Home Office

# Country Policy and Information Note
## Vietnam: Unaccompanied children

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# Executive summary

There are an estimated 28.3 million people under the age of 18 in Vietnam. Vietnam ratified the Convention on the Rights of the Child (CRC) in 1990. However, under Vietnamese law, a child is a person below the age of 16.

Unaccompanied children from Vietnam with no family to return to form a Particular Social Group (PSG) under the Refugee Convention.

Whilst progress has been made in addressing poverty, it remains an issue, particularly among ethnic minorities, children with disabilities and in rural areas. Children from those groups are more likely to have difficulty accessing healthcare, schooling, and shelter. Education is free, compulsory, and universal through to the age of 14, however school fees are common. Over one million children between the ages of 15- 17 are estimated to work in low-skilled jobs.

Around 20,000 children are estimated to be homeless, and some are subject to threats of violence, abuse, sexual exploitation, trafficking and police harassment. They have little or no access to government-run services. Police routinely take homeless children from the streets, including under arrest and place them in state-run accommodation.

Early marriage occurs across all regions and levels of society but is more common among poorer, lower educated and ethnic minority groups. Violence against children occurs in schools and homes and tends to be perpetrated by someone known to the child. Whilst laws against child abuse exist, discipline involving violence remains a social norm. Labour and sex trafficking of children under 16 years old is illegal, however children particularly from poorer areas are more likely to be vulnerable to trafficking for the purposes of early/forced marriage, forced labour and sexual exploitation.

In general, there is no real risk of persecution simply by being a child in Vietnam and a person is unlikely to face treatment by state or non-state actors which amounts to persecution or serious harm, on the sole basis that they are an unaccompanied or lone child. Where appropriate, decision makers should also consider the relevant Country Policy and Information Note(s).

In general, the state is willing but not able to offer effective protection to unaccompanied or lone children who may be at risk of persecution or serious harm. In general, internal relocation is likely to be reasonable.

If adequate and sustainable reception arrangements with family members cannot be made, and there is no current prospect of them being made, and but for this it would be reasonable for the child to return, decision makers must consider granting UASC leave under paragraphs 352ZC to 352ZF of the Immigration Rules.

Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Assessment

## About the assessment

This section considers the evidence relevant to this note – that is information in the country information, refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person faces a reasonable degree of likelihood/real risk of persecution/serious harm by non-state actors because they are an unaccompanied child
- the state (or quasi state bodies) can provide effective protection
- internal relocation is possible to avoid persecution/serious harm
- where a claim is refused, it is likely or not to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

1.1.1 For information on assessing credibility, see the instruction on Assessing Credibility and Refugee Status.

1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

1.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the Asylum Instruction on Language Analysis).

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### 1.2 Exclusion

1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of

exclusions than refugee status).

1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on Exclusion under Articles 1F and 33(2) of the Refugee Convention, Humanitarian Protection and the instruction on Restricted Leave.

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## 2. Convention reason(s)

2.1.1 Particular Social Group (PSG).

2.1.2 In the reported determination of LQ (Age: immutable characteristic) Afghanistan [2008] UKAIT 00005, heard 6 October 2006 and promulgated on 15 March 2007, the Asylum and Immigration (AIT) Tribunal concluded that a person's age was an immutable characteristic so that children from Afghanistan constituted 'a particular social group' for the purposes of the Refugee Convention (paragraph 7).

2.1.3 However, in the country guidance case HK & Ors (minors, indiscriminate violence, forced recruitment by Taliban, contact with family members) Afghanistan CG [2010] UKUT 378 (IAC), heard on 15 July 2010 and promulgated 23 November 2010, the Upper Tribunal found that LQ is not to be regarded as any form of country guidance nor precedent for any general proposition that all children in Afghanistan form a particular social group irrespective of their particular family circumstances (paragraph 42).

2.1.4 The Court of Appeal (England and Wales) (EWCA) in HK (Afghanistan) & Ors v Secretary of State for the Home Department [2012] EWCA Civ 315, heard on 9 February 2012 and promulgated 16 March 2012, concurred with the findings in HK & Ors, noting that the UT held if the unaccompanied child has family to whom they can return, then LQ will be inapplicable (para 8).

2.1.5 Although HK and LQ relate to Afghanistan, the principles behind the determinations are relevant to children in Vietnam. The same applies to other caselaw relating to children quoted in this assessment section.

2.1.6 Lone children form a PSG in Vietnam within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed (their age) **and** have a distinct identity in Vietnam because they are subjected to social stigma and isolation and are perceived as being different by the surrounding society.

2.1.7 Although lone children in Vietnam form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the child has a well-founded fear of persecution on return on account of their membership of such a group.

2.1.8 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, Assessing Credibility and Refugee Status.

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## 3. Risk

### 3.1 Return and reception arrangements

3.1.1 In HK (Afghanistan) [2012] the EWCA held that it would not, in all cases, be appropriate to draw an adverse inference that the child would be safely received merely from the failure of the child to try to make contact with his or her family (paragraph 35). Conversely, nor did it necessarily follow that a child with no family to receive them in Afghanistan could not safely be returned (paragraph 36).

3.1.2 In ST (Child asylum seekers) [2013] the Tribunal confirmed that an assessment of risk (of conditions on return) is required on the hypothesis that the child will be removed at the time of decision (paragraph 29).

3.1.3 Therefore, decision makers must make an assessment of risk of persecution or serious harm using the hypothetical scenario that the unaccompanied child will return to Vietnam at the time of the decision, taking into account that return of the child would only take place where:

- family contact is established and ongoing
- adequate reception arrangements are in place
- it is in the best interests of the child, as a primary consideration, to leave the UK, return to their home country and reunite with their family members
- safe and practical return arrangements are confirmed

3.1.4 In the case of Ravichandran [1995] EWCA Civ 16 the Tribunal held that '… in asylum cases the appellate structure… is to be regarded as an extension of the decision-making process'. Thus applying the general principle that an appellate tribunal must consider asylum cases on the basis of the latest evidence when considering return, including any which postdates the original decision, whilst also taking into account the hypothetical scenario, utilised in ST [2013], that return and reception arrangements are in place.

3.1.5 However, if adequate and sustainable reception arrangements with family members cannot be made, and there is no current prospect of them being made, and but for this it would be reasonable for the child to return, decision makers must consider granting UASC leave under paragraphs 352ZC to 352ZF of the Immigration Rules.

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### 3.2 Risk on the basis of being a child

3.2.1 Simply being a child from Vietnam does not of itself give rise to a well-founded fear of persecution for a Convention reason.

3.2.2 The Court of Appeal considered unaccompanied children in HK (Afghanistan) [2012] and held, as a general principle, that 'The onus is on the asylum seeker to make good the asylum claim, and that applies to

children as it does to adults' (para 34).

3.2.3 In LQ, the Tribunal held that 'At the date when the appellant's status has to be assessed he is a child and although, assuming he survives, he will in due course cease to be a child, he is immutably a child at the time of assessment. (That is not, of course, to say that he would be entitled indefinitely to refugee status acquired while, and because of, his minority. **He would be a refugee only whilst the risk to him as a child remained**)' (paragraph 6 – emphasis added).

3.2.4 In the case of ST (Child asylum seekers) Sri Lanka [2013] UKUT 292 (IAC) (25 June 2013), heard 30 April 2013 and promulgated on 25 June 2013, the Tribunal found that risk on return must be assessed at date of decision. However, the Tribunal also held that 'It is clear that the grant of the status of refugee cannot be evaded by the respondent in effect saying that although there is a risk of ill-treatment today, the Secretary of State proposes to grant discretionary leave to remain until the risk has diminished. Where an asylum claim is determined substantive and the criteria for the status are met, there is a right to the status…' (paragraph 27).

3.2.5 Equally, the Court of Appeal held in EU (Afghanistan) & Ors v Secretary of State for the Home Department [2013] EWCA Civ 32 (31 January 2013), heard 17 December 2012, that '… to grant leave [as a refugee] to remain to someone who has no risk on return, whose Convention rights will not be infringed by his return, and who has no other independent claim to remain here… is to use the power to grant leave to remain for a purpose other than that for which it is conferred' (paragraph 6).

3.2.6 ST held that any risk of serious harm that **might** happen to a child in his or her country of origin does not necessarily make that child a refugee (paragraph 22 – emphasis added).

3.2.7 In the case of KA (Afghanistan) & Ors v Secretary of State for the Home Department [2012] EWCA Civ 1014 (25 July 2012), heard 27/28 March 2012, the Court of Appeal considered 'the eighteenth birthday point':

'Although the duty to endeavour to trace does not endure beyond the date when an applicant reaches that age [18], it cannot be the case that the assessment of risk on return is subject to such a bright line rule. The relevance of this relates to the definition of a "particular social group" for asylum purposes. In DS, Lloyd LJ considered LQ […] in which the AIT held that "for these purposes age is immutable", in the sense that, although one's age is constantly changing, one is powerless to change it oneself. Lloyd LJ said (at para 54):

'"that leaves a degree of uncertainty as to the definition of a particular social group. Does membership cease on the day of the person's eighteenth birthday? It is not easy to see that risks of the relevant kind to who as a child would continue until the eve of that birthday and cease at once the next day."

'Given that the kinds of risk in issue include the forced recruitment or the sexual exploitation of vulnerable young males, persecution is not respectful of birthdays – apparent or assumed age is more important than chronological age. Indeed, as submissions developed there seemed to be a degree of common ground derived from the observation of Lloyd LJ.' (para

18).

3.2.8 In the case of ZH (Afghanistan) v Secretary of State for the Home Department [2009] EWCA Civ 470 (07 April 2009), on eligibility for UASC Discretionary Leave, the Court of Appeal held that:

'The mere fact that a child applicant for asylum falls within the [unaccompanied minor] policy of the Secretary of State is not in my judgment of itself sufficient to discharge the burden on the child applicant to demonstrate that he is at real risk, or there is a serious possibility that he will be persecuted if returned. The threshold for what amounts to persecution is relatively high, the policy sidesteps that difficulty by being broader in scope. The unaccompanied child does not have to demonstrate that he would be at real risk of persecution if returned to fall within the Secretary of State's policy. All he has to demonstrate is that he is unaccompanied, that his parents cannot be traced and that adequate reception arrangements cannot be made for him. Thus, the policy is plainly broader in scope for perfectly understandable policy reasons than the narrower definition of what amounts to refugee status. Thus it does not follow automatically, simply from the fact that a child falls within the Secretary of State's broader policy, that there is a real risk or a serious possibility that that particular child's basic human rights will be so severely violated that he will suffer what amounts to persecution' (paragraph 10).

3.2.9 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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## 3.3 Risk on the basis of being an unaccompanied child

3.3.1 In general, a person is unlikely to face persecution or serious harm from state and/or non-state actors on the sole basis that they are a lone child. The onus is on the person to demonstrate otherwise.

3.3.2 For information that may also be relevant to the child, including guidance on assessing risk, see the relevant Country Policy and Information Note(s).

3.3.3 There are over 105 million people living in Vietnam and an estimated 28.3 million of them are under the age of 18 (see Population).

3.3.4 Poverty and homelessness have reduced in recent years, but high poverty rates remain amongst ethnic minority communities and children with disabilities, particularly in rural areas. UNICEF noted that 45% of ethnic minorities live in poverty with the 2018 Household Living Standards Survey reporting that while ethnic minorities make up only 15% of the country's population, they represent 75% of those in poverty. Children from ethnic minority backgrounds and those with disabilities are more likely to face difficulties in accessing health care, schooling and shelter (see Child poverty and Children with disabilities).

3.3.5 There are an estimated 1 million orphans in the country. Some children are abandoned or given up to orphanages due to poverty or due to the social stigma from having a child out of wedlock. The 2016 law on children regulates alternative care arrangements for orphaned/abandoned children and there are at least 20 orphanages which are either run by the government

or privately funded in existence across Vietnam (see Orphaned/abandoned children and Orphanages).

3.3.6 Education is free, compulsory and universal through to the age of 14. However, school fees are common. Under government programs ethnic minority children are exempt from paying fees (see Education).

3.3.7 During the Covid-19 pandemic, school closures led to an increase in instances of child labour. Over one million children between the ages of 15–17 are estimated to work. Although the law stipulates they cannot undertake dangerous work, more than half are estimated to work in hazardous conditions. Children are employed in low skilled jobs in informal industries and in agriculture, construction and manufacturing (see Child labour).

3.3.8 Street (homeless) children tend to come from villages as migrants to the cities and are often runaways. There are no reliable recent statistics to indicate how many children are homeless, but a commonly quoted figure is around 20,000. Some of these children are subject to threats of violence, abuse, sexual exploitation, trafficking and police harassment. They have little or no access to government-run services including healthcare facilities. Police routinely take homeless children from the streets, including under arrest and place them in state-run accommodation (see Street children).

3.3.9 Violence against children occurs in schools and homes and tends to be perpetrated by someone known to the child. The General Statistic Office and UNICEF reported that between 2020 and 2021 72% of children aged between 1-14 years experienced some form of physical punishment or psychological aggression by caregivers. Laws prohibit child abuse and provide for fines and imprisonment for perpetrators but as corporal punishment at home and in childcare settings is legal, discipline involving violence remains a socially accepted norm (see Child abuse, including corporal punishment and sexual violence).

3.3.10 The minimum age for marriage is 18 for girls and 20 for boys however child marriage still occurs. Vietnam's General Statistics Office and UNICEF's survey of 14,000 households in 2020/21 noted that among 20–24-year-olds 14.6% were married before their 18th birthday. The prevalence of early/forced marriage varies across the country, with examples of girls from all regions and levels of society affected. However, child marriage is more likely amongst those with a lower educational attainment, from a poorer household and from ethnic minority groups (see Early and forced marriage).

3.3.11 Labour and sex trafficking of children under 16 years old is illegal. Some children, particularly those from poorer areas, are vulnerable to trafficking both within and, less frequently, from Vietnam for the purposes of early/forced marriage, forced labour and sexual exploitation. Some children are influenced/encouraged by their relatives, friends or local community (See Trafficking).

3.3.12 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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## 4. Protection

4.1.1 In general, the state is willing but not able to offer effective protection to unaccompanied children at real risk of persecution or serious harm.

4.1.2 For guidance on assessing the availability of state protection for additional profile-specific characteristics, see the relevant Country Policy and Information Note(s).

4.1.3 In contravention to the Convention on the Rights of the Child (CRC), which Vietnam ratified in 1990, the law in Vietnam defines a child as a person below the age of 16 (see Legal context).

4.1.4 The law criminalises acts related to the exploitation of children such as prostitution, forced labour and trafficking. However, owing to the definition of a child, the exploitation of children 16-17 years old for purposes of child prostitution and trafficking are not fully criminalised and require force, fraud, or coercion to constitute a sex trafficking offence. In 2020, the Vietnamese government only identified 32 child trafficking victims, whilst actual numbers are likely to be much higher (see Domestic legislation and Trafficking).

4.1.5 The government has taken steps to reform the juvenile justice system and there are provisions in criminal and administrative law to protect children including the prohibition of all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development. However the system remains weak and the laws on the mistreatment of children are not always consistently enforced to enable justice for victims (see Domestic legislation and Child abuse, including corporal punishment and sexual violence).

4.1.6 Vietnam aims to have an inclusive social protection system and social work centres in districts and towns. There are over 400 social support facilities nationwide although none of these facilities provide services exclusively for children. The current system is limited with a lack of trained child specialist or protection workers such as social workers judges, teachers and medical professionals meaning the system is unable to deal with multiple risks affecting children's wellbeing (see Government support and protection and Government shelters)

4.1.7 For further guidance on assessing state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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## 5. Internal relocation

5.1.1 In general, there are parts of the country where an unaccompanied child would not have a well-founded fear of persecution and it will be reasonable for them to relocate there.

5.1.2 While the onus is on the person to establish a well-founded fear of persecution or real risk of serious harm, decision makers must demonstrate that internal relocation is reasonable (or not unduly harsh) having regard to the individual circumstances of the child.

5.1.3 For guidance on assessing internal relocation for additional profile-specific characteristics, see the relevant Country Policy and Information Note(s).

5.1.4 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on Assessing Credibility and Refugee Status.

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## 6. Certification

6.1.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

6.1.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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# Country information

## About the country information

This section contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the research methodology. It provides the evidence base for the assessment.

The structure and content follow a terms of reference which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **November 2024**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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## 7. Demography

### 7.1 Population

7.1.1 The Central Intelligence Agency (CIA), in its 'World Factbook: Vietnam', 2 January 2025, noted that as of 2024, there were approximately 105.7 million people in Vietnam. Approximately 23.2% (24.5 million) were under the age of 14 years, 68.5% (72.4 million) were aged between 15 and 64 years and 8.3% (8.7 million) were aged 65 and over[1]. Statistics from UNICEF noted that in 2022 28.5% (or 28.3 million) of the population are under the age of 18[2].

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### 7.2 Family structure

7.2.1 The University of Massachusetts Medical School country guide on Vietnam, updated 2 November 2020, stated:

'The traditional Vietnamese family is patriarchal, patrilineal, and patrilocal, often with two or four generations under one roof. There is the immediate family (nha) and the extended family (ho). In Vietnam, the immediate family is the nuclear family plus the husband's parents and the grown sons' spouses and children. The extended family is the immediate family plus family members of the same name and relatives residing in close proximity. Father has ultimate responsibility and acts as an authority leader while delegating tasks and involving others in decision making. In Vietnam, the father often worked outside the home, while the mother cared for the children and managed the household. Grandparents helped with childcare, and children helped with various chores. Younger siblings are to respect and obey older siblings, and aunts and uncles are treated as patients[sic].'[3]

[1] CIA, World Factbook: Vietnam (People and Society), 2 January 2025
[2] UNICEF, Children in Viet Nam, no date
[3] UMASS, Vietnam, updated 2 November 2020

7.2.2 UN Women noted in their report, Social Protection for Women and Girls in Viet Nam in the period 2012-2020', that:

' … gender inequality in the family is still a major common problem. The family is also a place where many unequal gender norms and stereotypes persist. In addition to the role of income generating workers, women are still required to bear the additional burden of housework and the responsibility of taking care of family members. The family is also the place where harmful gender practices occur, whose root cause is prejudice that lead to gender specific inequitable practices such as fetal sex selection, child marriage, and forced marriage.'[4]

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## 8. Legal context

### 8.1 Constitution

8.1.1 Article 37 of Vietnam's Constitution makes specific reference to the welfare and protection of children:

'1. Children shall be protected, cared for and educated by the State, family, and society; children may participate in child-related issues. Harassing, persecuting, maltreating, abandoning, or abusing children, exploiting child labor or other acts that violate children's rights are prohibited.

'2. Young people shall be provided by the State, family and society with the conditions for learning, working, entertaining themselves, and developing their physiques and minds, and be educated in morality, national traditions and civic consciousness; and shall take the lead in the cause of creative labor and national defense.'[5]

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### 8.2 International law

8.2.1 Vietnam is signatory to the Convention on the Rights of the Child (CRC), ratified on 28 February 1990 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), ratified on 20 December 2001[6].

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### 8.3 Domestic legislation

8.3.1 The law recognises a child as being a person below the age of 16(Article 1)[7]. Vietnam's Children's Law of 2016, sets out the general provisions, including: '… [R]esponsibilities; rules and methods of ensuring children's rights; duties of agencies, organization, education facilities, families and individuals to exercise children's rights and responsibilities.'[8]

8.3.2 With reference to the law recognising a child as a person under 16 years of age the information compiled by the UNHCR for the Working Group on

[4] UN Women,Social Protection for women and girls in Viet Nam… period 2012-2020, 16 March 2023
[5] Vietnam Law & Legal System, The 2013 Constitution of the Socialist Republic …, 7 October 2014
[6] OHCHR, Ratification Status for Viet Nam.
[7] Luat Vietnam, Children Law [English translation], 5 April 2016.
[8] Luat Vietnam, Children Law [English translation], 5 April 2016.

Universal Periodic Review (UPR) for Vietnam, dated February 2024, stated:

'Noting with concern that laws concerning children – including the Law on Children, adopted in 2016 – defined a child as a person under 16 years of age, the Committee on the Rights of the Child and the United Nations country team urged Viet Nam to harmonize the definition of the term "child" in all national legislation in accordance with the Convention of the Rights of the Child, and ensure that the definition of the child, including in the Law on Children, included all persons under 18 years of age.'[9]

8.3.3 The National Report for the UPR published in February 2024 noted: 'Acting on a number of recommendations, Viet Nam is examining possible revision of several laws to be in line with its international commitments. Studies are underway on possible amendments to the Law on Children, especially those relating to the definition of a child as a person below the age of 18.'[10]

8.3.4 The USSD Country Report on Human Rights Practices 2023, (2023 USSD report), covering events in 2023, published 24 March 2024, stated:

'The law prohibited child abuse and provided for fines and imprisonment for perpetrators. The government did not effectively enforce laws on child abuse, and physical and emotional abuse were common.

' … The law prohibited using, procuring, and offering children between 13 and 18 for commercial sex. No provision of law, however, specifically criminalized the commercial sexual exploitation of children under 13; sexual intercourse with children under 13 was statutory rape, with no additional penalty for having paid for sex.

'The law insufficiently criminalized the use, procurement, and offering of children for pornography because the definition of sexual exploitation covered only coercion of others to engage as an object to produce pornographic performances. Moreover, while the Criminal Code prohibited "persuading, enticing, and forcing under 16 to participate in pornographic performance," it did not cover children ages 16 and 17.

'The law also prohibited all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development

'The law specified prison sentences for acts related to the exploitation of children in commercial sex, including harboring commercial sex or commercial sexual exploitation of children, brokering commercial sex, and paying for sex with children. The production, distribution, dissemination, or sale of child pornography was illegal, but the government did not effectively enforce the law. The country was a destination for child sex tourism.

'The minimum age for consensual sex was 18. Conviction for statutory rape could result in life imprisonment or capital punishment. The law considered all cases of sexual intercourse with children younger than 13 to be child rape. The government enforced the law and convicted child rapists received harsh sentences. Media reports noted an increase in child sexual

[9] UN General Assembly, Universal Periodic Review - Viet Nam, 27 February 2024
[10] UN General Assembly Universal Periodic Review - Viet Nam, 22 February 2024

exploitation on social media.'[11]

8.3.5 End Corporal Punishment, who carry out a range of activities to work towards the elimination of corporal punishment of children[12], noted that corporal punishment of children was lawful in the home, alternative care settings, and day care[13].

8.3.6 The 2024 United States Department of State's (USSD) 'Trafficking in Persons' (TiP) report published on 24 June 2024 noted: 'Article 151 criminalized labor trafficking and sex trafficking of children younger than the age of 16 and prescribed penalties of seven to 12 years' imprisonment and fines of 50 million to 200 million VND ($2,061 to $8,244) [£1522[14] - £6088[15]]. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other grave crimes, such as rape.'[16]

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## 9. Social and economic rights

### 9.1 Education

9.1.1 Bertelsmann Stiftung, 'BTI 2024 Country Report Vietnam', covering the period of 1 February 2021 to 31 January 2023, published in March 2024 noted that:

'Vietnam's education and training system includes formal and non-formal education at four main levels: early childhood education (including nurseries and kindergarten), general education (including primary education, lower secondary education and upper-secondary education), vocational education and training (VET), and higher education. The Ministry of Education and Training (MOET) has overall responsibility for the national education system – except for VET, for which responsibility was transferred to the Ministry of Labor, Invalids and Social Affairs (MOLISA) on January 1, 2017. MOET's main responsibilities include education policy, curricula for early childhood and general education, identifying learning outcomes for higher education, setting standards for textbooks and teaching materials, budget planning, and quality assurance.

' … Over the past 25 years, Vietnam has expanded education access, achieved universal primary education and increased enrollments in lower secondary, upper secondary and tertiary education. Vietnam's success has been attributed to the government's relatively high expenditure on education, a focus on equity, attracting and supporting qualified teachers, investment in preschool education, strategic use of assessments and implementing reforms based on evidence-based decision-making. Adjusted for learning, Vietnam's population has an average of 10.2 years of schooling, second only to Singapore among the Association of Southeast Asian Nations (ASEAN) countries. …. Vietnam has also implemented a couple of major education

[11] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[12] End Corporal Punishment, Who we are, no date
[13] End Corporal Punishment, Viet Nam, last updated November 2022
[14] XE.com, 50,000,000 VND to GBP, 9 July 2024
[15] XE.com, 200,000,000 VND to GBP,9 July 2024
[16] USSD, 2024 Trafficking in Persons Report: Vietnam, 24 June 2024

reform programs supported by international donors….

'As of 2019, approximately 1.7% of Vietnam's population was enrolled in universities, totaling 1.67 million students….'[17]

9.1.2 The Australian Government's Department for Foreign Affairs and Trade's (DFAT) Country Report for 2022, based on a range of public and non-public available sources including on-the-ground knowledge and discussions with a range of sources, noted that:

'Vietnam has a strong cultural commitment to education reflected in high levels of school enrolment. Schools are administered by provincial governments and almost all students attend public schools. Education is free and compulsory up until age 14. Education is universal by law, but some students in rural and ethnic minority areas may work and not have the opportunity to attend school regularly. A local residence registration and a birth certificate are required to access enrolment in public schools.'[18]

9.1.3 Vietnam Human Rights Network (VHRN) and Defend the Defenders (DTD) 'Alternative report for the UN Committee on the Elimination of Racial Discrimination (CERD) concerning the Vietnamese Government Report during the 111th session' submitted on 24 October 2023, citing various other sources, noted that:

'Access to free, high-quality preschool education is limited for ethnic minorities. For example, the percentage of children out of school at the primary/middle school level is 8% nationwide but is significantly higher for children with disabilities and ethnic minority children.

'Students of ethnic minorities are less likely to attend secondary school and above. Up to 65% of Kinh and Hoa students enroll in high school, compared to 3.7% from other ethnic groups. Another study found that 46% of students aged 18 to 22 go to college in the Kinh group (the highest), while that rate is below 10% for the Khmer and the Dao ethnic groups. Kinh and Hoaethnic children have the highest upper secondary completion rate, at 64%, in stark contrast to the Khmer, whose lowest rate is only 15%.

' … Due to the COVID-19 pandemic, social distancing has increased inequality in access to education for ethnic minority children. With the online learning method, most ethnic minority children who did not have computers had to drop out. As a result, only about 51% of ethnic minority students return to school, while that rate is 90% for other students.'[19]

9.1.4 The UN Convention on the Rights of the Child (CRC) concluding observations of the combined fifth and sixth reports on Vietnam noted that: 'The Committee is deeply concerned about the poor quality of education and disparities in educational outcomes among regions and ethnic minority groups; the limited access to quality inclusive education for children with disabilities, children living in poverty, children belonging to ethnic or religious minority or indigenous groups and migrant children; the closure of satellite schools, forcing children, particularly those belonging to ethnic or religious

[17] BTI, BTI 2024 Vietnam Country Report, March 2024
[18] DFAT, Country Information Report Vietnam (para 2.12), 11 January 2022
[19] VHRN & DTD, Alternative Report for the UN Committee on …Cerd …, 23 October 2023

minority or indigenous groups, to enrol in boarding or semi-boarding schools; and violence and bullying at schools.'[20]

9.1.5 The 2023 USSD report noted that: 'By law education was free, compulsory, and universal through age 14, but school fees were common. Under a government subsidy program, ethnic minority students were exempt from paying school fees. Authorities did not always enforce required attendance laws or enforce them equally for boys and girls, especially in rural areas, where government and family budgets for education were limited and children's labor in agriculture was valuable.'[21]

9.1.6 Fulbright University Vietnam, in an article dated 24 February 2020, reported that spiralling school fees costs meant that '… for a nuclear family with two children, the school fees alone can cost up to 25-45 percent of the total household income. In addition to school fees, costs associated with uniforms, shoes, books, transportation fees and extra classes are obstacles to education for children.'[22]

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## 9.2 Health and welfare

9.2.1 Under-five mortality rate has steadily declined from the 1970's when it was recorded at 83 in every 1,000 live births to 20 in every 1,000 in 2022[23].

9.2.2 UNICEF's undated page on 'children in Vietnam' noted that:

' … many children still fail to get the best start to life and access to quality health care, with 100 children under-5 dying each day of preventable causes – a figure 3.5 times higher among ethnic minorities in northern mountainous areas. Although ethnic minorities account for 15 per cent of the total population, the rate of mortality of children under-5 among this group is 3.5 times higher than for the Kinh majority. Deprivations around health and nutrition have also left 1.9 million children under-5 suffering from stunting, leaving permanent physical and brain damage. Unsafe water and sanitation still account for a significant number of communicable diseases, with three million children deprived of clean water.'[24]

9.2.3 The World Health Organisations article titled 'MOH, WHO and Russian Federation Launch Project to Improve Quality of Hospital Care for Maternal, Newborn and Child Care in Viet Nam' published in October 2021 noted that: 'Viet Nam has made a remarkable progress in maternal, newborn and child health which has resulted in achieving some 2030 targets. However, there's still a big gap between urban and remote areas. In 2019, infant mortality rates in rural areas, 16.7 per 1000 live births, was double compared to those of urban areas, 8.2. Maternal mortality rates in the mountainous and highland areas were 10 to 20 times higher than those in the urban areas.'[25]

9.2.4 The DFAT Country Report for 2022, noted that:

[20] UN CRC,Concluding observations on the combined fifth and sixth periodic …, 21 October 2022
[21] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[22] Fulbright University Vietnam, Life @ Fulbright: On equality of Educational …, 24 February 2020
[23] UNICEF Data Viet Nam (VNM) - Demographics, Health & Infant Mortality, no date
[24] UNICEF, Children in Viet Nam, no date
[25] WHO, MOH, WHO and Russian Federation Launch Project to Improve Quality…, 28 October 2021

'Hospitals are organised at the 'central' (national), provincial and district levels, along with private hospitals that are found in urban areas. Healthcare in rural communities is provided at commune-level health centres. These centres provide basic preventative care, diagnoses and treatments, and refer people on to hospitals. Quality varies from place to place, and some centres are poorly funded and ill-equipped. Distance for people living in remote areas can be a barrier to access. Health centres are usually staffed by nurses and midwives, while some may have doctors. Hospitals are the primary place of care (rather than, for example, a general practitioner's practice) for many Vietnamese…

'The vast majority of the population is enrolled in the social health insurance scheme. The poor, ethnic minorities and elderly are fully subsidised, while others pay premiums. Healthcare is not free; a co-payment is required from patients, potentially along with bribes due to corruption. The co-payment is higher in central and provincial-level hospitals, but the level of care there is also higher. This may encourage those who can afford it to bypass lower-level hospitals to receive treatment.'[26]

9.2.5 World Bank noted in March 2021 that: ' … Public hospitals in Vietnam are divided into three levels: central level (47 hospitals); provincial level (419 hospitals) and district level (684 hospitals). In addition to the public hospitals, there are 182 private hospitals, most of them are located in urban areas.'[27]

9.2.6 The Borgen Project, a US charity addressing poverty and hunger, noted that: 'Vietnam's 1,332 hospitals, alongside its community services and laboratories, have significantly improved patient access to higher quality health care in recent decades.'[28]

9.2.7 The 2023 USSD report stated: 'According to LGBTQI+ activists and NGOs, medically unnecessary "gender normalization" surgeries were performed on intersex children.'[29]

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## 9.3 Children with disabilities

9.3.1 Statistics from UNICEF noted that in 2022 28.5% (or 28.3 million) of the population are under the age of 18 and 1.8% of those, aged 2-17, are children with disabilities[30].

9.3.2 UNICEF noted in an undated article that: 'Children with disabilities remain underrepresented in education, with only one-in-10 attending secondary school. For those who reach school, the system is not fully prepared: only one-in-six primary and one-in-10 lower secondary schools have a teacher trained on disability inclusion, while 3 per cent of schools have suitable infrastructure.'[31]

[26] DFAT, Country Information Report Vietnam (para 2.14 & 2.15), 11 January 2022
[27] World Bank, A World Bank-financed project helps improve the public health …, 1 March 2021
[28] The Borgen Project, State of Health care in Vietnam, 7 April 2023
[29] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[30] UNICEF, Children in Viet Nam, no date
[31] UNICEF, Inclusive Education: Quality learning and education for every child, no date

9.3.3 A Ministry of Labour – Invalids and Social Affairs (MOLISA) article reporting on caring for and ensuring the rights of people with disabilities, 7 December 2020, noted:

'People with disabilities are also among the poorest in the society. They are vulnerable due to …prejudice and stigma. … Vietnamese people with disabilities have received careful care so that their rights have been ensured over the past years. Various forms and models have been launched at all levels to create funds for them. People with disabilities have also enjoyed social welfares including healthcare insurance and capital for start-up as well as various preferences from the State and the whole community. ….'[32]

9.3.4 UNICEF noted in their report 'Current Situation and Trends of Multidimensional Child Poverty in Viet Nam' published in December 2021:

'Children with disabilities have a high multidimensional poverty rate, nearly twice that of children without disabilities. In all dimensions of multidimensional poverty, children with disabilities have a much higher rate of deprivation than children without disabilities. There is a large disparity in education and development indicators between children with disabilities and those without disabilities. Housing and environmental conditions of children with disabilities are also worse than other children. Limited access to education and sanitation will affect the educational level and health of children with disabilities and become a barrier to access to decent employment opportunities for children with disabilities in the future.'[33]

9.3.5 The BTI 2024 Country Report noted 'Vietnam passed the Law on People with Disabilities (PWD) in 2010 and joined the U.N. Convention on the Rights of Persons with Disabilities in 2015. Even so, PWDs face challenges in accessing basic social services, including health care and education. Over half of children with disabilities have never attended school.'[34]

9.3.6 The 2023 USSD report stated that:

'Although the law protected the rights of persons with disabilities to access education, employment, health services, information, communications, buildings, transport, the judicial system, and other state services, most persons with disabilities were not able to access education, health services, public buildings, and transportation on an equal basis with others…

'Persons with disabilities faced widespread social stigmatization.

' … Access to education for children with disabilities, particularly deaf children and those with intellectual disabilities, remained limited. More than 90 percent of elementary and secondary schools did not have appropriate infrastructure for persons with disabilities. The education system also lacked sufficient trained teaching professionals for persons with disabilities. According to a 2018 study (latest statistics available), the literacy rate of persons with disabilities 16 years and older was 76 percent, compared to a 95 percent literacy rate for persons without disabilities of the same age

[32] MOLISA, Caring for and ensuring the rights of people with disabilities, 7 December 2020
[33] UNICEF, Current situation and trends of Multi-Dimensional Child Poverty in …, December 2021
[34] BTI, BTI 2024 Vietnam Country Report, March 2024

group. According to data from UNICEF and Vietnam's National Survey on People with Disabilities 2016-2017, the school attendance rate for children with disabilities was 82 percent at the primary level, 68 percent at the lower secondary level, and 34 percent at the upper secondary level.'[35]

9.3.7 According to the National Report for the UPR published in February 2024:

'Inclusive education programmes are being taught at all preschools and secondary schools nationwide, information technology is applied and community-based care models are developed for children with disabilities. The number of students with disabilities were able to go to school in the 2012-2020 period increased about 10 times as compared to the 2002- 2010 period with enhanced learning quality and significantly lower grade repetition and dropout rates. The proper age attendance rate of children with disabilities was about 88.7% in primary school and 33.6% in high school.'[36]

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## 9.4 Illegitimate children

9.4.1 Article 17. of the Law on Nationality states: '….A child born to parents, one of whom is a Vietnamese citizen and the other is a stateless person; or his/her mother is a Vietnamese citizen while his/her father is unknown, shall hold Vietnamese nationality, regardless of whether the child was born inside or outside the Vietnamese territory.'[37]

9.4.2 Consortium for Street Children, a global alliance launched in 1993 who advocate for street children, stated in their Vietnam profile that: 'In the case of a child with an unidentified father, the information regarding last name, race and native province, and nationality is recorded according to that of the mother. The information regarding the father is left blank in the birth certificate and the civil status register.'[38]

9.4.3 Humanium, an international child sponsorship NGO, noted on its undated website: 'In Vietnam, 12% of children are not registered at birth. Some unmarried women do not register their child out of shame, or wrongly believe that children born out of wedlock cannot be registered.'[39]

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## 9.5 Orphaned/abandoned children

9.5.1 Vietnam's 2018 report to the UN Committee on the Rights of the Child, stated: '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.'[40]

9.5.2 Children of Vietnam Benevolent Foundation, in an undated report noted:

'It is estimated that there are over one million orphans in Vietnam. These

[35] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[36] UN General Assembly Universal Periodic Review - Viet Nam, 22 February 2024
[37] Refworld, Law No. 07/1998/QH10 on Vietnamese Nationality of 20 May 1998
[38] Consortium for Street Children, Vietnam - Can a child obtain retroactive …, last updated April 2019
[39] Humanium, Children of Vietnam, no date
[40] UN CRC, Combined fifth and sixth periodic reports submitted … (page 30), 3 March 2020

children are taken in and cared for at orphanages and Buddhist temples throughout the country. Despite the economic growth, one in five families still live in poverty. There remains great disparity between the rich and the poor.

'Children and newborns are often abandoned because the families have no financial resources to raise the child. When one parent or both parent dies, it becomes especially difficult for the surviving parent or grandparents to support the children. And hence, they are given up to the orphanages. The social stigma around having a child out-of-wedlock is another reason why many newborns are abandoned in the hospital wards. The nurses have no choice but to bring these children to the orphanages. When the families are poor, the care of a disabled child is also not possible.

'The orphanages are either government-run or privately supported (Buddhist temples and private establishments). The government provides on average $1/day in financial support to feed each child, while the privately-run orphanages rely on the support of the community.'[41]

9.5.3 See also Orphanages and Street children

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## 9.6 Child poverty

9.6.1 Humanium, an international child sponsorship NGO, noted on its undated website: 'Over the last 20 years, Vietnam has made considerable progress in fighting poverty. However, these improvements have yet to reach the marginalized populations who live in remote regions such as the mountains of the north, the central highlands and the areas surrounding the Mekong Delta.'[42]

9.6.2 Save the Children stated in undated entry on their website that:

'Today's Vietnam, officially the Socialist Republic of Vietnam, is a one-party Communist state – and one of Asia's fastest-growing economies. However, vast pockets of inequality remain, particularly for hard-to-reach ethnic minorities living in hillside communities. In fact, ethnic minorities account for about 15% of Vietnam's population, but a staggering 47% of the poor.

'Despite progress in reducing child malnutrition, nearly one-quarter of Vietnamese children are stunted – and stunting among ethnic minorities is up to 4 times higher.'[43]

9.6.3 The Borgen Project, a US charity addressing poverty and hunger, noted in an article from 2021 that:

'Although poverty has reduced in Vietnam, child poverty in Vietnam is still a key issue. Due to political reforms, Vietnam has enjoyed steady economic growth and poverty reduction over the past few decades. In fact, per the World Bank, Vietnam's poverty rate has decreased from 50% in the 1950s to 2% as of 2019. Despite these recent gains, around 4 million Vietnamese children still live under the poverty line. In fact, 24% of Vietnamese children suffer from stunting due to malnutrition, while 10% are out of school. Ethnic

[41] Children of Vietnam Benevolent Foundation, Orphanages, no date
[42] Humanium, Children of Vietnam, no date
[43] Save the Children, Donate to Help Children in Vietnam, no date

minorities, especially those living in rural areas, are particularly high-risk for child poverty.'[44]

9.6.4 UNICEF noted in their report 'Current Situation and Trends of Multidimensional Child Poverty in Viet Nam' published in December 2021:

'Despite its economic achievements and poverty reduction, Vietnam still faces many challenges. The gap in living standards remains large among population groups, especially between the Kinh/Hoa groups and ethnic minorities. Nearly 45% of ethnic minorities still live in poverty. According to the 2018 Household Living Standards Survey, although ethnic minorities make up only 15% of the country's population, they represent 75% of the poor. Urbanization increases the number of urban immigrants, with the risk of falling into a vulnerable group due to limited access to public services. Issues such as climate change, sea-level rise, and saline intrusion are also causing difficulties for agricultural production. Currently, the economy is heavily affected by the COVID-19 epidemic, leaving many near-poor households at risk of falling into poverty.

' … Viet Nam has been a pioneer in developing a methodology for measuring multidimensional poverty in children. Multidimensional child poverty is defined as deprivation in eight basic welfare dimensions including health, nutrition, education, housing, clean water/sanitation, child work, recreation, and social inclusion. Multidimensional child poverty is periodically monitored and analyzed as a component of Vietnam's poverty reduction using data from the Multiple Indicator Cluster Survey on Women and Children and the Viet Nam Living Standards Survey (VHLSS)

'The Government of Viet Nam has issued a National Action Plan to implement the 2030 Agenda for Sustainable Development with 17 sustainable development goals to 2030 of Vietnam (VSDGs).'[45]

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## 10. Juvenile justice

### 10.1 Judicial and penal rights

10.1.1 Section 1 of Chapter XII of the Penal Code, sets out the regulations applied to juvenile offenders[46] .

10.1.2 The United Nations Children's Fund (UNICEF), reported in an undated article: 'An estimated 84,000 children interact with the justice system each year across Viet Nam. But, as is the case in many countries, the justice system in Viet Nam is designed for adults and lacks specialized services to meet the unique needs of children.'[47]

10.1.3 Vietnam Times, a Hanoi headquartered news site focusing on disseminating updates from international NGO's[48], reported in December 2021 that:

'Regarding criminal responsibility, according to the 2015 Criminal Code,

[44] The Borgen Project, 3 Organizations Fighting Child Poverty in Vietnam, 29 May 2021
[45] UNICEF, Current situation and trends of Multi-Dimensional Child Poverty in …, December 2021
[46] WIPO, Socialist Republic of Vietnam Criminal Code, 27 November 2015
[47] UNICEF, Justice for every child: Strengthening access to a child-friendly justice system, no date
[48] Vietnam Times, About us, no date

juveniles aged 14 to under 16 who commit crimes only have to bear criminal liability when committing serious crimes. The exemption from criminal responsibility for children is implemented in accordance with general regulations.

'The provisions of Vietnamese law promote education, help juvenile offenders to correct their mistakes and develop into useful citizens for society as the main purpose. Holding juveniles accountable for their actions is aimed at making them deeply aware that their criminal behavior violates the norms and rules of the state and society.

'According to Assoc.Prof.Dr. Nguyen Hoa Binh, chief justice of the Supreme People's Court, the Government of Vietnam has made great strides in strengthening the juvenile justice system. There are many special provisions for juveniles, under the laws governing the administrative and criminal justice systems.

'However, Vietnam does not have a comprehensive, specialized law to create a solid foundation for a separate and distinct juvenile justice system. Special treatment measures for minors (administrative and criminal) are still scattered across many laws and sub-laws, leading to challenges in effective enforcement.

'The introduction of a new law to consolidate and replace all existing juvenile justice legislation would address this situation.'[49]

10.1.4 In August 2022 UNICEF reported that: 'In the recent years, the Government of Viet Nam has made considerable effort to reform legislation pertaining to justice for minors… However, special handling measures for minors in conflict with the law are still scattered across the Penal Code, Criminal Procedure Code, and Law on Handling of Administrative Violations. This results in fragmentation and challenges in ensuring coherent, effective and efficient implementation.'[50]

10.1.5 The UN Convention on the Rights of the Child (CRC) concluding observations of the combined fifth and sixth reports on Vietnam noted that:

'The Committee welcomes the measures taken by the State party to reform its child justice system, including the establishment of specialized children's courts, known as family and juvenile courts, and the introduction of non-judicial measures, child-friendly court procedures and minimum standards of treatment of children in the child justice system. Nonetheless, the Committee is concerned about:

(a) The lack of specialized judges and lack of child-friendly courts in districts where family and juvenile courts have not yet been established;

(b) The limited use of non-judicial measures, including diversion;

(c) The limited access for children in the justice system to support services, including for social reintegration.'[51]

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[49] Vietnam Times, Vietnam Develops Juvenile Justice System, 6 December 2021
[50] UNICEF, Viet Nam takes significant steps toward a comprehensive child justice…, 31 August 2022
[51] UN CRC,Concluding observations on the combined fifth and sixth periodic …, 21 October 2022

## 10.2 Juvenile detention

10.2.1 The Consortium for Street Children stated in the 'police roundups' section of their Vietnam profile that:

'Under Article 12 of Vietnam's Penal Code, the age of criminal responsibility is 14 for certain "very serious" criminal offences and 16 for all other criminal offences. The Criminal Procedure Code provides that only juveniles who are reasonably suspected to have committed a serious offence can be criminally detained. Further, according to the law on criminal procedure, preventative measures such as assigning a representative to supervise the child to ensure that they attend court should be used as the first course of action, with criminal detention of children only being legally justified on the grounds that supervisory measures and other preventive measures fail. Furthermore, juvenile crimes in Vietnam are subject to special criminal rules which are less strict than for adult offenders. For example, there are provisions for the early release of juvenile offenders based on behaviour if they have served half their sentence.'[52]

10.2.2 Blue Dragon, an Australian not for profit public company who help children and families in crisis, noted in 2020 that: 'Children who live and work on the streets... are routinely picked up [by police] and placed in state run accommodation for months at a time.'[53]

10.2.3 UNICEF reported in an undated article: 'Two-in-three child offenders convicted for a crime are sentenced to imprisonment, despite international evidence pointing to the effectiveness of community-based diversion and alternatives to detention.'[54]

10.2.4 Vietnam Law and Legal Forum's article 'Community-based conciliation for juvenile offenders under Vietnam's criminal law', dated 25 February 2023 noted that:

'As a supervision and education measure for under-18 offenders, community-based conciliation is provided for the first time in the 2015 Penal Code [PC] and the 2015 Criminal Procedure Code [CPC], marking a turning point in Vietnam's policies on criminal handling of juvenile delinquents in compatibility with current global trends in juvenile justice. This measure is different from the other two judicial measures applicable to under-18 offenders as it involves more active participation of victims and their representatives in criminal proceedings, and facilitates the use of opinions of victims during the conciliation process for handling juvenile offenders**.**

' … Under Articles 91, 92 and 94 of the PC, community-based conciliation may be applied to offenders who:

- Are aged between full 16 years and under 18 years and commit less serious crimes or serious crimes; or

-Are aged between full 14 years and under 16 years and intentionally commit very serious crimes defined in Article 12.2 of the PC, except the crimes specified in Article 123, Article 134 (Clauses 4, 5 and 6),

[52] Consortium for Street Children, The Legal Atlas for Street Children, last updated April 2019
[53] Blue Dragon, Street Children Fact Sheet, March 2020
[54] UNICEF, Justice for every child: Strengthening access to a child-friendly justice system, no date

and Articles 141, 142, 144, 150, 151, 168, 171, 248, 249, 250, 251 and 252 of the PC.

'Investigation bodies, procuracies and courts may decide on application of this measure when under-18 offenders or their lawful representatives consent to such application. Besides, both the PC and the CPC recognize the willingness of victims or their lawful representatives to participate in conciliation as a condition for organization of conciliation.'[55]

10.2.5 In April 2023 VnExpress International, an online Vietnamese newspaper, reported:

'The Supreme People's Court of Vietnam has proposed the creation of a law that would allow underage people to be charged with crimes and sentenced to education terms instead of confinement if found guilty.

'At a Monday National Assembly session, Nguyen Van Tien, deputy justice chief of the Court, said Vietnam's process of prosecuting underage people has never been "truly friendly" and has failed to "ensure the best interests for underage people."

'The current system of punishment "is not appropriate for the characteristics and nature of crimes committed by underage people," he added.

'Current laws lack specialized mechanisms to effectively protect the rights and interests of minors during prosecution, and the current law system regarding underage people remains "uncoordinated and not practical," according to Tien.

' … The creation of a judicial law for underage people would hopefully help minors improve their behavior on their own, and limit the use of confinement as a measure to deal with them.

'Tien said such a law would allow prosecutors to charge underage people with crimes, but their punishments would be cut in half under certain conditions.

' … In Vietnam, underage people are those below 18 years of age. Vietnamese law dictates that those aged 14 to under 16 must be held responsible for very serious crimes, while those aged 16 and above must be held responsible for all crimes, except for certain ones as defined by the law.[56]

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## 11. Violence against children

### 11.1 Child abuse, including corporal punishment and sexual violence

11.1.1 UNICEF noted in an undated article on 'Childhoods free from violence: Protecting children from violence, abuse and child exploitation':

'Exploitation of children, including child labour, sexual exploitation and trafficking are serious concerns that remain largely in the shadows. Online child abuse is an alarming and growing threat… Nearly three-quarters of children experience violent discipline at home, one million children are

[55] Vietnam Law & legal Forum, Community-based conciliation for juvenile …, 25 February 2023
[56] VnExpress International, Supreme People's Court proposes law to punish …, 10 April 2023

engaged in child labour – half in hazardous work – one-in-five are victims of cyberbullying, and one-in-five adolescents face a mental health issue.'[57]

11.1.2 The Guardian reported on 19 June 2019: 'Rana Flowers, Unicef representative in Vietnam, said "The fast growth of the internet in Vietnam poses a new risk for children with cases of abuse and exploitation on the internet and social networks also increasing," she said. "Vietnam still lacks a strong legal framework to protect children from all forms of violence, especially sexual abuse. This also extends to the lack of care and support services for victims."'[58]

11.1.3 The same Guardian article of 19 June 2019, noted:

'… [A]fter several high-profile abuse cases, many involving the abuse of pupils by their teachers, the government has launched several initiatives to finally bring the issue out into the open. The move has included the creation of an "Ending physical violence against children at home and in school" initiative by the ministry of education and introducing mandatory sexual assault-prevention classes for those in first grade, as well as textbooks teaching children how to deal with assault and what parts of their bodies are private.'[59]

11.1.4 The Government Statistic Office and UNICEF's joint report on 'Sustainable Development Goal indicators on Children and Women (SDGCW) Survey 2020-2021', published in December 2021 which surveyed 14,000 households, noted that between 2020 and 2021 72% of children aged 1-14 years experienced some form of physical punishment and/or psychological aggression by caregivers. Boys (74.4%) were more likely to be violently punished than girls (70.3%)[60]. The same report went on to state that:

'For the majority of cases, household members employed a combination of violent disciplinary practices, reflecting caregivers' motivation to control children's behaviour by any means possible. While 66.0 percent of children faced psychological aggression, 41.1 percent experienced physical punishment. The most severe forms of physical punishment (hitting the child on the head, bottom, ears or face or hard and repeatedly) were less common, as 1.6 percent of children were subjected to severe punishment.

' … While violent methods were common forms of discipline … only 9.0 percent of mothers/caretakers believed that children should be physically punished. There were notable differentials across background variables of respondents. Overall, those with lower educational attainment levels and those residing in poorer households were more likely to find physical punishment a necessary method of disciplining children. Respondents living in rural areas (9.6 percent), living in the Central Highlands (15.3 percent) and the Northern Midlands and Mountainous region (14.9 percent) were more likely to believe that physical punishment was necessary for educating children.'[61]

[57] UNICEF, Childhoods free from violence: Protecting children from violence, abuse and …, no date
[58] The Guardian, Shame and pain': Vietnam starts to grapple with child abuse …, 19 June 2019
[59] The Guardian, 'Shame and pain': Vietnam starts to grapple with child abuse …, 19 June 2019
[60] GSO & UNICEF, Survey measuring Viet Nam sustainable … (pages 358), December 2021
[61] GSO & UNICEF, Survey measuring Viet Nam sustainable … (pages 358), December 2021

11.1.5 The Hanoi Times reported on 29 April 2020:

'Vietnamese authorities uncovered and sanctioned 8,442 cases of child abuse between 2015 and 2019, with 8,709 children being the victims, local media cited the Vietnamese government's report read at a meeting of the Standing Committee of the National Assembly on April 27. The report showed that in the four-year period, 6,432 children were sexually abused, 857 fell victims to physical abuse, 106 were victims of human trafficking, kidnapping and 1,314 children suffered other abuses.

'Among them, sexual abuse is the most common offense, accounting for 75.4% of the total number of child abuse cases. Child abuse perpetrators are often the child's relatives or acquaintances, making up about 90% of offenders and cases of this kind tend to increase. The report showed that during the period, 337 children died (of them 191 were killed, 146 died as the consequence of maltreatment), 418 children became pregnant due to sexual abuse, and 193 children were left with mental disorders.'[62]

11.1.6 The same Hanoi Times article noted: 'According to the Law on Children which took effect in June 2017, Vietnam now has as many as 17 entities tasked with protecting, caring for, and supporting children, including the People's Court and People's Procuracy at central and local levels, the National Assembly, ministries, and various centers and organizations.'[63]

11.1.7 VnExpress International reported on 9 January 2022, that:

'Every year there are around 2,000 cases of child abuse, mostly by someone known and trusted by the children, and many more go unreported.

'This is drawing an outpouring of responses from many quarters with experts pointing to Vietnam's inability to provide a safe environment for its children.

'This includes entrenched cultural norms that tolerate violent disciplining of children, unaware and/or indifferent neighbors who do not want or know how to interfere, and a legal framework that needs strengthening

' … Every month 111, the national hotline for children's protection, receives around 30,000 calls.'[64]

11.1.8 South East Asia Globe, who report on Southeast Asia and publish in-depth feature articles[65], reported in February 2022 that:

'Between 2015 and 2019, 337 children died as a result of abuse, according to a government report. Among the deaths, 191 children were killed and 146 died as a consequence of the maltreatment.

' … A 2014 survey of 3,000 secondary and high school students in Hanoi found approximately 80% of respondents suffered abuse at least once at school, Thanh Nhien reported.

'Along with news-making cases of child abuse at schools, corporal

[62] Hanoi Times, Vietnam handles 8,400 child abuse cases in 2015-2019, 29 April 2020
[63] Hanoi Times, Vietnam handles 8,400 child abuse cases in 2015-2019, 29 April 2020
[64] VnExpress International, Fatal child abuse shines light on lack of safety for …, 9 January 2022
[65] South East Asia Globe, About Us, no date

punishment as school discipline in Vietnam is not uncommon.'[66]

11.1.9 Nhan Dan, a communist party newspaper[67], reported in June 2023 that:

'The National Child Protection Hotline No.111 has received nearly 5.4 million calls during its 19 years of operation , in addition to providing advice and support to hundreds of thousands of cases related to children. The information was released at a seminar on the communication plan on the National Child Protection Hotline in the 2023-2024 period in an effort to raise awareness of and access to services of the hotline.

' … Each year the hotline receives nearly 500,000 calls from children and adults and gives consultancy for more than 30,000 calls while intervening in and supporting about 1,000 cases of child violence, abuse, and trafficking.

'However, the number of children, parents, and people who know the hotline and use its services remains low compared to a population of nearly 100 million people, which includes about 23 million children… Many delegates also said that there are still difficulties in accessing hotline 111, especially the issue of information security.

Parents or caregivers are still afraid to call the hotline for fear of affecting children and information leakage, according to Le Ngoc Bao of Childfund Vietnam.'[68]

11.1.10 The 2023 USSD report noted:

'The law prohibited child abuse and provided for fines and imprisonment for perpetrators. The government did not effectively enforce laws on child abuse, and physical and emotional abuse were common.

'Observers concurred that violence against children occurred in many settings including schools and homes and was usually inflicted by someone known to the child. The most common types of school violence were bullying and corporal punishment by teachers.'[69]

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## 11.2 Early and forced marriage

11.2.1 The 2023 USSD report noted: 'The legal minimum age of marriage was 18 for girls and 20 for boys, and the law criminalized organizing or entering an early marriage'[70]

11.2.2 UNICEF and UNPFA's joint report 'Ending Child Marriage empowering girls' published in March 2018 noted:

'Child marriage is often portrayed as a problem associated with traditional norms and practices of ethnic minority communities. While child marriage prevalence is indeed higher in some ethnic minority communities, it cannot exclusively be linked to ethnic cultures. Ethnic culture in Viet Nam is not monolithic: there are 53 ethnic minority groups that have their own cultures

[66] South East Asia Globe, Girl's fatal beating spotlights child abuse in Vietnam, 17 February 2022
[67] Nhan Dan, About Us', no date
[68] Nhan Dan, Hotline for child protection 111 receives more than 5 million calls 23 June 2023
[69] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[70] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024

and traditions. Child marriage is not practiced in all ethnic minority cultures. There are multiple interrelated factors to consider, such as gender norms, poverty, lack of access to services and limited future opportunities. . Ethnic cultures may contribute to child marriage, but they may also play a positive role in the prevention of the practice.'[71]

11.2.3 Girls Not Brides, a global network of more than 1,400 civil society organisations committed to ending child marriage[72], noted that:

'14.6% of girls in Vietnam are married before their 18th birthday and 1.1% are married before the age of 15.

'According to 2020-21 MICS data [Multi Indicator Cluster Survey], 2% of boys in Vietnam were married before the age of 18.

'Child marriage is most prevalent in rural, mountainous and isolated areas, where a large number of ethnic minority people live: in the Northern Midlands and Mountainous Areas 23.1% of women aged 20-49 were married before the age of 18, 18.2% in the Central Highlands, and 14% in the Mekong River Delta.'[73]

11.2.4 The same source went on to note that circumstances that contribute to the occurrence of child marriage. They noted the following:

'Poverty**:** Girls from Vietnam's poorest households are more likely to marry before the age of 18 than those from the richest households. Daughters are commonly married off as an economic survival strategy for poorer families. Higher poverty rates among ethnic minorities puts girls at higher risk of being married off early.

'Level of education: 33% of women with no education were married before the age of 18, compared to only 1% who had completed tertiary education. A 2016 Young Lives study shows that being enrolled in school can decrease the likelihood of a young girl from a poor, rural, ethnic minority area getting married by 47%.

'Harmful traditional practices**:** Vietnam has a long-standing traditional practice of parents arranging marriages for their children. At the community level, traditional and customary law still enables young girls to be married off with the consent of parents and other authorities. Although illegal, the practice of *hai pu* (bride kidnapping), with girls being taken from their homes and forcibly married, is particularly prevalent among Hmong communities. Social pressure and fear of becoming a "left over girl" also drive girls to marry early.

'Pre-marital sex: Some girls reportedly marry because they are afraid of getting pregnant outside of marriage and transgressing strict Vietnamese social norms.

'Gender norms**:** A 2016 Young Lives study shows that girls who have mothers with little decision-making power are more at risk of marrying early.

'Ethnicity: Child marriage is highly concentrated in mountainous areas,

[71] UNICEF and UNPFA, Ending child marriage, empowering girls, March 2018
[72] Girls Not Brides, About us, no date
[73] Girls Not Brides, Child marriage atlas, no date

especially among ethnic minorities (namely the Hmong, Xinh Mun, La Ha, Gia Rai, Raglay, and Bru-Van Kieu) in the northern mountains, where it's been reported that 50% to 60% of marriages involve minors.

'Bride trafficking**:** Vietnamese girls are reportedly being sold as wives to Chinese men as a result of China's gender imbalance.'[74] (see also the section on Trafficking)

11.2.5 In September 2021 Vietnam plus, an online news website, reported that:

'A platform, designed to support children and young people from ethnic minorities, was launched with an aim to helping the targeted group prevent child marriage and human trafficking in a proactive manner during a webinar on September 28 [2021].

'"Em vui," which translates as "I'm happy", can be accessed via www.emvui.vn and is also available on popular social media platforms such as Facebook, Tiktok, Zalo, Youtube, Instagram and Twitter.

' … It will primarily support children and young adults from ethnic minority groups aged between 10 to 24. The digital space will educate them on social networking and online safety skills, as well as providing information about support services relating to child marriage and human trafficking.'[75]

11.2.6 The Government Statistic Office and UNICEF's joint report on 'Sustainable Development Goal indicators on Children and Women (SDGCW) Survey 2020-2021', published in December 2021 which surveyed 14,000 households, noted that:

' … among women age 20-24 years, 1.1 percent were married before the age of 15 and 14.6 percent were married before their 18th birthday. There were differentials between urban and rural areas and by regions. In urban areas there was no marriage of women before the age of 15 was reported while this was 1.9 percent in rural areas. Whereas the proportion married before age 18 years was 2.4 percent in urban and 23.2 percent in rural areas. In the Northern Midlands and Mountainous region, early marriage rates before age of 15 and before age of 18 were the highest, 3.3 percent and 34.3 percent respectively. By women's educational, ethnic and economic backgrounds, there were great differentials observed with higher percentages among women with lower education attainment level, in poorer households and belonging to ethnic minority groups. Of women age 20-24 years having no education or pre-primary education, 9.0 percent married before 15 years of age and 66.0 percent before 18.'[76]

11.2.7 The 2023 USSD report noted:

'Early marriage remained prevalent in many remote areas where there were high concentrations of ethnic minorities. According to the most recent national survey conducted in 2019, early marriage among ethnic minorities was nearly 22 percent. The rate in certain ethnic minority communities was particularly high: H'Mong, 51 percent; Clao, 48 percent; Mang, 47 percent; Xinh Mun, 45 percent; and Ma, 39 percent. Rates were highest in the

[74] Girls Not Brides, Child marriage atlas, no date
[75] Vietnam+, Digital platform to educate young people on child marriage and…, 29 September 2021
[76] GSO & UNICEF, Survey measuring Viet Nam sustainable … (pages 372-373), December 2021

Northwest highlands, Central Highlands, and central coastal provinces. Authorities conducted communication campaigns against underage marriage and fined those who organized early marriages.'[77]

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## 11.3 Street children

11.3.1 Children of the Mekong, a charitable organisation who provide support, education and training to help disadvantaged young people of Southeast Asia find jobs[78], noted that:

'A study by the Institute of Labor Science and Social Affairs reveals approximately 21,000 street children in Vietnam. These children are exposed to numerous risks including various health risks, including malnutrition, lack of healthcare, and exposure to infectious diseases. They are also at risk of physical abuse and exploitation by adults. They might also encounter mental vulnerabilities as living on the streets often results in emotional and psychological trauma. They are subjected to social stigmatisation and isolation, possibly leading to mental health issues such as depression, anxiety, and post-traumatic stress disorder (PTSD).

'Poverty, domestic violence, migration, and limited access to education contribute to the existence of street children. Disrupted family structures and social safety nets play a significant role in their plight.'[79]

11.3.2 Humanium noted on its undated website:

'According to estimates, more than 65,000 children roam the streets of the major cities of Vietnam, including 7,600 in the capital and more than 18,800 in Ho Chi Minh City.

'This phenomenon has not escaped the notice of the authorities, who try to hide the troubling reality during large public events by rounding up these street children and holding them in social centers for the duration of the event. Numerous campaigns of arrests have evidently been carried out by authorities in recent years, and many children have experienced ill-treatment over the course of their arrest and confinement.'[80]

11.3.3 In a March 2020 fact sheet on street children Blue Dragon noted that:

'Since early 2012, there has been an increasing phenomenon of adult men, both Vietnamese and foreign, preying on Hanoi's street children for sex. These men befriend boys and offer them a place to stay, long term or overnight, and some money in return for sex. Some children are reporting to Blue Dragon that their sexual abuse is being photographed and filmed. With the burgeoning of social media platforms, paedophiles use the internet to find and groom vulnerable children for exploitation. Blue Dragon has worked on several cases where paedophiles force children to use drugs, most notably methamphetamine, to cope with the pain of the sexual abuse. These boys can be as young as 11.

[77] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[78] Children of the Mekong, What we do at Children of the Mekong, no date
[79] Children of the Mekong, A Catalyst for Tackling the Issue of Street Children, no date
[80] Humanium, Children of Vietnam, no date

'Compounding the lack of services and the increase in sexual exploitation is the growing phenomenon of rural children leaving their homes to come to the city. Blue Dragon's experience in working with runaway children is that family breakdown and domestic violence, sometimes coupled with extreme poverty, are the main factors causing children to travel to the city in search of a better life. However, once on the streets, they find themselves targeted by the authorities for arrest and detention or by paedophiles for sexual exploitation. After being exploited or becoming involved with criminal activity, the children become difficult to reach, and the chances of a successful reunion with their family are extremely low.

' … It is notoriously difficult to get reliable and current statistics about street children in Vietnam. In 2006, The Ministry of Labour, Invalids, and Social Affairs (MOLISA) estimated that there were 23,000 street children throughout Vietnam and 1,500 in Hanoi. This is one of the most quoted and recent figures. An estimate by Hanoi's city authorities corroborates this, placing the number of street children in Hanoi at 1,500 as of 2010. According to a study conducted by the Management and Sustainable Development Institute (MSD) in 2013, 92.5% of street children in Ho Chi Minh City had been sexually abused at least once and 98.3% of street children in Ho Chi Minh City had used drugs or substances at least once (beer, cigarette, marijuana, methamphetamine, adhesive, among others). The same study estimated the number of street children in Vietnam to be at 22,000.'[81]

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## 11.4 Trafficking

11.4.1 Article 151 of the penal code deals with trafficking of a person under the age of 16[82].

11.4.2 The 2023 UNICEF report, 'Migration and risks of child trafficking and exploitation- drivers beyond poverty and the role of businesses in driving and providing against exploitation amongst migrant children, Viet Nam', which was co-funded with the European Union. The research for the report was compiled using a mixed-methods design, including a desk review of existing literature, 30 key informant interviews (KIIs) with experts in the field of child trafficking and labour exploitation and a survey administered to children and young people in Viet Nam on child trafficking[83]. The report noted that:

'Children in Viet Nam are trafficked both internally and externally for a range of purposes, including forced or exploitative labour, child marriage, child sexual exploitation and baby trafficking. Research indicates that the prevalence rate of child trafficking in Viet Nam is as high as 5.6 per cent. Children who are trafficked and experience exploitation in the context of migration experience a range of negative outcomes, including compromised physical health from hazardous working conditions, sexual health problems as a result of sexual exploitation and low mental health and wellbeing…

'Certain groups of children are more vulnerable to exploitation in the context of migration. The survey for children and young people indicated that

[81] Blue Dragon, Street Children in Vietnam- factsheet, 16 March 2020
[82] WIPO, Socialist Republic of Vietnam Criminal Code, 27 November 2015
[83] UNICEF, Drivers of child trafficking and exploitation in the …, (page 18) April 2023

children with disabilities are extremely vulnerable to exploitation in the context of migration. Lower wealth made children who migrated more vulnerable to emotional violence, while children from ethnic minority groups were more likely to experience physical violence (particularly H'Mong children). Children living in rural areas were more likely to experience wage exploitation, and girls experienced more frequent sexual exploitation. Children who did not make the decision to migrate were more likely to experience exploitation, and children with lower education and wealth and ethnic minority status were less likely to make the choice to migrate.

'Key informants also highlighted that education, rurality and ethnicity are risk factors for child trafficking, and that these are interlinked with poverty.7 Additional family characteristics that increase children's risk of trafficking and exploitation in the context of migration include being from a single-parent household, being a child who remains behind when parents migrate, being a child who has migrated with parents, and living in a household in which family violence is present.8 In these circumstances, children are at increased risk of neglect and seek to escape their home circumstances.

'The internet is increasingly being used for the facilitation of child trafficking. With children having greater access to social media, this provides a new platform through which recruiters can approach, befriend, groom, deceive and subsequently traffic children.

' … A key driver of child trafficking is a lack of knowledge and awareness of the risks of migrating alone without a parent or caregiver amongst children. One hundred percent of children who migrated without a parent/caregiver in the survey experienced some form of abuse or labour exploitation. Associations between demographic characteristics and more positive views towards migration amongst children who had not migrated were examined using the survey data to identify factors which increase risk of future child lone migration, and therefore increase risk of exploitation.

' … There are a range of negative outcomes evidenced for child trafficking victims and children who have experienced exploitation in the context of migration. Children working within factories and other labour settings are at risk of physical injury and exposure to hazardous working conditions that are detrimental to physical and mental health and development. Children who are trafficked for sex work are at risk of contracting HIV and other sexually transmitted infections as well as pregnancy and experience of physical violence. Research indicates that victims of child trafficking also have a high prevalence of mental health problems and low wellbeing. They also experience stigma on their return home after being trafficked and may face rejection on return to their families because they are perceived to bring dishonour upon their relations. Children who have spent time out of school as a result of migrating for employment are also likely to be stigmatised by peers on reintegration into education, particularly if they have fallen behind educationally.

'In 2020, the Vietnamese government reported only 32 identified child trafficking victims. The low level of reported trafficking is not, however, an indicator of a low level of occurrence. Research indicates child trafficking for marriage, sexual exploitation and exploitative labour is a far more common

occurrence than the figures depict.

‘ … While overall rates of trafficking were found to be equal for boys and girls, previous research by Coram International showed that boys are more likely to experience trafficking in agriculture and manufacturing industries, whereas girls are more likely to have experiences indicative of trafficking in the garment industry and in sex work. Research conducted by UNICEF also indicates that child labour exploitation in the context of migration is a particular issue in the footwear and apparel sector in Viet Nam. Adolescents use false identity documents (including the documentation of older siblings) to obtain work in factories where policies prohibiting the employment of anyone under the age of 18 are in place, putting them at risk of exploitation. This is particularly common amongst adolescents who migrate from rural to urban areas, either alone or to join parents, and the use of false documents means that it is difficult to ascertain the scale of the phenomenon.

‘ … The existence of legislation prohibiting trafficking or exploitation of children does not, of course, mean that the law is implemented. Key informants reported that few labour trafficking cases result in prosecution, due to inadequate resource provision and the complicated procedures for prosecuting those who exploit children. For example, if someone reports a case of child labour to the 111 trafficking hotline, the hotline will notify labour inspection, who in turn will notify child protection officials. However, child labour departments do not have the same level of budget as dedicated to other forms of trafficking, such as sex trafficking , and most referrals are not acted upon.

‘ … Initial reports suggest that the Covid-19 pandemic has resulted in decreased employment opportunities (and resulting loss of income), restrictions on movement / strict Covid-19 containment measures, and other socio-economic stressors, which have increased the vulnerability of children to trafficking, particularly for children in rural areas and ethnic minorities. Due to lost economic opportunities during Covid-19, there has been a decrease in the number of children attending school and an increase in children migrating from rural to urban areas and becoming children living in the street. A high proportion of children have also been experiencing violence as a result of economic stress and social isolation due to Covid-19. A rapid assessment conducted by UNICEF in 2020 indicated that school closures had increased levels of child labour and that financial difficulties as a result of loss of employment had led to an increase in child marriage. Research has found that at least 36 per cent of girls who did not return to school after Covid-19 had married during school closures, and that increases in poverty had led to a high proportion of boys not returning to school, instead seeking out employment. The UNICEF rapid assessment also noted that migrant children were particularly vulnerable to the impacts of Covid-19. Increases in poverty due to Covid-19 have been notably linked to increases in child labour in the construction industry in urban areas.’[84]

11.4.3 The Journal of Police and Criminal Psychology article on ‘Assessing the Hotline Services on Child Trafficking Victims: An Analysis of Vietnam’,

[84] UNICEF, Drivers of child trafficking and exploitation in the …, (pages 6-7, 14, 24, 26-27) April 2023

published on 4 July 2023 noted that:

'The recent literature shows that Vietnam has experienced both the domestic and cross-border trafficking of children for a broad range of purposes since Vietnam implemented the Open Door policies in the 1990s (Nguyen et al., 2020; Tran et al. 2020). For the domestic market, Vietnam is inextricably linked to the rural–urban movements. Indeed, many CTV are girls trafficked mainly for sexual services at several metropolitans, including Hanoi, Ho Chi Minh City, Hai Phong, Da Nang, and Can Tho (Blue Dragon 2020a). Meanwhile, the trafficking of boys for labor exploitation in agriculture and construction, begging, selling lottery tickets, polishing shoes in big cities, and working in brick kilns, factories, and gold mines has received greater attention (Nguyen 2019; Phuong 2015). In recent years, to a lesser extent, Vietnamese children, both girls and boys, have been further targeted for domestic sex tourism tours by foreigners coming from Western countries (Apland and Yarrow 2019; Blue Dragon 2020a).

'On the other hand, on the external scale, Vietnam is predominantly a source country for trafficked children for illegal adoption, forced labor, and sex regional and international tourism activities. Although the Vietnamese victims are destined for countries within the Greater Mekong Sub-region (GMS), Western Europe, Africa, and the Middle East (Belanger 2014; Raschke 2014), China and Cambodia remain the most prevalent destinations (Luong 2020; Nguyen et al., 2020; Nguyen and Nguyen 2018). The Vietnam-to-China route is the main route, with about 90% of trafficked victims, including children. It is believed that traffickers use unofficial paths and border gates in the northern provinces of Vietnam to transport girls to commonplace destinations in China while trafficking Vietnamese boys from minority ethnic groups for forced labor in mines and brick factories in China (Blue Dragon 2020a). Vietnamese children (particularly boys) are also trafficked to China for adoption due to the high demand for Chinese couples who have a girl and cannot have a second child in China's "one child" policy (Tran et al. 2020). In contrast, most Vietnamese women and girls are trafficked for prostitution in Cambodia's cities (Nguyen 2019). Most have severe economic conditions and lack social knowledge, life skills, and psychological lightness (Le 2017; Pham 2016). Among 4279 trafficking cases and 9304 victims identified from prosecution's process at all court levels in 2007–2016, Le et al. (2018, p. 254) confirmed that "most Vietnamese victims are young, impoverished, uneducated and unemployed." While traffickers, in many cases, are known to be either victims in the past or their relatives, friends, and even the same local community, around 67–70% are female with a low education qualification (Le et al. 2018, p. 254).'[85]

11.4.4 The 2024 USSD State Departments, Trafficking in Persons (TiP) report published on 24 June 2024 noted:

'… Inconsistent with international law, Article 150 applied to children between the ages of 16 and 17 years old and required a demonstration of force, fraud, or coercion to constitute a sex trafficking crime; it therefore did not criminalize all forms of child sex trafficking. Civil society observers previously reported this led to confusion among the courts on how to handle

[85] Journal of Police and Criminal Psychology, Assessing the Hotline Services on Child…, 4 July 2023

cases involving 16- and 17-year-old children, particularly for cases involving labor trafficking, and that it precluded child-centered best practices in such cases. In an effort to address this concern, in 2021, the Ministry of Public Security (MPS) issued a new policy outlining child-centered procedures for the investigation of trafficking crimes committed against persons younger than the age of 18; this was the first government-issued guidance instructing law enforcement to handle trafficking cases involving 16- and 17-year-olds as child trafficking cases.'

'… Traffickers exploit Vietnamese women and children in sex trafficking overseas, misleading many victims with fraudulent employment opportunities and transferring them to commercial sex establishments on the borders of the PRC, Cambodia, and Laos, or elsewhere in Asia, West Africa, and Europe. Traffickers exploit an increasing number of Vietnamese women and girls in sex trafficking in Burma.

'… There are past reports of Vietnamese women and girls in forced childbearing, including cases in which traffickers lure them to the PRC with false job offers, abduct them at the border, and transfer them to unregulated hospital facilities, where they are subjected to forcible artificial insemination and confined until they give birth. Vietnamese women and girls are reportedly vulnerable to forced labor and sex trafficking at "girl bars" – entertainment sites advertising paid "accompaniment" services often involving sex acts with young women and girls – in urban areas in Japan.'[86]

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## 12. Child labour

### 12.1 Prevalence

12.1.1 UNICEF noted in an undated article on Child Labour that: 'In Viet Nam, there are more than 1 million children aged 5-17 engaged in child labour, accounting for 5.4 per cent of the child population in this age group. Among these child labourers, more than half perform hazardous work. Half of child labourers did not go to school, of which 1.4% never attended school.'[87]

12.1.2 Alliance 8.7, a global partnership set up to eradicate forced labour, modern slavery and trafficking[88], noted in an article in 2021 that:

'The COVID-19 pandemic has had negative socio-economic impacts on child labour in Viet Nam and around the world. In general, more families are being forced to resort to child labour as a strategy to cope with the loss of income and livelihood constraints due to disruptions to global supply chains and social distancing measures.

'In addition, devastating floods have been affecting central Viet Nam in recent years, further intensifying the risk for affected families. This double burden of the pandemic and a climate-related catastrophe has been extremely difficult on people.'[89]

[86] USSD, 2024 Trafficking in Persons Report: Vietnam, 24 June 2024
[87] UNICEF, Child Labour, no date
[88] Alliance 8.7, About, no date
[89] Alliance 8.7, A story of hope after child labour in Viet Nam, 2021

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## 12.2 Types of child labour

12.2.1 According to the US Department of Labor report '2022 List of Goods Produced by Child Labor or Forced Labor', as of 28 September 2022 the following items were produced by child labour in Vietnam- Bricks, Cashews, Coffee, Fish, Footwear, Furniture, Leather, Pepper, Rice, Rubber, Sugarcane, Tea, Textiles, Timber, Tobacco. Additionally garments were also listed as being produced by child and forced labour[90].

12.2.2 Citing various sources, including an interview with an NGO as part of the research, UNICEF noted in its report on the drivers of child trafficking published in April 2023 that:

'Low levels of education and a lack of easily accessible vocational training is a barrier to children accessing safe, legal employment. Children are forced to seek employment in lower skilled jobs in informal industries, which puts them at higher risk of exploitation. However, some businesses are providing training to young people to enable them to secure non-exploitative, legal employment.

' … Businesses play a key role in driving and providing protection from child trafficking and labour exploitation. For example, labour laws and policies within the formal garment manufacturing sector mean that labour among children under the age of 15 years in this context is rare (due to the only role within garment manufacturing included in the prescribed list of light work being permitted for children under the age of 15 is "Cutting threads, sewing buttons, sewing button holes and packing hand-woven products into boxes") 96, with many international buyers prohibiting the hiring of anyone under the age of 18 years.97 However, the raising of the age, while intended to be protective has had perverse results. The high intolerance of child labour in formal sectors at the same time as a lack of vocational, educational or work opportunities for adolescents under the age of 18 years has meant that children are increasingly likely to seek employment in the informal sector where they are at increased risk of exploitation, particularly in the lower tiers of the apparel and footwear supply chains.'[91]

12.2.3 The 2023 USSD report noted:

'The law did not prohibit all the worst forms of child labor. Deficiencies include the lack of a law proscribing slavery. The labor code stated a worker older than 14 and younger than 18 shall not perform work that might damage the physical or intellectual development and dignity of the child, such as lifting heavy objects or dealing with alcohol or dangerous chemicals or gases. A worker aged 13 to 14 could perform light jobs included in a list from the Ministry of Labor, War Invalids, and Social Affairs (Ministry of Labor). Children younger than age 13 could work in art and sports in certain circumstances for no more than 20 hours per week. Child workers had to have the permission of their parents.

'The Ministry of Labor was responsible for enforcing child labor laws and

[90] US DOL, 2022 List of Goods Produced by Child Labor or Forced Labor (page 28), 2022
[91] UNICEF, Drivers of child trafficking and exploitation in the context of…, (pages 9 & 25) April 2023

policies. Government officials could fine and, in cases of criminal violations, prosecute employers who violated child labor laws. The government did not effectively enforce the law, and penalties were not commensurate with those for analogous serious crimes. Penalties were sometimes applied against violators.

'Child labor remained prevalent. Authorities estimated over one million children between the ages 15 and 17 worked; approximately 20 percent of them worked over 40 hours per week and nearly 50 percent of them worked in a hazardous environment.

'Illegal child labor was reported in labor-intensive industries, such as brickmaking, agriculture, construction, fishing, forestry, and the manufacture of footwear, furniture, garments, textiles, and leather. Local media also reported children working as beggars in gangs whose leaders abused the children and took most of their income. Some children started work as young as age five, and nearly 49 percent of child workers did not attend school. There were reports during the year of the worst forms of child labor.'[92]

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## 13. Childcare and protection

### 13.1 Government support and protection

13.1.1 An undated UNICEF article reporting on social work development, noted:

'Children in Viet Nam are yet to benefit from a functioning child protection system, which is critical to preventing and protecting children from violence, child exploitation, abuse and neglect. Gaps in child protection service coverage are compounded by a severe shortage of trained social workers and the lack of a professional case management system, which constrain the identification of children at risk and provision of services. This leaves children in vulnerable situations or unnecessarily placed in institutional care.'[93]

13.1.2 An undated UNICEF article reporting on social protection for children, noted:

'Multi-dimensional poverty and inequities are still evident in Viet Nam…This is especially the case for ethnic minority children who fare worse than the rest of the population across virtually every Sustainable Development Goal indicator.

'Despite this need, only one-in-10 children and fewer than 1 per cent of those aged under 36 months are eligible for cash transfer support, hampering access to key social services. …social assistance policies heavily rely on local revenues. This means only children in better-off cities and provinces can benefit from this much-needed assistance.'[94]

13.1.3 The UN Convention on the Rights of the Child (CRC) concluding observations of the combined fifth and sixth reports on Vietnam noted that: 'The Committee notes the adoption of the strategy for ethnic affairs for the period 2021–2030, but remains deeply concerned about the persistence of

[92] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[93] UNICEF, Social Work Development: On the frontlines for children, no date
[94] UNICEF, Social Protection: A fair start for every child, no date

disparities in the enjoyment of rights among children in vulnerable situations, including with regard to access to household registration, health services, education and social protection; and discriminatory gender stereotypes, as reflected in the imbalanced sex ratio at birth and high dropout rates from school and child marriages among girls …

'The Committee is concerned about the insufficient application of the principle of the best interests of the child by professionals working with and for children.'[95]

13.1.4 The same report further stated:

'The Committee notes with appreciation the adoption in 2016 of the Law on Children, which prohibits child abuse, neglect, abandonment and exploitation. However, the Committee remains deeply concerned about the following:
(a) The high level of sexual exploitation and abuse of children, including through online sexual abuse material and in the context of prostitution, and the significant underreporting and investigation of such cases;
(b) The fact that grooming is not explicitly prohibited and that children who are 16 and 17 years of age are not protected under legislation criminalizing violence against children and guaranteeing support for victims;
(c) The insufficient professional capacity, including a shortage of professional social workers and child protection officers, and the lack of a multidisciplinary and child-sensitive approach to the provision of support to children who are victims of violence.'[96]

13.1.5 Vietnam+ reported in September 2022 that:

'The UN Committee on the Rights of the Child (CRC) has appreciated the dialogue and measures taken by Vietnam in the protection and promotion of children's rights.

' … Dang Hoa Nam, Director of the Department of Child Protection and Care, said that the CRC appreciated Vietnam's progress in building and amending laws, especially the 2016 Children Law, the government's efforts to combine economic development with social and sustainable development. The CRC also showed interest in newly emerging issues related to children's rights in the context of new changes like climate change or global economic depression.

'The official stressed that Vietnam's active participation in the committee's dialogue mechanism and its implementation of recommendations are of significance for the implementation of children's rights in Vietnam, which he said demonstrates that Vietnam is an active and responsible member in the enforcement of the UN Convention on the Rights of the Child. During the process, Vietnam is able to share with CRC members and other countries its experience and learn form international experience to better perform in the field.'[97]

13.1.6 Tourism Watch who 'work for the consistent application of a human rights

[95] UN CRC, Concluding observations on the combined fifth and sixth periodic …, 21 October 2022
[96] UN CRC, Concluding observations on the combined fifth and sixth periodic …, 21 October 2022
[97] Vietnam+, Vietnam's efforts to promote children's rights hailed by UN …, 16 September 2022

approach in tourism that has a central focus on the interests and needs of local people'[98] noted in their 2022 blog Protecting Children as Part of Sustainable Tourism Recovery that:

'In June 2021, the Vietnamese government launched the first national-level programme for online child protection. This programme is designed to protect children's online privacy while identifying and preventing instances of online child abuse. Activities include using artificial intelligence and big data to detect early warning signs and filter dangerous content. Vietnamese online services and app providers are required to have systems to protect children and help parents manage usage. Additionally, all schools must train their students on online safety and privacy protection.'[99]

The National Report for the UPR published in February 2024 noted: 'Child protection and care is strongly promoted to build a safe living environment to ensure all rights of the child. There are 154,000 children receiving social benefits, 149 childcare facilities within the network of 425 social assistance facilities nationwide.'[100]

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## 13.2 Government shelters

13.2.1 The UN Convention on the Rights of the Child (CRC) concluding observations of the combined fifth and sixth reports on Vietnam noted that: 'While welcoming the measures taken to provide support for families in vulnerable situations, the Committee is deeply concerned about the large number of children living in residential care, the lack of systematic monitoring of alternative care facilities, the separation of children from their families due to poverty or disability, and the large number of children who have lost their parents to the coronavirus disease (COVID-19).'[101]

13.2.2 The Center for Women and Development, an institution directly subordinated to the Vietnam Women's Union (affiliated to the Communist Party of Vietnam), manage 3 Peace House shelters located in Hanoi and the Mekong Delta. The shelters are for women and children suffering gender-based violence and provide: They stated that these shelters are:

' … free, comprehensive and emergent support services with locations in Hanoi and Can Tho. The Peace House Shelter also implements an effective organizational and personnel structure so as to ensure smooth operation of various activities. This structure consists of a house manager who is responsible for managing, operating, supervising, and reporting all activities in the house); 4 social workers, each of whom is responsible for managing, monitoring, counseling and supporting 5 victims; 2-3 security guards who work 24/7 to ensure safety; and 2 housekeepers responsible for internal affairs and accommodation of temporary residents.'[102]

13.2.3 The 2024 USSD TiP report noted that:

[98] Tourism Watch, About Tourism Watch, no date
[99] Tourism Watch, Vietnam: Connecting Child Protection and Sustainability, 20 September 2022
[100] Un General Assembly, Universal Periodic Review - Viet Nam, 22 February 2024
[101] UN CRC, Concluding observations on the combined fifth and sixth periodic …, 21 October 2022
[102] CWD, Peace House Shelters, no date

'The government reported 57 out of 425 social support facilities nationwide assisted trafficking victims, including other vulnerable populations; some of these facilities operated with NGO funding and none provided services for men or child victims exclusively. Authorities allowed victims to stay at support facilities for up to three months with a meal stipend and medical assistance. The government, in partnership with NGOs, operated four dedicated trafficking shelters for women and children. The government reported officials placed men referred to trafficking shelters in separate accommodations. … officials appointed a guardian for child victims. The government provided formally identified Vietnamese victims with support services that included essential needs and travel expenses, medical support, psychological support, legal aid, cultural learning and vocational training, and financial assistance. Victims who did not meet a minimum poverty threshold were excluded from some support services, including tuition exemption and financial assistance. Observers noted the quality of care provided to trafficking victims varied widely depending on geography, a victim's circumstance, and the strength of local civil society; NGOs reported the support victims received was often inadequate, especially in remote and poorer provinces where local governments provided the initial support budget.

'… The government lacked adequately trained or experienced social workers to provide appropriate support to trafficking victims, and observers reported front-line workers, judges, teachers, and medical professionals were poorly trained to address child protection issues, including human trafficking.'[103]

13.2.4 Further information on support and access to social services can be found in the Country Policy and Information Note, Vietnam: Trafficking.

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## 13.3 NGO support and shelters

13.3.1 The following is a non-exhaustive list of some of the organisations that provide support and accommodation to vulnerable children:

- Alliance Anti-Trafic, is a non-profit, non-partisan and non-religious organization that aims to protect women and children in Southeast Asia from sexual exploitation and trafficking.
- Blue Dragon Children's Foundation- based in Vietnam since 2003 they help children and young people in crisis situations such as slavery, homelessness, and extreme poverty. They provide shelter, family reunion, education, healthcare and legal advocacy for children in crisis.
- Children of Vietnam- founded in 1998 assists children and families in breaking the cycle of poverty, ill health and homelessness. Some of their work includes awarding scholarships to children in primary and secondary school, arranging medical assistance for children whose families are unable to afford it, distributing food to vulnerable children and families in crisis and helping construct new homes for destitute families living.

[103] USSD, 2024 Trafficking in Persons Report: Vietnam, 24 June 2024

- Friends of Hue Foundation- founded in May 2000 they operate a shelter in Hue for children offering education and guidance to those in need.
- Hagar Vietnam an international NGO in Vietnam which aims to support women and children affected by trauma particularly from domestic violence and trafficking.
- Pacific Links Foundation is an international NGO who '…breaks the cycle of human trafficking by investing comprehensively in at-risk youth to prevent trafficking and help trafficking survivors to build new lives. We work throughout Vietnam in trafficking hotspots and collaborate with partner organizations in transit and destination countries, including those in Asia and Europe.'[104]
- Stichting K.I.D.S (Kids in Distress) foundation, referred to as K.I.D.S, provides accommodation, care and schooling for street children in and around Ho Chi Minh City. They operate a number of shelters around the Ho Chi Minh City area.
- Xuân started in 1993 and supports children of Vietnam in impoverished situations. They operate homes for disadvantaged/orphaned children aged 6-18 in Da Nang and Can Tho. They also help children access education and provide scholarship programmes in Phu Vang and Kon Tum to those at risk of being unable to complete their education, due to financial hardship.

13.3.2 Information on shelters can be found in the Country Policy and Information Note, Vietnam: Trafficking and Report of a Home Office fact-finding mission, Vietnam, September 2019.

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### 13.4 Orphanages

13.4.1 The following sources provide details of some of the orphanages in Vietnam, but this is not an exhaustive list.

13.4.2 The website of Adopted Vietnamese International (AVI) provides a list of some of the orphanages in Vietnam[105].

13.4.3 The Te-Phan Orphanage, was established in Ho Chi Minh City in 1985 has more than 30 years' experience in caring for disadvantaged people, including the homeless and solitary elderly, and orphans with disabilities[106].

13.4.4 Loving Kindness Vietnam, a charity who help orphanages, charity schools, and those in poverty in the area surrounding Nha Trang, Vietnam, list a number of orphanages in the Nha Trang area on their page- 'Who we help- orphanages'[107].

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## 14. Documentation

[104] Pacific Links Foundation, Modern Slavery Prevention, no date
[105] AVI, Orphanage Lists, 2021
[106] Te-Phan Orphanage, Who are we?, no date
[107] Loving Kindness Vietnam, Who we help- orphanages, no date

## 14.1 Citizenship

14.1.1 Article 16. of the Law on Nationality states 'A child born to parents, both of whom are Vietnamese citizens, shall hold Vietnamese nationality, regardless of whether the child was born inside or outside the Vietnamese territory.'[108]

14.1.2 Article 17. of the Law on Nationality states:

'1.A child born to parents, one of whom is a Vietnamese citizen and the other is a stateless person; or his/her mother is a Vietnamese citizen while his/her father is unknown, shall hold Vietnamese nationality, regardless of whether the child was born inside or outside the Vietnamese territory.

'2.A child born to parents, one of whom is a Vietnamese citizen and the other is a foreign national, shall hold Vietnamese nationality, if so agreed in writing by his/her parents at the time of registration of their child's birth.'[109]

14.1.3 The Consortium for Street Children stated: 'Birth registration documents are essential in Vietnam for a child to access their rights, benefits and essential services, including education, health care and social security. Vietnam has made birth registration a priority, though there are still challenges for marginalised groups seeking to obtain birth registration documents.'[110]

14.1.4 The same source further noted that: 'Pursuant to the Law on Civil Status, abandoned children or children with an unidentified father and/or mother are entitled to birth registration.' The same source also detailed the process for registering abandoned children[111].

14.1.5 Citing various sources Consortium for Street Children also stated:

'The Law on Children provides that every child is entitled to birth registration. In particular, parents or care-takers must carry out birth registration procedures for their children within 60 days of birth. However, birth registration outside of this time limit is possible, albeit discouraged in favour of early birth registration.

'If a street-connected child was not registered within the 60 day timeframe, they must approach the People's Committee (local authority) to obtain a retroactive birth registration document… A number of practical barriers to birth registration have been reported that would be likely to affect street-connected children:

'Article 11(2) of the Law on Civil Status states applicants registering a birth out of time will be required to pay a fee. However, the same Article states that members of poor households are not required to pay a civil status fee (Article 11(1)(a)), and a further 2007 Directive issued by the Prime Minister stated that a fee should never be imposed for late registration. Despite this, a fee is often imposed by the registration authorities in practice.

'There have also been reports of birth registration officials taking advantage of individuals who have never been registered by requiring the payment of a bribe.

[108] National Legislative Bodies, Law No. 07/1998/QH10 on Vietnamese Nationality of 20 …
[109] National Legislative Bodies, Law No. 07/1998/QH10 on Vietnamese Nationality of 20 …
[110] Consortium for Street Children, The Legal Atlas for Street Children, last updated April 2019
[111] Consortium for Street Children, The Legal Atlas for Street Children, last updated April 2019

‘When registering a child, parents may be asked to present their official proof of address (a household registration book) to the People’s Committee of the Commune. This requirement can prevent birth registrations by families without a formal address or proof of residence.’[112]

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## 14.2 Birth registration and certificates

14.2.1 The GSO and UNICEF joint report published in December 2021 noted that in 14,000 households surveyed:

‘ … births of 98.1 percent of children under 5 years of age in Viet Nam were registered. The percentage of children with birth registration increased gradually with age. There were almost no differentials between boys and girls and between urban and rural areas or across regions. However, children living in poor households had lower birth registration rates than children living in better-off households. In terms of ethnicity, the survey results show that among ethnic groups, Mong children had the lowest birth registration rate, 90.3 percent. In terms of functional difficulties for children from 2 to 4 years old, the group of children with functional difficulties had a higher birth registration rate than children without functional difficulties, but the difference was quite small.’[113]

14.2.2 The 2022 DFAT report noted that:

‘Births, deaths and marriages must be registered under the Law on Civil Status (2014). The Ministry of Justice manages the national Civil Registration and Vital Statistics (CRVS) system. The office of the justice clerk in every commune maintains a civil and vital events register to record births, deaths, and marriages of commune residents, which are then reported to district, provincial and central levels. According to 2014 UNICEF data, the most recent available, 96 per cent of babies born in Vietnam are registered. Most provinces offer online registration but digitisation is ongoing at the time of writing. The Government is progressively linking registrations to each citizen’s 12-digit ID number starting with young children.

‘There is a significant backlog for applications in ethnic minority communities. Fewer members of ethnic minority communities have documentation, relative to the general population, which may be caused by language differences and distrust among those communities of the process. UNICEF estimated in 2016 (most recently available estimate) that about 359,000 children under the age of five were not registered, the majority of whom were living in a ‘hard to reach area’, particularly the remote mountains. Birth certificates are required to access education and healthcare for children and a household registration is required to obtain a birth certificate, which means that minority children may be denied access to services in practice.

‘Applications for birth registration of a Vietnamese child born overseas, or the reissuance of original birth certificates for Vietnam-born citizens based overseas, can be processed through the relevant Vietnamese embassy or

[112] Consortium for Street Children, The Legal Atlas for Street Children, last updated April 2019
[113] GSO & UNICEF, Survey measuring Viet Nam sustainable … (page 356), December 2021

consulate.'[114]

14.2.3 The 2023 USSD report noted: 'The law required a birth certificate to access public services, such as education and health care. Nonetheless, some parents, especially from ethnic minorities, did not register their children. Local authorities prevented some parents from registering children to discourage internal migration, according to observers.'[115]

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## 14.3 Household Registration System (Ho Khau)

14.3.1 Vietnam net reported in July 2021 that: In pursuant to the new Law on Residence, new household books and/or temporary residence books will not be issued to citizens registering for permanent and/or temporary residence. However, the validity of these two documents is still maintained until January 1, 2023. … The abolition of household registration books was simply a shift of the paper management to online residence registration … '[116]

14.3.2 The 2022 DFAT report noted that:

'Residents' homes need to be registered with a document known as a hộ khẩu, or household registration book. In practice, police do not strictly enforce laws regarding residence to the extent that it would prevent internal relocation, particularly from rural to urban areas as part of Vietnam's recent rapid urbanisation. With urbanisation have come slums, particularly in large cities, as former rural residents have moved in search of work. DFAT is not aware of other cases where registration is refused; such refusal is unlikely.

'There are two categories of registration (reduced from four under the previous law): temporary and permanent. Household registration requires citizens to register their permanent residence in only one district in Vietnam. To gain permanent residence status in a new district, citizens must either marry into a family already holding permanent residence, purchase land, or live in rental housing with an official lease and a minimum amount of liveable space.

'Large cities such as Hanoi and Ho Chi Minh City have previously enacted local legislation to prevent relocation. These regulations may change rapidly. For example, DFAT's December 2019 Country Information Report reported that restrictions were in place in Hanoi to prevent rural-urban transmigration based on infrastructure and overcrowding concerns. Those restrictions were removed in 2020.

'In practice, internal migrants might be entitled to basic social services when they relocate to big cities like HCMC and Hanoi, but local authorities may not apply these policies consistently. Those who own a house or an apartment will have an easier time registering in one of those two cities. Those who attempt to relocate may experience bureaucratic difficulties, but DFAT understands that relocation is not impossible.

'Without a local registration, access to services such as public education and

[114] DFAT, Country Information Report Vietnam (para 5.36 -5.38), 11 January 2022
[115] USSD, 2023 Country Reports on Human Rights Practices: Vietnam, 25 March 2024
[116] Vietnam net, Vietnam kicks off online residence registration, 2 July 2021

healthcare becomes difficult; a local registration is required to access government services. A child cannot be registered without household registration documents and an identity card. It is possible to re-register in a new locale after moving, but this process can be lengthy and difficult, which deters some people

‘ … Internal relocation and re-registration in a new residence is possible, but bureaucratic difficulties may arise for certain people. For example, women whose husbands die may have difficulty getting cooperation from their in-laws, or recently released prisoners might be refused registration by police who do not want ‘troublemakers’ in their district.

‘ … DFAT understands that physical hộ khẩu books are no longer issued and have been replaced by information held in a national database that is linked to a person’s [Citizen Identification Card] CIC. DFAT understands that, although the books are no longer issued, they are still in use by some. Hộ khẩu are not issued by Vietnamese embassies and consulates abroad but registration of residence is possible at police stations on arrival.’[117]

14.3.3 The University of Texas Rio Grande Valley (UTRGV), in a report entitled ‘Changing Household Registration and Worker Welfare in China and Vietnam’, published on 22 June 2022, noted

‘…temporarily registered migrants continue to face stark inequalities induced by the ho khau system… they continue to face substantial barriers in terms of accessing public services, including employment at the public sector, children’s health insurance and schooling, and other social services. They also face greater difficulties in accessing social protection compared to those with permanent registration. For example, it is in practice very rare for temporary migrants to be eligible for inclusion in the official list of ‘poor households’ as receivers of subsidies and social transfers, so that they are deprived of much of the very social protection that they need.’[118]

See also Childcare and protection

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## 15. Return and reintegration

### 15.1 Returnees

15.1.1 For guidance on the possible issues that returnees, including unaccompanied children, might face upon return, see the relevant Country Policy and Information Note(s).

15.1.2 The 2022 DFAT report noted:

‘Returnees, including failed asylum seekers, labour migrants and trafficking victims, typically face a range of difficulties upon return. These include unemployment or underemployment, and challenges accessing social services, particularly in cases where household registration has ceased. In addition, trafficking victims face social stigma and discrimination, and may experience difficulty in accessing appropriate trauma counselling services outside of large cities. Returnees may be offered assistance by NGOs, but

[117] DFAT, Country Information Report Vietnam (paragraphs 5.19- 5.24 & 5.40), 11 January 2022
[118] Lin, J, and other, UTRGV, Changing Household Registration and …(page 5), 22 June 2022

this may be more available to victims of trafficking rather than failed asylum applicants.'[119]

15.1.3 Whilst not specifically referring to returnees, Viet Nam News, an English language daily newspaper published by the Vietnam News Agency , the news service of the government of Vietnam[120], reported on the situation for internal migrants in an online article, dated 21 December 2023 which noted that: '…migrant workers… increase the burden on the city infrastructure such as schools, hospitals, and utility demands, leading to challenges in social welfare, education and health care…Women and children are ….among the most vulnerable groups, with child migrants facing difficulty in accessing education, especially at the secondary and high school levels.'[121]

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## 15.2 Reintegration

15.2.1 On their website International Organisation for Migration (IOM) in Vietnam noted that:

'Via the Assisted Voluntary Return and Reintegration (AVRR) program, IOM Vietnam in cooperation with other IOM missions all over the world provides return and reintegration assistance to help irregular migrants return to Vietnam and re-establish themselves.

'Reintegration assistance ranges from a reinstallation allowance to a variety of socio-economic assistance measures provided directly to the returnees. Beneficiaries of the AVRR include:

- Migrants in an irregular situation,
- Persons whose asylum claim has been rejected
- Victims of trafficking
- Any person with legal status in the host country, but without means to return home (including stranded persons and students);
- Labour migrants at the end of their contracts.

'Most of these categories – particularly victims of trafficking – may include unaccompanied minors, whose inclusion in a return process requires additional and specific measures and considerations for assistance along with other vulnerable migrants.'[122]

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## 15.3 Family reunion

15.3.1 According to Article 23 of the Law on Child Affairs dated 5 April 2016

'Children have the right to know their natural parents, unless this might cause adverse influence on their best interests. They are entitled to stay in touch or contact with both parents when they or their parent(s) resides (reside) in different countries or are detained or expelled. They also have

[119] DFAT, Country Information Report Vietnam (paragraph 5.32), 11 January 2022
[120] Viet Nam News, About us, no date
[121] Viet Nam News, Regulatory measures needed to address internal …, 21 December 2023
[122] IOM Viet Nam, Migrant Integration, no date

their immigration facilitated to be united with their parent(s). In addition, children are protected from illegal transport to the outside of the territory of Vietnam and provided with information when their parent(s) is (are) missing.'[123]

15.3.2 The International Committee of the Red Cross (ICRC) assists with restoring family ties in Vietnam[124]

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[123] Thu Vien Phap Luat, Law No. 102/2016/QH13, 5 April 2016
[124] ICRC, Red Cross of Viet Nam | Restoring Family Links, no date

# Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used and the COI compared to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the country information.

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Demography
  - Population
  - Family structure
- Legal context
  - Constitution
  - International law
  - Domestic legislation
- Social and economic rights
  - Education
  - Health and welfare
  - Impact of COVID 19
  - Children with disabilities
  - Illegitimate children
  - Orphaned/abandoned children
  - Child poverty
- Juvenile justice
  - Judicial and penal rights
  - Juvenile detention
- Violence against children
  - Child abuse, including corporal punishment and sexual violence
  - Early and forced marriage
  - Street children
  - Trafficking
- Child labour
  - Prevalence
  - Types of child labour
- Childcare and protection
  - Government support and protection

    - Government shelters
    - NGO support and shelters
    - Orphanages
- Documentation
    - Citizenship
    - Birth registration and certificates
    - Household registration system (Ho Khau)
- Return and reintegration
    - Returnees
    - Reintegration
    - Family reunion

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# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **25 February 2025**

**Official – sensitive: Not for disclosure – Start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

**Official – sensitive: Not for disclosure – End of section**

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## Changes from last version of this note

Updated country information following review commissioned by the IAGCI.

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## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

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## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support them in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

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