

**Legal Framework on Family Violence Prevention and Control in Vietnam
and Singapore from the Perspective of Protecting Women's Rights**

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Abstract

Family violence has left many serious consequences for victims in our society. Recent statistics show that the majority of victims of family violence are girls and women in general. That is the reason why women are one of the subjects that need to be given top priority for protection. Among them, physical, sexual or psychological violence by husbands is one of the most common form of violence against women globally. In Southeast Asia, although the Declaration on the Elimination of Violence against Women has been signed, family violence against women is still very much happening. Family violence not only causes women to lose their health, spirit, and dignity, but also leaves a lasting shadow throughout their lives. This article presents a comparative study on the legal frameworks of Vietnam and Singapore on family violence prevention and control from the perspective of protecting women's rights with the aim of ensuring human rights, social justice and gender equality.

Keywords: family violence, human rights, protection, Singapore, Vietnam, women.

Introduction

According to a study by the World Health Organization (WHO), at the global level, *"1 in 3 women is subjected to physical or sexual violence"* (World Health Organization, 2021). Among them, *"violence by a husband or male intimate partner (physical, sexual or psychological) is the most widespread form of violence against women globally"* (UN Women, 2021). Statistics show that *"more than 640 million women aged 15 years and older have suffered violence by an intimate partner"* (equivalent to 26% of women aged 15 years and older) (PNVN, 2022).

In Southeast Asia, 2004 marked an important step forward in the region's efforts to solve the problem of family violence. That is the signing of the Declaration on Elimination of Violence against Women at the 37th ASEAN Foreign Ministers' Meeting, along with the establishment of the ASEAN Women's Committee (AWC) in developing plans to implement specific activities (Association of Southeast Asian Nations, 2004). However, family violence against female victims is still occurring at an alarming rate. This becomes a challenge for countries in Southeast Asia in the fight against domestic violence and protecting women's rights and gender equality. Statistics show that *"in Southeast Asia, 33% of partnered women aged 15-49 will experience physical and/or sexual violence from a current or former husband or male partner at least once"* (UN Women, 2021). In their

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lifetime, 17% of women had a partner who experienced physical and/or sexual violence from a current or former partner in the past 12 months. In many Asian and Pacific countries, *“the proportion of women who report having experienced physical or sexual violence by an intimate partner in their lifetime is substantially higher than the global average of 27%”* (UN Women, 2021). In Vietnam, according to the results of a 2021 national survey, *“32% of women experienced physical or sexual violence from their husbands”*. Among them, *“90.4% of women who were physically or sexually abused by their husbands did not seek help, only 4.8% sought help from the police”* (Le Phi Long, 2022). In Singapore, more people are reporting family violence to the police, *“with a total of 5,190 reports filed in 2021, up from 5,134 in 2020”* (Aqil Hamzah, 2022)².

Family violence not only causes women to lose their health, spirit, and dignity, but also leaves a lasting shadow throughout their lives. Family violence also puts pressure on the health system, increases deviant behavior, crime and puts pressure on the work of preventing and combating social evils. The negative impacts of family violence lead to negative effects on the overall socio-economic development of the country. This article presents a comparative study of the legal framework of Vietnam and Singapore on family violence prevention and control from the perspective of protecting the rights of women who are victims of family violence with the aim of ensuring human rights, social justice and gender equality.

Research Questions

The research problem of this study lies in answering the following research questions.

1. What are the conceptions and the forms of family violence against women in the world?
2. How is the family violence prevention and control from the perspective of protecting women’s rights regulated in the official legal documents in Vietnam and Singapore?
3. What are the differences of family violence prevention and control from the perspective of protecting women’s rights between Vietnam and Singapore?
4. What are the recommendations on family violence for the legal system of Vietnam and Singapore in order to protect women’s rights?

Research Objectives

The research objectives of this article highlight the following tasks.

1. Give the conceptions and the forms of family violence against women in the world.

² However, this increased number of reports may be due to people’s higher awareness of family violence, leading to more applicants (Aqil Hamzah, 2022).

2. Analyse the regulations on family violence prevention and control from the perspective of protecting women's rights in the official legal documents in Vietnam and Singapore.
3. Tell the differences of family violence prevention and control from the perspective of protecting women's rights between Vietnam and Singapore.
4. Provide the recommendations on family violence for the legal system of Vietnam and Singapore in order to protect women's rights.

Methodology

A descriptive statutory approach through legal research is the first method applied in this article. In addition, the analysis of regulations related to family violence prevention and control from the perspective of protecting women's rights under the legal framework of Vietnam and Singapore is also used in this study. Moreover, a comparative method is adopted throughout this article in order to compare the provisions in Vietnam and Singapore on family violence prevention and control from the perspective of protecting women's rights. Therefore, the article aims to ensure the human rights, social justice and gender equality in our society.

Results and Discussion

1. Conception and classification of family violence against women

In Singapore, under section 64 of the Women's Charter, family violence means the commission of any of the following acts:

- (a) *"wilfully or knowingly placing, or attempting to place, a family member in fear of hurt;*
- (b) *causing hurt to a family member by such act which is known or ought to have been known would result in hurt;*
- (c) *wrongfully confining or restraining a family member against his or her will;*
- (d) *causing persistent harassment with intent to cause or knowing that it is likely to cause anguish to a family member"*.

In Vietnam, according to Article 2 (1) of the Law on Domestic Violence Prevention and Control in 2022, *"domestic violence means an act intentionally committed by a family member that causes or is likely to cause physical, mental, sexual or economic harms to another family member"*. The similarities between these two concepts are the harm suffered by the victim and the family relationship between the victim and the person committing the act of violence. The last characteristic helps us distinguish between domestic violence and family violence. Different from domestic violence, family violence refers to various forms of violence occurring within families. Vietnamese law does not provide a clear and

specific definition of a family member, but in Singapore, under section 64 of the Women's Charter, family member means:

- (a) *"a spouse or former spouse of the person;*
- (b) *a child of the person, including an adopted child and a stepchild;*
- (c) *a father or mother of the person;*
- (d) *a father-in-law or mother-in-law of the person;*
- (e) *a brother or sister of the person; or*
- (f) *any other relative of the person or an incapacitated person who in the opinion of the court should, in the circumstances, in either case be considered as a member of the family of the person".*

In addition, the conception of family violence against women is also different from the conception of gender-based violence. Gender-based violence means *"violence directed against a person because of that person's gender or violence that affects persons of a particular gender disproportionately"* (European Commission, 2024). Although women, men, boys and girls can all become victims of gender-based violence, women and girls are often the primary victims (UNHCR, 2003).

From the above conception of family violence, it can be seen that family violence is classified into many forms, of which the following main forms can be mentioned (Nguyen Quoc Su, 2021; Goh Lee Gan, 2011; SMU Law Outreach Club, 2020):

Firstly, physical violence means *"intentional acts that harm the life or cause physical injury to the victim"*. This type of behavior is often *"the easiest to recognize"* because it often leaves marks on the victim's body. Some examples of physical violence are prescribed in Vietnamese law such as: *"torturing, mistreating, beating, threatening or other intentional acts of infringing upon family members' health and life"* (Article 3 (1) (a) of the Law on Domestic Violence Prevention and Control in 2022).

Secondly, emotional violence, also known as psychological violence, *"is bad treatment that causes psychological pressure, causing immediate or potential psychological and mental health damage to the victim"*. This type of violence is very common but difficult to identify if compared to physical violence. Vietnamese law lists the following acts of mental violence: *"insulting, nagging or other intentional acts of offending family members' honor and dignity; forcing family members to witness violence against humans or animals for the purpose of exerting constant psychological pressure on family members..."* (Article 3 (1) (b) (c) of the Law on Domestic Violence Prevention and Control in 2022).

Thirdly, sexual violence, a new form of violence recognized in the Law on Domestic Violence Prevention and Control in 2022 in Vietnam, *"is the act of using force or verbal threats to force the other person to have sex (whether or not the act*

is possible) or the act of trying to immediately induce sexual activity even when the other person is unable to refuse for the following reasons: health, being under the influence of drugs stimulation, lack of ability to understand the consequences of sexual intercourse or being threatened or sexually harassed”. Some examples of sexual violence are regulated in Vietnamese law such as “forced sexual intercourse against the will of the spouse; forced performance of sexually explicit acts; forced listening to sounds, viewing images, reading pornographic content, stimulating violence...” (Article 3 (1) (i) (k) of the Law on Domestic Violence Prevention and Control in 2022).

Finally, financial or economic violence means “the act of financial control, making other family members financially dependent or appropriating legal income; prohibit access and use of family income sources or force family members to work too hard or contribute financially beyond their ability; destroying the private property of other family members or the common property of family members”. This type of violence often happens to victims who are women or wives in the family. Some acts of economic violence are regulated in Vietnamese law such as: “appropriating and destroying common family property or private property of other family members; forcing family members to study, work too hard, or contribute financially beyond their ability...” (Article 3 (1) (n) (o) of the Law on Prevention and Control of Domestic Violence in 2022).

2. Legal framework on family violence prevention and control in Vietnam from the perspective of protecting women’s rights

In Vietnam, human rights are recognized and protected by Constitution and laws ((Article 14 of the 2013 Constitution). Family violence is essentially a violation of human rights, especially the rights of women, children, the elderly and people with disabilities, but occurs within the family. Approaching family violence based on human rights is one of the basic and outstanding new points in preventing and combating domestic violence in Vietnam (Bao Yen, Trong Quynh, 2022; Online Newspaper of the Government, 2022). As one of the first countries in the world to sign the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) on July 29, 1980 and ratified on November 27, 1981, Vietnam has made many efforts to internalize CEDAW and develop laws on gender equality (Nguyen Huong Que, 2021), including regulations on the protection of women in family violence prevention and control. The legal framework on family violence prevention and control in Vietnam is regulated through the following official documents.

Firstly, the Penal Code in Vietnam promulgated in 2015, amended and supplemented in 2017, is the first legal document issued by the National Assembly regulating crimes related to family violence. There are no specific crimes of family violence against women in the current Vietnamese Penal Code. However, a number of criminal offenses can apply to most forms of family violence against women such

as forced sex, rape (Article 141), murder (Article 123); intentionally causing injury (Article 134); mistreating family members (Article 185)... With the provisions on these crimes in the current Vietnamese Penal Code, it can be seen that Vietnamese criminal law has basically built a fairly complete legal framework to protect women being the victims of family violence.

Secondly, besides the Vietnamese Penal Code in 2015, amended and supplemented in 2017, the 2019 Labor Code is one of the recent legal documents regulating a number of issues related to prevention, combating family violence in the State's labor policies such as regulating labor regimes and social policies to protect disabled workers, elderly workers, and underage workers (Article 4 (7) of the 2019 Labor Code). In particular, the 2019 Labor Code also has regulations aimed at protecting women's right, including women who are victims of family violence, such as regulations on ensuring gender equality, regulations on "*labor regimes and social policies to protect female workers*" (Article 4 (7) of the 2019 Labor Code).

Thirdly, the 2006 Gender Equality Law aims "*to eliminate gender discrimination, creating equal opportunities for men and women in socio-economic development and human resource development*" (Article 4 of the 2006 Gender Equality Law). In addition, the 2006 Gender Equality Law also has a number of regulations to prevent family violence such as regulations on gender equality between husband and wife in the family (Article 18 of the 2006 Gender Equality Law), regulations on acts of violating the law and forms of handling violations of the law on gender equality in the family (Articles 41 and 42 of the 2006 Law on Gender Equality).

Moreover, the 2014 Law on Marriage and Family regulates a number of issues in preventing and combating family violence against women such as basic principles of monogamous marriage and family, equality between husband and wife, building prosperous, progressive and happy families; family members having the obligation "*to respect, care for, and help each other; do not discriminate between children*" (Article 2 of the 2014 Law on Marriage and Family).

Besides, the 2016 Law on Children affirms that violence against children, including girls, is "*an act of torture, maltreatment, and beating; harming body and health; insulting and insulting honor and dignity; isolating, banishing and other intentional acts that cause physical and mental harm to children*" (Article 4 (6) of the 2016 Law on Children). In addition, the 2016 Law on Children also stipulates prohibited acts against children, including girls, including "*depriving children of their right to life; sexual abuse, violence, abuse and exploitation of children; do not provide or conceal or prevent the provision of information about abused children or children at risk of exploitation or violence to families, educational institutions, competent agencies and individuals*" (Article 6 of the 2016 Law on Children)...

Finally, in addition to the above-mentioned legal documents, most recently, with 465/474 National Assembly delegates participating in voting in favor, accounting for 93.37%, at the 4th Session, November 14 /2022, the 15th National Assembly passed the Law on Domestic Violence Prevention and Control in 2022 (Do Thoa, 2022). This legal document replaced the Law on Prevention and Control of Domestic Violence in 2007, which has revealed more or less problems and inadequacies in the present time. Up to now, the Law on Domestic Violence Prevention and Control in 2022 is the most recently issued legal document, directly and comprehensively regulating domestic violence prevention and control in Vietnam. The 2022 Law on Domestic Violence Prevention and Control in Vietnam has many regulations dedicated to protecting women, especially pregnant women, women raising children under 36 months of age and victims of family violence (Article 3 (1) (d), Article 4 (2), Article 13 (2) (b), Article 16 (2)(c).... Besides, Article 53 of this Law also stipulates the responsibility of the Vietnam Women's Union in coordinating with relevant agencies, organizations and individuals to protect and support people who are women suffering from family violence. One of the new and progressive points of the 2022 Law on Domestic Violence Prevention and Control in Vietnam is the addition of acts of sexual violence and sexual coercion of women in Vietnam to Articles 2 (1) and 3 (1) (i) the 2022 Law on Domestic Violence Prevention and Control.

In addition to legal documents promulgated by the National Assembly, Vietnam also has a system of documents guiding the implementation of laws in the field of preventing and combating domestic violence in general and protecting women who are victims of family violence in particular. Among those documents, there are the Decree 76/2023/ND-CP of the Government dated November 1, 2023 detailing a number of articles of the 2022 Law on Prevention and Control of Domestic Violence, the Decree 70/2008/ND-CP of the Government dated June 4, 2008 detailing the implementation of a number of articles of the 2006 Gender Equality Law...

Therefore, together with the system of specialized legal documents on domestic violence prevention and control, Vietnam also has documents in other related fields such as gender equality, marriage and family, labor..., including special provisions for the protection of women who are victims of family violence. These legal documents are meant to best protect women's rights, aiming to ensure social justice and gender equality.

3. Legal framework on family violence prevention and control in Singapore from the perspective of protecting women's rights

As one of the countries that focuses on human rights, in Singapore, family violence is considered an issue related to women's rights, not just a family issue. Therefore, in order to protect the rights of women and girls, the Women's Charter

was adopted in Singapore in 1961³. The entire contents of the Women's Charter have been incorporated into Chapter 353 of the Singapore Penal Code. This is Singapore's fundamental and important legal document in protecting women in preventing and combating family violence. This document is the legal basis for equality between husband and wife through fundamental contents such as polygamy being illegal; recognizing the wife's right to separate from her husband; equality in rights and obligations of both husband and wife in managing the family and children; the husband's obligation to support his wife and children during marriage and after divorce; the right of a husband or wife upon divorce to divide common property during the marriage; allowing a battered husband or wife the right to protection from the perpetrator; sanctions for crimes against women and girls (Nguyen Tuyet Mai, 2010) .

However, the provisions in the Women's Charter as well as the Singapore Penal Code are aimed at family issues rather than protecting women. By 1995, the Family Violence Bill was introduced in Singapore. At the forefront of this reform is the inter-ministerial action group, including representatives from the Ministry of Home Affairs, Ministry of Community Development, Ministry of Health, Singapore Council of Women's Organizations (SCWO) and Dr. Kanwaljit Soin. This group has launched a campaign to propagate and educate the community about family violence for a long time, starting in 1985, under the leadership of the AWARE (Association of Women for Action and Research) (AWARE, 2020). AWARE has organized a number of forums and workshops, as well as made a number of proposals related to violence against women and family violence. The greatest success that AWARE achieved was having its proposals present in the Family Violence Bill. However, unfortunately, this Bill was rejected by Parliament. Parliament is more inclined to amend the Women's Charter with some of the proposals in the Bill than to pass a separate law on combating family violence. The Women's Charter (Amendment) Bill was passed by the Parliament on August 27, 1996, approved by the President on September 27, 1996 and took effect from May 1, 1997. Most significant is the new addition to the Women's Charter of the Protection of the Family section, including Articles 64 to 67, replacing provisions on family protection added in 1980 (Research Directorate at the Immigration and Refugee Board of Canada, 1997). The Women's Charter continued to be amended and supplemented in subsequent years, including: 1997, 2001, 2007, 2008, 2009, 2010... and most recently 2022 (Singapore Statutes Online, 2024). The Women's Charter provided greater protection for women and girls in order to keep family institutions intact wherever possible.

However, the Select Committee on the Women's Charter (Amendment) Bill refused to include in the definition of family violence acts of sexual violence and sexual coercion against women. However, at that time, many countries, including

³ However, Singapore became an independent republic on 9 August 1965 (National Library Board, 2014).

as Australia, New Zealand..., have included sexual violence in their domestic violence prevention and control laws such as Domestic Violence Agencies Act 1986 in Australia, Domestic Violence Act 1995 in New Zealand... (Fourth Parliament of Singapore, 1980). Until now, sexual coercion against women has not been added in the definition of family violence in section 64 of the Women's Charter in Singapore. From a human rights perspective, it is regrettable that sexual violence is not included in the definition of domestic violence in Singapore. Meanwhile, the Asian Declaration of Human Rights has pointed out the significance of sexual violence against women and its connection to patriarchy and traditional values in Asia (Asian Human Rights Commission, 2024; Kumaralingam Amirthalingam, 2003). Accordingly, the Article 9.2 of the Asian Declaration of Human Rights stipulates that: *"The roots of patriarchy are systemic and its structures dominate all institutions, attitudes, social norms and customary laws, religions and values in Asian societies, crossing the boundaries of class, culture, caste and ethnicity. Oppression takes many forms, but is most evident in sexual slavery, domestic violence, trafficking in women and rape"*. It can be seen that Singapore's reform on family violence against women is a step in the right direction. However, it is necessary to reject the notion that women's equality in family violence prevention and control regulations may be antithetical to family and traditional values in Asia. It should be noted that women's rights are not a Western prerogative, but are compatible with Asian culture and beliefs.

Conclusion

Family violence has left many serious consequences for victims in our society. Recent statistics show that the majority of victims of family violence are girls and women in general. Therefore, Vietnam and Singapore have issued many legal documents on family violence prevention and control in order to protect women's rights from a human rights perspective. If compared to Vietnam, Singapore is a country with a more developed economy. However, through the above analysis, it can be seen that, unlike Vietnam, Singapore does not have an independent legal document in preventing and combating family violence. Legal regulations on family violence prevention and control in Singapore are scattered in various legal documents, mainly in the Women's Charter in Singapore's Penal Code.

Recommendations

- Women not only make up half of the family, but also make up half of the world. Recognizing human rights is also recognizing women's rights. Preserving the family is very important, but women's basic rights cannot be trampled on.
- Family violence against women is not only linked to the situation of justice in the family, but also in the community and society as a whole. The power imbalance between men and women and between abusers and victims, needs

to be restored through implementation mechanisms, not simply procedural regulations and principles of justice.

- Family violence against women needs to be considered a human rights issue. Rules and regulations in regional and international laws on preventing and combating family violence against women need to be considered in national agendas every year.
- A lot of countries in the world, including Vietnam, recently, in 2022, have included acts of sexual violence in the definition of family violence. Therefore, the addition of sexual violence to the Women's Charter in Singapore's Penal Code is necessary now.

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