Istambul e as diretrizes do Escritório das Nações Unidas sobre Drogas e Crime –, bem como de marcos regionais pertinentes elaborados pela Comissão Intergovernamental de Direitos Humanos da ASEAN. Os resultados indicam que o Vietnã tem alcançado progressos significativos na consolidação de uma base legislativa alinhada aos princípios globais de acessibilidade e responsabilidade estatal. Entretanto, tal alinhamento ainda é limitado pela insuficiente incorporação de abordagens centradas na vítima, pela inconsistência na qualidade dos serviços prestados e pela implementação desigual entre as diferentes regiões. Ademais, persistem lacunas no que se refere à formação especializada, à coordenação interinstitucional e ao alcance de comunidades marginalizadas. Conclui-se que o sistema de assistência jurídica do Vietnã apresenta uma base promissora para uma maior harmonização com os padrões internacionais; todavia, são necessárias reformas institucionais contínuas, o fortalecimento de capacidades e a adoção de práticas culturalmente sensíveis para assegurar que a assistência jurídica se torne efetivamente acessível, eficaz e emancipadora para as vítimas de violência doméstica.

Palavras-chave: violência doméstica; Convenção de Istambul; igualdade de gênero; assistência jurídica; reforma de políticas públicas.

1 Introduction

Domestic violence persists as a widespread violation of human rights and a critical public health concern, affecting individuals across cultures, socioeconomic groups, and political systems. Increasingly, scholarship recognises domestic violence not as a private familial matter but as a manifestation of systemic gender inequality that necessitates comprehensive legal, social,

and institutional responses.¹ In many Asian societies, including Vietnam, domestic violence remains intertwined with cultural expectations, patriarchal norms, and social stigma, which collectively reinforce silence, discourage help-seeking, and impede pathways to justice for victim-survivors.² Recent evidence suggests that the prevalence and consequences of intimate partner violence in Vietnam cut across demographic groups, with women disproportionately affected and often facing enduring physical, psychological, and socio-economic harms.³ Within this context, access to legal aid constitutes a cornerstone of victim protection and a vital mechanism for advancing gender justice. Legal aid provides survivors with the means to understand their rights, navigate complex legal systems, and pursue protective measures or redress without financial burden – a critical consideration for women experiencing economic dependency or coercive control.⁴ However, access to quality legal support remains uneven. Empirical studies from Vietnam highlight persistent barriers, including limited awareness of entitlements, insufficient numbers of specialised legal aid practitioners, constrained resources, and implementation inconsistencies between urban and rural settings.⁵ These challenges raise important questions

¹ BELKNAP, Joanne; GRANT, Deanne. Domestic violence policy: a world of change. *Feminist Criminology*, v. 16, n. 3, p. 382-395, 2021. DOI 10.1177/1557085120987610.; MARUO, Maria; ARAN-GO, Diana J.; GROSSI, Ana M. D. M.; CONTRERAS-URBINA, Monica. *Addressing gender-based violence to accelerate gender equality: gender thematic policy notes series: issues and practice*. Washington, DC: World Bank, 2023.

² CHEN, Yafan. Domestic violence in Asian communities: a scoping review of available atquantitative literature. *Trauma, Violence, & Abuse*, v. 25, n. 5, p. 3814-3826, 2024. DOI 10.1177/15248380241263313.; KWIATKOWSKI, Lynn. The politics of emotion and domestic violence in northern Vietnam. *Feminist Anthropology*, v. 5, n. 1, p. 29-46, 2024. DOI 10.1002/fea2.12142.

³ AHMED, Shakeel. Domestic violence, and women's health: evidence from NFHS-5 survey data. *Deleted Journal*, v. 22, n. 1, 2025. DOI 10.1186/s12982-025-00973-0.; DANG, Truc Ngoc Hoang; LE, Duc Dung. Socioeconomic inequalities in intimate partner violence: evidence from Vietnam. *Journal of Interpersonal Violence*, v. 40, n. 1-2, p. 31-55, Apr. 15, 2024. DOI 10.1177/08862605241245375.

⁴ NGUYEN, Minh; LE, Khanh. Can legislation reduce domestic violence in developing countries? *Sustainability*, v. 14, n. 20, p. 1-15, 2022. DOI 10.3390/su142013300.; RHODE, Deborah L.; EASTON, Kayla; PORTO, Amanda. Access to justice through limited legal assistance. *Northwestern Journal of Human Rights*, v. 16, n. 1, p. 1-14, 2018. Available at: <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1208&context=njihr>. Access in: Feb. 2, 2025.

⁵ LE, Thi Minh; MORLEY, Christine; HILL, Peter S.; TU BUI, Quyen; DUNNE, Michael P. The evolution of domestic violence prevention and control in Vietnam from 2003 to 2018: a case study of policy development and implementation within the health sys-

regarding the extent to which Vietnam's current legal aid system responds effectively to the needs of domestic violence victim-survivors.

Internationally, a robust normative framework has emerged to guide states in developing holistic and rights-based approaches to domestic violence and legal aid provision. The Council of Europe's Istanbul Convention⁶ stands as the most comprehensive legally binding instrument on preventing and combating violence against women and domestic violence. It advances an integrated model grounded in the "four Ps" – prevention, protection, prosecution, and coordinated policies – while explicitly emphasising timely, accessible, and victim-centred legal assistance.⁷ Complementing this, the United Nations has promulgated a suite of instruments articulating standards for accessible and high-quality legal aid, particularly for vulnerable and marginalised populations. The UNODC Principles and Guidelines on Access to Legal Aid,⁸ the UNODC Model Law,⁹ and the UNODC Handbook on Ensuring Quality of Legal Aid Services¹⁰ highlight the importance of gender-responsive legal aid, specialist training, independence of service providers, and structured monitoring mechanisms. Regionally, the ASEAN Intergovernmental Commission

on Human Rights¹¹ has underscored the need for equitable and culturally sensitive legal aid models that reflect Southeast Asian socio-legal realities.

Vietnam has made noteworthy progress in aligning its legislative framework with these international standards. The Law on Legal Aid¹² and the revised Law on Prevention and Combat against Domestic Violence¹³ formally recognise domestic violence victims as eligible for state-funded legal aid and reflect increasing governmental commitment to addressing gender-based violence. These legislative developments signify a positive shift from ad hoc assistance toward institutionalised and rights-based support. Nevertheless, emerging scholarship and policy analyses indicate that meaningful implementation remains constrained by institutional capacity gaps, insufficient gender-specific training, limited inter-sectoral coordination, and the enduring influence of socio-cultural norms.¹⁴ As a result, the degree to which Vietnam's legal aid system embodies a survivor-centred and rights-based approach remains contested. A comparative research lens is therefore both timely and analytically valuable. Comparative legal scholarship facilitates a deeper understanding of how different normative regimes conceptualise legal aid for domestic violence survivors, the principles they prioritise, and the institutional arrangements through which these principles are operationalised.¹⁵ By interrogating similarities, divergences,

tem. *International Journal of Mental Health Systems*, v. 13, n. 1, p. 1-16, 2019. DOI 10.1186/s13033-019-0295-6.; YOUNT, Kathryn M.; ANDERSON, Katherine M.; TRANG, Quach Thu; BERGENFELD, Irina. Preventing sexual violence in Vietnam: qualitative findings from high school, university, and civil society key informants across regions. *BMC Public Health*, v. 23, n. 1, p. 1-17, 2023. DOI 10.1186/s12889-023-15973-5.

⁶ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁷ KANBUR, Nilay. Istanbul Convention: commitment to preventing gender-based violence. *Journal of Adolescent Health*, v. 69, n. 2, p. 354-355, 2021. DOI 10.1016/j.jadohealth.2021.05.009.

⁸ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.

⁹ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

¹⁰ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

¹¹ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS. *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

¹² VIETNAM. The National Assembly of Vietnam. *Law on legal aid* (Law n°. 11/2017/QH14), promulgated June 20, 2017. Available at: <https://chinhphu.vn/default.aspx?pageid=27160&docid=190303>. Access in: Feb. 2, 2025.

¹³ VIETNAM. The National Assembly of Vietnam. *Law on prevention and combat against domestic violence* (Law n°. 13/2022/QH15), promulgated November 14, 2022. Available at: <https://datafiles.chinhphu.vn/cpp/files/vbpbq/2023/4/luat13.pdf>. Access in: Feb. 2, 2025.

¹⁴ GANGULI, Priyanka. Legal Responses to domestic violence: efficacy and challenges. *LawFoyer International Journal of Doctrinal Legal Research*, v. 2, n. 3, p. 279-298, 2024. DOI 10.70183/lijdlr.2024.v02.17.; TRANG, Le Thi. Legal framework on family violence prevention and control in Vietnam and Singapore from the perspective of protecting women's rights. *Pakistan Journal of Criminology*, v. 16, n. 4, p. 865-877, 2024. DOI 10.62271/pjc.16.4.865.877.

¹⁵ GANGULI, Priyanka. Legal Responses to domestic violence: efficacy and challenges. *LawFoyer International Journal of Doctrinal Legal Research*, v. 2, n. 3, p. 279-298, 2024. DOI 10.70183/lijdlr.2024.v02.17.; MAMBU, Joupy G. Z.; MONGDONG, Novita Marven. The influence of international human rights instruments on domestic legislation: a comparative study of four countries. *The Easta Jour-*

and areas of normative or practical tension, comparative inquiry can illuminate pathways for legislative and institutional refinement. Importantly, placing Vietnam's legal aid framework in dialogue with leading international instruments may reveal strategic opportunities for policy learning, adaptation, and system strengthening that extend beyond formal legal transposition.

This study examines the degree of alignment between Vietnam's legal aid framework for domestic violence victims and established international standards, while also identifying areas that warrant further development. It focuses on three core dimensions: the conceptualisation and delivery of legal aid for domestic violence survivors within Vietnam's legislative and policy architecture; the standards and institutional mechanisms for legal aid articulated in leading international instruments; and the comparative insights that can inform evidence-based reform of Vietnam's legal aid system.¹⁶ To address these aims, the article adopts a qualitative comparative research design grounded in documentary and textual analysis of national legislation, international legal frameworks, and peer-reviewed academic scholarship. By pursuing this analytical approach, the article contributes to evolving debates on access to justice and gender-responsive legal support through a nuanced, contextually informed, and empirically grounded comparative perspective. It underscores that the effectiveness of legal aid for domestic violence survivors extends beyond the existence of statutory provisions, relying equally on implementation practices, institutional capacity, and sustained political commitment to survivor-centred justice.¹⁷ Situating Vietnam's legal aid framework within a wider global and regional legal lan-

nal Law and Human Rights, v. 1, n. 3, p. 99-107, 2023. DOI 10.58812/eslhr.v1i03.86.

¹⁶ KWIATKOWSKI, Lynn. The politics of emotion and domestic violence in northern Vietnam. *Feminist Anthropology*, v. 5, n. 1, p. 29-46, 2024. DOI 10.1002/fea2.12142.; LE, Thi Minh; MORLEY, Christine; HILL, Peter S.; TU BUI, Quyen; DUNNE, Michael P. The evolution of domestic violence prevention and control in Vietnam from 2003 to 2018: a case study of policy development and implementation within the health system. *International Journal of Mental Health Systems*, v. 13, n. 1, p. 1-16, 2019. DOI 10.1186/s13033-019-0295-6.

¹⁷ AHMED, Shakeel. Domestic violence, and women's health: evidence from NFHS-5 survey data. *Deleted Journal*, v. 22, n. 1, 2025. DOI 10.1186/s12982-025-00973-0.; RHODE, Deborah L.; EATON, Kayla; PORTO, Amanda. Access to justice through limited legal assistance. *Northwestern Journal of Human Rights*, v. 16, n. 1, p. 1-14, 2018. Available at: <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1208&context=njihr>. Access in: Feb. 2, 2025.

dscape enables a more comprehensive understanding of both its strengths and its limitations. In doing so, the study enriches scholarly and policy discussions on strengthening legal aid systems to uphold rights, enhance protection, and facilitate more meaningful pathways out of violence. Consequently, this research aims to answer the following questions:

1. How aligned is Vietnam's legal aid framework with international standards for domestic violence survivors?
2. What comparative insights can strengthen Vietnam's legal aid policy and practice for domestic violence survivors?

2 Methods

2.1 Research design

This study employs a qualitative comparative research design grounded in documentary analysis to explore how Vietnam's legal aid framework for domestic violence victims aligns with key international instruments. The approach enables a close examination of legal texts, policy documents, and institutional guidelines, recognising that the meaning and effectiveness of legal aid provisions are shaped as much by their underlying principles as by their written form. The study follows the comparative legal method outlined by Samuel,¹⁸ progressing through four stages: first, a descriptive mapping of relevant legal provisions; second, analysis of their scope, intent, and operational mechanisms; third, comparison across national and international frameworks; and finally, evaluation of convergence, divergence, and areas for potential reform. This design supports a systematic yet context-sensitive inquiry, allowing the research to move beyond simple legal transposition and instead draw out substantive lessons that may guide improvements in policy and practice in Vietnam.

2.2 Data sources

The study draws on three main categories of data to ensure a robust and well-rounded comparative analysis.

¹⁸ SAMUEL, Geoffrey. *An introduction to comparative law theory and method*. Oxford: Hart Publishing, 2014.

First, Vietnamese legal and policy documents form the core national data set. These include the *Law on Legal Aid*¹⁹ and the *Law on Prevention and Combat against Domestic Violence*,²⁰ which together constitute the primary legislative foundations governing state-supported legal assistance for domestic violence victims. Supplementary sources, such as government circulars, ministerial guidelines, and national policy reports, are also examined to capture implementation directions, institutional arrangements, and practical challenges reflected in official discourse. Second, a set of international legislative and normative instruments is reviewed to establish relevant benchmarks for comparison. The Council of Europe's *Istanbul Convention*²¹ provides the most comprehensive legally binding framework on domestic violence and remains a central point of reference for victim-centred legal aid provision. In parallel, three key United Nations Office on Drugs and Crime (UNODC) instruments – the *Principles and Guidelines on Access to Legal Aid*,²² the *Model Law on Legal Aid*,²³ and the *Handbook on Ensuring Quality of Legal Aid Services*²⁴ – offer detailed standards on accessibility, quality assurance, and institutional design. At the regional level, the ASEAN Intergovernmental Commission on Human Rights (AICHR) *Thematic Study on Legal Aid*²⁵ is included to reflect Sou-

theast Asian contextual specificities. Finally, the analysis is informed by secondary academic literature, including peer-reviewed articles, comparative legal studies, and reports by UN Women, the World Bank, and other expert bodies. These sources help situate the legal frameworks within broader scholarly debates and provide empirical and conceptual insights to support interpretation.

2.3 Data collection

Data were collected through a systematic search of legal texts, scholarly commentaries, academic publications, and official institutional documents to ensure comprehensive coverage of relevant information. The search was conducted between January and September 2025 using academic databases such as Scopus, Web of Science, HeinOnline, and Google Scholar, alongside official government and organisational websites. Key search terms included: *legal aid*, *domestic violence*, *Vietnam*, *access to justice*, *Istanbul Convention*, *UNODC*, and *victim-centred legal services*. Inclusion criteria required that sources: (i) directly addressed legal aid or domestic violence; (ii) were published in English or Vietnamese; and (iii) were legal texts, peer-reviewed studies, or reputable institutional publications issued from 2010 onwards. Exclusion criteria ruled out media articles, unverified online content, and documents lacking clear authorship or institutional legitimacy. This systematic approach ensured that the data set reflected both legal foundations and contemporary scholarly and policy perspectives relevant to the research aims.

2.4 Analytical framework

The analysis is structured around a thematic framework designed to enable a systematic and meaningful comparison between Vietnam's legal aid provisions and international standards. Four thematic categories guide the examination. First, legal definitions and victim eligibility for legal aid are reviewed to assess how each framework conceptualises domestic violence victims and determines entitlement to state-funded support. This theme explores whether eligibility criteria are broad and survivor-centred, or narrowly defined in ways that may restrict access. Second, the scope and types of legal aid

¹⁹ VIETNAM. The National Assembly of Vietnam. *Law on legal aid* (Law n.º. 11/2017/QH14), promulgated June 20, 2017. Available at: <https://chinhphu.vn/default.aspx?pageid=27160&docid=190303>. Access in: Feb. 2, 2025.

²⁰ VIETNAM. The National Assembly of Vietnam. *Law on prevention and combat against domestic violence* (Law n.º. 13/2022/QH15), promulgated November 14, 2022. Available at: <https://datafiles.chinhphu.vn/cpp/files/vbpq/2023/4/luat13.pdf>. Access in: Feb. 2, 2025.

²¹ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

²² UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.

²³ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

²⁴ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

²⁵ ASEAN INTERGOVERNMENTAL COMMISSION ON

HUMAN RIGHTS. *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

services provided are analysed to identify what forms of assistance are formally guaranteed. This includes legal representation, counselling, procedural guidance, and specialised services tailored to domestic violence cases. Third, standards for quality, accessibility, and victim-centred support are examined to evaluate the extent to which the legal frameworks incorporate principles of timeliness, cultural sensitivity, trauma-informed practice, and professional training for legal aid providers. Finally, the study reviews monitoring, enforcement, and accountability mechanisms to determine how each system ensures compliance, quality assurance, and continual improvement in service delivery. Together, these themes provide a coherent analytical lens that supports both cross-jurisdictional comparison and identification of policy and implementation gaps.

3 Discussion

3.1 Vietnam's evolving legal aid framework for domestic violence survivors: Key strengths and persistent gaps

Vietnam's legal aid framework has evolved considerably over the past two decades, reflecting a growing commitment to strengthening access to justice for individuals experiencing domestic violence. The enactment of the *Law on Legal Aid*²⁶ marked a notable milestone, as it established a dedicated legal foundation for state-funded support to vulnerable groups, including women subjected to domestic abuse. This legislation signalled a shift from ad hoc or charity-based legal assistance towards a rights-based, state-supported model aligned with broader social justice objectives.²⁷ Complementing this, the revised *Law on Prevention and Combat against Domestic Violence*²⁸ further reinforced the legal recognition

of domestic violence victims as eligible for legal aid services, thus enhancing the coherence between protection and support mechanisms within the national legal landscape.²⁹ A key strength of Vietnam's model lies in the formal guarantee of free legal aid for certain priority groups. Domestic violence victims are classified as beneficiaries, which helps reduce financial barriers that often deter women from seeking legal redress, especially where economic dependency or coercive control is present.³⁰ Furthermore, the legal aid system is decentralised, with provincial Legal Aid Centres (LACs) operating under the Ministry of Justice. This structure offers a degree of flexibility, enabling localised service delivery and partnerships with local authorities, mass organisations, and community-based actors.³¹ In practice, decentralisation has facilitated wider geographic coverage and fostered networks of support that can, at least in principle, bring services closer to rural and remote populations.

Additionally, Vietnam has made gradual progress in expanding the scope of legal aid services. Beyond legal representation in court, LACs and authorised legal aid providers offer legal counselling, procedural guidance, and, in some cases, referrals to other social or protective services. Such multidimensional assistance is vital for domestic violence survivors, who often require not only legal advice but also coordinated support that addresses safety, protection, and longer-term recovery needs.³² Over recent years, collaboration with non-governmental organisations and international development partners has also contributed to capacity-building initiatives and pilot programmes that seek to improve service quality and outreach, particularly for women facing intersec-

2, 2025.

²⁹ VIETNAM. The National Assembly of Vietnam. *Law on prevention and combat against domestic violence* (Law n°. 13/2022/QH15), promulgated November 14, 2022. Available at: <https://datafiles.chinhphu.vn/cpp/files/vbpq/2023/4/luat13.pdf>. Access in: Feb. 2, 2025.

³⁰ NGUYEN, Minh; LE, Khanh. Can legislation reduce domestic violence in developing countries? *Sustainability*, v. 14, n. 20, p. 1-15, 2022. DOI 10.3390/su142013300.

³¹ LE, Thi Minh; MORLEY, Christine; HILL, Peter S.; TU BUI, Quyen; DUNNE, Michael P. The evolution of domestic violence prevention and control in Vietnam from 2003 to 2018: a case study of policy development and implementation within the health system. *International Journal of Mental Health Systems*, v. 13, n. 1, p. 1-16, 2019. DOI 10.1186/s13033-019-0295-6.

³² YOUNT, Kathryn M.; ANDERSON, Katherine M.; TRANG, Quach Thu; BERGENFELD, Irina. Preventing sexual violence in Vietnam: qualitative findings from high school, university, and civil society key informants across regions. *BMC Public Health*, v. 23, n. 1, p. 1-17, 2023. DOI 10.1186/s12889-023-15973-5.

²⁶ VIETNAM. The National Assembly of Vietnam. *Law on legal aid* (Law n°. 11/2017/QH14), promulgated June 20, 2017. Available at: <https://chinhphu.vn/default.aspx?pageid=27160&docid=190303>. Access in: Feb. 2, 2025.

²⁷ VIETNAM. The National Assembly of Vietnam. *Law on legal aid* (Law n°. 11/2017/QH14), promulgated June 20, 2017. Available at: <https://chinhphu.vn/default.aspx?pageid=27160&docid=190303>. Access in: Feb. 2, 2025.

²⁸ VIETNAM. The National Assembly of Vietnam. *Law on prevention and combat against domestic violence* (Law n°. 13/2022/QH15), promulgated November 14, 2022. Available at: <https://datafiles.chinhphu.vn/cpp/files/vbpq/2023/4/luat13.pdf>. Access in: Feb.

ting vulnerabilities. Despite these advancements, several persistent gaps limit the effectiveness and accessibility of legal aid for domestic violence victims. Foremost among these is the issue of insufficient and uneven funding, which constrains service expansion, staffing, and long-term capacity development. Resources allocated to provincial Legal Aid Centres vary significantly, resulting in notable disparities in service quality and availability across regions.³³ Urban areas tend to benefit from stronger infrastructure and more experienced personnel, whereas rural, mountainous, and ethnic minority regions often face chronic shortages of legal aid providers and limited institutional capacity. This uneven distribution undermines the principle of equal access to justice and disproportionately affects those already facing social or geographic marginalisation.

Moreover, specialised training and professional development for legal aid practitioners remain underdeveloped. While the legislative framework calls for legal aid delivery, it does not sufficiently require or standardise gender-sensitive, trauma-informed, or survivor-centred training for lawyers and counsellors. As a result, many legal professionals lack the specialised knowledge necessary to engage effectively with domestic violence survivors, who may present complex psychological, cultural, or safety needs.³⁴ This gap can inadvertently lead to secondary victimisation, where survivors feel judged, misunderstood, or retraumatised by the very systems meant to support them. Cultural and linguistic barriers also pose enduring challenges. In ethnic minority communities – where domestic violence is often understood through traditional or patriarchal norms – women may face stigma for seeking external intervention, particularly from legal institutions perceived as unfamiliar or intimidating.³⁵ The limited availability of legal aid providers fluent in minority languages, or trained in culturally responsive practice, further discourages help-seeking and reduces the effectiveness of outreach. Without greater cultural adaptability, legal aid services risk remaining

inaccessible to substantial segments of the population they are intended to serve.

Another critical gap concerns the insufficient integration of trauma-informed services. Domestic violence survivors often require coordinated support that addresses both legal and psychosocial dimensions of harm. However, Vietnam’s legal aid services remain largely legalistic in orientation, with limited systematic connection to shelters, counselling services, and social welfare agencies. Although some local partnerships exist, they rely heavily on external donor support and lack institutional standardisation. Consequently, the quality and comprehensiveness of survivor support remain inconsistent across provinces. Lastly, monitoring and evaluation mechanisms within the legal aid system require strengthening. While reporting structures exist, they do not yet systematically assess service quality, survivor satisfaction, or long-term outcomes. This limits the state’s ability to measure effectiveness, identify weaknesses, and facilitate evidence-based reform. As a whole, Vietnam’s legal aid framework demonstrates a clear legislative commitment and a number of noteworthy structural strengths. Nevertheless, implementation gaps – particularly those linked to resource allocation, professional capacity, cultural responsiveness, and service integration – continue to impede meaningful access for many domestic violence survivors. Addressing these gaps will require strategic investment, sustained institutional reform, and a more nuanced understanding of the barriers that shape survivors’ interactions with the justice system.

3.2 Comparative insights from prominent international instruments on legal aid for domestic violence survivors

International legal and policy instruments provide a rich normative foundation for evaluating national approaches to legal aid for domestic violence victims. Although differing in scope, legal status, and regional orientation, three key instruments – the Council of Europe’s Istanbul Convention, the United Nations Office on Drugs and Crime (UNODC) Model Law and associated guidance, and the ASEAN Intergovernmental Commission on Human Rights (AICHR) Thematic Study³⁶ – offer complementary insights into globally re-

³³ TRANG, Le Thi. Legal framework on family violence prevention and control in Vietnam and Singapore from the perspective of protecting women’s rights. *Pakistan Journal of Criminology*, v. 16, n. 4, p. 865-877, 2024. DOI 10.62271/pjc.16.4.865.877.

³⁴ GANGULI, Priyanka. Legal Responses to domestic violence: efficacy and challenges. *LawFoyer International Journal of Doctrinal Legal Research*, v. 2, n. 3, p. 279-298, 2024. DOI 10.70183/lijdlr.2024.v02.17.

³⁵ KWIATKOWSKI, Lynn. The politics of emotion and domestic violence in northern Vietnam. *Feminist Anthropology*, v. 5, n. 1, p. 29-46, 2024. DOI 10.1002/fea2.12142.

³⁶ ASEAN INTERGOVERNMENTAL COMMISSION ON

cognised standards. Collectively, they illustrate a gradual but significant convergence towards survivor-centred, rights-based, and quality-assured legal aid systems. A comparative engagement with these instruments is instructive for assessing Vietnam's current framework and identifying pathways for further alignment and reform. The Istanbul Convention³⁷ is widely regarded as the most comprehensive and legally binding treaty addressing violence against women and domestic violence. It has set a normative benchmark for states seeking to institutionalise holistic and integrated support mechanisms for survivors.³⁸ Central to its design is the "four Ps" framework – prevention, protection, prosecution, and integrated policies – which establishes domestic violence as not merely a criminal or private justice issue, but a structural and systemic concern over which states bear substantive obligations. In the context of legal aid, the Convention adopts a strongly survivor-centred and rights-based approach. States parties must ensure timely, accessible, and free legal assistance for survivors, recognising that financial, social, and cultural barriers frequently impede access to justice.³⁹ Legal aid is not viewed narrowly as courtroom representation, but instead as part of a continuum of legal information, advice, and specialist services that empower survivors to make informed decisions and navigate justice systems safely.

Moreover, the Convention underscores the necessity of specialised and gender-sensitive services, reflecting the distinct harms experienced by survivors of domes-

tic and gender-based violence. Such services must be staffed by trained professionals capable of responding to trauma, safeguarding confidentiality, and supporting survivors' dignity. Training is not discretionary but a mandatory feature, directed at legal professionals, law enforcement, judicial officers, and support service providers. This emphasis on capacity-building signals a recognition that the quality of legal aid depends not only on legal entitlement but also on the competence and sensitivity with which services are delivered.⁴⁰ The Convention further calls for multi-agency coordination and formalised referral pathways between legal aid providers, shelters, medical institutions, and social services. Consequently, it advances an integrated model that situates legal aid within a broader ecosystem of survivor protection and empowerment. In contrast to the Istanbul Convention's regional treaty status, the UNODC Model Law⁴¹ and associated guidelines adopt a more global and system-wide orientation. Although not legally binding, these instruments are authoritative and influential, particularly in shaping legislative reforms in developing and transitional justice contexts. The *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*⁴² establish foundational standards of accessibility, non-discrimination, and quality assurance. They define legal aid broadly to include legal information, advice, representation, and legal education, reflecting a holistic understanding of access to justice that extends beyond formal legal proceedings. Importantly, the guidelines highlight the concept of legal empowerment, stressing that legal literacy and early access to legal information are integral to enabling individuals to claim and exercise their rights.⁴³

HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025; COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025; UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

³⁷ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

³⁸ KANBUR, Nilay. Istanbul Convention: commitment to preventing gender-based violence. *Journal of Adolescent Health*, v. 69, n. 2, p. 354-355, 2021. DOI 10.1016/j.jadohealth.2021.05.009.

³⁹ KRIZSÁN, Andrea; ROGGE BAND, Conny; ZELLER, Maria C. Who is afraid of the Istanbul Convention? Explaining opposition to and support for gender equality. *Comparative Political Studies*, v. 58, n. 10, p. 2161-2201, 2024. DOI 10.1177/00104140241290205.

⁴⁰ NARDOCCI, Chiara. The Istanbul Convention: yes and nos. *ERA Forum*, v. 26, p. 127-147, 2025. DOI 10.1007/s12027-025-00831-1.

⁴¹ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

⁴² UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.

⁴³ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.

The UNODC *Model Law on Legal Aid*⁴⁴ builds on these principles by offering a legislative blueprint that states may adapt to their domestic context. It emphasises the institutional independence of legal aid providers, the need for sustainable funding models, and mechanisms to ensure accountability, monitoring, and continuous improvement. The *UNODC Handbook on Ensuring Quality of Legal Aid Services*⁴⁵ further elaborates on indicators of service quality, including provider qualifications, caseload management, complaint mechanisms, and peer review systems. Gender-responsiveness is treated as a core quality standard; legal aid systems are urged to incorporate specialised services for women and survivors of violence, ensure privacy, and provide culturally sensitive, trauma-informed approaches.⁴⁶ Unlike the Istanbul Convention,⁴⁷ whose provisions are firmly anchored in gender equality and women's rights, the UNODC instruments derive from a broader access-to-justice paradigm with particular relevance to criminal justice systems. Nevertheless, their standards on quality, independence, and institutional design are highly pertinent to domestic violence legal aid, which often intersects with both civil and criminal law domains.

The AICHR Thematic Study on Legal Aid⁴⁸ offers an additional layer of insight tailored to the socio-legal realities of Southeast Asia. While less prescriptive than the other instruments, the study captures regional specificities including plural legal systems, strong family-centric norms, and uneven institutional capacity across

ASEAN member States. It underscores the structural disadvantages faced by women, children, migrant workers, and ethnic minorities in accessing legal aid – groups for whom domestic violence often intersects with socioeconomic, linguistic, or immigration-related vulnerabilities.⁴⁹ Accordingly, the AICHR study advocates for contextually grounded and culturally responsive legal aid models that acknowledge and adapt to barriers rooted in tradition, community expectations, and social stigma. Unlike the Istanbul Convention's mandatory standards,⁵⁰ AICHR's recommendations are more developmental and capacity-building oriented.⁵¹ They emphasise the expansion of community-based legal aid, integration with paralegal and civil society networks, and cross-border cooperation – acknowledging that domestic violence in Southeast Asia can involve transnational marriage, labour migration, and cross-jurisdictional protection challenges.⁵² Furthermore, AICHR highlights the importance of incremental implementation, recognising that institutional reform in resource-constrained environments may require phased adaptation rather than immediate full-scale harmonisation with international norms.

Cumulatively, these three instruments illustrate both areas of normative convergence and divergence. At the level of core principles, there is remarkable alignment: all instruments affirm the necessity of survivor-centred, rights-based, accessible, and high-quality legal aid. Each acknowledges legal aid as essential to ensuring effective remedies, reducing re-victimisation, and empowering survivors to leave abusive environments. There is also shared recognition of the importance of specialised training, inter-agency coordination, and the need for systematic monitoring and evaluation. Nevertheless,

⁴⁴ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

⁴⁵ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

⁴⁶ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

⁴⁷ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁴⁸ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁴⁹ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁵⁰ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁵¹ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁵² SIDAYANG, Sari; SUMANTA, Maria J.; CALYA, Clarisa K. P.; MOKODENSEHO, Sally. Addressing gender-based violence: comparative analysis of international legal frameworks and practices. *The Easta Journal Law and Human Rights*, v. 1, n. 3, p. 147-157, 2023. DOI 10.58812/eslhr.v1i03.91.

their orientations differ in emphasis and depth. The Istanbul Convention⁵³ is the most explicit in framing domestic violence through a gender-based violence and intersectional feminist lens, foregrounding power imbalances, patriarchy, and structural discrimination. The UNODC instruments,⁵⁴ rooted in criminal justice reforms, prioritise systemic quality, independence, and institutional architecture, offering detailed legislative and administrative guidance. The AICHR study,⁵⁵ meanwhile, provides regionally nuanced insights that foreground cultural, socioeconomic, and cross-border dimensions, and therefore offers complementary relevance for Southeast Asian countries such as Vietnam. Overall, comparative engagement with these three instruments highlights a robust international consensus on the essential elements of effective legal aid for domestic violence survivors, while also offering differentiated insights that reflect diverse legal traditions and regional contexts. This body of guidance establishes a persuasive reference point for evaluating Vietnam's current legal aid framework and identifying opportunities for harmonisation, innovation, and context-sensitive reform.

3.3 Key similarities and differences between Vietnam's legal aid system and international standards

A comparative examination of Vietnam's legal aid framework alongside the Istanbul Convention,⁵⁶ the UNODC instruments,⁵⁷ and the AICHR Thematic Stu-

dy⁵⁸ reveals both areas of convergence and substantive divergence. While Vietnam's legal architecture reflects increasing alignment with internationally recognised principles, notable gaps persist in interpretation, implementation, and system design. Analysing these similarities and differences provides insight into the extent to which Vietnam has internalised global standards, as well as the areas requiring targeted reform to strengthen its legal aid provision for domestic violence survivors. At the level of core normative principles, Vietnam demonstrates significant convergence with the three international instruments. All frameworks recognise legal aid as a fundamental component of access to justice for vulnerable or marginalised groups, particularly domestic violence survivors. Vietnam's *Law on Legal Aid*⁵⁹ and *Law on Prevention and Combat against Domestic Violence*⁶⁰ formally guarantee free legal support for eligible beneficiaries, echoing the commitment found in the Istanbul Convention to remove financial barriers that impede help-seeking.⁶¹ Likewise, the inclusion of legal counselling, representation, and information aligns with the UNODC's broad conceptualisation of legal aid as encompassing legal advice, education, and early intervention.⁶² Moreover, a shared recognition of the need

⁵³ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁵⁴ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.

⁵⁵ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁵⁶ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁵⁷ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.; UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC).

UNODC model law on legal aid in criminal justice systems with commentaries. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.; UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

⁵⁸ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁵⁹ VIETNAM. The National Assembly of Vietnam. *Law on legal aid (Law n.º. 11/2017/QH14)*, promulgated June 20, 2017. Available at: <https://chinhphu.vn/default.aspx?pageid=27160&docid=190303>. Access in: Feb. 2, 2025.

⁶⁰ VIETNAM. The National Assembly of Vietnam. *Law on prevention and combat against domestic violence (Law n.º. 13/2022/QH15)*, promulgated November 14, 2022. Available at: <https://datafiles.chinhphu.vn/cpp/files/vbpbq/2023/4/luat13.pdf>. Access in: Feb. 2, 2025.

⁶¹ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁶² UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.; UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC).

for gender sensitivity, survivor-centred practices, and inter-agency coordination forms a conceptual bridge between Vietnam’s policy direction and international norms.⁶³

Table 1 - Comparative overview of Vietnam’s legal aid provisions and international standards for domestic violence survivors

Aspect	Vietnam	International standards	Comparative insight
Eligibility	Victim-based but sometimes restrictive	Broad survivor-centred inclusion	Broaden criteria & reduce bureaucratic proof
Services	Legal representation & counselling	Multidisciplinary (legal + psychosocial)	Integrate holistic support
Implementation	Provincial variation	Standardised & monitored	Establish unified national standards
Training	Limited specialised DV training	Mandatory gender-sensitive & trauma-informed training	Expand professional capacity

However, differences emerge in the depth and rigor of these commitments, particularly when comparing Vietnam’s framework with the Istanbul Convention.⁶⁴ The Convention advances a thoroughly gender-based violence analysis, explicitly linking domestic violence to structural inequality, patriarchy, and discrimination. Vietnam’s legislative language, by contrast, remains more neutral and family-centred, framing domestic violence as a social problem rather than a manifestation of gendered power relations. Consequently, while Vietnam’s laws acknowledge victims’ rights, they do not articulate

the feminist and human rights-grounded rationale that underpins the Istanbul Convention.⁶⁵ This conceptual divergence influences downstream implementation: where the Convention mandates specialised, survivor-centred services as legal entitlements, Vietnam’s provisions remain more aspirational and contingent on resource availability. A further point of divergence concerns the scope and comprehensiveness of services. The Istanbul Convention⁶⁶ and the UNODC Model Law⁶⁷ adopt a holistic, integrated approach to legal aid, embedding it within a continuum of psychosocial, protective, and social welfare services. Legal aid is not treated as an isolated intervention but as one strand within a multi-disciplinary ecosystem designed to safeguard survivors’ rights and safety.⁶⁸ Conversely, Vietnam’s model remains predominantly legalistic, with limited integration between legal services and shelters, counselling, or protection services. Although some local partnerships exist, particularly through donor-funded initiatives, they lack system-wide institutionalisation. As a result, survivors often encounter fragmented assistance rather than a seamless referral pathway, in contrast to the coordinated mechanisms envisioned in the international instruments.

Differences also arise in relation to quality assurance and professional training. International standards, especially the UNODC guidelines, emphasise mandatory training, accreditation, supervision, and monitoring of

UNODC *model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

⁶³ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.; UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

⁶⁴ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁶⁵ KANBUR, Nilay. Istanbul Convention: commitment to preventing gender-based violence. *Journal of Adolescent Health*, v. 69, n. 2, p. 354-355, 2021. DOI 10.1016/j.jadohealth.2021.05.009.; KRIZSÁN, Andrea; ROGGE BAND, Conny; ZELLER, Maria C. Who is afraid of the Istanbul Convention? Explaining opposition to and support for gender equality. *Comparative Political Studies*, v. 58, n. 10, p. 2161-2201, 2024. DOI 10.1177/00104140241290205.

⁶⁶ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁶⁷ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

⁶⁸ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.; UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

legal aid providers. These measures ensure that practitioners possess the specialised knowledge required to support survivors of violence, including trauma-informed practice, cultural sensitivity, and gender-responsive communication.⁶⁹ Vietnam's legal aid framework, while acknowledging capacity-building needs, does not mandate specialised training for legal aid officers or legal aid collaborators. The absence of compulsory or standardised training results in uneven professional capability across regions. This stands in contrast to the Istanbul Convention's explicit requirements for regular, specialised training of legal and justice sector professionals.⁷⁰ Another notable difference concerns institutional independence and funding models. The UNODC Model Law⁷¹ underscores the importance of structural autonomy to prevent conflicts of interest and to ensure impartial and rights-based service provision. It recommends diversified financing, independent oversight, and transparent accountability mechanisms. Vietnam's legal aid system, however, remains highly state-centred, with provincial Legal Aid Centres reporting directly to the Ministry of Justice and heavily reliant on state budgets. While this centralised model ensures formal accountability and administrative coherence, it can limit innovation, civil society engagement, and independent monitoring. Furthermore, resource constraints contribute to uneven provincial implementation, a recurring concern not unique to Vietnam but less prominent in the European context where the Istanbul Convention operates.

When compared with the AICHR Thematic Study,⁷² Vietnam shares stronger similarities in contextual challenges and incremental reform approaches. The AICHR emphasises that Southeast Asian states confront

cultural, linguistic, and socio-economic barriers that shape legal aid delivery, particularly for women, ethnic minorities, and cross-border populations.⁷³ Vietnam reflects these regional characteristics, including patriarchal family values, stigma around reporting violence, and limited legal literacy in rural communities. The AICHR's emphasis on community-based legal empowerment, paralegal models, and cross-border cooperation resonates more closely with Vietnam's reform trajectory than the more resource-intensive obligations of the Istanbul Convention.⁷⁴ Nevertheless, Vietnam has not yet fully leveraged community-based paralegal networks or integrated civil society actors to the extent recommended by AICHR.⁷⁵ Despite these divergences, the comparative review highlights areas of latent harmonisation potential. Vietnam's legislative foundation is sufficiently aligned with international principles to support a gradual transition towards more comprehensive, survivor-centred practices. The legal architecture exists, but its operationalisation requires strengthening through sustained investment, structural reforms, and enhanced coordination. The most significant opportunities for alignment include: embedding trauma-informed and specialised training as mandatory requirements; formalising multi-agency coordination mechanisms; expanding culturally and linguistically responsive services; and introducing independent quality assurance systems. Briefly, Vietnam shares a foundational alignment with international norms, particularly at the conceptual and legislative levels. The main divergence lies in the depth of implementation, institutional design, and the integration of gender-based violence theory into legal practice. By critically assessing these similarities and differences, it becomes evident that Vietnam's current framework provides a promising platform for further harmonisation. However, realising this potential requires translating normative commitments into practical, system-

⁶⁹ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC handbook on ensuring quality of legal aid services in criminal justice systems*. 2019. Available at: https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf. Access in: Feb. 2, 2025.

⁷⁰ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁷¹ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

⁷² ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁷³ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁷⁴ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁷⁵ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

-wide reform grounded in survivor-centred justice and evidence-based policy design.

3.4 Implications for enhancing legal aid policy and practice for domestic violence survivors in Vietnam

The comparative assessment of Vietnam's legal aid framework against international standards carries important implications for both policy and practice. Although Vietnam has established a legislative foundation that broadly aligns with global norms, the effectiveness of legal aid for domestic violence survivors ultimately depends on how well these commitments are translated into operational, survivor-centred, and culturally responsive practice. Strengthening the system therefore requires not only legal reform but also institutional restructuring, capacity development, and a shift in socio-legal attitudes toward domestic violence and access to justice. The following implications outline key areas where Vietnam could advance alignment with international models, enhance service delivery, and better safeguard the rights and agency of survivors. A central implication concerns the need to more fully embed survivor-centred and rights-based principles into Vietnam's legal aid system. While the current legal framework acknowledges the rights of victims, it stops short of conceptualising domestic violence through a structural and gender-based violence lens, as articulated in the Istanbul Convention.⁷⁶ Shifting towards a survivor-centred model requires reorienting legal aid from a predominantly procedural service to one that prioritises survivors' safety, dignity, autonomy, and long-term empowerment. This approach recognises that domestic violence is not solely a legal dispute but a manifestation of power imbalance and coercive control that can produce enduring trauma. Legal aid processes should therefore be adapted to minimise re-traumatisation, avoid victim-blaming, and ensure that survivors' voices guide decision-making at every stage of the legal process.⁷⁷ Policy development must incorporate this conceptual shift, ensuring that survivor agency and well-being are

positioned as core values rather than optional enhancements to service provision.

To support such a reorientation, mandatory specialist training and accreditation for legal aid personnel is essential. At present, professional development remains uneven, and trauma-informed, gender-sensitive training is not compulsory for legal aid providers in Vietnam. This stands in contrast to the Istanbul Convention's explicit requirement for regular and specialised training for legal, judicial, and support professionals working with survivors.⁷⁸ Likewise, the UNODC highlights the importance of competency standards, supervision, and quality assurance in legal aid provision.⁷⁹ Vietnam would benefit from adopting a structured, mandatory training framework that equips legal aid staff, volunteers, and associated actors with the knowledge and skills needed to provide empathetic, culturally aware, and trauma-responsive support. Accreditation mechanisms could be introduced to ensure consistent standards nationwide, combined with periodic refresher training and capacity-building programmes informed by current research and international best practices. Such measures would not only enhance service quality but also promote a professional culture that values empathy, confidentiality, and survivor empowerment. A related implication concerns the institutionalisation of multi-agency and cross-sectoral collaboration. Although pockets of inter-agency coordination exist, Vietnam's legal aid system continues to operate in relative isolation from social welfare, healthcare, and support service networks. International models consistently underline that legal aid must function within a holistic, multisectoral ecosystem to be effective.⁸⁰ Strengthening partnerships between Legal

⁷⁶ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁷⁷ NARDOCCI, Chiara. *The Istanbul Convention: yes and nos. ERA Forum*, v. 26, p. 127-147, 2025. DOI 10.1007/s12027-025-00831-1.

⁷⁸ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.

⁷⁹ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

⁸⁰ COUNCIL OF EUROPE. *The Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. 2011. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>. Access in: Feb. 2, 2025.; UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UN principles and guidelines on access to legal aid in criminal justice systems*. 2012. Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf. Access in: Feb. 2, 2025.

Aid Centres, the police, shelters, healthcare providers, social workers, and civil society organisations is therefore crucial. Formal referral pathways, memoranda of understanding, and integrated service protocols would help reduce fragmentation, enabling survivors to move seamlessly between legal, psychological, medical, and protective services. The establishment of multi-disciplinary crisis response teams – an increasingly common practice in countries that have adopted survivor-centred models – could be piloted at the provincial level. These teams can offer coordinated case management that prioritises survivor safety and reduces the burden on individuals to navigate institutions independently.

Within this collaborative environment, civil society organisations (CSOs) and community networks should be recognised as essential partners rather than peripheral actors. The AICHR Thematic Study⁸¹ stresses that community-based legal empowerment and paralegal models can bridge the gap between formal legal structures and marginalised populations.⁸² Vietnam could adopt similar approaches by formally integrating CSO-run legal counselling services, women’s unions, and grassroots support groups into the legal aid ecosystem. These actors often hold community trust and can provide culturally sensitive support, particularly in contexts where survivors are reluctant to interact with state authorities. Granting CSOs greater space to provide legal literacy, psychosocial support, and accompaniment services would align Vietnam with regional best practices and expand the reach and legitimacy of legal aid. Another implication relates to enhancing accessibility for rural, ethnic minority, and migrant populations, who face disproportionately high barriers in seeking legal aid. Research shows that legal literacy remains low in remote communities, and survivors often lack information about available services or how to initiate claims.⁸³ Language barriers, cultural norms, and geogra-

phic distance further compound these challenges. Vietnam could adopt several strategies to improve outreach. First, the development of multilingual legal information materials and the recruitment or training of bilingual legal aid providers would help address linguistic barriers. Second, community-based paralegals or legal aid collaborators could be deployed to remote areas, modelled on ASEAN paralegal practices, to disseminate legal information, offer basic advice, and refer cases to formal services. Third, mobile legal aid clinics, already trialled in some provinces, could be expanded to provide periodic in-person services to geographically isolated populations. Digital platforms, where feasible, could complement these interventions, although digital solutions must be sensitive to disparities in internet access.

In addition, institutional reform and resource allocation are fundamental to ensuring that legal aid commitments can be implemented effectively. The UNODC Model Law emphasises the importance of sustainable financing and independent oversight to safeguard service quality.⁸⁴ While centralised state funding has provided a degree of administrative cohesion, it has also limited flexibility and contributed to uneven regional capacity. Vietnam may consider adopting a hybrid funding model that combines government budget allocations with partnerships, grants, and donor-supported initiatives to enhance flexibility and innovation. Independent monitoring bodies or advisory committees could also be established to evaluate performance, handle complaints, and ensure accountability. Strengthening data collection mechanisms would further support evidence-based policy development, enabling authorities to assess service gaps, identify good practices, and tailor reforms to specific regional needs. Finally, legal and policy reform must be accompanied by broader socio-cultural change. Legal aid cannot function effectively in a context where social stigma deters survivors from reporting violence or where patriarchal norms discourage women from seeking justice. Public education campaigns, com-

⁸¹ ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁸² ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR). *Thematic study on legal aid*. 2019. Available at: <https://aichr.org/wp-content/uploads/2019/09/AICHR-Thematic-Study-on-Legal-Aid-for-web.pdf>. Access in: Feb. 2, 2025.

⁸³ LE, Thi Minh; MORLEY, Christine; HILL, Peter S.; TU BUI, Quyen; DUNNE, Michael P. The evolution of domestic violence prevention and control in Vietnam from 2003 to 2018: a case study of policy development and implementation within the health system. *International Journal of Mental Health Systems*, v. 13, n. 1, p. 1-16,

2019. DOI 10.1186/s13033-019-0295-6; YOUNT, Kathryn M.; ANDERSON, Katherine M.; TRANG, Quach Thu; BERGENFELD, Irina. Preventing sexual violence in Vietnam: qualitative findings from high school, university, and civil society key informants across regions. *BMC Public Health*, v. 23, n. 1, p. 1-17, 2023. DOI 10.1186/s12889-023-15973-5.

⁸⁴ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *UNODC model law on legal aid in criminal justice systems with commentaries*. 2017. Available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf. Access in: Feb. 2, 2025.

munity dialogues, and school-based programmes that challenge harmful gender norms would complement legal reforms by fostering a more enabling environment for survivors. Collaboration with media organisations could further raise awareness about the rights of domestic violence victims and the availability of legal aid services, contributing to shifts in social attitudes over time. Overall, these implications point to a comprehensive reform agenda that spans legislative, institutional, professional, and socio-cultural domains. Although Vietnam has laid an important foundation, its legal aid system must evolve beyond formal entitlement towards a model that fully reflects survivor-centred, rights-based, and context-sensitive principles. Advancing this agenda will require sustained political commitment, coordinated multi-sectoral effort, investment in human and institutional capacity, and a willingness to adopt and adapt lessons from international best practices. If these conditions are met, Vietnam would be well positioned to strengthen the accessibility, quality, and effectiveness of legal aid for domestic violence survivors, contributing to broader goals of gender equality, social justice, and human rights.

4 Conclusion

This study set out to examine the extent to which Vietnam's legal aid framework for domestic violence survivors aligns with internationally recognised standards, and to consider what insights may be drawn from comparative legal analysis to inform future reforms. Through an assessment of Vietnam's legislative provisions alongside the Istanbul Convention, the UNODC Model Law and associated guidelines, and the AICHR Thematic Study, several critical themes and reform imperatives have emerged. Together, they underscore both the progress Vietnam has made in establishing a foundation for access to justice and the substantive work still required to ensure that legal aid becomes meaningfully accessible, survivor-centred, and fully responsive to the complexities of domestic violence. Vietnam's reforms over the past two decades demonstrate a clear normative commitment to strengthening legal aid provision. The *Law on Legal Aid* (2017) and the revised *Law on Prevention and Combat against Domestic Violence* (2022) constitute important milestones that situate legal aid as a state responsibility and formally recognise domestic

violence victims among priority beneficiaries. These developments align with global norms affirming legal aid as a fundamental component of access to justice and a critical safeguard for marginalised populations. Moreover, the decentralised structure of Legal Aid Centres has contributed to geographic outreach and laid groundwork for localised service models. Nevertheless, the comparative analysis has revealed persistent implementation gaps that limit the realisation of legal entitlements in practice. Across the three international instruments reviewed, there is a strong consensus on the core principles that should guide legal aid systems serving domestic violence survivors. These include accessibility, quality assurance, gender-sensitivity, independence, and integrated service delivery. Vietnam shares several of these commitments at a conceptual level, yet divergence becomes evident when examining depth of implementation, system design, and service delivery standards. The Istanbul Convention's robust feminist and rights-based framing contrasts with Vietnam's more neutral, family-centred approach, which does not fully acknowledge domestic violence as a manifestation of gendered power relations. This conceptual departure has practical consequences: whereas the Convention mandates survivor-centred, specialised legal services, Vietnam's framework remains mostly procedural, emphasising legal representation without ensuring trauma-informed, holistic, or culturally adapted support.

Furthermore, although Vietnam's decentralised system provides structural reach, variation in resourcing, professional capacity, and institutional capability across provinces continues to result in uneven access to legal aid. The UNODC Model Law's emphasis on sustainable funding, independent oversight, and provider accreditation offers relevant guidance for addressing these disparities. Similarly, the AICHR Thematic Study provides regionally grounded insights on obstacles that resonate with Vietnam's socio-legal landscape, particularly regarding language barriers, patriarchal norms, low legal literacy, and limited trust in formal justice institutions. Consequently, the comparative review indicates that Vietnam would benefit from adopting a more integrated, multi-agency model that situates legal aid within a wider ecosystem of protective and support services, coupled with capacity-building initiatives targeting both state and non-state providers. The implications outlined in this article suggest a forward-looking reform trajectory centred on operationalising a survivor-centred

model of legal aid. Several key areas merit prioritisation. First, adopting a rights-based conceptualisation of domestic violence – one that explicitly acknowledges structural gender inequality – would bring Vietnam into closer alignment with global normative standards. This shift would also support the development of legal and policy interventions that move beyond procedural access to justice and towards substantive empowerment and long-term safety for survivors. Second, formalising mandatory specialist training and accreditation for legal aid providers would help institutionalise quality standards, reduce secondary victimisation, and strengthen survivor trust in legal institutions. Third, enhancing cross-sectoral coordination through formalised referral pathways, multi-disciplinary teams, and partnerships with civil society organisations would contribute to a more holistic and seamless support experience for survivors.

Moreover, targeted outreach strategies are essential to addressing disparities in access among rural, ethnic minority, and migrant populations. Context-specific approaches – such as community-based legal empowerment, paralegal models, multilingual information campaigns, and mobile legal aid services – would increase reach and relevance. At the systems level, resource allocation, data-driven monitoring, and independent oversight mechanisms should be strengthened to ensure consistent service delivery nationwide and to support evidence-informed policymaking. These reforms, while ambitious, align with emerging global understandings that meaningful access to justice demands more than legal provisions; it requires sustained investment, institutional learning, and a cultural shift towards survivor agency and dignity. In synthesising the comparative findings, this article contributes to scholarly and policy debates on legal aid and gender-responsive justice. It highlights the value of comparative legal inquiry as a tool for diagnosing system gaps, identifying transferable practices, and fostering reflection on how international standards can be adapted to domestic contexts without neglecting cultural specificity. The analysis also reinforces the central point that legal aid is not merely a technical service, but rather a cornerstone of gender equality and human rights. When implemented effectively, legal aid can empower survivors to challenge violence, secure protection, and envision futures free from coercion and trauma. Ultimately, the path ahead for Vietnam involves consolidating legislative progress into sustained

structural transformation. This transformation must be anchored in a survivor-centred ethos, supported by institutional capacity, and embedded within a collaborative ecosystem that recognises the diverse needs of domestic violence survivors. Continued engagement with international frameworks, coupled with context-sensitive reform, will be essential to advancing a more inclusive, equitable, and effective legal aid system. By pursuing this trajectory, Vietnam has the potential not only to strengthen domestic protection mechanisms but also to contribute meaningfully to regional and global conversations on promoting access to justice and eliminating gender-based violence.

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