



LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 3

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.368>

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ENHANCING VICTIM PROTECTION THROUGH THE CRIMINALIZATION OF RAPE IN VIETNAMESE LAW AND SELECTED ASEAN COUNTRIES

Nguyen Thi Binh¹ & Bui Thi Thuan Anh²

I. ABSTRACT

Sexual violence presents a continuing challenge for criminal justice systems because the quality of victim protection depends not only on the severity of criminal penalties, but also on how the offence is defined, how consent is assessed, how evidence is collected, how victims are treated throughout proceedings, and whether effective recovery and compensation mechanisms exist. In Viet Nam, the Penal Code 2015, as amended, criminalizes rape, rape of a person under 16 years of age, sexual coercion, sexual coercion of a person from 13 to under 16 years of age, and other sexual offences. Resolution No. 06/2019/NQ-HDTP further explains key concepts and introduces important child-victim safeguards. Nevertheless, the Vietnamese model still separates non-consensual sexual conduct according to enumerated methods of coercion and dependency, while many international standards increasingly place the absence of freely given consent at the center of the definition of rape. Victim-support safeguards are also most developed for persons under 18, leaving a less specialized framework for adult rape victims. This article uses doctrinal analysis, comparative law and secondary-source analysis to examine Viet Nam alongside selected ASEAN comparators, particularly Singapore and the Philippines. It focuses on five connected dimensions: the actus reus and consent element; age-based protection; aggravating circumstances and penalties; procedural safeguards and evidentiary practice; and compensation and support. The comparison shows that Singapore expressly uses lack of consent for its core penetrative sexual offences, while the Philippines combines circumstance-based rape provisions with a statutory-rape threshold of 16 and a dedicated Rape Victim Assistance and Protection Act. The article states the position under the legislation

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currently in force in each jurisdiction, including the prohibition of the death penalty in the Philippines since 2006. The article argues that stronger victim protection in Viet Nam should proceed through a consent-centered reform of rape law, broader trauma-informed safeguards for adult as well as child victims, clearer evidentiary guidance that avoids stereotypes about resistance, and a dedicated public mechanism for crisis support and victim compensation. These measures would strengthen accountability while preserving the presumption of innocence and the requirement that criminal liability be proved according to law.

II. KEYWORDS

Rape; victim protection; consent; sexual violence; comparative criminal law.

III. INTRODUCTION AND RESEARCH PROBLEM

Sexual violence is both a criminal-law problem and a victim-protection problem. Its consequences may include physical injury, sexually transmitted infections, unwanted pregnancy, psychological trauma, social stigma and long-term disruption of education, work and family life. The World Health Organization has repeatedly emphasized that sexual violence can produce serious short- and long-term physical, mental, sexual and reproductive health consequences.³

In Viet Nam, the 2019 National Study on Violence against Women found that 62.9% of ever-married women surveyed had experienced at least one form of physical, sexual, emotional or economic violence or controlling behavior by a husband during their lifetime; 90.4% of women who had experienced physical and/or sexual violence by a husband had not sought help from formal services.⁴ These figures are not rape statistics and should not be treated as such, but they demonstrate the wider context of under-reporting, stigma and barriers to formal help in which sexual-offence law operates.

³ World Health Organization, *Violence Against Women* (fact sheet), <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

⁴ General Statistics Office of Viet Nam & Ministry of Labour, Invalids and Social Affairs, *National Study on Violence Against Women in Viet Nam 2019* (UNFPA 2020), <https://asiapacific.unfpa.org/en/publications/national-study-violence-against-women-viet-nam-2019>; Naomi Kitahara, *Statement at the Launch of the National Study on Violence Against Women in Viet Nam 2019* (July 14, 2020), <https://vietnam.unfpa.org/en/node/50559>.

The criminal justice response is particularly sensitive to the legal construction of rape. A definition focused primarily on force, threat or visible resistance may create an evidentiary environment in which the victim is implicitly expected to show injuries, immediate reporting or active resistance. International and comparative legal developments increasingly reject that assumption. In 2019, a joint platform of United Nations and regional expert mechanisms called for the absence of consent to become the global standard for the definition of rape.⁵

Article 36 of the Council of Europe Convention on preventing and combating violence against women and domestic violence similarly requires criminalization of intentional non-consensual penetration and other non-consensual sexual acts, specifying that consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.⁶ Although Viet Nam is not a party to that Convention, Article 36 provides a useful comparative benchmark for evaluating how substantive criminal law can protect sexual autonomy without turning the victim's physical resistance into the organizing concept of the offence.

Viet Nam has made significant legislative progress. The Penal Code 2015, amended by Law No. 12/2017/QH14 and most recently by Law No. 86/2025/QH15, provides a differentiated system of sexual offences.⁷ Resolution No. 06/2019/NQ-HDTP of the Council of Justices of the Supreme People's Court supplies authoritative judicial guidance for Articles 141-147 and prescribes special procedures for sexual-abuse cases

⁵ OHCHR, *Absence of Consent Must Become the Global Standard for Definition of Rape* (Nov. 22, 2019), <https://www.ohchr.org/en/press-releases/2019/11/international-day-elimination-violence-against-women25-november-2019?sub-site=HRC>.

⁶ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence art. 36, May 11, 2011, C.E.T.S. No. 210, <https://www.coe.int/en/web/istanbul-convention/the-convention>; Eur. Parl. Ass., *Paving the Way for a Culture of Consent*, Doc. No. 16370, paras. 18-19 (Mar. 25, 2026), <https://pace.coe.int/en/files/35916/html>.

⁷ Penal Code, Law No. 100/2015/QH13 (Nov. 27, 2015) (Viet Nam), <https://vanban.chinhphu.vn/?classid=1&docid=183216&pageid=27160&typegroupid=3>; Law No. 12/2017/QH14 (June 20, 2017) (Viet Nam), <https://vanban.chinhphu.vn/?classid=1&docid=190507&pageid=27160&typegroupid=3>; Law No. 86/2025/QH15 (June 25, 2025, effective July 1, 2025) (Viet Nam), <https://vanban.chinhphu.vn/?classid=1&docid=214583&pageid=27160>.

involving victims under 18.⁸ The Criminal Procedure Code also contains general protection mechanisms, and its 2025 amendment entered into force on 1 July 2025.⁹ The law is stated in this article as at 19 October 2026, when a draft amended Penal Code was before the National Assembly; Section III.

A below sets out the status of that draft. Yet several questions remain. Is the substantive definition of rape sufficiently centered on sexual autonomy? Are the distinctions between rape and sexual coercion still justified in their current form? Are child-specific procedural protections capable of informing a broader victim-centered model for adults? Does the general civil compensation regime adequately respond to the distinctive long-term harms of rape? And what lessons can be drawn from ASEAN jurisdictions with different legislative techniques?

The UN multi-country study *The Trial of Rape: Understanding the Criminal Justice System Response to Sexual Violence in Thailand and Viet Nam* is particularly important for framing these questions. The study documented how stereotypes and assumptions about "typical" victim behavior can enter investigation and trial practice, including questions about why a victim was at a particular place, what she was wearing, why she did not scream or resist, or whether she appeared interested in the accused.¹⁰ The problem is therefore not only whether a criminal statute exists; it is also whether the statute, evidence rules and procedure together create conditions in which a victim can report, participate and seek redress without secondary victimization.

⁸ Resolution No. 06/2019/NQ-HDTP (Oct. 1, 2019, effective Nov. 5, 2019) (Council of Justices of the Supreme People's Court, Viet Nam), <https://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=139108>.

⁹ Criminal Procedure Code, Law No. 101/2015/QH13 (Nov. 27, 2015) (Viet Nam), <https://vanban.chinhphu.vn/?docid=183217&pageid=27160>; Law No. 99/2025/QH15 (June 27, 2025, effective July 1, 2025) (Viet Nam), <https://vanban.chinhphu.vn/?docid=214557&pageid=27160&typegroupid=3>.

¹⁰ Eileen Skinnider, Ruth Montgomery & Stephanie Garrett, *The Trial of Rape: Understanding the Criminal Justice System Response to Sexual Violence in Thailand and Viet Nam* (UN Women/UNDP/UNODC 2017), https://www.unodc.org/documents/justice-and-prison-reform/Gender/Trial-of-Rape_YC_27-Sept-2017.pdf.

A. The Law as Stated and the Pending Draft Penal Code

This article states the law as enacted on 19 October 2026. The most recent enacted amendment to the Penal Code 2015 is Law No. 86/2025/QH15, and the most recent amendment to the Criminal Procedure Code 2015 is Law No. 99/2025/QH15, both effective 1 July 2025. A draft amended Penal Code was, however, before the National Assembly at that date.

The Government presented the draft on 20 August 2026 at the first extraordinary session of the Sixteenth National Assembly and proposed its adoption at the second session, which sits from 17 October to 14 November and from 20 to 21 November 2026. The draft would reduce the number of offences punishable by death from ten to four, and the offences proposed for removal include rape of a person under 16 under Article 142. Preparation to commit an offence is among the draft's principal subjects. Deputies discussed the draft in group sessions on 19 October 2026, and it had not been adopted when this article was finalized. If adopted, the amended Code is expected to take effect on 1 March 2027.¹¹

The analysis that follows therefore states the law in force and identifies where the draft would alter it. The proposed change to Article 142 concerns the maximum penalty rather than the definition of the offence, the boundary between rape and sexual coercion, or the age thresholds. The reform questions examined in Sections IV.A to IV.C, and the corresponding Recommendations A to C, therefore arise under the draft as they do under the enacted Code. Because the draft remained pending at the date of writing, its status and final text should be verified against the official record of the National Assembly.

B. Research Objectives

This article pursues four objectives:

¹¹ *Six Offences Proposed for Removal from Death Penalty List*, Viet Nam News (Aug. 20, 2026), <https://vietnamnews.vn/politics-laws/1797904/six-offences-proposed-for-removal-from-death-penalty-list.html>; *Amendments to Penal Code to Advance Judicial Reform, Strengthen Crime Prevention: Lawmakers*, Vietnam Plus (Oct. 19, 2026), <https://en.vietnamplus.vn/amendments-to-penal-code-to-advance-judicial-reform-strengthen-crime-prevention-lawmakers-post353959.vnp>.

First, it clarifies the current Vietnamese criminal-law framework governing rape and closely related non-consensual sexual offences, with particular attention to actus reus, consent and the age of the victim.

Second, it compares key aspects of Vietnamese law with the current law of Singapore and the Philippines, stating the position under the legislation in force.

Third, it evaluates procedural, evidentiary and compensation mechanisms from the perspective of victim protection.

Fourth, it proposes reforms that seek to improve victim protection while maintaining due-process guarantees and the prosecution's burden of proving every element of the offence.

C. Research Questions

The analysis is organized around three central questions:

1. To what extent does the current Vietnamese legal definition of rape protect sexual autonomy, and what difficulties arise from the continued use of enumerated coercive methods and the separate offence of sexual coercion?
2. What lessons can Viet Nam draw from Singapore and the Philippines concerning consent, statutory rape, victim-support procedure and compensation?
3. Which legislative and institutional reforms could reduce secondary victimization and improve access to justice without weakening the presumption of innocence or evidentiary standards in criminal proceedings?

D. Research Hypotheses

The article tests three related hypotheses:

1. H1 is that a consent-centered definition of rape, assessed contextually, can better capture the wrongfulness of non-consensual sexual penetration than a model organized primarily around proof of force or specified coercive methods.

2. H2 is that Viet Nam's strongest victim-centered procedural guarantees currently concentrate on victims under 18, creating a protection gap for adult rape victims whose trauma and privacy needs may be comparable.
3. H3 is that substantive reform will be incomplete unless accompanied by specialized crisis services, trauma-informed evidentiary practice and a compensation mechanism that is not wholly dependent on the offender's immediate ability to pay.

E. Research Methodology

The article combines four methods:

Doctrinal legal analysis is used to examine the Penal Code, the Criminal Procedure Code, Resolution No. 06/2019/NQ-HDTP, the Civil Code, Resolution No. 02/2022/NQ-HDTP on non-contractual damages, and the Law on Prevention and Control of Domestic Violence 2022.

Comparative legal analysis examines current Singaporean provisions on rape and sexual assault involving penetration and Philippine legislation on rape, statutory rape, rape-victim assistance and victim compensation.

International-standard analysis uses the consent framework articulated by United Nations and regional expert mechanisms and Article 36 of the Istanbul Convention as comparative reference points rather than as directly binding rules for Viet Nam.

Finally, secondary-source analysis draws on the UNODC/UN Women/UNDP study of rape-case processing and the 2019 National Study on Violence against Women in Viet Nam.

The comparative jurisdictions were selected for functional reasons. Singapore provides an example in which adult penetrative offences are expressly framed through lack of consent, while the statutory scheme separately protects minors below 16 and exploitative relationships involving persons aged 16 to under 18.¹² The

¹² Penal Code 1871, secs. 375-376 (Sing.), <https://sso.agc.gov.sg/Act/PC1871?ProvIds=pr375-%2Cpr376->.

Philippines provides an example of statutory rape below 16, subject to a carefully delimited close-in-age exception, alongside a dedicated statutory structure for rape crisis centers, privacy, same-gender personnel and a rape-shield rule.¹³ These models do not represent a single "best" approach; they expose different legislative choices that can help identify where the Vietnamese framework is strong and where it could be supplemented.

F. Literature Review

The contemporary literature and policy materials can be grouped into three streams. The first concerns the definition of rape and consent. International human-rights standards increasingly emphasize sexual autonomy and freely given consent. The 2019 joint expert statement calls on states to ensure that absence of consent is central to the definition of rape.¹⁴

The Istanbul Convention's Article 36 requires a contextual assessment of whether consent was freely given, and the Explanatory Report to the Convention states that prosecution requires a context-sensitive assessment of the evidence which acknowledges the wide range of behavioral responses that victims exhibit.¹⁵ The European Court of Human Rights has given effect to comparable obligations, finding in *E.A. v France* that deficiencies in the domestic response to sexual violence breached Articles 3 and 8 of the European Convention.¹⁶ This stream is important because it shifts the analytical question from "Did the victim resist enough?" toward "Was there freely given agreement to the sexual act in the surrounding circumstances?"

The second stream concerns criminal-justice practice and secondary victimization. *The Trial of Rape* demonstrates how legal and institutional practices can reproduce rape

¹³ Republic Act No. 11648 (2022) (Phil.), https://lawphil.net/statutes/repacts/ra2022/ra_11648_2022.html; Republic Act No. 8505 (1998) (Phil.), https://lawphil.net/statutes/repacts/ra1998/ra_8505_1998.html.

¹⁴ OHCHR, *supra* note 3.

¹⁵ Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, C.E.T.S. No. 210, para. 192 (2011); Eur. Parl. Ass., *supra* note 4, paras. 18-19.

¹⁶ *E.A. and European Association Against Violence Against Women at Work v. France*, App. No. 30556/22 (Eur. Ct. H.R. Sept. 4, 2025).

myths even when the formal criminal law appears protective.¹⁷ The study's value lies in showing that legal definitions, interviewing practice, prosecutorial decision-making and courtroom questioning are interdependent. A statute may formally recognize non-consensual sex, yet practical reliance on injuries, immediate reporting or "expected" resistance may narrow the protection in operation.

The third-stream concerns victim support, recovery and compensation. The Philippines' Rape Victim Assistance and Protection Act of 1998 is notable because it connects criminal justice with psychological counseling, medical and medico-legal services, free legal assistance, investigation support, privacy, recovery services and professional training.¹⁸ Separately, Republic Act No. 7309 establishes a Board of Claims for victims of violent crimes and expressly includes rape within the category of violent crimes eligible for compensation, even though the statutory monetary ceiling in the original 1992 Act is now plainly modest by contemporary standards.¹⁹

In Viet Nam, by contrast, the Civil Code and judicial guidance provide a general damages framework, while the Law on Prevention and Control of Domestic Violence creates support facilities and shelter mechanisms for domestic-violence victims.²⁰ These mechanisms are important but are not the same as a general rape-specific crisis and public-compensation framework applicable to all victims regardless of their relationship with the offender.

The scholarly gap addressed by this article is therefore an integrated one. Existing discussions often focus separately on the elements of sexual offences, child sexual abuse, criminal procedure or civil compensation.

¹⁷ Skinnider, Montgomery & Garrett, *supra* note 8.

¹⁸ Republic Act No. 8505, *supra* note 11, secs. 3-6.

¹⁹ Republic Act No. 7309 (1992), secs. 3-4 (Phil.),
https://lawphil.net/statutes/repacts/ra1992/ra_7309_1992.html.

²⁰ Civil Code, Law No. 91/2015/QH13, art. 590 (Nov. 24, 2015) (Viet Nam),
<https://vanban.chinhphu.vn/default.aspx?docid=183188&pageid=27160>; Resolution No. 02/2022/NQ-HDTP (Sept. 6, 2022, effective Jan. 1, 2023) (Council of Justices of the Supreme People's Court, Viet Nam), <https://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=167688>; Law on Prevention and Control of Domestic Violence, Law No. 13/2022/QH15 (Nov. 14, 2022, effective July 1, 2023) (Viet Nam),
<https://vanban.chinhphu.vn/?classid=1&docid=207711&orggroupid=1&pageid=27160>.

This article brings those dimensions together and treats victim protection as a chain: criminalization determines what conduct can be prosecuted; evidence and procedure determine whether a case can progress without retraumatizing the victim; and support and compensation determine whether the legal system offers meaningful recovery after the offence. The comparative method is used not to transplant foreign law mechanically, but to identify legal techniques that can be adapted to Vietnamese constitutional, criminal-law and institutional conditions.

IV. RESEARCH & ANALYSIS

A. The Vietnamese Substantive Framework: Actus Reus, Coercion and the Victim's Will

The Vietnamese Penal Code creates a structured group of sexual offences. Article 141 criminalizes rape of a person aged 16 or older; Article 142 applies to rape of a person under 16; Article 143 criminalizes sexual coercion; Article 144 addresses sexual coercion of a person aged 13 to under 16; Article 145 criminalizes sexual intercourse or other sexual acts with a person aged 13 to under 16 in circumstances that do not amount to Articles 142 or 144; Article 146 criminalizes lewd acts with a person under 16; and Article 147 addresses the use of a person under 16 for pornographic purposes. The statutory scheme is supplemented by Resolution No. 06/2019/NQ-HDTP, which remains in force and specifically guides the application of Articles 141-147.²¹

For rape under Articles 141 and 142, the offence is built around sexual intercourse or another sexual act performed against the victim's will through the use of force, threat of force, taking advantage of the victim's inability to defend himself or herself, or other methods. Resolution No. 06/2019 gives the phrase "against the victim's will" significant substantive content: it includes situations in which the victim does not consent, passively submits, or is unable to express his or her will.²² The Resolution also explains circumstances in which a victim is unable to defend himself or herself, including physical incapacity and limited or lost cognitive or behavioral control

²¹ Resolution No. 06/2019/NQ-HDTP, *supra* note 6, art. 1.

²² *Id.* art. 3(9).

caused by alcohol, drugs, sedatives, anesthetics, mental illness or other medical conditions. It explains "other methods" through examples such as poisoning or administering substances to remove the victim's capacity to perceive or control behavior.

These clarifications are important because they reject a narrow idea that rape exists only where the victim fights back physically. A victim who freezes, submits because resistance appears futile, or cannot communicate a choice can still fall within the statutory protection. This is consistent with modern understandings of trauma and with the international insistence that proof of rape should not depend on proof of physical resistance.

At the same time, the structure of the Penal Code continues to make the method used by the offender central to classification. Where an offender exploits a relationship of dependence or a state of severe hardship to compel a victim to engage in sexual intercourse or another sexual act, the conduct is ordinarily classified as sexual coercion under Article 143 or 144 rather than rape under Article 141 or 142. Resolution No. 06/2019 defines dependence broadly to include material, psychological, employment, educational and religious dependence.²³ This is a genuine strength because it recognizes power relationships beyond physical violence. The difficulty is classificatory: if the core harm is non-consensual sexual penetration, the division between "rape" and "sexual coercion" may make the label and penalty depend heavily on the particular coercive route selected by the offender rather than on the absence of freely given sexual agreement.

The current law also defines the sexual acts covered with reasonable breadth. Resolution No. 06/2019 treats "sexual intercourse" as penile-vaginal penetration and recognizes "other sexual acts" involving penetration of the mouth, anus or female genitalia with genitalia, other body parts or sexual devices, subject to the precise

²³ Id. art. 3(10)-(11).

definitions in the Resolution.²⁴ This significantly broadens protection beyond the traditional penile-vaginal conception of rape.

However, non-penetrative sexual attacks against adult victims are not organized within the same comprehensive sexual-assault framework. Some conduct may be prosecuted under other offences or sanctioned administratively depending on the circumstances, but the fragmentation makes the boundary between criminal sexual assault, harassment and non-criminal misconduct less transparent than in systems that have a graded family of sexual offences based on the nature of the sexual act and the absence of consent.

From a victim-protection perspective, the principal substantive issue is therefore not that Vietnamese law ignores consent. Resolution No. 06/2019 expressly uses lack of agreement as part of "against the victim's will." The deeper issue is that consent operates within an offence still tied to listed or analogous offender tactics. A future reform could retain aggravating circumstances such as force, threats, abuse of authority, incapacitation and exploitation, but make the absence of freely given consent the central constitutive element for adult penetrative sexual offences. That would reduce the risk that a case is filtered primarily through the question of whether a specific coercive method can be proved.

B. Comparative Approaches to Consent: Singapore and the Philippines

The current Singapore Penal Code offers a useful contrast. Section 375 provides that a man commits rape when he penetrates the vagina of a woman with his penis without her consent, and subsection 1A extends the offence to penile penetration of another person's anus or mouth without that person's consent. The same provisions apply regardless of consent when the victim is below 14. Section 376, titled "Sexual assault involving penetration," is broader as to the offender and the penetrative act: it covers penetration with body parts or objects and certain acts of causing penetration, and it

²⁴ Id. art. 3.

applies where the other person does not consent or is below 14 regardless of consent.²⁵ Importantly, subsection 376(1) was deleted with effect from 1 March 2022; current comparative analysis should therefore rely on the present text rather than older descriptions of Section 376 as a male-on-male "forced" offence.

Singapore's model shows both the usefulness and limits of a consent-centered approach. Its core adult penetrative offences expressly ask whether the complainant consented. It also contains mistake-of-fact provisions that require good-faith belief in consent, thereby making the accused's state of mind a distinct issue.²⁶ At the same time, the offence labeled "rape" in Section 375 remains gendered in its formulation, while Section 376 performs much of the gender-neutral work for other penetrative assaults. The lesson for Viet Nam is not that Singapore's taxonomy should be copied, but that absence of consent can be made a clear statutory element without eliminating separate rules on age, incapacity, exploitative relationships or aggravated violence.

The Philippines presents a different model. Republic Act No. 8353 of 1997, which reclassified rape as a crime against persons, defined rape through circumstances such as force, threat or intimidation; deprivation of reason or unconsciousness; fraudulent machination or grave abuse of authority; and statutory-age conditions.²⁷ Republic Act No. 11648 of 2022 raised the statutory-rape age to under 16 and introduced a close-in-age exception where the age difference is no more than three years and the act is proven consensual, non-abusive and non-exploitative; the exception does not apply where the victim is under 13.²⁸ Thus, Philippine law has moved significantly on age protection but still does not provide the cleanest example of a pure adult consent-based definition.

The comparison reveals three distinct legislative techniques:

²⁵ Penal Code 1871, secs. 375(1), 375(1A), 376(2) (Sing.), <https://sso.agc.gov.sg/Act/PC1871?ProvIds=pr375-%2Cpr376->

²⁶ Id. secs. 375(5), 376(5).

²⁷ Republic Act No. 8353 (1997), art. 266-A (Phil.), https://lawphil.net/statutes/repacts/ra1997/ra_8353_1997.html.

²⁸ Republic Act No. 11648, *supra* note 11, sec. 1.

Table 1: Comparative Legislative Techniques in the Definition of Rape in Viet Nam, Singapore and the Philippines

Issue	Viet Nam	Singapore	Philippines
Core adult penetrative offence	Against the victims will plus enumerated/analogous coercive methods	Express absence of consent in ss 375 and 376	Circumstance-based definition including force, threat, unconsciousness and abuse of authority
Incapacity	Expressly addressed through inability to defend/express will and Resolution 06/2019	Consent rules plus specific statutory protections	Deprivation of reason or unconsciousness expressly included
Statutory-age rule	Under 13: rape regardless of consent; 13 to under 16: separate offences depending on circumstances	Under 14: rape/sexual assault regardless of consent; separate offences also protect under 16 and exploitative 16-under-18 relationships	Under 16: statutory rape, with a narrow close-in-age exception; no exception if victim under 13

Relationship/power abuse	Separate sexual-coercion offences for dependency or severe hardship	Exploitative relationships are separately recognized for minors and in aggravated provisions	Grave abuse of authority is included in rape circumstances
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The international consent benchmark helps explain why these differences matter. Article 36 of the Istanbul Convention does not require a particular verbal formula such as "yes means yes" or "no means no." Instead, it requires a contextual assessment of whether consent was voluntarily given as the result of free will.²⁹ This is important for legislative drafting in Viet Nam. A consent-centered offence should not create an unrealistic expectation of a formal verbal refusal; nor should it reverse the burden of proof. The prosecution would still have to prove lack of freely given consent and the accused's required culpability beyond the applicable standard. The reform would change the object of proof, not the burden of proof.

C. Age of the Victim and Statutory Rape

Age functions differently across the three jurisdictions and must be analyzed carefully. In Viet Nam, a person who has sexual intercourse or performs another sexual act with a child under 13 may incur liability for rape of a person under 16 even if the child appears to agree. For victims aged 13 to under 16, the legal classification depends on the circumstances. Where force or other rape methods are used, Article 142 applies; where dependency or severe hardship is exploited, Article 144 may apply; and where an offender aged 18 or older engages in sexual intercourse or another sexual act with a person aged 13 to under 16 outside those circumstances, Article 145 provides a separate offence. This means that Vietnamese law does criminalize

²⁹ Explanatory Report, *supra* note 13, para. 192.

consensual sexual activity by an adult with a 13-to-under-16-year-old, but it does not label all such conduct as rape.

The Philippines now sets the statutory-rape threshold at under 16. Republic Act No. 11648 deliberately raised the threshold and introduced a close-in-age exception designed to avoid criminalizing genuinely consensual peer relationships. The exception is narrow: the age difference must not exceed three years, the sexual act must be consensual, non-abusive and non-exploitative, and the exception is unavailable if the younger person is under 13.³⁰ The statute also defines "non-abusive" and "non-exploitative" with reference to undue influence, intimidation, coercion, injury, vulnerability, power and trust. This is a useful legislative technique because it combines stronger child protection with proportionality for peer relationships.

Singapore uses a layered structure. Under Sections 375 and 376, penetrative acts with a person below 14 falls within rape or sexual assault involving penetration regardless of consent. Separate provisions address sexual penetration of minors below 16, and Section 376AA criminalizes exploitative sexual penetration involving a person aged 16 to under 18 where an exploitative relationship exists.³¹ This shows that a legal system can distinguish between an absolute lower age threshold, a broader age-of-consent framework, and special protection against exploitative adult-minor relationships.

The comparison does not support a simplistic conclusion that one numerical age is always superior. Age rules interact with close-in-age exceptions, offender-age requirements, abuse-of-trust provisions and the seriousness of the offence label. For Viet Nam, a more precise reform question is whether the existing distinction between under 13 and 13-to-under-16 protection sufficiently reflects the vulnerability of adolescents and whether a close-in-age mechanism could allow stronger statutory protection without disproportionate criminalization of consensual peer conduct. Any

³⁰ Republic Act No. 11648, *supra* note 11.

³¹ Penal Code 1871, secs. 375, 376, 376A, 376AA (Sing.), <https://sso.agc.gov.sg/Act/PC1871>.

reform should also be coordinated with child-protection, marriage and juvenile-justice rules so that the criminal law does not create internal contradictions.

D. Aggravating Circumstances and Penalties

Vietnamese law provides severe penalty ranges for rape, particularly where victims are minors or where aggravating circumstances exist. Article 141 punishes the basic offence with two to seven years' imprisonment, rising to seven to fifteen years where circumstances such as organized commission, multiple offenders, repeated offending, incestuous character or pregnancy are present, and to twelve to twenty years or life imprisonment for specified levels of injury, mental and behavioral disorder, death or suicide; rape of a person aged sixteen to under eighteen attracts five to ten years.

Article 142 protects victims under 16 more heavily still, with seven to fifteen years for the basic offence, twelve to twenty years for aggravated forms, and twenty years, life imprisonment or death where the victim is under ten or the consequences are grave, although the pending draft Penal Code would remove the death penalty from this article (Section III.A above). Each article also permits a prohibition on holding positions or practising occupations for one to five years. Resolution No. 06/2019 directs courts to punish severely cases involving abuse of position, profession or work, or victims under 13, and contemplates prohibitions on occupations related to persons under 16.³²

Vietnamese law does not lack supplementary protective sanctions in sexual-offence cases. The judicial guidance expressly contemplates occupational prohibitions in appropriate cases. The defensible question is whether such measures are used systematically enough, and whether post-sentence risk-management measures, including no-contact restrictions and professional disqualification in high-risk contexts, are sufficiently coordinated across criminal, employment and child-protection law.

³² Penal Code, *supra* note 5, arts. 141-142; Resolution No. 06/2019/NQ-HDTP, *supra* note 6, art. 6.

In Singapore, sections 375 and 376 of the Penal Code carry a maximum of twenty years' imprisonment together with a liability to fine or caning, and both prescribe a minimum of eight years with at least twelve strokes of the cane for the aggravated cases identified in sections 375(3) and 376(4). Sentencing practice is structured further. In *Ng Kean Meng Terence v Public Prosecutor* the Court of Appeal set three indicative bands for rape, namely ten to thirteen years with six strokes, thirteen to seventeen years with twelve strokes, and seventeen to twenty years with eighteen strokes; and in *Pram Nair v Public Prosecutor* it declined to equate the benchmarks for rape and for sexual assault involving penetration.³³ The criminal-policy structure is therefore different from Viet Nam and should not be compared solely by maximum sentence. Penalty comparisons must account for sentencing rules, corporal punishment, minimum terms and offence definitions.

In the Philippines, Article 266-B of the Revised Penal Code, as inserted by Republic Act No. 8353, punishes rape by sexual intercourse with *reclusion perpetua*, and with *reclusion perpetua* to death where the offence is committed with a deadly weapon or by two or more persons or where the victim becomes insane. Republic Act No. 9346 of 2006 prohibits the imposition of the death penalty and substitutes *reclusion perpetua* where the law violated uses the nomenclature of the Revised Penal Code and life imprisonment where it does not.³⁴ A Philippine rape conviction therefore cannot presently result in a death sentence, and comparative criminal-law research must be updated through later legislation rather than relying on the original text of a statute in isolation.

For victim protection, the central lesson is that high statutory penalties are not enough. Deterrence and expressive condemnation matter, but they cannot substitute for clear offence elements, reliable investigations and procedures that enable victims to participate safely. An extremely severe penalty attached to an offence that is difficult

³³ Penal Code 1871, secs. 375(2)-(3), 376(3)-(4) (Sing.), *supra* note 23; *Ng Kean Meng Terence v. Public Prosecutor* [2017] SGCA 37, paras. 47, 121 (Sing.); *Pram Nair v. Public Prosecutor* [2017] SGCA 56 (Sing.).

³⁴ Republic Act No. 9346 (2006), secs. 1-2 (Phil.),

https://lawphil.net/statutes/repacts/ra2006/ra_9346_2006.html; Republic Act No. 8353, *supra* note 25, art. 266-B.

to prove may not produce greater protection in practice. The design of substantive and procedural law must therefore be evaluated as a single system.

E. Evidence, Procedure and the Prevention of Secondary Victimization

Vietnamese law contains a sophisticated set of safeguards for sexual-abuse cases involving victims under 18. Article 7 of Resolution No. 06/2019 requires closed trials while preserving public pronouncement of the decision; judges with knowledge or experience in cases involving persons under 18; child-friendly courtrooms; and participation of representatives, guardians or persons protecting the child's lawful rights and interests.

Depending on circumstances, the court should limit summoning child victims when alternative evidence can be used, use separate rooms and electronic equipment, ask age-appropriate questions, use body diagrams, and route questions from the accused through defense counsel or the trial panel. The Resolution prohibits humiliating or threatening questions, direct confrontation between the child victim and offender at trial, and direct questioning of the child by the accused.³⁵

These safeguards are among the strongest aspects of the current Vietnamese framework. They recognize that the courtroom can itself become a source of harm. They also operationalize an important distinction: testing the evidence rigorously does not require humiliating the witness. Cross-examination and fact-finding can remain meaningful while the mode, setting and phrasing of questions are adapted to reduce intimidation and retraumatization.

The principal gap is that these detailed safeguards are tied specifically to victims under 18. Adult rape victims are protected by the general rules of criminal procedure. The Criminal Procedure Code 2015, as amended by Law No. 99/2025/QH15, permits a closed hearing under Article 25 in order to protect persons under 18 or, at a litigant's reasonable request, personal privacy, while requiring that judgment be pronounced publicly; and Chapter XXXIV, Articles 484 to 490, provides for the protection of

³⁵ Resolution No. 06/2019/NQ-HDTP, *supra* note 6, art. 7.

offence denouncers, witnesses, victims and other proceeding participants whose life, health, honor, dignity or property is threatened.³⁶ Those provisions address physical safety and publicity. Unlike Article 7 of Resolution No. 06/2019, they do not prescribe how a victim is to be questioned, require trauma-informed interviewing, limit confrontation with the accused, restrict questioning about sexual history, or provide specialized support throughout the process. Adult victims may have different capacities from children, but trauma, fear of retaliation, shame and privacy risks do not end on the eighteenth birthday.

The UN multi-country study on rape-case processing in Viet Nam and Thailand illustrates why these matters. It records that a victim's character, behavior or dress is often called into question, and that victims may be asked why they did not report earlier or why they did not accept a settlement, both when they report to the police and when they are examined at trial.³⁷ Such questions may sometimes touch facts that are genuinely relevant, but when they are driven by stereotypes rather than material issues, they shift scrutiny from the accused's conduct to the victim's perceived morality. This can discourage reporting and can distort the assessment of consent.

International guidance favors a contextual approach. The Explanatory Report to the Istanbul Convention emphasizes, in relation to Article 36, that the evidence must be assessed case by case and should recognize the wide range of behavioral responses to rape rather than rely on assumptions about typical conduct.³⁸ A person may freeze, submit, delay reporting, maintain contact with an offender, or lack visible injuries for many reasons. None of those facts should automatically establish consent. Conversely, a consent-centered system must still permit the defense to challenge credibility and present relevant evidence. The legal task is to separate relevant contradiction from stereotype-based character judgment.

The Philippine Rape Victim Assistance and Protection Act provides a useful institutional comparator. It requires rape crisis centers in every province and city and

³⁶ Criminal Procedure Code, *supra* note 7, art. 25, ch. XXXIV (arts. 484-490).

³⁷ Skinnider, Montgomery & Garrett, *supra* note 8, at xii-xiii, 11-12, 31.

³⁸ Explanatory Report, *supra* note 13, para. 192.

assigns them functions including psychological counseling, medical and health services, medico-legal examination, free legal assistance, assistance with investigation, privacy and safety, family counseling, professional training and recovery programs. For women rape victims, it also calls for same-gender police and examining physicians and female prosecutors in preliminary investigation, and it authorizes closed-door proceedings. Section 6 creates a rape-shield rule excluding evidence of the complainant's past sexual conduct or reputation unless the court finds it material and relevant.³⁹

Not every element of that model needs to be copied. A same-gender personnel rule, for example, may require exceptions where staffing makes immediate compliance impossible. The broader lesson is institutional: victim support is embedded in the statutory design rather than left to ad hoc practice. Viet Nam could adopt the same principle by creating national minimum standards for rape and serious sexual-assault cases covering initial reporting, emergency medical care, forensic examination, legal information, psychological support, privacy, interviewing, trial participation and referral to longer-term services.

F. Compensation, Recovery and Support Mechanisms

Compensation is often treated as a secondary civil-law issue, but it is a core part of victim protection. Article 590 of the Vietnamese Civil Code recognizes compensation for damage to health, including reasonable treatment and rehabilitation expenses, lost or reduced income, reasonable caregiver expenses and compensation for mental suffering. Resolution No. 02/2022/NQ-HDTP provides detailed judicial guidance on these categories, including treatment, rehabilitation, lost income and caregiver costs.⁴⁰ These provisions offer a legal basis for compensation in rape cases where health, dignity and related interests have been harmed.

The general framework nevertheless faces structural limitations in sexual-violence cases. First, many long-term harms are difficult to document through conventional

³⁹ Republic Act No. 8505, *supra* note 11, secs. 3-6.

⁴⁰ Civil Code, *supra* note 18, art. 590; Resolution No. 02/2022/NQ-HDTP, *supra* note 18, art. 7.

receipts or immediate medical evidence. Psychological treatment may continue for years, educational and employment disruption may be diffuse, and some victims may not access formal health services at all. Second, an award against the offender may be difficult to enforce if the offender lacks assets or income, especially during a long prison sentence. Third, the framework is not organized as a rapid victim-support scheme capable of financing urgent medical, counseling, relocation or safety needs before final judgment.

Viet Nam has developed support infrastructure in the domestic-violence context. The Law on Prevention and Control of Domestic Violence 2022 recognizes domestic-violence support establishments, trusted addresses, temporary shelter and state-budget resources for prevention and support activities.⁴¹ These mechanisms can benefit rape victims when the sexual violence falls within domestic-violence relationships. They do not, however, establish a general rape-specific public compensation program for every victim of sexual violence, including offences by acquaintances, employers, teachers, strangers or other persons outside the domestic-violence framework.

The Philippine system offers two complementary points of comparison. Republic Act No. 8505 provides the service infrastructure of rape crisis centers.⁴² Republic Act No. 7309 separately creates a Board of Claims for victims of violent crimes and expressly states that violent crimes include rape. The original Act set a low statutory ceiling for many claims - a limitation that would need modernization in any contemporary model - but the institutional idea is significant: a victim can seek public compensation through an administrative board rather than relying exclusively on the convicted offender's assets.⁴³

A Vietnamese compensation model should not mechanically reproduce the 1992 Philippine monetary limits. Instead, it could establish an emergency and recovery fund with transparent eligibility criteria, capped categories of urgent expenses, and

⁴¹ Law on Prevention and Control of Domestic Violence, *supra* note 18.

⁴² Republic Act No. 8505, *supra* note 11.

⁴³ Republic Act No. 7309, *supra* note 17, secs. 3-4, 9.

procedures to avoid double recovery where the offender later pays damages. Access to urgent support should not require a final conviction, because that would defeat the purpose of early medical, psychological and safety assistance. At the same time, safeguards would be needed to verify victim status through reasonable administrative evidence and to preserve the distinction between emergency assistance and final judicial determination of criminal guilt.

V. SUGGESTIONS AND RECOMMENDATIONS

A. Reorient the Definition of Rape Toward Freely Given Consent

The first reform priority is to place lack of freely given consent at the center of the definition of rape and equivalent penetrative sexual offences. Force, threats, incapacitation, abuse of authority, dependency, exploitation of severe hardship, deception affecting sexual autonomy and other coercive circumstances should remain important, but primarily as evidence of lack of consent and, where appropriate, as aggravating circumstances. This would reduce the classificatory dependence on proving a particular coercive method. The pending draft Penal Code, as reported, does not revisit this definitional question, which therefore remains open.

A workable statutory formula should avoid creating a mechanical requirement of verbal refusal. Consent should be understood as voluntary agreement resulting from free will in the circumstances. The law should expressly clarify that silence, submission, lack of physical resistance, delayed reporting or absence of injury does not by itself establish consent. Equally, the reform should state that the prosecution retains the burden of proving the offence. A consent-centered model is compatible with the presumption of innocence when drafted in this manner.

B. Rationalize the Relationship Between Rape and Sexual Coercion

The current separation between rape and sexual coercion should be reconsidered. Exploitation of dependency, employment, education, religion, financial distress or other vulnerability can undermine sexual autonomy as effectively as an explicit threat. Viet Nam could either integrate penetrative sexual acts obtained through such abuse into a unified rape offence or retain separate offences while harmonizing their

conceptual basis around absence of freely given consent and calibrating penalties according to the seriousness of coercion and harm. The pending draft, as reported, leaves this boundary unchanged.

This reform would also reduce difficult boundary disputes. The legal question should focus first on whether the sexual act was freely agreed to, and second on how the offender brought about the absence of free agreement. The latter question can determine aggravation and sentence rather than whether the conduct is recognized as a fundamentally non-consensual sexual offence.

C. Strengthen Age-Based Protection with a Proportionate Close-in-Age Rule

Viet Nam should review the current under-13 absolute threshold and the treatment of persons aged 13 to under 16 in light of comparative developments. A possible direction is stronger statutory protection up to 16 combined with a carefully drafted close-in-age exception for consensual peer relationships. The Philippine model is instructive because the exception depends not only on a narrow age gap but also on proof that the conduct was consensual, non-abusive and non-exploitative, and it is unavailable for children below a lower age floor.⁴⁴ The draft Penal Code's reported change to Article 142 concerns the maximum penalty rather than the age thresholds, so this question also remains open.

Any Vietnamese reform should be tailored to domestic policy and coordinated with juvenile-justice rules. The purpose should be to protect adolescents from adult exploitation without imposing disproportionate criminal liability on peer conduct that lacks abuse, exploitation or coercion.

D. Extend Victim-Centered Procedural Safeguards Beyond Children

The child-victim safeguards in Resolution No. 06/2019 should serve as a foundation for a broader sexual-violence procedure. Adult victims should have access, where appropriate, to privacy protection, separate waiting areas, remote testimony or screens, limits on direct confrontation, advance explanation of procedure,

⁴⁴ Republic Act No. 11648, *supra* note 11.

psychological support and questioning rules that prohibit humiliation and stereotype-based attacks.

These measures need not be automatic in every adult case. Courts can retain discretion based on vulnerability, safety, trauma and the rights of the defense. However, the law should establish a clear presumption that protective arrangements are available and should require reasons where a requested measure is denied. This would make victim protection predictable rather than dependent on local practice.

E. Adopt Clear Evidentiary Guidance on Consent and Sexual History

Viet Nam should consider a rape-shield-type rule modeled on the principle found in Section 6 of the Philippine Rape Victim Assistance and Protection Act: evidence of a complainant's prior sexual conduct or reputation should not be admitted merely to suggest a general propensity to consent.⁴⁵ Such evidence should be admitted only where it is specifically material to an issue in the case and where its probative value justifies the intrusion into privacy and risk of prejudice.

Judicial and prosecutorial guidance should also identify common myths that cannot substitute for evidence: failure to scream, failure to flee, delayed reporting, continued communication with the accused, absence of visible injuries or a prior consensual relationship should not automatically be treated as proof of consent. The surrounding circumstances must be assessed as a whole.

F. Establish Specialized Rape Crisis Services and a Public Victim-Compensation Mechanism

A national framework should guarantee minimum rape-crisis services, including emergency health care, forensic examination, psychological first aid, longer-term counseling, legal assistance, safety planning and referral to accommodation where necessary. Existing domestic-violence facilities can form part of the network, but eligibility should not depend on the victim having a domestic relationship with the offender.

⁴⁵ Republic Act No. 8505, *supra* note 11, sec. 6.

Viet Nam should also study the creation of a public victim-compensation fund for serious violent crimes, including rape. The Philippine Board of Claims demonstrates the institutional feasibility of an administrative compensation mechanism, even though its original monetary ceiling is outdated.⁴⁶ A Vietnamese fund could finance urgent expenses before conviction, subject to clear evidentiary thresholds, and later coordinate with court-ordered restitution or civil damages to prevent double recovery.

G. Build Specialized Capacity and Data Without Sacrificing Due Process

Legislative reform must be accompanied by training for police officers, procurators, judges, forensic practitioners, legal-aid lawyers and social workers. Training should cover trauma-informed interviewing, digital and forensic evidence, assessment of consent, child and adult vulnerability, privacy, and the difference between legitimate credibility testing and rape myths. Specialized capacity can improve both victim protection and the accuracy of fact-finding.

Finally, Viet Nam should improve anonymized statistical reporting on sexual-offence complaints, case attrition, prosecution, conviction, protective measures, compensation and service referral. Better data would permit evaluation of whether legal reforms actually reduce barriers. Data collection must be designed to protect victims' identities and sensitive personal information.

VI. CONCLUSION

Vietnamese law already contains important foundations for the protection of rape victims. The Penal Code criminalizes a broad range of penetrative and other sexual conduct; Resolution No. 06/2019 clarifies that acting against the victim's will includes lack of agreement, passive submission and inability to express will; and the same Resolution establishes detailed child-friendly trial safeguards. The Civil Code and Resolution No. 02/2022/NQ-HDTP also provide a general legal basis for

⁴⁶ Republic Act No. 7309, *supra* note 17.

compensation for health-related and mental harm. These are substantial protections and should be preserved.

The comparative analysis nonetheless supports the three hypotheses advanced at the beginning of this article. First, a statutory focus on freely given consent would better express the protected legal interest of sexual autonomy and reduce excessive dependence on proof of particular coercive techniques. Second, the contrast between detailed child-victim safeguards and the more general protection available to adults reveals a procedural gap that can be addressed without weakening defense rights. Third, criminalization by itself cannot deliver recovery. Dedicated crisis services and a public compensation mechanism would address urgent needs that ordinary civil damages and offender-based enforcement cannot always meet.

Singapore and the Philippines illustrate different possibilities rather than a single template. Singapore demonstrates the clarity that comes from expressly using absence of consent for core penetrative offences and layering age- and exploitation-based protections around that principle. The Philippines demonstrates how statutory rape can be strengthened through a calibrated close-in-age exception and how criminal law can be linked to rape crisis centers, privacy rules, a rape-shield principle and a public claims mechanism. The Philippines also demonstrates the need for continuously updated comparative research: the death penalty has been prohibited there since 2006, so older penalty descriptions cannot be repeated as current law.

For Viet Nam, the next stage of reform should therefore be integrated. The substantive definition of rape, evidentiary practice, procedural protection, specialized services and compensation should be treated as parts of one victim-protection architecture. A consent-centered and trauma-informed framework can improve access to justice while preserving the core guarantees of criminal procedure: legality, the presumption of innocence, equality of arms and proof of criminal responsibility according to law.

VII. REFERENCES

1. *Amendments to Penal Code to Advance Judicial Reform, Strengthen Crime Prevention: Lawmakers, Vietnam Plus* (Oct. 19, 2026),

- <https://en.vietnamplus.vn/amendments-to-penal-code-to-advance-judicial-reform-strengthen-crime-prevention-lawmakers-post353959.vnp>.
2. Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, May 11, 2011, C.E.T.S. No. 210, <https://www.coe.int/en/web/istanbul-convention/the-convention>.
 3. *E.A. and European Association Against Violence Against Women at Work v. France*, App. No. 30556/22 (Eur. Ct. H.R. Sept. 4, 2025).
 4. Eur. Parl. Ass., *Paving the Way for a Culture of Consent*, Doc. No. 16370 (Mar. 25, 2026), <https://pace.coe.int/en/files/35916/html>.
 5. Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, C.E.T.S. No. 210 (2011).
 6. General Statistics Office of Viet Nam & Ministry of Labour, Invalids and Social Affairs, *National Study on Violence Against Women in Viet Nam 2019* (UNFPA 2020), <https://asiapacific.unfpa.org/en/publications/national-study-violence-against-women-viet-nam-2019>.
 7. Kitahara, Naomi, *Statement at the Launch of the National Study on Violence Against Women in Viet Nam 2019* (July 14, 2020), <https://vietnam.unfpa.org/en/node/50559>.
 8. *Ng Kean Meng Terence v. Public Prosecutor* [2017] SGCA 37 (Sing.).
 9. OHCHR, *Absence of Consent Must Become the Global Standard for Definition of Rape* (Nov. 22, 2019), <https://www.ohchr.org/en/press-releases/2019/11/international-day-elimination-violence-against-women25-november-2019?sub-site=HRC>.
 10. Penal Code 1871 (Sing.), <https://sso.agc.gov.sg/Act/PC1871>.
 11. Philippines, Republic Act No. 7309 (1992), https://lawphil.net/statutes/repacts/ra1992/ra_7309_1992.html.

12. Philippines, Republic Act No. 8353 (1997), The Anti-Rape Law of 1997, https://lawphil.net/statutes/repacts/ra1997/ra_8353_1997.html.
13. Philippines, Republic Act No. 8505 (1998), Rape Victim Assistance and Protection Act of 1998, https://lawphil.net/statutes/repacts/ra1998/ra_8505_1998.html.
14. Philippines, Republic Act No. 9346 (2006), An Act Prohibiting the Imposition of Death Penalty in the Philippines, https://lawphil.net/statutes/repacts/ra2006/ra_9346_2006.html.
15. Philippines, Republic Act No. 11648 (2022), An Act Promoting for Stronger Protection Against Rape and Sexual Exploitation and Abuse, https://lawphil.net/statutes/repacts/ra2022/ra_11648_2022.html.
16. *Pram Nair v. Public Prosecutor* [2017] SGCA 56 (Sing.).
17. *Six Offences Proposed for Removal from Death Penalty List*, Viet Nam News (Aug. 20, 2026), <https://vietnamnews.vn/politics-laws/1797904/six-offences-proposed-for-removal-from-death-penalty-list.html>.
18. Skinnider, Eileen, Ruth Montgomery & Stephanie Garrett, *The Trial of Rape: Understanding the Criminal Justice System Response to Sexual Violence in Thailand and Viet Nam* (UN Women/UNDP/UNODC 2017), https://www.unodc.org/documents/justice-and-prison-reform/Gender/Trial-of-Rape_YC_27-Sept-2017.pdf.
19. Viet Nam, Civil Code, Law No. 91/2015/QH13 (Nov. 24, 2015, effective Jan. 1, 2017), <https://vanban.chinhphu.vn/default.aspx?docid=183188&pageid=27160>.
20. Viet Nam, Criminal Procedure Code, Law No. 101/2015/QH13 (Nov. 27, 2015, effective Jan. 1, 2018), <https://vanban.chinhphu.vn/?docid=183217&pageid=27160>.
21. Viet Nam, Law No. 12/2017/QH14 Amending the Penal Code (June 20, 2017, effective Jan. 1, 2018),

<https://vanban.chinhphu.vn/?classid=1&docid=190507&pageid=27160&typegroupid=3>.

22. Viet Nam, Law No. 86/2025/QH15 Amending the Penal Code (June 25, 2025, effective July 1, 2025), <https://vanban.chinhphu.vn/?classid=1&docid=214583&pageid=27160>.
23. Viet Nam, Law No. 99/2025/QH15 Amending the Criminal Procedure Code (June 27, 2025, effective July 1, 2025), <https://vanban.chinhphu.vn/?docid=214557&pageid=27160&typegroupid=3>.
24. Viet Nam, Law on Prevention and Control of Domestic Violence, Law No. 13/2022/QH15 (Nov. 14, 2022, effective July 1, 2023), <https://vanban.chinhphu.vn/?classid=1&docid=207711&orggroupid=1&pageid=27160>.
25. Viet Nam, Penal Code, Law No. 100/2015/QH13 (Nov. 27, 2015, effective Jan. 1, 2018), <https://vanban.chinhphu.vn/?classid=1&docid=183216&pageid=27160&typegroupid=3>.
26. Viet Nam, Resolution No. 02/2022/NQ-HDTP of the Council of Justices of the Supreme People's Court (Sept. 6, 2022, effective Jan. 1, 2023), <https://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=167688>.
27. Viet Nam, Resolution No. 06/2019/NQ-HDTP of the Council of Justices of the Supreme People's Court (Oct. 1, 2019, effective Nov. 5, 2019), <https://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=139108>.
28. World Health Organization, *Violence Against Women* (fact sheet), <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.