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PREVENTING AND RESPONDING TO DOMESTIC VIOLENCE IN VIETNAM

Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate or domicile relationship. Domestic violence is intentional behaviour. The purpose of domestic violence is to establish and exert power and control over another. The violence is used to intimidate, humiliate or frighten the victim. Men most often use it against their intimate partners, which can include current or former spouses, girlfriends, or dating partners. Domestic violence is often a pattern of coercion and control than one person exerts over another. It is not just one physical attack and it might not even involve a physical act. It includes the repeated use of a number of facts, including intimidation, threats, economic deprivation, isolation and psychological and sexual abuse. Some of the abusive behaviours used by perpetrators result in injuries that harm the victim both physical injuries, they are still psychologically damaging to the victim.

UNODC is undertaking research on the quality of criminal justice services available for victims of domestic violence in Viet Nam. Amongst 900 interviewed women victims of domestic violence, almost all of these victims had experienced physical violence, most commonly been slapped, kicked, bitten or hit (90%). Over one-third of the victims had been forced, or attempted to force, sexual intercourse. Harm or threatening to harm or kill children or someone close is also common (33%). Nearly one-third of the victims said they had been exploited economically. During the interviews, the women mentioned that many husbands go out to work but do not give money to their wives to raise the children. Some men even asked their wives for additional money and beat if they refused.

The Police and People's Committee are at the frontline of the justice system. It is their duty to prevent and combat crime and other law-breaking acts at the commune level; maintain social security and public order; and enforce laws. They are often called upon to intervene when an act of violence is in progress, or shortly after it has taken place. It is their duty to effectively investigate all alleged incidents of violence and conduct all investigations in a manner that respects the rights and needs of all the parties involved.

All domestic violence calls should be responded to promptly, irrespective of the caller, and an officer should be sent to the place where the violence is reportedly on-going or to the location of the victim.

The police play a key role in providing guidance to victims and in applying the law since they must carry out the measures ordered by the judge in cases in

which abusers resist. Control mechanisms and police monitoring are needed to ensure compliance with the orders issued. Implementation of the following measures is recommended:

- Training and sensitization on the importance of police work in violence against women and the specific protocols for this work.
- Improvements in quality of care delivered in terms of availability, accessibility, and the integrated nature of the response.
- Compulsory completion of reports on acts of violence aimed at preserving evidence and training on the importance of creating and preserving evidence.
- Anti-corruption mechanisms to prevent police force members from soliciting or accepting gifts for fulfilling (or not fulfilling) their work.
- Programs for detecting and attending to police force members with a history of family violence, in an effort to ensure the effectiveness and continuity of training processes.
- Creation of permanent structures, such as groups specializing in the prevention of domestic violence, in an effort to ensure the effectiveness and continuity of training processes.
- Establishment of specialized units within police delegations and evaluation of the lessons learned from these units.
- Establishment of and training in specific skills for preventive and investigatory policing.

In Vietnam, research shows that almost all domestic violence survivors do not seek support from the police or the court system unless in very serious cases of abuse. While many women have suffered a combination of physical, psychological, sexual or financial violence, most victims contact local authorities when they suffer severe physical injuries. This is similar to the research in other countries which finds that a victim's first contact with police rarely happens after the first or even the second domestic violence incident. They often become involved only after the pattern of abuse is well established and the level of physical injury has become serious. This means that all reports of domestic violence to the police and People's Committee should be taken seriously.

Domestic violence is used to refer to a range of behaviours, which are not all criminal or amount to administrative sanction. In attending the scene of an incident, the first responders not only have to consider whether they should call in the criminal investigation agency, whether to detain the suspect, whether or not a crime or administrative violation has been committed and safety of the victim [1].

The essential component of judicial protection for victims of domestic violence is the quality and availability of evidence. It is essential that legislation stipulate that victims be informed of the importance of evidence in the judicial process. Also, laws should establish broad criteria for receipt and assessment of evidence without avoiding judges obligation to rationally establish the foundation for all procedures.

The primary types of evidence are expert accounts, testimonials, and documentary evidence. Expert accounts: Expert witnesses can be requested by either the complainant or the judge. It is important to determine all physical and psychological evidence of the violent acts in question since this evidence is a key element in rulings for indemnity of damages. The judge can take into account the professional opinions of experts from recognized public or private institutions[2].

References:

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THE NOTION AND TRAITS OF JUVENILE CRIME

Juvenile crime has always been and still is one of the most important social justice problems of our society, since it is the young who will form and represent the government. But this is only possible with a complete understanding of that dangerous social phenomenon, which the society is to resist. Therefore, taking into account this approach, research of juvenile crime is of big importance.

A substantial contribution in research and study of juvenile crime and measures to counter it has been made by scientists such as A. G. Kolb, A. E. Mykhaylova, V. F. Moroz, N. M. Pesotsky, N. V. Shost, N. V. Yanitsky, etc.

In jurisprudential literature the notion of juvenile crime is usually bound to the age of the subject of a crime. For example, in criminology, juvenile crime is viewed as a negative phenomenon appearing in a crime committed by people of 14 to 18 years of age.

Age determines the socio-psychological details of the etiology of juvenile crime and the specifics of the means of its prevention. In particular E.D. Lukyanchyk, D. P. Pysmenny believe that it is worthwhile to analyze juvenile criminal acts taking into account the age trait of a contingent, in particular:

- crimes committed by juveniles that reached 14 years of age (lower border of criminal responsibility);
- crimes committed by juveniles in the ages of 14 to 16, on whom lies criminal responsibility only for the crimes of heightened societal danger;