

FROM LEGAL COMMITMENTS TO EFFECTIVE PROTECTION: A SOCIO-LEGAL REVIEW OF CHILD SEXUAL ABUSE PREVENTION IN VIETNAM

DOS COMPROMISSOS LEGAIS À PROTEÇÃO EFICAZ: UMA ANÁLISE SOCIO-JURÍDICA DA PREVENÇÃO DO ABUSO SEXUAL INFANTIL NO VIETNÃ

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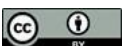
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Abstract

Child sexual abuse constitutes one of the most serious violations of children's rights, generating profound and long-lasting consequences for individual well-being and social development. Despite increasing international attention and legal reform efforts, many countries continue to face significant challenges in translating formal legal commitments into effective protection for children. This article adopts a socio-legal and multidisciplinary approach to examine the protection of children from sexual abuse in Vietnam, integrating human rights theory, behavioural psychology, criminology, empirical evidence, and legal analysis. Drawing on international standards, national legislation, official reports, and existing academic research, the article analyses the scale and characteristics of child sexual abuse in Vietnam, the institutional and legal frameworks governing child protection, and the principal obstacles to effective implementation. The findings reveal a persistent gap between formal legal compliance and substantive realisation of children's rights, manifested in under-reporting, procedural deficiencies, limited child-friendly justice mechanisms, and fragmented institutional coordination. By applying the Theory of Planned Behavior and criminological perspectives, the article explains why punitive measures alone have limited preventive impact in contexts where social norms discourage disclosure and institutional responses are perceived as

Resumo

O abuso sexual infantil constitui uma das mais graves violações dos direitos da criança, gerando consequências profundas e duradouras para o bem-estar individual e o desenvolvimento social. Apesar da crescente atenção internacional e dos esforços de reforma legislativa, muitos países ainda enfrentam desafios significativos na conversão de compromissos jurídicos formais em proteção efetiva para as crianças. Este artigo adota uma abordagem sociojurídica e multidisciplinar para examinar a proteção das crianças contra o abuso sexual no Vietnã, integrando teoria dos direitos humanos, psicologia comportamental, criminologia, evidências empíricas e análise jurídica. Com base em normas internacionais, legislação nacional, relatórios oficiais e pesquisas acadêmicas existentes, o artigo analisa a magnitude e as características do abuso sexual infantil no Vietnã, os marcos institucionais e jurídicos que regem a proteção da criança, bem como os principais obstáculos à implementação efetiva. Os achados revelam uma lacuna persistente entre a conformidade jurídica formal e a concretização substantiva dos direitos da criança, manifestada na subnotificação, em deficiências procedimentais, na limitação de mecanismos de justiça sensíveis à criança e na fragmentação da coordenação institucional. Ao aplicar a Teoria do Comportamento Planejado e perspectivas criminológicas, o artigo explica por que



inaccessible or ineffective. The study argues that effective protection of children from sexual abuse requires a shift from a predominantly reactive, criminal-justice-centred model towards a holistic, rights-based, and child-centred protection system that prioritises prevention, child-friendly justice, and long-term recovery. The article contributes to interdisciplinary scholarship on child protection by demonstrating the value of integrating legal analysis with behavioural and social science insights, and by offering policy-oriented recommendations to strengthen the effective realisation of children's rights in Vietnam and comparable contexts.

Keywords: Child Sexual Abuse. Children's Rights. Human Rights-Based Approach. Child-Friendly Justice. Theory of Planned Behavior. Criminology. Vietnam. Child Protection Policy.

medidas legais punitivas, isoladamente, apresentam impacto preventivo limitado em contextos nos quais normas sociais desestimulam a denúncia e as respostas institucionais são percebidas como inacessíveis ou ineficazes. O estudo sustenta que a proteção efetiva das crianças contra o abuso sexual requer uma transição de um modelo predominantemente reativo e centrado na justiça criminal para um sistema holístico, baseado em direitos e centrado na criança, que priorize a prevenção, a justiça amigável à criança e a recuperação de longo prazo. O artigo contribui para a produção acadêmica interdisciplinar sobre proteção da criança ao demonstrar o valor da integração entre análise jurídica e aportes das ciências comportamentais e sociais, além de oferecer recomendações orientadas a políticas públicas para fortalecer a efetiva concretização dos direitos da criança no Vietnã e em contextos comparáveis.

Palavras-chave: Abuso Sexual Infantil. Direitos da Criança. Abordagem Baseada em Direitos Humanos. Justiça Amigável à Criança. Teoria do Comportamento Planejado. Criminologia. Vietnã. Política de Proteção da Criança.

1 INTRODUCTION

1.1 Child sexual abuse as a global and persistent problem

Child sexual abuse is widely recognised as one of the most serious forms of violence against children, producing profound and long-lasting consequences for physical health, mental well-being, and social development. Empirical studies across different regions consistently demonstrate that sexual abuse during childhood is strongly associated with a wide range of adverse outcomes, including psychiatric disorders, impaired social functioning, and increased vulnerability to further victimisation later in life (Chen et al., 2010; Sedlak et al., 2010). These effects extend beyond individual victims, undermining family stability and social trust and imposing significant long-term costs on society.

Globally, international organisations and research institutions have documented the widespread nature of sexual violence against children. Despite differences in legal

systems and cultural contexts, under-reporting remains a common challenge, suggesting that official statistics capture only a fraction of actual cases (UNICEF, 2024). This hidden nature of child sexual abuse complicates prevention efforts and weakens the capacity of States to design evidence-based policies.

1.2 International legal recognition of children's right to protection

In response to the global scale of child sexual abuse, international human rights law has progressively recognised children's right to be protected from sexual exploitation and abuse. The Convention on the Rights of the Child establishes a comprehensive framework that obliges States to take all appropriate legislative, administrative, social, and educational measures to protect children from sexual violence (United Nations, 1989). This obligation is further elaborated in subsequent international instruments addressing child prostitution, child pornography, and trafficking (United Nations, 2000).

Importantly, international standards conceptualise protection not merely as punishment of offenders but as a multidimensional obligation encompassing prevention, early detection, child-friendly justice, and recovery. Terminology guidelines adopted at the international level emphasise the need to frame child sexual abuse in a manner that centres children's rights and avoids stigmatisation or secondary harm (Interagency Working Group, 2016). These developments reflect a broader shift in international law from reactive criminal justice responses towards integrated child protection systems.

1.3 The Vietnamese context: legal reform and persistent challenges

Vietnam has undertaken significant legal and policy reforms aimed at strengthening the protection of children from sexual abuse. Criminal law amendments, the adoption of specialised child protection legislation, and the development of national programmes on child protection reflect a growing awareness of sexual violence as a serious social and legal problem. Recent governmental reports indicate sustained efforts by law-enforcement agencies and social services to address offences against children and to improve institutional responses (Ministry of Public Security, 2022; Ministry of Public Security, 2023; Ministry of Public Security, 2024).

Nevertheless, empirical data and policy analyses suggest that these reforms have not fully translated into effective protection in practice. Official statistics reveal ongoing incidents of sexual abuse, while qualitative studies highlight persistent problems such as under-reporting, procedural barriers, and limited access to specialised support services, particularly in rural and disadvantaged areas. Research also indicates that a significant proportion of perpetrators are individuals known to the child, which complicates detection and intervention and underscores the limitations of purely punitive approaches (Sở Y tế Đắk Nông, 2024).

1.4 Review of existing research and identification of gaps

Academic research on child sexual abuse in Vietnam has expanded in recent years, encompassing legal analysis, criminological studies, and social science research. Legal scholars have examined the adequacy of criminal provisions and procedural safeguards, identifying inconsistencies and enforcement challenges (Trần Văn Độ, 2020; Phùng Đức Khiêm & Trần Đình Hải, 2024). Other studies have focused on social and psychological dimensions, including parental awareness, social attitudes, and risk factors associated with sexual violence against children (Nguyễn Thị Hằng Phương & Lê Mỹ Dung, 2018).

Despite these contributions, existing research often remains fragmented. Many studies focus on isolated aspects of the problem, such as specific offences, institutional actors, or localised empirical data, without integrating legal analysis with broader socio-psychological and criminological perspectives. As a result, there is limited scholarship that systematically examines how legal norms, institutional arrangements, and social factors interact to shape the effectiveness of child protection in Vietnam.

1.5 Research objectives and structure of the article

Against this background, this article seeks to provide a comprehensive socio-legal analysis of Vietnam's approach to protecting children from sexual abuse. The study pursues three main objectives. First, it examines the theoretical and conceptual foundations of children's right to protection, drawing on human rights theory, behavioural psychology, and criminology. Second, it analyses the empirical and policy context in

Vietnam, with particular attention to legal frameworks, institutional practices, and implementation challenges. Third, it proposes policy-oriented recommendations aimed at strengthening prevention, child-friendly justice, and victim support.

The article is structured as follows. Section 2 develops the theoretical and conceptual framework underpinning the analysis. Section 3 examines the empirical and policy context of child sexual abuse in Vietnam. Section 4 analyses legal and institutional implementation challenges. Section 5 discusses the findings in light of international standards and comparative insights, and Section 6 concludes with policy recommendations.

2 THEORETICAL AND CONCEPTUAL FRAMEWORK FOR PROTECTING CHILDREN FROM SEXUAL ABUSE

2.1 Children's protection from sexual abuse as a human rights issue

The protection of children from sexual abuse must be understood, first and foremost, as a fundamental human rights issue rather than merely a matter of criminal policy or social welfare. From a rights-based perspective, sexual abuse constitutes a grave violation of human dignity, bodily integrity, and personal autonomy, particularly given the heightened vulnerability of children and their limited capacity to protect themselves. Human rights theory emphasises that children are not passive objects of protection but rights-holders entitled to special safeguards by virtue of their age, dependency, and developmental needs (Donnelly, 2005; Vũ Công Giao & Ngô Minh Hương, 2016).

Within international human rights law, children's right to protection from sexual abuse is grounded in the recognition of States' positive obligations. These obligations extend beyond the prohibition of harmful conduct to include the duty to prevent violations, to investigate and punish perpetrators effectively, and to ensure recovery and reintegration for victims. This shift from a negative to a positive conception of rights marks a critical evolution in contemporary human rights theory, particularly in relation to vulnerable groups such as children (Donnelly, 2005).

In the Vietnamese legal and academic context, rights-based approaches to child protection have increasingly been articulated in constitutional theory and human rights

scholarship. Vietnamese scholars emphasise that children's rights derive from the universal principles of human rights but require differentiated legal treatment to account for children's physical, psychological, and social immaturity (Nguyễn Đăng Dung, Vũ Công Giao & Lã Khánh Tùng, 2011). Accordingly, protection from sexual abuse cannot be reduced to punitive criminal sanctions; it must be embedded within a comprehensive framework encompassing prevention, procedural safeguards, and long-term support.

2.2 Rights-based approaches and the role of the State

A rights-based approach assigns the State a central role as the primary duty-bearer responsible for ensuring the effective protection of children. Unlike welfare-based models, which frame protection as discretionary or charitable, rights-based models impose binding legal obligations on public authorities. These obligations include legislative action, institutional design, resource allocation, and the establishment of mechanisms for accountability (Vũ Công Giao & Ngô Minh Hương, 2016).

In the context of child sexual abuse, a rights-based framework requires States to adopt multi-layered strategies that integrate criminal justice responses with social policy measures. This includes the creation of child-friendly reporting mechanisms, specialised investigative procedures, and accessible support services. Failure to implement such measures may amount to a violation of the State's obligation to exercise due diligence in preventing and responding to human rights abuses (Donnelly, 2005).

Vietnamese legal theory increasingly reflects this understanding, particularly in discussions concerning the constitutionalisation of human rights and the expansion of State responsibility in protecting vulnerable groups. However, the translation of these theoretical commitments into operational mechanisms remains uneven. Scholars have noted that although rights discourse has gained prominence in legal texts, institutional practices often continue to reflect traditional, authority-centred models that prioritise order and punishment over individual rights protection (Hoàng Thị Kim Quế, 2015).

2.3 Psychological foundations: the theory of planned behavior and sexual offending

While human rights theory provides the normative foundation for child protection, understanding sexual abuse also requires engagement with behavioural and psychological theories that explain why such offences occur and how they may be prevented. Among the most influential frameworks is the **Theory of Planned Behavior (TPB)** developed by Ajzen, which posits that human behaviour is shaped by behavioural intentions formed through attitudes, subjective norms, and perceived behavioural control (Ajzen, 1985; Ajzen & Fishbein, 1977).

Applied to sexual offending, the TPB suggests that abusive behaviour is not merely impulsive but often results from a combination of cognitive justifications, social influences, and perceived opportunities. Attitudes that normalise or minimise sexual exploitation, social environments that tolerate silence or stigma, and weak perceptions of legal or social consequences may collectively increase the likelihood of sexual abuse against children (Ajzen, 1993).

Empirical studies in psychology and criminology support the relevance of TPB in explaining sexual behaviour and deviance, particularly in contexts where social norms and institutional enforcement are weak (Aspy et al., 2007). In the Vietnamese context, cultural taboos surrounding sexuality and family honour may shape subjective norms that discourage reporting and intervention, indirectly facilitating abusive behaviour. These insights underscore the importance of preventive strategies that target attitudes and social norms, rather than relying exclusively on punitive measures.

2.4 Criminological perspectives on child sexual abuse

Criminological theory further enriches the analysis of child sexual abuse by situating individual behaviour within broader social structures. Sutherland's theory of differential association emphasises that criminal behaviour is learned through interaction with others, particularly within intimate social environments (Sutherland, 2010). This perspective is especially relevant to child sexual abuse, which frequently occurs within familial or trusted relationships.

Vietnamese criminological scholarship has drawn attention to socio-economic and cultural factors that contribute to sexual violence against children, including family breakdown, migration, and limited access to education (Nguyễn Khắc Hải, 2021). These factors interact with weak institutional oversight to create environments in which abuse can persist undetected. Criminological approaches therefore reinforce the need for structural interventions that address risk factors at the community and family levels.

Importantly, criminological theories challenge purely legalistic responses to child sexual abuse. While criminal law remains essential for deterrence and accountability, it cannot, on its own, address the social conditions that enable abuse. Integrating criminological insights into child protection policy thus supports a more holistic approach that aligns with rights-based principles.

2.5 Integrating human rights, psychology, and criminology

Taken together, human rights theory, behavioural psychology, and criminology provide a comprehensive analytical framework for understanding and addressing child sexual abuse. Human rights theory establishes the normative obligation of the State to protect children; psychological theory explains individual behaviour and the role of attitudes and norms; criminological theory situates abuse within broader social and structural contexts.

This integrated framework highlights that effective protection of children from sexual abuse requires more than legal prohibition. It demands coordinated interventions across legal, social, educational, and psychological domains. For Vietnam, adopting such an interdisciplinary framework is essential to moving beyond formal legal compliance and towards the substantive realisation of children's rights.

3 EMPIRICAL AND POLICY CONTEXT OF CHILD SEXUAL ABUSE IN VIETNAM

3.1 Scale and characteristics of child sexual abuse in Vietnam

Empirical evidence indicates that child sexual abuse in Vietnam constitutes a persistent and complex social problem, affecting children across different regions, socio-economic backgrounds, and family contexts. Official data reported by law-enforcement agencies reveal a continuous number of cases involving sexual offences against children, with only limited signs of long-term decline despite intensified prevention efforts (Ministry of Public Security, 2022; Ministry of Public Security, 2023; Ministry of Public Security, 2024; Ministry of Public Security, 2025).

Annual and periodic reports of the Ministry of Public Security consistently highlight two critical features of child sexual abuse in Vietnam. First, a significant proportion of offences are committed by individuals known to the child, including family members, relatives, neighbours, or persons in positions of trust. This pattern is corroborated by sectoral data indicating that nearly 60% of perpetrators are persons close to the victim, which complicates detection and reporting and increases the risk of prolonged abuse (Sở Y tế Đắk Nông, 2024). Second, many cases involve children under the age of 16, underscoring the heightened vulnerability of younger children and the inadequacy of self-protection mechanisms at early developmental stages.

These findings are consistent with international research demonstrating that child sexual abuse most frequently occurs within private or semi-private settings rather than in public spaces, thereby limiting opportunities for external intervention (Sedlak et al., 2010). In Vietnam, strong cultural norms emphasising family harmony and privacy further contribute to the invisibility of abuse, reinforcing silence and discouraging disclosure.

3.2 Under-reporting and the “hidden” nature of sexual abuse

One of the most significant challenges in assessing the true scale of child sexual abuse in Vietnam is under-reporting. Official statistics, while valuable, are widely

acknowledged to represent only a fraction of actual incidents. International organisations have repeatedly stressed that sexual violence against children is systematically under-reported worldwide due to stigma, fear, and structural barriers (UNICEF, 2024). These dynamics are particularly pronounced in societies where discussions of sexuality remain taboo.

Vietnamese studies identify multiple layers of barriers to reporting. At the individual level, children may lack awareness of what constitutes sexual abuse or fear retaliation, shame, or disbelief. At the family level, concerns about reputation, social judgement, and family cohesion often outweigh considerations of legal accountability. At the institutional level, limited trust in authorities and uncertainty about reporting procedures discourage engagement with formal mechanisms (Nguyễn Thị Hằng Phương & Lê Mỹ Dung, 2018).

The cumulative effect of these factors is the persistence of a “dark figure” of crime, whereby many cases remain undisclosed until severe harm has occurred or until abuse becomes impossible to conceal. This hidden nature of sexual abuse undermines prevention efforts and weakens the evidentiary basis for policy design.

3.3 Socio-economic and demographic factors influencing vulnerability

Empirical research in Vietnam suggests that child sexual abuse is shaped by a combination of socio-economic and demographic factors. Rapid urbanisation, labour migration, and changing family structures have altered traditional forms of supervision and support, increasing children’s exposure to risk. Statistical data on population dynamics and household composition indicate rising rates of family disruption, including divorce and separation, which may reduce protective oversight for children (General Statistics Office, 2024; Dung, 2025).

Criminological studies emphasise that socio-economic stressors such as poverty, unemployment, and limited access to education interact with social disorganisation to create environments in which abuse is more likely to occur (Nguyễn Khắc Hải, 2021). In rural and remote areas, limited access to social services and child protection professionals further exacerbates vulnerability. These structural factors reinforce the argument that

child sexual abuse cannot be addressed solely through individual-level interventions or criminal sanctions.

3.4 Policy responses and institutional initiatives

Vietnamese authorities have adopted a range of policy measures aimed at preventing and responding to child sexual abuse. National action plans, inter-sectoral coordination mechanisms, and specialised programmes targeting child protection reflect a growing policy commitment. Reports of the Ministry of Public Security document increased training for investigators, enhanced cooperation with social services, and public awareness campaigns focused on child safety (Ministry of Public Security, 2022; Ministry of Public Security, 2023).

In parallel, labour and social affairs authorities have expanded child protection services, including counselling and emergency intervention mechanisms. Educational institutions have been encouraged to integrate child protection content into curricula and to strengthen reporting obligations. These initiatives demonstrate recognition of the need for multi-sectoral responses.

However, policy evaluations indicate that implementation remains uneven. Resource constraints, particularly at the local level, limit the reach and sustainability of programmes. Institutional coordination often relies on informal arrangements rather than standardised protocols, resulting in fragmented responses. Moreover, preventive initiatives tend to focus on awareness-raising without sufficient integration of behavioural and social science insights, limiting their effectiveness in changing attitudes and norms related to sexual abuse.

3.5 International perspectives and comparative benchmarks

International research and policy guidelines provide important benchmarks for assessing Vietnam's child protection efforts. UNICEF and other organisations emphasise that effective prevention requires comprehensive strategies combining legal reform, community engagement, behavioural change interventions, and accessible support services (UNICEF, 2024). Empirical studies from other jurisdictions highlight the

importance of early intervention, specialised child advocacy centres, and integrated service delivery models (Ahmah et al., 2025).

Compared with these benchmarks, Vietnam's approach demonstrates strengths in legal commitment and institutional recognition of child protection. However, gaps remain in the integration of services, the use of evidence-based prevention strategies, and the systematic evaluation of policy outcomes. These comparative insights underscore the need for continued reform and capacity-building.

3.6 Implications for subsequent legal and policy analysis

The empirical and policy context outlined above reveals a complex landscape characterised by persistent abuse, under-reporting, and uneven implementation of protective measures. These findings provide a critical foundation for analysing the legal and institutional framework governing child sexual abuse in Vietnam. They also highlight the limitations of relying solely on punitive criminal law responses without addressing underlying social, psychological, and structural factors.

Understanding this context is essential for evaluating the effectiveness of existing legal provisions and for identifying pathways to strengthen children's right to protection. The following section therefore examines the legal and institutional implementation challenges that emerge when these empirical realities interact with Vietnam's criminal justice and child protection systems.

4 LEGAL AND INSTITUTIONAL IMPLEMENTATION CHALLENGES IN VIETNAM

4.1 Fragmentation between criminal justice and child protection systems

One of the most persistent implementation challenges in Vietnam lies in the fragmented relationship between the criminal justice system and the child protection system. While criminal law focuses primarily on investigation, prosecution, and punishment of offenders, child protection legislation emphasises prevention, early

intervention, and support for victims. In practice, these two systems often operate in parallel rather than in an integrated manner, leading to gaps in protection at critical stages.

Legal scholars in Vietnam have observed that coordination between law-enforcement agencies and social protection authorities remains largely ad hoc, particularly at the local level (Trần Văn Độ, 2020). Although legislation assigns shared responsibilities, it provides limited guidance on operational cooperation, referral procedures, and information-sharing mechanisms. As a result, child victims may fall through institutional gaps, receiving either criminal justice intervention without adequate psychosocial support or social assistance without effective legal accountability for perpetrators.

This fragmentation undermines the rights-based obligation of the State to ensure comprehensive protection. From a human rights perspective, effective protection requires continuity across prevention, investigation, adjudication, and recovery. The absence of institutional integration weakens the overall protective framework and reduces its responsiveness to the complex needs of child victims.

4.2 Challenges in criminalisation and legal interpretation

Vietnamese criminal law has progressively expanded and refined provisions addressing sexual offences against children. However, challenges remain in the interpretation and application of these provisions. Legal debates have highlighted ambiguities concerning age thresholds, consent, and the classification of specific acts, which can create inconsistencies in enforcement (Lê Xuân Lục, 2021).

Judicial guidance has sought to address these issues, notably through resolutions of the Supreme People's Court aimed at standardising the application of criminal provisions relating to sexual offences against minors (Supreme People's Court, 2019). While such guidance contributes to legal clarity, empirical studies suggest that differences in local interpretation and professional capacity persist, particularly in complex cases involving digital environments or non-physical forms of sexual exploitation (Nguyễn Phương Thảo & Hà Ngọc Quỳnh Anh, 2023).

Moreover, the strong emphasis on criminalisation may inadvertently obscure the preventive and protective dimensions of child sexual abuse. Scholars caution that an

overly punitive focus risks marginalising the broader social and institutional measures necessary to address underlying causes and to support victims effectively (Đặng Việt Đại, 2021).

4.3 Evidentiary difficulties and standards of proof

Evidentiary challenges constitute a major barrier to effective prosecution of child sexual abuse cases. Such offences often occur in private settings, without witnesses or physical evidence, making proof heavily dependent on victim testimony. Vietnamese prosecutors and investigators have identified difficulties in assessing evidence and ensuring reliability, particularly when victims are very young or traumatised (Phùng Đức Khiêm & Trần Đình Hải, 2024).

Procedural law provides certain safeguards for vulnerable victims, yet their implementation remains inconsistent. In practice, children may be required to provide repeated statements, increasing the risk of retraumatisation and inconsistencies that undermine evidentiary credibility. Limited access to forensic and psychological expertise further complicates evidence collection and evaluation, especially in less-resourced localities.

These evidentiary constraints highlight the need for specialised investigative techniques and interdisciplinary cooperation. Comparative experience suggests that child-friendly interview protocols and expert involvement can enhance both victim protection and evidentiary quality, yet such practices are not uniformly institutionalised in Vietnam.

4.4 Procedural protection and child-friendly justice deficits

Despite formal recognition of child-friendly principles, procedural practices in Vietnam remain largely adult-oriented. Scholars and policy analyses indicate that children involved in criminal proceedings often face environments and procedures that are intimidating and inadequately adapted to their developmental needs (Cao Thị Hoài Thu, 2022).

Procedural safeguards such as closed hearings, privacy protection, and the presence of support persons are unevenly applied. In some cases, institutional constraints and workload pressures lead to prioritisation of efficiency over child-sensitive practices. This not only risks secondary victimisation but may also discourage reporting and cooperation, thereby weakening the effectiveness of the justice system as a whole.

The gap between formal procedural safeguards and practical implementation reflects broader challenges in professional training and institutional culture. Without sustained capacity-building and clear operational guidelines, child-friendly justice remains more aspirational than real.

4.5 Limitations in victim support, recovery, and reintegration

Effective protection of children from sexual abuse extends beyond criminal proceedings to include recovery and reintegration. While child protection legislation recognises the importance of counselling, healthcare, and social assistance, implementation remains uneven and resource-dependent (Law on Children, 2016).

Studies and policy reports indicate that specialised services for child victims are concentrated in urban areas, leaving rural and remote regions underserved (Ministry of Labour, Invalids and Social Affairs, 2015). Coordination between criminal justice institutions and service providers is often weak, resulting in fragmented support that fails to address long-term psychological and social needs.

This situation undermines the rights-based principle that protection includes not only freedom from abuse but also access to recovery and reintegration. Without adequate support services, child victims may experience prolonged harm, social exclusion, and increased vulnerability to re-victimisation.

4.6 Institutional capacity and resource constraints

Underlying many of the challenges identified above are constraints in institutional capacity and resources. Local authorities and frontline professionals often operate with limited funding, insufficient training, and high workloads. These constraints affect the quality and consistency of implementation across regions.

Policy reforms and legal amendments alone cannot overcome these structural limitations. Sustained investment in human resources, professional development, and institutional infrastructure is necessary to translate legal commitments into effective protection. Without such investment, legal reforms risk remaining symbolic rather than transformative.

5 DISCUSSION: BRIDGING THEORY, LAW, AND PRACTICE

5.1 From formal legal compliance to substantive protection of children's rights

The analysis above demonstrates that Vietnam has achieved a relatively high level of **formal legal compliance** with international standards on the protection of children from sexual abuse. Criminal law provisions, child protection legislation, and judicial guidance collectively establish a normative framework that recognises sexual abuse as a serious violation of children's rights. From a doctrinal perspective, this framework reflects a clear commitment to deterrence, accountability, and victim protection.

However, when examined through a **rights-based lens**, this formal compliance does not automatically translate into **substantive protection**. Human rights theory emphasises that the effectiveness of rights depends not only on legal recognition but also on implementation mechanisms capable of preventing violations and responding adequately when they occur (Donnelly, 2005). In Vietnam, persistent under-reporting, procedural barriers, and fragmented institutional coordination indicate that children's right to protection remains only partially realised in practice.

This gap suggests that child protection has been conceptualised primarily as a matter of criminal justice rather than as an integrated rights obligation encompassing prevention, participation, and recovery. As a result, legal responses tend to activate only after abuse has occurred, leaving preventive and rehabilitative dimensions underdeveloped.

5.2 Explaining implementation gaps through behavioural and criminological theories

Behavioural and criminological theories provide important insights into why legal reforms alone have limited impact. The **Theory of Planned Behavior** suggests that behaviour is shaped by attitudes, social norms, and perceived control (Ajzen, 1985). Applied to child sexual abuse, this framework helps explain why punitive legal provisions may fail to deter offending when social norms discourage disclosure, tolerate silence, or minimise harm.

In the Vietnamese context, cultural taboos surrounding sexuality and strong emphasis on family harmony contribute to subjective norms that inhibit reporting and intervention. At the same time, weak perceptions of institutional effectiveness may reduce perceived behavioural control, discouraging victims and caregivers from engaging with legal mechanisms. These factors help explain the persistence of under-reporting despite strengthened criminal sanctions.

Criminological perspectives further highlight the role of social structures and relational dynamics. Differential association theory emphasises that criminal behaviour is learned and reinforced within intimate social environments (Sutherland, 2010). This insight aligns with empirical findings showing that many perpetrators of child sexual abuse in Vietnam are individuals known to the child. Such dynamics challenge conventional crime-control models and underscore the limitations of responses that focus narrowly on punishment without addressing social risk factors.

5.3 Child-friendly justice as a missing link

The discussion also reveals **child-friendly justice** as a critical missing link between legal norms and effective protection. While procedural law recognises certain safeguards for children, inconsistent implementation undermines their protective function. From a rights-based perspective, child-friendly justice is not merely a procedural accommodation but a substantive requirement to ensure meaningful access to justice for children.

International experience demonstrates that child-sensitive investigative techniques, specialised professionals, and integrated service models can reduce secondary victimisation while improving evidentiary outcomes. The absence of systematic child-friendly practices in Vietnam reflects broader institutional constraints, including limited training, high caseloads, and fragmented responsibilities. Addressing these constraints is essential to bridging the gap between legal intention and practical impact.

5.4 Institutional fragmentation and the limits of sectoral approaches

A recurring theme across the analysis is institutional fragmentation. Child sexual abuse sits at the intersection of criminal justice, social protection, education, and public health. Yet institutional responses in Vietnam remain largely sectoral, with limited mechanisms for sustained coordination. This fragmentation weakens the overall protective framework and places disproportionate burdens on child victims and their families.

From a policy perspective, this finding underscores the limitations of reform strategies that focus on individual sectors rather than on system-wide integration. Rights-based child protection requires coherent governance structures capable of coordinating prevention, enforcement, and support. Without such structures, even well-designed legal provisions risk being applied inconsistently or ineffectively.

5.5 Implications for policy reform and future research

The discussion highlights several implications for policy reform. First, strengthening children's protection from sexual abuse requires a shift from a predominantly reactive, punitive model towards a preventive and child-centred approach. Second, behavioural and criminological insights should be more explicitly integrated into prevention strategies, particularly in addressing social norms and relational risk factors. Third, institutional reform should prioritise coordination, capacity-building, and the development of child-friendly justice mechanisms.

For future research, the findings suggest the value of interdisciplinary approaches that combine legal analysis with empirical social science. Longitudinal studies on

reporting behaviour, institutional responses, and victim outcomes would further enhance the evidence base for policy design. Comparative research examining integrated child protection models in other jurisdictions may also provide valuable lessons for Vietnam.

6 CONCLUSIONS AND POLICY RECOMMENDATIONS

6.1 Conclusions

This article has examined the protection of children from sexual abuse in Vietnam through an integrated socio-legal framework that combines human rights theory, behavioural psychology, criminology, empirical evidence, and legal analysis. The findings demonstrate that Vietnam has made substantial progress in establishing a formal legal framework aligned with international standards, particularly through the criminalisation of sexual offences against children and the adoption of child protection legislation.

However, the analysis also reveals a persistent gap **between formal legal recognition and substantive realisation** of children's rights. This gap is manifested in continued under-reporting, procedural shortcomings, uneven application of child-friendly justice principles, and fragmented institutional coordination. These challenges indicate that legal reform, while necessary, is insufficient on its own to ensure effective protection.

By applying the Theory of Planned Behavior and criminological perspectives, the article explains why punitive legal measures have limited preventive impact when social norms discourage disclosure and when institutional responses are perceived as inaccessible or ineffective. From a human rights perspective, such shortcomings undermine the State's positive obligations to prevent violations, protect victims, and ensure recovery and reintegration.

Overall, the study underscores that protecting children from sexual abuse requires a shift from a predominantly reactive, criminal-justice-centred model towards a **holistic, rights-based, and child-centred protection system**.

6.2 Policy recommendations

Based on the theoretical analysis and empirical findings, the following policy recommendations are proposed.

6.2.1 Strengthening prevention through behavioural and social interventions

Prevention strategies should move beyond awareness-raising campaigns to address the underlying attitudes, social norms, and perceived behavioural controls that influence both offending and reporting behaviour. Integrating behavioural insights derived from the Theory of Planned Behavior into child protection policies may enhance their effectiveness. Educational programmes for children, parents, and communities should explicitly challenge social norms that normalise silence, stigma, or family-centred concealment of abuse.

6.2.2 Enhancing child-friendly justice mechanisms

Child-friendly justice should be institutionalised as a core component of the criminal justice response to sexual abuse. This includes the adoption of standardised child-sensitive interview protocols, limiting repeated questioning, ensuring the presence of trained support persons, and improving access to psychological expertise during investigations and trials. Professional training for investigators, prosecutors, and judges should prioritise child development, trauma-informed approaches, and victims' rights.

6.2.3 Improving institutional coordination and integrated service delivery

Effective protection requires stronger coordination between criminal justice institutions, social services, healthcare providers, and educational authorities. Clear referral mechanisms, information-sharing protocols, and joint intervention procedures should be developed and implemented consistently across regions. Establishing integrated child protection units or multidisciplinary response models may help reduce fragmentation and improve continuity of care.

6.2.4 Expanding victim support, recovery, and reintegration services

Support services for child victims should be expanded and decentralised to ensure accessibility in rural and disadvantaged areas. Long-term psychological counselling, healthcare, and social reintegration programmes should be recognised as essential components of protection rather than optional add-ons. Adequate resource allocation is critical to sustaining these services and preventing re-victimisation.

6.2.5 Strengthening monitoring, data collection, and research

Finally, policy reform should be supported by improved data collection and monitoring mechanisms. Reliable, disaggregated data on child sexual abuse, reporting patterns, and institutional responses are essential for evidence-based policymaking. Interdisciplinary research combining legal analysis with empirical social science should be encouraged to inform future reforms and to evaluate the effectiveness of existing measures.

ETHICAL CONSIDERATIONS

This study is based exclusively on the analysis of legal documents, policy materials, official reports, and published academic research. No primary data involving human participants were collected.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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