



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

**Third and fourth periodic reports on the implementation of
the Convention in the period 2002-2007**

Viet Nam*

[3 August 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

List of abbreviations

AIDS	Acquired Immune Deficiency Syndrome
APEC	Asia Pacific Economic Cooperation
ARI	Acute Respiratory Infection
ASEAN	Association of South-East Asian Nations
CBR	Community Based Rehabilitation
CDD	Control of Diarrhea Diseases
CPVN	Communist Party of Viet Nam
CPCC	Committee for the Protection and Care of Children
CRI	Child Rights Indicators
EPI	Expanded Programme on Immunization
GSO	General Statistics Office
HIV	Human Immunodeficiency Virus
IDA	Iron Deficiency Anaemia
IDD	Iodine Deficiency Disorder
IMR	Infant Mortality Rate
INTERPOL	International Criminal Police Organization
NCFAW	National Committee for the Advancement of Women
MMR	Maternal Mortality Rate
MOET	Ministry of Education and Training
MOH	Ministry of Health
MOJ	Ministry of Justice
MOLISA	Ministry of Labor, Invalids and Social Affairs
MPS	Ministry of Public Security
NGO	Non-Governmental Organization
NPA	National Programme of Action
PEM	Protein Energy Malnutrition
SRVN	Socialist Republic of Viet Nam
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
VWU	Viet Nam Women's Union
YPO	Young Pioneers Organization

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Foreword

According to the regulations of the United Nations Convention on the Rights of the Child (CRC) and the guiding documents issued by the Committee for the Rights of the Child; and following previous reports (Viet Nam's Report on the implementation of the CRC in 1993–1998 period, the updated 1998–2002 report (hereinafter called the report of 1993–2002 periods) and the dialogues with the Committee for the Rights of the Child in 2003, 2006, Viet Nam submits the 3rd and 4th Country Reports on the Implementation of the CRC during the 2002–2007 period. This Report will continue to update the implementation of the CRC and the two Optional Protocols to the CRC (Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflicts); including its achievements, difficulties, challenges as well as solutions for better implementation of the Convention in the future. The Report also mentions the implementation of the recommendations made by the Committee on the Child's Rights (CRC Committee) after its dialogues with the Government of Viet Nam.

Apart from the Foreword, the report consists of four parts:

Part One: Overview.

Part Two: The Implementation of the Convention of the Rights of the Child and the Two Optional Protocols to the Convention.

Part Three: Conclusion.

Annexes.

To prepare the report, the Government of Viet Nam established a Drafting Board consisting of 23 members who represent the related ministries and organizations under the leadership of the Minister of Labour, Invalids and Social Affairs (MOLISA).

During the report preparation process, many workshops, forums, consultations and discussions were organized at different levels to collect comments and input from members and staff of the National Assembly, as well as from the Government, social organizations, international organizations and children.

In March 2007, Viet Nam organized the National Conference on Review and Evaluation of five-years' implementation of the United Nations (UN) document "A World Fit for Children". The Deputy Prime Minister and leaders of various committees under the National Assembly, ministries, provincial/city People's Committees, representatives of social organizations, diplomatic missions, international organizations under the United Nations, representatives of some countries in the region, and representatives of some non-governmental organizations and children's representatives participated in the conference. Prior to the conference, Viet Nam conducted a midterm review and evaluation of the implementation of the National Plan of Action Programme for Children, 2001–2010. In August 2006, Viet Nam submitted a document responding to the Questionnaires on Child Violence to the General Secretary of the United Nations. In addition, in 2005, during the Chairman of the CRC Committee's working visit to Viet Nam, a workshop on the implementation of the recommendations by the Committee was organized. The above activities have created favourable conditions for Viet Nam to comprehensively review and evaluate the implementation of the CRC, with the support of the Government's awareness of the difficulties, and challenges and to propose solutions for enhancing the implementation of the CRC in the future.

This report also receives inputs from many international organizations, especially from UNICEF Viet Nam, Save the Children Alliance and various non-governmental organizations operating in Viet Nam.

The report uses the results of the Survey on the Implementation of Some Basic Rights of the Child, based on the child's right to participation and conducted by the former Committee for Population, Family and Children (CPFC) in collaboration with UNICEF Viet Nam in six selected provinces, cities in 2007. These data were used to illustrate the implementation of the CRC through the children's views.

Finally, the report was finalized thanks to the contributed inputs and comments from experts from related committees of the National Assembly, governmental agencies, national and international organizations, provinces in the National Workshop on the Implementation of the CRC organized by MOLISA in April 2008, as well as the comments in the official documents sent by related agencies.

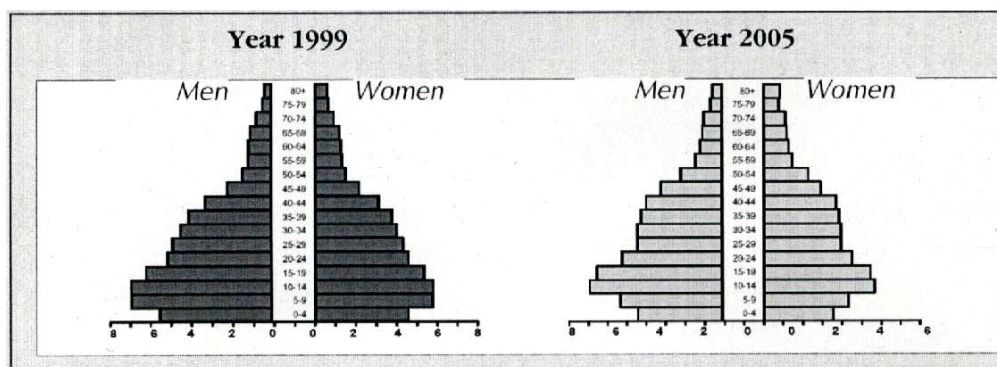
Part One. Overview

I. Overview of the nation's situation in the period of 2002-2007

1. The Socialist Republic of Viet Nam (hereinafter called Viet Nam) is a South-East Asian nation with a total area of more than 33,000 km². Viet Nam's population in 2007 (roughly) is 85.15 million people, of which 73 per cent live in rural areas. The population growth rate in 2006 was 1.24 per cent and 1.21 per cent (roughly) in 2007. Children account for 33 per cent of the population. Viet Nam has 54 ethnic groups, of which Kinh (Viet) people are the majority at 86.8 per cent. Vietnamese is the official language. In terms of administrative units, Viet Nam has 63 provinces and cities under the direct management of the central level with 673 districts/urban districts, 10,095 communes/wards/towns.¹

Chart 1

Viet Nam population pyramids



Source: Survey on Population and Family Planning in 2005, The General Statistics Office.

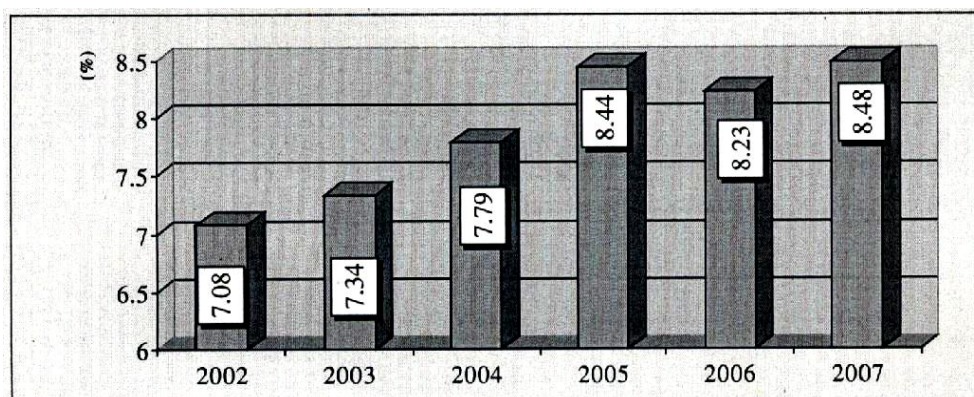
2. Over the last five years, thanks to its continuous renovation policy (Doi Moi), Viet Nam has made many encouraging achievements in various fields: stable politics creating momentum for step by step sustainable economic development, the expansion and security of democracy in all aspects of social life, national economic development in tandem with poverty reduction and the implementation of social justice, ensuring social security.

3. The economy maintains high growth rates (from 7.08 per cent in 2002 to 8.48 per cent in 2007). The average annual GDP growth during 2002–2007 was about 7.7 per cent per year. Economic growth and restraining population growth have significantly contributed to the improvement of the annual average income per head (from US\$ 440 in 2002 to US\$ 835 in 2007).²

¹ Source: General Statistics Office (GSO), 2007.

² Source: GSO, 2007.

Chart 2

GDP growth rate from 2002 to 2007³ (percentage)

4. The economic structure continues to transform towards industrialization and modernization. The density of industries and construction in GDP has significantly increased (from 76.7 per cent in 2001 to 80 per cent in 2007). Total investment funds for society have increased very fast (the investment capital-GDP increased from 35.4 per cent in 2001 to 40.8 per cent in 2007). The investment structure has positively changed, focusing more on projects that are important targets in social and economic development. International relations have expanded, especially since Viet Nam's membership of the World Trade Organization (WTO) in 2007. The export markets have maintained and expanded. Total export volume increased by 17.5 per cent/year. In 2007, total export volume was US\$ 48 million. Direct foreign investment in 2007 accounted for 16.5 per cent of the total societal investments in 2007 (increased by 17.1 per cent in comparison with 2006) and at a peak position ever since.⁴

5. In conjunction with economic achievements, Viet Nam has also made many social progresses. The number of new jobs generated every year is roughly 1.5–1.6 million. Unemployment rates in urban areas maintain at about 5 per cent. The poor have gradually gained access to basic social services; and infrastructure in poor areas, especially in the mountainous, remote and ethnic areas, have improved. Up to 2007, the proportion of poor families according to the new criteria (2006–2010) has accounted for 14.84 per cent.⁵ The health-care services have been given greater attention, such that the health network has upgraded and enhanced and the preventive medical network boosted. Some new epidemics have been speedily controlled. The average life span of Vietnamese people increased from 71 in 2002 to 72 in 2007. In addition to the enhancement of universalization of primary education, the universalization of junior secondary education has achieved many good results. The educational scale at university, college, specialized secondary school and vocational secondary school level increased by 15–18 per cent/year. Overall, the Human Development Index of Viet Nam has clearly increased, from 0.688 in 2002 to 0.733 in 2007 (ranking 105/177 countries).⁶

6. Viet Nam's diplomatic policy of independence, self-control, diversification and multilateralization, which reflects the spirit of Viet Nam projects itself as a willing and trusted friend to partners of other countries, the international community, to international

³ Source: GSO, 2007.

⁴ Source: Ministry of Planning and Investment (MPI), 2007.

⁵ Source: GSO, 2007.

⁶ Source: Human Development Report of 2007.

and non-governmental organizations, striving for peace, independence and development. As a result, Viet Nam's foreign relations have expanded. The events of Viet Nam's 150th Official Nation Member of the WTO and the Non-Standing Member of the United Nation's Security Council for the 2008–2009 term have affirmed the increasing role and position of Viet Nam in the international integration process.

7. Despite its significant achievements, the socio-economic situation of Viet Nam still faces many difficulties. The quality of economic growth is still low and the economic transition is slow and incomprehensive. The competitiveness of the economy is still weak, and the socio-economic infrastructure has not met development requirements. Training for human resources has not met societal demands and the health-care service still faces many difficulties. The average income per head is still low in comparison with other countries in the region. The rate of those households that overcome poverty and now become poor again is still high, particularly in ethnic minority and other difficult areas. Natural disasters, arisen dangerous epidemic diseases and rising prices have resulted in negative impacts on the production and lives of the people. The above difficulties not only limit the conditions and the capability to mobilize resources within society in order to implement the Convention; furthermore, it also places challenges on the future of the socio-economic development of Viet Nam.

II. Political structure and legal framework for the protection of human rights

8. In Viet Nam, the Communist Party is the leading force of the State and of the society.

9. The Socialist Republic of Viet Nam is the socialist legislative State, which is of the people, by the people and for the people. The State power is unified, but there exist responsibility division and coordination among State's agencies in the enforcement of legislative, executive and judiciary powers. The State ensures and promotes democracy in all aspects, aiming for a prosperous people, a strong nation and a just, democratic and advanced society, in which everyone enjoys a wealthy, free and happy life and conditions for comprehensive development. Human rights in terms of political, civil, economic, cultural and social aspects stipulated in the Resolution, in laws are respected. The President is the head of the State who represents the Socialist Republic of Viet Nam in foreign and internal affairs.

10. The National Assembly – the most powerful agency and the highest representative of the population, has an increased role in constitutional, legislative and supreme monitoring. The Standing Committee of the National Assembly is the permanent agency of the National Assembly. In its tenth term (2002–2007), the National Assembly has approved 80 laws and 15 resolutions. Many important legal documents relating to human rights have been amended, supplemented and newly issued; and have created legal bases for better ensuring human rights, particularly, child rights. In the field of justice, the newly issued Law on Criminal Procedure, in 2005 and the Law on Criminal Procedure, in 2003 include many institutions of procedures for procedural, rights of interested parties, the arrestee, and the accused, which have better ensured the human rights in procedural activities. It can be argued that Viet Nam's legislation has fully presented the basic human rights stated in the United Nations Declaration of Human Rights in 1948 and in other international conventions on human rights ratified by Viet Nam. This demonstrates the progress and great efforts by the State of Viet Nam that it respects, aims to protect and ensure human rights in the context that it is aiming to build a legitimate State amongst the existence of many socio-economic difficulties. In the localities, the People's Council is the State's power agency, representing the wills, aspirations and the ownership rights of the people. The local people

elect the People's Council; which is responsible to the local people and to the higher State agencies.

11. The Government is the Executing Agency of the National Assembly, the highest administrative agency of the Socialist Republic of Viet Nam. The Government is responsible for comprehensive management of the implementation of politics, economics, culture, society, national defence, security and foreign affairs of the State. It ensures the effectiveness of the State structure from the central to local levels, ensuring the respect and enforcement of the Constitution and legislation, bringing into play the rights to ownership by the people in the development and defence of the country, ensuring the stability and improvement of the material and cultural life for the people. The Government is responsible to and reports to the National Assembly, the Standing-Committee of the National Assembly, and the President, on all activities. The functions and duties of the Government and of the Prime Minister have been adjusted to be more suitable with the current situation. The Government's terms (2002–2007, 2007–2012) have seen a lot of changes in terms of the organizational structure towards identifying clearly the functions and responsibilities of each ministry and ministerial-level agencies, avoiding overlap and reducing middle focal points, which make the State management more effective. The Government for the 2007–2011 terms is structured with 18 Ministries and 4 ministerial level agencies. Greater attention has been given to policy development, along with the promotion of law enforcement. The regulation of grass-roots democracy has created new momentum for the implementation of policies at the grass-roots levels. People's Committees, which are elected by the People's Councils, act as the executing agency for the People's Councils, the State administrative agency in a locality. It is responsible for the management of activities in compliance with the Constitution, laws, the higher-level State agencies documents and the resolutions of the People's Councils.

12. The State organizational structure responsible for the legal protection and ensuring the rights of the people has been strengthened and improved. Organization, structure and mandates of courts, procuracy and other judicial agencies have been more clearly defined and strengthened, which in turn increases the accessibility to justice for people, ensuring just, impartial and public judgement, and promoting effectiveness in the protection of human rights. Judicial personnel have been also improved in terms of both quantity and quality. The qualification and capacity of judges and jurors of People's Courts and procurators at different levels have been improved; therefore, meeting the requirements for protecting the rights and benefits of citizens, including children. Lawyers associations, the public notary, judgement appraisal and execution, legal assistance institutions in all provinces and cities have consolidated.

13. The Viet Nam Fatherland Front is the voluntary political alliance of the political, social-political, social organizations and individuals in different classes of Viet Nam. The Fatherland Front consists of mature organizations such as the Ho Chi Minh Communist Youth Union, the Women's Union, the Farmers' Union, the Viet Nam General Confederation of Labors, etc. It can be affirmed that, along with economic and social development, the State of Viet Nam has continued to increase the development of a law-governed State, consolidating the legal system in a manner that better respects and protects human rights, including children's rights.

Part Two. Viet Nam's implementation of the Convention on the Rights of the Child and its two Optional Protocols

14. Since Viet Nam's ratification of the United Nations CRC and its two Optional Protocols, the State of Viet Nam has been continuing to implement its commitments on children's rights. After each country report on the implementation of the CRC, Viet Nam

pays a serious consideration to the concluding observations by the CRC Committee. Between two periodical reports, the State management agency on the child protection, care and education (formerly the CPFC and now the MOLISA) collaborates with related agencies to make proposals to integrate contents relating to the protection and implementation of child rights into the legislation development programmes of the National Assembly and the Government.

I. Summary of Viet Nam's implementation of child rights

1. Achievements

15. The achievements of socio-economic development and improvements of the living standards for the people have contributed to the implementation of human rights including the rights of the child. Based on the achievements as well as the shortcomings and the difficulties of the child rights implementation during the 1993–2002 periods, the contents of the CRC and its two Optional Protocols have continuously internalized in the national legislation. The implementation of the rights of the child is specifically integrated into the national socio-economic development plans. In addition to the increasing investments from the State budget in the social fields in which children enjoy many benefits, Viet Nam has given greater attention to mobilize resources and participation of all social forces in the implementation of child rights of health care, education, protection and participation.

16. Children's education has positively changed for the better. A comparative consolidated national system of education has been developed with the involvement of public and private institutions at different levels. The facilities for education development have been upgraded. The education quality has improved. The safe and friendly studying environments have been strengthened. The rate of school-aged students in primary and junior secondary schools have increased. The universalization of junior secondary education has been implemented in more than half of the provinces and cities throughout the country.

17. Health-care services for children have increasingly been improved. The primary health-care network at the grass-roots level has been strengthened and upgraded. Most of the communes and wards have health-care stations. Poor children and children below 6 years of age are entitled to free health checks and treatment in public health units throughout the country. The child malnutrition, child mortality, maternal mortality rates etc., have reduced. The children affected/infected by HIV/AIDS and injured children have been given more attention. The rate of people having access to clean water has increased.

18. Child protection has moved towards the direction of a needs-based approach and meeting the basic rights of the child. Together with the solutions for ensuring a safe, healthy life for every child and early prevention as well as eliminating the number of children at risk of or vulnerable to difficult circumstances, Viet Nam also gives greater attention to the support, rehabilitation and reintegration into communities for groups of children in or at risk to difficult circumstances.

19. The awareness of children and adolescents from 16–18 years of age has gradually been increased. They have been provided with knowledge and skills in order to take care of and protect themselves. Opportunities and activities for enhancing the participation of children have been gradually expanded therefore increasing the chances for expressing their ideas and opinions and participating in activities related to children such as: at school, in community activities, and at the national and international levels.

20. In response to the commitment of the General Assembly of the United Nations on the development of A World Fit for Children, Viet Nam has been developing child friendly environments in families, schools, communities and society. Provinces and cities throughout the country have evaluated and actively planned to build communes and wards fit for local children. To date, 100 per cent of all provinces and cities have implemented the development of communes and wards fit for children; of which 21 per cent has satisfied the indicators to communes/wards fit for children. International organizations and non-governmental organizations have also supported localities to apply many child friendly models such as the Children's Friendship Hospital, Homes Safe for Children, and Communities Safe for Children, Children-Centred Community Development, Child Friendly Districts, etc.

21. It can be argued that progress on the CRC implementation presents the strong commitments as well as great efforts of the State of Viet Nam.

2. Difficulties, challenges

22. Viet Nam is still a poor country of a low average income per head, with significant development gaps between rural and urban areas, between regions, and ethnicities. It is argued that there will be greater difficulties as this trend seems to increase. This can be a big challenge for ensuring a comprehensive and serious implementation of the principles as well as the contents of child rights.

23. In the context of globalization and international economic integration with free trade, in conjunction with development opportunities, Viet Nam also faces many difficulties and challenges including severe competitiveness, enterprises lacking capital therefore risking bankruptcy, an increase in unemployment, wider gaps between the rich and the poor etc. In addition, cross-border crimes and social evils such as human trafficking, prostitution, drug trafficking etc., appears to be on the rise, which results in high risk for the children to abuse and exploitation. Recently, inflation not only has direct impacts on families (including children) but also greatly affects the social welfare for children.

24. The policies on multicultural economic development and diversification of ownerships, particularly on socialization of health, educational, gymnastics and sport sectors etc., have created many favourable conditions for the people, including children, to gain access to basic social services. However, the quality as well as management of related services is also a big challenge.

25. Another challenge is the current and future impact of the climate changes. Viet Nam is considered to be among the most vulnerable countries impacted by global climate changes. Drought, flooding, landslides, salinized soil etc., have been threatening the subsistence of millions of Vietnamese people, causing more difficulties to the lives of the people, especially the poor, women and children.

26. Vietnamese families are facing new difficulties and challenges due to the impacts of social changes and the weaknesses of the market economic structure. The stability and the sustainability of the traditional family are threatened when parents are busy with earning money and neglect to take care of their children. In the meanwhile, divorce, separation, cohabitation, premarital sex etc., not only leaves serious consequences for taking care of and raising children but also affects significantly the psychology, mental health and the development of children.

27. The above-mentioned difficulties and challenges are barriers to the implementation of the rights of every child, particularly such vulnerable groups as the children in remote areas, ethnic minority areas, children affected/infected by HIV/AIDS, orphaned children, disabled children, early working children, street children, migrant children, etc. The

implementation of the child rights requires the Government, the society and every Vietnamese family to spend more efforts.

II. General implementation solutions

1. Harmonizing the national laws with the Convention

28. Despite its acclamation of Viet Nam's efforts, the CRC Committee also recommended that Viet Nam continue ensuring the entire conformity of the national legislation with the principles and regulations of the Convention, especially with regard to juvenile justice, after its dialogue with the delegates of the Government of Viet Nam in 2003 and 2006 on Viet Nam's implementation of the CRC and the two Optional Protocols. Over the last five years, Viet Nam has spent great efforts in making concrete the basic principles as stipulated in the CRC, especially with regards to the protection of the child and adolescents from 16 to below 18 years of age, in order to continue to ensure the harmonization of national laws with the CRC as recommended by the CRC Committee.

1.1 Legal context

29. The reports of 1993–2002 discussed the legal context on the implementation of the CRC during this period. The reports included: the regulations on adolescent workers as outlined in the Labour Code in 1994; the regulations on the civil capacity to the act of adolescents in the Civil Code in 1995; the revised Criminal Law in 1997 for strict punishment for adolescent sexual abuse; the Education Law in 1998 focusing on the principle of non-discrimination in education and the responsibilities of the State in social justice in education; the regulations as outlined in the Ordinance on Administrative Punishment on preventing adolescents into treatment units dedicated for drug addiction or prostitution; the Ordinance on Disabled People in 1998 regulating the responsibilities of the family, the State and society to the disabled people including disabled children as well as focusing on the rights and the responsibilities of the disabled; the Ordinance on HIV/AIDS Prevention and Control regulating the principle of non-discrimination against people affected with HIV/AIDS including children, and a series of legal documents on the enhancement of the rights of the child and adolescents issued by the Government.

30. The 2002–2007 period marked an important step in developing and consolidating the national legal system for protection, care and education for children. During this period, the awareness of elective members of National Assembly and People's Councils on the rights of the child has been improved which significantly contributed to the development and monitoring of the implementation of the legislation relating to children.

31. The Law on Child Protection, Care and Education in 2004 (replacing the 1991 Law) has made the main principles of the Convention more concrete, especially the principle of non-discrimination and the best interest of the child. In addition, the Law also stipulates 10 groups of basic rights for Vietnamese children: the right to birth registration and nationality (art. 11); the right to be cared for and raised (art. 12); the right to live with parents (art. 13); the right to be respected and have life, body, dignity and honour protected (art. 14); the right to health care (art. 15); the right to study (art. 16); the right to take part in recreational, cultural, artistic, physical, sport and tourist activities (art. 17); the right to develop aptitudes (art. 18); the right to possess assets (art. 19); the right to access information, express opinions and participate in social activities (art. 20). The Law also clearly stipulates the responsibilities of the State, families and society, where the first responsibilities fall on families to exercise these basic rights (art. 5).

32. The Law on Child Protection, Care and Education in 2004 has a separate chapter regulating the protection, care and education for children with difficult circumstances. It creates a legal framework for preventing children from falling into special circumstances, providing timely interventions for settlement or lightening special circumstances; supporting children in special circumstances to recover, reintegrate into families, communities and to have appropriate conditions for development; prevention and handling the behaviours, which place children at risk of falling into special circumstances. According to the regulations of the Law, the children in special circumstances including: displaced orphan children, abandoned children; disabled children; children who are victims of toxic chemicals; children infected/affected with HIV/AIDS; children working in hazardous conditions; children working far from their families; street children; sexually abused children; drug addicted children; and children violating the law. The Law also stipulates free health checks and treatments for children below 6 years of age in public health units (art. 27).

33. In conjunction with the definition of the basic child rights, the Law on Child Protection, Care and Education in 2004 also stipulates the child's duties to love, respect his/her grandparents, parents, teachers and to show solidarity with and help friends and people with difficulties; to study hard and live modestly and honestly; to love work and help the family; to obey public order and traffic safety, to protect the environment; to respect the law, to implement a civilized lifestyle, and to conserve the national characteristics of culture.

34. In addition to the Law on Child Protection, Care and Education in 2004, Viet Nam has issued a series of other related legislation to adjust the implementation of the child rights. The Youth Law in 2005 reserves a separate chapter to regulate the responsibilities of the State, the family and society in the protection and support of adolescents from 16 to 18 years of age. Therefore, according to the existing regulations in Viet Nam, the CRC is applied to all people below 18 years of age.

35. The principles of the CRC were also referred to during the supplementation and issuance of other related legislation, focusing on protection of children and providing priorities to children's physical, intellectual and spiritual developments. The Labour Code in 1994 and the supplemented, revised Labour Codes in 2002, 2006 and 2008 continue to inherit the regulations of the Labour Code in 1994 on the working ages of youth, and the prohibition of the use of minor workers in occupations or hazardous conditions that place them at risk or in vulnerable positions, which have bad impacts on their personalities. Also:

(a) The Land Law in 2003 stipulates the reservation of a land fund for building recreational places for children. The Ordinance on the Prevention and Combating Prostitution in 2003 regulates the prevention, combating and handling crimes relating to prostitution including child prostitution. The Law on Military Services in 2005 continues to regulate conscription of male citizens of full 18 years of age, as well as regulate measures to ensure no participation below 18 years of age people in the armed forces.

(b) The Law on Education in 2005, besides regulating the educational contents at different levels, also contains regulations forbidding the actions of maltreating students; as well as outlines regulations for the development of a children-friendly learning environment.

(c) The Law on HIV/AIDS Prevention and Control in 2006 stipulates measures to prevent and control HIV/AIDS, including care, treatment and support for HIV-infected people, particularly children.

(d) The Law on Gender Equality in 2006 specifically stipulates the ensurance of fair treatment, prevention of sexual discrimination, including the prevention of discrimination against girls.

(e) The Law on Legal Support in 2006 contains regulations on free legal assistance to children of special circumstances.

(f) The Law on Cinema in 2006 regulates the proportion of producing and showing films for children by the film companies and cinemas.

(g) The Law on the Prevention and Fighting against Domestic Violence in 2007 stipulates the sanctions for preventing and combating violence, including violence against children.

(h) The Law on Legal Support in 2007 defines regulations, authorizations, procedures in civil, criminal legal supports and extraditions between Viet Nam and other countries, including crimes related to children.

36. The 2002–2007 period has seen the important progresses in Viet Nam's development of the legal framework for juvenile justice, because of the supplementations and revisions to as well as issuances of many important legal documents. The Law on Criminal Procedure in 2003 expands the coverage of applying special criminal procedures to the arrested and in custody adolescents. The Law on Civil Procedures in 2005 contains more specific regulations for the protection of the legal rights of women and children. The support to children violating the law who have fulfilled the educational period or punishment is also mentioned in the Decree No. 36/2005/NĐ-CP in 2005 issued by the Government regulating the detailed implementation of various articles on the Law on Child Protection, Care and Education, 2004 (referring to Part 2, IX.B for more information).

37. In comparison to the previous period, the 2002–2007 period demonstrates that Viet Nam has carried out a series of studies, evaluations, and reviews of the current legal system. In 2004 and 2005, the Ministry of Justice collaborated with the Ministry of Public Security and other related agencies to carry out the evaluation of the current legal system in the spirit of the Convention on the Prevention of Cross-border Crimes and the United Nation's Protocol on fighting against illegal migration arrangements by land, sea and air, which supplemented the Convention. In 2004, Viet Nam reviewed and evaluated the legal documents on the prevention and fighting against child abuse. In 2006 and 2007, a study and assessment of the child and adolescent related investigations and judge procedures was conducted. Results of these studies and research created a foundation for developing practical proposals, and recommendations to consolidate Viet Nam's legislation towards harmonizing with related international standards.

38. The Government of Viet Nam directs the implementation of the National Programme of Action for Vietnamese children from 2001–2010 including 15 target groups and 8 solutions in order to create best conditions for fully meeting the demands and basic rights of the child, preventing and driving back the risks to children, developing a safe and healthy environment for Vietnamese children to have the chances for being protected, cared for, educated and developed in a healthy environment, in order to have a better life. In addition, the Government also guides the integration of child issues into socio-economic development strategies and plans for 2001–2010, 2006–2010 periods and into related national strategies and programmes, creating conditions for children to better enjoy their rights.

39. In order to transfer the policies and guidance of the State on child protection, care and education, at local levels, during the 2002–2007 period, hundreds of such legal documents as resolutions, instructions, decisions etc., have been issued by provincial/city level People's Councils and People's Committees. These documents have positively affected the lives of children in every region throughout the country.

40. Over the last five years, Viet Nam has spent great efforts studying and joining the international treaties on human rights, particularly child rights. In 2003, Viet Nam ratified

the International Labour Organization's (ILO) Convention 138 on the minimum working age. At present, Viet Nam is preparing to ratify the United Nations Convention against Transnational Organized Crime (TOC) and the Optional Protocol to the Convention on preventing, tackling and punishing human trafficking crimes, especially in women and children. Furthermore, Viet Nam is preparing to join the Hague Convention on Intercountry Adoption. The country is also actively considering the withdrawal of items 1, 2, 3, 4 of article 5 stated in the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography. At the same time, Viet Nam has also strengthened international cooperation through negotiating, signing and implementing bilateral and regional treaties on the prevention of and fighting against women and child trafficking, intercountry adoption, etc.

1.2 Difficulties, challenges and plans

41. Viet Nam has spent significant efforts in creating a legal framework for child rights, such that Viet Nam's related legislation and policies are increasingly relevant to international standards. However, it is not yet possible to say that Viet Nam's legal system is streamlined with the regulations of the CRC and with the two Optional Protocols to the Convention. Many concepts on child protection have not yet been specified which cause difficulties to verify, investigate and handle cases related to children; such as, the concept of child trafficking, child pornography etc. The investigation and judicial process friendly for children and adolescents aged 16–18 have not clearly been stipulated. The specific regulations on training for staff handling cases with child victims are inadequate. Furthermore, Viet Nam is lacking a strategic framework for the development and linkage of programmes and projects related to children to effectively and comprehensively meet the needs for child protection, care and education. The evaluation and monitoring of the implementation of policies, guidelines, programmes, and projects have not yet regularly been conducted.

42. To overcome the above shortcomings, at the time of preparing this report, Viet Nam is actively carrying out many activities including:

(a) *With regards to law*: the Criminal Code is in the process of being revised and supplemented. One of the priorities to be revised and supplemented is Chapter X "Regulations on juvenile delinquents and related articles on crimes of trafficking in women and children". In addition, the National Assembly Term XII has also placed the bill on "Preventing and combating human trafficking" and the bill on "Child Adoption" in the law development programme, which are scheduled to be submitted to the National Assembly in 2009. Three joint circulars on the protection of victims, and witnesses; on guiding the judgement of women and children trafficking crimes; and on guiding the investigation and prosecution of cases with the juvenile delinquents, are under development.

(b) *Concerning the institution*: the People's Supreme Court is carrying out a project for studying the establishment of a Family and Juvenile Court.

(c) *Concerning the implementation of laws*: the Government provides directions to related ministries and agencies to implement the 2nd phase of the National Programme on Prevention and Combat against Women and Children Trafficking Crimes. The Ministry of Public Security is piloting a model on child friendly investigation section. The diversion and reintegration programmes are reviewed for pilot implementation. Viet Nam has also been evaluating and piloting the model on legal assistance for children.

2. Enhancing the State management of children and building capacity for staff involving child-related work

43. Since Viet Nam's ratification of the CRC in 1990, the CRC Committee has highly appreciated Viet Nam's efforts in enhancing State management and coordination of the interdisciplinary activities for child protection, care and education, shown by the establishment of Viet Nam's CPFC in 1992 and the foundation of the CPFC in 2002. In 2003 and 2006, the CRC Committee also recommended having additional resources to enhance the coordination of the rights of the child as well as to avoid overlap.

2.1 Implementation

44. Over the last years, the CPFC at the central level had collaborated with related ministries and agencies to develop and submit to the Government to issue legal documents relating to children aiming for better ensurance of their rights and benefits. The Committee applied an interdisciplinary collaboration to organize, supervise, follow up and review the implementation of activities and programmes related to children. The system of population, family and children full-time staff has been strengthened. Its collaborators in the hamlets and villages are maintained and upgraded gradually in terms of quality.

45. The implementation of the interdisciplinary mechanism through the CPFC showed some limitations, which included: (i) difficulties and low effectiveness in implementation of related State management responsibilities; (ii) the overlaps among interdisciplinary agencies with related ministries and sectors, leading to the unclear responsibilities in monitoring, management and handling of childcare and protection activities.

46. With respect to the requirements of administrative reform and enhancement of State management on children in order to overcome the ineffective interdisciplinary mechanism and to set clear responsibilities for each ministry and sector regarding the related child targets under their management responsibility, since August 2007, the State management on children has been transferred to the MOLISA. The functions and responsibilities of State management on children have been stipulated in the Decree No. 186/2007/NĐ-CP dated 29 December 2007 by the Government, including:

- (i) Guiding the implementation of legislation and policies on childcare and protection;
- (ii) Presiding over and collaborating with related ministries, sectors, localities, social organizations and others to implement the National Action Programme for Children, the Programme on Protection and Care for Children in Special Circumstances and other child protection, care, education programmes, plans;
- (iii) Regulating the conditions for establishments, organizations and activities by child support units; regulating the procedures for receiving children in special circumstances in child support units and from child support units back to their homes;
- (iv) Managing the National Fund for Vietnamese Children.

The organizational structure of the MOLISA includes the Bureau of Child Protection and Care; at the provincial level, it is anticipated to have the Child Protection and Care Division or Branch under the Department of Labour, Invalids and Social Affairs (DoLISA); at the district level, there are staff in charge of child protection and care in the labour — invalids and social affairs division; at the commune level, the staff in charge of labour — invalids and social affairs are also responsible for child protection and care.

47. In order to strengthen the system of staff responsible for child protection and care in the community, in 2007, the Government assigned the MOLISA to study and develop a

project on the development of social work profession, including child protection and care. The project has been drafted by the MOLISA and will be submitted to the Government in 2008. Social work has been gradually considered as an occupation in Viet Nam. In 2004, the standard curriculum programme for social work training at the university level was officially issued and at present, there are nearly 30 universities and colleges nationwide that provide social work training of four or five years programme. Many staff graduated from this programme are now working on child protection and care in governmental agencies, mass organizations and community throughout the country.

48. In recent years, interdisciplinary collaboration on child protection, care and education has been strengthened. Furthermore, the capacity of staff working with children in different sectors and at different levels has gradually been improved. Thousands of elective staff, staff from the labour, invalids and social affairs departments, health staff, judiciary staff, procuracy staff, police etc., at the central, provincial, district and communal levels have been trained on international and national legislation and policies, child protection and care skills, social work and child psychology under official long-term training courses and short courses.

2.2 Difficulties, challenges and future plans

49. The capacity of staff at the localities is still limited. Most of the staff that conduct work related to children (especially at the grass-roots level) have not been systematically trained on knowledge and skills to work with children; on the other hand, the quality of staff training is limited. The treatment regime for staff at the grass-roots level is still low. Concurrently, this cadre of staff is usually changed and rotated. Child-rights-based-approach is comparatively new, while there exists challenges to continue to put child related target as one of the first priorities in the development and implementation of laws and policies.

50. In the coming years, Viet Nam will continue to stabilize and strengthen the organization and State management structure on children. On the other hand, Viet Nam will focus on enhancing the training quality, improving the capacity of staff, collaborators, volunteers working with children and providing appropriate treatment to those working with children at grass-roots level.

3. Reinforcing resources

51. In 2003, the Committee for the Rights of the Child recommended Viet Nam to give priority to allocate State budgets to ensure the implementation of economic, social and cultural rights for the child, especially for those in economically disadvantaged groups and children living in rural or mountainous areas; through available resources, international cooperation and simultaneously reinforcing resources for training staff on social work skills, child protection and counselling. During the 2002–2007 period, Viet Nam, on the one hand, has increased investments from State budgets and on the other hand actively mobilized funds from the population, enterprises, child funds systems and others, as well as effectively attracted and used Official Development Aid (ODA) funds in order to meet the demands and the rights of the child. Concurrently, Viet Nam has also taken initial steps to pay greater attention to invest in capacity-building of staff working with children, including training for social workers as recommended by the Committee on the Rights of the Child.

3.1 Legal documents

52. Decree No. 36/2005/NĐ-CP in 2005 of the Government guiding the Implementation of Some Articles in the Law on Child Protection, Care and Education, 2004 sets the responsibilities of the Ministry of Planning and Investment and the Ministry of Finance in

ensuring the integration of child related targets and plans into annual and long-term social-economic development plans. Furthermore, it requires them to have a mechanism for mobilizing finance for supporting the implementation of laws and policies. In addition, the Decree No. 131/2006/NĐ-CP in 2006 issued by the Government defines regulations for management and use of official development aid, including financial support to child rights implementation.

3.2 Implementation

Investment resources for social development

53. Over the last years, investment from the State budget in social fields has gradually increased with a greater focus on poverty reduction, universalization of education, health care, improvement of mother and child health, and HIV/AIDS prevention. Children are one of the targeted beneficiaries of this investment. During the 2001–2005 period, the total investment in the social field increased from 26.4 per cent in 2001 to 27.4 per cent in 2005. The annual expenses for national targeted programmes on hunger alleviation, poverty reduction and employment; on clean water and rural environment sanitation; population and family planning; prevention of dangerous diseases, HIV/AIDS, and education and training has increased annually and even doubled in 2006 in comparison with that of 2002. The investment in education and training alone accounted for 4.5–5 per cent of the total social investment and for 20 per cent of the State budget expenditure in 2007. In 2007, payment from the State budget for health accounted for 5.6 per cent of the total State budget expenses.⁷

Table 3

Investment from the State budget in national targeted programmes

Currency unit: billion Viet Nam dong

<i>Programme</i>	<i>Year 2002</i>	<i>Year 2006</i>
1. National targeted programme on hunger alleviation, poverty reduction and employment	651	925
2. Programme on clean water and rural environment sanitation	215	353
3. Programme on population and family planning	422	572
4. Programme on prevention of some dangerous diseases, HIV/AIDS	380	910
5. Programme on culture		370
6. Programme on education and training	710	2 790

(Exchange rate in 12/2007: 1 US\$ = 16,000 VND.)

54. A significant part of the budget is invested in specific programmes which focus on the child rights implementation, such as: the National Action Programme for Vietnamese children 2001–2010; the National Action Programme on prevention of women and child trafficking 2004–2010; the Programme for prevention and handling of street children, sexually abused children, and children working in hazardous occupations 2004–2010. The budget for free health checks and treatment for children below 6 years of age in public

⁷ Source: MPI, 2007.

health units is annually allocated by the National Assembly and averaged US\$ 45 million⁸ in 2005. For the effective implementation of the programmes and targets for children, the People's Councils and the People's Committees in many provinces have decided to provide more funds from the provincial budget.

Information box 1

Quang Ninh is one of the focal provinces for economic development in the north east of Viet Nam which includes Ha Long Bay, the famous natural world heritage site. In recent years, as a result of its economic development, the province has given appropriate priority to social development including special attention to child protection, care and education.

This is an example of one of the provinces that has effectively integrated the contents and targets on children into its social and economic development plans at various levels and considers it as one of the indicators for annual evaluation of performance and a basis for consideration of commendation and rewards to agencies and enterprises in the province. In 1998, the Provincial People's Council issued a special resolution on child protection, care and education. The Provincial People's Committee accordingly issued the regulation on the use of 1 per cent of the provincial regular budget to support four main targets for children in the province, including recreation, prevention of under five child malnutrition and protection of children in special circumstances. Every year, apart from the centrally allocated budget, the province provided roughly US\$ 350,000 (for the period 1998–2004) and US\$ 650,000 (2005–present) for the above targets.

Child protection, care and education activities from the provincial to grass-roots levels have been socialized, attracting the attention from society and improving the roles and responsibilities of different levels, sectors, economic and social organizations and society. The collaboration among different sectors at provincial, district and communal levels have been effective, resulting in mobilizing many resources for nearly 300,000 children in the province.

Source: Quang Ninh DoLISA, 2007.

55. The density of basic social service expenditure for children has also been increasing. This density increased from 32 per cent in 1991 to 42 per cent in 1999 in social development expenditures. In 2002–2007, statistics indicate that the investment rate in many social targets where children benefit is increasing and that the expenditure rate for basic social services for children also continues to increase. Resources mobilized from the community, from families and others, has played an important role in the socialization of child protection, care and education in Viet Nam. These resources are the direct contribution by the people, mobilized from Government bond issuance, public bonds, funds from enterprises or through different types of funds for children. Like other Asian countries, besides investment from the State budget, the contribution from Vietnamese families in child raising, child health, child education and leisure is considerable, especially in urban areas. The system of funds for children also plays an important role in the mobilization of resources for child protection, care and education. Every year, these funds mobilize millions of US\$ for child protection, care and education. The Fund for Vietnamese Children in particular has a network from the central to local level in 100 per cent of the provinces/cities, in 80 per cent of urban districts/districts and 70 per cent in

⁸ *Source:* MPI, 2007.

communes/wards. Every year, the Fund has mobilized nearly US\$ 2 million for supporting thousands of children through such programmes as: smile, heart and eye operations; operations for children with Delta muscle sclerosis; rehabilitation for disabled children; fellowships for children in special circumstances, emergency support for children in difficult situations and for flood or natural disaster victims.⁹ In addition, many other funds (such as the Golden Heart Fund, Compassion Fund, Learning Encouragement Fund, Young Talent Support Fund, Fund for Poor Children, VINAMILK Fellowship Fund, Fund for Agent Orange Victims etc.) have significantly mobilized the efforts from the community for direct support to children.

Official Development Aid (ODA)

56. The mobilization of financial support for Viet Nam has been implemented through the annual and midterm Donors Consultative Group meetings, ministries' coordinating aid meetings, activities of partnership groups and meetings for the mobilization of sponsors in localities, creating forums for discussion between the Government of Viet Nam and donors on socio-economic development policies. In 2006, the Government issued the Decree No. 131/NĐ-CP on the Management and use of ODA, creating a specific and comprehensive legal framework in State management of ODA. Over the last five years, although global ODA has been significantly decreased due to the international economic difficulties, ODA for Viet Nam has been maintained, demonstrating the support from donors towards the socio-economic development of Viet Nam. ODA committed in the 2001–2005 period for Viet Nam was about US\$ 14.98 billion with a disbursement rate of about 70 per cent of the signed amount. In 2007, committed ODA was US\$ 5.4 billion. About 18 per cent of the ODA was spent on education, health and other social services with direct or indirect impacts on child protection, care and education, promoting the rights of the child. During the 1993–2007 period, more than US\$ 650 million was used for primary and secondary education and more than US\$ 500 million was used for health sector.¹⁰

57. In Country Programmes of Cooperation between the Government and the United Nations agencies, there are projects related to children supported by UNICEF, UNFPA, UNDP, WHO, UNAIDS, etc. Simultaneously, organizations like WB, ADB, ILO, IOM, Governments and non-governmental organizations have provided practical support to Vietnamese children. Being the regular and specialized agency in child survival, protection and development, UNICEF has provided approximately US\$ 7.3 billion to Viet Nam in the 2001–2005 period and US\$ 83.3 in the 2006–2010 period. UNICEF focuses on technical support, support for health, nutrition, clean water, environment sanitation, education, communication to raise the awareness of child rights, child protection, child injury prevention, with great attention to such vulnerable children as children in difficult circumstances, poor children etc.¹¹

3.3 Difficulties, challenges and future plans

58. Over the last few years, the investments in social fields which include children and youths, have been increased. They, however, have not met the real needs, particularly the needs of education and child health care. State investments in newly emerging issues relating to child protection, child injury prevention etc. have faced difficulties, and fund mobilization from the private sector, social organizations and community has been limited. The ODA tends to shift the support to national targets. The private sector is being encouraged to get involved in the provision of education and health-care services. This

⁹ Source: MOLISA, 2007.

¹⁰ Source: Ministry of Planning and Investment, 2007.

¹¹ Source: UNICEF Viet Nam, 2007.

requires the prioritized attention for goals related to children in general and vulnerable groups of children in particular.

59. For future goals, Viet Nam will enhance investments in resources for child protection, care and education from the State budget and mobilize resources from national and international individuals and organizations. In order to put children and youths at the centre and priority of investment sources, Viet Nam will issue regulations for boosting the socialization of child protection, care and education as well as encourage the participation of private sector and enterprises and mobilize the maximum contribution of the community. On the other hand, Viet Nam will strengthen its cooperation with donors in order to attract, manage and effectively use the supports for child protection, care and education by the continuation of harmonizing, applying new aid models, enhancing the role of civil society in supervision of resource utilization in general and particularly those for children. Simultaneously, the MOLISA hopes to collaborate with related ministries, sectors and United Nations agencies (especially UNICEF) to study and evaluate the allocation and use of resources for children in preparation for the development for child-related targets for the 2011–2020 period.

4. Monitoring and evaluation

60. The CRC Committee recommended that Viet Nam should broaden its system for data collection on children, including economic child exploitation, child abuse and child accidents and injuries. Furthermore, it should have a more effective use of data and indicators for developing, monitoring and evaluating related policies, programmes and projects. The CRC Committee also recommended that Viet Nam should establish an independent structure for supervising, monitoring the promotion and protection of the rights of the child. Over the last five years, the data and information collection relating to Vietnamese children has gradually been improved and increased in terms of both quantity and quality. The data has initially been updated on a regular basis, providing on-time information on the implementation of the CRC, serving the steering, managing and developing of child-related programmes, plans, policies and enabling the forecasts of trends of child issues. Viet Nam has also reviewed the related legislations relating to child protection indicators in order to strengthen the monitoring system and develop the national child protection indicators.

4.1 Child database

4.1.1 Implementation

Developing indicators and a database on children

61. Viet Nam's agencies have collaborated with UNICEF to formulate 84 national indicators on Vietnamese child rights. Every year, the national child right indicators are used to collect periodic statistics from related ministries and sectors. Concurrently, these indicators are annually published under the title of Vietnamese Child Rights Indicators to provide information relating to Vietnamese children. In addition to this set of 84 indicators, Viet Nam has also developed other specific indicator groups, such as: a set of indicators on families in order to monitor the changes in family structures and functions; a set of indicators on child protection including 27 indicators on prevention of child commercial sexual exploitation, 40 indicators on juvenile justice; some other indicators on ethnic minority children and women. Indicators on child injuries and disabled children are also being collected in some pilot localities. Other indicators relating to the care and treatment for HIV/AIDS infected and affected children are also included in the periodical reporting system of the Ministry of Health. Viet Nam has also developed the database on population,

family and children (called VCPFCinfo), including a child database, based on the DEVinfo database.

Organizing the system for collecting child information

62. Viet Nam has developed a system for collecting information and reports from the central to local levels, through national surveys and periodical statistic reports:

- Multiple Indicator Cluster Surveys for assessing child and woman targets (MICS) is carried out every five years by the GSO and the former CPFC in collaboration with UNICEF
- The Viet Nam Household Living Standard Survey (VHLSS) conducted by the GSO in 1992–1993, 1997–1998; and every two years from 2002 to 2010 (on even years), in order to provide statistics relating to the living conditions and the impacts of education and health on living conditions of the households (including children)
- In addition, the data and information are also collected from results of other surveys such as: the Survey on Population and Housing, the Labour and Employment Survey, the National Survey on Health; the Survey on Vietnamese Adolescents and Youth (SAVY), the Population Change Survey, the Annual Survey on mothers and children's nutrition, etc. In 2005, the first National Family Survey was conducted.
- Related ministries and sectors all have a system for collecting their own data and information among which the former Committee on Population, Family and Children and now the MOLISA has gradually paid attention to using new survey approaches with the participation of the community and children.

4.1.2 *Difficulties, challenges and future plans*

63. The data on Vietnamese children has been collected from available surveys as well as from the specific data collection system of the State child management agencies. However, some related child rights indicators are not relevant or impossible to collect in the current context, some collected data has not been analysed or used on an effective level. On the other hand, many child data have not been collected with such specific criteria as prevention of accidents and injuries; child abuse; child trafficking; HIV/AIDS infected and affected children, juvenile justice, etc.. Some data has been specially collected outside of the national system. Concurrently, the mechanism for collecting data and sharing information on children is still insufficient.

64. In the future, MOLISA will collaborate with related ministries and sectors and United Nations agencies (particularly UNICEF) to study and develop a unified child database. Specific tasks will be called to review and standardize the 84 indicators on the rights of the child and systematize the current data to develop it into a child database that is regularly updated with MOLISA as the focal point in collaboration with other related ministries and sectors. This database will use Vietinfo as its management and development tool.

4.2 **Monitoring the implementation of the rights of the child**

4.2.1 *Implementation*

65. In Viet Nam, monitoring the implementation of child rights is ensured by the activities of related Committees in the National Assembly (the Committee for Culture, Education, Youths, Teenagers and Children; the Committee for Social Affairs; the Ethnic Council, etc.), and, People's Councils at different levels. Of the 70 missions conducted by the National Assembly's Committee for Culture, Education, Youth, Teenagers and Children

in its 2002–2007 term to supervise the implementation of the functions of governmental agencies, sectors and localities, more than 50 per cent of the supervisions were related with the implementation of child rights (such as monitoring the enforcement of the Law on Child Protection, Care and Education on health-checks and treatment for children under 6 years of age; the situation of teachers at different educational levels; the implementation of changing schoolbooks at primary and secondary levels; vocational training; and the allocation, management and use of budgets for education and training). Based on its supervising results, the National Assembly has come up with many recommendations for Government activities relating to the implementation of child rights.¹²

66. The labour inspection system under the MOLISA and ministries', agencies' specialized inspections from the central to local levels are also responsible for the inspection and supervising the implementation of child rights. At the same time, adults and children themselves have been involved in the supervision and monitoring of the implementation of child rights (through the children's organizations such as the Young Pioneers Organization, the Children's Union, the Teenagers' Union, Young Shoots, the Child Rights Clubs and the Young Reporters Clubs, etc.). The MOLISA has developed working guidance for child protection inspectors and those from related Government agencies at central and local levels to monitor and inspect child right violations, particularly the protection of children's rights. Nearly 200 inspectors from the former Committee for Family, Population and Children and from the labour, invalids and social affairs at different levels have been trained to use these working guidance. Over the last five years, these inspectors have received and handled more than 10,000 claims, among which over 70 per cent were cases relating to child right protection.¹³ Models for supervising, monitoring and evaluating child right implementation have been piloted in some localities, supporting early interventions from local agencies regarding violations against child rights (such as birth registration, ensuring the conditions for children to go to school, stopping child abuse, etc.).

Information box 2

Located in the South of Viet Nam, Dong Nai is one province that effectively maintains and implements supervision and monitoring for the implementation of child rights.

Every year, the Provincial People's Council approves plans for supervision and monitoring of such child rights implementation as health care for under 6 years of age children, regular subsidy for orphaned and disabled children; commune recreational centres, centres for orphaned and disabled children; subsidies for resistance war participants and their chemically infected children; child abuse cases. Annually, about seven supervisions are conducted by provincial agencies to monitor the implementation of child rights in districts, while each district conducts at least one supervision to communes.

Recommendations from these supervisions have all been reported to the People's Councils and related agencies for further action.

Source: Dong Nai DoLISA, 2007.

¹² *Source:* The Committee for Culture, Education, Youths and Children of the National Assembly, 2007.

¹³ *Source:* Committee for the Population, Family and Children, 2006.

4.2.2 *Difficulties, challenges and future plans*

67. The child rights inspector system in many localities is still inadequate in terms of quantity and limited in professional skills relating to children.

68. In the future, Viet Nam will enhance the supervising, inspecting and monitoring of the child rights implementation, especially with regard to the child labour in restaurants and as domestic workers; while at the same time, strengthen the role of civil society for supervising child rights implementation.

5. Enhancing partnerships and boosting the socialization of child protection, care and education

69. Having recognized the Government's role in combination with the socialization of child protection, care and education in ensuring children's rights and needs, Viet Nam has given greater attention to the involvements of the individuals, schools, communities, economic and social organizations (such as Fatherland Front, Women's Union, Youth Union, Farmers' Union, the Elderly Association ...), social-occupational organizations, religious organizations, international organizations, and the mass media to the cause of child protection, care and education. Many communities have integrated policies on child protection, care and education into their villages', hamlets' and clusters' regulations and practices, which therefore contribute to bringing into play good habits and customs as well as to highlighting morality, fighting against social evils, and encouraging children to study. Social funds, such as, "the Employment Fund", "the Poverty Reduction Fund", "the Golden Hearted Fund", "the Study Encouragement Fund", "the Fund for Poor Pupils", "the Fund for Supporting Young Talents", "the Fund for Child Protection", have all been established and effectively operated basing on the democratic mechanism in the localities. Many localities have had initiatives and forms of mobilization of resources; contributing to the implementation of targets for the children. In addition, Vietnamese families play an increasingly important role in the implementation of the rights of the child through their full awareness of child rights, giving attention to and investing in health care, raising and protecting the child as well as forming their personalities. The Vietnamese Government has also enhanced the conditions for the children and adolescents' participation in planning, implementing and monitoring activities relating to them.

70. Mass media have also been actively involved in and have made many changes in both the quality and quantity of the dissemination activities on the rights of the child. The Viet Nam Television, the Voice of Viet Nam, 63 provincial/city television agencies, radios in districts, communes/wards, newspapers at the central and provincial levels, magazines and information from agencies, and research institutions have been broadcasting information and have diversified forms for the implementation of the rights of the child.

6. International cooperation

71. To date, Viet Nam has established diplomatic relations with more than 160 countries, trade relations with more than 100 countries and been member of more than 60 international and United Nations organizations. Viet Nam has been a trading partner with 150 nations and territories and has had relationships with nearly 500 foreign non-governmental organizations in all fields (including child-related fields). International cooperation has played an important role in supporting the Government to implement its targets for children. Through this cooperation, capacity of the staff at different levels and sectors has been improved. At the same time, international cooperation has actively contributed to the improvements of resources for the implementation of the child rights. In

addition, Viet Nam has also had the chance to share experiences on child protection, care and education to friends through delegate exchanges with other countries, as well as hosting and presiding over a series of international conferences and workshops, including: the East Asia-Pacific Forum on Family in 2004, the Asia-Pacific Inter-Parliamentary Conference on Child Protection in 2006, the Asia-Pacific Regional Consultation on Children and HIV/AIDS in 2006, and the ASEAN Ministerial Meeting for Social Welfare and Development in December 2007.

72. Viet Nam hopes to continuously expand its international cooperation in child protection, care and education, in the future; especially in development of legislation and policy, capacity building for staff, in the areas of research and monitoring, provision of services and development of models on child rights protection. Viet Nam calls for the continuous support from international organizations, countries and NGOs for its programmes on child protection, care and education, particularly in mountainous, remote and disadvantaged areas. (Please refer to Part Two, II.3, VI.1, VII.2, VIII.1, IX (A.2., B.1, C.3)

7. Communication and dissemination on the CRC and country reports, and recommendations by the CRC Committee

73. In 2003 and 2006, the CRC Committee recommended Viet Nam to:

- Continue its efforts to build capacity and raise the awareness of staff working with children on the CRC, particularly for members of the National Assembly, law enforcement officials, civil servants, municipal workers, personnel working in children detaining units, including psychological staff and social workers
- Give particular attention to the dissemination of the CRC to members of ethnic minority groups, and ensure, wherever possible, that the full text of the CRC is translated into the local language.

Viet Nam continues to pay attention to dissemination, improvement of awareness and raising capacities for officers and staff working with children, especially elected members and law enforcers as recommended by the CRC Committee.

7.1 Implementation

74. In the Government's working plan of legal information and education, there is a project on information and education of related legislation for children and adolescents, including international treaties ratified by Viet Nam, for example: the CRC and its two Optional Protocols etc. ... In Viet Nam, the CRC has been translated into Vietnamese (the national language) and into some ethnic minority languages (Thai, Hmong, Ede and Bana, etc.). The CRC contents and its two Optional Protocols have been widely disseminated to related agencies and throughout the population including children via the mass media either as full text documents or summarized versions. The former CPFC and now the MOLISA in cooperation with related agencies including MOET, the Central Council of the Youth Union, Viet Nam National Television, UNICEF, Plan, World Vision, Save the Children Sweden and other NGOs have sponsored a number of competitions to raise awareness about the CRC and the national laws. Thousands of copies introducing the CRC and its two Optional Protocols, the Law on Child Protection, Care and Education, the Country Reports on the Implementation of the CRC and Concluding Observations of the CRC Committee have been printed and distributed. The mass media has regularly disseminated information on child protection, care and education. The Family and Children Programmes and many other programmes on national and provincial televisions have spent a lot of their broadcasting time on examples of child protection, especially children in extremely difficult

circumstances and providing cases of child offences and trafficking. Furthermore, dissemination activities include organized talks and dialogues on the implementation of the CRC and the Law on Child Protection, Care and Education. On special occasions during festivals, lunar Tet holidays, during the Month for Children and Viet Nam Family Day, communication campaigns on laws and policies related to child protection, care and education, particularly on the prevention of child abuse and trafficking. These have reached out to the public via nationwide, large-scale communication campaigns, such as competitions and photo exhibits. Communication models on child rights in communities have been improved.

75. The CRC contents, its two Optional Protocols and related national laws have been integrated into training courses for elected officials, social workers and law enforcers. Child rights have continuously been included in the programmes at the Ho Chi Minn National Political Academy (where high-ranking Communist Party and government officials are trained), in universities and training institutions under MOLISA, in schools for judges and prosecutors, in police training schools and training schools for staff of mass organizations. Within the framework of the Country Programme of 2006–2010 between Viet Nam and UNICEF, there is one project on capacity-building for elected members which focus on awareness-raising and capacity-building on child rights.

76. In universities, the issue of child rights has been integrated into the morality and citizen education subjects for primary, secondary and high school students. Every year, in the refreshment training programmes for teachers during summer holidays, the contents on the education of child rights in schools are provided. Children's Forums, Young Reporters Clubs, and Child Rights Clubs are also organized in many places, especially in localities which give children opportunities to voice their opinions and aspirations, and to learn more about their responsibilities, rights and obligations.

7.2 Limitations and future plans

77. The dissemination, awareness-raising, and behaviour change campaigns of child rights have not been regularly and continuously carried out at all levels, especially in the context of the increasing negative impacts of globalization and economic integration.

78. The CRC dissemination to ethnic minority groups has had many constraints as a result of the number and language barriers of ethnic minority groups. In addition, there is a shortage of staff who work directly with ethnic minorities, and in disadvantaged areas and there is a limitation of educational materials and guidelines for implementing the rights and obligations of children.

79. In the future, Viet Nam will study and map out comprehensive directions for dissemination to improve the awareness of child rights. In addition to translating the CRC into ethnic minority languages, greater attention will be given to the development of communication models which are lively, simple and easy to understand for ethnic minority groups. Furthermore, greater focus will be given to trainers who are ethnic minorities for on-site communication.

III. Definition of the child

80. The regulations on the age of children entitled to primary education universalization, the working age, the age for property decision-making, and the age for criminal responsibilities, etc. as per the Law on Universalization of Primary Education in 1991, the Law on Marriage and Family in 2000, etc., are mentioned in the Report in 1993–2002 period. Based on the characteristics of the basic psychology and development of Vietnamese children as well as to ensure the consistency of the existing legal system and to

be suitable with the socio-economic conditions, the Law on Child Protection, Care and Education revised in 2004 continues to stipulate that all persons below 16 years of age are children. Concurrently, Vietnamese legislation also specifies the age for being responsible for civil, economic, cultural and social relations by children, fitting with their awareness, psychological and intellectual developments based on their age, as indicated in the Civil Code, Law on Education, the Criminal Code, the Labour Code, the Law on Military Service, the Law on Election etc. Accordingly, adolescents from 16 to 18 years of age are entitled to such priority regimes that are nearly the same as stipulated in the CRC:

(a) Article 18 of the Civil Code in 2005 stipulates that the adolescents are all persons under 18 years of age;

(b) Article 31 of the Youth Law in 2005 regulates that the State shall apply the CRC to all persons from 16 to below 18 years of age, which is suitable with Viet Nam's conditions;

(c) The Education Law in 2005 stipulates the age for primary and secondary education universalization. Article 26 stipulates that primary education is conducted in five years, from the 1st to 5th classes, where the enrolment age in the 1st class is 6 years old. Junior secondary school lasts four years from the 6th to 9th classes while high school education is three years, from the 10th to 12th classes. Students entering the 10th class have to possess a junior secondary education certificate and at the age of 15. Clause 2 of article 26 in the Education Law in 2005 regulates that the Minister of Education and Training stipulates the ages for earlier education at relevant grades for children with early developed intellectuals or higher ages than stipulated for pupils in disadvantaged areas, for ethnic minorities, for disabled pupils, for mentally disabled pupils, orphan children, pupils in poor households regulated by the State, pupils from foreign countries coming back to Viet Nam. Furthermore, the Minister is able to stipulate cases for skipping class, repeaters, learning Vietnamese for ethnic minority children before enrolment into the 1st class;

(d) Other legal documents also contain regulations strictly forbidding children from the participation in activities affecting their physical, intellectual and spiritual development. The Law on Child Protection, Care and Education in 2004 stipulates that children are not entitled to gambling, smoking, or using stimulants which harm their health (art. 22). Especially, the Youth Law in 2005 regulates that persons below 18 years of age must not quit school on his/her own initiative, to leave home, to roam, to smoke, to drink wine and other alcoholic beverages with a concentration from 14 per cent and above (art. 29).

(e) The revised and supplemented Labour Code in 2002 prohibits the employment of adolescents (below the age of 18) to work in hazardous occupations or exposure to toxic substances, or to work in the environment where their personality and development would be in jeopardy (arts. 119 and 121). However, it allows people aged from 15 to below 18 to work in occupations and work that is not restricted by law in line with the list of professions legally allowed in the Joint-Circular No. 21/2004/TTLT-BLDTBXH-BYT dated 9 December 2004 jointly issued by the MOLISA and MoH regulating the workplace. The employment of people under 18 years of age in services which are easily prone to prostitution purposes, are prohibited. The employment and use of these children need to be agreed upon and supervised by parents or legal guardians;

(f) The Ordinance on Punishments of Administrative Violations in 2002 stipulates the administrative punishment for the people from 14 to below 16 years of age who must pay additional fines or other compensatory measures, if they are found to be in conflict with the law. In addition, children in conflict with the law are to be educated in the commune, wards, in teaching, or sent to reform schools and/ treatment units;

(g) It can be affirmed that in addition to the legal bases stated in previous reports, the 2002–2007 period has seen a great effort by Viet Nam to pay increasing attention to the group of people below 18 years of age, according to the regulations as stated in the CRC.

IV. General principles

1. Non-discrimination (art. 2)

81. After the dialogue in 2003, the CRC Committee recommended Viet Nam:

- To amend and supplement the national law to ensure its complete harmonization to all clauses in article 2 in the CRC, especially no discrimination against disabled children
- To reduce the gaps of accessing to and quality of health care and education for children in different regions and among ethnic groups
- To research and to define the gaps between ethnic minority groups and other children groups and to develop policies, programmes for solving these gaps

Over the last five years, Viet Nam has continued to include the principle of non-discrimination as stipulated in the CRC and the Concluding Observations by the CRC Committee in the issuance and revision of related legislation. Greater attention has been given to ethnic minority and disabled children as recommended by the CRC Committee.

1.1 Legal context

82. The principle of equality to the citizen and in particular the children is the fundamental principle presented in every legal document in Viet Nam, especially the Constitution in 1992 and as mentioned in the Reports during the 1993–2002 period. Based on that legal ground, the Law on Child Protection, Care and Education in 2004 regulating that a child without the distinction of boy, girl, legitimate or illegitimate child, offspring or adopted, stepchild or offspring; despite his or her ethnic, religious or social background or position, their parents' or care givers' political opinions, are all protected, cared for and educated, and are entitled to rights according to the legislation:

(a) This is one of the fundamental principles stipulated in the Law on Gender Equality in 2006 which outlines no gender discrimination against men or women.

(b) To ensure there is no discrimination against children from the womb to child, the Ordinance on Population in 2003 prohibits the choice of sex of the foetus.

(c) The Law on Prevention, Fighting against Acquired Immune Deficiency Syndrome virus (HIV/AIDS) in 2006 contains specific regulations on prohibiting discrimination against and treatments for HIV/AIDS infected and affected people, including children.

(d) The Education Law in 2005 has specific regulations on the rights to study for all Vietnamese children.

(e) The Law on Child Protection, Care and Education in 2004 stipulates the fee exemption for a birth certificate for poor children (art. 23); outlines the conditions for study, free health-checks and treatment for poor children, and children in difficult circumstances so that they can enjoy their fundamental rights (arts. 27, 28, 37, 42).

(f) Viet Nam has spent great efforts in creating a legal framework for the protection and care of disabled children. The Government's Decree No. 36/2005/NĐ-CP in 2005

assigns the MOLISA and the People's Committees at different levels to be responsible for managing children in extremely difficult situations, including disabled children, and to provide supporting measures for orthopaedic surgery and rehabilitation for disabled children and to produce and to provide them with special instruments. The Decree also stipulates the responsibilities of the Ministry of Education and Training (MOET) in the development of exemption policies, such as, the reduction of school fees and working out suitable measures so that disabled children can study and integrate. Furthermore, MOET stipulates details for education programmes for schools, classes for disabled children and provides regulations on the responsibilities of MOLISA for vocational training for disabled children.

(g) In 2005, the Prime Minister issued the Decision No. 65/2005/QĐ-TTg approving the project on "Community Based Care for displaced orphans, serve disabled children, children who are victims of toxic chemicals and HIV/AIDS infected/affected children from 2005–2010". The project has mapped out community based solutions to reach the objectives on increasing the number of children who benefit from annual subsidies, of which the rate of disabled children increased from 30–65 per cent, and the rate of disabled children who are provided with orthopaedic surgery and rehabilitation increased from 40–70 per cent; annually, about 11,000 children in special difficulties including disabled children provided with supports in educational; creating conditions for disabled children to gain access to cultural services and to provide special classes, cultural publications and sports programmes for these children.

1.2 Implementation

83. The Socio-Economic Development Strategy for 2001–2010, the Comprehensive Strategy for Growth and Poverty Reduction and the Sustainable Development Strategy in Viet Nam have clearly determined the policy for economic growth in parallel with social progress and justice. Among which, special attention is given to poverty reduction, shortening the gaps of economic-social development among regions and areas, and development of the social security network supporting vulnerable groups including children. The poor have gradually gained access to basic social services; the infrastructure in poor, remote, mountainous, and ethnic minority areas have been improved, which therefore have positively contributed to the reduction of the gaps for children in poor, and disadvantaged households.

84. The policy for free health-checks, treatment for poor children, and for children below 6 years of age has been implemented and has supported many children in poor, disadvantaged households, children who are suffering from serious diseases such as the inborn heart disease, blood disease, bone malformations, etc., are treated for free.

85. The State has issued many policies in order to implement equality in access to education. For ethnic minority children and children in disadvantaged areas, the Government has supported through special programmes such as the National Targeted Programme on Poverty Reduction, the Socio-Economic Development Programme in Mountainous, Ethnic Minority and especially disadvantaged areas. The ethnic minority boarding schools and classes are supported by the State and students in these schools and classes are provided with fellowships. Teaching ethnic languages has been strongly promoted; whereby, 8 ethnic languages are being taught in 25 provinces. Every year, millions of poor pupils are exempt from school fees and from contributions to build the schools. The educational system for disabled children is established and developed nationwide. Other children in difficult circumstances such as street children, children in conflict with the law, etc., have been gradually provided with conditions to access to education through compassion classes, programmes in reform schools.

86. Viet Nam has been carrying out a number of solutions to eliminate gender gaps at the primary and junior secondary education. To date, Viet Nam has ensured gender equality in education. The rate of school enrolment of boys and girls at different education level is comparatively equivalent.¹⁴ The significant progress in the promotion of gender equality according to the Millennium Development Goal 3, is clearly shown in the Gender Development Indicator (GDI) of Viet Nam which has been continuously improved from 0.668 in 1998 to 0.689 (ranking 87th out of 144 countries) in 2004.

1.3 Difficulties, challenges and future plans

87. In 2007, while the average rate of poor households for the whole country is at 14.84 per cent, these rates in the remote and ethnic areas are still high: 38.08 per cent in the north-west, 25.79 per cent in the Northern Central region, 22.9 per cent in the Central High Lands, and 21.36 per cent in the north-eastern mountains.¹⁵ At present, there are 61 districts where the rate of poor households are more than 50 per cent, primarily located in mountainous areas.¹⁶ The living standards gap among regions affect significantly the ability to access basic social services for children. The opportunities to access health, education and other social welfare services are also limited to many children in remote areas, street children, children in fishermen's families, orphans, disabled children, children infected/affected by HIV/AIDS, working migrant children.

88. In the future, Viet Nam will enhance dissemination, education, and awareness-raising of the child rights, especially for children in special circumstances, while promoting the monitoring of the enforcement of legislation and implementation of policies for this target group. Furthermore, priorities will be given to close the gaps between regions and areas, in the hopes to reduce the differences between child groups so that every child can enjoy their rights.

2. The best interests of the child (art. 3)

89. In 2003, the CRC Committee recommended that Viet Nam review, supplement, and revise related legal documents in order to ensure that in all activities carried out by the State, individuals, tribunal, justice, or the legislature, the best interests of the child shall be the primary consideration. In the past, the principles for the best interests of the child has been given attention, particularly in the drafting, revising, supplementing as well as implementing of legal documents, for example: the Law on Criminal Procedure in 2003, the Law on Child Protection, Care and Education in 2004 and other guiding documents.

2.1. Legal context

90. The Law on Child Protection, Care and Education in 2004 regulated to place children's interests first in every activity relating to children of agencies, organizations, families and individuals. The Law also specifically stipulates the policies by the State for children in special circumstances to ensure the best interests for this target group. The child's right to live with their parents, except in the case of separating from their parents, for the child's own interests, is also regulated in article 13 in the Law on Child Protection, Care and Education, in 2004. Other key legislation includes:

¹⁴ Source: Ministry of Education and Training, 2007.

¹⁵ Source: GSO, 2007.

¹⁶ Source: MOLISA, 2007.

(a) The Law on Criminal Procedure in 2003 contains regulations on compulsory defence for the accused and the arrestee who are adolescents under the forms that: the accused, the arrestee or their legal representative such as their parents or guardians, selects the defender for the accused or the arrestee; furthermore, the investing agency, people's procuracy, and the tribunal requests the lawyers' association to assign the law office to appoint the defender or request the Fatherland Front Committee to assign a defender for the adolescent accused or arrestee if they could not select the defender by themselves. The legal representative for the adolescent accused or arrestee can help defend. In case that a person who has a child below the age of 14 is placed in a temporary detention centre, the agency issuing the decision for putting that person in a temporary detention centre will transfer the child in the care of his/her relatives and in case that the child does not have relatives, the agency will hand over the child to the care of the local authorities;

(b) The Government's Decree No. 36/2005/NĐ-CP in 2005 regulates the details of enforcement for some articles outlined in the Law on Child Protection, Care and Education in 2004. It clearly states that the child's interest must be ensured when he or she is separated from their parents due to the fact that their parents are placed in temporary detention or held in custody, or if the tribunal decides to limit the parents' rights towards their children. The Decree also defines the responsibilities of the People's Committee at different levels in providing alternative care of and raising these children (art. 16);

(c) The Law on Donation, Transplant of Parts of Body and the Giving of Corpses in 2006 defines specific regulations on the first priority for children in the transplant of parts of body (art. 37, Clause 2);

(d) The Government's Decree No. 69/2006/NĐ-CP in 2006 revises and supplements some articles as outlined in the Decree No. 68/2002/NĐ-CP, whereby it regulates in detail the implementation of some articles on the Law on Marriage and Family, particularly on spousal and family relationships with foreigners, which provides amendments in some regulations on adopted children in order to prevent and combat illegal adoption.

2.2 Implementation

91. Training and awareness-raising for leaders at different levels, sectors, and for staff working with children from central to local levels on the CRC, its two Optional Protocols and national legislation have contributed to ensuring the interest of the children.

92. In previous years, investment from the State budget for social fields has gradually increased, including investments for children. The resources from community and international organizations to reach child's targets have also been increased. Viet Nam has given greater attention to integrate child development targets into the Five-Year Development Plans as well as into the national annual plan for each ministry, sector and locality according to their functions and duties in order to ensure the best interests of the child.

93. For children in special circumstances, Viet Nam has increased measures to contribute to ensuring the best interests of this group. The number of displaced orphaned children cared for by the State accounted for 74.38 per cent of the total number of orphaned children. About 75.85 per cent disabled children are taken care of under different forms of social protection units by the State and in community-based models.¹⁷ Many programmes have been effectively implemented to support disabled children (including optical surgery, inborn heart disease surgery, support to children who are victims of Orange Agent, etc.). The plan for mobilizing street children to return home and reintegrate with their families

¹⁷ Source: MOLISA, 2007.

and their community has supported 84.1 per cent street children.¹⁸ Every year, many families and communities have been encouraged to provide alternative care, adoption, foster care or sponsoring for about 2,400 children in especially difficult situations.¹⁹ Community-based child protection models have been piloted and duplicated. Children working in hazardous occupations, abused children, and trafficked children have been gradually provided with timely interventions by the authorities. Children in conflict with the laws have been provided with such interventions as education, prevention, and support for community reintegration.

94. In the cases where child rights are violated, greater attention towards the handling and strict punishment to the offender has been made.

2.3 Difficulties, challenges and future plans

95. The awareness and sense of responsibility by some local leaders, families and communities on the best interest of the child is still limited. There have been some gaps between the principles regulated in the CRC and in the two Optional Protocols on the juvenile justice system and the national law (as mentioned in Part II, II.1.). Furthermore, there still exist gaps between legislation and the enforcement of legislation, and there are still increasing challenges to ensure the best interests of the child in the context of globalization and economic integration.

96. In the future, Viet Nam will enhance the dissemination and awareness-raising of child rights. On the other hand, Viet Nam will continue to supplement and amend the legislation to ensure to give priority to the best interest of the child. In addition, measures to promote community-based care for children in especially difficult circumstances, particularly the displaced orphaned children will be given greater interest.

3. The rights to life, survival and development (art. 6)

97. In 2003, the CRC Committee recommended that Viet Nam should research the scale and causes of children's deaths caused by accidents, and to make greater efforts to reduce the mortality rate as a result of accidents and injuries through policy advocacy and through awareness-raising campaigns, and through parental, child and public education. In recent years, Viet Nam has paid due attention to measures for ensuring the rights to survival and development of the children. Based on related regulations in the Law on Child Protection, Care and Education in 2004, the Education Law in 2005, the Law on Prevention and Fighting against HIV/AIDS in 2006, Viet Nam has carried out a series of measures on child health, education and protection. At the same time, Viet Nam has also conducted some studies on the risks that cause accidents and injuries for children in rural areas (in 2003), survey on injuries and other related factors affecting children below 18 years of age in some provinces (in 2004), according to the recommendations of the CRC Committee.

3.1 Legal documents

98. In addition to the legal framework as discussed in the Reports during the 1993–2002 period, there have been many efforts by Viet Nam in the 2002–2007 period:

(a) The Law on Child Education, Care and Protection in 2004 has specific regulations on the rights to be cared for and to be brought up as well as to have healthy physical, mental and moral development (arts. 12, 15). The Law also stipulates the

¹⁸ Source: MOLISA, 2007.

¹⁹ Source: MOLISA, 2007.

responsibilities of the State and of the society to provide special protection and care for ethnic minority children, poor children, children in remote areas and in other special circumstances. Article 16 of the Law regulates that the child has the right to learn.

(b) Article 11 of the Education Law in 2005 stipulates primary and secondary education universalization and that the family has the responsibility to create appropriate conditions for family members at the regulated ages to study at compulsory education levels. Concurrently, the Law also stipulates the rights of the child to engage in recreational activities, in cultural activities, sports, and tourism activities that are suitable with their age (art. 17).

(c) The Law on Prevention and Fighting against HIV/AIDS in 2006 includes regulations on measures and conditions for the prevention and fighting against HIV/AIDS, as well as the care, treatment and support for HIV-infected people (including children).

(d) The Viet Nam National Action Programme for Children from 2001–2010 sets targets for a maximum reduction of the number of children injured or prone to accidents. On the other hand, 50 per cent in 2005 and a projected 100 per cent by 2010 within the communes and wards will establish the cultural and recreational units for children, including 40 per cent meeting the standard criteria in 2005 and 50 per cent by 2010. Also, 75 per cent of the districts and subdistricts in 2005 and 100 per cent by 2010 can organize and manage well these units.

(e) The plan for the Socio-Economic Development Plan from 2006–2010 is to set up the targets for health care for all people, including the improvement of solutions for the prevention of injury, particularly for children.

(f) The Government's Resolution No. 32/2007/NQ-NĐ in 2007 on the immediate solutions to limit traffic accidents and traffic jams, to regulate helmet wearing while using motorbikes (since 15 December 2007). The Resolution also requests the MOET to develop and implement the teaching programme on traffic order and safety for all educational levels, starting from the 2008–2009 school year.

3.2 Implementation

99. During the implementation of the rights to life, survival and development of the child, Viet Nam has made concrete the laws and policies into many programmes relating to health-care services, clean water, environmental sanitation, prevention of child injuries, and child education and protection. The primary health-care network at the localities has been strengthened and improved: 58/63 provinces/cities have health stations in which 57 per cent meets the national health standard; 65 per cent of the health stations in communes/wards has a doctor, 93.28 per cent of the communes and wards has a midwife or obstetrical nurse or paediatric nurse; 87.4 per cent of the hamlets and villages have medical staff. The units providing essential medicine have been available in communes, wards, and villages in remote, mountainous areas or islands. As a result, many dangerous epidemics have been controlled and driven back such as the avian flu and SARS. Many new technologies have been studied and applied. The child communicable diseases, which can be prevented by vaccination, have been significantly reduced. In comparison with the previous decade, the mortality rate has reduced by half, which is equivalent to the rate of a country with an average income of 3–4 times higher than Viet Nam. Emerging issues such as injuries and HIV/AIDS has been given greater attention. The Viet Nam-UNICEF Program on Childhood Injury Prevention 2006–2010 has contributed to improving the interdisciplinary cooperation and policy advocacy on prevention of injuries for children. The National Targeted Programme on Safe Water and Environment Sanitation has focused on improving personal hygiene and environmental sanitation for children, as well as provision of safe water and sanitary toilets for schools and communal health stations.

100. The education network has expanded to communes and wards throughout the country, gradually meeting the learning needs of children with special attention given to ethnic minority children and children in difficult circumstances.

3.3 Limitations and plans

101. The basic services for children are still inadequate in terms of access and quality, especially with respect to ethnic minority children, children living in remote and isolated areas and children facing special difficulties, which cause a negative impact on their right to survival and development. The number of paediatricians and sickbeds for child patients is not sufficient to meet the real need of treatment. Accidents and injuries of children (including injuries caused by unexploded bombs and mines after wars) and the consequences of Agent Orange are also big challenges to the implementation of child rights to life, survival and development. Water quality is still an emerging issue and water-related diseases continue to be a threat to the life and survival of children.

102. In the forthcoming period, Viet Nam should pay more attention to the improvement of the quality and access to basic services for children in disadvantaged areas and at the same time address policy change in order to enhance the education of paediatricians. Viet Nam will improve public awareness in the prevention of accidents and diseases for children, and training for parents and children on the risks and safety for children.

4. Respect for the views of the child and child participation (art. 12)

103. Recommendations by the CRC Committee to Viet Nam included the following:

- Launching awareness-raising campaigns to parents, teachers, civil servants and court officials as well as society on the rights of children to express their opinions and child participation;
- Taking measures in terms of legislation to make sure that children have the right to express their opinions in all court and administrative procedures relating to them, and these opinions should be considered when dealing with issues relating to them.

In 2002–2007, Viet Nam has paid due attention to integrate the rights of children and adolescents to access information, expressions, and participation into social activities, within basic legal documents such as the Law on Child Protection, Care and Education in 2004, the Civil Procedure Code in 2004, the Criminal Procedure Code in 2003, and the Ordinance on Punishments in Administrative Violence in 2002. Concurrently, children and adolescents are provided with better conditions to express their opinions and participate in related activities in their families, in their schools, and in their community as recommended by the CRC Committee.

4.1 Legal documents

104. The child's rights to access information, express their views and opinions and participate in social activities are regulated in article 20 in the Law on Child Protection, Care and Education in 2004. Other legislative measures include:

(a) The child's right to express personal views involving civil relations is stipulated in the Civil Procedure Code in 2004, including: participation in decision-making with regard to the common assets of the family (art 109); expression of their views relating to change in the child's name (art. 27); verifying their ethnicity (arts. 28, 30); the right to pictures and images (art. 31); and protection of privacy (art. 38).

(b) Adolescents are also consulted in the process of settlement of administrative violation. Specifically, for acts violating their rights, the adolescents and their legal

guardians are consulted when appropriate agencies take the minutes for a violating act, according to the regulations of article 55 of the Ordinance on Punishment for Administrative Violations in 2002. Adolescents have the right to appeal against administrative decisions on punishments as a result of their offences as stipulated in the Ordinance on Punishments of Administrative Violations in 2002.

(c) The Criminal Procedure Code in 2003 also regulates the involvement of children and adolescents in criminal procedures as the person in custody, the accused, the arrested, victim, witness, person with rights and responsibilities relating to cases (from art. 48 to art. 55). In the case where the victim is an adolescent involved in the criminal procedures, he/she should have the right to express their viewpoints and such viewpoints will be considered source of proofs. In the case of direct participation of the adolescents in criminal procedures, there is support from his/her father, mother or legal representative. Child victims are also protected during the criminal procedural process according to the regulations in articles 7, 50, 52, 56, 57, 58, 59, 133, 135, 137, 138, 183, 184, 205, 212, 217, 218, 221, 229, 305.

4.2 Implementation

105. In the past, there have been many dissemination and communication activities to raise awareness for leaders, officers working with children and parents to respect the viewpoint of the child as well as for children to understand their right to participation, through dialogues between leaders, People's Council members, policymakers and children. Children have been invited to visit the National Assembly and to attend as observers in some meeting sessions. Training courses on child rights have contributed to the improvements in the awareness of the child's right to participate. A series of handbooks and training documents on child participation have been developed and distributed.

106. At present, 18 million children are members of the Young Pioneer Association, Children's Union, Young Shoots, etc. In these organizations, children can participate in cultural performances, organizing forums, carrying out activities on child rights dissemination, prevention and combating HIV/AIDS, prevention and fighting against drugs, environmental protection and many other social issues. The related agencies in Viet Nam have collaborated with international organizations to organize a series of forums, and dialogues for children at city/provincial and national levels which attracted a large number of children to participate such as the Forum on Listen to Children and Adolescents, discussing social issues with 400 children in and outside of school; the August Meeting where more than 100 children gathered from different regions; the Forum named We need life skills to have a safe and healthy life, where more than 1,000 children outside school attended; the National Forum "We are the owners of the 21st century"; the National Forum on Children's Voice on prevention of unintentional accidents and injuries; National Forums for Children to contribute opinions and input for the draft reports on the implementation of the CRC, and the drafted revised Law on Child Protection, Care and Education in 2004, etc. During these forums, children have the opportunity to voice their opinions and to create dialogue with leaders of various agencies, such as the National Assembly, the People's Councils, leaders of the State and government agencies on the issues relating to children. Vietnamese children also actively participated in regional and international forums (the Regional Forum: We talk about HIV/AIDS on the occasion of the South-East Asia-Pacific Consultation on Children and HIV/AIDS in Ha Noi; the Forum of Vietnamese-Chinese Children on the Prevention and Combating Child Trafficking; the Children's Forum in response to the 14th ASEAN Summit Meeting; the Forum on Prevention and Combating violence against children, etc.). Some children were elected to be the official members of the Government delegation to participate in international conferences, and to join the dialogues with the CRC Committee.

107. In many localities, junior secondary and high school students, capable in communication skills, have the opportunity to participate in Young Reporters Clubs. There have been 44 Clubs with 2,500 official members operating in 22/63 cities and provinces. Hundreds of radio broadcasting programmes like Children, Close friends of the children, and the Forum on Children's Aspiration by the Voice of Viet Nam have used articles written by members of these clubs. Over 1,000 books named Children's Aspiration and more than 100 bulletins on Children's Voice which have collected articles by the members of the clubs are published. Many television reports made by the children themselves have been broadcasted in local and central television stations. Many members of the clubs in local areas also have had many initiatives and directly mobilized support to other children in difficult situations. The Green Bee Club was established in 2003 by the initiative of one member of the Young Reporters Club in Ha Noi. The Green Bee Club includes children in difficult situations in Hanoi (such as street children, child victims of Agent Orange, orphan children, etc.). As a result of participating in these clubs, children are provided with improved capacity for community integration, personal skills development, and creative expression. Child Rights Clubs, Street Children Clubs, and Healthy Life Clubs have been maintained and expanded. To date, 17,000 Child Rights Clubs have been established and are being operated. More than 100 secondary schools have implemented the Programme for Educating Health and Life Skills for Pupils. Through these programmes, children are provided with improved knowledge, life skills, particularly skills for the prevention of HIV/AIDS, reproductive health, etc. A series of different activities were also organized in the hopes of attracting the participation of children such as peer groups, Children's Creation Day, Development of Website on Children with the Press, etc.

108. In recent years, many projects, models on child protection, care and education in localities and communities have involved the child participation from the planning to the implementation and monitoring processes. At the same time, the Government of Viet Nam has enhanced training courses for the police force on skills of friendly investigation with adolescents, building and piloting five adolescent-friendly investigation rooms. This activity is of significant meaning in supporting the child's right to participation in criminal procedures. The Inspectorate of the former CPFC and now the Inspectorate for MOLISA is the agency to receive, handle and forward to appropriate agencies and supervise the handling of complaints sent by children as well as information and reports by the Child Helpline Telephones. These efforts have significantly contributed to the implementation of child rights in civil procedures, and handling administrative violations.

109. In addition to the efforts made by the Government in enhancing child participation, there has been active support from mass organizations, national non-governmental organizations (NGO), United Nations agencies like UNICEF, international NGOs, particularly Plan International, Save the Children Alliance, World Vision, UK Oxfam, etc.

4.3 Limitations and future plans

110. With regard to legal aspects, the regulations on the right of adolescents' participation in criminal procedures as well as the right of persons involved in criminal activities have been relatively specific; however, there are limitations in terms of sensitivity, child and adolescent friendliness as well as the consideration for their psychological characteristics.

111. The awareness and knowledge of some leaders at different levels, branches, parents and childcare workers have been limited in terms of creating conditions and opportunities for children to exercise their right to participation. Some expectations and opinions of the child may not have been listened to or given attention. The over-expectations by parents on their children have caused pressures on their children in regard to their study and practice.

112. Viet Nam has been developing a project on the enhancement of child participation. This project aims to set up procedures and standards to exercise the child's right to

participation, to support the implementation of child participation right by organizations and to monitor and evaluate the implementation of the child right to participation and to develop mechanisms and services for the receipt and processing of the information from children.

V. Freedom and civil rights

113. The CRC Committee in 2003 made recommendations to Viet Nam on the implementation of the children's right to freedom and civil. These include: the strengthening of birth registration for every child, particularly for children in rural and mountainous areas, the establishment of a national system for the receipt, monitoring and settlement of complaints on child abuse and child abandonment, establishing a mechanism for counselling and supporting children who are victims and witnesses of violence, establishing a mechanism for data collection on child abused and abandoned victims, enhancing communication and dissemination on the prevention and combating against child abuse and maltreatment, and strict prohibition of torture against children in families and, schools, etc. In recent years, Viet Nam spent considerable efforts in this field. Legal foundations on the right to a name and nationality, the right to personal identity, the right to access to appropriate information, the right to freedom from torture, etc., has been stipulated in the Civil Code in 2005, the Law on Child Protection, Care and Education in 2004, the Residence Law in 2006 and other related documents. In addition, the dissemination and education on the prevention and combating against child abuse has also been enhanced as recommended by the CRC Committee.

1. Name and nationality (art. 7)

1.1 Legal context

114. The reports of the 1993–2002 period mentioned the regulations on nationality of a person below 18 years of age in the Law on Nationality in 1998. The 2002–2007 period continued to see more practical regulations:

(a) The Civil Code in 2005 regulates that a person at birth has the right to birth registration (arts. 28, 29, 45).

(b) The Law on Child Protection, Care and Education in 2004 has specific regulations on the right to birth registration and to have a nationality (art. 11, art. 24).

(c) The Government's Decree No. 36/2005/NĐ-CP in 2005 specifically stipulates the responsibilities of birth registration and determining the parents of the child.

(d) The Government's Decree No. 158/2005/NĐ-CP in 2005 (replacing the Decree 83/1998/NĐ-CP dated 10 October 1998) specifically regulates the administration reforms and intensive decentralization, creating favourable conditions for birth registration.

(e) The Government's Decree No. 24/2006/NĐ-CP in 2006 revises and supplements some articles from Decree No. 57/2002/NĐ-CP in 2002 which specifies details on the enforcement of the Ordinance on Fees and Charges with the regulation on the exemption of the births registration fee for children in the poor households.

1.2 Implementation

115. Being aware of the importance of birth registration for the child, localities have made this a priority activity, especially for children in remote, mountainous areas, ethnic minority children and for children in families where parents have migrated to earn a living

and therefore have no residential registration papers. Since the administration of the Government's Decree 158/2005/NĐ-CP in 2005, administrative reform and intensive decentralization in birth registration have contributed to the increase in the number of children registered at birth. A baby has his/her birth registered at the communal level People's Committee where the mother resides. In the event that it is impossible to determine the mother's residence, the communal People's Committee of the father's domicile will register the birth. In the case where the residential place for both the parents cannot be identified, the communal People's Committee where the child is living will conduct procedures for his/her birth registration. The rate of children below 5 years of age registered at birth increased from 72.24 per cent in 2002 to 87.6 per cent in 2006.²⁰

Information box 3

In many ethnic minority areas in the mountainous province of Lai Chau, in order to facilitate birth registration and record related documents for ethnic minority people after the birth registration for the child, some communal People's Committees have initiatives to file the birth registration certificates in the office of the communal People's Committee. When citizens need registration certificates, they can go to the communal People's Committee to receive their document. This process is convenient for both the people and the management of the communal People's Committee.

Source: Ministry of Justice, 2006.

116. For women trafficked overseas, upon repatriation to Viet Nam with their children who have not had birth registration, according to the Nationality Law of Viet Nam and the regulations quoted above, their children will be registered with a family name and the nationality of the mother which is Vietnamese. These children are entitled to all the rights as other Vietnamese children.

1.3 Limitations and future plans

117. Some individuals, especially in remote and coastal areas and free migrants do not fully understand the meaningfulness and the importance of birth registration. Some localities have not given appropriate attention to the activity, neither assigning staff with capacity and professional skills on births, deaths and marriages at the grass-roots level, nor actively finding solutions to difficulties so that every child is registered at birth. Dissemination of laws and policies has not yet reached disadvantaged areas and people in difficult situations.

118. To solve the above situation, the Government will aim to continue to promote dissemination and education of the laws in order to change awareness at different levels, in various sectors, and throughout society, including at the family level. The purpose for this is to emphasize the meaningfulness and importance of birth registration. Furthermore, the Government will determine the responsibilities of agencies, organizations at different levels and for each family for birth registration. In addition, intersectoral cooperation will be strengthened. In 2008, the National Assembly will ratify the revised Nationality Law which will create the legal base for birth registration for children.

119. For mountainous and remote areas, mobile birth registration will be organized in hamlets and villages in combination with the mobile legal support activities. On the other hand, the birth registration will be integrated in surveys on population, birth, deaths and

²⁰ *Source:* MICS III Survey, 2006.

marriages. In addition, the nationally comprehensive campaign on surveys on birth registration will be launched to provide birth registration for unregistered children.

2. Preservation of personal identity (art. 8)

2.1 Legal context

120. Apart from the legal bases stated in reports during the 1993–2002 period, the 2002–2007 period showed Viet Nam’s efforts in the field:

(a) The Civil Code in 2005 stipulates 25 basic personal identity rights of the citizen, including rights from birth (the rights to a name, ethnicity, nationality) to adulthood (from article 26 to article 51). This will create the legal bases for the individual to exist as an independent subject in the community. For the rights to personal identity from the child’s birth, the implementation and protection of the child’s rights is the responsibility of the child’s parents, legal guardians and other appropriate representatives. However, based on the awareness of children at certain ages, the civil legislation also stipulates the compulsory action to counsel the child in deciding such issues related to them as the change in their name, determining ethnicity, on being adopted, the rights to private pictures and privacy, etc.

(b) The change in name for a person from the age of 9 will need their consent (article 27 of the Civil Code). If the person to be adopted is the age of 9 or above, there must be written agreements of the concerned person giving their consent for being adopted, with the exception when in the case when the person has lost his/her civil capacity to act or being restricted to their civil capacity (art. 26, Decree 158/2005/NĐ-CP of the Government).

(c) Article 28 of the Civil Code regulates that the determination of ethnicity for adolescents from the age of 15 and above is based on the request of the parents or legal guardians and must consent to the opinion of the adolescent.

(d) Article 31 of the Civil Code stipulates the rights to pictures and images. The use of individual pictures and images need to have the consent by the individual; in the case that the individual has passed away or has lost his/her civil capacity, or under the age of 15, there must be an agreement by the parents or legal representatives to use such materials. The Civil Code also stipulates the rights to respect and protection of privacy. In addition, adolescents at the age of 15 and above can have full capacity for agreeing or disagreeing on the collection and publication of information and materials about their privacy (article 38 of the Civil Code).

2.2 Implementation

121. Related agencies and organizations have created favourable conditions for children to enjoy the above-mentioned rights.

3. The rights to freedom of expressions (art. 13)

[Please refer to Part Two, IV.4.]

3.1 Legal documents

122. In addition to the legal bases stated in the reports during the 1993–2002 period, the Law on Child Protection, Care and Education in 2004 contains regulations on the child’s rights to access information that is suitable with their level of development. Furthermore, it

stipulates the right to express their opinions, aspiration, concerns and to be involved in social activities suitable to their needs and capacity. Article 32 stipulates the responsibilities of concerned agencies to ensure the child's rights to access information, to express their opinions and participate in social activities.

3.2 Implementation

123. The State creates conditions for children to express their views by various forms, including through the mass media and the press (children's newspapers such as the Newspaper Young Pioneers, Children's Newspaper, Television and Radio programmes Family and Children) and through children's forums at different levels so that children and adolescents can express their views and opinions with local authorities. They are also able to express their rights through conferences, workshops, and exchanges such as through online exchange programmes For the Lovely Children organized by the Central Youth Union, the Central Young Pioneers Organization, MOET, and the former CPFC in 2007. The Programme received 1,886 questions in advance and 700 online questions during the programme.

3.3 Limitations and future plans

124. The awareness and specific mechanism for respecting the child's rights to freedom of expressions is still limited. In the future, Viet Nam will continue to disseminate the related legislation; create the mechanism for children to exercise their rights to participate and clearly clarify the responsibility of related agencies and organizations to receive, process data and collect children's opinions

[Please refer to Part 2, IV.4.]

4. The rights to thought, conscience and religion (art. 14)

4.1 Legal context

125. Viet Nam's legislation continues to regulate the respect of the rights to freedom of conscience and religion for the citizen as presented in the Civil Code in 2005 (art. 47) and the Ordinance on Religious Beliefs. Accordingly, Vietnamese citizens can or cannot believe in one religion, no one can infringe on the freedom of religious beliefs or to make use of religious beliefs to harm the benefits of the State, the public, or violate others' legal rights and benefits.

4.2 Implementation

126. Viet Nam has 54 ethnic minorities with many religions and beliefs, of which the most popular are Buddhism, Catholicism, and Protestant. Normally, the children will follow their parent's beliefs. This right is fully respected. The State has been paying more attention to support the reparation and preservation of religious works, ensuring the rights and conditions for both adults and children to exercise their religion.

4.3 Limitations and future plans

127. Viet Nam has been promoting the dissemination and education of laws and related policy for every citizen including children so that every person can enjoy a better life, religion, and respecting the rights to freedom of religious beliefs.

5. Freedom of association and peaceful assembly (art. 15)

5.1 Legal context

127. In Viet Nam, the right to have a relationship, and to associate and participate in associations is considered a basic political and cultural right for the citizens, as stated in the reports of 1993–2002 period. Clause 2 of article 20 of the Law on Child Protection, Care and Education in 2004 stipulates the child's rights to participation in social activities as suitable with their needs and capacity. The Government's Decree No. 88/2003/NĐ-CP in 2003 regulates the organization, activities and management of the associations.

5.2 Implementation

128. Such organizations for children as the Young Pioneers Organization, Children's Star, Young Shoots attract many children to join and play important roles in schools. In addition, there are many other forms of associations such as the Child Rights Clubs which include 17,000 clubs; the Young Reporters Clubs including 44 clubs in 22 provinces and cities with 2,500 official members; the Green Bee Club for children in difficult circumstances, etc. Despite the different scale for each club, these children's associations create opportunities for children to be trained on child rights, child protection, prevention of child accidents and injuries and child abuse. In addition, these associations also provide training on writing skills, photography and film, communication and involvement in collective activities. These models have significantly contributed to the dissemination of child rights; therefore, improving the capacities and self-confidence for the children.

5.3 Limitations and future plans

[Please refer more to Part 2, IV.4, V.3.]

6. The rights to protection of privacy (art. 16)

6.1 Legal context

129. Article 34 of the Civil Code in 2005 stipulates the respect and legal protection of the right to privacy of the individual. This right is also regulated in the Criminal Procedures Code in 2003 (art. 277). Accordingly, the collection and publication of the individual's privacy will require the consent of such person. In the case where the individual is below 15 years of age, consent is needed from their parents with the exception that the collection and publication of information and materials are conducted by the decision of competent agencies. Letters, telephone conversations, telegrams and other electronic information transmission forms for individuals are safely and confidentially protected.

6.2 Implementation

130. This right to protection of privacy is exercised according to laws. The law enforcement officers and mass media agencies have participated in training courses on child rights. Upon providing information on cases related to child victims, press and radios and television must follow related regulations which are not to publish pictures, to specify the characteristics of the records of the child victim in order to avoid negative impacts to the future development of the child.

7. The right to access appropriate information (art. 17)

7.1 Legal context

131. Clause 1 of article 20 from the Law on Child Protection, Care and Education in 2004 regulates the child right to access to appropriate information suitable for the level of the child's development, and their rights to express opinions, aspirations and concerns. Article 35 of the Law on Child Protection, Care and Education in 2004, and article 2 of the Government's Decree No. 51/2002/NĐ-CP in 2002 regulate details on the implementation of the Press Law which clearly sets the responsibilities of related agencies, organizations, and individuals operating in the communication fields to ensure the child's right to access information. These responsibilities include: the implementation and ensurance of the rights to freedom of the press, freedom of expressions by the citizens, responsibilities in receiving, publishing and broadcasting petitions and critiques, broadcast as well as other appropriate news, pictures and other press publications. Furthermore, these responsibilities include ensuring that truthful information would be on the current situation of the country and of the world and suitable with the interests of the child; as well as dissemination of the guidelines, policies, laws of the State on child protection, care and education in order to contribute to a healthy culture and information for children. The Government's Decree No. 36/2005/NĐ-CP in 2005 regulates the responsibilities of the Ministry of Culture, Sports and Tourism in defining the films, cultural performances, plays, music that are banned for children (art. 30).

7.2 Implementation

132. Based on the understanding that children are knowledgeable citizens with active thoughts, quick adaptation to the scientific and technological advancements, with need to get access to updated information in order to broaden their understanding, Viet Nam has provided greater attention to the child's rights to access information, expression of their opinions, and their concerns. Nearly 700 newspapers and magazines in Viet Nam have columns for children and child protection, care and education. There are nearly 20 newspapers for children. Central and local radio and television stations all have specific editing units for child programmes to ensure diverse contents. At present, there are a number of central and local television and radio programmes for children, of which there are many television and radio channels reserved for ethnic minority children. Children can also contribute their comments and opinions to the drafting of legal documents, policies and reports related to them.

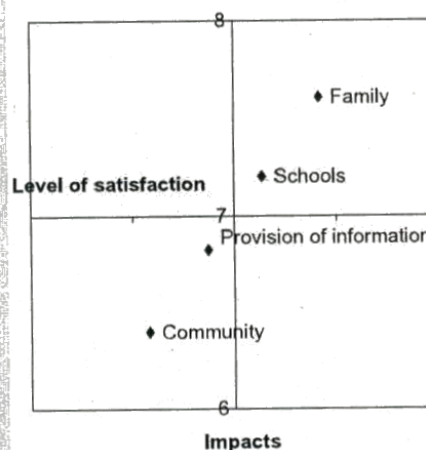
Information box 4

Satisfaction level of children on their participation and access to information

(Opinions reflected in the Survey on the implementation of basic child rights based on the rights to participation)

Children express that:

They are best satisfied with their participation in the family, particularly their relationship with their parents and grandparents is very meaningful to the child.



There is the correlation between the ability to get access to and participate in information; however the current information resources have not satisfied the children. Television is still the main information source for children on sex, productive health, life skills, while the social and community activities like club activities are still very limited.

“I saw few activities for children in my commune, including the summer season or on the 1st of June. There have not been many programmes so that we can express our opinions. In addition, many adults think we are still very small, knowing nothing about the complicated issues of adults.” (Dang Thi Ai Nhan, 17 years old, Gia Cat, Cao Loc, Lang Son)

7.3 Limitations and future actions

133. Many children, especially those in difficult situations, in remote areas and ethnic minority areas, do not have access to appropriate information through the radio or newspapers. The capacity of the staff making television and radio programmes for children in localities is still limited.

134. Viet Nam will pay attention to the revision, amendments, and issuance of the documents, making concrete the mechanism and responsibility for the agencies, organizations and individuals in ensuring the child's right to access information. Concurrently, it will enhance the dissemination and improvements of the awareness of staff and parents on the child's right to access information, to participate, and to change the information and communication as well as contents to be suitable for different children's group. In addition capacity will be improved for the staff responsible for dissemination activities. At present, Viet Nam is aiming to revise the Press Law.

135. Viet Nam will give priority to support localities to develop radio and television programmes suitable for children, particularly for the remote, rural areas and with a focus on providing information to children in difficult situations that have limited opportunities to access information.

8. The rights to not to be subjected to torture, mistreatment or cruel, inhumane, or degrading treatment (art. 37a)

8.1 Legal context

136. The rights not to be subjected to torture, mistreatment or other cruel, inhumane, or degrading treatment as defined in the Criminal Code in 1999, the Law on Appeal and Denouncement in 1998, and in the Law on Marriage and Family in 2000 were mentioned in the previous reports. In the 2002–2007 period, Viet Nam continued to pay attention to create legal foundations for the field:

(a) The Law on Child Protection, Care and Education in 2004 strictly prohibits all violations against the child's rights, or spoiling the normal development of the child (art. 6). Concurrently, article 7 of the Law also prohibits the maltreatment of children (clause 6), the use of corporal punishment to children in conflict with the law (clause 9) and humiliating children (clause 6).

(b) The Criminal Procedures Code in 2003, article 6, Chapter II, restricts all forms of torture.

(c) The Law on Education in 2005, article 75 strictly prohibits any offensive act towards the honour, dignity, body of pupils made by the teachers; article 88 forbids students to offend other students' honours, dignity and body; article 118 regulates that anyone who has acts of maltreatment to students in educational units, depending on characteristics, degrees of violation, would suffer a disciplinary treatment, an administrative violation punishment or hold criminal responsibility; compensation is required if one does damage in accordance with the laws.

(d) The authorities can apply preventive measures such as administrative custody according to articles 43, 44 of the Ordinance on Punishment of Administrative Violations in 2002, or custody or detention of the arrestee or accused as stipulated in articles 79, 82, 86, 88 of the Code on Criminal Procedures in 2003 in order to stop violence and protect children.

(e) Article 17 of the Government's Decree 36/2005/NĐ-CP in 2005 stipulates the child protection in the case that where the father, mother or legal guardian does not ensure appropriate conditions for the child to live with them. Accordingly, the father, mother or legal guardian are considered incapable for raising a child or to let the child live with them if their behaviours present torture, maltreatment, humiliation, or physical or mental abuse to their children.

(f) The Government's Decree No. 114/2006/NĐ-CP in 2006 stipulates administrative punishment for the violations of regulations on the population and children.

(g) The Prime Minister's Decision No. 130/2004/QĐ-TTg in 2004 approves the Action Programme on the Prevention and Combating against Trafficking Crimes in Women and Children from 2004–2010, including regulations on the prevention, protection and reintegrating of trafficked children.

8.2 Implementation

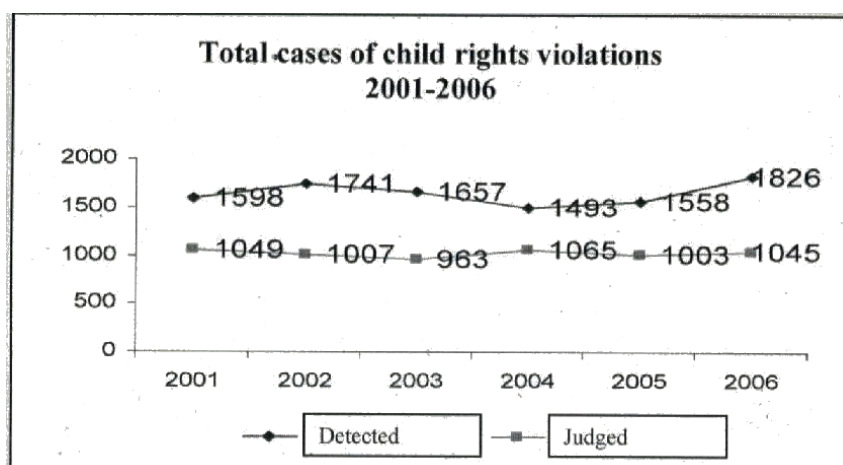
137. Viet Nam has been promoting the activities for disseminating, improving the awareness and skills of prevention of and fighting against child abuse, detection, prevention, interventions and settlement of child maltreatment cases. Through communication campaigns like "Rod does not make child become good person, love is stronger than bluster" ... family members and the community are provided with information on child-friendly education. Furthermore, there have been many communication materials encouraging children, family members, and the community to discover and provide information about child maltreatment, abuse and violence against children to the police, the labour, invalids and social affairs agencies, the Women's Union, the Youth Union at localities and especially to the Child Helpline Telephone 18001567 which is free of charge and would provide counselling support for children. Children under their organizations such as the Young Pioneer Association, and the Young Reporters Clubs have also been provided with related information in order to help children to improve their awareness of self-protection. The issues and cases on child abuse and violence against the child have been reported in the mass media, which actively contributes to the prevention of violence against children. The rights not to be subjected to torture, mistreatment, or inhumane treatment has also been an area for training law enforcement officers.

138. Upon detecting the violence against the children, any citizen, including child, has the right to make a denouncement. The denouncement can be made by sending a letter of denunciation or directly denouncing in an agency or organization that manages the concerned person with child abuse action. A denouncement can be also sent to the labour-invalids and social affairs agency as the State management agency for the child and to

investigation agencies, procuracy agencies or a tribunal if the act is considered to be a crime. Within 10 days from the receipt of the denouncement letter, the agency, organization or, individual receiving the letter has to handle the case. If the letter of denouncement is not of their competency and expertise, it should be sent to the relevant competent authorities or organizations to handle. The denouncer should be immediately informed upon request. If necessary, the person receiving the letter of denouncement needs to inform the responsible agency to apply timely preventive measures to address the illegal act and to ensure the security for the denouncer if the concerned person requests. The time limit to handle the denouncement should not exceed 60 days from the date of handling the case in a court of law; for complicated cases, the time limit for the legal settlement must not last for more than 90 days. The person who handles the case must decide the investigation and conclusion of the contents of the denouncement, defining the responsibilities of the person who committed the violating action, applying measures for settling the case according to their competence or proposing competent agencies, organizations, or individuals to deal with the violator. In the case where the father, or mother has committed a serious offence against their child or adolescent, the labour-invalids and social affairs officers, or the staff of the Women's Union, have the right to request for a tribunal or for a request that the tribunal limit the rights of the father, or mother to their adolescent or child, as according to the regulations on civil denouncing procedures. Other individuals, agencies, or organizations have the right to request the procuracy to consider, or request a tribunal to limit the rights of the parents towards the adolescent. Many child maltreatment cases are strictly handled, including the cases which occur in schools and in families.

Chart 4

Settlement of child rights violations



Source: Ministry of Public Security and People's Supreme Court, 2001–2006.

8.3 Limitations and plans

139. The communication and information on CRC and the related national laws have not been widened and deepened enough to change the awareness of the whole population including the related staff. Child maltreatment still occurs in some places including schools, families or society.

140. The child protection network within the community is still weak. The management, follow-up, reporting, interventions to child abuse and maltreatment cases are not in a systematic way. The staff responsible for child related duties, local authorities, social workers and parents still lack knowledge and skills in child protection. Some parents are still busy with earning their living and neglect their protection and care for children. The

collaboration among agencies, organizations with family and communities where the child lives is not as close as required. Some related regulations are not specified in terms of discovering, reporting, evaluating, supervising, or assigning responsibilities for settlement.

141. The former CPFC and currently the MOLISA has coordinated with various ministries, agencies and UNICEF to carry out the review and assessment on the compatibility between Viet Nam's laws and the international standards on prevention of child abuse, including the prevention of violence against children, in order to prepare for proposals on amendments of related legal documents. In the future, Viet Nam will promote communication and dissemination of legislation on child protection; carrying out measures for the prevention of and settlement of child maltreatment as regulated by laws. Furthermore, the Government of Viet Nam will study, amend, supplement and consolidate legal documents on child protection with specific regulations on mechanism for detecting, reporting, checking, supervising, assigning responsibilities, interdisciplinary collaboration as well as declaring, denouncing crimes, and protecting victims and witnesses. The country will also enhance measures for prevention, and strict punishments to all child maltreatment acts and to the officials who are irresponsible in detecting or screening acts of child maltreatment.

142. The development of training documents and the organization of training courses on the legislation, policies, and skills for protecting children for officers working with children, social workers, local authorities and for parents will be enhanced. The network for child protection in the community will be strengthened and consolidated; furthermore, social work as a profession will be developed, in order to boost the protection, support as well as rehabilitation for child victims.

VI. Family environment and alternative care (arts. 5, 18, clauses 1–5; 9–11; 19–21; 25; 27 clauses 4 and 39)

143. Among the recommendations made in 2003, the CRC Committee recommended that Viet Nam:

- Strengthen its efforts to make up a comprehensive strategy on family affairs;
- Improve social assistance and support for vulnerable families by establishing a system of social workers that specialize in the community and provide consultancy and assistance;
- Provide financial support to families facing economic disadvantages, especially in the framework of hunger eradication and poverty alleviation plans for rural and remote areas.

In the 2002–2007 period, Viet Nam placed great efforts on the improvement of the legal framework to enhance the capacity of families, to promote the policies for supporting families as well as boosting alternative cares for children as recommended by the CRC Committee. A series of legal documents have been issued, for example: the Law on Child Protection, Care and Education in 2004; the Gender Equality Law in 2006; the Law on Domestic Violence in 2007; Decrees by the Government on child adoption and social security etc. At the same time, Viet Nam also actively carried out such strategies and programmes as: the Strategy on Development of the Vietnamese Family in 2005–2010 period; the Action Programme on Prevention and Fighting against Trafficking in Women and Children during 2004–2010; the Programme on Prevention and Handling of Street children, Sexually Abused Children and Children Working in Hazardous Occupations and Environments during 2004–2010.

1. Guidance to parents (art. 5)

1.1 Legal documents

144. The principles of the Constitution in 1992 on family roles as stated in the previous documents serve as the bases for supplementing, amending and issuing laws relating to family such as the Law on Child Protection, Care and Education in 2004; the Gender Equality Law in 2006; the Law on Domestic Violence in 2007. In 2005, the Prime Minister approved the Strategy on the Development of Vietnamese family during 2005–2010 with an aim to enhance the family's capacity, contributing to ensuring the best interests for every family member, particularly for children and women.

1.2 Implementation

145. In recent years, the average size of Vietnamese families has decreased and the number of traditional style families that live with several generations has also decreased, particularly in urban areas. At the same time, urban areas attracted many migrant workers from rural areas, creating new nuances for Vietnamese families. At present, the family type which includes two generations (parents and children) is comparatively popular, accounting for 63.4 per cent. This type of family tends to be more popular in the North East (67.2 per cent), North West (70.3 per cent) and Central Highlands (76.4 per cent). The rate of families with only one generation is not high at 9.9 per cent. The area that has the highest rate of one-generation families is the Red River Delta (14.5 per cent), while the lowest area is in the North West (3.2 per cent). The Kinh has the highest proportion of one-generation families (10.8 per cent).²¹

146. Vietnamese families play an important role in the industrialization and modernization process in the country as well as the development of socialism. Viet Nam considers investment in families as investment in sustainable development. Viet Nam has paid greater attention to enhancing the capacity of families by providing financial support to families in extremely difficult situations; providing support to poor families through preferential credits for investment in production and business-development and; providing discounted or free-of-charge health-care services for mothers and children and family planning; educational fee exemption for grade-schoolers free health care for children below 6 years of age, etc. The State has established the social policy bank serving the poor and other beneficiaries of social welfare, and giving preference in terms of funds, interest, conditions and loaning periods to the poor, for students and other social welfare beneficiaries. The purpose of this bank is for the development of production, business, study or investment in improving living conditions for families such as clean water, environmental sanitation.

147. With respect to hunger alleviation, poverty reduction and the gradual improvement of material and spiritual life for family members, particularly for parents in extremely difficult situations, mountainous and remote communes, the Government has spent efforts on intersectoral programmes in the Socio-economic Development Strategy. One of the significant programmes for supporting family economic development has been the National Programme on Hunger Alleviation, Poverty Reduction and Employment. The Programme has created favourable and suitable projects to support poor households and communes to develop production, to conduct their income generation, to access social services, to reduce unemployment rates in urban areas as well as to make better use of the proportion of working time in rural areas, and to change the labour structure to fit with the economic structure, and to improve the quality of life for the people.

²¹ Source: Survey on Vietnamese Family in 2006.

Information box 5

The Project on Integrating the Population with Sustainable Family Development through Credits, Savings and Household Economic Development funded by the UNFPA has been implemented since 2003. The Project has focused on development of families with few children, healthiness, prosperity, equality, progress and happiness. The project has focused into more than 100,000 of poor families and contributed to the improvement of living quality of these poor families, which has created conditions for family members to exercise their responsibilities and rights. Women are provided with health-care consultation, health check-ups, integrating increasing the income of families with reducing child malnutrition in schoolchildren.

148. Viet Nam has mobilized the participation and contributions from civil society, the community and from parents to improve family capacity. In 2001, the Prime Minister selected 28 June as the annual Vietnamese Family Day. Each year, there is a specific topic for the Family Day, such as Family and Childcare and Protection (2001), Father's roles (2002), Building a healthy family living style and active prevention of social evils in the community and family (2003), the Family as the healthy cell in society, and home for each person (2004), Lighting love in each family (2006), and A home without violence (2007 and 2008). These topics have already stimulated a positive response in families and society all over the country and strengthen and promote the role and functions of the family, particularly the role of the parents.

149. The development of counselling skills and education for parents has been targeted in some national programmes. The National Action Programme for Vietnamese Children during 2001–2010 period and the Programme on the Prevention and Handling of street children, child sexual abuse and children working in hazardous occupations and environments during period 2004–2010 have focused on direct counselling and mobilizing families and communities in child protection, prevention and solutions to problems of street children and children working in hazardous occupations. Many documents on family life, good parenting skills, etc., have been developed in order to provide knowledge and life skills for family members. In addition, the establishment and operation of counselling centres and telephone helplines have actively contributed to supporting parents to obtain knowledge on raising children, child psychology, conflict settlement between parents and children, etc. Under the Ministry of Justice's project Children and Adolescent Friendly Justice System, in collaboration with UNICEF, training courses on skills for parents have been organized for parents with their children in conflict with the laws in Hai Phong.

150. Viet Nam has paid greater attention to development of family services, including counselling services on child protection, care and education, mothers' health, population and family planning, and domestic workers. These services have significantly contributed to reducing the burden for parents and improving the living standards of families. In addition, the State has provided much support for the social welfare beneficiaries (accounting for 11.4 per cent of the total number of families). According to the Survey on Vietnamese families in 2006, the proportion of families that benefited from receiving monthly social welfare allowance was 70.5 per cent, where 18.6 per cent represents a one-time allowance and 10.9 per cent received allowance of other types.²²

151. In the meantime, Viet Nam has cooperated with countries in the region and all over the world to share experiences in family development policies. In response to the appeal by

²² Source: Survey on Vietnamese Families, 2006.

the United Nations Secretary-General at the celebration of the tenth Anniversary of International Family Day, the first East Asia Ministerial Forum on Family (jointly hosted by Viet Nam and Australia) in Hanoi in 2004 focused on the Government's support to families and the impacts of modernization on families in the forthcoming period.

1.3 Limitations and future plans

152. In the current legislation of Viet Nam, there are basic regulations on the position and roles of parents and families. However, those are still limited and incomprehensive. It is therefore necessary to develop specific regulations on the functions of the family and on how to implement these functions. Other guidelines, policies for improvement of family capacity and strengthening the parents' roles are also limited and not reasonable. For example, with regard to investments for household economic development, loans are still small and the loan period is unsuitable with inconvenient borrowing procedures; furthermore, social subsidies in the community as well as in social protection units are still low, and have not yet met the minimum living needs of the beneficiaries. Policies, comprehensive planning on types and measures for management, support, solutions for developing family services, etc., are not available.

153. On the other hand, awareness, responsibilities and skills of the parents, legal guardians and other family members of their responsibilities towards children are still limited. Vietnamese families are facing new difficulties and challenges due to the impacts of social changes and the disadvantages of the market economy. The socio-economic development process in globalization would increase more challenges to Vietnamese families. Therefore, it is necessary to have positive actions so that families can have capacity to fulfil their functions.

154. In the forthcoming period, Viet Nam will focus on the following contents:

- Strengthening families by inheriting and bringing into play good traditional values of Vietnamese families, obtaining selected and advanced family values from developed societies; exercising family planning, implementing responsibilities and rights of family members, particularly for children, women and the elderly
- Improving the awareness of the position, roles, and responsibilities of the family and community in implementing policies and laws relating to marriage and family, gender equality; enhancing the prevention of domestic violence; encouraging parents in ethnic minorities, remote and mountainous areas to change their backward customs and practices on marriage and family
- Developing household economics, creating employment, increasing incomes and welfare for improvement of family's living standards, particularly for families that benefit from social welfares, ethnic minority families, poor families and single-member families
- Managing the establishment, development and supervision of the quality of family services in order to ensure the quality and diversity of family services in different regions in order to create conditions for each family to gain access to the most suitable services for their situation

2. Responsibilities of parents (art. 18 clause 1–2)

2.1 Legal documents

155. The Civil Code in 2005 regulates that children and adolescents are entitled to enjoy the rearing and care by their parents and grandparents (art. 41). The Law on Child

Protection, Care and Education in 2004 clearly stipulates the responsibilities of the family and parents to care for, protect, and educate their children (arts. from 23 to 32).

2.2 Implementation

156. Viet Nam has been promoting communication and education on family life in order to strengthen the responsibilities of the parents. Moreover, Viet Nam has also paid attention to improving the responsibilities of parents to their children through movements like “Good adults, obedient children”, “Exemplary grandparents and parents, virtuous grandchildren” as well as the family club models in the community (the family clubs of the Vietnamese Fatherland Front, the Women’s Union, the Farmers’ Union, the Youth Union). The vision is to strengthen the mutual participation between both mother and father as well as among parents in childcare and education. The results of the Survey on Vietnamese families in 2006 showed parents’ expectations on their children’s future through the following indicators: high academic level and a profession; a high social position; good business; a happy family; good morality; good health. Expectations for girls were to have a stable employment (75 per cent), a happy family (56.7 per cent) and a high academic level (40.1 per cent). These three expectations for boys were nearly the same as those to girls at 78 per cent, 42.4 per cent and 42.2 per cent respectively. The remaining indicators varied from 1.4 per cent to 18.6 per cent for the girls and 1.7 per cent to 26.3 per cent for the boys. In general, there was not much difference between the parents’ expectations for boys and girls; however, a notable point is that the proportion of parents expecting a happy life for their girls was significantly higher than for their boys (56.7 per cent compared to 42.3 per cent).²³ [Please refer more to Part Two, 111.1 b.)

2.3 Limitations and future plans

157. Communication and mobilization have not reached all families. Some parents have not fulfilled their responsibilities for care, protection and education of their children, such as neglecting the care and education for their children. In the coming period, Viet Nam will continue to strengthen and use adequate resources for education and communication as well as to support families to improve economic capability and to fulfil the responsibilities towards their children while adapting themselves to the challenges in the globalization and integration. At the same time, Viet Nam will promote research on balancing between family and work in order to seek measures of assistance for parents to carry out responsibilities to their children.

3. Separation from parents (art. 9)

3.1 Legal documents

158. The Law on Child Protection, Care and Education in 2004 stipulates the child’s right to live with their parents and that no one can separate the child from the parents, except if it is in the best interests of the child (art. 13). The Law also regulates the responsibilities of parents to ensure that the child can live with them. In the case of child adoption, the delivery and receipt of an adopted child must comply with law. In the case that the child’s parents are in prison and the child becomes displaced, the People’s Committees at different levels organize the care for these children in foster-care families or child support units (art. 25). In the case of divorce and for other reasons, the father or the mother who does not directly bring up the adolescent has the responsibility to contribute to child-rearing, childcare and education according to regulations until the child becomes an adult (art. 24

²³ Source: Survey on Vietnamese Families, 2006.

clause 4). Article 17 of the Government's Decree No. 36/2005/NĐ-CP in 2005 regulates child protection in the case that the father, mother or legal guardian does not ensure the conditions for the child to live together with them. The father, mother or legal guardian is considered disqualified for raising or living with a child if he or she conducts the following behaviours: torture, mistreatment, humiliation, injuring or creating mental disorder to the child. The Strategy on Family Development in the 2005–2010 period puts forward the objectives for building up prosperous, advanced, equal and happy Vietnamese families.

3.2 Implementation

159. The number of divorces over the last few years have increased, especially in young couples. Divorces are more popular in urban areas. Wives submitted more applications for divorce than husbands.²⁴ According to a report from the Ministry of Justice, the number of divorce cases relating to children increased from 9,715 cases in 2002 to 58,623 cases in 2005. The cause of this situation was partly due to the lack of knowledge and life skills as well as the differences in their lifestyles. This results in the fact that the number of children who lack care from both their father and mother has been increasing. After a divorce, the woman is normally more disadvantaged. Most women are responsible for childcare after divorces while a small proportion of them receive the child-rearing contributions from the former husbands. In order to solve this problem, the Government of Viet Nam has strengthened pre-marriage and in-marriage education in the hope of reducing the number of divorce cases due to the lack of knowledge and life skills, strengthening family relationships, and the relationship between wife and husband. In addition, other activities are strengthened, such as improving professional skills for local reconciliation groups, as well as enhancing capacity for the staff in divorce trials in order to protect children's rights after their parent's divorce. Many counselling centres on marriage and family have been established in big cities, providing counselling on legal issues and family life as well as helping couples to make the right decision in their marriage, including the Counselling Centre on Family and Marriage established in 2006 in Ho Chi Minh City. Children from broken families continue to receive attention in order to ensure their best interests. For children whose parents who are in prison or detention, the local authorities, related organizations and their relatives would collaborate to raise them with an aim to ensure their continuous development in a healthy environment.

3.3 Limitations and future plans

162. In the industrialization, urbanization and international integration, challenges to the sustainability of Vietnamese families are quite substantial. Broken families, single-parent families face many difficulties in childcare, partly because of the decrease in income. Many children in these families have become street children or children in conflict with the laws. To solve this problem, Viet Nam will enhance the implementation of the Strategy on Family Development by improving the knowledge and awareness of parents in childcare and protection. In the meantime, Viet Nam will also focus on studying policies to support single-parent families so that these families can enhance their capacity for child-rearing and education.

²⁴ Source: Survey on Vietnamese Families, 2006.

4. Family reunification (art. 10)

4.1 Legal document

163. The Prime Minister's Decision No. 130/2004/QĐ-TTg in 2004 approves the Action Plan on the Prevention and Combating against Women and Child Trafficking and the Prime Minister's Decision No. 312/2005/QĐ-TTg in 2005 approves the projects under this Plan, in which a project on receiving and supporting the community reintegration for trafficked women and children returning from foreign countries is being conducted. The Prime Minister's Decision No. 23/2004/QĐ-TTg in 2004 approves the Programme on Prevention and handling street children, sexually abused children, and children working in hazardous occupations during the 2004–2010 period with target for home returning for these children. The Prime Minister's Decision No. 17/2007/QĐ-TTg in 2007 approves the regulations on receiving and supporting the community reintegration for trafficked women and children returning from foreign countries, including regulations on supporting measures.

4.2 Implementation

164. Viet Nam has been strengthening the implementation of the Action Programme on the Prevention and Combating against Women and Children Trafficking, especially the project on Repatriation and Reintegration for Trafficked Child and Woman Victims. The labour, invalids and social affairs sector has been collaborating with the border guards, the Women's Union and localities in receiving and supporting the victims (including child victims) back into the country through socio-economic programmes such as: the Programme for the prevention of child sexual abuse, the Programme on hunger alleviation and poverty reduction, the Programme on vocational training for rural workers, etc. Trafficked children are of priorities to receive the State's support for family reunification. Many counselling and reintegration models for trafficked victims have been developed. Viet Nam has also been participating in the efforts of the subregional Mekong River to prevent human trafficking, including cooperation efforts to support children for family reunification. At present, the Ministry of Public Security is collaborating with the Ministry of National Defence, the Ministry of Foreign Affairs, and MOLISA in guiding the procedures of identifying and receiving women and children who are trafficked and return from foreign countries.

165. During the implementation of the Programme on Prevention and Handling street children, sexually abused children and children working in hazardous occupations in the 2004–2010 period, the former CPFC and the current MOLISA has collaborated with local authorities, the Youth Union, the Women's Union, communities and families to ensure that street children, vulnerable children or children at risk and their families are provided with credits, conditions for education, vocational training, job creation, home returning and community reintegration. The number of street children has been reduced from 21,000 in 2003 to 3,300 in 2007.²⁵

4.3 Limitations and future plans

166. The parents and families tracing as well as repatriation of trafficked children still face many difficulties due to the unavailability of specific regulations on procedures, policies, work division, and decentralization.

167. The Vietnamese Government has continued to implement programmes on the prevention of woman and child trafficking and handling street children, in order to create

²⁵ Source: MOLISA 2007.

appropriate conditions to ensure that trafficked children and street children would be reunified with their families. (Please refer to Part two VI.5 and IX.C.)

5. Illicit transfer of children abroad (art. 11)

5.1 Legal documents

168. The Law on Child Protection, Care and Education in 2004 stipulates prohibited acts including kidnapping, children trafficking and fraudulent exchange of children (art. 7). The Prime Minister's Decision No. 130/QĐ-TTg in 2004 approved the Action Programme on the Prevention and Combating against Women and Child Trafficking. Bilateral agreements have been signed between the Government of Viet Nam with the Governments of Cambodia and Thailand on preventing and combating women and children trafficking.

5.2 Implementation

169. The illicit transfer of children abroad is one of the burning social issues at present. The situation and preventive measures have been presented in the Initial National Report for Two-year Implementation of the Optional Protocol to the CRC on Child trafficking, child prostitution and child pornography. At present, the Government of Viet Nam is making a great effort to carry out four projects under the National Action Plan for the Prevention and Combating against women and children trafficking. Specific tasks have been determined for each ministry, sector and locality in accordance with a mechanism of close coordination. The permanent offices for prevention of women and children trafficking have been established and in operation. Viet Nam has finalized training documents for officials working related to the prevention and combating women and children trafficking in order to improve the capacity for law enforcement officials and staff working with children. The training courses organized for staff working for the prevention and combating human trafficking have been carried out.

170. The Government of Viet Nam has been contributing to the effort in the subregion of the Mekong River to strengthen the cooperation to prevent and combat human trafficking through COMMIT initiative. For effective prevention and combating against human trafficking across borders, the Government of Viet Nam signed agreements on the prevention and combating against women and children trafficking with the Government of Cambodia in 2006 and with the Government of Thailand in 2007. These have created legal bases for the bilateral cooperation in this field. Both sides have developed bilateral cooperation plans, defining the focal agencies for specific activities. Viet Nam and China have also conducted annual reviews on the cooperation of preventing and combating human trafficking across borders. (Please refer to Part two, IX.C.3 for more information.)

5.3 Limitations and future plans

[Please refer to Part two IX.C.3 for more information.]

6. Financial responsibilities for the child (art. 27, clause 4)

6.1 Legal documents

171. The Criminal Code in 1999, the Law on Marriage and Family in 2000 and the Decree No. 87/2001/NĐ-CP in 2001 are the legal bases on financial responsibilities for the children as well as criminal and administrative punishments for the evasion of the financial responsibilities, as mentioned in the reports during the 1993–2002 periods. The period between 2002 and 2007 showed Viet Nam's efforts in this field. The Civil Procedures Code

in 2004 and the Ordinance on Implementation of Civil Cases in 2004 stipulate measures for enforcing in advance and partly contribution financial responsibilities from parents or other financially responsible people (art. 104). This is a temporary emergent measure applied upon consideration that the health, the life of the related person would be affected without the contribution of one part of the financial responsibilities. The Ordinance on the Implementation of the Civil Case in 2004 also regulates the procedures for enforcement of civil cases, including judgements and decisions relating to financial responsibilities for children. This Ordinance also stipulates the measures for enforcement for civil cases, including enforcement of the judgements deciding the financial responsibilities in cases where the related persons intentionally evade such responsibilities. The Prime Minister's Decision No. 65/2005/QĐ-TTg in 2005 approved the project on Community-based Care for Orphaned Children without Support, abandoned children, disabled children, child victims of toxic chemicals and HIV/AIDS infected and affected children in the 2005–2010 period.

6.2 Implementation

172. Every year, Viet Nam provides social subsidy from the State budget for more than 100,000 displaced orphaned children by different ways, such as subsidy for the children to be raised by the community, financial supports for people who provide foster or alternative care to these children and subsidy for childcare in social protection units.

173. To date, Viet Nam has been recovering financial responsibilities from the related persons who have the financial responsibilities. In the case where people with financial responsibilities intentionally do not carry out their financial responsibilities, there are regulations on enforcement measures.

6.3 Limitations and future plans

174. There are many cases where the people with financial responsibilities for their children are unable or intentionally evade their responsibilities. Therefore, it is necessary to enhance the supervision on the implementation of financial responsibilities for children.

7. Children deprived of a family environment (art. 20)

7.1 Legal documents

175. The Criminal Procedures Code in 2003 regulates the care for relatives and preservation of the assets of individuals who are in prison or detention. Accordingly if a person placed in temporary detention has a child under 14 years of age and without any caring, the agency issuing the decision for putting that person in temporary detention will transfer the child to his/her relatives for custody. In the case that a person does not have relatives, the agency will hand over the child to the local authorities (art. 90). Article 103 stipulates the care for, rearing, and education by individuals or organizations for cases of adolescents without legal guardians. Further:

- The Prime Minister's Decision No. 38/2004/QĐ-TTg in 2004 regulates the policy for financial support for families or individuals who agree to take care of orphaned and abandoned children and provides regulations on the conditions for rearing orphaned children (art. 2); policies for supporting these families and individuals (art. 5); and the responsibilities of the local authorities and related agencies for implementation of this policy (arts. 7, 8).

- The Prime Minister's Decision No. 65/2005/QĐ-TTg in 2005 approve the project on Community-based Care for Displaced, Orphaned, Abandoned Children, Disabled Children, Child victims of toxic chemicals and HIV/AIDS infected and affected children of 2005–2010 period.

- The Government's Decree No. 67/2007/NĐ-CP in 2007 on the Policy for Supporting the beneficiaries of social protection contains regulations on beneficiaries of social protection and regular, emergency support, including those for orphaned, abandoned children, children without any care from parents or relatives, children of imprisoned parents, HIV/AIDS infected children in poor families; adolescents in difficult situations from 16 to below 18 years of age who are students; families and individuals accepting to rear orphaned, abandoned children and single parents of poor household having children under 16 years of age (art. 4).

7.2 Implementation

176. Viet Nam's legislation acknowledges the main role of parents in caring for and rearing their children. In addition, the laws also stipulate alternative care for children without parental care or those who are unable to be cared by their parents because of the best interests and welfare of the child. The children deprived from a family environment will be of the first priority to be cared by their relatives and being sent to child protection units is the last resort. In past years, families, community and the State have always paid due attention to the care for children in difficult situations, creating conditions for their physical and spiritual developments. In 2006, more than 63,900 children were given subsidies in communes and wards and reared in communities by their relatives and sponsors. About 12,500 children in especially difficult situations were brought up in social protection units under the labour – invalids and social affairs branch. (Please refer to Part two VI.3 for more information.)

7.3 Limitations and future plans

177. At present, there are still many children living out of the family environment such as displaced orphaned children, abandoned children, severely disabled children whose families are unable to care for them, street children, children in conflict with the law in reform schools etc. It is still a challenge to create reasonable conditions so that children deprived from a family environment continue to be cared for and reared in a community or in social protection units.

8. Child adoption (art. 21)

8.1 Legal documents

178. Regulations on child adoption as stipulated in the Law on Marriage and Family in 2000 were mentioned in the reports in the 1993–2002 period. The 2002–2007 period showed the efforts of Viet Nam in this field:

(a) The Civil Code in 2005 stipulates the legal acknowledgement of and protection for the rights to adoption and to being adopted (art. 44).

(b) The Law on Child Protection, Care and Education in 2004 contains regulations that encourages families and individuals to adopt children; agencies, organizations, individuals accepting to sponsor and provide care and support for displaced orphaned children. The Law also regulates the responsibilities of local People's Committees to find alternative families in the community or organize rearing and care for displaced, orphaned and abandoned children in child protection units. The Law also stipulates the responsibilities of the State in supporting families, individuals or social support units which accept to bring up, and care for displaced orphaned or abandoned children.

(c) The Government's Decree No. 32/2002/NĐ-CP in 2002 regulates the application of the Law on Marriage and Family in 2000 for ethnic minority people, in which, there is a

separate chapter regulating the application of manners and customs on child adoption for ethnic minority people.

(d) The Government's Decree No. 68/2006/NĐ-CP in 2006 regulates the specific child groups that can be intercountry adopted, the responsibilities of foster parents in annually reporting to the representative offices of Viet Nam in foreign countries until the adopted child is 18 years of age; the conditions for the child to be adopted, the prohibited acts in giving and accepting intercountry child adoption, the child rights to expressions their views on being adopted, and the protection of the adopted child from being abused or exploited.

(e) The Government's Decree No. 158/2005/NĐ-CP in 2005 regulates the registration of birth, marriage and death, including registration of child adoption among Vietnamese citizens to be made in the communal People's Committees where the foster parents reside.

(f) The Prime Minister's Decision No. 38/2004/QĐ-TTg in 2004 regulating policies for financial support to families and individuals adopting orphaned children indicates the conditions to adopt orphaned children (art. 2); and policies for supporting families and individuals rearing orphaned children (art. 5).

(g) The Government's Decree No. 69/2006/NĐ-CP in 2006 amends and supplements some articles in the Decree No. 68/2002/NĐ-CP which provides detailed regulations on the implementation of some articles on marriage and family relations involving foreigners in the Law on Marriage and Family in 2000, which also includes the amendments of some regulations on intercountry adoption, with a vision to prevent and combat illegal child adoption. Specifically, article 1, clause 8 strictly prohibits the introduction, settlement, or registration of child adoption for the sake of self-interest, illegal material gain. Furthermore, article 1, in clauses 9 and 12, outlines stricter requirements on documents for foreigners who want to adopt Vietnamese children as well as those documents on children themselves to be adopted.

(h) Circular No. 08/2006/TT-BTP in 2006 by the Ministry of Justice regulates some regulations on the measures for prevention of illegal intercountry adoption, including punishments from USD 1,000 to USD 1,300 for acts of making fake documents, forcing, threatening or providing illegal child adoption services

8.2 Implementation

179. Domestic child adoption has been given high priority while intercountry child adoption is only the last resort. Viet Nam's legislation allows child adoption on the basis that those who are involved in granting and adopting children have a legitimate purpose without self-interest motivations, in order to ensure the best interests of the child. Many families, communities, localities, and religious organizations have actively involved into the mobilization, supporting, sponsoring and rearing of orphaned children in order to help them continue their education and vocational training. The State also encourages and provides financial supports for individuals who sponsor these orphaned and abandoned children.

180. The Ministry of Justice has carried out studies and assessments on the promulgation and implementation of legislation on intercountry child adoption in order to propose amendments and supplements of legal documents on intercountry adoption, aiming at preventing and combating child trafficking. The Ministry of Justice has established the Department of Inter Country Child Adoption which is in charge of intercountry child adoption. Concerned ministries and sectors of Viet Nam have been taking a number of measures to prevent and combat against illegal child adoption. Apart from the consolidation of the legal system and the mechanism of child adoption in the spirit of The Hague

Convention and in compliance with customs and practices of other countries, Viet Nam has given special attention to measures of prevention, combating against and dealing with cases that take advantage of child adoption for private interests. At the same time, the supervision of child admission to supporting units has been strengthened in accordance with the law, particularly for selecting the children of adequate conditions. This also includes careful consideration of relevant, qualified child supporting units to introduce children, with appropriate conditions, to be adopted by the foreigners in accordance with the law. Viet Nam has gradually paid due attention to the supervision of authorized foreign adoption organizations working in Viet Nam as well as the identification, specification of the children to be adopted by the foreigners.

181. To date, Viet Nam has negotiated and signed many agreements on child adoption with various countries and territories. In the past years, Vietnamese children have been adopted mainly by 19 countries and territories, including France, Denmark, Italy, Ireland, Sweden, the United States of America, Canada, England, Austria, Taiwan, Romania, Hungary, the Czech Republic, Holland, Spain, Norway, Singapore, Switzerland, and Germany.

8.3 Limitations and future plans

182. There are still a number of constraints with regards to the management and implementation of child adoption, including child adoption for illegal profits by some individuals and organizations. Many parents or legal guardians are not fully aware of the legal consequences of agreement for child adoption. Another difficulty is the existence of illegal go-betweens of child granting and adoption. The mechanism for identification prior to child adoption as well as for supervising in-country child adoption is still limited, possibly leading to such risks as child abuse and exploitation. Although Viet Nam has established the Department of Inter-country Child Adoption under the Ministry of Justice as the State management on intercountry child adoption, there has not yet been the domestic authorized organization on child adoption. Therefore, the introduction of the child to be adopted, contacting with the adoptive parents and identifying the family status and the origin of the child are conducted by child protection units, Departments of Justice and by the police. In reality, the operations of these agencies are still limited.

183. In the coming period, Viet Nam will continue to implement effectively the cooperation agreements on child adoption, including promotion of the cooperation on child adoption with the United States of America, in order to protect the best interests of the child and to prevent kidnapping and trafficking. The Government is now directing related agencies to prepare for the National Conference to review intercountry child adoption as well as to draw experiences and lessons and to identify issues to be adjusted in the implementation of child adoption. These inputs would be placed in the drafting of the Law on Child Adoption.

184. The State of Viet Nam is currently considering joining The Hague Convention No. 33 on the Protection of children and Cooperation in Intercountry Child Adoption, including the roadmap for implementation of the Convention as follows: consolidating national legal system, strengthening the organizational mechanism, and enhancing capacity in cooperation with other countries in child adoption. This is one of the important legal bases for promoting cooperation in intercountry child adoption.

185. Viet Nam will also actively strengthen its current mechanisms to prepare for joining The Hague Convention No. 33 on protection of children and international cooperation in intercountry child adoption, as well as to implement seriously the current agreements with other countries on child adoption.

9. Periodic review of childcare (art. 25)

[Please refer to Part two, VII.2 and 3 for more information.]

10. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

10.1 Legal documents

186. The legal bases for prevention of child abuse and neglect are specifically mentioned in the Criminal Code in 1999, the Law on Marriage and Family in 2000, the Government's Decree No. 87/2001/NĐ-CP in 2001 on Administrative Punishments to Violations related to marriage and family as reported in the reports of 1993–2002 period. Key policy measures include:

(a) The Law on Child Protection, Care and Education in 2004, articles 6 and 7 regulates the child's rights to be respected and implemented, and strictly prohibits the child abandonment by parents or legal guardians.

(b) Article 56 of the Law on Protection, Care and Education in 2004 provides that sexually abused children shall be supported by their family, the community and the State through counselling services, psychological and health recovery, and creating the conditions for family and community reintegration. Article 57 of this Law regulates that agencies and organizations involved in preventing and combating against drugs are responsible for organizing home-based detoxification or at detoxification centres in accordance with the regulations of the Law. Article 51 regulates that abandoned children are provided with help by the local People's Committees to have replacement families or to be cared for at public or private children support units.

(c) The Law on Domestic Violence in 2006 has regulations on the prevention and fighting against physical and spiritual child abuse.

(d) The Programme on Prevention and Handling of Street Children, Sexually Abused Children and Children Working in Hazardous Occupations in the 2004–2010 period sets forth preventive measures for the targeted children.

10.2 Implementation

187. The State has launched programmes on reintegration for children who are victims of sexual abuse and integrated these programmes into other vocational training, employment creation, hunger eradication and poverty reduction programmes. The policies on medical examination, treatment and care for the child victims of dignity violations and sexual abuse have also been supplemented. Social, psychological counselling and other assistances for child victims are also provided. Offenders are strictly punished.

188. At present, Viet Nam is developing decrees with detailed regulations on the implementation of the Law on Domestic Violence 2007 and the Action Programme on the prevention of domestic violence to submit to the Government for approval. (Please refer to Part two, IX. C. for more information.)

VII. The right to health care and basic social welfare (arts. 6; 18 clause 3; 23-24; 26- and 27, clauses 1–3)

189. In 2003, the CRC Committee recommended that Viet Nam:

- Improve the implementation of the National Nutrition Strategy, especially in rural areas; encourage breastfeeding for the first 6 months and to carry out measures to limit advertisements, distribution, and marketing of alternative products replacing breast milk.
- Strengthen resources for district medical centres and communal medical stations, especially for the health care of mothers and infants.
- Prevent the spread of epidemic diseases, especially cholera and typhoid.
- Carry out a comprehensive survey on disabled children to assess the educational and vocational demand and the possibilities to have access to social services and rehabilitation. Furthermore, Viet Nam should provide financial support for disabled children; improve disabled children's opportunities to have access to public services, including schools and recreational facilities, and increase the number of inclusive education programmes at different education levels.
- Mainstream children's rights in the process of making and carrying out HIV/AIDS strategies and policies; carry out all measures to avoid the concentration and institutionalization of HIV/AIDS infected children; implement all measures to prevent the discrimination against children with HIV/AIDS.

During the past period, Viet Nam has issued many legal documents and carried out measures to enhance basic child health care, especially for disabled children and children affected/infected by HIV/AIDS, as recommended by the CRC Committee.

1. Disabled children (art. 23)

1.1 Legal documents

190. Apart from the legal framework on the rights of persons with disabilities to learn, to be provided with health care and rehabilitation services according to the Law on Education in 1998 and the Ordinance on People with Disabilities in 1998 as mentioned in the 1993-2002 reports, in the 2002–2007 period Viet Nam spent great efforts in making the rights of disabled children more concrete. The responsibilities of families, of the State and of society towards disabled children were also indicated:

(a) The Law on Child Protection, Care and Education in 2004 sets forth regulations on the responsibilities of the families, the State and of society in supporting, caring for and creating conditions for diseases diagnosis, treatment and rehabilitation for disabled children. At the same time, the Law also stipulates the rights of disabled children to be integrated and supported in education, vocational training and social activities.

(b) The Government's Decree No. 67/2007/NĐ-CP in 2007 regulates the policy on supporting social protection beneficiaries, with different levels of support, including those for disabled children.

(c) The Government's Decree No. 184/2004/NĐ-CP in 2004 sets forth the policy on social relief, medical, orthopaedics and rehabilitation supports for disabled people, including regulations relating to disabled children.

(d) The Prime Minister's Decision No. 26/2002/QĐ-TTg in 2002 stipulates the support for resistance-war participants and their offspring who suffer from the consequences of toxic chemicals, including the level of subsidy and medical insurance for this target group.

(e) The Prime Minister's Decision No. 65/2005/QĐ-TTg in 2002 approves the Project on Community Based Care for Displaced Orphaned Children, Severely Disabled

Children, Children Who are Victims of Toxic Chemicals and HIV/AIDS Infected Children. The project sets out measures on community based care in order to achieve the target of increasing the number of children provided with annual subsidy; that is the percentage of disabled children from 30 per cent to 65 per cent, disabled children with orthopaedic surgeries from 40 per cent to 70 per cent. Each year, about 11,000 children in especially difficult circumstances including disabled children would be provided with supports in education. Disabled children would also have access to special classes, talent training, cultural publications and sports that suits them.

(f) The National Population Strategy in 2001–2010 period sets up the objective to reduce the proportion of children born with deformities due to hereditary diseases and influences of Agent Orange.

(g) The Government also issues regulations on the designs and facilities in construction projects for disabled people.

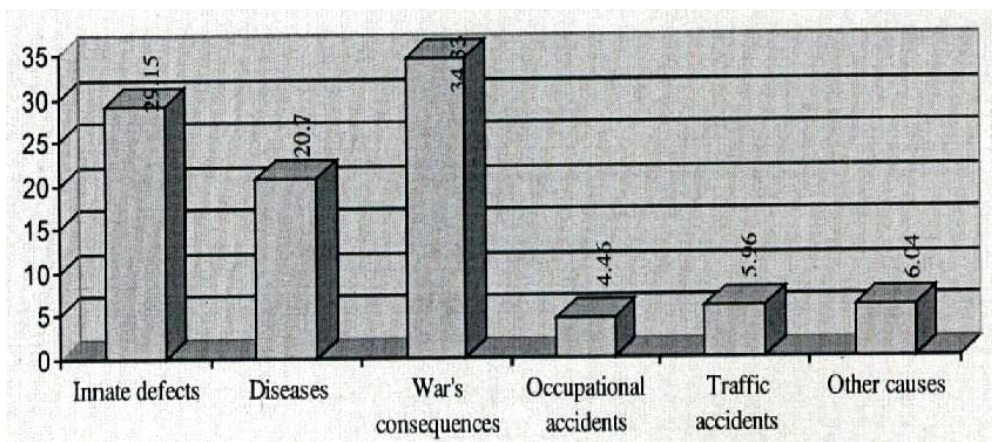
(h) In 2007, Viet Nam signed the United Nations Convention on the Rights of Persons with Disabilities, and is preparing to ratify this Convention.

1.2 Implementation

191. At present, Viet Nam has 5.2 million disabled people, accounting for 6.63 per cent of the total population.²⁶ Among these about 1,150,000 are children with six main disabilities, including 15 per cent with hearing impairment, 12 per cent with visual impairment, 27 per cent with mental disability; 19 per cent language disability, 20 per cent movement disability and others. The proportion of disabled children remains high in the Central provinces like Quang Tri, Quang Nam, and Quang Ngai.²⁷

Chart 6

The causes of disabilities (unit: per cent)²⁸



192. Disabled children are taken care of in various ways, including community and family-based care, or care in social protection units set up by the State. Many programmes are effectively implemented to support children with disabilities, such as optic surgeries, surgeries for inborn heart diseases, supporting child victims of toxic chemicals, etc. Every year, the social protection units, orthopaedic and rehabilitation centres, and orthopaedic

²⁶ Source: MOLISA, 2007.

²⁷ Source: Ministry of Education and Training, 2007.

²⁸ Source: MOLISA, 2005.

faculties in hospitals from the central to provincial level provide orthopaedic and rehabilitation services as well as orthopaedic devices for about 50,000 children.²⁹

193. Viet Nam has put forward many ways of encouraging the care and support for people with disabilities including disabled children. In 2008, the Green Ribbon Award for the first time honoured disabled individuals who made great efforts to overcome difficulties, learn, improve themselves and work better for their life and for the society as well as honoured in the agencies and organizations with great contributions to disabled people.

194. The compulsory regulations on designing separate corridors, toilets for disabled people in apartment buildings, ports, train stations, public amusement areas, etc., have been set out and implemented, which have contributed to wiping out barriers and creating the favourable conditions for disabled children in particular and for people with disabilities in general. (Refer more to Part 2, VIII.1.2.)

1.3 Limitations and future plans

195. The implementation of the legislation on people with disabilities in general and on disabled children in particular has been faced with many constraints. The accessibility of disabled children to health care and education services is still limited. The awareness of society on educating disabled children is not high, while the education facilities for disabled children are poor with limited concern from the social partners in the field. At present, according to the primary statistics from the labours, invalids and social affairs sector, the proportion of elderly disabled people has gradually decreased in contrast to the increasing of the rate of disabled children. This change requires focused measures on prevention, early detection and interventions to minimize the number of children who would become disabled.

196. In the future, Viet Nam will enhance communications for raising awareness of disabled children. In addition, prevention and early interventions will be promoted. On the other hand, the mechanism for encouraging the combination of institutional-based and community-based rehabilitations should be enhanced. Training and treatment policies for local medical staff who also carry out rehabilitation for disabled children in the community should also be introduced, as well as policies to increase the training and allowances for the collaborators. At the same time, the supervision of the implementation of laws and policies relating to people with disabilities in general and disabled children in particular should be strengthened.

2. Health and health-care services (art. 24)

2.1 Legal document

197. Apart from the legal documents for the prevention of child malnutrition and HIV/AIDS, as mentioned in the 1993–2002 report, the period of 2002–2007 revealed Viet Nam's significant attempts in stipulating and implementing free health-care treatment for children, HIV/AIDS and injury prevention and control:

(a) The Law on Child Protection, Care and Education in 2004 states that children below the age of six are eligible to enjoy health-care treatment free of charge in public health-care centres. Furthermore, the Law also outlines rules of non-discrimination against HIV/AIDS infected children, affirming the responsibility of the State and society to

²⁹ Source: Bô LĐTBXH, 2007.

facilitate treatment and rearing for HIV/AIDS affected and infected children in their families or at alternative families and at childcare centres only for those who are not taken care of by their families or alternative families.

(b) The Law on HIV/AIDS Prevention in 2006 regulated the HIV/AIDS preventive measures, care and treatment for HIV/AIDS infected people, particularly for children.

(c) The Strategy for Protection and Care for People's Health in the 2001–2010 period sets a target to reduce under-one mortality rates to less than 25 per cent; under-five years mortality rates to less than 32 per cent; the rate of underweight newborn babies (weighing less than 2,500g) to less than 6 per cent; and malnutrition rate for children under 5 years of age to lower than 20 per cent.

(d) The National Strategy on Nutrition for 2001–2010 aims to reduce the malnutrition rate among children under 5 years of age by 1.5 per cent per year, to reduce the obesity rate to lower than 5 per cent, and to address the vitamin A and iodine deficiency situation, as well as markedly reduce anaemia-related malnutrition.

(e) The National Action Plan on Safe Motherhood 2003–2010 aims to reduce maternal and infant mortality rates and to ensure a healthy life for children since their birth.

(f) The National Target Programme on Rural Clean Water Supplies and Environmental Sanitation partly funds the construction of central water supply systems and provides interest-free or low-interest loans to develop water supply sources.

(g) The National Target Programme on Injury Prevention 2002–2010 sets targets to reduce injuries and accidents among people and children in schools, families and communities by raising awareness and building a safe living environment for children.

(h) The National Programme on Reproductive Health Education and Preventing and Combating HIV/AIDS focuses on solving HIV/AIDS problems at schools.

(i) The National Target Programme on Preventing and Combating some Dangerous Diseases, Epidemics and HIV/AIDS aims to actively prevent and fight against epidemics, stopping and preventing the spread of epidemics, reducing the contraction and mortality rate due to dangerous diseases and HIV/AIDS in order to increase people's life expectancy and contribute to the achievement of social equality in health care, especially in mountainous, remote, border and off-shore areas.

(j) The National Strategy on Preventing and Combating HIV/AIDS in Viet Nam until 2010 and the vision 2020 stipulates the prevention of prejudice and discrimination against HIV/AIDS infected people. It sets a target to ensure that 100 per cent of HIV/AIDS infected or affected children receive appropriate supervision, treatment, care and counselling.

(k) The National Action Plan on Preventing Mother-to-child HIV Transmission in the 2006–2010 period contributes to bringing down mother-to-child HIV transmission rates to lower than 10 per cent by 2010.

(l) The Prime Minister's Decision No. 65/2005/QĐ-TTg in 2005 approves the project Community-Based Care for Displaced Orphans, Severely Disabled Children, Child Victims of Toxic Chemicals and Children living with HIV/AIDS during 2005–2010, which identifies the targets to help these children integrate into the community, and exercise their rights on the basis of mobilizing social resources and developing community-based care.

(m) The Prime Minister's Decision No. 60/2007/QĐ-TTg in 2007 on the establishment of Funds for HIV/AIDS infected people defines the priorities of using the Fund for HIV/AIDS infected and affected children.

(n) The Joint Circular No. 05/2003/TTLT-BCA-BYT in 2003 provides guidelines for supervision, care, treatment and counselling for people in custody, prisoners, HIV/AIDS infected students in detention centres, prisons, reform schools, including regulations on information security, and non-discrimination towards these target groups.

2.2 Implementation

The health-care system for children in Viet Nam has been expanded in terms of treatment and prevention (refer to part 2. IV.3).

2.2.1 *Free health check-ups and treatment for children*

198. One of the most prominent achievements in child health care during the last period is the free check-ups and treatment introduced in 2005, for children below the age of 6 at public health facilities. The State annually invests millions of US dollars in this activity. So far, 8 million children have been granted free medical check-up cards, accounting for about 92.6 per cent of the total children under 6 in the whole country. Many poor children and children with serious diseases, such as congenital heart disease, blood diseases and bone and joint malformations have been provided with access to free treatment and high-tech medical services.³⁰

2.2.2 *The Expanded Programme on Immunization*

199. The Expanded Programme on Immunization has been carried out nationwide with different kinds of vaccines against tuberculosis, diphtheria, tetanus, whooping cough, measles, polio, Japanese encephalitis and hepatitis B. This is the first priority for health-care systems at all levels, especially at the wards and commune levels. In 2006, 95.7 per cent of children below the age of 1 were vaccinated with six basic vaccines. Blindness, exophthalmia, vitamin A deficiency, polio and infant tetanus have been eradicated nationwide.³¹ There is a gap, however, in the rates of expanded immunization among urban, rural, and remote areas, as well as ethnic minority areas. Northern mountainous regions have a relatively low rate of about 38 per cent.³² Furthermore, it is necessary to pay greater attention to managing and ensuring the quality of vaccines.

2.2.3 *The prevention of child malnutrition*

200. The rate of malnourished children under 5 years of age was reduced from 30.1 per cent in 2002 to 21.2 per cent in 2007. There has also been a significant decrease in the rate of height for age from 34.8 per cent in 2001 to 31.9 per cent in 2006. The rate of underweight newborns (weighing under 2,500g) was reduced from 7 per cent in 2002 to 5.3 per cent in 2006. Differences in under-five malnutrition still remain between ecological zones as well as rich and poor provinces. In the North and Central Highlands, the average malnutrition rate among children under 5 is still high, which is equivalent to nearly 30 per cent.

³⁰ Source: MOLISA, 2007.

³¹ Source: *Statistical year book 2005*, Ministry of Health.

³² Source: MISC 3, 2006.

Table 7

Child malnutrition under the age of 5 (weight/age) in the Northern mountainous provinces (per cent)

<i>No.</i>	<i>Provinces</i>	<i>In 2005</i>	<i>In 2006</i>	<i>In 2007</i>
1	Lai Chau	43.4	32.2	30.0
2	Bac Can	33.9	31.8	29.8
3	Lao Cai	33.5	31.7	29.8
4	Ha Giang	32.6	31.0	28.7
5	Son La	30.9	28.6	27.1
6	Kon Tum	33.8	33.5	31.5
8	Gia Lai	33.4	31.9	30.0
7	Dak Nong	35.2	33.6	31.9
	Average nationwide	25.2	23.4	21.2

Source: National Nutrition Institute, 2007.

201. The situation of clean water and environmental sanitation has considerably improved. The rate of population that has access to clean water increased from 51.8 per cent in 2002 to 77.1 per cent in 2006. The rate of households in rural areas with hygienic latrines increased from 43.9 per cent in 2002 to 50.1 per cent in 2006, where this rate in urban areas increased from 51.4 per cent in 2002 to 89.6 per cent in 2006.³³ Limitations still exist, however, in clean water and environmental sanitation (especially sanitation in schools) provision and parasitic disease prevention. On the other hand, parents and care givers are not fully aware of how to nurture their children. This is the main cause of high malnutrition rates; meanwhile, children's obesity is becoming more popular in high income families.

2.2.4 *Maternal and infant mortality rate*

202. Achievements in child health care cannot be separated from the contributions made by programmes for maternal care. Antenatal, assisted delivery and post-natal care, as well as tetanus vaccinations for mothers have enabled babies to be born healthy and mothers to be prepared for breastfeeding and child-rearing. The average frequency for pregnancy checks at present is 2.7 times. The rate of mothers injected with the tetanus vaccine at least twice has increased from 89.3 per cent in 2002 to 92.6 per cent in 2006. Maternal mortality rates have been reduced significantly from 91/100,000 live births in 2002 to 75/100,000 live births in 2006. The rate of delivery assisted by health staff reached 97 per cent. However, there still remains a large gap in maternal mortality among different areas. This rate in the Northern mountainous provinces is 160/100,000 live births.³⁴

203. The Infant Mortality Rate (IMR) decreased from 26 per cent in 2002 to 16 per cent in 2006 and under-five Infant Mortality Rate (IMR) decreased from 35 per cent in 2002 to 26 per cent in 2006.³⁵ However, in some distant and remote areas, the under-one mortality rate is much higher than the national average rate, particularly the mortality rate within the first month, which have not been recorded due to late birth registration.

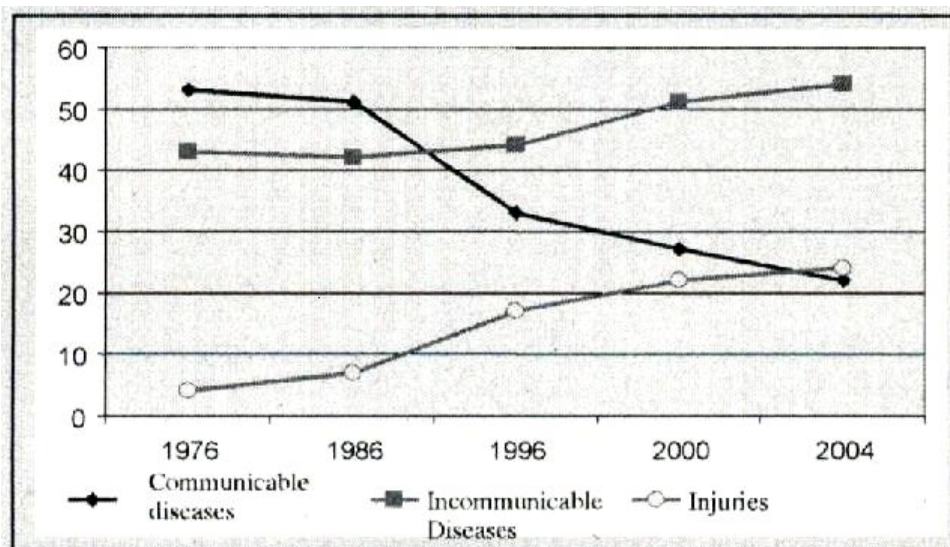
³³ *Source:* Ministry of Health and GSO, 2006.

³⁴ *Source:* Survey on population fluctuation, GSO, 2006.

³⁵ *Source:* Ministry of Health, 2007.

2.2.5 Children's injuries and accidents prevention

Graph 8

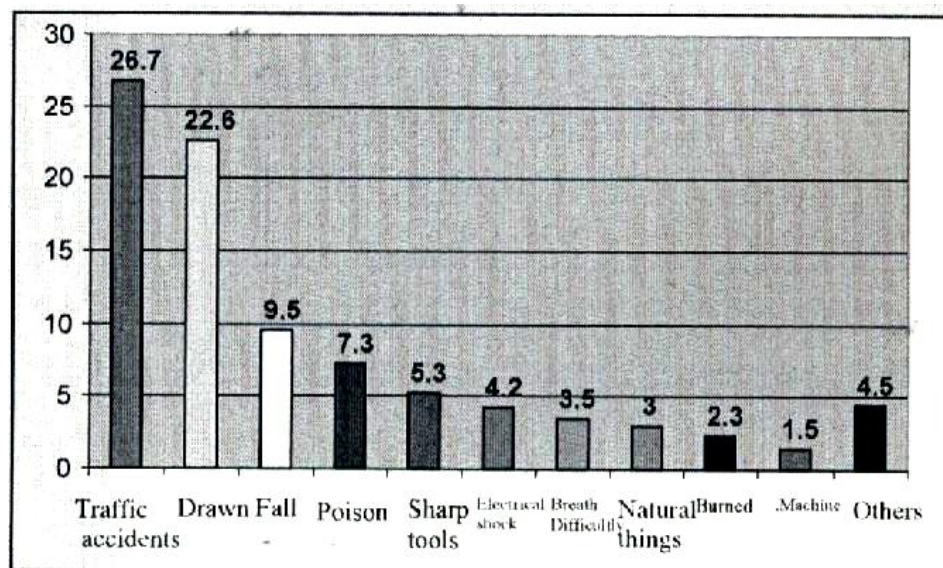
Situations and trends of injury accidents in Viet Nam³⁶

204. In an attempt to change public behaviours on child injury and accident prevention, Viet Nam is strengthening its communication work to raise public awareness. On the other hand, “Safe houses”, “Safe communities” and “Safe schools” models are used as an example to prevent accidents and injuries and have been widely replicated throughout the country. To date, there are hundreds of communes adopting the “Safe houses” model, and nearly 100 schools are piloting the “Safe schools” model. By October 2006, five Vietnamese communes have reached international standards for “International safe communities”. Thanks to the efforts to implement national policies and projects on children’s injury and accidents prevention, the number of deaths by unintentional injuries and accidents in 2006 decreased by half, compared to figures in 2002. The situation however has been developing in a complicated and unexpected manner. According to the report by the National Committee of Traffic Safety, in 2007, 14,150 people died as a consequence of traffic accidents, and 35 per cent of whom were children.

³⁶ Source: Ministry of Health, 2005.

Chart 9

Situation of injuries and accidents among Vietnamese children
(Ministry of Health 2003)



2.2.6 Prevention and combating against HIV/AIDS among children

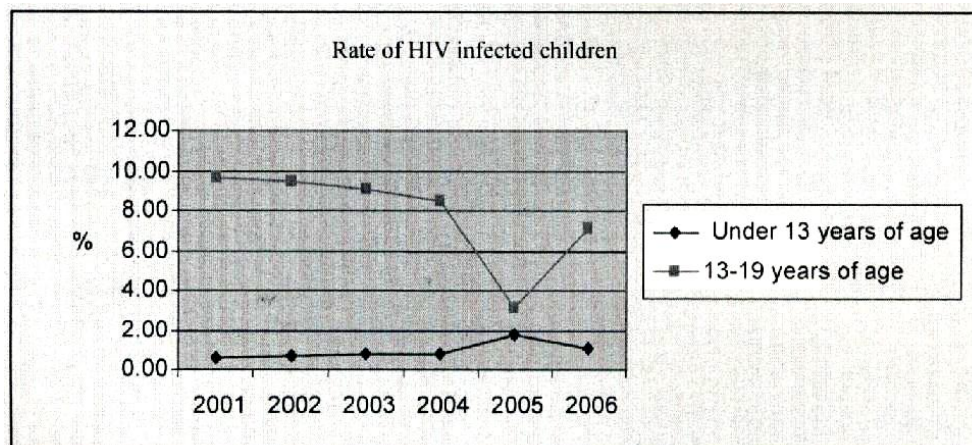
205. By the end of 2005, HIV/AIDS has spread to all 63 provinces and cities in Viet Nam. Since the first HIV-infected child was found in 1994, the number of children under the age of 19 infected with HIV/AIDS during the 2001–2005 period was about 6,900 among whom, children under 13 infected with HIV/AIDS accounted for 1 per cent of the total number of HIV/AIDS infected and affected people identified in the whole country, (which is equal to 1,200 children). The number of infected children between the ages of 13 and 19 made up 7.15 per cent of the total infected population (which is equivalent to 9,500 children). At present, there are approximately 22,000 children left orphaned due to HIV/AIDS. It is projected that by 2010, there will be approximately 350,970 HIV-infected people in Viet Nam, which means there are approximately 20,000 to 30,000 newly infected cases each year.³⁷

206. In order to enhance the implementation of HIV/AIDS prevention, the HIV/AIDS prevention system has been consolidated, by the establishment of the HIV/AIDS Prevention Department under the Ministry of Health. A series of programmes on communication, education, supervision and intervention have been implemented in order to monitor and minimize HIV/AIDS. In 2007, the central budget for the HIV/AIDS Prevention Programme was double in comparison with that of the year 2006, and up to 9.4 million US dollars, excluding the mobilization funds from localities. Foreign donors contributed approximately 52 million US dollars for combating HIV/AIDS in Viet Nam.³⁸

³⁷ Source: Ministry of Health, 2007.

³⁸ Source: Ministry of Planning and Investment, 2007.

Chart 10

Rate of HIV-infected children

Source: Ministry of Health, 2007.

207. HIV/AIDS prevention for children has received greater attention by conducting reproductive health education programmes and HIV/AIDS prevention in schools. The HIV mother-to-child transmission prevention has been realized throughout the country, along with building up HIV/AIDS prevention and combating models for children in the communities, caring for abandoned HIV-infected newborns and encouraging the care for HIV-infected children. Many initiatives are being performed for HIV/AIDS-infected children by non-governmental, religious and community organizations. By September 2007, 11,480 cases had been treated with antiviral (ARV) medicine, and nearly 800 cases were children. About 14 per cent of HIV-infected pregnant women have been treated with prophylactic ARVs.³⁹

208. The first East Asia-Pacific Consultation on Children and HIV/AIDS was held in Ha Noi in 2006 to promote the efforts for HIV/AIDS prevention for children. The Ha Noi Call for Action for children and HIV/AIDS has received commitments for implementation from all participating countries and was integrated into the 12th ASEAN Summit agenda. The Vietnamese Government is guiding the MOLISA in coordination with related ministries and agencies, to develop the National Action Plan for Children and HIV/AIDS.

³⁹ Source: Ministry of Health, 2007.

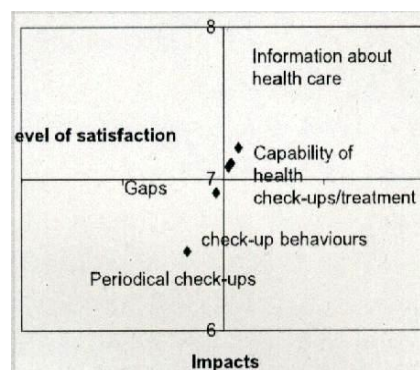
Information box 6

Level of children's satisfaction on health care:

Opinions reflected in the survey on "Implementation of some fundamental child's rights on the basis of rights to participation".

Children's answer:

Children are, in general, comparatively satisfied with health related issues. However, the periodical health check-ups, attitudes of health staff and distance from home to the nearest health-care centre are among the issues they find least satisfactory in this group of rights.



2.3 Limitations and future plans

209. Despite the above achievements, problems related to child health care continues to persist in Viet Nam. The epidemiology model for Vietnamese children is currently changing. Newborn morbidity and mortality have not seen significant improvements. The quality of emergency services and care for child patients in transferring health-care facilities as well as during transferring of child patients from local clinics to higher-level hospitals have not met requirements. Although the malnutrition rate among children under 5 decreases, it is still high in comparison with the neighbouring countries. There still exists constraints in mother's breastfeeding, the four-month maternity leave period, advertising and marketing alternative milk products, and the supervision of these activities is limited. More than 30 per cent of households do not have access to clean water and live in unhygienic conditions; in addition to water source pollution, the limitation of clean water and environmental sanitation increases the risk of diarrhoea and bacterial infections among children. New epidemics, such as SARS, bird flu, hand, mouth and foot disease, etc., have posed great threats to children. The rate of accidents and injuries among children has been on the rise predominantly due to drowning, traffic accidents, burns, food poisoning and falls. The rate of pregnant women with HIV/AIDS has also increased, which in turn gives rise to HIV mother-to-child transmission. Among the problems that remain:

(a) A large gap exists between children's health status among different geographical areas in the country. Child mortality and malnutrition rates are much higher in mountainous and rural areas than in the urban areas. A large proportion of children in mountainous and rural areas do not have access to basic health services.

(b) There are limitations in reporting and statistics relating to children's health, particularly reporting and statistics of children of late birth registering, children suffering from injury, accidents and HIV/AIDS infected and affected.

(c) On the other hand, the shortage of financial investment leads to the inadequate basic and quality services for children. In addition, there still lacks facilities and health-care equipment for children and mothers at local levels. Training for paediatrics has not been fully considered, resulting in the shortage in paediatric staff.

(d) In the future, Viet Nam will focus on the following:

- Strengthening and developing essential interventions as well as mother and child health-care networks at grass-root levels (such as pre to post-natal care,

breastfeeding, micronutrient supplementation; improvement of vaccine quality, improvement of safe water sources, and environmental sanitation, etc.). Expanding and upgrading the quality of primary health-care services for children. Effectively conducting free medical check-ups and care for children below the age of 6. At the same time, priority will be given to rural, difficult, and mountainous areas or ethnic minority regions.

- New types of health fields such as mental health, health for adolescents, HIV/AIDS and accidents and injuries among children.
- Expanding and developing the community based rehabilitation system for disabled children.
- Developing human resources for mother and child health care at all levels, paying special care to nurses and doctors at the district level and obstetrical nurses at health stations at the commune level.
- Developing science and technology applications for child health-care services, investing in high-tech paediatric diagnostic and treatment centres in areas with a large number of children.
- Enhancing the network and capacities of supervision, statistics and reporting relating to children's health at all levels.
- Promoting resources for health care, effectively utilizing international aid and boosting the social involvement of children's health-care services.
- Revision and amendment of legal documents relating to children's health care. It is projected that the Law on Medical Insurance with relevant regulations on children will be approved in 2008.

3. Social security, living standards and childcare services and facilities (art. 26; item 3 of art. 18; items 1–3 of art. 27)

3.1 Legal documents

214. The Law on Child Protection, Care and Education in 2004 sets forth regulations on the protection, care and education for every child. In the last period, the Government and relevant governmental agencies, have passed a number of legislative documents on the management and guidance in this sector:

(a) The Government's Decree No. 53/2006/NĐ-CP in 2006 on encouraging the development of non-public service lays the legal foundations for the reinforcement of social services, contributing to better protection of children in difficult situations.

(b) The Government's Decree No. 67/2007/NĐ-CP in 2007 on the policy for social protection beneficiaries stipulates the child groups who are eligible to enjoy social allowances, including orphaned, abandoned children, children with parents in prison, HIV/AIDS-infected children, and adolescents from 16 to 18 years of age studying at schools and vocational training but living in circumstances as difficult as the above groups, etc.; and stipulates allowance levels for specific targets.

(c) The Prime Minister's Decision No. 19/2004/QĐ-TTg in 2004 approves the Programme on the Prevention of Street children, sexually abused children, and children working in hazardous occupations and dangerous conditions for the period of 2004–2010.

(d) The Prime Minister's Decision No. 62/2005/QĐ-TTg in 2005 on the supporting policy for universalization of secondary education stipulates target groups and their ages

(children aged between 11–18 whose parents are veterans, disabled children, orphans, ethnic minority children, children of poor families), and allowance levels.

(e) The Prime Minister's Decision No. 65/2005/QĐ-TTg in 2005 approves the Plan of Community-Based Care for children in especially difficult circumstances during the period of 2005–2010; and the Inter-ministerial Circular 68/2007/TLT in 2007 jointly issued by the Ministry of Labour, Invalids and Social Affairs and the Ministry of Finance gives guidance on the expenditure and cost norms in implementing this plan.

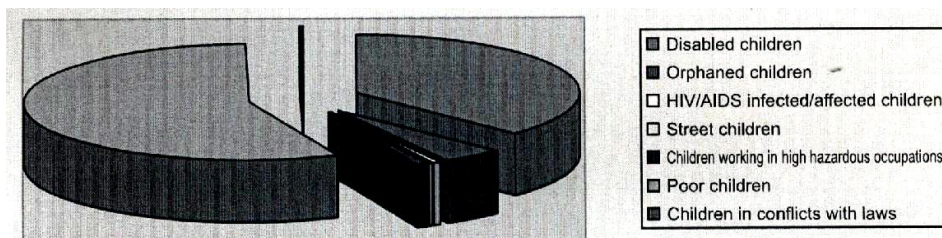
(f) The Prime Minister's Decision No. 313/2005/QĐ-TTg in 2005 on some regimes for HIV/AIDS infected people and people who directly manage, treat, and care for HIV/AIDS-infected people in the State's social protection institution stipulates the child groups entitled to allowances, as well as the levels of allowance.

(g) The Prime Minister's Decision 239/2006/QĐ-TTg in 2006 on approving the Project on Assisting People with Disabilities during 2006–2010 states the measures to support disabled children.

3.2 Implementation

215. Apart from enhancing the implementation of child rights, Viet Nam is placing greater concern about improving the social security system for disadvantaged groups. At present, social support in Viet Nam includes: emergency relief for individuals who have suffered from natural disasters, epidemics, life and property loss, those who are temporarily in unsafe life. Social support also includes regular relief for those who cannot manage their lives by themselves, including ethnic minority children, children in special circumstances (poor children, disabled children, displaced and orphaned children, HIV/AIDS-infected children, children with parents in prison). Currently, the Vietnamese Government has enforced policies which stipulate the provision of medical insurance cards for the poor and support for those who are at the risk of becoming too poor so they can buy medical insurance. At the same time, the Government has been piloting a programme to provide medical insurance cards for HIV/AIDS-infected and -affected children. According to the report by the labour, invalids and social affairs sector, by the end of 2007, there had been approximately 1.4 million children in special circumstances and 1.8 million children living in poor households nationwide. Most of those children are living in areas that suffer difficult economic conditions, natural disasters, flooding, and have high rates of poor households. Social allowances are provided monthly to nearly 100,000 children; furthermore, they are assisted with medical care and education services (provided with a medical insurance card or examination and treatments are paid for, as well as they are exempted from school fees and provided with books and school equipment). The children who are nursed and cared for in social protection institutions are also provided with other allowances for appliances for daily living, basic medicine, books and school supplies and sanitary items for girls each month. To date, many provinces and cities have allocated budgets for this activity, especially in vocational training and jobs creation. Every year, the community is advocated to give alternative cares to 2,400 children with especially difficult circumstances in form of adoption, family or individual rearing or sponsorship.

Chart 11

Target groups with special circumstances⁴⁰**3.3 Limitations and future plans**

216. However, the demand for social security for children is great. In the coming period, Viet Nam will give priority to the following:

- Revising and consolidating policies related to social security and development of alternative care for children in special circumstances
- Give priority to develop the social work network at all levels in order to give assistance to children
- Enhance the ability of enforcement of policy or legislation related to protection and care for children by establishing an appropriate information sharing, monitoring and evaluation mechanism
- Developing a system providing prevention and protection services for children in special circumstances
- Upgrading the activities in social protection institutions, especially new functions for social protection institutions
- Promoting prevention and assistance for HIV/AIDS-infected and -affected children, disabled children and child labourers
- Promoting community activities in nursing children in especially difficult circumstances.

VIII. Rights to education and recreation (arts. 28, 29, 31)

217. In 2003, the CRC Committee suggested that Viet Nam:

- Increase primary school enrolment, especially the enrolment of girls and rural children, to ensure children's right to free and high-quality primary education
- Provide more financial aid to students from poor families at all levels, including preschool education, especially in rural areas
- Recruit and train more teachers from ethnic minority groups and continue providing allowances for teachers in remote and mountainous areas
- Give priorities to rural, remote and mountainous areas in existing programmes to enhance teachers' skills and improve curricula, as well as focus on building and developing facilities for educational centres

⁴⁰ Source: Ministry of Labour, Invalids and Social Affairs, 2007.

In the period 2002–2007, Viet Nam made great efforts in expanding the educational scale, increasing education quality at all levels and promoting students' self-confidence and creativity. At the same time, it paid greater attention to poor children, children in special circumstances, and ethnic minority children as recommended by the CRC Committee.

1. Education, including vocational and career guidance education (art. 28)

1.1 Legal documents

218. The Education Law in 2005 and the Government's Decree No. 75/2006/NĐ-CP in 2006 providing guidance on how to implement the Law on Education in 2005 have continued to promote regulations of the Former Law on Education in 1998. It stipulates concrete educational activities for all levels, and the rights to education for children in preschool, primary school, junior secondary school, secondary school and continuing education is given special attention. The Education Law in 2005 stipulates the enhancement of socializing education, investment in equipment and facilities; improving the quality of teachers, upgrading the contents in books and teaching methods, and giving special care to children in special circumstances. The Law also stipulates that the teaching method must promote self-confidence, activeness and creative thinking by learners. The Law also stipulates that children must be given the right to be respected and treated fairly by the school or other educational establishments. Children should also be provided with adequate information about their studies, and they can directly or through their parents, legal representatives or parent groups provide suggestions to the school or other educational establishments on the measures for the school to become as well as measures to protect the legitimate rights and interests of the learners. Among the other measures taken:

(a) The Law on Vocational Training in 2006 sets forth regulations on vocational training policies for ethnic and disabled children.

(b) The Educational Development Strategy from 2001–2010 sets the target on improving the education quality at all levels.

(c) The Prime Minister's Decision No. 161/2002/QĐ-TTg in 2002 on various policies to develop preschool education to 2010 aims to increase investments in developing and socializing preschool. It also aims to expand the nursery and kindergarten system, giving priority to districts with socio-economic difficulties, mountainous and offshore areas. In addition, it aims to promote knowledge of families on nursing and caring for children, improving childcare quality for children under 6, issuing regulations for preschool establishments and creating policies for preschool teachers.

(d) The Prime Minister's Decision No. 09/2005/QĐ-TTg in 2005 approves the project on enhancing the quality of teaching staff and education administration officers from 2005–2010.

(e) The Prime Minister's Decision No. 62/2005/QĐ-TTg in 2005 on the assistance policy for the universalization of junior secondary education, with regulations on school age, target groups to be provided with allowance (children aged 11–18 whose parents are veterans; disabled children, orphans, ethnic minority children, poor children); and the levels of allowances.

(f) The Prime Minister's Decision No. 244/2005/QĐ-TTg in 2005 stipulates preferential allowances for public school teachers including teachers teaching primary and secondary schools.

(g) The Prime Minister's Decision No. 107/2006/QĐ-TTg in 2006 stipulates preferential credits for students in special circumstance who are studying at colleges, universities, or in professional and vocational schools.

(h) The Prime Minister's Decision No. 149/2006/QĐ-TTg in 2006 approving the Project on Preschool Education Development for the 2006–2015 period stipulates the training and improvement of the quality of preschool teachers. It also includes the strengthening and expanding of the school and classroom system, increasing the rate of teachers acquiring national standards, improving the quality of care and education in preschool establishments and increasing the rate of parents equipped with basic knowledge to care for and educate children.

(i) The Decision No. 23/2006/QĐ-GDĐT in 2006 by the Ministry of Education and Training regulates the integration of education for disabled children.

(j) The Circular No. 01/2006/BLĐTBXH-BGDĐT-BYT jointly issued by the MOLISA, Ministry of Education and Training and the Ministry of Health provides guidelines for educational establishments to provide access to education for drug abused children in areas where there are drug treatment centres.

(k) The Circular No. 08/2006/BGDĐT-BCA in 2006 issued by the Ministry of Education and Training and the Ministry of Public Security provides guidelines on incorporating programmes on education and vocational training and textbooks in reform schools.

(l) The Inter-Ministry Circular No. 35/2006/TTL/BGD-BNV in 2006 issued by the Ministry of Education and Training and the Ministry of Home Affairs provides guidelines on the personnel at public education establishments.

(m) The Inter Ministry Circular No. 65/2006/TTLT/BTC-LĐTBXH in 2006 jointly issued by the Ministry of Finance and MOLISA provides guidelines for vocational training policies for ethnic minority students in boarding schools.

(n) The Ministry of Education and Training also issues other documents on reforming the educational curricula, on the national standard for schools at each education level, and on the minimum quality standards for primary education.

1.2 Implementation

Education for children has seen significant improvements in terms of scale and quality

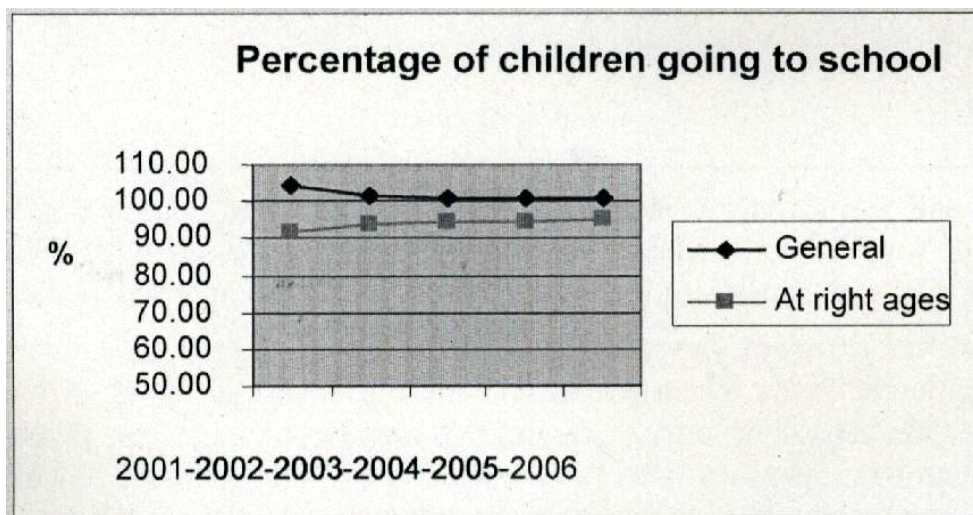
1.2.1 Education scale

219. The Vietnamese Government has promulgated many measures to increase the rate of children attending school at all levels. Many social movements also contribute practical support in conducting child rights to education such as: the Annual School Day for All Children on 1 September; White Shirts for Friends; tuition fee exemption; scholarship and book granting, etc. The enrolment rate has increased each year. The number of children attending kindergarten during the 2005/06 school year increased on average by 3.88 per cent per annum, compared to school year 2000/01. Preschool enrolment rose by 2.47 per cent per annum. In the 2005/06 school year, the percentage of the 5 years of age group attending preschool reached 77.3 per cent. The percentage of primary school students was high, reaching 95.04 per cent in the 2005/06 school year. The percentage of the group of children attending secondary school at the appropriate age was 80.3 per cent. Repetition and drop-out rates were decreasing. For the 2005/06 school year, completion rates for primary students was 95.97 per cent, repetition is 1.02 per cent and the drop-out rate was 3 per cent. At the secondary school level, completion, repetition and drop-out rates were

92.81 per cent, 1.20 per cent and 5.93 per cent respectively. By December 2007, junior secondary education has been universalized in 42 out of 63 provinces and cities.⁴¹

Chart 12

Percentage of children going to school



220. Children in special circumstances, poor children, migrant children, ethnic minority children, etc., are given appropriate attention by better conditions for education, career guidance, and access to vocational training through alternative education models (such as mobile classes, integrated classes and “Classrooms of Love”, classrooms for children in fishing villages, classrooms in reform schools, etc.). Furthermore, the integration education system for children with disabilities has been incorporated in 63 provinces and cities with the establishment of steering committees on education for disabled children at district and provincial levels. At present, over 7,000 children are receiving training at nearly 100 specialized educational establishments. Children with disabilities enjoying integrated education rose from 70,000 in 2003 to 230,000 in 2006, reaching 24.22 per cent of the total number of disabled children. For orphaned and disabled schoolchildren, 100 per cent are exempt from tuition fees and other contributions.⁴² Street children attending school in 2006 increased twice as much as in 2005 and schoolchildren in fishing villages increased from 8,300 in 2005 to 11,600 in 2006.⁴³ Knowledge and moral education for children in conflict with the law have been intensified in Viet Nam. Children in reform schools, and drug treatment services have been educated according to their abilities, and provided with textbooks and school supplies, etc. Boarding schools, day-boarding classes with supports from families are open to children in ethnic minority areas to coordinate the strength of the three education environments (family, school and the community). The Department of Ethnic Minority Education in the Ministry of Education and Training has been established to enhance State management in this sector. Local authorities have many initiatives to support ethnic minority children in gaining access to education. The gap in education among different groups of children, particularly ethnic minority groups has gradually narrowed. The number of ethnic minority children attending schools has increased annually: preschool enrolment rates increased from 12.4 per cent in the 2001/02 school year to 13.74 per cent in 2005/06. In primary schools it increased from 17.2 per cent to 18.5 per

⁴¹ Source: Ministry of Education and Training, 2007.

⁴² Source: Ministry of Education and Training, 2007.

⁴³ Source: MOLISA, 2007.

cent and at junior high schools, from 12 per cent to 14.36 per cent.⁴⁴ (Please refer to Part 2. IX.D).

Information box 7

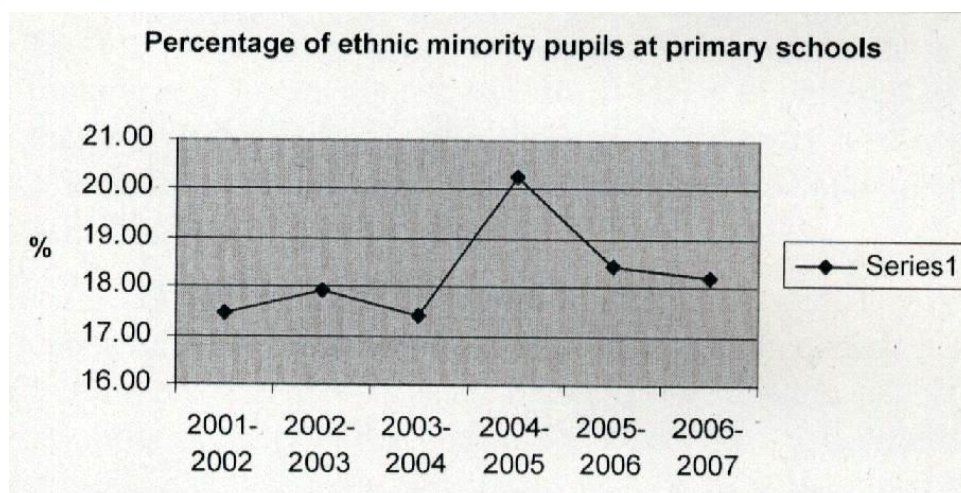
Khanh Hoa, a coastal province in the Central Region of Viet Nam is one of the leading provinces to invest its provincial budget in ensuring the child's right to learn. Special attention has been given to children in special circumstances and to children in ethnic minorities.

In accordance with the Resolution of the People's Council, the provincial budget allocates a certain amount for the provision of a monthly allowance for ethnic minority children from the preschool to secondary school levels. At present, each school-aged ethnic minority child is granted 10 US dollar/month. This allowance is of great meaning, contributing to support households, raising the rate of children to attend school at right age, as well as maintaining the rate of ethnic minority children at schools in Khanh Hoa province.

Source: Department of Labour, Invalids and Social Affairs, Khanh Hoa 2007.

Chart 13

Percentage of ethnic minority children at primary schools



221. Apart from the general education system, the vocational education system (including professional high schools and vocational schools) and the continuing education centres are equipped to provide career guidance for children and to involve children who cannot continue universal education. Community learning centres have been established in order to ensure the equality in education and study for all people, including children. Currently, there are 248 universities, colleges and professional high schools; 40 vocational colleges; 232 vocational schools and 556 professional training centres (the North West region has only 47 professional training units, and are unevenly distributed in the localities). In addition, there are 224 integrated technical centres and employment oriented vocational training centres; 8,359 community learning centres; 636 continuing education centres; 27 continuation schools; 849 foreign language and informatics centres in the continuing

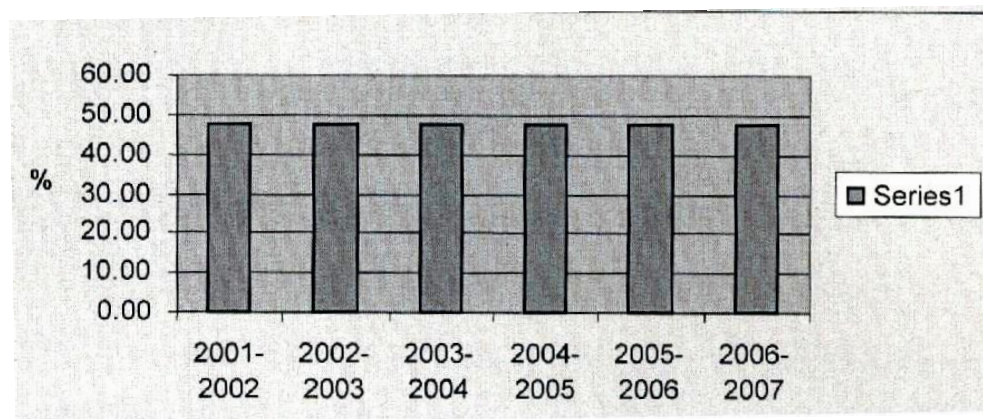
⁴⁴ *Source:* Ministry of Education and Training, 2006.

education system.⁴⁵ Viet Nam is now conducting a project on Supporting vocational training and employment for youth in the 2008–2015 period. This project aims to make breakthroughs in improving the quality and quantity of vocational training, employment, and effective use of the labour force, especially the youth so as to meet the demand for industrialization, modernization and international economic integration. Some concrete measures have been completed including: providing loans for vocational training, job creation or overseas work opportunities (in compliance with current State policies). Additional measures include supporting investment to enhance capacity and modernize 10 pilot-employment training centres by the Youth Union, providing training courses for 60,000 Youth Union members on occupational counselling and employment and increasing the number of youth gaining access to occupational counselling and employment. Furthermore, it includes, equipping youth with knowledge on starting a business, communicating and raising the awareness of the youth and the society on employment and the business setting, supervising and evaluating the implementation of State policies on vocational training and job creation for youth. The MOLISA in collaboration with other related agencies establishes, promulgates and steers the implementation of policies serving the programmes on encouraging vocational training and job creation for youth. It includes preferential credits for vocational training at the high school, college and university levels, preferential credits for young entrepreneurs and for business start-up, and for preferential credits for overseas workers with contracts.

222. Gender equality in children's education has improved over recent years. Male and female students at all levels and in all forms of training have enjoyed a common education system with similar textbooks, facilities, scholarships and allowances. Gender equality is reached in preschool and general education. By 2006, the percentage of girls attending classes was 48.1 per cent at the junior high school level, 47.9 per cent at the primary level, and 45.3 per cent at the preschool level.⁴⁶

Chart 14

Percentage of female students at primary education



1.2.2 Quality of education

223. In recent years, the quality of education has improved through the reform of the general education curriculum, reforming textbooks and the development of the national standard school system at different levels of education as well as the adoption of the movement Saying No to Negatives in Education and Eradication of False Achievement.

⁴⁵ Source: Ministry of Education and Training, 2007.

⁴⁶ Source: Ministry of Education and Training, 2007.

The education sector is now implementing the Project on Five Compulsory Preschool Education and the Project on Integrated education for children in disadvantaged circumstances. At the same time, measures have been implemented to reduce the overload of students' learning and develop teaching system, and to improve facilities for educational establishments. For preschool education, the proportion of malnourished school aged children reduced at an average of 2.1 per cent per year.⁴⁷ The active participation as well as the language development for children in preschool level has increased and integrated after piloting the reforming for care and education of preschool children. For primary school and junior secondary schools, the programme and textbook reforms have helped pupils to be more interested in studying and forming listening, talking, writing and calculating skills, as well as improved their sense of study and practice. The number of Vietnamese students ranking high in national and international talented pupils contest is increasing.

224. Viet Nam has gradually established the appropriate educational organizational structures in order to increase the participation of children in making decisions relating to their study and living. Their organizations like the Youth Union, the Youth Association, the Adolescent Union, Children Star, and children clubs, etc., have been formed and provided favourable conditions for their activities. Many localities have organized meetings with students at different educational levels, including representatives of the People's Councils so that children can express their thoughts on the implementation of the right to education. In addition, Viet Nam has given greater attention to changing teaching methodologies, where children are considered at the centre and incorporating the contents of child rights into educational subjects inside and outside of school activities. The purpose is to create conditions for children to actively participate in the study and obtainment of culture and life skills. The development of the child-friendly studying environment was strengthened through the movement of child-friendly schools, particularly in economically disadvantaged areas. By the end of 2006, with the support from UNICEF, the model of primary schools that are child-friendly have been adopted in 18 provinces with difficult circumstances, with 188 new primary schools and 839 school bases.⁴⁸ Up to June, 2007, there have been 5,922 schools nationwide reaching the national standard where preschool accounts for 13 per cent, primary 27.1 per cent, and secondary schools at 6.6 per cent.⁴⁹ Viet Nam has boosted the position, morality and the teaching profession of the teachers. At present, the teachers have enhanced their professional levels as well as gained knowledge and social skills, information and communication technology, etc., to help improve their quality of teaching and providing a quality education for students. The Ministry of Education and Training established the Teachers Bureau for the enhancement of State management in this field.

225. The Government of Viet Nam has paid due attention to ensure the regular State budget as well as to mobilize resources from the society for education. Attention has been given to make better and more effective use of the projects and national targeted programmes for education development. The State budget in general education has been increased annually (increasing 2.8 times in 2005 compared to 2001). The Government's budget has been used for such main educational objectives as: maintaining and enhancing the results of primary education universalization and illiteracy alleviation, implementing junior secondary school universalization, reforming the curriculum and contents of textbooks and supporting education in mountainous, ethnic minority and disadvantaged areas and, including school construction. The budget mobilized for through socialization

⁴⁷ Source: Ministry of Education and Training, 2007.

⁴⁸ Source: UNICEF Viet Nam, 2007.

⁴⁹ Source: MoET.

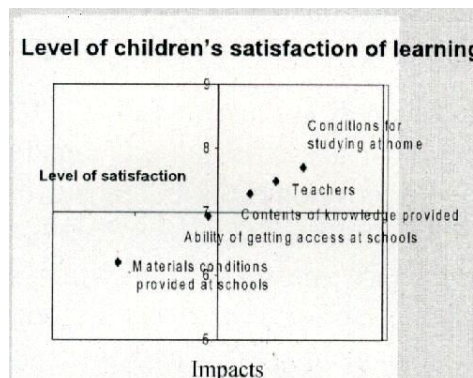
accounts for 30 per cent of the total budget for education, which also includes aids and loans.

Information box 8

The level of satisfaction of learning and studying by children (opinions reflected in the Survey on the “Implementation of some fundamental child rights based on the right to participation”).

Children express that:

They are most satisfied with the conditions for studying brought about by the family, such as having a study corner, time, the support from their parents ... they were least satisfied with drinking water, environmental sanitation, and teaching methodologies. Most of the schools are comparatively far from their homes. The grower the children, the less satisfaction they have with the access to school.



1.3 Limitations and future plans

226. The quality and effectiveness of education and training is not high; the practical capability of students in primary, junior secondary schools and in regular educational establishments are still low, which could not link to the social needs. There are still some educational gaps between rural, remote, mountainous areas and urban areas. The proportion of school enrolment and completion of educational levels for some target groups (such as disabled children, children in ethnic minorities) is still much lower than the average. The rate of child enrolment to preschools is not the same in all areas. Ethnic minority children are still facing with language barriers upon starting their schooling.

227. A number of teachers has not yet met the requirements from education reforms. There is still a limitation in terms of the number of teachers and teacher's knowledge on specialized and integrated education. Constraints still exist in developing mechanisms for recruitment, assigning tasks, regimes and policies for teachers and therefore have not created motivations for teachers to train and improve their own capacity. The capacity and management of non-public schools are still poor. Financial resources have not focused on priority objectives for education and have not met the demands for improving education quality.

228. In the future, Viet Nam will continue to implement the following activities:

- Implementing the Law on Education, developing other guidelines legal documents to improve educational quality with special attention to disadvantaged child groups. The immediate objectives are to continue to expand the network of preschools, primary schools, secondary schools, vocational training schools and integrated education in order to create study opportunities for every child as well as to pay attention to the improvement of education quality and reforming the curriculum, basing on the principle of student centred approach. In addition, the family capacity in orienting children for their future career would be strengthened. At present, Viet Nam is developing the Project on Reform of Vocational Training for the 2008–2015 period.

- Apart from the improvement of the quality of the current teacher system, the Government of Viet Nam will continue to enhance the quality of teachers' training and include such training as specialized and integrated education for students in the teachers' training universities. In addition, Viet Nam will focus on strengthening the quality, quantity, as well as the structure of the teacher system. Viet Nam will also invest such educational facilities as textbooks, tables and desks, schools and classes, libraries, labs, recreation areas, and sanitation environment of schools. On the other hand, the Vietnamese Government will enhance the communication and socialization of education and set-up special support policies on education for mountainous, difficult and ethnic minority areas.

2. Cultural activities and recreations (art. 31)

2.1 Legal documents

229. The Land Law in 2003 stipulates that the State encourages the use of land for culture, health care, education and training, and sport development purposes for which children are one of the targeted beneficiaries. Other measures include:

(a) The Law on Cinema in 2006 sets forth specific regulations on the proportion of films produced and shown for children by film production companies and cinemas.

(b) The National Targeted Programme on Culture to 2010 focuses in reservation of and bring about typical Vietnamese cultural values to every Vietnamese, including children.

(c) Child protection, care and education is considered an indicator for achieving the titles for the Cultural Family, Cultural Village, Cultural Citizen Groups as stipulated in the Decision No. 62/2006/QĐ-BVHTT in 2006 by the Ministry of Culture and Information (now the Ministry of Culture, Sports and Tourism) in order to stipulate the responsibilities of families, and villages on child protection, care and education.

(d) In addition, in order to create conditions for children to gain access to information and publications that are updated and appropriate for children's ages and suitable to Vietnamese traditions, the guiding documents on management of Internet shops, and supervision of online games have been issued. The Inter-Ministry Circular No. 02/2005/TTLT-BCVT-VHTT-CA-KHĐT in 2005 of the Ministry of Post and Telecommunication, the Ministry of Culture, Sports and Tourism, the Ministry of Public Security and the Ministry of Planning and Investment regulates the management of Internet agencies. The Joint Circular No. 60/2006/TTLT-VHTT-BCVT-BCA in 2006 by the Ministry of Post and Telecommunication and the Ministry of Culture, Sports and Tourism, stipulates the management of online games that include the regulations for the protection of children from the negative impacts of these games.

2.2 Implementation

To create a safe and healthy environment for children, Viet Nam has given more attention to the spiritual life of the children

2.2.1 *Investment in the recreation facilities for children*

230. The number of recreational places that have such recreation and amusement facilities for children as children's slides, ferries wheels, etc. at the district, commune/ward levels increases every year. In 2001, there were 261 places, in 2005 the number increased to 534 places – accounting for 80.3 per cent of the number of districts. By 2005, 38 per cent of commune/wards had recreation places for children. In addition, many localities have paid due attention in their local designing so that lands are provided for building recreation

places in communities. Investments have been made for the system of recreational places for children such as children's palaces, children's cultural houses, libraries, public recreation places, parks, cinemas. Up to 2005, there were 224 children's cultural houses and children's houses. In libraries in most communes and wards, there are books for children, in parks in provinces, cities, districts, and recreational places and in schools, there are separate areas with recreational facilities for children. The cinemas also pay attention to show children's films, especially on children's special holidays or in months for action for children. Localities have invested in building recreational places for children and reserve recreational places for schools.

231. Every year, the State receives 15 per cent of the total budget from the National Targeted Programme on the Culture for buying books for children in public libraries and gives priority to publications and support for communication channels for children. The State also invests in recreational and amusement places for children. In 2006, the central level supported localities to purchase publications for 63 provincial mobile libraries and 419 district level libraries. This support was also included for building cultural houses in 150 villages and 30 cultural houses at the communal level, providing cultural-information publications for 2,495 communes and 195 boarding schools for ethnic minority children in remote and disadvantaged areas or areas for ethnic minorities.⁵⁰

2.2.2 *Organization of recreational and amusement activities for children with priority given to children in disadvantaged circumstances, in remote areas and ethnic minority children*

232. Films, television, radios, newspapers, cultural performances and school stages for children have been promoted with a focus on attractive, useful and suitable contents for children. To date, five channels on the National Viet Nam Television and most of the television programmes in provinces and cities contain programmes for children, which provide information about children, including television and radio channels specifically for ethnic minority children.

233. To date, Viet Nam has about 700 newspapers and magazines at the central and local levels which include separate articles and pages reflecting good examples for the individual and examples of how to protect and care for children. In all radios and televisions at central and local levels, there are separate editing groups for children's programmes providing attractive contents for children. At the central level, there are 4 newspapers for children (such as Children's Flowers, Violet Ink, Young Pioneers, Children's Newspapers) and more than 10 newspapers with special pages for children (such as Family and Children Newspapers, Family Planning Magazine, Youth Newspapers, Pioneer Newspapers, Youth Magazines, Supervisor Magazine, Cultural Life Building Magazine, etc.).

234. Traditional and modern recreational and amusement activities have been organized for the appropriate ages and needs of many children's groups, particularly on occasions like the International Day for Children, the Lunar Mid August Tet, Lunar Tet Holiday, and especially during the Month for Action for children (such as sports contests, cultural activities and performances, folk games, talent classes, clubs, tours). Apart from the libraries, there are separate reading rooms for children in order to attract children. To date, in 100 per cent of the provincial libraries, 30 per cent of the district and communal libraries and in many clusters, there are mobile book bags for children. The publications for children have increased in terms of categories and quantity. The number of books for children in 2005 was 1.66 times higher, compared to 2001. The density of newspapers for children increased from 48.1 per cent in 2001 to 63.2 per cent in 2005. On average, each year, 15 per cent of publications are for children.

⁵⁰ Source: Ministry of Culture and Information, 2006.

235. Particular attention has been given to create opportunities for children to gain access to modern information that is appropriate to their age. Cultural publications in ethnic minority languages that are suitable for ethnic minority children have been given priority. Translated and published foreign publications in Vietnamese for children have increased, as well as conditions for children to gain access to suitable and modern information on the Internet.

2.3 Difficulties, challenges and guidelines

236. Most of the cultural and recreational activities for children are conducted in urban areas and cities. Children in rural, remote and mountainous areas have little access to these activities. Local cultural, information institutions and recreation facilities for children are poor, and fail to meet the increasing demand by society. Recreation spots and places for children are still inadequate, and safety requirements are not fully met. Guidance is not provided and recreation activities are not regularly organized in many recreation places.

237. The management of publications and audio-visual products has still been inefficient, resulting in the vulnerability to children to be abused, which have negative impacts on their psychological and emotional development. Moreover, with the development of information technology, the popularity of the Internet and unhealthy computer games and websites, children are likely to be exposed to negative impacts.

238. In the future, Viet Nam's priority is allocated in the following areas:

- Investments to develop cultural, recreational facilities for children in remote, mountainous, and special difficult areas; aiming to reach 100 per cent of the communes and wards with standard cultural and recreational facilities and places for children by 2010. To date, the Government is developing the decree on General planning and designing on cultural and recreational facilities for children by 2010, which provides guidelines for the development of cultural institutions for children. At the same time, the Government provides subsidies for the production and publication of cultural, recreational and sports products for children.
- Maintaining and improving the quality of cultural performances that are fit for children and to create a healthy recreational environment for children. Viet Nam will continue to strengthen and develop new legal documents on protecting children against negative information from the mass media, material, and advertisements that can do harm to their development.
- The State encourages the mobilization of resources from the community and organizations in all economic sectors to build and develop community-based cultural and recreational facilities for children as regulated by the law.

IX. Right to protection and special protection measures (arts. 22, 38, 39, 40, 37 (b)–(d), 32–36)

A. Children in emergency situations

239. In 2006, the CRC Committee recommended that Viet Nam ratify the Optional Protocol II of the Geneva Convention relating to the Protection of Victims of Non-international Armed Conflicts. The following are efforts made by Viet Nam during recent years.

1. Refugee children (art. 22)

240. At present, there are no child refugees or any children seeking refugee status as a victim of armed conflict in Viet Nam.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**2.1 Legal provisions**

241. The Law on Amending and Supplementing a Number of Articles of the Law on Military Service in 2005 sets forth specific regulations on calling upon men aged between 18 and 25 for military service (art. 12). The revised Ordinance on Civil Defence in 2004 stipulates the obligations to participate in civil defence forces by men and women aged between 18 and 45 and aged between 18 and 40, respectively. The Prime Minister's Decision No. 65/2005/QĐ-TTg in 2005 approves the project on Community-based care for orphan children without support, seriously disabled children, children who are victims of toxic chemicals and HIV/AIDS infected children in the period of 2005–2010.

2.2 Implementation

242. Viet Nam only calls for male citizens who have reached full 18 years of age to perform military service. The age for military service is calculated according to year with full 12 months in order to avoid using individuals with adequate years but without adequate number of months. Besides the requirement of age, male citizens should satisfy health requirements in order to be qualified for military service. Conscription is carried out annually. Before enlisting in the army, male citizens who have attained full 17 years of age must register with local recruiting commands for military service and have health checks when they reach full 18 years of age. The documents for military service examination include a personal résumé certified by the local authority, a birth certificate to ensure their identity and age, and a health certificate for the clarification of their health status before joining up. The consideration of military service requirements are conducted by councils on military service from districts to provincial levels.

243. The Vietnamese people have the tradition of peace loving. The State of Viet Nam and the Vietnamese people pay special attention to childcare, education and protection. There have been no armed conflicts in Viet Nam for many years. Vietnamese children enjoy a peaceful life and they have not been enlisted in any armed forces. Viet Nam however, suffers from serious consequences of historically prolonged and fierce wars. Children have been amongst those that have suffered the most. The country has made significant efforts in the communication and education as well as in prevention and control of unexploded bombs, mines and ordnances left behind from wars. This has been carried out through organizing training courses for children and their families, as well as for staff at all levels. In addition, communication campaigns have been launched via the mass media and children have been provided with peer education, community-based education, as well as the integration of communication and education on the dangers of mines and bombs into education curriculums of primary schools in areas suffering serious consequences of unexploded mines, bombs and ordnances. Support and subsidy have been given to families and child victims of toxic chemicals, children wounded by unexploded mines, bombs and ordnances left from wars. In addition to the Government's efforts, Viet Nam has received important assistance from international organizations, governments of other countries and non-governmental organizations. In 2006, 23,683 child victims of toxic chemicals received

care and assistance.⁵¹ Thousands of children however, still suffer from disfigurement, malformations, and long-term health and brain-detriments as a result of their parents being infected with toxic chemicals, particularly, Agent Orange, or due to unexploded mines and bombs left over from wars.

244. In the future, Viet Nam will join international community efforts in improving education and health conditions, mobilizing resources and providing technical support to social programmes that address long-term consequences of the wars, and to therefore, speed up the implementation of relevant international legal provisions. The Government of Viet Nam calls for further supports from the United Nations, international organizations and governments of other countries to help the country redress consequences of the wars, especially consequences that affect children.

B. Children in conflict with the law

245. In 2003, the CRC Committee recommended that Viet Nam:

- Follow standards regarding the administration of the juvenile justice system, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and to comply with the Committee's General Day of Discussion in 1995 on the administration of juvenile justice
- Consider approving a separate law on juvenile justice and setting up a court system for adolescents
- Improve juvenile imprisonment conditions and to ensure that the deprivation of liberty of a child shall be used as the last resort
- Establish appropriate systems for providing physical and psychological recovery and social reintegration services, to increase the number of professional social workers involved in providing these services
- Ensure that all children in conflict with the laws can get access to legal assistance or appropriate support
- Ask for technical supports in this regard from the Office of the High Commissioner for Human Rights and other United Nations members

During the 2002–2007 period, Viet Nam has made concerted efforts in prevention and protecting children from violating the law and helping children in conflict with the laws to reintegrate into the community through revising, supplementing, issuing and effectively implementing the Criminal Procedural Code in 2003, the Civil Procedural Code in 2005, the Law on Child Protection, Care and Education in 2004 and many other subordinate legislations.

1. Juvenile justice (art. 40)

1.1 Legal documents

246. The related legal bases were put forward in the reports of 1993–2002 periods, such as regulations by the 1995 Ordinance on Handling of Administrative Violations 1995, on the age for administrative responsibilities for handling adolescents of administrative violation. The 2002–2007 period has shown Viet Nam's increased attention to harmonize

⁵¹ Source: MOLISA 2006.

the national legal system with the CRC in regard to children in conflict with the laws. During this process, the rules for juvenile justice stipulated in the CRC, the two Optional Protocols to the CRC as well as the regulations in the Riyadh Guidelines and the Beijing Rules have been continuously referred to and taken into consideration. Measures include:

(a) The Law on Child Protection, Care and Education in 2004 states that children in conflict with the laws are amongst children with special circumstances (art. 40). Children in conflict with the laws should be educated and assisted by their families, the schools and society to redress their crimes. Education organized for children in conflict with the law is exercised mainly in communities. Administrative, civil or examination for penal liabilities for children in conflict with the law must comply with law provisions applicable to adolescents. Children in conflict with the law who have been handled through administrative or penal measures, and are separated from their communities for a certain duration, when returning to their families, they shall be facilitated and assisted by the Commune People's Committees in coordination with concerned agencies and organizations, so they are able to continue their schooling, vocational training and seek for work. In case where these children have completed their education or completely served their penalties but still displaced, the provincial People's Committees shall send them to establishments supporting disadvantaged children and facilitate them to learn and seek for jobs (art. 58).

(b) The Criminal Procedure Code in 2003 indicates extended application of criminal procedures for adolescents arrested or held in custody as well as specific cases which require the presence of a family representative of the adolescents while they are interrogated; and the specific rights of the representatives from the family and school of the adolescent accused at the trial.

(c) The Civil Procedures Code in 2005 regulates the steps and procedures to carry out suit, trial and civil judgement enforcement including regulations to protect the legitimate rights of women and children.

(d) The support provided to children in conflict with the law who have completed justice measures or punishments outlined in the Government's Decree No. 36/2005/NĐ-CP in 2005, which details the implementation of a number of articles on the Law on Child Protection, Care and Education in 2004. The Decree regulates the transfer of children in conflict with the law who have finished reform education or punishment and are displaced to child support establishments; and for children in conflict with the law who have finished reform education or punishment and have families but still fail to reintegrate back into their families and are therefore transferred to child support establishments. The Decree also stipulates the responsibilities of the State management agency for children and People's Committees at all levels to promote and encourage agencies, organizations and enterprises to finance and employ children in conflict with the laws who have finished their education or punishment, for work and study.

(e) With regard to the promotion of legal services and assistance for children in conflict with the laws, the Government issues the Decree No. 65/2003/NĐ-CP in 2003 on the organization and related activities of legal counselling. According to the Decree, children in conflict with the laws can seek free legal counselling from legal counselling centres which belong to socio-political, social-professional organizations.

(f) Children and adolescents in conflict with the laws at detention establishments who are infected with HIV/AIDS are regulated in the Joint Circular No. 05/2003/TTLT-BCA-BYT in 2003. The Circular was jointly issued by the Ministry of Public Security and the Ministry of Health, guiding the management, care, treatment and counselling for those children and adolescents affected and infected by HIV/AIDS in detention, prisons, educational establishments and reform schools. (Refer to section II, item II.1.)

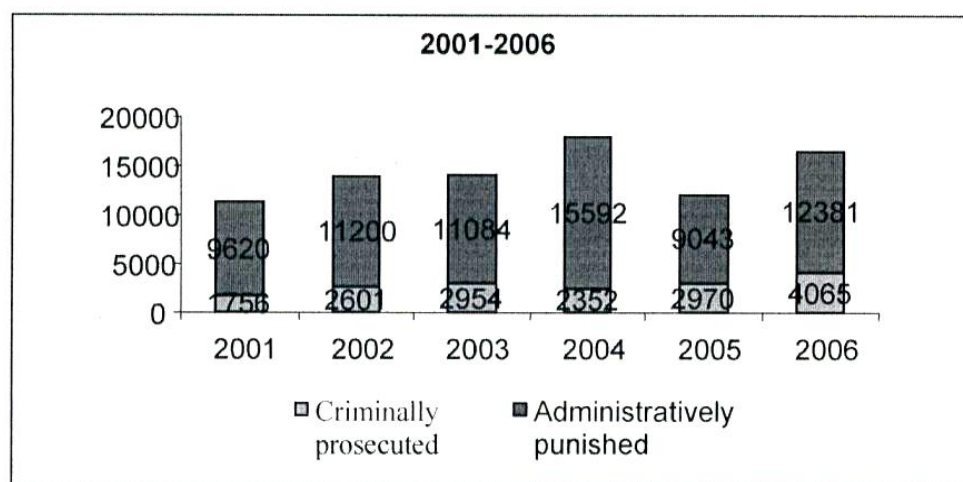
1.2 Implementation

247. According to Vietnamese legislation, children and adolescents in conflict with the law can be handled according to either the administrative or criminal system. The process of handling children and adolescents in conflict with the laws is aimed at educating and helping them redress their wrongdoings and to therefore, become useful citizens. Viet Nam has increasingly paid due attention diversion forms. The country has been developing various forms of educating children in conflict with the laws in communities where organizations, schools and families are all involved in educating the children in conflict with the laws through warnings, criticism and transferring them to the youth union, the women's unions, and to their families and schools for education and management of them in the community. The administrative treatment for sending children to reform school should be the last resort when other measures are no longer effective or when alternative measures cannot be taken. Children in conflict with the laws could be imprisoned only when there is a decision from the judge and this measure only applies to children 14 years of age or above. After these children are released from reform schools, they should be supported and received by local authorities, families, unions and organizations so that they can quickly integrate into the family and community; they should also be provided with vocational training and education.

248. In 2006, there were 10,468 cases and 16,446 children in conflict with the law. This number increased by 17.8 per cent compared to the year 2005; 4,946 children were transferred to their families for management and education; 2,346 were provided with education at communes and wards; 1,831 were taken to reform schools and 2,327 were provided with other educational measures. In 2007, 10,361 criminal cases were committed by adolescents, and decreased by 107 cases or 1 per cent compared to reported cases in 2006.

Chart 15

The number of children in conflict with the law



Source: Ministry of Public Security, 2001–2006.

249. In 2005, Viet Nam conducted a research on children in conflict with the law and the related handling system to these children in the country. The results have contributed to improving related laws, policies and the handling system. The package of 40 juvenile justice indicators has been developed, tested for collecting data, contributing to enhancing the administration of children in conflict with the law.

250. Viet Nam has also focused on improving awareness and the capacity of workers working on children in conflict with the law through developing documents and organizing training on child friendly investigations for key officers of the investigation police forces nationwide. The training programme on child friendly investigation is incorporated into the curriculum of the Police Academy. Child friendly investigation skills has been gradually and effectively applied. At the same time, Viet Nam has been developing the training documents on juvenile justice and counselling for officers in reform schools and lawyers. Viet Nam has also paid special attention to providing legal assistance to children and adolescents in conflict with the law.

Information Box 9

Within the framework of the Project on the Child Friendly Justice System in collaboration with UNICEF, 05 child and adolescents friendly investigation departments have been established and operated in Hai Phong, Dong Thap, Ha Noi, Ho Chi Minh City and Lao Cai since 2006. Child friendly investigation method has been conducted with 13 child abuse cases in Dong Thap and 80 child victims in Hai Phong.

The project has also provided pilot support services for children and adolescents in conflict with the law in some localities and provided education on life skills, psychological assistance and vocational trainings for children in conflict with the law or those at risk of violating the law. Furthermore, the project has organized training courses on laws and policies, and provided legal counselling for parents whose children are children in conflict with the laws. It also coordinated with some reform schools to provide psychological assistance to their students, etc.

Source: Ministry of Justice, 2007.

1.3 *limitations and future plans*

251. Adolescents are a special target group who have not attained fully physical, mental and spiritual development as well as sufficient social awareness. Therefore, it is necessary to pay special attention to this target group, including in criminal legislation. However, the legal system relating to the handling of children and adolescents in conflict with the law has not yet been completely and synchronously developed. Apart from guidance on juvenile justice defined in the Criminal Code and the Criminal Proceedings Code, there is a lack of guiding and subordinate documents as well as a specific child friendly process in order to implement these codes. Diversions and non-criminal handling measures have not yet been implemented effectively and extensively. The coordination among the police, the court and the procuracy agencies with other agencies has not yet been close, particularly in the process of investigating, prosecuting and judging as well as during the community reintegrating for children in conflict with the laws. The capacity, expertise and knowledge of officers working with children in conflict with the laws, especially knowledge about relevant national and international laws and understanding of children's psychology and skills to work with children, are still limited.

252. The communication and public awareness-raising as well as the promotion of capacity on child protection and care have not yet been conducted in an efficient and regular manner, especially in mountainous and remote areas. Guidelines for children and adolescents on their self-protection are still poor. The State's messages and warnings regarding child protection have not yet been accessible to every household. The role of the family in managing and educating children in many households is still low; and therefore have made some children leave their homes to earn her/his living and becoming victims of sexual abuse and offence.

253. At present, Viet Nam is reviewing the existing regulations on diversion, justice recovery and social reintegration to work out detailed guiding documents. Relevant bodies are preparing joint circulars to guide the investigation, prosecution and judgement of cases involving children and adolescents in conflict with the law, child victims or child witnesses. These are aiming to ensure that procedural activities involving children and adolescents would be carried out in a child and adolescent friendly manner and in line with children and adolescents' physical and psychological characteristics. Furthermore, the related agencies are also preparing to develop the National action plan on juvenile justice. In the future, Viet Nam will focus on improving the collaboration mechanism in order to better manage and supervise the handling of children and adolescents in conflict with the law, particularly the community reintegration for these children and adolescents. Viet Nam would also enhance the role of civil society in monitoring the handling of children and adolescents in conflict with the law. The system for data collection on children and adolescents in conflict with the law will also be a priority for Viet Nam in the coming years. The draft Law on execution of civil judgements is expected to be approved by the National Assembly in 2008.

254. Viet Nam is also considering the establishment of a national research centre for criminology including a division specializing in researching crimes related to adolescents. Furthermore, the country continues to consider the establishment of the Family Court with a function of judging crimes relating to adolescents. Concerned agencies in Viet Nam have been further considering the transfer of reform schools from the Ministry of Public Security to the MOLISA. This is a new policy which would reflect new points of view on children in conflict with the laws.

255. Viet Nam will attach great importance to the communication and education of laws in general and laws on preventing and combating child abuse as well as other violations and crimes relating to adolescents to schools, society, and to each family and individual. Viet Nam will also coordinate with international organizations, particularly UNICEF, to enhance child friendly investigation capacity for police investigators, and to continue improving and broadening the child friendly investigation model.

2. Children deprived of liberty, including various types of arrest, detention or imprisonment (art. 37 (a) – (b) – (d))

2.1 Legal documents

256. Regulations on children deprived of their liberty have been set forth in the Penal Code in 1999, the Government's Decree No. 59/2000/NĐ-CP in 2000 and Decree No. 52/2001/NĐ-CP in 2001, regulating the application of main educational measures at the commune and reform schools as the last resort, as stated in reports during the 1993–2002 period. The 2002–2007 period have seen more specific legal foundations regarding this field:

(a) The Criminal Procedure Code in 2003 stipulates punishments applied to adolescents in conflict with the law (art. 303). Accordingly, an adolescent from 14 to below 16 years of age could be arrested, detained with adequate evidence found in accordance with articles 80, 81, 82, 86, 88 and 120 of this Code; but this is only applicable to cases where the offender intentionally commits serious crimes or especially dangerous crimes. A person who is at the age of 16 and under 18 years of age could be arrested, detained if adequate evidence is found in accordance with articles 80, 81, 82, 86, 88 and 120 of this Code; but this is only applicable to cases where the offender intentionally committed serious crimes, committed very dangerous crimes or especially dangerous crimes. The agency which issues the warrant for the arrest and detention of an adolescent has to inform his/her family, or his/her legal representative right after the adolescent is arrested or detained.

(b) Juvenile prisoners shall enjoy the special imprisonment policy and shall be put in prison in a separate place from adults according to article 308 in the Criminal Procedure Code in 2003. They will be subjected to the imprisonment policy for adult prisoners when they become full 18 years of age. The imprisonment policy for juvenile prisoners is stipulated in the Government's Decree No. 60/1999/NĐ-CP in 1999 on regulations of jails. The Government's Decree No. 60/2001/NĐ-CP in 2001 amends article 3 of the regulations in jails, which stipulates that juvenile prisoners shall be jailed separately in accordance with their ages and gender and in accordance with the policy of management, education, work and other daily activities (arts. 10, 13 of the Ordinance on the Implementation of Imprisonment Punishment).

(c) The Criminal Procedure Code in 2003 also extends such measures for preventing the deprivation of juveniles' liberty as to pay a deposit of money or valuable property, while also indicating that supervision is a special prevention measure applied only for adolescent arrestees and accused. These regulations help to restrict the temporary detention of adolescent arrestees and accused as short as possible.

(d) The Law on Legal Aid in 2006 also provides specific regulations on free legal assistance for children in conflict with the laws.

(e) The Government's Decree No. 142/2003/NĐ-CP in 2003 stipulates the application of the administrative handling measures as well as for the consignment of children in conflict with the laws into reform schools. The term for administrative treatment given to children and adolescents in conflict with the laws in reform schools is between 6 and 24 months.

(f) The Government's Decree No. 163/2003/NĐ-CP in 2003 on regulations for the education measures at communes, wards and towns for children and adolescents in conflict with the law defines the responsibility of a certain agency to manage and educate that child or adolescent.

2.2 *Implementation*

257. Workers and teachers in reform schools should have a good understanding of each student and pay attention to the counselling and education activities to help their students progress. The discrimination, torture and inhumane treatment towards these students are strictly prohibited. The reform schools have tried their best to overcome various difficulties and effectively implemented their tasks on administration and education of their students. The children and adolescents' rights to life, honour and dignity have been respected. The students have been provided with improved facilities on accommodations, learning and recreation. They have been also provided with periodic health checks and tested for the HIV, particularly for those of high risks. They are also treated in the schools' health station or specialized hospitals. For those who suffer from long-term treatments, their families would coordinate with the schools to arrange the suspension of their study so that they can be treated at home. If the education remaining period at the school is less than six months after their health recovered, the schools would review and decide to give the students an exemption from the remaining education time. Some reform schools have evaluated and piloted the counselling and psychological treatment for their students.

258. Apart from general education as the first priority, vocation training has been organized in reform schools, which is based mostly on the students' and schools' capacity and includes training on computers, mechanics and sewing etc. Students are given the opportunity to contact and meet their families through meetings of families, visiting the students' accommodations and learning facilities. Those students with good learning results are provided with holidays, tours or participation in cultural exchange among other reform schools. Through these activities, students' families will better understand the schools'

tasks as well as better realize their responsibilities to coordinate with the schools to educate their children. The reform schools have created more conditions for their students to express their views and to be involved in activities related to them, such as the students self-management, assessment on learning results, ranking in competitions etc. These have been in close connection with opportunities to consider reducing their education period, receiving rewards in the form of holidays, tours and setting standards in order to encourage other students to keep the surrounding environment clean and to follow their schools' regulations. The students have also taken part in various children's forums both inside and outside their schools.

259. Furthermore, Viet Nam has promoted the application of measures for preventing such deprivation of children's liberty as temporary custody or detention.

2.3 *Difficulties, challenges and future plans*

260. To date, there are no special guidelines or procedures for the police to use force and special interrogation skills. According to regulations on educating the children and adolescents in conflict with the law in reform schools, these children and adolescents should be educated at the localities before being sent to reform schools. In fact, many students in reform schools have, however, not been educated at localities.

261. About 70-80 per cent of students in reform schools are narcotics addicts or have used narcotics; and approximately 10 per cent are HIV-infected which later develops into AIDS¹. As a result, reform schools become involved in detoxifying and providing health support which do not directly belong to their mandate. This therefore leads to the lack of proper resources and difficulties in administrating and educating these types of students. The general education and vocational training in reform schools have faced various difficulties due to the lack of qualified teachers and short education curriculums. Some reform schools have failed to either organize consistent exams or establish exam councils. Students have mainly been provided with vocational training on jobs which are simple or of low demand. The reform schools have found it hard to implement comprehensive vocational programmes such as sewing, lathing etc., due to insufficient facilities and practice places. Training on informatics only involves basic definitions and the reform schools have not been able to produce high-skilled workers on informatics.

262. The administration of children in conflict with the law in reform schools is still inadequate. Many students run away, resulting to either inadequate law enforcement or more serious crimes.

263. The Vietnamese Government is currently reviewing on how to modify the criminal and administrative sanction system applicable to children and adolescents in conflict with the law. It aims to follow the rule whereby, detention shall only be used as a measure of last resort, and for the shortest appropriate period of time as stipulated in the CRC and other international standards regarding juvenile justice. Viet Nam is also considering transferring reform schools from the Ministry of Public Security to the MOLISA, which implies that there will be a new point of view on children in conflict with the law, who are in disadvantaged conditions and need to be cared for and protected in a friendly environment.

3. **Physical and psychological recovery and social reintegration of children (art. 39)**

3.1 *Legal documents*

264. The Law on Protection, Care and Education of Children in 2004 stipulates that the Government should create favourable conditions for disadvantaged children to enjoy their rights including the rights to education and integration in special education centres (art. 41.3). Children in conflict with the laws are sent to reform schools and after a certain period

of time, they shall be released to their families and shall receive support from People's Committees at the communal/ward level, in order to continue their general education, vocational training or to find jobs (art. 58). Measures taken include:

(a) The Ordinance of the Implementation of Detention Punishment in 1993 and the revised version in 2007, as well as the Government's Decree 142/2003/NĐ-CP in 2003 provide a mechanism for study, daily life and family meeting of children and adolescents in conflict with the laws in detention centres. They also stipulate that before the children and adolescents in conflict with the law complete the detention sentence, the Management board of the jail shall coordinate with administrative and social organizations in the children or adolescent's commune or ward or city to help them reintegrate into the community to have a normal life and to help them redress their wrongdoings.

(b) The National Action Plan for Children for the 2001–2010 period sets forth the goal to enhance recovery and reintegration services and programmes for children in difficult circumstances. It puts forward measures such as encouraging individuals and organizations both inside and outside the country to provide basic social services for children and their families with a focus on counselling, social work as well as to encourage families and communities to raise awareness and skills on child protection, care and education.

3.2 *Implementation*

265. Counselling centres have been established in some provinces and cities. They provide children, especially disadvantaged children with legal, psychological and socio-psychological advice, and assist them with reintegrating into the community. Various communication activities target different kinds of people like children, their families, their communities, officers and concerned agencies. These activities have significantly helped to prevent children from violating the law as well as helped to rehabilitate these children. The National Target Programme for Employment has provided children with vocational training and jobs for these children in conflict with the law. Pilot training courses on consulting skills were provided to workers in reform schools in Hai Phong as part of the project on Child friendly justice system managed by the Ministry of Public Security in collaboration with UNICEF.

3.3 *Difficulties, challenges and future plans*

266. Although the legal system for care and assistance for disadvantaged children is relatively comprehensive, there have been delays in revising and supplementing some specific regulations, leading to lower effectiveness of enforcement. The regulations regarding the administration of children after they finish the imprisonment sentence or finish the reform schools are inadequate and not in a systematic system, resulting in inadequate care and support for some related children and adolescents as well as letting them feel complex and confused and in some cases, recommit a crime.

267. Resources for the implementation of policies and programmes supporting children and adolescents in conflict with the law are still limited and fail to meet the demands. Rehabilitation and reintegration services for these children are still limited and discontinued. There is a lack of professional officers at all levels. The number of social workers in the community is in shortage and these workers are not provided with updated social work and early intervention skills.

268. In the future, Viet Nam will focus on the following activities:

- To build a comprehensive child protection system with a vision to satisfy the demands for protecting children in general and disadvantaged children in particular in the integration and development process. To put forward specific regulations on

assigning personnel in charge of supporting, supervising and assessing the integration of these children after they are released from their reform schools; to provide specific regulations on the responsibilities of local authorities in assisting these children in finding a stable job and preventing them from recommitting a crime.

- To enhance measures for assisting disadvantaged children in general and children and adolescents in conflict with the law in particular in recovering and reintegrating into the community. To establish and develop centres for counselling and communication services at the provincial level and to establish community counselling points. To expand the connection between Child Help Lines Telephone and community counselling points in order to have early discovery and timely interventions.
- To build a professional system of social workers and counselling workers who are provided with systematic training and capable of giving advice and support to children and adolescents in conflict with the law.

C. Children being exploited, including physical and mental rehabilitation and social reintegration (art. 32)

1. Children being exploited for economic purposes, including child labour (art. 32)

269. In 2003, the CRC Committee recommended Viet Nam:

- To ratify and implement Convention No. 138 of the International Labour Organization concerning minimum age for admission to employment
- To build and operate a comprehensive system observing child labourers in both rural and urban areas, in collaboration with non-governmental organizations, community organizations, those who implement laws, labour inspectors and the ILO-IPEC.
- To speed up the National Action Plan on the protection of disadvantaged children (1999–2002), to carry out research on street children and to set up effective settlement strategies

During the past year, Viet Nam has made great efforts in protecting children from abuse and exploitation in line with the recommendations made by the CRC Committee. Actions includes: revising, supplementing and releasing legal documents like the Law on Protection, Care and Education of Children in 2004, the Labour Code in 1994 revised in 2002, 2006 and 2007, etc. At the same time, it has made efforts in speeding up the implementation of programmes such as the programme for prevention and addressing street children, sexually abused children and children suffering hard work in poisonous and harmful conditions for the 2004–2010 period, and the National Action Plan for Children of Viet Nam for the 2001–2010 period. In 2003, Viet Nam ratified the Convention 138 of ILO concerning Maximum Age for Admission to Employment.

1.1 Legal documents

270. The reports made during 1993–2002 confirmed that the use of child workers in hazardous occupations is forbidden in Viet Nam in line with the 1994 Labour Code and other legal documents. More recent measures include:

(a) The Law on Protection, Care and Education of Children in 2004 stipulates that People's Committees at all levels are responsible for discovering and addressing timely cases where children work in hazardous occupations. Furthermore, People's Committees are responsible for creating the conditions for children to attend vocational trainings and

engage in jobs reasonable to their health and their age within their localities. Parents and legal guardians of the children who have to work far away from their home are held responsible for regularly getting in touch with their children to provide them with assistance and education. People's Committees in communes where there are child labourers are responsible for creating conditions for them to live in a safe environment, and to be cared for in the domains of health, study, integrity and dignity (art. 54).

(b) The revised Labour Codes in 2002, 2006 and 2007 provides specific regulations concerning underage labourers (sect. 1, chap. XI). For example, it is forbidden to employ children of less than 15 years of age, except some professions and jobs to be defined by the MOLISA. With regard to some professional services approving children under 15 years of age for work, job learning or apprenticeship, these children must have the consent from and the constant care of their parents legal guardians (art. 120).

(c) The Government has released decrees giving instructions on the implementation of laws relating to underage labourers such as the Decree No. 195/CP in 1994 and the Decree No. 109/2002/NĐ-CP in 2002 which revise and supplement some articles of Decree No. 195/CP that concern the working hours and leisure time. Decree No. 06/CP in 1995 and Decree No. 110/2002/NĐ-CP in 2002 revises and supplements some regulations on occupational safety and health. Decree No. 39/2003/NĐ-CP in 2003 details the implementation of some articles of the Labour Code on Employment and Decree No 44/2003/NĐ-CP in 2003 on the Labour Contract as well as the Decree No/2003/NĐ-CP in 2003 on occupations details the implementation of some articles of the Labour Code on Labour Contracts.

(d) The Vietnamese Government has also provided some sanction measures for the settlement of the violation of laws regarding child and adolescent labourers. For example, Decree No. 113/2004/NĐ-CP in 2004 provides administrative punishment on acts of violation of the law on labour, including the administrative punishment for any violation of the provisions concerning the utilization of adolescent labourers in hazardous occupations with exposure to toxic substances. In addition, article 228 of the Penal Code in 1999 governs the crime on violating provisions on the use of child labourers, under which the offender may face a sentence of 7 years of imprisonment and will be fined up to USD 1,400.

(e) In 2004, the Vietnamese Government approved the Programme for Prevention and Addressing of street children, sexually abused children and children working in hazardous occupations for the 2004–2010 period.

1.2 *Implementation*

271. Viet Nam is speeding up the implementation of the Programme for Prevention and Addressing of street children, sexually abused children and children working in hazardous occupations for the 2004–2010 period, especially projects on street children and children working in hazardous occupations. Emphasis is being made on carrying out communications activities to raise awareness, enhance measures for credits, creating jobs for families of street children or children at risk, supporting street children in returning to their families and stabilizing their life in their localities. At the same time it places emphasis on boosting the management, investigation and supervision of the implementation of laws regarding adolescent labourers.

272. Over the past years, inspectors from the former CPFC and now inspectors from the MOLISA have monitored and inspected the implementation of the Law on Labour regarding adolescent and child labourers in 38 enterprises and manufacturers in seven provinces and cities. The results show that there were no cases of child and adolescent labourers found in State-owned and foreign-invested enterprises. Enterprises using child

and adolescent labourers are mainly limited and liable companies, joint stock companies and private enterprises. When using adolescent labourers, these companies did not have separate records of these children and forced them to work longer than the regulated working hours. In addition, they did not provide them with periodical health checks. The findings of the inspectors were sent to the local authorities for follow-up monitoring and supervision of the operation of these enterprises and for the settlement of these violations.

273. The local authorities have monitored and supervised the situation of children in hazardous occupations. They have applied intervention measures, support and assistance to help the children live in a safe environment and implement their rights. Though there remains a lot of challenges, many successful and effective intersectoral initiatives have been put forth over the past years; thus helping many children get out of working in illegal environments (children working in garbage dumps, in the mineral mines, in private establishments which illegally use child labourers). The authorities have aimed to assist them in integrating into society. The Vietnamese Government is now implementing a pilot model for monitoring and addressing children working in hazardous occupations in nine provinces and cities while also implementing the process for medically treating and rehabilitating child victims of labour accidents and occupational diseases in the provinces of Yen Bai, Thai Nguyen, Thanh Hoa, Long An and Can Tho.

1.3 Difficulties, challenges and future plans

274. The situation on children working in hazardous occupations has not been closely assessed and controlled. The system of information, data processing, and reporting is not good. Monitoring, supervision and inspection work has not been conducted regularly. The settlement of cases in which children were abused is limited and not strict enough to warn violators.

275. Children and their families are not fully aware of the dangers and hazards imposed on children who start to work too early or work in hazardous occupations. Some private enterprises have poor knowledge about laws and children's rights, therefore, leading to the illegal utilization of children (using underage labourers, letting child labourers work longer than regulated work hours and employing them for jobs that are not permitted to involve children). Work orientation, vocational training and job generation for children and adolescents still face various difficulties. The children's education is low while the quality of vocational training is not high and not appropriate.

276. In the future, Viet Nam will conduct a midterm review of the Programme for Prevention and Addressing street children, sexually abused children and children in hazardous occupations for the 2004–2010 period in order to gain a preliminary assessment on the implementation of the programme and to be able to implement appropriate adjustments. Furthermore, Viet Nam will continue reviewing, revising, supplementing and finalizing laws concerning labour, including the issue of child labour, especially for regulations where jobs are illegal and are not permitted to involve child labourers. A plan will be designed to intervene, support and prevent child labour in order to reach the set target that the number of children working in hazardous occupations will be reduced by 90 per cent by 2010.

277. The Vietnamese Government will continue to strengthen the behaviour change communication activities and skill trainings on the prevention and settlement of the issue of children working in hazardous occupations. Surveys and investigations to understand the situation of children working in hazardous occupations will be conducted. The procedures for the treatment and functional rehabilitation for child victims of labour accidents or occupational diseases when they are released from their work will be built. Viet Nam will study and develop a model of integrated education for children who dropped out of schools due to early labour; organize vocational training opportunities and occupation orientation

for these children. Viet Nam will enhance the supervision, monitoring and inspection into the issue of children working in hazardous occupations in order to timely prevent and settle acts of legal violations as well as to support children.

2. Sexual exploitation and sexual abuse (art. 34)

278. In 2003, the CRC Committee recommended that Viet Nam:

- Continue to strengthen national and subregional strategies and programmes on the prevention of sexual exploitation and trafficking
- Train law enforcement officials, social workers and prosecutors on receiving, monitoring, investigating and prosecuting complaints effectively and in a child-sensitive manner
- Ratify the Protocol on preventing, tackling and punishing crimes of trafficking in humans, especially in women and children, supplementing the United Nations Convention against Transnational Organized Crime

In 2006, the Committee recommended that Viet Nam:

- Supplement and revise regulations on child trafficking, child prostitution and child pornography; to protect the rights of child victims, to investigate child abuse crimes
- Withdraw reservations on article 5 concerning extradition of offenders in the Optional Protocol on the sale of children, child prostitution and child pornography

In 2002–2007, Viet Nam continued to strengthen the protection of children from sexual abuse as recommended by the CRC Committee, through the promulgation of legal documents on the prevention, protection and care of children as well as regulations on psychological and physiological rehabilitation and community reintegration for child victims of sexual abuse. The Vietnamese Government is also speeding up the extensive implementation of socio-economic measures like enhancing poverty reduction programmes, giving loans at preferential interest rates to help farmers and labourers in disadvantageous areas, in order to support job creation for poverty reduction, to stabilize their life and to have conditions to protect their children. This is a basic policy aimed at reducing child sexual exploitation for commercial purposes.

2.1 *Legal documents*

279. Reports during the 1993–2002 period put forward legal provisions for protection of children from sexual abuse like regulations on the settlement of child sexual abuse crimes set forth in the Penal Code in 1997 and regulations on the settlement of related administrative violations. Recent measures include:

(a) During the 2002–2007 period, the Law on Protection, Care and Education of Children in 2004 stipulates in detail that children have the right to have their physical body, their dignity and their honour respected and protected (art. 14). Article 56 stipulates that sexually abused children are supported by their families, the State and society by providing counselling, physical and mental rehabilitation and by giving conditions for them to have a stable life.

(b) The Ordinance on the Prevention and Control of Prostitution and the Government's Decree No. 178/2004/NĐ-CP in 2004 guiding the implementation of this ordinance defines that sexually abused and exploited children shall be psychologically and physiologically rehabilitated, treated and integrated into the community.

(c) The Prime Minister's Decision No. 52/2006/QĐ-TTg in 2006 approved the Programme for intersectorial coordination on the prevention and control of prostitution in

the period of 2006–2010. One of the objectives of the Programme for the 2006–2008 period is to eliminate child prostitution and to prevent prostitution among students.

(d) In order to control the adverse impacts on the comprehensive development of the physical and mental health as well as the dignity of under 18-year-old labourers (who work in service-oriented employment and at high risk of being exploited and prostituted), the MOLISA in coordination with the Ministry of Health issued an inter-ministerial Circular No. 21/2004/TTLT-BLDTBXH-BYT in 2004, instructing and stipulating a list of work and workplaces where labourers under 18 years of age are not permitted to be employed.

(e) The Vietnamese Government also issued general regulations on the settlement of crimes involving child sexual abuse and exploitation (art. 24 in the Law on Protection and Care of Children in 2004). At present, Viet Nam is considering to withdraw the reservations on article 5 concerning extradition of offenders in the Optional Protocol on the sale of children, child prostitution and child pornography.

2.2 *Implementation*

280. As part of the Programme for the prevention and addressing of street children, sexually abused children and children in hazardous occupations in the 2004–2010 period, the MOLISA chaired the implementation of the Project on Prevention and Control of Sexually Abused Children. This project aims to make health care, social, legal and economic services more accessible to sexually abused children, to assist child victims of sexual abuse and their families and for children prone to sexual abuse, in attending poverty reduction programmes and employment opportunities, etc. Inter-ministerial coordination in preventing and combating prostitution has been consolidated. The social security programmes and policies have been incorporated into socio-economic development plans to protect women and girls. The scheme has been set up and implemented in all 63 provinces and cities across the country. The central budget for the project implementation has been raised significantly. Priority activities include preventing child sexual abuse, supporting the rehabilitation and reintegration for sexually abused children, and providing local workers with training to help them enhance their capacity. Viet Nam has speeded up the dissemination and has outlined instructions on preventing and early detection of child sexual abuse cases in the communities, families and schools, and encouraged them to deal with the rehabilitation of sexually abused victims, denounce acts of violations and create favourable conditions for law enforcement bodies to settle these acts.

Information box 10

The pilot model entitled the “Community-based child protection network” has been implemented by the MOUSA in collaboration with UNICEF in 20 communes and wards in 5 provinces and cities, namely Hanoi, Ho Chi Minh, Dong Thap, Kon Tum and Quang Ninh. The network forms part of the child protection structure in the National Action Plan for Children. The network has conducted child protection activities through providing and helping to connect child protection services, enhancing capacity and active responses from local authorities, branches and individuals in order to protect children against all forms of abuse, injury and exploitation.

Source: Ministry of Labour, Invalids and Social Affairs, 2007.

281. Children who have been found victims of sexual abuse have been provided with economic support, counselling, medical treatment, education and vocational training by provincial authorities to reintegrate into the community. Many localities have taken protective action such as supporting disadvantaged children and children at risks of sexual

abuse. Viet Nam has established a large number of psychological and physical rehabilitation centres and counselling centres which provide child victims in big cities with legal and psychological advice and assists them in participating in charity classes or vocational training courses, etc., to help them reintegrate into the community. The Viet Nam Women's Union is one of the key players in this field.

282. The pilot community-based model for child abuse prevention has been applied in 129 communes and wards in 22 provinces and cities. Through the model, various direct support activities like counselling, school supply support, medical treatment and diagnosis, vocational training, job generation, etc., have been conducted. Most of the children who were found victims of sexual abuse have received timely support. Most child sexual abuse cases were judged strictly. Children's rights have been protected. Over the last three years, about 1,520 children suffering from sexual abuse (accounting for about 85 per cent of the total sexually abused children) have been provided with free medicine and treatment. Furthermore, 900 children of high risk to sexual abuse have received supports, including financial support, school supplies, vocational training, jobs and medical treatment.

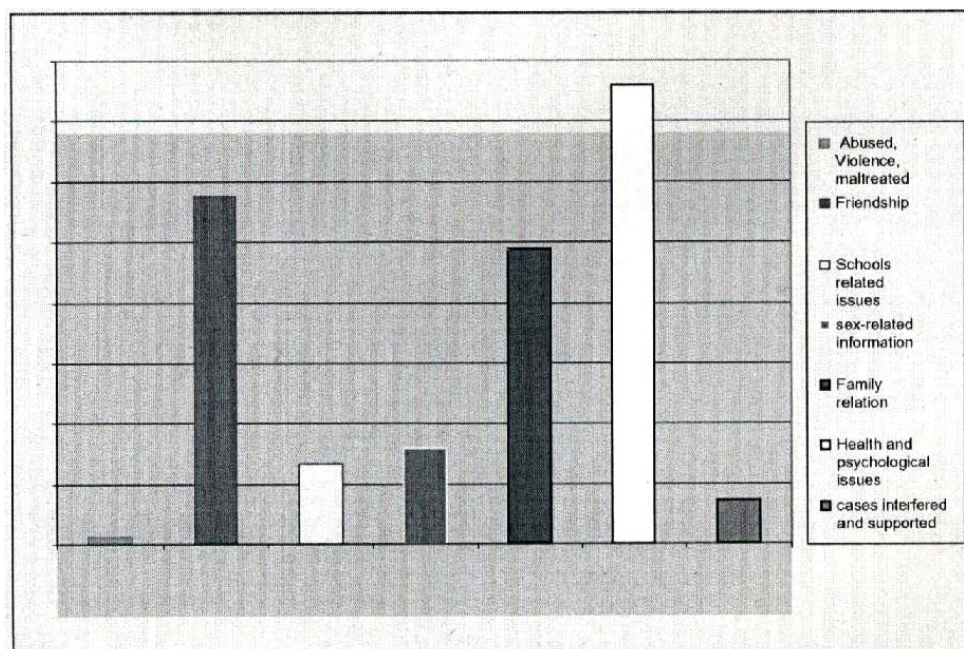
283. Viet Nam has also enhanced State management of public security, promoted inhabitant management, the investigation of temporary residence, the management of offenders, the management over those who do business in hotels, dance halls, karaoke bars, massage parlours, etc., in an effort to prevent child abuse, including child sexual abuse.

Information box 11

After three years of operation, the project for a free Child Helpline Telephone 18001567 jointly implemented by the Centre for Communications Consulting and Services under the MOLISA and the Plan International in Viet Nam has received over 130,300 calls from all provinces and cities nationwide, of which 17,600 cases received timely interventions and support thanks to the coordination of a large number of branches from the central to the local level. Although it is a new service, the Child Helpline is trusted by children, their families and the community. In addition to providing free telephone consulting service, the Child Helpline has coordinated with provincial authorities to conduct community-based support activities to help hundreds of disadvantaged children and injured and abused children. A report on statistical analysis and issues discovered through the Child Helpline has been submitted to the leaders of the MOLISA and its subordinate bodies, the National Assembly's bodies (the Committee for People's Aspiration, the Culture, Education, Youth, Children and Teenagers Committee, the Committee for Social Affairs).

Source: MOLISA, 2007.

Chart 16

Analysis of calls to Child Helpline 18001567

284. Injuries have been conducted through various ways, such as training courses, communication and counselling with the participation of local authorities and the population, through compiling, printing and distributing materials such as leaflets and through other forms of information, education and communication via the mass media, local radio programmes, written articles, etc. on the serious treatment and punishment of child sexual abuse. These activities have influenced various target groups, ranging from children, their families, the community, social organizations and relevant agencies.

2.3 *Difficulties, challenges and future plans*

285. Viet Nam has not had separate regulations on the rights of child victims of crimes, particularly sexual abuse; therefore there are still limited legal procedures that can further harm children during the procedural process. Vietnamese laws have not yet stipulated an effective reporting and intervention mechanism applied in child sexual abuse cases. There are a large number of concerned agencies involved in receiving and handling child abuse cases but no regulation on which agency is mainly responsible for receiving information, evaluation and coordination of the interventions. Child injury cases have not yet been discovered and settled in a timely manner. There are cases on which no criminal settlement was imposed because families involving children did not want to bear a bad reputation, they accepted to receive compensation and agreed not to accuse offenders. This is a basic difficulty for the settlement of child abuse cases. Parents and children themselves have not yet been equipped with sufficient knowledge about the dangers that can make children sexually abused and exploited.

286. In the future, Viet Nam will continue to improve the legal system regarding the prevention of child sexual exploitation for commercial purposes, and child sexual abuse by revising and supplementing legal regulations on juvenile justice, especially in cases where children are witnesses or victims before the court, in order to protect child victims and witnesses. Furthermore, it needs to stipulate and encourage the establishment of the information, data processing and reporting systems regarding the violations of children's

rights, particularly child sexual abuse in order to have early and timely detection, intervention and settlement in line with the laws. It also needs to invest in building effective community-based child sexual abuse prevention models as well as models for supporting sexually abused children, enhancing the translation of activities for supporting sexually abused and injured children into the implementation of local socio-economic programmes in order to increase the amount of resources and effectiveness for these activities.

3. Child trafficking and kidnapping (art. 35)

3.1 Legal documents

287. In addition to legal provisions put forward in previous reports, Viet Nam made great efforts during 2002–2007 period regarding this issue:

(a) Article 6 of the Law on Child Protection, Care and Education in 2004 stipulates the severe punishment of all acts infringing upon children's rights and causing harm to the normal development of children; item 6, article 7 prohibits acts of torture, maltreatment, humiliating, kidnapping, trafficking or fraudulently exchanging children; abusing children for personal benefits; inciting children to hate their parents or guardians or to infringe upon the life, body, dignity or honour of others.

(b) The Programme of Action on the Prevention and Control of Women and Children Trafficking for the 2004–2010 period aims to create great changes in awareness and actions of all branches, authorities and society regarding the work on prevention and control of women and child trafficking in order to control, prevent and basically reduce trafficking of women and children by 2010. In 2005, the Prime Minister approved four projects on “Raising education in the community on the prevention and combating against women and child trafficking”; “Struggling against women and children traffickers”; “Receiving and supporting women and children who have been trafficked abroad upon their repatriation”; and “Building and improving the system of legal documents regarding the prevention and struggle against women and child trafficking”.

(c) In 2007, the Prime Minister released the regulations on receiving and supporting women and children, who have been trafficked abroad, and are repatriated.

(d) To implement these regulations, the Ministry of Public Security, the Ministry of National Defence, the Ministry of Foreign Affairs and the MOLISA issue a joint-ministerial Circular No. 03/2008/TTLT-BCA-BQP-BNG-BLDTBXH in 2008 to guide the steps and procedures for verifying and receiving women and children who have been trafficked abroad, when they are repatriated.

3.2 Implementation

288. To implement the Programme of Action on the Prevention and Control of women and child trafficking for the 2004–2010 period, the National Steering Committee has been established and led by a Deputy Prime Minister and assisted by the leader of the Ministry of Public Security who acts as deputy head of the Committee. Other members of the Committee are from the Ministry of Foreign Affairs, the MOLISA, the Viet Nam Women's Union, the Ministry of Planning and Investment and the Ministry of Finance. Subcommittees have also been established in localities. Related agencies including the Ministry of Public Security, the MOLISA, the Ministry of Justice, the People's Supreme Court, People's Procuracy, the Viet Nam Women's Union, etc., have developed and implemented their own plans to prevent and combat against women and child trafficking. In 2007, the Government organized a reviewing of the first period implementation to prepare for the second period implementation.

289. The communication, education and awareness-raising on protecting children and preventing child trafficking, child prostitution and pornography have been enhanced. The issues of child protection have been significantly mentioned in such mass media as newspapers, radio and television. Crimes of child trafficking have been made public. Many communication campaigns regarding the prevention of child abuse and trafficking have been extensively organized nationwide. Community-based communications models for raising public awareness have increasingly been promoted through the delivery of leaflets, the establishment of crime denouncing letter boxes, the consolidation of people's security groups and communications groups etc. To date, there have been 120,000 communication campaigns raising awareness of more than 3 million people about preventing women and children trafficking. More than 300,000 people have attended cultural exchanges, art performances and short dramas on the prevention and fight against women and child trafficking. Nearly 3,000 news and articles and 36 live reports have been broadcasted. In nearly 4,000 women's clubs with more than 120,000 members, talks and discussions on prevention and fight against trafficking of persons have been organized.⁵² Many agencies and organizations have built their own websites on preventing and fighting women and child trafficking such as Women and Children Trafficking Prevention and Fighting on the Website managed by the Viet Nam Women's Union. On the other hand, trafficking prevention and combating have been integrated into education curriculums in schools. A large number of short-term and long-term training courses have been provided to thousands of officers whose work is involved in preventing and fighting child trafficking and child prostitution like police officers, justice officers, court officers, social workers, officers in labour, invalids and social affairs, etc. Children themselves have increasingly become involved in disseminating and raising awareness on how to protect themselves through forums on preventing and fighting child trafficking and through "Young Boost Communication Group" activities. One of the successes is the forum entitled "Vietnamese – Chinese Children and the prevention and control of women and child trafficking" held in 2006 with the participation of over 100 children from both countries.

290. Viet Nam's concerned agencies for the past year have made great efforts in discovering, investigating and severely treating offences relating to women and child trafficking. Many organized networks on women and children trafficking have been detected and eliminated. For the 1998–2005 period, concerned agencies investigated and started legal proceedings against 1,622 women and child trafficking cases involving 2,765 defendants. People's courts at all levels judged 241 cases involving 448 defendants, of whom 58 were sentenced to serve more than 15 years in prison, 249 faced sentences of between 7 and 15 years in prison and 30 received suspended sentences. At present, 811 offenders involved in trafficking in women and children are serving their imprisonment sentences.

291. In the past years, the Police, the Court, the Procuracy, former CPFC, the Viet Nam Women's Union, the MOLISA, etc. have collected information on child abuse and women and child trafficking in Viet Nam. In particular, great efforts have been made in evaluating the situation of child trafficking since 2004. These efforts include building up indicators for evaluating the progresses in preventing and fighting commercial sexual exploitation of children in East Asia Pacific region and reviewing the trafficking of women and children during 1998–2005, etc.

292. The support for victims is an important part in policies and laws regarding the prevention of trafficking in persons, particularly for children. Children who have been trafficked are considered victims when they repatriate. They shall be received, treated,

⁵² Source: Ministry of Public Security, 2007.

rehabilitated and provided with vocational trainings and jobs in line with their ages, through temporary receiving points at China-Viet Nam and Viet Nam-Cambodia border gates, or at centres for counselling and receiving woman and child victims of trafficking and sexual abuses, at offices for protection of women and children, at social security establishments or open houses, etc. Those vulnerable to trafficking and child victims can also be provided with legal assistance and counselling by legal support centres, communications and counselling offices and the Free Child Helpline Telephone. At present, the process and procedures for receiving, rehabilitating and reintegrating women and children who repatriate to their homes are being implemented and have gained first successes in facilitating the support for victims. In order to assess the current situation, Viet Nam in 2007, conducted a survey on the situation of trafficked people who repatriated in 19 key provinces in the North. Furthermore, woman and children victims of trafficking have been protected while they are involved in procedural processes, and have rights to claim for losses caused by the traffickers in line with the Criminal Procedure Code.

293. To effectively conduct child trafficking prevention activities, the Vietnamese Government has attached great importance to cooperation with other countries and international organizations. To date, Viet Nam has signed more than 20 agreements on mutual legal assistance in preventing and extraditing criminal offences with other countries. Viet Nam has also signed bilateral agreements on the prevention and control of women and child trafficking with Cambodia and Thailand and signed a Memorandum of Understanding on the prevention and control of women and child trafficking with China in order to reach a consensus on the exchanging of information, investigation, identification, victim rescuing and offender arresting. The police and border guard forces in Viet Nam and other countries which share borderlines with Viet Nam have coordinated to open attacks against crimes as well as to organize annual exchange meetings, workshops and surveys etc. Concerned agencies in Viet Nam have also cooperated with the Embassies of France, the United Kingdom, Australia, Russia, Canada, Belarus, etc., in exchanging experiences, and raising capacity about preventing and fighting women and child trafficking. Viet Nam is coordinating with other countries in the region to implement the COMMIT. Viet Nam is also an active member of multilateral forums on preventing and fighting international human trafficking, as well as commercial sexual exploitation of children.

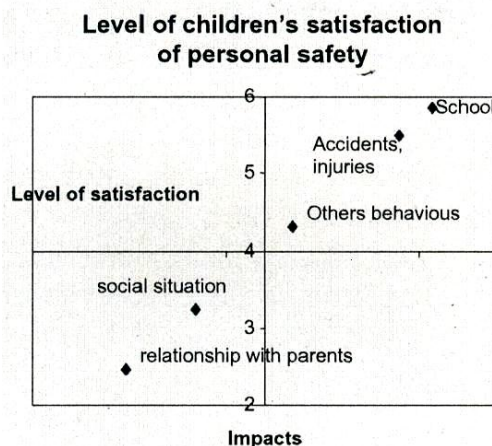
Information box 12

Satisfaction level of children on personal safety (opinions reflected in the survey entitled “Implementing some fundamental rights of children based on the rights they are involved”)

Children said:

Children’s worry and dissatisfaction level is ranked in descending order:

1. Relationship with their parents: parents have to work far from home, father is drunk;
2. Social evils: narcotics, stealing;
3. Violence in the community, in families and at school;
4. Unsafe public traffic conditions;
5. Most children do not know how to protect themselves when facing any risk. Their satisfaction levels with personal



safety are mainly below 5.0.

Satisfaction level of children on personal safety (opinions reflected in the survey entitled “Implementing some fundamental rights of children based on the rights they are involved”).

3.3 *Limitations and future plans*

294. Women and child trafficking crimes are becoming more complicated and on a trend to increase and become transnational, inside the country, many trafficking networks and groups have been operating implicitly. The development and consolidations of legislation have been slowly and inconsistently conducted. There is a lack of legal assistance agreements on extradition as well as on intercountry plans and regulations on the prevention and control of human trafficking, leading to the difficulties in coordinating, exchanging of information, victim identification, crime arresting as well as rescuing and receiving trafficked victims upon their return. The proportion of investigations, discovery and prosecution of offenders have been still limited and have not yet reflected the current situation. On the other hand, these have not yet brought about effectively impacted to such crimes and evils. The collaboration mechanisms between ministries, branches and localities internally and at border areas have not been synchronized with a shortage of specialized staff from the central to local levels. The communication activities have not been incorporated into the local socio-economic plans which have not achieved the expected effectiveness or mobilized the active participation of all people, families, organizations and unions, particularly for the children and women in rural and remote areas to combat against these offenders. The receiving, repatriation and community integration of the trafficked women and children have been facing with several difficulties due to the newly operational mechanism. Due to some inconsistency in procedures for identification and provision of related documents as well as limited financial support, the receiving and repatriation of some trafficked children and women to the homeland have been late.

295. In the coming time, Viet Nam will enhance the communication and education on prevention and control of child trafficking crimes in different ways in order to create the nationwide movement on prevention and control of child trafficking, which is considered as an important measure for prevention. On the other hand, Viet Nam would also enhance the investigation and prosecuting of child trafficking crimes. The country would pay more attention to the revision, supplementation and consolidation of related mechanisms and policies as well as strengthening the effectiveness of receiving and reintegration for trafficked victims upon their return. The international cooperation would also be promoted, while ensuring the adequate budget for implementation.

D. Ethnic minority children (art. 30)

296. The State has issued many policies on socio-economic development for extremely difficult communes in ethnic minority and mountainous areas with a focus in building the electrical system, schools, health stations, traffic roads and markets, as well as through the specific policies on social protection, health care, education, vocational training, child protection etc In the health-care sector, Viet Nam has spent great efforts in implementing policies for free health check-ups, expanded immunization, prevention of malnutrition, prevention and control of injuries and accidents, particularly for ethnic minority children.

297. With regard to the educational sector, Viet Nam has issued many special policies and measures for enhancing the right to learn for ethnic minority children, such as:

- Strengthening and consolidating the network of schools, classes from preschools to secondary schools, developing the preschool classes in communes, hamlets, mountainous or highland villages; gradually opening the kindergartens in communes and organizing day boarding classes
- Applying curriculum and teaching methodologies reasonable to the awareness and learning conditions of ethnic minority students; finding appropriate measures to improve the teaching quality in ethnic areas, based on the socio-economic characteristics of the ethnic minority areas and the learning conditions of students, especially the level of Vietnamese language proficiency of the children before going to school
- Good organization of educational forms in order to reserve and bring into play the ethnic culture by organizing cultural activities and traditional Tet holidays of ethnic minorities; cultural and sport contests for ethnic boarding schools; collecting folklores and gradually incorporating into schools' activities; continuing to maintain the ethnic language in general schools and boarding schools for ethnic minorities
- Enhancing investments in facilities, equipment in order to meet the needs of teaching and learning; increasing the budget allocated for education in ethnic minority areas; effectively implementing the project on strengthening the schools, classes and the service houses for teachers during 2008–2012 period, ensuring the alleviation of the temporary schools and classes
- Studying to issue the guidelines on the suitable criteria for boarding schools and day boarding schools to meet the learning needs of children when the school is far from their families.

298. The development of education in ethnic minority areas has achieved many results in terms of the dimension, network of schools and classes, facilities, training and refreshing training for teachers. At present, all ethnic minority areas have primary schools, many mountainous and highland villages have classes and 100 per cent of the mountainous districts have the boarding schools. For ethnic minority children, in addition to the textbooks in Vietnamese, textbooks in Khmer, Chinese, Ede, Cham, Jrai, Bahnar, Hmong are also available. Besides the official learning curriculum, the schools also provide Vietnamese-language courses during summer holidays so that ethnic minority children can easily gain access to the popular language.

299. The general ethnic boarding schools have existed for more than 50 years and become one system consolidated from the district, provincial to central levels. The system plays an important role in training the future ethnic minority staff with high education level, contributing to the socio-economic building and development of ethnic minority areas. From 2002 to 2007, the number of ethnic boarding schools and students have increased.

Table 17

Data on ethnic boarding schools⁵³

<i>School</i>	<i>School year</i>		<i>2006/07</i>	
	<i>Schools</i>	<i>Students</i>	<i>Schools</i>	<i>Students</i>
Ethnic boarding schools at the district, cluster, communal level	218	47 000	225	64 864
Provincial ethnic boarding schools	45	16 300	47	17 494

⁵³ Source: Ministry of Education and Training, 2007.

<i>School</i>	<i>School year</i>		<i>2006/07</i>	
	<i>Schools</i>	<i>Students</i>	<i>Schools</i>	<i>Students</i>
Central ethnic boarding schools	8	2 982	7	3 386
Total	271	66 282	279	85 744

300. In addition, there are day boarding schools and integrated classes. The ethnic day boarding schools (boarding schools supported by the population) are the common model in the mountainous areas in the North, Northwest, and Central Highlands, with significant contributions from the families. Thanks to the boarding schools, the ethnic minority students who live far from schools can stay the whole day at school, so their learning is improved. This helps them to complete classes and educational levels. In the 2006/07 school year, the day boarding schools increased with 240 schools (181 junior secondary schools and 59 secondary schools), attracting nearly 88,000 students. Another education form is the integrated classes, which enrol ethnic minority students of different ages who live in remote areas without appropriate conditions for opening a single class to learn. These integrated classes create studying opportunities for children without having to leave home. At present, the integrated classes have developed in many provinces. In 2006/07, 7,960 integrated classes were developed in 55 provinces and cities with 7,960 classes and about 122,800 students at primary education level.

301. The Government has increasingly given attention to vocational training for ethnic minority children. In 2005, the Prime Minister issued the Decision No. 267/2005/QĐ-TTg on the policy of vocational training for ethnic minority students which stipulates that the students graduating from secondary schools, secondary ethnic boarding schools (including day boarding schools) are recommended for enrolment in boarding vocational training with a priority to ethnic minority students in especially disadvantaged areas. The vocational training period is from three months and above. During vocational training periods, these students have been granted fellowships, social relief and other policies as students in ethnic boarding schools. The managing staff and vocational training teachers for ethnic minority areas have also developed. (*Refer more to Part two, IV.1, VII, VIII, IX.*)

3. Limitation and future plans

302. In addition to the achievements, there have also been many challenges to the realization of the rights of ethnic minority children. The access to social services for ethnic minority children is still limited. The proportion of malnourished students is still high and the rate of ethnic minority students graduating from different educational levels including university and college levels is still low. The number of vocational training teachers who are ethnic minorities is very limited compared with the total number of permanent teachers nationwide. In vocational training colleges, the proportion of ethnic minority teachers accounts for only 1.2 per cent of the total permanent teachers and 1.43 per cent of the total vocational training teachers. In vocational training schools, these rates are 1.13 per cent and 1.28 per cent respectively, while it is 1.13 per cent and 1.18 per cent in vocational training centres.

303. To overcome the above-mentioned issues, in the future, Viet Nam will focus on:

- Investment in social infrastructure with an integration into the socio-economic development programme as well as to conduct training and vocational training towards the improvement of income and poverty alleviation for ethnic minority households. These would help to create good conditions for families to better care and raise for their ethnic minority children.

- Enhancing the implementation of the programme on strengthening the schools and classes, providing policies to further encourage the improvement of the quality of managers and teachers in mountainous areas; to give priorities to mountainous and ethnic minority areas in order to continue to invest, upgrade and expand the system of ethnic boarding schools with an aim to create best conditions for ethnic minority students.
- Strengthening the communication and education as well as providing career counselling for ethnic minority children, creating conditions for the children to benefit from vocational training, having jobs and incomes when they grow up. In the meanwhile, it is necessary to establish the network of vocational training schools and to create new ethnic vocational training boarding schools. In addition, the authorities at different levels would actively support the upgrading, purchasing of new equipment for teaching and learning in selected vocational training centres as well as carrying out preferential policies, mobilizing the investment of all economic sectors in vocational training, and diversifying the vocational training resources for ethnic minority pupils.

Part Three. Conclusion

304. Child protection, care and education is a long-standing tradition in Viet Nam and it is also considered the responsibility of families, society and of the State. In recent years, child protection, care and education have been given greater attention. The awareness as well as the responsibilities of related agencies, economic and social organizations at different levels and citizens on child protection, care and education have been increased. Most children, irrespective of their sex, location, or ethnicity, have enjoyed basic rights. Their voices have been gradually listened and responded to. Children have become more self-confident, and more integrated with higher responsibilities and cooperation.

305. Thanks to strong political commitment, the acceleration of socialization for child protection, care and education and the increased investment in child-related targets from State budget, as well as the enhancement of international cooperation on child protection, care and education, Viet Nam has got many achievements in recent years.

306. However, Viet Nam would have to continue handling the contradictions arising as a result of the market economy in order to assure economic growth in parallel with social progress and equity, reduction of differences among various regions and groups of populations, so that every citizen, particularly every child can enjoy all the achievements of economic growth.

307. The Government of Viet Nam shall continue to take practical measures in order to assure the children's rights by:

- Strengthening the guiding and leadership by the State and authorities at different levels over child protection, care and education, while promoting the participation of socio-political, economic, social organizations, families and schools.
- Implementing effectively the current legislation and policies as well as further enhancing these legal systems and policies to respond to the newly emerged requirements relating to the realization and protection of child's rights and in compliance with the international laws. At the same time, focusing on effective integration of child issues into national and local socio-economic development plans.
- Enhancing investment of resources in child protection, care and education, including the budgets from the State, national and international organizations and individuals.

- Strengthening and consolidating the organizational structure as well as training staff and collaborators and setting up policies for grass-roots staff.
- Improving the databases, collecting and sharing the information relating to children; enhancing evaluation, inspection and monitoring the implementation of child rights.
- Paying more attention to the scientific research and studies on children in order to meet increasing requirements for child protection, care and education.

308. The Government of Viet Nam is committed to further exercise the child's rights and to look forward to effective cooperation with the Governments of other countries, international organizations and non-governmental organizations in implementing the child rights in Viet Nam.

Annexes

Annex I

List of related legislations issued by the National Assembly and the Government in 2002–2007 period

1. Amended and Supplemented Labour Code in 2002
2. Law on Criminal Procedural in 2003
3. Land Law in 2003
4. Law on Child Protection, Care and Education in 2004
5. The Civil Code in 2005
6. The Code on Civil Procedure in 2005
7. Education Law in 2005
8. Amended Law revising some articles of the Law on Military Service in 2005
9. Law on National Defense in 2005
10. Law on Vocational Training in 2006
11. Law on Cinema in 2006
12. Law on Prevention on HIV/AIDS prevention and control in 2006
13. Gender Equality Law in 2006
14. Law on Legal Assistance in 2006
15. Law on Residence in 2006
16. Law on Family Violence in 2007
17. Law on Communicable diseases in 2007
18. Law on Judicial Assistance in 2007
19. Ordinance on Punishments of Administrative Violence in 2002
20. Population Ordinance in 2003
21. Ordinance on Civil Defense in 2004
22. Decree No. 32/2002/NĐ-CP in 2002 on application of Law on Marriage and Families for ethnic minorities
23. Decree 39/2002/NĐ-CP in 2003 on employment
24. Decree 44/2002/NĐ-CP in 2003 on labour contract
25. Decree No. 51/2002/NĐ-CP in 2002 regulating in details the implementation of the Press Law
26. Decree No. 142/2003/NĐ-CP in 2003 issuing the regulations on application of punishment of administrative violence

27. Decree No. 163/2003/NĐ-CP in 2003 issuing regulations on educational types in communes, wards and cities, towns
28. Decree No. 65/2003/NĐ-CP in 2003 on organization, activities of legal consultancy
29. Decree No. 88/2003/NĐ-CP in 2003 regulating the organizational structure, operation and management of associations or unions
30. Decree No. 113/2004/NĐ-CP in 2004 on punishments of administrative violations to labour legislations
31. Decree No. 178/2004/NĐ-CP in 2004 guiding the implementation of the Ordinance on Prevention and Combat against prostitution
32. Decree No. 184/2004/NĐ-CP in 2004 regulating the social subsidy, supports to health, orthopaedic and rehabilitation for disabled people
33. Decree No. 36/2005/NĐ-CP in 2005 on detailed regulations on implementation of some articles of the Law on Child Protection, Care and Education
34. Decree No. 158/2005/NĐ-CP in 2005 on birth registration
35. Decree No. 69/2006/NĐ-CP in 2006 on detailed guidelines for implementation of some articles of the Law on Marriage, Family relating to Marriage, Family having foreign issues
36. Decree No. 53/2006/NĐ-CP in 2006 on policies for encouraging the developments of non-public service providing bases
37. Decree No. 75/2006/NĐ-CP in 2006 on detailed regulations of guidance to the implementations of some articles of the education law
38. Decree No. 76/2006/NĐ-CP in 2006 regulation punishments of administrative violence in justice
39. Decree No. 122/2006/NĐ-CP in 2006 on detailed regulations for implementation of some articles of the revised Law on Military Service 2005 on policies and regimes for non-commissioned officer and soldier in military service
40. Decree No. 114/2006/NĐ-CP in 2006 regulating punishments of administrative violations on populations and children
41. Decree No. 139/2006/NĐ-CP in 2006 on detailed regulations and guidance for implementation of some articles on vocational training of the education law and labour code
42. Decree No. 131/2006/NĐ-CP in 2006 issuing regulations on managements and uses of the official development aids
43. Decree No. 186/2007/NĐ-CP in 2007 regulating the functions, duties, competence, and the organizational structure of the MOLISA including the regulations on State management of child issues
44. Decision No. 161/2002/QĐ-TTg in 2002 of the Prime Minister on policy for development of the preschool education
45. Decision No. 26/2002/QĐ-TTg in 2002 issued by the Prime Minister on regimes for the resistance fighters and their children who are the victims of toxic chemicals
46. Decision No. 161/2002/QĐ-TTg in 2002 of the Prime Minister on some c□a Prime Minister

47. Decision No. 16/2004/QĐ-TTg in 2004 of the Prime Minister on supports to households having from two people unable to serve themselves as the consequences of toxic chemicals used by Americans during wars in Viet Nam
48. Decision No. 19/2004/QĐ-TTg issued in 2004 of the Prime Minister approving the programme on prevention and handling street children, sexual abused children and children working in hazardous occupations in 2004–2010 period
49. Decision No. 38/2004/QĐ-TTg in 2004 of the Prime Minister on policy for financial support to families, individuals rearing orphan, helpless folk
50. Decision No. 120/2004/QĐ-TTg in 2004 of the Prime Minister on some regimes for resistance fighters and their offspring intoxicated by toxic chemicals used by Americans during the wars in Viet Nam
51. Decision No.130/2004/QĐ-TTg in 2004 of the Prime Minister approving the action programme on Prevention and Combat against women and children trafficking crimes during 2004–2010
52. Decision No. 187/2004/QĐ-TTg in 2004 of the Prime Minister on the establishment of the Steering Committee of the programme on Prevention and Combat against women and children trafficking crimes
53. Decision No. 09/2005/QĐ-TTg in 2005 of the Prime Minister approving the project on development, building capacity for teachers and educational management officers during 2005–2010
54. Decision No. 62/2005/QĐ-TTg in 2005 on policy for supporting the compulsory education at secondary level
55. Decision No. 65/2005/QĐ-TTg in 2005 of the Prime Minister approving the project on Cares for orphans without supporters, abandoned children, disabled children, children who are victims of the toxic chemicals and HIV infected children during 2005–2010
56. Decision No. 244/2005/QĐ-TTg in 2005 on the regimes for supporting and providing preferential to public school teachers
57. Decision No. 106/2005/QĐ-TTg in 2005 approving the strategy for development of Vietnamese family during 2005–2010
58. Decision No. 312/2005/QĐ-TTg in 2005 issued by the Prime Minister approving the projects under the action Programme on Prevention and Combat against women and children trafficking crimes during 2004–2010
59. Decision No. 313/2005/QĐ-TTg in 2005 on some regimes for HIV/AIDS infected people and for the people directly managing, treating, and caring for HIV/AIDS infected people in State social protection bases
60. Decision No. 52/2006/QĐ-TTg in 2006 approving the Programme on interdisciplinary cooperation for prevention and combat against prostitution in 2006–2010 period
61. Decision No. 112/2006/QĐ-TTg in 2006 on developing learning society and approving the project on Education for All
62. Decision No. 149/2006/QĐ-TTg in 2006 of the Prime Minister approving the Project on “Development of preschool education during 2006–2015”
63. Decision No. 239/2006/QĐ-TTg in 2006 issued by the Prime Ministers approving the Project on Support to Disabled People during 2006–2010

64. Decision No. 17/2007/QĐ-TTg in 2007 of the Prime Minister issuing the Regulations on Receipt and support to the community reintegration for women, children trafficked coming back from overseas
65. Instruction No. 03/2005/CT-TTg in 2005 of the Prime Minister on enhancement of State management of Marriage, Family having foreign nationality
66. Instruction No. 24/2007/CT-TTg in 2007 of the Prime Minister on exemption from fee for birth, marriage and death registration

Annex II

Information on survey on implementation of some basic child rights based on the rights to participation

In order to create opportunities for children's inputs in the 3rd and 4th reports on Viet Nam's implementation of the CRC, in 2007, the former CPFC collaborated with UNICEF to conduct the survey on "**Implementation of some basic child rights based on the rights to participation**".

Thirty-six children in Tu liem, Hanoi participated in the detailed discussion about the contents of the questionnaires before guiding the survey to more than 400 children in 20 communes of 10 districts under 6 provinces, cities⁵⁴ who are the investigators participating in the interviews randomly selected from 1,238 children at the age of 10–18. The children grade by marking from 1 to 10 of their satisfaction levels of some fundamental rights relating to *food, clothes, housing, health, medical services, environment, learning, educational quality, relationship in family, society, personal safety, participation, expectation and opportunities*. In addition, there are more than 130 children participating in 10 discussion groups through drawing pictures, time mapping, places where they go to, their daily activities. These are visual tools developed by themselves which help them to focus in discussion of some contents on the awareness of child rights, the participation, the reasons of satisfaction and dissatisfaction in implementation of the child rights.

The technique for development of the questionnaires and data processing are transferred by the Sweden Child Inspection Organization (OMBUSMAN).⁵⁵ Although the size of the sample does not represent the children's opinions all over the country but some results of the survey are quoted under herewith as part of "*children's voices*" which will be incorporated into *Part two: Viet Nam will implement the CRC and the two Optional Protocols* of this report.

⁵⁴ Hochiminh City, Tien Giang, Quang Binh, Vinh Phuc, Lang Son.

⁵⁵ The issues are illustrated in 01 chart with the X axis representing the level of impacts while Y axis be the level of satisfaction. If the issues lay on $\frac{1}{4}$ of the right above right angle, that means the issue is of large impact to their existing life and this issue is considered good by children. If the issue is in the $\frac{1}{4}$ of the under right angle, the children are not satisfied with issues which do not affect their existing life. Accordingly, the policymakers and planner, programme and project developers can know which to affect to so as to increase their satisfaction levels and this is synonymous with improvement of the life for children.

Annex III

Basic data on children

Annex 1

Some basic socio-economic and population indicators

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>Source</i>
Real GDP per capita GDP	Thousand VND	6 719.92	7 582.49	8 719.89	10 098.04	11 571.00	13 434.30	General Statistics Office (GSO)
GDP growth rate	%	107.08	107.34	107.79	108.44	108.23	108.48	Statistical Yearbook – GSO
GDP growth rate in the agriculture, forestry and fisheries sector	%	104.17	103.62	104.36	104.02	103.69	103.40	Statistical Yearbook – GSO
GDP growth rate in industry and construction	%	109.48	110.48	110.22	110.69	110.38	110.60	Statistical Yearbook – GSO
GDP growth rate in the services sector	%	106.54	106.45	107.26	108.48	108.29	108.68	Statistical Yearbook – GSO
Total State budget spending	Billion VND	148 208	181 183	214 176	219 038*			Statistical Yearbook – GSO
Percentage of poor households	%	28.9		18.1		15.5	14.84	Viet Nam Household Living Standard Survey (VHLSS) – GSO
Red River Delta	%	22.4		12.9		10.1	9.62	VHLSS – GSO
North East	%	38.4		23.2		22.2	21.36	VHLSS – GSO
North West	%	68.0		46.1		39.4	38.08	VHLSS – GSO
North Central Coast	%	43.9		29.4		26.6	25.79	VHLSS – GSO
South Central Coast	%	25.2		21.3		17.2	16.32	VHLSS – GSO
Central Highlands	%	51.8		29.2		24.0	22.98	VHLSS – GSO
South East	%	10.6		6.1		4.6	4.33	VHLSS – GSO
Mekong River Delta	%	23.4		15.3		13.0	12.43	VHLSS – GSO
Per capita income per household	Thousand VND	356.08		484.38		636.48		VHLSS – GSO
Urban	Thousand VND	622.06		815.43		1 058.3587		VHLSS – GSO
Countryside	Thousand VND	275.13		378.09		505.6796		VHLSS – GSO
Red River Delta	Thousand VND	353.10		488.18		653.31431		VHLSS – GSO

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>Source</i>
North East	Thousand VND	268.75		379.86		511.192		VHLSS – GSO
North West	Thousand VND	196.98		265.69		372.512		VHLSS – GSO
North Central Coast	Thousand VND	235.42		317.09		418.312		VHLSS – GSO
South Central Coast	Thousand VND	305.84		414.86		550.65774		VHLSS – GSO
Central Highlands	Thousand VND	244.03		390.18		522.37458		VHLSS – GSO
South East	Thousand VND	619.68		832.97		1 064.7452		VHLSS – GSO
Mekong River Delta	Thousand VND	371.30		471.07		627.64718		VHLSS – GSO
Share of spending for education in household's total spending	%	6.13		6.33		6.40		VHLSS – GSO
Population	Thousand people	79 727	80 902.4	82 031.70	83 106.3	84 136.8	8 5154.9	GSO
Red River Delta	Thousand people	17 456	17 648.9	17 836.4	18 028.3		18 400.6	GSO
North East	Thousand people	9 137	9 123.2	9 244.0	9 354.7		9 543.9	GSO
North West	Thousand people	2 350	2 487	2 524.0	2 563.1		2 650.1	GSO
North Central Coast	Thousand people	10 299	10 410.1	10 504.0	10 604.8		10 722.8	GSO
South Central Coast	Thousand people	6 786	6 899.8	6 981.2	7 049.8		7 185.2	GSO
Central Highlands	Thousand people	4 407	4 570.5	4 673.9	4 757.9		4 935.2	GSO
South East	Thousand people	12 579	12 881.4	13 192.1	13 491.7		14 193.2	GSO
Mekong River Delta	Thousand people	16 714	16 881.5	17 076.1	17 256.0		17 523.9	GSO
Population growth rate	%	1.32	1.47	1.40	1.31	1.24	1.21	GSO
Urban	%	2.84	4.23	4.16	2.76	2.04	2.53	GSO
Countryside	%	0.83	0.55	0.44	0.79	0.95	0.72	GSO
Rate of female population in total population	%	50.84	50.86	50.86	50.85	50.85	50.85	GSO
Rate of urban population in total population	%	25.11	25.80	26.50	26.88	27.09	27.44	GSO
Crude birth rate (CBR)	%	19.0	17.5	19.2	18.6	17.4		Overall population investigation 1999, population change investigation – GSO
Crude death rate (CDR)	%	5.8	5.8	5.3	5.3	5.3		Population change investigation – GSO

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>Source</i>
Total number of children under 16 years old	Nghxn ngi	26 796.3	26 387.7	26 024.9	25 693.5			Committee for Population, Family and Children
Rate of children under 16 years old in total population	%	33.61	32.62	31.73	30.92			GSO and Committee for Population, Family and Children
Rate of people under 18 in total population	%	38.60		34.10		33.27		Overall population and housing investigation – GSO 1999, VHLSS 02/04, population change investigation 2006 T
Rate of people under 18 living in poor households	%	14.34		11.82		11.05		VHLSS – GSO

* Estimates.

Rate of poor households in 2004 and 2006 is calculated according to the Government's new standards.

Annex 1

Some basic socio-economic and population indicators

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Source</i>
Expenses for caring of disadvantaged children	Billion VND	55.55	74.78	89.67	149.00		Ministry of Labour, Invalids and Social Affairs
Of which, community-based rearing supports	Tỷ đồng	37.57	47.91	42.63	56.7		Ministry of Labour, Invalids and Social Affairs
Supports for rearing children in centres	Tỷ đồng	17.96	18.92	38.12	32.25		Ministry of Labour, Invalids and Social Affairs
State budget for free medical treatment for children under 6 years old	Tỷ đồng				762	732	Ministry of Finance
State budget spending on programme for poverty reduction and employment	Tỷ đồng	651				925	Government Report 2006
State budget spending on programme for clean water and environment hygiene in rural areas	Tỷ đồng	215				353	Government Report 2006
State budget spending on programme for population and family planning	Tỷ đồng	422				572	Government Report 2006
State budget spending on education and training programme	Tỷ đồng	710				2 790	Government Report 2006

Annex 2

Some basic health-care indicators

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Source</i>
Number of doctors per 10,000 people	%oo	5.65	5.88	5.88	6.03	6.23	Ministry of Health
Rate of communes/wards where have doctors	%	61.50	65.40	67.80	69.40	65.1	Ministry of Health
Red River Delta	%	85.4			83.3	79.2	Ministry of Health
North East	%	46.5			67.9	58.1	Ministry of Health
North West	%	22.2			23.4	23.7	Ministry of Health
North Central Coast	%	45.8			58.5	59.9	Ministry of Health
South Central Coast	%	53.2			59.4	53.2	Ministry of Health
Central Highlands	%	50.7			53.3	52.6	Ministry of Health
South East	%	85.2			87.7	83.5	Ministry of Health
Mekong River Delta	%	72.6			82.3	78.0	Ministry of Health
Rate of communes/wards where have midwives	%	91.30	93.10	93.00	93.50	93.28	Ministry of Health
Rate of communes/wards having medical centres	%	98.20	97.05	98.61	98.19		Ministry of Health
Rate of villages having health-care workers	%	89.80		93.30	87.40		Ministry of Health
Average prenatal check-ups of a pregnant woman	times	2.20	2.50	2.70	2.70		Ministry of Health
Rate of pregnant women injected with tetanus vaccines two times or more	%	89.3	91.00	92.00	93.00	92.6	Ministry of Health
Rate of pregnant women cared by health-care workers	%	93.8	95.8	94.7	96.1	97	Ministry of Health
Rate of newborn children less than 2,500 grams	%	7.0	6.50	5.8	6.0	5.30	Ministry of Health
Rate of children under 1 year old fully injected with vaccines	%	89.7	93.3	96.5	97.8	95.7	Ministry of Health
Red River Delta	%	96.8	98.1		99.4	98.5	Ministry of Health
North East	%	92.7	95.5		97.3	96.3	Ministry of Health
North West	%	89.5	93.2		94.8	94.3	Ministry of Health
North Central Coast	%	92.6	94.7		98.4	76.8	Ministry of Health
South Central Coast	%	88.9	96.7		98.4	97.3	Ministry of Health
Central Highlands	%	87.1	92.0		95.4	95.3	Ministry of Health
South East	%	86.1	85.7		97.5	91.5	Ministry of Health
Mekong River Delta	%	89.5	93.0		97.6	96.2	Ministry of Health
Number of children under 6 years old provided with free medical treatment cards	Child				7 215 514	7 831 445	Committee for Population, Family and Children
Rate of children under 6 years old provided with free medical treatment cards	%				93.4	92.6	Committee for Population, Family and Children
Rate of malnutrition children below 5 years old	%	30.1	28.4	26.6	25.2	23.4	National Institute of Nutrition
Red River Delta	%	26.6	25.3	22.8	21.3	20.1	National Institute of Nutrition

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Source</i>
North East	%	33.4	31.8	29.8	28.4	26.2	National Institute of Nutrition
North West	%	36.0	34.2	32.0	30.4	28.4	National Institute of Nutrition
North Central Coast	%	36.0	33.9	31.7	30	24.8	National Institute of Nutrition
South Central Coast	%	32.6	30.9	27.7	25.9	23.8	National Institute of Nutrition
Central Highlands	%	40.2	37.5	35.8	34.5	30.6	National Institute of Nutrition
South East	%	24.4	21.8	19.9	18.9	19.8	National Institute of Nutrition
Mekong River Delta	%	28.0	26.8	25.1	23.6	22.9	National Institute of Nutrition
Infant mortality rate (IMR)	‰	26.00	21.00	18.00	17.80	16	Overall population investigation 1999, Population change investigation – GSO
Urban	‰	17.00	13.00	11.00	10.00		Overall population investigation 1999, Population change investigation – GSO
Countryside	‰	28.80	21.00	21.00	20.00		Overall population investigation 1999, Population change investigation – GSO
Red River Delta	‰	20.40	15.00	10.00	12.00	11	Overall population investigation 1999, Population change investigation – GSO
North East	‰	30.20	29.00	27.00	24.00	24	Overall population investigation 1999, Population change investigation – GSO
North West	‰	40.50	37.00	36.00	34.00	30	Overall population investigation 1999, Population change investigation – GSO
North Central Coast	‰	30.90	22.00	19.00	25.00	22	Overall population investigation 1999, Population change investigation – GSO
South Central Coast	‰	23.60	17.00	19.00	18.00	18	Overall population investigation 1999, Population change investigation – GSO
Central Highlands	‰	30.90	29.00	36.00	29.00	28	Overall population investigation 1999, Population change investigation – GSO
South East	‰	18.90	10.00	12.00	11.00	8	Overall population investigation 1999, Population change investigation – GSO
Mekong River Delta	‰	21.20	13.00	13.00	14.00	11	Overall population investigation 1999, Population change investigation – GSO
Death rate of children under 5 years old	‰	35.0	32.8	28.5	27.5		Overall population investigation 1999, Population change investigation – GSO
Mother death rate	‰‰	91.0	85.0	85.0	80.0	75	Ministry of Health
Total number of HIV people	Person	59 200	76 180	90 380	104 111	116 535	Ministry of Health
Rate of children under 13 years old T	%	0.66	0.74	0.82	1.71	1.04	Ministry of Health
Rate of children aged between 13 and 19.	%	9.45	9.10	8.45	3.09	7.15	Ministry of Health

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Source</i>
Rate of population accessing clean water	%	51.8	54	67	69.1	77.1	Ministry of Health, Vietnam Household Living Standard Survey – GSO
Rate of rural households using hygienic latrines	%	43.9	48.8	50.0	50.0	50.1	Ministry of Health, Vietnam Household Living Standard Survey – GSO
Rate of urban households using hygienic latrines	%	51.4	53.4	70.0	90.0	89.6	Ministry of Health, Vietnam Household Living Standard Survey – GSO

Data on malnutrition of children under 5 years old is calculated according to WHO new standards since 2005.

Annex 3

Some basic education indicators

	<i>Unit</i>	<i>2000–2001</i>	<i>2001–2002</i>	<i>2002–2003</i>	<i>2003–2004</i>	<i>2004–2005</i>	<i>2005–2006</i>	<i>2006–2007</i>	<i>Source</i>
Ratio of pupils/classes in kindergarten	Pupil	14.32	10.97	10.72	11.25	12.66	13.51		Ministry of Education and Training
Rate of children under 3 years old going to kindergartens	%	5.87	6.02	6.51	10.67	11.55			Ministry of Education and Training
Ratio of pupils/classes in nursery school	Pupil	25.76	24.52	24.50	25.04	25.70	25.99		Ministry of Education and Training
Rate of children aged between 3 and 5 going to nursery schools	%	43.40	48.82	50.54	57.27	59.18			Ministry of Education and Training
Rate of 5-year-old children going to preschools	%	68.02	72.63	72.47	76.63	77.31			Ministry of Education and Training
Rate of standard primary school teachers	%	84.95	87.01	87.01	91.15	93.37			Ministry of Education and Training
Crude primary school enrolment rate	%	104.27	101.48	100.54	100.67	100.99			Ministry of Education and Training
Enrolment rates of primary school-age children	%	91.62	93.53	94.37	94.60	95.04			Ministry of Education and Training
Rate of 6-year-old children enrolled in grade 1	%	85.97	89.89	90.06	87.59	87.72			Ministry of Education and Training
Rate of female students in primary schools	%	47.53	47.49	47.57	47.48	47.91	47.80		Ministry of Education and Training
Rate of minority students in primary schools	%	17.46	17.92	17.41	20.23	18.45	18.21		Ministry of Education and Training
Rate of students/classes in primary schools	Student	29.55	28.63	27.89	26.91	26.57	26.06		Ministry of Education and Training
Ratio of students/teachers in primary schools	Student	26.33	24.65	23.05	21.56	20.69	20.44		Ministry of Education and Training
Rate of students finishing primary education	%	99.32	99.39	99.58	99.80				Ministry of Education and Training
Rate of repeaters in primary schools	%	2.29	1.75	1.24	1.01	1.02			Ministry of Education and Training
Rate of students leaving primary schools	%	3.67	3.13	3.13	2.63	3.00			Ministry of Education and Training

	<i>Unit</i>	<i>2000–2001</i>	<i>2001–2002</i>	<i>2002–2003</i>	<i>2003–2004</i>	<i>2004–2005</i>	<i>2005–2006</i>	<i>2006–2007</i>	<i>Source</i>
Rate of students moved up in primary schools	%		94.04	95.12	95.63	96.36	95.97		Ministry of Education and Training
Rate of students going to graduate from primary schools	%		97.24	97.68	98.21	98.46	96.81		Ministry of Education and Training
Rate of students graduating from primary schools	%		74.42	77.45	80.51	83.47	83.66		Ministry of Education and Training
Average secondary school enrolment rate	%		83.59	85.98	87.81	87.57	89.65		Ministry of Education and Training
Enrolment rates of the secondary school-age children	%		74.83	77.39	79.07	79.33	80.83		Ministry of Education and Training
Rate of female students in secondary schools	%		47.50	47.26	47.16	47.87	48.10	48.34	Ministry of Education and Training
Rate of minority students in secondary schools	%		11.97	12.31	11.79	13.69	14.34	14.78	Ministry of Education and Training
Ratio of students/classes in secondary schools	Ngì		40.69	40.28	39.91	39.03	38.48	37.96	Ministry of Education and Training
Ratio of students/teachers in secondary schools	Ngì		25.72	24.75	23.48	22.61	21.06	20.02	Ministry of Education and Training
Rate of students finishing secondary education	%		95.13	97.31	96.11	96.09	94.08		Ministry of Education and Training
Rate of repeaters in secondary schools	%		1.48	1.05	0.94	0.83	1.20		Ministry of Education and Training
Rate of students leaving secondary schools	%		7.30	5.91	5.90	5.72	5.93		Ministry of Education and Training
Rate of students moved up in secondary schools	%		91.22	93.04	93.16	93.44	92.87		Ministry of Education and Training
Rate of students going to graduate from secondary schools	%		76.39	75.69	77.24	77.14	96.81		Ministry of Education and Training
Rate of students graduating from secondary schools	%		70.01	72.67	73.44	77.39	80.57		Ministry of Education and Training
Average senior-high school enrolment rate	%	42.93	44.54	46.21	47.94	49.12			Periodic report – Ministry of Education and Training
Enrolment rates of the senior-high school-age children	%	30.19	35.16	33.85	36.61	40.01			Periodic report – Ministry of Education and Training

	<i>Unit</i>	<i>2000–2001</i>	<i>2001–2002</i>	<i>2002–2003</i>	<i>2003–2004</i>	<i>2004–2005</i>	<i>2005–2006</i>	<i>2006–2007</i>	<i>Source</i>
Rate of female students in senior-high schools	%		46.76	47.36	47.06	49.17	48.52	50.76	Ministry of Education and Training
Rate of minority students in senior-high schools	%		6.35	7.45	6.49	9.44	9.90	10.32	Ministry of Education and Training
Rate of students/classes in senior-high schools	Ng̃i		47.92	47.16	46.95	46.92	46.89	46.36	Ministry of Education and Training
Ratio of students/teachers in senior-high schools	Ng̃i		28.58	27.51	26.53	26.29	25.60	26.80	Ministry of Education and Training
Rate of students finishing senior-high education	%		93.35	89.41	92.14	91.56	90.53		Ministry of Education and Training
Rate of repeaters in senior-high schools	%		1.18	1.21	1.26	1.34	1.37		Ministry of Education and Training
Rate of students leaving senior-high schools	%		6.35	8.18	7.19	7.55	8.03		Ministry of Education and Training
Rate of students moved up in senior-high schools	%		98.47	90.61	91.49	90.95	90.61		Ministry of Education and Training
Total number of resident ethnic schools	School		52		53			54	Ministry of Education and Training
Centrally-managed	School		10		8			7	Ministry of Education and Training
Provincially-managed	School		42		45			47	Ministry of Education and Training
Rate of illiteracy of people aging 10 or more	%	91.21	92.13		92.96				MICS Investigation 2000, Viet Nam Household Living Standard Survey 01-02,03-04,05-06

Annex 5

Some basic children protection indicators

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Source</i>
Disabled children rehabilitated	%	18.1	21.3				Ministry of Labour, Invalids and Social Affairs
Total number of disadvantaged children:	Child	332 826	356 108	360 906	413 636	433 309	Ministry of Labour, Invalids and Social Affairs
Of which, orphans	Child	145 891	153 800	143 539	143 044	168 394	Ministry of Labour, Invalids and Social Affairs
Rate of children cared	%	55.29	58.86	61.67	69.84	74.38	Ministry of Labour, Invalids and Social Affairs
Heavily handicapped children	Child	167 182	184 390	201 194	193 680	217 875	Ministry of Labour, Invalids and Social Affairs
Rate of children cared	%	51.88	68.86	70.20	73.04	75.87	Ministry of Labour, Invalids and Social Affairs
Street children	Child	19 753	17 918	16 173	7 026	6 321	Ministry of Labour, Invalids and Social Affairs
Rate of children cared	%	66.58	64.43	74.28	80.96	84.10	Ministry of Labour, Invalids and Social Affairs
Number of adopted children	Child	3 097	2 921	2 470	2 198		Ministry of Justice
Of which, female children	%	44.59	43.85	34.05	41.08		Ministry of Justice
Foreign involved	%	51.02	34.41	18.26	54.28		Ministry of Justice

Annex 4

Some basic cultural and recreation indicators

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Source</i>
Children's house of culture	House		70	102	224		Ministry of Culture and Information
Children's library	Library	15	12	11	12	15	Ministry of Culture and Information
Reading-room for children in libraries and houses of culture	Room		464	57	986		Ministry of Culture and Information
Books for children	Book	1 965	2 240	2 261	1 965	2 294	Ministry of Culture and Information
Publications for children (excluding school books)	Million publications	28 384	33 388	24 614	22 716		Ministry of Culture and Information
Number of broadcast programmes for children	Programme	708	722	722			Voice of Viet Nam
Broadcast duration for children	Minute	17 205	17 085	17 085			Voice of Viet Nam
Number of broadcast programmes for children on national television	Programme	1 200	1 200	730	730		Viet Nam Television
Broadcast duration for children on national television	Minute	36 000	40 150	40 150	54 750		Viet Nam Television
Rate of children under 18 living in households having TVs	%	66.20		74.82			Vietnamese Living Standard Survey – GSO
Rate of children under 18 living in households having radios	%	28.09		27.55			Vietnamese Living Standard Survey – GSO
Rate of children under 18 living in households having computers	%	1.76		3.55			Vietnamese Living Standard Survey – GSO

Annex 5

Some basic indicators on child protection

	Unit	2002	2003	2004	2005	2006	Source
Total number of children having birth certificates	Child	1 450 914	1 357 688	1 395 273	1 366 748		Ministry of Justice
Of which, female	%	40.32	42.35	42.45	41.69		Ministry of Justice
Foreign-involved birth certificates	%	0.17	0.30	0.18	0.19		Ministry of Justice
Rate of children under 5 years old having birth certificates	%					87.60	MICS Investigation – General Statistics Office
Children in care	Child	219	556	360	2 347		Ministry of Justice
Nhn cha mĐ cho con	Child	1 620	217	163	620		Ministry of Justice
Number of settled divorce cases involving children	Case	9 715	12 627	55 214	58 623		Ministry of Justice
Number of settled asset and child dispute cases	Case	730	690	2 310	2 750		Ministry of Justice
Total number of child injury cases	Case	1 741	1 657	1 493	1 558	1 826	Ministry of Public Security
Number of children injured	Child	1 922	1 668	1 619	1 450	1 972	Ministry of Public Security
Of which, children under 6 years old	Child	8.27	9.83	8.15			Ministry of Public Security
Children aged 6–13	Child	37.98	37.59	34.28			Ministry of Public Security
Children aged between 13 and below 16	Child	53.75	52.52	57.57			Ministry of Public Security
Offenders injuring children	Person	2 089	1 937	1 867	1 930	2 291	Ministry of Public Security
Of which, offenders killing children	%	5.22	6.30	5.03	4.51	4.76	Ministry of Public Security
Offenders raping children	%	36.29	36.65	32.67	31.97	30.77	Ministry of Public Security
Offenders assaulting children	%	0.86	0.77	0.80	0.26	0.35	Ministry of Public Security
Offenders having sexual intercourse with children	%	7.80	7.02	9.05	9.64	11.35	Ministry of Public Security
Offenders starving sex with children	%	5.22	6.09	4.98	5.34	6.72	Ministry of Public Security
Offenders intentionally injuring children	%	18.48	16.47	15.05	18.70	16.28	Ministry of Public Security
Child trafficking and kidnapping	%	2.30	3.25	1.77	2.23	2.97	Ministry of Public Security
Offenders seducing and sheltering children illegally	%	0.81	0.41	0.32	0.31	0.09	Ministry of Public Security
Other offences	%	23.03	23.02	30.32	27.05	26.71	Ministry of Public Security
Number of settled child right violating cases	Case	1 007	963	1 065	1 003		People's supreme court
Number of defendants involved	Person	1 121	1 148	1 190	1 149		People's supreme court
Of which, child rape	Person	756	698	696	649		People's supreme court
Child assault	Person	3	1	6	2		People's supreme court

	<i>Unit</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Source</i>
Child sexual intercourse	Person	209	229	309	297		People's supreme court
Child sex-starved	Person	93	96	114	115		People's supreme court
Juvenile prostitution	Person	12	16	18	21		People's supreme court
Child kidnapping	Person	47	58	47	63		People's supreme court
Child seducing	Person	1	50	0	2		People's supreme court
Number of juvenile offenders	Person	13 801	14 038	17 944	12 013	16 446	Ministry of Public Security
Of which, offenders below 14 years old	%	10.88	11.85	10.55	8.98	8.74	Ministry of Public Security
Offenders aged between 14 and 16	%	34.94	34.50	35.11	35.01	34.79	Ministry of Public Security
Children aged between 16 and 18	%	54.18	53.65	54.61	56.00	56.47	Ministry of Public Security
Education level: Illiteracy	%	10.03	10.10	10.09	7.45	12.65	Ministry of Public Security
Primary education	%	26.34	23.59	30.65	20.85	21.56	Ministry of Public Security
Secondary education	%	41.42	43.12	40.97	47.09	40.25	Ministry of Public Security
Senior-high education	%	22.22	23.19	18.29	24.60	25.53	Ministry of Public Security
Offences: Murder	%	0.95	1.57	1.05	1.37	1.03	Ministry of Public Security
Robbery	%	5.09	5.74	5.15	6.69	6.00	Ministry of Public Security
Sexual extortion	%	2.19	2.95	4.18	2.89	2.80	Ministry of Public Security
Sexual rape and assault	%	1.83	1.75	1.51	2.36	1.57	Ministry of Public Security
Intentionally injuring children	%	9.62	10.23	9.86	13.99	11.91	Ministry of Public Security
Theft	%	48.03	46.05	47.14	49.08	48.52	Ministry of Public Security
Robbery	%	2.35	2.54	3.89	6.68	3.26	Ministry of Public Security
Gambling	%	2.25	1.75	2.52	2.74	1.85	Ministry of Public Security
Drug usage	%	3.75	1.30	0.77	0.40		Ministry of Public Security
Drug trafficking and possession	%	0.89	0.47	0.49	0.33		Ministry of Public Security
Other offences	%	22.98	25.66	23.42	26.57	23.05	Ministry of Public Security