



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-second session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Viet Nam

1. The Committee considered the second periodic report of Viet Nam (CRC/C/65/Add.20), submitted on 10 May 2000, at its 848th and 849th meetings (see CRC/C/SR.848 and 849), held on 22 January 2003, and at its 862nd meeting, held on 31 January 2003, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which followed the reporting guidelines of the Committee. It further welcomes the timely submission of the written replies to the list of issues (CRC/C/Q/VIE/2) and the updated State party reports, which were detailed, informative and provided a clearer understanding of the situation of children in Viet Nam. The Committee notes with appreciation the presence of a high-level and cross-sectoral delegation, which contributed to the constructive dialogue held with the State party's delegation.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the State party's efforts to support and facilitate children's participation and improve the coordination and implementation of its child rights policy. In particular, the Committee notes the enactment of the 1994 Government Decree No. 118/CP to establish the Viet Nam Committee for Protection and Care of Children (CPCC), which was subsequently merged into the National Committee on Population, Family and Children on 5 August 2002, as the central mechanism to monitor and coordinate activities related to the

protection, care and education of children. The Committee also welcomes the development of specific child rights indicators by CPCC and the General Statistics Office, the formulation of a second National Programme of Action for Children for 2001-2010, and the development of various other special programmes, such as the National Target Programme on Hunger Eradication, Poverty Reduction and Jobs for 2001-2005 and the Programme on the Prevention of Prostitution in the period 2001-2005.

4. The Committee welcomes the State party's ratification, in September 2001, of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, as well as its ratification, in December 2000, of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee acknowledges that, while the transition to a market economy has increased economic growth, it has also had a negative impact on the implementation of the economic, social and cultural rights of children, for instance by increasing the financial burden on households for health and education services.

D. Principal areas of concern and recommendation

1. General measures of implementation

Committee's previous recommendations

6. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.3) it made upon consideration of the State party's initial report (CRC/C/3/Add.4) have been insufficiently addressed, particularly those regarding mitigation of the negative impact of economic reforms on vulnerable groups (para. 7), reform of the juvenile justice system (para. 8) and dissemination of the Convention amongst ethnic minorities (para. 9).

7. The Committee urges the State party to make every effort to address those recommendations contained in the concluding observations on the initial report that have not yet been fully implemented and to address the list of concerns contained in the present concluding observations on its second periodic report.

Legislation

8. The Committee, while taking note of the many amendments to domestic legislation, regulations and decrees, nevertheless remains concerned that domestic laws do not yet fully comply with the provisions and principles of the Convention.

9. The Committee encourages the State party to continue to strengthen its efforts to ensure that its domestic legislation is in full conformity with the principles and provisions of the Convention, in particular in the area of juvenile justice.

Coordination and national plans of action

10. The Committee notes with appreciation the existence of the National Committee on Population, Family and Children, with its 140 local associations, which has a clear mandate to coordinate the various cross-sectoral activities concerning the implementation of the Convention. However, the Committee is concerned at the possible overlap between these bodies and between the various plans of action and programmes related to children's issues. The Committee also notes with concern the insufficient level of human resources allocated to the National Committee on Population, Family and Children.

11. The Committee recommends that the State party allocate sufficient resources to the National Committee on Population, Family and Children in order for it to effectively coordinate and monitor all bodies working to implement the Convention, the National Plan of Action for Children (2001-2010) and all other national plans and programmes related to children. The Committee also recommends that the State party harmonize coordination activities, where possible, and make the system of coordination as transparent as possible.

Independent monitoring

12. The Committee notes the existence of a system of inspection as part of the National Committee on Population, Family and Children, which can receive complaints and make non-scheduled visits to institutions. Although this type of monitoring system is important, it does not seem to be the independent monitoring body for the promotion and protection of children's rights, as outlined in the Committee's General Comment No. 2 on the role of independent human rights institutions (CRC/GC/2002/2).

13. Taking into account the recommendations made by the Committee in its General Comment No. 2 on the role of independent human rights institutions, the Committee encourages the State party to establish an independent and effective mechanism to monitor the promotion and protection of children's rights, that is provided with adequate human and financial resources, easily accessible to children. The Committee recommends that the State party consider initiating a pilot project establishing an Ombudsman for Children.

Allocation of resources

14. The Committee notes with concern that budgetary allocations for children are insufficient to respond to national and local priorities for the protection and promotion of children's rights. In particular, insufficient resources have been allocated to the development of health infrastructure and education in remote and mountainous areas.

15. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular

those belonging to economically disadvantaged groups and living in rural or mountainous areas, “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”. In particular, the State party should increase resources allocated to the training of skilled human resources in the areas of social work, child protection and counselling.

Data collection

16. The Committee, noting the State party’s efforts to improve its data collection, is concerned, as noted by the State party in the written replies to the list of issues, that there is no system of data collection on child labour or children with disabilities and that the data available on child abuse is not comprehensive.

17. The Committee recommends that the State party expand its system of data collection to include statistics on the economic exploitation of children and child abuse, and, if necessary, seek technical assistance from ILO in this regard. The Committee further recommends that the State party use all data and indicators for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

Cooperation with civil society

18. The Committee, while welcoming the increasing cooperation between the State party and international non-governmental organizations (NGOs) in the implementation of the Convention, is concerned that coordination of the activities undertaken by NGOs is not fully effective.

19. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party, in order to utilize such cooperation more effectively, enhance transparency and facilitate the coordination of activities undertaken together with international NGOs in implementing the Convention.

Dissemination

20. The Committee is concerned that, despite the activities of the State party, children, and the public at large, as well as all groups of professionals working with and for children are not sufficiently aware of, or adequately comprehend, the Convention and the rights-based approach enshrined therein.

21. While noting the activities of NGOs and international organizations to disseminate information on children’s rights, the Committee reminds the State party of its obligations under articles 42 and 44 to make the principles and provisions of the Convention, as well as its own reports on the implementation of the Convention, widely known. It recommends that the State party:

(a) Continue its efforts to train all professionals working with and for children in the provisions and principles of the Convention, in particular parliamentarians, law

enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers;

(b) Give particular attention to the dissemination of the Convention to members of ethnic minority groups, and ensure, wherever possible, that the full text of the Convention is translated into the local language.

2. General principles

Non-discrimination

22. The Committee notes with concern that domestic legislation does not specifically prohibit discrimination based on all the grounds listed under article 2 of the Convention. In particular, discrimination against children with disabilities is not explicitly prohibited. Moreover, the lower level of development indicators for ethnic minorities appears to indicate the existence of some level of societal and institutional discrimination, specifically with regard to their access to health and education.

23. **The Committee recommends that the State party:**

(a) Amend domestic legislation to ensure that it corresponds fully with all the provisions of article 2 of the Convention and that, in particular, discrimination against children on the grounds of disability is expressly prohibited by law;

(b) Strengthen efforts to eliminate disparities in the accessibility and quality of health care and education between regions and ethnic minorities;

(c) Conduct a study in collaboration with ethnic community leaders to determine the extent to which ethnic minority children suffer from discrimination and develop policies and programmes to address the root causes of any such discrimination.

24. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, and that account should be taken of General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

25. The Committee is concerned that, although acting in the best interests of the child is a priority for the Government, the best interests principle is not expressly included in all legislation concerning children.

26. **The Committee recommends that the State party, in accordance with article 3 of the Convention, review and, where appropriate, amend its legislation in order to ensure that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.**

Right to life

27. The Committee is concerned at the high number of children that are injured, disabled or killed by accidents, such as traffic accidents, or by natural disasters.

28. **While noting the State party’s efforts, in particular the National Programme of Action for Accident Control (2000), the Committee recommends that the State party conduct a study on the scope and causes of accidental deaths, and strengthen its efforts to reduce accident-related deaths through, inter alia, awareness-raising campaigns and education programmes aimed at parents, children and the public at large.**

Respect for the views of the child

29. The Committee is concerned that traditional attitudes towards children in society still limit the respect for their views, within the family, schools and society at large. In addition, administrative and judicial proceedings are not always required to take the views of the child into account, for instance in the case of divorce hearings.

30. **The Committee recommends that the State party:**

(a) **Carry out awareness-raising campaigns aimed at, inter alia, parents, teachers, government administrative officials, the judiciary and society at large on children’s right to have their views taken into account and to participate in all matters affecting them;**

(b) **Take legislative measures to guarantee that in all court and administrative proceedings affecting them, children have the right to express their views and have those views taken into account regarding children;**

(c) **Promote and facilitate, within the courts and all administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention.**

3. Civil rights and freedoms

Name and nationality

31. While welcoming the State party’s many efforts in this regard, the Committee is concerned that still not all children are registered at birth and that there are, in particular, problems with the birth registration of children living in remote and mountainous regions, where parents are not always aware of birth registration requirements.

32. **The Committee recommends that the State party continue and strengthen its efforts to secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.**

Ill-treatment and violence

33. The Committee is concerned that children in the State party are subject to various forms of violence and ill-treatment, including child abuse and neglect, and corporal punishment.

34. **The Committee recommends that the State party:**

(a) **Take all appropriate measures, including legislative reform, to establish a national system for receiving, monitoring, and investigating complaints of child abuse and neglect, and, when necessary, prosecuting cases in a child-sensitive manner;**

(b) **Provide training for law enforcement officials, social workers and prosecutors on how to address complaints regarding child abuse in a child-sensitive manner;**

(c) **Establish an accessible national system, with appropriate human and financial resources, to provide counselling and assistance to child victims of violence as well as child witnesses of crimes;**

(d) **Establish a mechanism for collecting data on perpetrators and victims of abuse and neglect, disaggregated by gender and age, in order to properly assess the extent of the problem and design policies and programmes to address it;**

(e) **Explicitly prohibit corporal punishment in the home, schools and all other institutions;**

(f) **Carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment.**

4. Family environment and alternative care

35. The Committee notes with deep concern that, as recognized in the State party's report, family disintegration, including divorce, is on the rise and contributes to the increasing numbers of children in conflict with the law, and of those living on the street and abusing drugs. The Committee is further concerned at the growing gap between rich and poor families, and that poverty puts children at greater risk of exploitation and abuse.

36. **The Committee recommends that the State party:**

- (a) **Strengthen its efforts to develop a comprehensive family policy;**
- (b) **Improve social assistance and support to vulnerable families by establishing a professionalized system of social workers within communities to provide counselling and assistance;**
- (c) **Consider increasing financial support for economically disadvantaged families, particularly within development and poverty reduction plans for rural and remote areas.**

Adoption

37. The Committee is concerned about the high number of inter-country adoptions, suggesting that this form of adoption is not necessarily a measure of last resort. It also notes with concern reports that some inter-country adoptions do not adhere to international standards.

38. **The Committee recommends that the State party continue and strengthen its efforts to enforce domestic laws and regulations on adoption, and ratify the Hague Convention of 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption (No. 33).**

5. Basic health and welfare

39. The Committee notes with appreciation the extremely high rate of immunization coverage in the State party. While the maternal mortality rate is declining, the Committee is nevertheless concerned at the persistently high rates of maternal mortality, infant mortality and under-5 mortality, as well as the high rates of malnutrition among children, the frequency of anaemia amongst pregnant women, and the low proportion of women who breastfeed their children exclusively for the first six months. In general, it appears that antenatal care is inadequate, primarily because of a lack of access to such services and clinics. In addition, the Committee notes with concern the re-emergence of typhoid and cholera in the State party.

40. **The Committee recommends that the State party:**

- (a) **Strengthen the implementation of the National Nutrition Strategy, particularly in rural areas;**
- (b) **Take steps to encourage and educate mothers, as well as village health workers and traditional birth attendants, on the benefits of exclusive breastfeeding of infants for the first six months and take measures to limit the distribution of infant formulas, for instance through the formulation of a national marketing code;**

(c) Increase the resources available to district health centres and commune health stations and ensure that they have adequate human and material resources, in particular for maternal health and care of newborns;

(d) Take all appropriate measures to prevent the spread of communicable diseases, specifically typhoid and cholera.

Environmental health

41. The Committee is concerned at the poor environmental health conditions, in particular the low percentage of the population with access to safe drinking water and sanitation facilities, in particular in rural and mountainous areas, as well as the after-effects of Agent Orange and other chemical defoliants.

42. **The Committee recommends that the State party prioritize the construction and expansion of water and sanitation infrastructure in rural and mountainous regions and ensure that all vulnerable groups have equal access to safe drinking water and sanitation. It also recommends that the State party continue its efforts to prevent and combat the damaging effects of environmental pollution, such as chemical defoliants, on children, including through international cooperation.**

Children with disabilities

43. The Committee is very concerned at the high proportion of children with disabilities who that do not attend school, do not have access to vocational training or preparation for employment and have limited access to rehabilitation services, particularly in rural areas.

44. **The Committee recommends that the State party, in accordance with the recommendations arising from the Committee's 1997 day of general discussion on children with disabilities, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96):**

(a) Undertake a comprehensive survey of the number of children with disabilities, including those currently not attending school, in order to assess their educational and vocational training needs, and their access to rehabilitation and other social services;

(b) Provide financial assistance to economically disadvantaged children with disabilities in order ensure their access to rehabilitation services and devices;

(c) Expand existing programmes aimed at improving the physical access of children with disabilities to public buildings and areas, including schools and recreational facilities, and increase the number of integrated education programmes at pre-primary, primary, secondary and tertiary levels.

HIV/AIDS

45. The Committee is concerned that HIV/AIDS is spreading and increasingly affects children, either because they have been infected or because they may have lost parents to the disease.

46. **The Committee recommends that the State party take into account the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I), and:**

(a) **Integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies, with a particular emphasis on the Convention's four general principles of non-discrimination (art. 2), best interests of the child (art. 3), right to life (art. 6) and respect for the views of the child (art. 12);**

(b) **Take all effective measures to avoid institutionalization of children infected and affected by HIV/AIDS;**

(c) **Take effective measures to prevent stigmatization and discrimination against children living with HIV/AIDS, in particular through public education campaigns.**

6. Education

47. While noting the State party's efforts to achieve universal enrolment at primary school level, the Committee is concerned that there are significant gaps in access to and quality of education between urban and rural or mountainous regions, and that the school system still suffers from a shortage of well-trained teachers and educational materials. In addition, the Committee is concerned at the low enrolment rates in pre-primary education, the high number of repeaters of the first grade and the significant disparity in enrolment in nursery schools between boys and girls.

48. **The Committee recommends that the State party:**

(a) **Take all appropriate measures to increase enrolment in pre-primary education, in particular for girls and in rural areas, and ensure the right to quality, free primary education for all children;**

(b) **Increase the financial assistance provided to students from economically disadvantaged families at all levels, including pre-primary, particularly in rural areas;**

(c) **Recruit and train a greater number of teachers from all ethnic minority groups, and continue to provide incentives to teachers working in remote and mountainous regions;**

(d) **Prioritize rural areas and remote and mountainous regions in existing programmes to improve the quality of teaching and the curriculum, and in the construction and development of school infrastructure.**

7. Special protection measures

Sexual exploitation and trafficking

49. The Committee notes with concern that a significant proportion of sex workers are under the age of 18. Furthermore, it is concerned that, although the State party recognizes trafficking in children to be a significant problem, the number of officially reported cases is very low.

50. **The Committee recommends that the State party:**

(a) **Continue to strengthen national and subregional strategies and programmes on the prevention of sexual exploitation and trafficking, and ensure that they take into account the commitments made at the First and Second World Congresses Against Commercial Sexual Exploitation of Children, held in 1996 and 2001, respectively;**

(b) **Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints effectively, in a child-sensitive manner;**

(c) **Ensure that all victims of trafficking, sexual abuse and exploitation have access to appropriate recovery and reintegration programmes and services that do not stigmatize them;**

(d) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

Economic exploitation

51. The Committee welcomes the State party's ratification of ILO Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. However, it remains concerned that the incidence of the economic exploitation of children remains widespread in the agricultural sector as well as in gold mines, timber operations, the service sector and other private sector enterprises. The Committee is also concerned at the high number of children living and working on the street.

52. **The Committee recommends that the State party:**

(a) **Ratify and implement ILO Convention No. 138 on the minimum age of employment;**

(b) **Develop and implement a comprehensive child labour monitoring system for both rural and urban areas in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and ILO International Programme on the Elimination of Child Labour;**

(c) **Continue to strengthen the National Plan of Action for Children in Difficult Circumstances (1999-2002) and, as previously recommended, undertake a study on why children are living and working on the street, in order to develop strategies to effectively address the root causes of this phenomenon.**

Juvenile justice

53. The Committee notes the amendments made in 1999 to the Criminal Code in the area of juvenile justice. However, it is concerned that the juvenile justice system is unable to cope effectively with increasing youth crime and that rehabilitation and reintegration services for young offenders are insufficient.

54. **The Committee recommends that the State party:**

(a) **Ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice;**

(b) **Consider adopting a separate legal code for juvenile justice and establishing a system of juvenile courts;**

(c) **Improve conditions in juvenile detention centres and ensure that deprivation of liberty is used only as a last resort;**

(d) **Expedite the development of a system for the provision of appropriate rehabilitation and reintegration services and increase the number of professional social workers providing such services to young offenders;**

(e) **Ensure that all children accused of having violated the law have legal counsel or other appropriate assistance;**

(f) **Request technical assistance in this regard from, inter alia, the Office of the United Nations High Commissioner for Human Rights and other members of the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

8. Dissemination of documents

55. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned NGOs.

9. Next report

56. In the light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, the date on which the fourth report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.
