



Convention on the Rights of the Child

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Committee on the Rights of the Child

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I. General Implementation Measures (Articles 4, 42 and 6 of Article 44 of the CRC)

A. Legislative Measures

1. Between 2012 and 2017, Viet Nam amended, supplemented and promulgated a number of new laws to designed to harmonize with the original CRC and CRC supplementary protocols viz Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) and the Protocol on the Involvement of Children in Armed Conflict (OPAC). Viet Nam's 2013 Constitution states that: "In the Socialist Republic of Viet Nam, human rights and citizens' rights in the political, civic, economic, cultural and social fields are recognized, respected, protected and guaranteed in concordance with the Constitution and the law (Article 14, paragraph 1). "Everyone has the right to live. Human life is protected by the law. No one shall be illegally deprived of his or her life" (Article 19); "Everyone shall enjoy freedom of belief and religion; he or she can follow any religion or follow none. All religions are equal before the law" (Article 24, paragraph 1); "Citizens should have the right to social security" (Article 34); "Children enjoy protection, care and education by the State, family and society and are allowed to participate in children's affairs. Infringement, persecution, maltreatment, abandonment, abuse and exploitation of labor and other forms of violating children's rights are strictly prohibited " (Article 37, Clause 1); "Everyone is entitled to health care and protection, is equally entitled to medical services and has the duty to comply with regulations with regard to prophylaxis, medical examination and treatment" (Article 38, paragraph 1).

2. The 2016 Law on Children marks a milestone in the Vietnamese Government's efforts to harmonize national legislation with the CRC. As compared to the 2004 Law on the Protection, Care and Education of Children, the 2016 Law on Children covers broader content on child rights, and the scope of application of most provisions has also expanded, including non-Vietnamese children living in Viet Nam. The Law also specifies a clearer mechanism for planning and monitoring the implementation of child rights at all levels of management, while ensuring appropriate allocation of resources for the exercise of child rights. The Law provides for the organization of a new inter-sectoral coordination for children established by the Prime Minister to direct, coordinate and harmonize the handling of issues relating to children as well as the exercise of child rights. The 2016 Law on Children also includes a new chapter on the rights to participation (Chapter V). In particular, Chapter IV of the Law provides a clear legal basis for the protection of children from all forms of neglect, abuse, violence and exploitation, with the provision of three levels of child protection services (prevention, support and intervention), the reporting, evaluation and intervention planning process for children in need of protection, and detailed guidance on alternative family-based care for children, and the need to arrange child protection workers at the commune/ward/township level. The Law also provides for the basic principles of judicial education for children to ensure that the treatment of all children with respect to the law meets certain minimum standards, and more detailed instructions on child protection, alternative care (Chapter IV). The 2016 Law on Children also provides a more comprehensive definition of abuse, violence, neglect and neglect, "children in particularly difficult circumstances" and details the shift from a situational approach for specific children to a systematic approach offering full and continuous provisions of preventive services, early intervention and response services based on the needs of individual children and their families, monitor the implementation of child rights according to the opinions and aspirations of children.

3. The 2014 Law on Marriage and Family provides specific provisions for the protection of children's rights in cases of deleterious consequences of illegal marriages and in cases where couples cohabit without legal marital status. The Law provides that children have the right to express their opinions in cases where parents divorce or there are other changes in the choices of persons who directly raise the child. Regulations pertain to the conception of pregnancy for humane purposes, in order to prevent children from being neglected and trafficked, and subject to health or other life risks at birth in cases where a child is abandoned.

4. The amended Law on Health Insurance 2014 provides a number of new regulations for children under 6 years of age, which are valid until they are 72-months-old. In cases

where a child reaches the full 72 months but has yet to enroll in any school, their health insurance card will remain valid until 30 September of that year. Children under 6 years of age, children in receipt of monthly social protection allowances, children from poor households, children of ethnic minorities living in difficult areas and children living in island districts are fully covered (100%) by the Health Insurance Fund. Costs of medical examination and treatment are covered. In cases where their health insurance card is not yet issued, the child is still entitled to medical examination and treatment and will be provided with a card after their condition has been addressed.

5. The Law on Handling of Administrative Violations 2012 included a separate chapter on measures to handle cases of administrative violations committed against minors; protecting legitimate rights and interests of minors. The Law provides two alternatives to deal with administrative offences, aimed at enhancing informal community-based treatment of juvenile offenders whilst at the same time improving the responsibility of families for the education of juveniles. The law also limits the scope for committing children to correctional institutions. Specifically, such decisions are the provenance of Courts (formerly People's Committee at commune level was the responsible authority).

6. The Law on Civil Status 2014 and its implementation guidelines reformed the system of civil status registration (including birth and death registration, parent and child recognition), and established procedures which ensure that all children (whether born in Viet Nam or abroad, whose parents are Vietnamese citizens or foreigners) can be registered for birth certificates and parent recognition.

7. The Penal Code of 2015 and its 2017 Amendment brought about changes in criminal policy in the interests of juvenile offenders. Examples include narrowing the scope of criminal liability of minors and concretizing the conditions for criminal immunity applicable to minors. Also covered are diversion of juveniles in cases of lesser criminal acts, serious acts and very serious acts. Monitoring measures and education are mandated at district and village levels for cases where children are exempt from penal liability. In addition, the Law amended and added a list of crimes that are violations of children's rights. Examples include: adding the crime of using children under the age of 16 for pornographic purposes; modifying the composition of trafficking in children under age of 16 as defined in the Protocol to prevent, suppress and punish trafficking in persons, especially women and children; adding the Convention against transnational organized crime (hereinafter referred to as Palermo Protocol), with strict penalties enunciated to increase protection of children from abuse and exploitation. On November 28, 2014, the National Assembly of Viet Nam issued Resolution No. 84/2014/QH13, approved by the United Nations Convention on the Rights of Persons with Disabilities (CRPD). It is also a commitment to better protection of the rights of children with disabilities.

B. Executive measures

8. On April 14, 2014, the Prime Minister issued Decision No. 535/QĐ-TT, which approved the Plan of Implementation of the recommendations of the CRC by which each ministry and government agency is assigned specific tasks to implement the Committee's recommendations.

9. To implement the Law on Children effectively, the Government has issued two decrees. Decree No. 56/2017/ND-CP, dated 9 May 2017, details some articles of the Law. Decree No.80/2017/ND-CP, dated 17 July 2017, addresses safe, healthy, friendly educational environments, including prevention of violence in schools. The aim is to formulate specific regulations to support children with special circumstances, including victims of child abuse, the maintenance of a safe, non-violent educational environment for children, and the participation of children in formulation of regulations affecting them.

10. The government established the National Commission on Children.¹ The Chairperson is the Deputy Prime Minister. Vice Chairpersons include the Minister of Labor, Minister of Social Affairs (Standing Vice Chairperson), the Minister of Education and Training and the Minister of Health. Members also include leaders of relevant ministries. There is also participation of the Supreme Court, the Supreme People's

¹ Decision No. 856/QĐ-TTg dated 15/6/2017 of the Prime Minister.

Procuracy, the Central Committee of the Viet Nam Fatherland Front, the Central Committee of the Ho Chi Minh Communist Youth Union, the Central Union of Viet Nam's Women and the Viet Nam's Association for the Protection of Children's Rights. The Ministry of Labor and Social Affairs is the agency responsible for the performance of the state in management of children and coordinates the implementation of children's rights. At the provincial level, there are also Departments of Labor and Social Affairs. At the commune level, there is a full-time cadre responsible for monitoring labor and social affairs, including child protection and care. There is a network of 70,000 child protection and care workers in villages.

11. Many programs and projects directly related to children have been approved and implemented. They include the National Program of Action for children covering the period 2012-2020, which promotes rights of children to participate in consideration of issues for the period 2016-2020, the Child Protection Program covering the period 2016-2020 which seeks to reduce the incidence of child labor, the Program on child injury prevention, 2016-2020, the National Action Plan for children affected by HIV/AIDS, 2014-2020, the Nutritional Improvement School Milk Program which contributes to raising the stature of preschool and primary children by 2020, and the Project developed under the Program for Supporting the Development of the Social Assistance System 2016 to 2020.²

12. In addition to programs specifically targeted at children, children's issues are required to be integrated into the socio-economic development programs of all sub-national administrative localities and government agencies operating at all levels. Sectoral programs are also required to include children's issues, notably: the National Target Program for Sustainable Poverty Reduction, the National Target Program for New Rural Development, the Population and Family Planning Program, the Water and Sanitation Program, the HIV/AIDS Prevention Program, the Community Health Care Program, and the Program on Cultural and Educational Training Development.³ These policies and programs are closely linked to each other and have contributed significantly to the promotion of the rights of children in Viet Nam.

13. Budget supporting the rights of children are required to be included in annual budget estimates of ministries, branches, and localities; sources of aid, either from lawful organizations or from individuals, should be noted.⁴ Budget for implementing child-related legal policies are to be integrated across sectors viz. health, education, social security, poverty alleviation, culture, sports and population and family planning. The state budget allocated to the health sector stands at c.8.2% of GDP. Vocational education and training represent 20% of public expenditure (224,826 billion VND). Over recent years, there have been 16 national target programs, of which 8 directly related to child rights and welfare. The budget for children accounted for 12.7% of the total budget expenditure.

14. Over recent years, apart from allocating funds for regular activities in the fields of health, education, social security, culture and sports related to children, as assigned by the national budget, the government has also allocated funds for the implementation of policies and programs specifically related to children, amounting to 570,140 billion VND (USD 27 million)⁵. Budget for programs and policies related to children issues and children's rights implementation is equivalent to 25.5 million USD and 4,855 billion VND (approximately USD 200,000), which equals 0.85% of social security.⁶

15. Regarding international aid, there are currently 77 non-refundable aid projects being implemented related to children in general and children of ethnic minorities; these projects deploy a total of USD 66.36 million, including 18 multilateral and bilateral projects with a total capital of USD 59.09 million and 59 national non-governmental organizations with a total capital of USD 7.25 million. In addition, the Government of Viet Nam facilitates NGOs working in the field of child protection. Currently, more than 50 INGOs are working with ministries, departments and localities to fight against violence to children and to ensure access to health services and education.

² See detailed annex.

³ See detailed annex.

⁴ Decision No. 535/QĐ-TTg dated 14/4/2014 of the Prime Minister.

⁵ Report on the Implementation of CRC of Ministry of Finance dated 17/01/2017.

⁶ Report on the Implementation of CRC of Ministry of Finance dated 17/01/2017.

16. Viet Nam has made efforts to disseminate widely the provisions of the CRC and the Protocol to children and the people. The CRC Convention has been incorporated into the general education curriculum of schools. The CRC has also been translated into ethnic minority languages and has been developed and printed in a child-friendly version.

17. To protect children from the impact of the business sector, Viet Nam's laws stipulate that children are to be protected by law and that the use of juvenile workers is prohibited by law.⁷ There are specific regulations for juvenile workers.⁸ Laws also stipulate civil, administrative and criminal sanctions for violations of human rights in general, and child rights in particular, in the fields of the environment and the provision of goods and services.⁹

C. Judicial measures

18. In Viet Nam, a specialized court has been created to handle family and juvenile-related cases, according to the Law on Organization of the People's Courts 2014. The Family and Juvenile Court is established under provincial and district People's Courts, specializing in criminal cases where defendants are under 18; especially when victims are suffering from serious psychological damage, or need special assistance. The courts adjudicate on decisions to send juveniles convicted of administrative offenses to correctional institutions. Courts also deal with family and marriage-related cases such as disputes over child custody, changes in child custody, and restriction of parental rights over juveniles.

19. On the 4 April 2016, the first Family and Juvenile Court in Viet Nam was established in Ho Chi Minh City. Its establishment, within the apparatus of the Supreme Court, is a milestone for the judicial reform process. It demonstrates Viet Nam's strong commitment to ensuring the rights of the child under law through the development of a comprehensive system of child justice through this newly established Court and with the participation and collaboration of related agencies and organizations. Currently, the Supreme Court on provincial and district levels are making efforts to prepare sufficient conditions, especially human resources and facilities to establish the court for families and juveniles.¹⁰

II. Definition of children (Article 1)

20. The CRC stipulates that children should be defined as persons under the age of 18. An exception may be accepted when national laws define children as those of a younger age.¹¹ In the case of Viet Nam, the Law on Children (2016) ruled that "children are individuals who are under 16".

21. Although Viet Nam's legal definition of a child differs from international standards, some current regulations have helped to narrow the gap. Those aged between 16 and under 18 are not defined as children but are still considered to be juveniles/adolescents according to the Civil Code (Article 21), and are thus protected by the provisions of the Civil Code and other specialized laws. For example: the Criminal Code and the Law on the Handling of Administrative Violations state that persons under the age of 18 are not fully responsible for their behavior, as are adults, in order to enable children to receive corrective action to promote their healthy development and to become useful citizens. The Criminal Procedure Code provides child-friendly procedures for dealing with defendants, victims and witnesses

⁷ Labor Code 2012, Article 8, clause 7.

⁸ Labor Code 2012, Chapter XI, Article 161–165.

⁹ Law on handling administrative violations 2012, Civil Code 2015, Penal Code 2015.

¹⁰ Document No. 99/TANDTC-PC dated 12/04/2016 of the Supreme Court on implementation of the court on family and juvenile.

¹¹ An adolescent is a person who has full rights and duties as a citizen. According to the Viet Nam's Constitution of 2016 (Articles 27 and 29) and the Civil Code (Article 20), Viet Nam's adult age is 18. In the observations made on recent Viet Nam's national report, The UN Committee on the Rights of the Child has recommended that Viet Nam continues to improve the national legislation system in line with the CRC, paying special attention to the definition of children.

under the age of 18. The Law on Marriage and Family (2014) stipulates a minimum marriage age of 18 for women and 20 for men. The 2012 Labor Code defines 15 years of age as the minimum for fulltime work. However, people under 18 years of age are only permitted to do jobs which are consistent with their capacities so as to ensure their physical, intellectual, and personal development. The law also provides for measures to protect juvenile workers.

III. General principles (Articles 2, 3, 6 and 12)

A. Non-discrimination (Article 2)

22. Viet Nam's legal system, public policies and law enforcement demonstrate consistency in ensuring fairness and equality in the implementation of children's rights. It is strictly forbidden to discriminate against children on any basis. In addition, ethnic minority children, migrant children, children with disabilities, children living with HIV/AIDS and children living in remote areas are given priority access to social services. Most importantly, education, health care and social welfare are provided equally to all children.

23. The 2013 Constitution states, inter alia: "Everyone is equal before the law;" "No one is discriminated against on the basis of political, civil, economic, cultural or social life;" "Discrimination, forced labor, the use of workers below the minimum age of employment are prohibited;" "Children are protected, cared for, and educated by the State, family and society." "It is strictly forbidden to abuse and exploit child labor. All violations are considered violations of human rights".¹²

24. The 2016 Law on Children incorporates and broadens the principles of the CRC, including the principles of "non-discrimination against children" and the prohibition of "stigma and discrimination against children on the ground of personal characteristics, family circumstances, sex, ethnicity, nationality, belief and religion".¹³

25. Special measures to ensure equal opportunities for all children include general measures for public services provision in areas of lower socio-economic development, particularly in the fields of health and education. Housing, clean water, sanitation, communication, culture and sports for people are encouraged, especially for children living in extremely difficult situations, remote and border communes, islands, poor districts and as members of ethnic minorities.

B. For the best interests of the child (Article 3)

26. The Law on Children 2016 enunciates the principle of "ensuring the best interests of children in decisions related to children."¹⁴ The principle of ensuring the best interests of juveniles in the course of handling administrative violations and criminal proceedings, including defendants, victims and witnesses, is also recognized in the Law on Handling Administrative Violations 2012,¹⁵ the Penal Code 2015,¹⁶ and the Criminal Procedure Code 2015.¹⁷

27. Policy mechanisms related to children have been changed in order to implement these principles: (i) Children under special circumstances receive community-based care; (ii) The situation in which children do not live in the family environment is minimized; (iii) A Family and Juvenile Court and special police unit on child protection are established.

28. The 2015 Civil Procedure Code (effective January 1, 2017) defines principles and procedures for the protection and enforcement of civil rights. The Code recognizes that juveniles need the assistance of their parents, guardians, or other legal representatives to

¹² Constitution 2013: art. 16, Clause 3 Art. 35, Clause 1, Art. 37.

¹³ Law on Children 2016: Art. 5 Clause 5; Art. 6 Clause 8.

¹⁴ Law on Children 2016: Art. 5 Clause 3.

¹⁵ Law on Children 2016: Article 134.

¹⁶ Article 91.

¹⁷ Article 414.

protect their rights. The Penal Code 2015 has a separate chapter (Chapter XXVIII) which sets out principles and special remedies for accused, victims and witnesses under 18 years in all procedures and proceedings.

29. The 2012 Law on Handling of Administrative Violations provides measures to deal with administrative offenses through education and community management applicable to minors.¹⁸ This law also enabled policy applicable to juveniles in administrative offenses. It emphasizes the process for considering and managing juveniles in administrative violations. Authorized competent persons must ensure the best interests are considered and that children are respected and protected.

30. Viet Nam is building a social security system in line with other ‘lower middle-income’ countries and international standards to better realize support for basic human rights. By 2020, basic social security for the entire population will be in place, including minimum levels of income, education, health, housing, clean water and information and communication. All of which will contribute to increased incomes, life security, equality and happiness of the people, in particular children. The main approach to building the social security system is proactively dealing with life-cycle risks with a particular emphasis on risks associated with childhood and adolescence for children in general, and for children in special circumstances, children in poor households, children with disabilities and children of ethnic minorities in particular.

31. The State has a policy of social allowances for children in particularly difficult circumstances,¹⁹ policy on the social protection of people facing special difficulties including children;²⁰ policy on exemptions from tuition fees for children;²¹ policy on food allowances for children aged 3–5 years and support for them to attend kindergartens;²² health care policy, free health insurance cards for children under 6 and some other groups of children.

32. Measures to promote awareness about the best interests of children are also carried out in a variety of forms, especially with the participation of central and local mass media agencies, including television stations and newspapers, and the National Children’s Switchboard. On average, there are at least 108 television programs for children and television programs on social security, which disseminate policies on social welfare and social security for children as well as criteria identifying the best interests for children in each field.

33. Multi-dimensional child poverty is defined as existing in cases where children are not guaranteed to be above standards in a minimum of 2 of 7 dimensions relating to education, health, housing, clean water and sanitation, early labor, social protection and leisure. Multidimensional child poverty improved significantly from 26 percent in 2010 to 21 percent in 2014. The 2014 figures show that four dimensions of child poverty remain below 10 percent (education, housing, early life, social protection); the other three are at relatively high levels (entertainment 65.9%, health 45.3%, clean water 36.6%).²³

C. The right to survive and to develop (Article 6)

34. Promoting rights to life and development of children is a priority of the Government of Viet Nam. In addition to affirming this principle in the 2013 Constitution and the 2016 Law on Children (Article 5), other laws have also been amended.

35. The 2012 Labor Code states that female workers are entitled to 6 months maternity leave in accordance with the WHO recommendation for exclusive breastfeeding within the

¹⁸ Law on Handling administrative violations 2012: Art. 89 to art. 96.

¹⁹ Decree No. 56/2017 / ND-CP dated 9 May, 1977 of the Government detailing some articles of the Law on Children.

²⁰ Decree No. 136/2013 / ND-CP dated October 21, 2013 of the Government on social support policies for social protection beneficiaries.

²¹ Decree No. 74/2013 / ND-CP dated July 15, 2013 of the Government on tuition fee exemption and reduction in educational establishments in the national education system from the 2014–2015 school year.

²² Decision No. 239 / QD-TTg and 60/2011 / QD-TTg on food allowance for children aged 3–5 years.

²³ Government Statistics Office (2014), Living Standards survey.

first 6 months to provide good maternity care to the mother. Policy measures to promote reproductive health and reduce maternal and child mortality, together with programs to raise awareness on the use of contraceptives, have contributed significantly to prevent 25% of maternal deaths and nearly 10% of deaths of children.²⁴ The government has also introduced measures, including addressing domestic violence and punishing fetal sex selection, to ensure that children can develop naturally and live in safe environments.

36. Viet Nam has achieved made progress in ensuring the right to survival and comprehensive development of children. The rate of underweight malnutrition among under-five children fell from 17.5 percent in 2010 to 13.6 percent in 2016. The rate of stunting also decreased from 29.3% in 2010 to 23.9% in 2016,²⁵ Every year, about 1.7 million children under the age of 1 are vaccinated with 8 fundamental vaccines.

37. The promotion of pre-school education for 5-year-old children across the country has achieved good results. More than 90% of children now attend kindergarten, primary, secondary and upper secondary schools. Notably, the number of high school children attending school at the right age is 70%.²⁶ This is contributing significantly to improving readiness for children.

38. The Socio-Economic Development Strategy for the period 2011-2020, and the Five-year Socio-Economic Development Plan of Viet Nam, directly address the implementation of children rights and enunciate objectives related to promotion and protection of the rights of children. Strategies and plans of related sectors in each period are required to include indicators related to the rights to survival and development of children. In the strategy for development of the education sector in the 2011-2020 period,²⁷ the National Strategy for the Protection, Care and Promotion of People's Health 2011–2020, Vision to 2030,²⁸ and the Plan for the Development of DOLISA for the periods 2011–2015 and 2016–2020 include indicators to ensure the implementation of children's rights and ensuring better socio-economic conditions for the development of children.

39. However, to ensure the survival and development of children, Viet Nam still faces many challenges. Although the mortality rate for children under 5 has sharply reduced to 19.74 per 1000 live births, infant mortality remains high. Malnutrition rates and child accidents, especially traffic accidents and drowning, remain high. Viet Nam is also facing the impact of climate change affecting human life, especially of children. Viet Nam is considered a country with high rates of adolescent abortion.

D. Respect the opinions of children in legislative, executive and judicial decisions (Article 12)

40. The 2013 Constitution (Article 37) recognizes the right of children to be involved in the formulation and implementation of policy and programs that affect them. The 2016 Law on Children includes a chapter regulating the participation of children. The law defines responsibilities to create favorable conditions for children. Other legal documents also provide for children to express their views on children's issues. Examples include: the 2015 Criminal Code and Civil Procedure Code recognize the rights of children in the course of participation in investigating, prosecuting, adjudicating, and recognizing the value of children's testimony as accused, defendants, witnesses, victims, civil plaintiffs, and civil defendants. The 2012 Law on handling administrative violations stipulates that juvenile offenders have the right to appeal against their judgments. The 2010 Law on adoption states that children over the age of 9 have the right to give opinions on adoptions. The 2014 Law on Marriage and Family requires respect for the opinion of children aged 7 and over in the choice of living with their father or mother in cases of divorce, and the court will make decisions based on the best interests of the children.²⁹

²⁴ Report of Ministry of Health, Maternal and Child health Bureau 2013.

²⁵ Children Bureau (2016), Report on implementation of recommendations on CRC.

²⁶ Report on Ministry of Education and Training 2017.

²⁷ Decision No. 711/QĐ-TTg dd 13/06/2012 of the Prime Minister.

²⁸ Decision No. 122/QĐ-TTg dd 10/01/2013 of the Prime Minister.

²⁹ The 2014 Law on Marriage and Family, Article 81.

41. In addition to building the legal framework, the Government has strengthened implementation. Every two years, ministries, departments and localities have jointly organized the annual National Children's Forum. The Children's Forum is also held annually at provincial level. Participating in children's forums at all levels are groups of children with disabilities and children of ethnic minorities. At the forums, children express their views, opinions, aspirations, and have dialogues with leaders of ministries, sectors, and local leaders on issues related to children. This forum is designed to ensure the best interests of children. It is an important channel to collect children's opinions and desires.

42. The Programme on promotion of children's right to participation in children's issues for the period 2016–2020³⁰ sets out objectives and measures to promote the right of children to participate, including: (i) 100% of laws and policies on children at central, provincial and district levels are based on consultations with children; (ii) 90% of decisions related to children in schools are consulted with children; (iii) 90% of decisions related to children in the wider community were consulted with children; (iv) 100% of provinces or cities implement at least two models promoting the right of children to participate in children's issues. Forms of children rights implementation include: Children's Forums, Children's Councils, Child Opinion Polls, Children's Rights Clubs, programs and activities initiated by children. Notably Children's Councils have been established and operated nationwide.

IV. Civil liberties and freedoms (Articles 7, 8, 13, 14, 15, 16 and 17)

A. Birth registration, name and nationality (Article 7)

43. The Children's Law of 2016 states that children have the right to have their births and deaths registered with a surname and nationality.³¹ For children who are born with their nationality undetermined the Civil Status Act of 2014 mandates that birth certificates for all children born in the territory of Viet Nam show Vietnamese nationality.³²

44. The Government of Viet Nam has made efforts to carry out administrative reforms regarding registration of births, civil status and nationality. Specifically, simplification of administrative procedures, records relating to population management³³ and interlinking of administrative procedures include: birth registration, permanent residence registration and granting of health insurance cards for children under 6 years of age.³⁴ These practices are implemented in all localities nationwide. There is a "3 in 1" implementation model covering registration of births, permanent residence and children's health insurance cards. Some localities have also initiated the transfer of birth certificates and health insurance cards to newly-born citizens when carrying out procedures for birth registration by the People's Committees of districts and communes. The time limit for issuing of a birth certificate, household registration book, and health insurance card in the family of the child shall not exceed one day from the date of administrative procedures clearance.

45. As a result of these efforts, the birth registration rate for children has increased significantly. To date, more than 90% of children under 5 have been registered for birth certificates, in particular, children in remote areas and ethnic minorities.

³⁰ Decision No. 1235/QĐ-TTg dd 03/8/2015 of the Prime Minister.

³¹ Law on Children 2016, art. 13.

³² Law on Civil Status 2014.

³³ Resolution No. 112/NQ-CP dated 30/10/2017 of the Government on simplifying administrative procedure, citizen's documents on residency under the role of Ministry of Public Security.

³⁴ Decision No. 1299/QĐ-TTg dated 04/08/2014 of the Prime Ministry on Project to facilitate administrative procedure: birth registration, residence registration, health insurance for under 6 year-child.

B. Preservation of identity (Article 8)

46. The 2013 Constitution clearly states: “Every ethnic group has the right to use its own language and system of scripts, to preserve its national identity, to promote its fine customs, habits, traditions and culture” (Article 5). This principle was also stated in Decree No. 05/2011/ND-CP dated January 14, 2011 by the Ministry of Ethnic Minority Affairs: “Ensuring the preservation of oral language, written language and ethnic identity, promoting the customs, practice, traditions and good culture of each ethnic group” (Clause 3 of Article 3).

47. The 2016 Law on Children stipulates the right to preserve and promote children’s identities, in which children have the right to have their own characteristics and values respected in accordance with their age and culture and to have their family relationships recognized. The Law also regulates the right of children in the use of their languages, scripts to preserve their identity, to promote cultural traditions, customs and practices (Article 18).

48. The Government has issued a number of policies related to ethnic minority areas, including the Project on support for socio-economic development of ethnic minorities in the period 2016–2025.³⁵ A number of activities have been carried out to preserve and promote the identity of ethnic minorities, including ethnic minority children, including support for the organization of ethnic minority classes in schools, support for the restoration and preservation of traditional crafts, assistance in preserving traditional festivals, support for restoration and production of musical instruments, traditional costumes, equipment for community activities, support for the establishment and maintenance of village art team activities, support for the construction of village houses and preserving the architecture and traditional ethnic culture, among others. With such efforts, the spiritual and material lives of ethnic minority people in general and their children have been improved.

C. Freedom of expression and the right to search, receive and impart information of the child (Article 13)

49. The 2013 Constitution provides that citizens (including children) have the right to freedom of speech, freedom of the press, freedom of access to information, of assembly, of association and demonstration. The exercise of these rights is governed by the rule of law.³⁶ The Law on Children also specifies the right to express opinions on child related matters,³⁷ right to access information and participate in social activities³⁸ and the right to express opinions and assemble freely.³⁹ Accordingly, children have the right to adequate access to information. They also have the right to seek and receive information in all forms in accordance with the law and to participate in social activities suitable to their age, maturity, needs and capacity. Children have the right to express their opinions and aspirations on matters relating to children. Educational institutions, families and individuals are listening, receiving and responding to opinions and legitimate aspirations.

50. The Government of Viet Nam has been making efforts to promote the rights to freedom of expression and to search, receive, and impart information by provision of information and dissemination activities in schools. These are great ways for children to learn and access useful information that is appropriate to their age. Newspapers are also regularly trained on the Convention on the Rights of the Child under the Children’s Law of 2016. Many competitions and press articles on children have been launched every year. In school, in addition to expressing ideas with classroom teachers, children can express their ideas at classroom events, through school mailboxes and counselling services, Youth Union and parents.

³⁵ Decision no 2086/QĐ-TTg dated 31/10/2016 of the Prime Minister.

³⁶ Constitution 2013, Art. 25.

³⁷ 2016 Law on Children, Art. 34.

³⁸ 2016 Law on Children, Art. 33.

³⁹ 2016 Law on Children, Art. 34.

D. Freedom of thought, belief and religion (Article 14)

51. The 2013 Constitution states: “Everyone has the right to freedom of belief, of religion, or against religion. All religions are equal before law. The state respects and protects freedom of belief and religion. No one can violate the freedom to believe in religions [and attempts to restrict this freedom] violates the law.”⁴⁰ The Law on Children also affirms that children have the right to hold religious beliefs⁴¹ and must not be discriminated on the basis of their beliefs.⁴² The Law of Belief and Religion 2016 enshrines the Constitutional affirmation that everyone has the right to hold religious beliefs and practices and to follow or not follow any religion. Each person has the right to express his or her beliefs, to undertake religious rites, to participate in festivals, and to undertake studies and practices associated with the religion.⁴³

52. The Government of Viet Nam has implemented a number of measures to promote freedom of belief and religion of citizens in general and of children in particular. Freedom of religion and belief has been incorporated into educational curricula to make children aware of their rights and their duty to respect the beliefs and religions of others.

E. Freedom of association, peaceful assembly (Article 15)

53. The right to form associations of citizens, including children, is provided for under Article 25 of the 2013 Constitution. The Law on Children 2016 authorizes (Art. 34) freedom of assembly in accordance with the law, as suitable for the age, level of maturity and stage of development of children. A draft Law on Association is being composed by the Government to be submitted to the National Assembly for approval in due course.

54. Vietnamese children can participate in clubs and societies at school and in the wider community. There are children’s associations, such as the Association for the Protection of Children’s Rights, the Association for the Protection of the Disabled and Orphans, the Association for the Handicapped and the Red Cross. The activities of children’s organizations have given rise to social movements that have attracted the masses. Examples include: “adults of example, well-behaved children,” “the whole community builds new life in residential areas,” “villages for children,” “grand-father-grand-mother-grandchildren,” “support for orphaned children,” “class of love for children,” “child shelters,” “vocational classes,” “scholarships for poor children” and “children sponsorship fund.”

F. Protecting privacy and protecting images (Article 16)

55. The 2013 Constitution states that everyone has the rights to personal privacy, to maintain individual and family secrets and these rights are protected in law.⁴⁴ The Law on Children provides that children have the right to privacy, personal and family secrecy in the best interests of the child. Children are protected by law so as to honor their dignity, prestige, confidentiality of letters, telephone calls and texts, telegrams and other forms of private communication. Those rights are protected against unlawful interference.⁴⁵ The Law on Children regulates the principle of protecting children’s privacy in criminal, civil and administrative proceedings. The law requires the application of measures to restrict children from appearing in public during proceedings.⁴⁶ The 2015 Criminal Procedure Code regulates the privacy of persons under the age of 18 and allows for closed trials in special cases where a defendant, victim or witness is under 18 years of age.⁴⁷

⁴⁰ Constitution 2013, art. 24.

⁴¹ 2016 Law on Children, Art. 19.

⁴² 2016 Law on Children, Art. 6 Clause 8.

⁴³ Law on Belief and Religion 2016, Art. 6.

⁴⁴ Constitution 2013, art. 21.

⁴⁵ The 2016 Law on Children, Art. 21.

⁴⁶ The 2016 Law on Children, Article 70.

⁴⁷ The 2015 Criminal Procedure Code, Article 414, 423.

56. Disclosure of information on children's private lives or secrets without the consent of children aged over 7 years, by parents or guardians of children, is strictly forbidden.⁴⁸ Depending on the nature and severity of a violation of this right, an offender may be subject to administrative or criminal penalties.

57. Practice in Viet Nam shows that the protection of children's privacy is now a challenge for state agencies in particular and society as a whole. Open-source and Internet development in Viet Nam are part of promoting children's access to information but may also create harm to children since written information and images of children can be easily disseminated online and abused by people with negative intentions.

G. Access to information from multiple sources and protection from materials harmful to the safety of children (Article 17)

58. According to laws in Viet Nam, children may access information from a variety of sources and are protected from material that is judged to be harmful to them. The Law on Advertising prohibits advertisements that encourage children's thoughts, words and actions to be contrary to morals, customs and practices and which may negatively affect children's health, safety and normal development.⁴⁹ In order to protect children from harmful materials, the Government has issued regulations on time spent by children accessing media and content deemed inappropriate for children in print and online newspapers and other publications.⁵⁰

59. The government has mobilized participation of the whole society, especially the family and the school, to increase the awareness and understanding of children of sources of potentially harmful information so that they can protect themselves. This subject remains, however, remains an on-going and major challenge.

V. Violence against children (Article 19, Article 24, paragraph 3, Article 28, paragraph 2, Articles 34, 37 (a) and Article 39)

A. Abuse and neglect (Article 19)

60. The 2016 Law on Children prohibits abandonment, neglect, trafficking, kidnapping, fraudulent exchange, child abuse and sexual assault, violence, abuses, and exploitation of children.⁵¹ The Government regulates a safe, healthy, friendly educational environment and prevention and control of violence in schools.⁵² Viet Nam has made major efforts to implement restrictive measures to prohibit the abuses of children. The Ministry of Labor, Invalids and Social Affairs (MOLISA), in collaboration with the National Committee for Culture and Education of Youth, Adolescents and Children, organized a workshop on "Promoting inter-sectoral cooperation in prevention of child abuse in Viet Nam". Ministries, committees and agencies have coordinated to promote inter-sectoral cooperation on child abuse prevention in Viet Nam. The Government has adopted weekly news briefings, directed to radio and television broadcasters and publishers encouraging them to actively disseminate information on child protection and care. Agencies have strengthened measures to limit the behavior of violent and abusive students inside and outside the school. The Government has built and expanded the "school counseling" model and the "school security team."

61. The impact of these laws, policies and programs on the incidence of child violence are clear. The percentage of children who were victims of violence has decreased significantly – by nearly 40% since 2004. The proportion of children subjected to corporal punishment decreased by almost 10% since 2011.

⁴⁸ The 2016 Law on Children, Art. 6.

⁴⁹ 2012 Law on Advertising, Article 81, Clause 14.

⁵⁰ Circular No. 09/2007TT-BTTTT date 23 June 2017, Ministry of Information and Communications.

⁵¹ 2016 Law on Children, Art. 6.

⁵² Decree No. 80/2017/NĐ-CP of the Government dated 17/07/2017.

B. Measures to prohibit and eliminate harmful practices, including underage and forced marriage (Article 24, paragraph 3)

62. In order to eliminate harmful practices, including early marriage and forced marriage, the Prime Minister promulgated the project, “Minimizing child marriage and intimate marriage in ethnic minority areas from 2015 to 2025.”⁵³ Implementation measures include mass media and mass organizations aiming to reduce the incidence of child marriage and in-breeding. In parallel, there are on-going efforts to integrate project activities and to improve communication capacities under the national target program on population and family planning, and provision of adolescent and youth reproductive health care services, and provision of information and materials (in Vietnamese and ethnic minority languages).

63. Despite these efforts, child marriage, forced marriage and in-breeding still occur amongst some ethnic minorities, especially in the northern mountainous areas and the Central Highlands.

C. Sexual exploitation and abuse (Article 34)

64. The prevention of child sexual abuse and exploitation is enshrined in the Law on Children 2016. This law proscribes acts of sexual assault, violence and exploitation of children, including children in special circumstances viz. sexually abused children, trafficked children and drug addicts.⁵⁴ A case management system has been in place since 2011 to ensure an interdisciplinary process for treatment, support and recovery of children who are victims of child abuse, violence and exploitation. The case management system has been enshrined in the Law on Children and in Decree No. 56/2017/ND-CP of the Government dated 9 May 2017.

65. The Ordinance on Prevention of Prostitution prohibits the recruitment of people under the age of 18 from working in restaurants, hotels, dance halls, bars, massage parlors and other places where they may be engaged in prostitution which is, of course, harmful to their physical and psychological development. The 2011–2020 program on Prevention of Prostitution was implemented to support the building of healthy communes, districts and villages without prostitution threats, and to prevent and reduce the impact of prostitution on social life, especially for children.

66. In order to further protect children from sexual abuse resulting from prostitution, the law of Viet Nam states that criminal offenses include sex with juveniles, making arrangements for prostitution and retaining sex workers. The Penal Code 2015 extends the scope of criminal proceedings from sexual intercourse to other sexual acts with children.

67. The government of Viet Nam also aims to implement measures to prevent sexual abuse more generally. These measures include propaganda and broadcasting of television reports, investigating and reporting on child sexual abuse, guidance to parents and childcare providers on how to protect children, provision to local media materials on the prevention and treatment of sexually abused children, provision of life skills education and sex education in school curricula. “Fighting against crimes against children and juvenile delinquents” is one of the projects under the National Crime Prevention Program and is currently being implemented by the Ministry of Public Security. In addition, line ministries provide procedures for interventions to assist children who have experienced violence and sexual assault.⁵⁵ Social services and measures to protect children from physical abuse and psychological trauma have been implemented. Notably, over the past decade, the Child Counselling and Support Line – 18001567 – has received nearly 1.8 million calls, including nearly 3,000 concerned with child abuse, trafficked children, abandoned children and children needing financial support.

⁵³ Decision No. 498/QĐ-TTg dd. 14/4/2015 of the Prime Minister.

⁵⁴ 2016 Law on Children, Art. 4, Art. 6, Art. 10 and Art. 25.

⁵⁵ Circular No. 23/2010/TT-BLDTBXH dated 16/8/2010 of the MOLISA regulating the process of interventions and support for children who suffer from violence or sexual abuse.

D. The right not to be subjected to torture or to cruel, inhumane or degrading treatment or punishment, including physical punishment (Article 37 (a) and Article 28, paragraph 2)

68. Viet Nam has ratified the United Nations Convention Against Torture and other cruel, inhuman or degrading treatment or punishments. The law on Domestic Violence Prevention and Control 2007 regulates child violence in the family and allocates responsibilities and measures to deal with violations. The law on Enforcement of Custody and Temporary Detention, reserves separate provisions for persons under the age of 18 to ensure that children are not subjected to torture, cruel, inhuman or degrading treatment or punishments.⁵⁶ The government has promulgated two decrees detailing implementation guidelines and regulations sanctioning administrative violations in domestic violence prevention and control.⁵⁷ At the same time the National Action Plan on Domestic Violence Prevention and Control to 2020 has been promulgated.⁵⁸

69. The Child Protection Program 2011–2020⁵⁹ set goals for all children to be protected to reduce the risk of their falling into ‘special circumstances’, to protect children from harm, especially children in special circumstances, to provide support and care to aid recovery, to integrate children into the community and provide them with the opportunity to develop. The Gender-Based Violence Prevention and Response Program, covering the period 2016–2020, with a development goal to 2030, has introduced gender-based communications, gender-based violence prevention and response measures, including sexual harassment prevention in the workplace.⁶⁰

70. Prevention and management of domestic violence children is integrated with broader domestic violence prevention and control activities and propaganda about ethical lifestyles in the family. Information on child protection, child care, prevention and control of children against violence and child abuse are also integrated with major propaganda events such as International Happy Day (20 March), Viet Nam’s national Family Day (28 June), National Action Month against domestic violence.

71. The result in toto has been a dramatic decrease in child sanctions.⁶¹

E. Measures to promote physical and mental rehabilitation and social reintegration for child victims (Article 39)

72. The 2016 Children’s Law recognizes that children have the right to social security.⁶² The policy to assist disadvantaged children pays special attention to the protection and care of children and moves towards the creation of an environment to protect and care for children in the community. Only in special cases, where children have no homes, are they placed in social assistance centers. Alternative care at a social assistance center is only temporary and a last resort if alternative care options are unavailable.⁶³ The establishment of family and juvenile courts,⁶⁴ as well as child-friendly procedural rules relating to privacy protection, confidential courts, etc.⁶⁵ also promote physical rehabilitation, raised morale and social re-integration for child victims.

73. For children in special circumstances – victims of violence, child abuse, sexual abuse, trafficking – Viet Nam’s laws require that children be supported with counselling, psychotherapy and other child protection services. Payments for medical examinations,

⁵⁶ From Article 32 to 35, the 2015 Law on Enforcement of Custody and Temporary Detention.

⁵⁷ Decree No.08/2009/NĐ-CP dd. 04/2/2009 of the Government regulating in detail and guidance on implementation of Law on Prevention and Control of Domestic Violence. Decree No. 110/2009/NĐ-CP dd. 10/12/2009 of The Government on administrative punishment on domestic violence.

⁵⁸ Decision No. 215/QĐ-TTg dd. 06/02/2014 of the Prime Minister.

⁵⁹ Decision No. 2361/QĐ-TTg dd. 22/12/2015 of the Prime Minister.

⁶⁰ Decision No. 1464/QĐ-TTg dd. 22/7/2016 of the Prime Minister.

⁶¹ Paragraph 61 of this report.

⁶² 2016 Law on Children, Art. 32.

⁶³ 2016 Law on Children, Art. 61.

⁶⁴ 2014 Law on Organization of the People’s Courts.

⁶⁵ Criminal Procedure Code 2015.

treatments and health education for children are supported by the Government. The Government has adopted other policies to support children in special circumstances, such as providing meal and travel allowances in cases where urgent protection is required. Such children are also entitled to exemptions from school fees and other study expenses and are supported by legal aid in accordance with regulations on school education, training and vocational education.⁶⁶

74. The National Program for Child Protection 2016–2020⁶⁷ aims to reduce the rate of children in the special needs category to 5% by 2020. Currently 90% of children in special circumstances are supported to integrate into the community and to access development opportunities. The aim is to ensure that children with special circumstances receive support and care to recover and integrate into the community and have the opportunity to develop.

75. Most children who are victims of abuse, violence or trafficking are provided with timely psychological and physical support, counselling, psychotherapy and temporary respite and rehabilitation, and are given opportunities for reunion with families or are provided alternative family care in the community.

76. Support for victims of child trafficking and prostitution is provided through community integration services, psychological counselling, legal counselling, vocational training, grants, loans, and job creation to better integrate victims into the community. With the implementation of the National Program on Development of Social Work as a Profession, 2010–2020, over 40 social work centers have been established at district and provincial levels. These centers provide counselling and psychological support to children who are victims of child crime and abuse. The social work centers also coordinate with local authorities and service providers to develop and implement plans to improve the living environment, support abuse and violence prevention and promote community re-integration.

F. Child Hotline

77. Viet Nam has a national telephone hotline (number 111) that replaces the hotline established in 2004 (formerly known as the Child Support Counselling Line). The operator is responsible for receiving information, counselling and making telephone connections to assist children and their families. An operator is available 24 hours a day, every day of the week and year and enables free calls to people and children. There are about 300,000 calls each year, 17% of which are consulted and connected, and the rest are policy information inquiries and other content. The switchboard has helped to intervene and assisted a number of children, especially children who have been abused or affected by violence. In 2016, the switchboard received 331,582 calls and advised 25,791 calls. The media produces and broadcasts a “One hour hotline” program from 16.00 to 17.00 on Sundays and has a fan page for the program; TV shows For children every Thursday. The Child Hotline is also set up in several locations throughout the country.

VI. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)

A. Family environment and parental guidance in a manner consistent with the evolving capacities of the child (art. 5)

78. The law of Viet Nam clearly stipulates the rights and responsibilities of parents and families towards children.⁶⁸ Parents are responsible for creating conditions a warm,

⁶⁶ Decree No. 56/2017 / ND-CP dated 9 May, 1977 of the Government detailing some articles of the Law on Children.

⁶⁷ Decision No. 2361/QĐ-TTg dd. 22/12/2015 of the Prime Minister.

⁶⁸ 2016 Law on Children, Art. 96 to 102.

harmonious family environment, setting good examples for children in all respects, working with schools and social organizations to educate children.⁶⁹

79. The Government has implemented many measures to support the building of families that provide a good environment for the development of children. These include: The Viet Nam's Family Development Strategy to 2020, vision 2030;⁷⁰ The National Action Plan on Domestic Violence Prevention and Control up to 2020;⁷¹ the Project on Education of 5 million mothers, regarding the raising and teaching of children over the period 2010–2015.⁷² The objective of this latter project is to provide 5 million mothers with children under 16 with knowledge and skills in order to reduce the rate of malnutrition, illness and death among children. The program also aims to discourage minors from moral violations, violation of laws, engaging in social evils. It promotes the full realization of children's rights to live in warm, equitable, progressive and happy family environments.

80. Communication on family matters has been promoted using a variety of content and forms, designed to attract the attention and participation of people. Notable events in this regard are: International Happy Day 20/3; Viet Nam's Family Day 28/6; World Day to Eliminate Violence Against Women 25/1. Through good, persistent communications, strong family environments for children are built and consolidated and enable the healthy and secure development of children.

B. Parents' common responsibilities, assistance to parents and provision of childcare services (art. 18)

81. The 2013 Constitution recognizes the right of children to be protected, cared for and educated by the state, society and family.⁷³ The 2016 Law on Children stipulates that the State has a policy to subsidize and support the promulgation of standards and norms for the care and nurture of children generally and children with special circumstances. The State requires the adoption of policies, suitable to the level of national socio-economic development, to ensure that all children receive healthcare, with priority accorded to children in special circumstances, including children in poor and near-poor households, ethnic minority children, children living in border communes, mountainous areas, islands, remote areas, and communes with extremely difficult socio-economic conditions.⁷⁴

82. Viet Nam has implemented a number of policies and priorities for reducing maternal and child mortality, including human resource development, improving management capacity in the health sector, strengthening and developing health units and improving the quality of services, notably primary care for children. The Government issued the National Plan of Action on Maternal, Newborn and Child Health, covering the period 2016–2020,⁷⁵ with a special focus on primary care for the first 1,000 days of life. The state develops community-based health services so that parents can access them from the time of pregnancy to ensure health. The state provides expanded free immunization services for children. Children under 6 years of age are entitled to 100% cost coverage for medical examinations and treatments.⁷⁶ Children of poor, near poor households, and children in special circumstances receive medical examination and treatment under the scheme for exemption or reduction of costs.

C. Separation from parents (art. 9)

83. The 2016 Law on Children stipulates that children have the right to live with their parents and to be protected and educated by both parents except in cases where parents are separated according to the provisions of law. When they are separated from either a father

⁶⁹ 2014 Law on Family and Marriage, art. 72, Clause 1.

⁷⁰ Decision No. 629/QĐ-TTg dd 29 May 2012 of the Prime Minister.

⁷¹ Decision No. 215/2014/QĐ-TTg dd. 6 February 2014 of the Prime Minister.

⁷² Decision No. 704/QĐ-TTg dd. 19 May 2010 of the Prime Minister.

⁷³ 2013 Constitution, art. 37.

⁷⁴ 2016 Law on Children, Art. 42, 43.

⁷⁵ Decision No. 4177/QĐ-BYT ngày 3/8/2016 of Ministry of Health.

⁷⁶ Amended and Supplemented Law on Health Insurance 2014, Art. 22.

or a mother, children should be assisted to maintain contact with both parents, except where that is deemed to not be in the best interests of the child.⁷⁷

84. There are situations where children have no choice in being separated from their parents:

- Father and mother are being held in custody or serving prison sentences. In such cases, children shall be looked after by competent state bodies and socio-political organizations, except in the case of children under thirty six months of age in which case they stay with the mother;
- Courts may limit parental rights to care for, nurture and educate their children. In the execution of such decisions children are assisted and protected. In cases where both parents are found to not be eligible for direct custody, the court shall decide to provide children with a guardian in accordance with the provisions of the Civil Code 2015;
- Children may be sent to reformatories and educational centers; such decisions being made by the court based on the court's assessment of the best interests of the child. During such periods of separation, parents and/or guardians have the responsibility to regularly visit, encourage, and help their children; reformatories and educational centers must create conditions for children to maintain connections with their families; People's committees, mass organizations, commune-level social organizations where children go to school, are also responsible to support children's progress and reintegration with families and communities;
- In cases where parents are divorced, they may reach agreement on custody arrangements, mutual obligations and rights of each party after divorce. In the case of failure to reach agreement, the court shall decide to assign children to live with one of the parents based on the child's interests in all respects. If a child is 7 years or older, his/her wishes must be considered.⁷⁸

D. Family reunifications (art. 10)

85. The 2016 Law on Children specifies that children have the rights to: know their biological father and mother, except where this knowledge may be against the best interests of the child; maintain contact with both parents when children and parents reside in different countries or when they are in custody or in a deportation process; favorable conditions for exit and entry to reunion with parents; protection from being sent abroad in contravention of law; be provided with information when a parent is missing.⁷⁹ In addition, measures to support victims of child trafficking in family reunions have been implemented. Protection and support services are designed to meet the specific needs of trafficking victims, especially children. Considerations include ensuring physical safety, security of personal information, finding and reuniting with families, provision of alternative care and reintegration services.

E. Recovery of maintenance for the child (art. 27, para. 4)

86. The 2014 Law on Marriage and Family establishes obligations on various parties to support and assist children. Parties are: parents; brothers and sisters; grandparents; aunts and uncles. The support obligation cannot be replaced by another obligation and cannot be transferred to another person.⁸⁰ In cases of deliberate evasion of the support obligation, the court may order a person who does not voluntarily perform the support obligation to perform such an obligation.⁸¹ In cases of failure to perform this task according to the court's decision, depending on the nature and seriousness of the act, a person may be

⁷⁷ 2016 Law on Children, Art. 22.

⁷⁸ Law on Family and Marriage 2014, Art. 81.

⁷⁹ 2016 Law on Children, Art. 23.

⁸⁰ 2014 Law on Family and Marriage, Art. 107 Clause 1.

⁸¹ 2014 Law on Family and Marriage, Art. 113.

administratively sanctioned or criminally sanctioned according to Article 186 of the Penal Code 2015.

87. Viet Nam has signed a civil and criminal legal assistance agreements with a number of countries in an effort to ensure the recovery of child support costs in cases where a person responsible for child support is living abroad but remains responsible for fulfilling their responsibilities (Agreements with Poland, Belarus, Bulgaria, Kazakhstan, Cambodia, Cuba, Hungary, Russia, and Mongolia).⁸²

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

88. The Law on Children 2016 specifies the right of a child to receive alternative care when he or she no longer has parents; cannot or will not live with the biological father or mother; is affected by natural disasters or armed conflicts.⁸³ Alternative forms of care include: by a relative; by individuals/families who are not relatives; adoption; care at a social assistance center.⁸⁴

89. The Government has a subsidy policy for children in extremely difficult circumstances, including provision of subsidies to child care.⁸⁵ The Prime Minister approved the project on care for orphanages or orphaned children, children living with HIV/AIDS, children who are victims of chemical toxins, children with severe disabilities and children affected by natural and man-made disasters (2013–2020).⁸⁶ This project mobilizes the participation of society, especially families and communities, in caring for and supporting children in particularly difficult circumstances in order to stabilize their lives, to accord them the opportunity to exercise their rights as children, to assist their re-integration into the community and to develop alternative forms of child care for disadvantaged children based in communities. The overall goal is to step-by-step narrow the gap in living standards between children in particularly difficult circumstances and normal children in their places of residence.

90. The Government has developed numerous models of alternative care for children. These include foster care, social welfare care, adoption, grants for grandparents and siblings, direct support for individuals and families who adopt children, and provision of social housing. Currently, in Viet Nam, over 40,000 children receive social assistance in the community, about 170,000 children receive care from replacement families, over 22,000 children are being raised in social assistance facilities. Each year, about 3,000 children are adopted both domestically and internationally.⁸⁷

G. Periodic review of placement (art. 25)

91. Periodic reviews of child care are closely coordinated between local and central governments. Provincial-level and district-level offices of the Department of Labor, Invalids and Social Affairs (DOLISA) are responsible for inspecting and supervising home care and social assistance facilities; handling cases of abuse of children and violation of standards of child care. Commune-level People's Committees are required, 6-monthly, to evaluate the suitability of care for each child receiving substitute care and to report evaluations to the DOLISA and to make appropriate interventions.⁸⁸ In addition, there is participation by social organizations and the media, all of which contributes to the protection of children's rights in alternative care settings.

⁸² List on judicial and legal agreements between Viet Nam and other. Ministry of Foreign Affair. Information Portal.

⁸³ 2016 Law on Children, Art. 24 Clause 1.

⁸⁴ 2016 Law on Children, Art. 61.

⁸⁵ Decree No.136/2013/ NĐ-CP dd. 21/10/ 2013 on social assistance policies.

⁸⁶ Decision No. 647/QĐ-TTg dated 26/4/2013 of the Prime Minister.

⁸⁷ Report of The Ministry of Justice on implementation of CRC. Dated 23/8/2017.

⁸⁸ 2016 Law on Children, Art. 68.

H. Adoption (national and international) (art. 21)

92. Viet Nam promulgated the Law on Adoption of Children in 2010. The Law enunciates principles governing adoption and the right of children to live in their natural families if at all possible. Adoption of a child must ensure respect for the legitimate rights and interests of the child to be adopted and the person adopting. Decisions must be voluntary and based on equity, regardless of gender and not be contrary to law and social morality. It is only possible to adopt a foreign national when no alternative family can be found in the home country.⁸⁹ Adopters must meet conditions set out in the 2010 Law.⁹⁰ Adoptions must be registered with a competent authority.

93. Adoption must be approved by the biological parents of the child to be adopted. If the natural father or mother has died or is missing, or has lost civil capacity or cannot be identified, the consent of the other parent must be obtained. If both parents are dead, missing, have lost civil capacity or cannot be determined, the consent of the guardian must be obtained. In the case of adoption of a child aged 9 years or older, the child's consent must also be obtained.⁹¹ People are only allowed to adopt a child a minimum 15 days after birth.⁹²

94. The 2010 Law on Adoption also provides for an alternative family preference order as follows:

- Firstly, stepfather, stepmother, aunt, uncle of the child to be adopted;
- Second: Vietnamese citizens residing in the country;
- Third: foreigners permanently residing in Viet Nam;
- Fourthly: Vietnamese citizens residing overseas;
- Fifthly: foreigners permanently residing abroad.

In cases where more than one person in the same line of priority is applying to adopt, authorities shall select the person having the best conditions for bringing up, caring for and educating their adopted child.⁹³

95. Procedures for foreign adoptions are strictly regulated in the 2010 Law on Adoption⁹⁴ and in the Decree guideline for implementation of the law.⁹⁵ In cases where the child is being considered for adoption abroad, the adoptive parents shall, within six years from the date of finalizing the adoption, notify the Ministry of Justice and the representative of Viet Nam details of their permanent place of residence, the physical and mental health status of adoptees, and the level of integration of adoptees adoptive into adopting families and communities.⁹⁶ Apart from the provisions listed above, foreigners who adopt Vietnamese children must meet all conditions for adoption as prescribed by the laws of the countries where such persons permanently reside.

96. In July 2011, Viet Nam ratified Hague Convention No. 33 for the Protection of Children and Cooperation in the Field of International Adoption. Subsequently, on September 7, 2012, the Prime Minister issued Decision No. 1233/QĐ-TTg approving the project for implementation of this Convention. The project clearly defines the tasks, solutions and responsibilities of ministries, central and local agencies in implementing the Hague Convention No. 33 to guarantee the best interests of children.

97. In the period 2011-2016, over 15000 children were living with Vietnamese adoptive parents and over 2000 children were living with foreign adoptive parents. Many children

⁸⁹ 2010 Law on Adoption of Children, Art. 4.

⁹⁰ 2010 Law on Adoption of Children, Art. 24 and 29.

⁹¹ 2010 Law on Adoption of Children, Art. 21 Clause 1.

⁹² 2010 Law on Adoption of Children, Art. 21 Clause 2.

⁹³ 2010 Law on Adoption of Children, Art. 5.

⁹⁴ 2010 Law on Adoption of Children, Art. 28 to 43.

⁹⁵ Decree No. 119/2011/NĐ-CP of the Government dd. 21/3/2011 regulating in details on implementation of 2010 Law on Adoption of Children.

⁹⁶ 2010 Law on Adoption of Children, Art. 39.

with disabilities and serious diseases have had suitable alternative families found for them abroad and have thus received modern medical treatment.⁹⁷

I. Illicit transfer and non-return (art. 11)

98. Vietnamese legislation prohibits the taking of children abroad illegally. Non-return is also illegal and is subject to criminal prosecution under the Penal Code 2015 based on the facts of the offenses under the Crime: Human trafficking provisions.⁹⁸ Trafficking in persons under the age of 16⁹⁹ and arrest and detention of persons under 16¹⁰⁰ are violations of the law.¹⁰¹

99. The Government issued its Anti-Trafficking Program for the period 2016–2020.¹⁰² This program particularly focuses on children who are victims of trafficking. The program supports detection, investigation, prosecution and adjudication of trafficking criminals. It aims to raise the sense of responsibility and capacity of individuals, families and society as a whole to take the initiative in preventing and responding to the risk of human trafficking. The program receives, verifies, rescues, protects and otherwise supports victims in a timely and safe manner to ensure that the rights of victims are protected. The program aims to continually improve the law and effectively implement policies and laws on the prevention and combating of human trafficking whilst, simultaneously, strengthening international cooperation and implementing international commitments on the prevention and combating of human trafficking in general and of children in particular.

J. Measures to ensure the protection of children with incarcerated parents and children living in prison with their mothers

100. Viet Nam's laws guarantee the best interests of children whose parents are detained and in cases where children live in custody with their mothers. Pregnant female offenders are provided with reasonable accommodation, receive regular or periodic pregnancy examinations and medical care where necessary. Laws also support reductions in working hours and leave of absence before and after the birth of children according to the provisions of labor legislation, and also the right to enjoy a healthy diet.¹⁰³ During maternity leave, women must be provided with standard quality foodstuffs as prescribed by a doctor, supplied with food and necessities for neonatal care and receive proper care when nursing children under 36 months of age. Detention centers are responsible for organizing nurseries outside the detention area to take care of and raise children of prisoners who are under 36 months of age. Children are provided with food rations and other essential needs as prescribed.

101. In order to ensure the best interests of children, after a child reaches 36 months of age, a female offender must send the child to his or her relative. In cases where the offender's children have no relatives, prisoners must request the provincial DOLISA find substitute care. After serving a prison sentence, a female offender is permitted to reunite with her child.¹⁰⁴

⁹⁷ Report of The Ministry of Justice on implementation of CRC. Dated 23/8/2017.

⁹⁸ 2015 Criminal Code, Art. 10.

⁹⁹ 2015 Criminal Code, Art. 151.

¹⁰⁰ 2015 Criminal Code, Art. 153.

¹⁰¹ 2015 Criminal Code, Art. 157.

¹⁰² Decision No. 2546/QĐ-TTg dated 31/12/2015 of the Prime Minister.

¹⁰³ 2010 Law on Implementation of Criminal punishment, Art. 45.

¹⁰⁴ 2010 Law on Implementation of Criminal punishment.

VII. Disability, the right to basic health care and social welfare (Articles 6, 18, clause 3, Article 23, 24, 26, Article 27, clause 1–3, and Article 33)

A. Children with disabilities (Article 23)

102. The 2013 Constitution affirms the State’s commitment to the creation of equal opportunities for citizens to enjoy social welfare, supports the development of social security systems and the adoption of policies to assist people with disabilities.¹⁰⁵ Viet Nam ratified the UN Convention on the Rights of Persons with Disabilities in 2014. The Prime Minister issued Decision No. 1100/QĐ-TTg dated 21 June 2016, approving the Plan of Implementation of the Convention. The National Disability Committee has also been established to cooperate in addressing disability issues in Viet Nam.

103. Viet Nam’s laws proscribe discrimination against Children with disabilities and requires that the best interests of such children be considered in making decisions related to them.¹⁰⁶ Children with disabilities are fully entitled to the rights of a child and the rights of persons with disabilities as provided for by law. They are entitled to receive support, care and special education for rehabilitation, self-reliant development and social inclusion.¹⁰⁷ Children with disabilities are given priority in implementing social protection policies.¹⁰⁸

104. Viet Nam has established a number of programs and projects to support children with disabilities, including the People with Disabilities Scheme, covering the period 2012–2020¹⁰⁹, the National Plan for the Development of Rehabilitation, 2014–2020¹¹⁰, the Project on development of the social work profession 2010–2020¹¹¹, the community-based social assistance and rehabilitation project for people with mental disorders, 2011–2020,¹¹² the project on the care of orphans, helpless children, children infected with HIV/AIDS, children affected by toxic chemicals, children with severe disabilities and children affected by natural disasters based in the community, 2013–2020.¹¹³

105. The State has a policy to assist Children with disabilities in the education sector, such that children with disabilities are eligible for enrolment at an older age than the prescribed age for general education. They must be given priority in enrollment and exempted from some subjects and tuition fees, and supported with transport and learning materials. Education for children with disabilities operates simultaneously in two systems: specialized education and inclusive education which plays the leading role. As a result, the number of Children with disabilities with disabilities going to school in Viet Nam has increased by ten times over the past two decades. Inclusive education for people with disabilities has been strengthened. In 2014, the percentage of children with disabilities going to school reached 60%. In the school year 2015–2016, 1,043 Children with disabilities and 7,343 children with disabilities attended kindergarten, 60,659 disabled pupils attended primary school, 2,658 pupils attended high school and many students with disabilities attended regular education centers, vocational schools, colleges and universities.¹¹⁴ The State regularly engages in capacity-building programmes to support the education of Children with disabilities. Teachers, educational administrators and others supporting education for children with disabilities at all levels are trained in knowledge and skills needed to educate children with disabilities. On average, about 200 teachers are trained annually in universities and colleges via majors in the education of children with disabilities. Trained teachers work in pedagogical schools and more than 10,000 teachers of

¹⁰⁵ Constitution of 2013, Clause 2 of Article 59.

¹⁰⁶ Law on Children 2016, Clause 3 of Article 5.

¹⁰⁷ Law on Children 2016, Article 35.

¹⁰⁸ Law on Persons with Disabilities 2015.

¹⁰⁹ Decision No. 1019 / QĐ-TTg dated 05 August 2012 of the Prime Minister.

¹¹⁰ Decision No. 4039 / QĐ-BYT dated 6 October 2014 by the Minister of Health.

¹¹¹ Decision No. 32/2010 / QĐ-TTg dated 25 March 2010 of the Prime Minister.

¹¹² Decision No. 1215 / QĐ-TTg dated 22/7/2011 of the Prime Minister.

¹¹³ Decision No. 647 / QĐ-TTg dated 26/04/2013 of the Prime Minister.

¹¹⁴ Report on the implementation of the UN’s Convention on the Rights of the Child of the Ministry of Education and Training dated 12/9/2017.

preschool, primary, secondary and high school education have acquired the knowledge and skills needed to educate children.¹¹⁵

106. Children with disabilities are prioritized for medical examinations and treatments. Community-based rehabilitation programs for children with disabilities are maintained and focus on early detection and early intervention activities. Currently, Viet Nam has 418 social support facilities, including 73 facilities for people with disabilities. The network of facilities supporting persons with disabilities provides services including health care, rehabilitation, labor and vocational training, physical training and sports activities, care and nurture. There are 32 rehabilitation facilities for children with disabilities in commune clusters, providing intervention and rehabilitation for thousands of children with disabilities.

107. Regarding cultural activities for children with disabilities, between six and seven hundred districts (c 84% of the total) currently maintain ‘houses of culture’ or centers of culture and sport; 141 districts have fitness and sport centers; 5,996/10,230 communes, wards or towns have houses of culture, or centers of culture and sport, accounting for 58.5% of entities; 66,513/109,727 villages and hamlets have cultural houses and sports facilities for people to participate in cultural and artistic pursuits, physical education and sport activities, including facilities for children with disabilities.¹¹⁶ Sports and recreation facilities in schools for children with disabilities are well equipped and adapted to special schools, enabling children to integrate into life. For mainstream schools, however, the availability of recreational facilities for children with disabilities is still limited and incomplete which limits access for such children.

B. The right to live, survive and develop (Article 6, clause 2)

108. The Constitution of 2013 stipulates that everyone has the right to life.¹¹⁷ All people have an inviolable right to the integrity of his/her physical body, and the protection of their health, honor and dignity. No person shall be subjected to torture, violence, suicide, or any other action that infringes upon their bodies, their health or that harms their personal honor or dignity.¹¹⁸ The Law on Children 2016 stipulates that children have rights to life protection, the best living and development conditions possible,¹¹⁹ and there is a prohibition on the deprivation of children’s right to life.¹²⁰ The 2015 Penal Code stipulates that death penalties and life sentences may not be given to persons under the age of 18.¹²¹

109. In order to ensure children’s rights to live, survive and develop, the Government of Viet Nam has made efforts to develop safe, friendly and healthy living environments for children and to ensure that communes and wards provide suitable living conditions for children. Modules of prevention, interventions to eliminate or reduce the risk to children in special circumstances, including harmed children, are being actively implemented by localities. Viet Nam is also implementing measures to reduce child injuries through the Child Accident and Injury Prevention Program, 2013–2020.¹²² The under-five mortality rate (U5MR) fell from 58 in 1990 to 22 per 1,000 live births in 2015.¹²³ The infant mortality rate (IMR) decreased between 1990 and 2015 from 44.4 to 14.7 per 1,000 live births and this fall enabled Viet Nam to achieve the MDG target for an IMR of 14.8 per 1,000 live births.¹²⁴

¹¹⁵ Report on the implementation of the UN’s Convention on the Rights of the Child of the Ministry of Education and Training dated 12/9/2017.

¹¹⁶ Report on the implementation of the UN’s Convention on the Rights of Persons with Disabilities of the Ministry of Culture, Sports and Tourism in 2016.

¹¹⁷ The Constitution of 2013, Article 19.

¹¹⁸ The Constitution of 2013, Article 20.

¹¹⁹ Law on Children 2016, Article 12.

¹²⁰ Law on Children of 2016, Article 6, clause 1.

¹²¹ 2015 Penal Code, Article 40, Clause 2.

¹²² Decision No. 2158/QĐ-TTg ngày dated 11 October 2013 of the Prime Minister and Decision No. 234/QĐ-TTg dated 5 February 2016 of the Prime Minister.

¹²³ Department of Children (9/2017): Draft Scheme of the Project “Care for the Comprehensive Development of Children in the Early Years at Home and in the Community for 2017–2025”.

¹²⁴ Department of Children’s Affairs (9/2017): Draft scheme “Integrated Early Childhood Development in families and communities during the period 2017–2025”.

C. Health and medical services, especially primary health care (Article 24)

110. The 2013 Constitution 2013 that everyone has the right to be protected and to have equitable access to health care. Health services are obliged to comply with regulations on disease prevention, medical examination and treatment.¹²⁵ The Law on Children 2016 also recognizes that children have the right to the best possible health care, priority access to preventive care and medical examination and treatment services.¹²⁶ Under the Law on Health Insurance 2008 and the Law on Amendment and Supplementation of some articles of the Law on Health Insurance, 2014, children under 6 years of age are entitled to free health insurance (no co-payment). In addition, poor children, children with special circumstances and ethnic minority children residing in disadvantaged areas are also provided with free health insurance cards. Children of ‘near poor’ families are entitled to a subsidy of 70% of the cost of purchasing a health insurance card. All other children are supported at 30% of the cost of purchasing health insurance cards. These regulations have contributed to increased access to health services and improvements in children’s health.

111. The Prime Minister approved preparation of a roadmap towards universal health coverage for the periods 2012–2015 and 2015–2020,¹²⁷ including provisions on child health insurance. Children with congenital heart diseases are treated free of charge.¹²⁸ In due course, Viet Nam will add to the list of items covered by health insurance so that children with serious diseases will receive free medical examination and treatment, thus contributing to the increase of children’s access to health services.

112. Viet Nam has taken a series of measures to provide primary health care and to improve health services generally, especially for children. The National Action Plan on Maternal, Newborn and Child Health, for the period 2016–2020, lists improving breastfeeding as a priority intervention.¹²⁹ Measures to improve health levels and quality of care have been implemented, including family planning, vaccination, vitamin A supplements, support for breastfeeding, malnutrition control, a childcare integration Program for prevention of acute respiratory infections (ARI) and a program for prevention of acute diarrhea (CDD), and an anti-retroviral (TCMR) program.

113. In order to ensure the availability of human resources for district health centers and commune health stations, besides increasing the training of health workers, the State has a rotation policy for practitioners at medical examination and treatment establishments.¹³⁰ Under this system, professional staff rotate from upper level hospitals to lower level hospitals thus improving the quality of medical examination and treatment, enabling technology transfer, providing skills training and transmitting of new knowledge. Facilities for the local health system are also gradually being improved to meet the needs of people. The grassroots health network is being strengthened and upgraded. Most communes and wards now have medical stations.

114. Despite the above-mentioned laws, policies and programs the Viet Nam continues to experience difficulties in providing adequate medical treatment for many ethnic minority people and other people living in remote areas where backward practices in health care still prevail.

¹²⁵ The Constitution of 2013, Article 38.

¹²⁶ The Law on Children of 2016, Article 14.

¹²⁷ Decision No. 538/QĐ-TTg dated 29 March 2013 of the Prime Minister approving the Scheme on “Implementing roadmap towards universal health insurance for the period 2012–2015 and 2020”.

¹²⁸ Decision No. 55a/2013/QĐ-TTg of the Prime Minister dated 4 October 2013 on policies supporting heart surgery for children with congenital heart disease.

¹²⁹ Decision No. 4177 / QĐ-BYT dated 03/8/2016 of the Ministry of Health.

¹³⁰ Decision No. 14/2013 / QĐ-TTg dated 20/02/2013 of the Prime Minister on the implementation of a rotation regime with respect to practitioners at medical examination and treatment establishments.

D. Strengthening children’s physical and mental health and responding to communicable and non-communicable diseases

115. Viet Nam has implemented the Project on Social Support & Rehabilitation for people with mental disorders and mental illnesses, covering the period 2011–2020.¹³¹ The project is mobilizing participation across society, especially by families, in providing material and spiritual support for rehabilitation of mental patients thus enabling them to stabilize and integrate into communities. The program also aims to prevent people with mental disorders and mental illnesses, which contributes to ensuring social security.

116. In response to communicable and non-communicable diseases, Viet Nam passed the Law on prevention and control of communicable diseases in 2005. The Government has implemented the project on prevention and control of communicable diseases for the period 2011–2020. The project aims to manage and control in a timely manner outbreaks that are likely to have major economic and social impacts.¹³² Prevention and control of communicable diseases remains, however, a considerable challenge. Viet Nam is a tropical country, with hot and humid weather which create favorable conditions for the outbreak and spread of many diseases.

E. The right to reproductive health of adolescents and measures to promote a healthy lifestyle

117. The Population and Reproductive Health Strategy for Viet Nam for the period 2011–2020,¹³³ includes a project for improving reproductive health for adolescents and young people generally. In addition, the Government has issued the National Plan for the Protection, Care and Health Promotion of adolescents and young people for the period 2006–2010 with an orientation to 2020.¹³⁴ The goal is to maintain and improve the health status, including physical and mental health, of young people, by improving access to quality health care services, especially services related to reproductive health, sexual health, sexually transmitted diseases prevention, HIV/AIDS prevention, injury prevention, and prevention of substance abuse and mental well-being.

118. Viet Nam has undertaken communication campaigns to raise awareness of adolescent reproductive health issues through national competitions such as “For Your Health and Happiness”, has funded training skills workshops and provided information to young people about reproductive health and healthy lifestyles. The government has promoted the piloting of modules to educate, counsel and guide positive behaviors for adolescents, they include: City counseling centers, Reproductive Health of Adolescent Clubs in schools, and life skills teams for rural youth in remote and isolated areas. The Youth Union of localities has introduced education on adolescent reproductive health into their activities and integrated with the activities of more than 6,000 kinds of youth clubs.

119. The network of reproductive health services has been consolidated and developed. It now covers 100% of districts, 93% of communes and 84% of villages. There are 60 health facilities implementing and maintaining youth-friendly health care services. The reproductive health and healthy lifestyles of adolescents continue, however, to face many challenges, including continuing limited awareness by adolescents, and limited material, financial and human resources available to the reproductive health service network.

120. In response to the HIV/AIDS epidemic, the Prime Minister promulgated the National Strategy on HIV/AIDS Prevention and Control to 2020, with a vision to 2030.¹³⁵ The Prime Minister also approved the National Action Plan for Children Affected by HIV/AIDS for the period 2014–2020.¹³⁶ All provinces have now issued Plans of Action for children affected by HIV/AIDS for the period 2014–2020 and are directing implementation of their plans. Communications on HIV/AIDS prevention for children, and care of children

¹³¹ Decision No. 1215/QĐ-TTg dated 22/7/2011 issued by the Prime Minister.

¹³² Decision No. 1125/QĐ-TTg dated 31/07/2017 issued by the Prime Minister.

¹³³ Decision No. 2013 / QĐ-TTg dated 14/11/2011 of the Prime Minister.

¹³⁴ Decision No. 2010 / QĐ-BYT dated 7 June 2006 of the Minister of Health.

¹³⁵ Decision No. 608 / QĐ-TTg dated 25/5/2012 of the Prime Minister.

¹³⁶ Decision No. 570 / QĐ-TTg dated 22/4/2014 of the Prime Minister.

affected by HIV/AIDS, have been implemented in various forms on the mass media. Currently, 276 districts (40%) have strengthened their networks of care services for children affected by HIV/AIDS. Nationwide, there are 345 HIV/AIDS treatment facilities for children at provincial and district levels. Approximately 5,000 children with HIV/AIDS are being treated with ARV.¹³⁷

F. Measures to protect children from substance abuse (Article 33)

121. In order to protect children from substance abuse, Viet Nam's laws severely punish those who entice and force children to use narcotics, including administrative and criminal punishments.^{138, 139} Viet Nam identifies heroin as a significant threat. The National Committee for AIDS, Drug and Prostitution Prevention and Control was set up in 2000. Every year since then, the Committee has been strengthened through the participation of leaders of ministries and related agencies. The Government also launched a movement on drug prevention and control with participation by families, schools and society as a whole. International Day of Drug Prevention and Control is celebrated annually on 26 June.

122. Education authorities require that all educational institutions are 'drug-resistant fortresses'. Schools across the country hold regular educational sessions for students and staff on drug harm and prevention of drug abuse.

123. Youth organizations, such as the Ho Chi Minh Communist Youth Union, also collaborate with schools and local authorities to disseminate information about the harmful effects of narcotics and other illicit drugs. The focus is on educating young people about healthy lifestyles and life skills, not being dragged down by bad friends, not looking for strange feelings, avoiding corruptible lifestyles and resolutely saying no to drugs.

124. Children who are addicted to drugs are detoxified at home and in the community or at drug detoxification facilities, separated from adults, and are guaranteed the rights of a child if they and their families voluntarily go to facilities. The Law on Handling Administrative Violations of 2013 only stipulates the application of administrative measures for compulsory rehabilitation in establishments for drug addicts aged 18 or over and the competence to decide lies with the People's Court of a district.¹⁴⁰

125. Drug detoxification facilities are supervised by Government through a system of reporting information and updating situations by local authorities to central agencies and at organizing inspection teams to assess the situation in establishments. There is also supervision by People's Councils at all levels, the National Assembly and social organizations.

G. Social security and child care services and facilities (Article 26, Article 18, paragraph 3)

126. Social security for children is an objective of the Viet Nam's Social Security System. Social security policy has been expanded in scope to include 14 categories of children in special circumstances poor and 'near poor' children; children of ethnic minorities, children residing in areas with special difficulties, children of pre-natal age, children who are victims of natural disasters and children who are victims of trafficking.

127. In order to achieve the goal of developing a comprehensive and effective child protection system, Viet Nam has made significant changes to the organization of an inter-agency network to provide child protection services. Child Protection Steering Committees are established in 43/63 provinces and cities, in 447 districts and in 5,510 communes and wards. The number of 'child protection collaborators' has increased by nearly 70,000 and

¹³⁷ Preliminary conference on implementation of Decision No. 570 / QĐ-TTg dated 22 April 2014 of the Prime Minister approving the National Plan of Action for children affected by HIV/AIDS in the period 2014–2020, 22/11/2016.

¹³⁸ Decree No. 144/2013 / ND-CP dated 29/10/2013 of the Government providing for administrative sanctions for social protection, relief and care for children.

¹³⁹ Penal Code 2005.

¹⁴⁰ The Law on Handling Administrative Violations in 2013, Article 96, Clause 1.

are present in over 4,500 communes, wards and townships. This important grassroots force has participated in child protection activities in their respective areas, including: support for commune level cadres; detection and reporting of cases of neglect, abuse, exploitation and violence; provision of and connecting children with care services, education and rehabilitation; integration of services to children in special circumstance and abused children, including case management services.

128. The network of child protection service centers is organized and operated to meet the needs of all children, with the participation of 34 provincial centers for social work, 134 district child counsellors, 1,600 community consultation points, 3,069 school counselling sites and nearly 400 social support facilities which contribute to the provision of child and family support services in reducing the harm risk/factors to children.

H. Living standards and measures implemented (Article 27, clause 1–3)

129. Viet Nam is implementing the National Strategy on Nutrition for the period 2011-2020 with a vision to 2030.¹⁴¹ It covers communication, nutrition education and human resource training project, a project on prevention of malnutrition of mothers and children, a project on prevention of micro-nutrient deficiencies, a School Nutrition Program, an Obesity and Chronic Disease Control Project, a Food Security and Nutrition Improvement Program, a Food Safety and Hygiene Program and a Nutrition Monitoring Project.

130. The State commits to the adoption of appropriate supporting policies for each group of children in special circumstances.¹⁴² The State has a monthly social allowance policy for children in special circumstances.¹⁴³ Children with special circumstances are supported in paying for health insurance cover fully or partly by the State. The State pays or supports the payment of medical examination and treatment expenses for children in special circumstances. The State provides monthly subsidies to individuals and families providing substitute care. Burial costs and allowances for other forms of assistance to children in special circumstances are provided. The State provides support for meals, accommodation and travel in accordance with the law on social support policies for abused children and children in special circumstances who are under urgent protection. Children in special circumstances are entitled to exemption from or reduction of tuition fees and support for study expenses in accordance with the law on education, training and vocational education. In addition, children with special needs receive legal aid and counselling, psychotherapy and other child protection services.¹⁴⁴

131. The Target National Program for Sustainable Poverty Reduction has been under implementation since 1998. In 2016 the program shifted from a single-dimensional approach to poverty reduction to a multi-dimensional approach (income/expenditure combined with access to basic social services: health, education, housing, clean water, access to information). 62 of Viet Nam's poorest districts and special communes are prioritized for investment. Children as well as the broader population benefit from this program.¹⁴⁵

¹⁴¹ Decision No. 226 / QĐ-TTg dated 22/02/2012 of the Prime Minister.

¹⁴² Law on Children 2016, Article 10 Paragraph 2.

¹⁴³ Decree No. 136/2013 / ND-CP dated October 21, 2013 of the Government stipulates social support policies for social protection beneficiaries.

¹⁴⁴ Decree No. 56/2017 dated 9 May, 2007 of the Government detailing some articles of the Law on Children.

¹⁴⁵ Decision No. 1772 / QĐ-TTg dated September 2, 2016 of the Prime Minister approving the National Target Program for Sustainable Poverty Reduction 2016–2020.

VIII. Educational, recreational and cultural activities (Articles 28–31)

A. The right to education includes both vocational training and vocational education (Article 28)

132. Children have the rights to be educated and to equality of access to learning and educational opportunities. State policy supports these rights by ensuring that all children go to school and that dropout rates are low.¹⁴⁶ Priority is given to improving access to vulnerable groups, including ethnic minorities, people with disabilities and helpless orphans.¹⁴⁷ Since adopting a policy of universal education, the Department of Education and Training has reviewed and re-planned its management team to enable teachers to improve their professional qualifications so as to raise standards/improve the quality of education for children and effectively implement universal goals.

133. In terms of resources, the Government prioritizes education. The Government invests over 20% of the state budget (VND 224,826 billion) in vocational education and training.¹⁴⁸ Viet Nam has made significant progress on access to education for children.¹⁴⁹ The rate of primary school completions has increased considerably and currently stands at 90% of the relevant cohort annually. Transition from primary to secondary school approaches 100% annually.¹⁵⁰

134. In order to improve the quality of education, the Government has approved the Project on the renewal of general education programs and supporting textbooks.¹⁵¹ The curriculum is being transformed by focusing on the development of core competencies of students, including skills in communication, collaboration, self-directed study, problem solving and creativity. The aim is to promote practical learning skills for students and to increase interaction between teachers and students. Students will be able to choose their favorite subjects in high school.

135. Viet Nam is committed to protecting the right to education of children with disabilities and the State has an inclusive and specialized education policy for them. This includes exemptions from, and reductions in, tuition fees, support for study expenses and mechanisms for the collection and use of tuition fees by educational establishments in the national education system for the period 2010–2011 to 2014-2.¹⁵² Implementation of inclusive education programs also contributes to a friendly educational environment for children with disabilities.¹⁵³

136. The Government implemented some educational development policies for ethnic groups with very few people in the period 2010–2015.¹⁵⁴ The Government has established a system of boarding schools for ethnic minority children.¹⁵⁵ In the school year 2014–2015, there were 876 boarding schools with 329,228 ‘semi-boarders’. The Government has approved policies to support pupils and teachers in boarding schools. Ethnic minority children in especially difficult areas are supported with books, school supplies, lunches and rents in case they have to rent accommodation to attend school.

¹⁴⁶ Law on Children 2016, Article 16 and Article 44.

¹⁴⁷ Vocational Education Act 2014, Article 6.

¹⁴⁸ Report of the Ministry of Finance 2015.

¹⁴⁹ Paragraph 37 of this report.

¹⁵⁰ Viet Nam’s National Education for All 2015 Report. MOET, 2014.

¹⁵¹ Decision No. 404 / QD-TTg dated 27 March 2015 of the Prime Minister.

¹⁵² Decree No. 49/2010/ND-CP dated 14 May 2010 of the Government.

¹⁵³ Please refer to the information section for children with disabilities.

¹⁵⁴ Decision No. 2123/QD-TTg of the Prime Minister dated 22 November 2010 approving the Scheme on Educational Development for Very Few People in the Period 2010-2015. Decision No.

85/2010/QD-TTg on supporting policies for semi-boarding pupils and boarding schools for ethnic minorities, Decision No. 12/2013/QD-TTg on policies to support high school students in regions with extremely difficult socio-economic conditions and Decision No. 36/2013/QD-TTg on rice support policy for pupils in schools in areas with particularly difficult socio-economic conditions to wel.

¹⁵⁵ Decree No. 57/2017/ND-CP of the Government dated 9 May 2017 stipulates the preferential policies and supports for children in kindergartens, students and students of ethnic minorities with few people.

B. The objective of education (Article 29)

137. The goal of the Vietnamese education system is to make fundamental changes to the quality and effectiveness of education and training; to better meet the needs of building and protecting the Nation and to meet the learning needs of the people. The goal is an open education system in which people learn practically, are well taught, taught to study effectively and which is well managed. The ideal is a system which has a rational structure and modes of education that will drive the development of a learning society. It will be a system that ensures conditions for improvement, including standardization, modernization, democratization, socialization and international integration. The system will maintain the nation's socialist orientation and national identity. The goal is for Viet Nam's education system to be at the same level as the best in the ASEAN region.

C. Cultural rights of children from ethnic minority and indigenous groups (Article 30)

138. The 2016 Law on Children stipulates that children have the rights to be: respected for their own characteristics and valued in accordance with their age and culture and to be recognized in terms of their family relationships. Children have the rights to use their languages and scripts, to the preservation of their group identities and to the protection of their cultural traditions and customs.¹⁵⁶ According to Viet Nam's laws¹⁵⁷ and practices, languages, scripts and cultural traditions of ethnic groups are included in the curricula of high schools, boarding and semi-boarding schools for ethnic minorities, semi-boarding schools, regular education centers, community learning centers, vocational schools, professional secondary schools, colleges and universities that are suitable to the areas in which children live. Numbers of boarding schools for ethnic minorities are being expanded; students and teachers are entitled to support from policies as regulated. The Government has established and is effectively implementing the project, Preservation and development of Vietnamese ethnic minorities' culture through to the year 2020.¹⁵⁸

D. Education on human rights and civic education

139. The Ministry of Education and Training has introduced human rights education into school curricula. Rights education is included in the ethics subject in primary school and the citizenship subject at secondary level.

E. Leisure, recreation, entertainment and cultural and artistic activities (Article 31)

140. The Law on Children 2016 stipulates that children have the rights to have fun supported by equal opportunities for participation in cultural, art, physical education, sports and tourism activities in accordance with age. The State supports these rights through the creation of cultural and art works; by developing a system of cultural activities and sporting facilities at grassroots level; by adopting priority policies for children in the provision and use of recreational services, entertainment and sports facilities and supporting tourism enabling the visiting cultural relics and landmarks.¹⁵⁹ The Law regulates the responsibilities of stakeholders investing in the construction of recreational, entertainment, cultural, artistic and sports facilities for children, to ensure proper conditions and availability of time for children to participate in activities.

141. In order to assure conditions for children to participate in recreational activities, including sports, the Government has issued a master plan for a cultural institutional system

¹⁵⁶ Law on Children 2016, Article 16.

¹⁵⁷ Decree No. 05/2011/ND-CP dated 14 January 2011 of the Government on the work of ethnic minorities, Article 10.

¹⁵⁸ Decision No. 1270/QĐ-TTg of the Prime Minister dated 27 July 2011.

¹⁵⁹ Law on Children 2016, Article 17, Article 45.

(including sports) covering the period 2013–2020, with an orientation to 2030.¹⁶⁰ The plan outlines the cultural institutional system and local plans for sports for youth, teenagers and children, including children’s cultural houses at district level, children’s cultural houses or centers for children and youth at provincial level. In addition to the above mentioned, other institutional systems organize activities to meet recreation needs of children as required (e.g. cultural and sports centers at commune and village levels must dedicate at least 30% of operating time for children’s activities).¹⁶¹

142. Currently, over 50% of children aged 0–59 months have two or more types of toys at home, compared to 49.3% in 2011 and c.30% of children have more than 3 children’s books at home.¹⁶²

IX. Special protection measures (Article 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)

A. Children living in foreign countries seeking refuge, refugee children without adults (Article 22)

143. The Law on Children 2016 stipulates the rights of stateless children who are living and working in Viet Nam. Children living in a foreign country may seek refuge in Viet Nam, and refugee children without adults accompanying them are protected under Viet Nam’s laws and are covered by surrogate care policies. In recent years, no children living in foreign countries have sought refuge in Viet Nam.

144. To protect refugee children, health insurance law and policies allow for health insurance to be free for children under 6 years old, including refugee children. Many temporary migrants to cities fail, however, to register for permanent residence status; children of such migrants are not entitled to free health care.

B. Children in ethnic minority groups or other local peoples (Article 30)

145. Under the Scheme on renewal and development of social support activities for the period 2017–2025, with a vision toward 2030,¹⁶³ ethnic minority people and ethnic minority children are beneficiaries. In order to ensure a stable life through long-term livelihoods for ethnic minorities in general and children from ethnic minorities in particular, the Prime Minister issued the Scheme on education development for very small ethnic minorities for the period 2016–2025.¹⁶⁴

146. Previously, the Prime Minister had issued the Scheme on education development for very small ethnic minorities for the 2010–2015 period.¹⁶⁵ The scheme focused on education development and contributed to socio-economic development, hunger elimination and poverty reduction in areas inhabited by very small ethnic minorities. The children of such minorities are enabled to study at school and are trained in good educational environments supported by policies on special care and nurturing. The Government preferences enrollment and study support for small ethnic minority pre-school children and school students generally.¹⁶⁶

¹⁶⁰ Decision No. 2164/QĐ-TTg of the Prime Minister dated 11 October 2013.

¹⁶¹ Circular No. 12/2010/TT-BVHTTDL dated 22/10/2010 and Circular No. 06/2011/TT-BVHTTDL of the Ministry of Culture, Sports and Tourism.

¹⁶² General Statistics Office.

¹⁶³ 141Decision No. 488/QĐ-TTg dated 14 April 2017 of Prime Minister.

¹⁶⁴ Decision numbered 2086/QĐ-TTg dated 31 October 2016 of Prime Minister.

¹⁶⁵ Decision No.2123/QĐ-TTg dated 22 November 2010 of Prime Minister.

¹⁶⁶ Decree 57/2017 dated May 19, 2017 by Government stipulates policies of preference enrolling and study support to small ethnic minority preschool children, pupils, students.

C. Street children

147. Street children (children who are homeless) come mostly from villages as migrants to the cities. They are notably disadvantaged and take many risks to survive. Numbers of street children have decreased dramatically according to estimates for the period 2015–2017.

D. Child exploitation and consequences

148. The Law on Children 2016 stipulates prohibited acts involving children, including sexual abuse, other forms of abuse and exploitation in other forms.¹⁶⁷ Exploitation is subject to administrative sanctions¹⁶⁸ and criminal prosecution,¹⁶⁹ depending upon the nature and seriousness of acts. The 2016 Law on Children regulates alternative care arrangements for orphans, abandoned children, helpless children, children who cannot live with their parents for safety reasons, children affected by natural disasters, child refugees and children whose parents are unidentified.

149. To prevent children from being exploited, Viet Nam's laws prohibit the employment of children under 18 years of age in business establishments where sensitive services, such as massage, can be abused for prostitution activities, which in turn may adversely affect children's physical, spiritual and personality development.¹⁷⁰ A Program of prostitution prevention and combatting, 2011–2020, aims to prevent or, where prevention fails, stringently prosecute legal violations. The goal is to put the prevention and elimination of prostitution in the context of efforts to eliminate human trafficking and the sexual exploitation of women and children more generally.

150. In cases of violence against children, including sexual abuse, children are supported by family, school and protection workers of relevant state agencies in the locality.¹⁷¹

E. Economic exploitation of children, including child workers (Article 32)

151. Viet Nam's laws prohibit the economic exploitation of children by employing them to work in heavy, toxic and dangerous workplaces.¹⁷² Violations of child employment laws, depending on the seriousness of acts, may be subject to administrative¹⁷³ and criminal penalties.¹⁷⁴ The 2015 Penal Code added the new crime of forced labor (Article 297)

152. The Government is implementing a program to prevent and reduce the incidence of child workers for the period 2016–2020.¹⁷⁵ If children working in heavy, toxic and dangerous workplaces they are removed from their workplaces they may attend vocational training classes, are found suitable jobs and are able to access health care and education.

F. Children in illegal manufacture of, or trading in, narcotic substances (Article 33)

153. Viet Nam's laws prohibit children from working on illegal manufacture or trading in narcotic substances. Breaches are stringently prosecuted under the Penal Code 2015.

¹⁶⁷ Law on Children in 2016, Article 6.

¹⁶⁸ According to Decree No. 144/NĐ-CP dated October 29, 2013 by Government stipulates regulating sanction of administrative violation on sponsor, social support and protection, care of children.

¹⁶⁹ According to Penal Code in 2015 and Penal Code amended and supplemented in 2017.

¹⁷⁰ Ordinance on prostitution prevention and combat in 2003.

¹⁷¹ According to Circular no. 23/TT-BLĐTBXH dated August 16, 2010 by Labour, War Invalids and Social Affairs stipulates procedure of intervening, supporting violented, sexual abused children.

¹⁷² Labor code, Article 64.

¹⁷³ Decree No. 95/2013 / ND-CP dated 22/8/2013 of the Government and Decree No. 88/2015 / ND-CP dated 7 October 2015 of the Government.

¹⁷⁴ Penal Code 2015.

¹⁷⁵ Decision No. 1023/QĐ-TTg dated June 07, 2016 by Prime Minister.

G. Exploitation and sexual abuse (Article 34)

154. Sexual exploitation and other forms of abuse of children are proscribed in the Law on Children 2016.¹⁷⁶ The Law established judicial principles to increase protection of children who are victims and/or witnesses in criminal proceedings (Article 70, Article 71). As noted above at 9.4, the Ordinance on prostitution prevention and combatting prohibits employment of workers aged under 18 years in hotels, guest houses, restaurants, dance halls, karaoke parlours, massage parlours and and sauna parlours, and any other establishments dealing in services that may be perverted to prostitution activities. The Penal Code 2015 (amended and supplemented in 2017) defined new types of crime by incorporating child sexual abuse and exploitation into criminal acts. Examples include: using persons under the age of 16 for pornography purposes (Article 147) and the detailing of elements of trafficking of persons under 16 in accordance with the Palermo Protocol (Article 151). The 2015 Code of Criminal Procedures regulates friendly procedures for juveniles who are victims and/or witnesses to crimes, including child sexual abuse and exploitation (Chapter 28).

155. The Prime Minister issued Directive No.18/CT-TTg, dated May 16, 2017, on enhancing measures to prevent and control violence and other forms of child abuse and clearly defines the responsibilities of heads of local authorities when abuse occurs.

H. Trafficking and kidnapping

156. Viet Nam's laws prohibit trafficking, kidnapping and swapping of children.¹⁷⁷ The program to prevent and combat human trafficking covering the periods 2011–2015 and 2016–2020, has been and continues to implemented. The “National day of prevention and combat of human trafficking”¹⁷⁸ falls annually on July 30th.

I. Other forms of child exploitation

157. No other forms of child exploitation have been defined in Viet Nam.

J. Children who have committed illegal acts, children as victims and children as witnesses: measures for minors

158. Over the period 2012–2017, Viet Nam has made breakthrough reforms in the revision of major laws related to justice for children, including the Law on handling administrative violations, the Penal Code, Law on children, Law on organization of People's Courts, Law on legal aid.

159. The Law on handling administrative violations 2012 stipulates measures to be taken when children have committed illegal acts.¹⁷⁹ The Law stipulates education in communities to avoid sending children to reformatories. Sending a child to a reformatory requires a Court decision. Children who are victims or witnesses are protected from harm.

160. The Penal Code 2015 revises the scope of liability of persons aged 14 to 16 in relation to criminal offences and revises the scope of exemption from criminal liability for persons under 18 years old. The Code supplements the principle that in the treatment of a person under the age of 18 who offends, the best interests of the person must be considered and courts must only impose terms of imprisonment in exceptional cases. Age at time of offence must be taken into account when considering penalties and these should only be applied when educational measures have failed to deter or prevent individuals from re-offending. The Code also provides for a number of measures to supervise and educate juveniles who are exempt from penal liability and, at the same time, broadens the scope of

¹⁷⁶ Law on Children in 2016, Article 4, 10 and 25.

¹⁷⁷ Law on Children in 2016, Article 6.

¹⁷⁸ Decision No. 793/QĐ-TTg dated May 10, 2016 by Prime Minister.

¹⁷⁹ Law on handling administrative violations in 2012, Article 34, and 89–96.

criminal offences against juvenile offenders and amends provisions on the time limit for remission of criminal records against juvenile offenders.

K. Measures for minors, separate court, age of criminal responsibility (Article 40)

161. Viet Nam has established a Court for Family and Juveniles in the People's Court system. Under the provisions of the Law on Organization of the People's Courts 2014, Family and Juvenile Courts operate within provincial and district People's Courts. They specialize in handling criminal cases where defendants are under 18 and where victims under 18 suffer serious physical or psychological damage or who otherwise need special assistance. The Court makes decisions on sending juvenile administrative offenders to correctional institutions and handles family and marriage matters such as child custody disputes, changes of parent, child support and parental rights restrictions for juveniles.

162. The 2016 Law on Children stipulates requirements for child protection during legal proceedings and the handling of administrative violations. The aim is to ensure minimum standards in the protection of children involved in administrative or civil proceedings and administration of punishments for violations.

163. The revised Criminal Procedure Code 2015 reserved a separate chapter (Chapter XXVIII) regulating principals and mandating special measures for defendants, victims and witnesses under 18 in criminal proceedings. Compared with the Criminal Procedure Code 2003, the new code expands the scope of special protection to juvenile victims and witnesses.

L. Children are deprived of the liberty, captured, kept in temporary detention, sent to prison as a last measure (Article 37 (b)–(d))

164. The Law on Handling of Administrative Violations, the Penal Code and the Criminal Procedure Code restrict the application of detention measures for juvenile offenders. Specifically, the Law on Handling of Administrative Violations limits the scope for sending juveniles to correctional institutions and allocates competence to decide such matters to People's Courts, instead of People's Committees. The Criminal Procedure Code reduces by two thirds the time limit for temporary detention of juvenile offenders compared to adults.

165. In making decisions, the handling of children and minors who have committed administrative violations must be based on the awareness of minors of the 'dangerous-for-society' nature of their acts. Reasons for and circumstances of violations must also be considered in setting fines, setting measures for education in communes, wards, towns and sending offenders to reformatories.¹⁸⁰ All measures taken should have an educational purpose attached.

M. Serving life imprisonment, death sentences for children (Article 37 (a))

166. Viet Nam's laws prohibit imprisonment or the imposition of a death sentence on juvenile offenders or on women who are pregnant or raising children under 36 months of age.¹⁸¹ In fact, no children have been imprisoned or received a death sentence in Viet Nam.

N. Physical-psychiatric recovery and re-integration with the community (Article 39)

167. When educational measures for children who have violated laws are imposed children must be supported to achieve physical-psychological recovery and to re-integrate with the community. In cases where children commit extremely serious violations,

¹⁸⁰ Law on handling administrative violations in 2012, Article 134.

¹⁸¹ Criminal Code amended in 2015, Article 39, 40.

requiring incarceration in a correctional institution, jurisdiction falls, as noted above, to district People's Courts rather than to chairpersons of district People's Committees.¹⁸² There are three such institutions serving the whole of Viet Nam. Numbers of juveniles in one of these stood at 532 in 2015,¹⁸³ a five-fold reduction from 2012 numbers.

168. The Government has supporting policies for children who are victims of violence, trafficking, premature-aged employment, natural disasters, traffic accidents and other risks.

X. Content related to Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

A. Implementing recommendations of CRC Committee and improving legal framework and policy to perform Optional Protocol

169. The Penal Code 2015 (amended and supplemented in 2017) stipulate crimes directly relating to the sale of children, child prostitution and child pornography including: Human Trafficking, Trafficking of a person under 16, Rape of a person under 16, Sexual abuse, Sexual abuse of a person aged from 13 to 16, Molestation of a person under 16, Employment of a person under 16 for pornographic purposes, Procuring and harboring prostitutes, Engaging in prostitution with a person under 18, Abduction of a person under 16.

B. Measures establishing liability for violations of the provisions of the Optional Protocol

170. Viet Nam's Laws have established criminal liability for violations against regulations on sale of children, child prostitution, and child pornography.

C. Measures aimed at prevention and raising awareness of criminal harm under Optional Protocol

171. Missions to prevent and raise awareness of harms resulting from the sale of children, child prostitution and child pornography are promoted by Programs on preventing and combatting human trafficking over the periods 2011–2015 and 2016–2020 and the Programs on action to prevent and combat prostitution over the periods 2011–2015 and 2016–2020. Information dissemination and awareness raising regarding harms of all types of crimes take place in every school. Increasing training on living skills for children is considered important in reducing exposure to harmful risks.

D. Measures for social reintegration, psychological and physical rehabilitation and other remedies for child victims of crimes under the Optional Protocol

172. In order to achieve the re-integration into society and rehabilitation (psychological and physical) of victims of human trafficking, especially child trafficking, the Prime Minister promulgated the Rule on receiving and supporting social re-integration for women and children returning to Viet Nam after being trafficked abroad.¹⁸⁴ Over the years, victims of trafficking have been mentally and physically supported when they were received and during the process of social re-integration. When victims return to their places of residence, they are considered for re-granting of household registration or identity cards. Child victims

¹⁸² Law on handling administrative violations in 2012.

¹⁸³ Results of investigation on October, 2015 by BVCSTE Department coordinate with C86 – General department 8 – Ministry of Public Security.

¹⁸⁴ Decision No. 17/QĐ-TTg dated 29 January 2007 of Prime Minister.

accompanying mothers without birth certificates are be entitled to birth registration. Child victims attending school are supported to buy books and school supplies for the first school year. Child victims wanting to become apprentices are considered and supported for vocational training by the local system of vocational training centers. If children are poor or in otherwise difficult situations they will be granted living allowances. Victims wishing to borrow money to establish businesses will be considered by the Social Policy Bank or the Fund for Poor Women.

173. There are specific community support models for victims. Examples include Peaceful House, conducted by the Women's Union, Self-Help Groups, a combined model to support trafficked victims through prevention and combatting of prostitution and prevention of HIV/AIDS transmission. These models have contributed to helping victims re-integrate into the community.

174. From 2017, Viet Nam has been implementing the Target Program on developing social support systems for the period 2016–2020.¹⁸⁵ 161 The Program includes four projects: Project No. 1: Developing a social support system for vulnerable people; Project No. 2: Developing a child protection system; Project No. 3: Support for achieving national targets on gender equality; Project No. 4: Developing a support system for drug addicts, sex workers and trafficked victims.

175. To date, 199 victims of child trafficking have been supported to re-integrate into the community.

E. Measures for protecting child victims and/or witnesses of prohibited behavior under Optional Protocol on Criminal Procedure

176. The Law on Children 2016 enunciates the principle of child protection in criminal procedures. Children must be treated fairly, impartially and respectfully, in accordance with their age and level of maturity. Child-related matters must be dealt with promptly so as to minimize the potential for physical and mental harms. The support of parents, guardians and other legal representatives of children must be enabled during proceedings to apply administrative sanctions in order to protect the child's legitimate rights. Individuals given authority to institute proceedings and to apply authorized administrative sanctions, including lawyers and legal assistants, must have basic knowledge of child psychology and the education needs of children. Friendly and easily understood language must be used in proceedings. The right to defence requires a legal aid service for children.¹⁸⁶ Nowadays, all competent procedural authorities, when taking criminal proceedings, apply all of the principles applying to child victims/witnesses in relation to crimes concerning the sale of children, child prostitution and child pornography.

F. Efforts to promote international co-operation and coordination in the prevention, detection, investigation, prosecution and punishment of the crimes set forth in the Optional Protocol

177. Viet Nam has signed 15 bilateral agreements and 13 judicial assistance agreements that include content on the prevention of human trafficking. Viet Nam has been actively involved in regional initiatives to prevent the trafficking of women and children, including: the Greater Mekong Sub-Region (GMS) and Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT); the Action Plan for the Lower Mekong River Basin Region on human trafficking prevention and combatting for the period 2015–2018; ASEAN Action Plan on Prevention and Suppression of Human Trafficking, especially for women and children; the Bali Ministerial Meeting on the prevention and combating of illegal cross-border migration, human trafficking and transnational crimes. Viet Nam has also ratified the ASEAN Convention on the Prevention and Suppression of Trafficking in Persons, especially Women and Children, and the Protocol on the Prevention of Illegal Migration by Road, Sea and Air.

¹⁸⁵ Decision No. 565/QĐ- TTg dated 25/4/2017 of The Prime Minister.

¹⁸⁶ Law on Children 2016, Art. 70.

178. The Plan for implementation of the Child Rights Commission's Recommendation 71, Plan for the Implementation of the Transnational Organized Crime Convention and the Protocol on Prevention, Punishment and Suppression of Trafficking in Persons, especially women and children, has been issued and implementation commenced.¹⁸⁷ This plan identifies required content and roadmap for the internalization of the provisions of the Convention on Transnational Organized Crime and the Protocol on Prevention, Punishment and Suppression of Trafficking in Persons, women and children, contributing to improving the institution, improving effectiveness and promoting international cooperation in the prevention and control of transnational organized crime. Viet Nam has also ratified the Palermo Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, especially Women and Children, in 2012. Recently, Viet Nam signed and is implementing a number of Bilateral treaties in human trafficking with neighboring countries in the region.

G. International cooperation for physical and psychological rehabilitation, social reintegration and repatriation of victims of crimes under the Optional Protocol

179. Viet Nam has joined in implementing regional projects on prevention and combatting the sale of women and children. As an example, the Project to Combat Trafficking of Women and Children in the Mekong Sub-region was funded by UN Inter-agency (RAS/98/H01) and ILO/APEC. Viet Nam has implemented other relevant projects including: Improving legal policies on prevention of child sexual abuse (supported by UNICEF), Anti-abortion and sexual exploitation of children, supported by the UN Economic and Social Commission for Asia and the Pacific (ESCAP), and Support to victims of trafficking re-integration into the community, supported by the International Organization for Migration (IOM).

XI. Protocol on the Involvement of Children in Armed Conflict

180. Following the law on military service 2015, the age of persons subject to conscription is set at 18 to 26 years.¹⁸⁸ In Viet Nam, no children may join the People's armed forces or take part in any military activity.

¹⁸⁷ Decision No. 605/QĐ-TTg dated 18 April 2013 of Prime Minister.

¹⁸⁸ Law on military service 2015, Art. 30.