



Convention on the Rights of the Child

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Consideration of reports of States parties

Replies of Viet Nam to the list of issues in relation to its combined fifth and sixth reports*

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* The present document is being issued without formal editing.



Part One

Reply to paragraph 1 (a) of the list of issues in relation to the combined fifth and sixth periodic reports of Viet Nam (CRC/C/VNM/Q/5-6)

1. Viet Nam has applied many measures to protect children's rights during the COVID-19 pandemic:
 - Issue policies that provide support and allowance for pandemic-stricken people, including children and pregnant women: Provide children infected with COVID-19, those under quarantine, and orphans with cash support from Viet Nam's Child Protection Fund (VND 1-5 million per child);
 - Apply urgent and specific measures for COVID-19 prevention and control: providing care for COVID-19-infected children; COVID-19 prevention and control; COVID-19 vaccinations for children;¹ child abuse prevention and control; a flexible combination of online and offline teaching and learning;
 - Strengthen communication, provide advice and guidance for parents, families, caregivers of children and the whole society on child protection, care, and education in the COVID-19 context;
 - Encourage communities to provide children with millions of welfare gifts, computers, smartphones for life maintenance and online learning; implement the programme "Embrace of Love" to care for and support children becoming orphans due to COVID-19 until they are 18 years of age; provide alternative care for children becoming orphans due to COVID-19 via the "Godmother" movement;
 - Hold online art programmes suitable for children. Develop a book reading section on YouTube to satisfy the recreational needs of children and build family bonding. Build, give guidance and carry out communication on models of home-based sports activities with the theme "*Whole family joins now - COVID turns around*".

Reply to paragraph 1 (b) of the list of issues

2. The National Action Programme for Children in the 2021-2030 period sets out the following objectives: Ensuring the exercise of children's rights and their comprehensive development to assure quality human resources for socio-economic development and international integration; creating a safe, healthy and friendly living environment, thereby fulfilling the goals of the 2030 Agenda for Sustainable Development.
3. To implement the Programme, the Prime Minister assigns tasks and targets for each ministry, sector, and local authority to achieve and integrate the exercise of children's rights into the 5-year and annual Socio-economic Development Plans. So far, all 63 provinces/cities have made the detailed Programme Implementation Plans.

Reply to paragraph 1 (c) of the list of issues

4. The National Committee for Children is an intersectoral coordination body, established as prescribed by the Law on Children and chaired by a Deputy Prime Minister. Its functions are to support the Prime Minister in directing and coordinating ministries, sectors, mass organizations, and localities to address child issues; propose orientations and solutions to promote the exercise of children's rights; direct and expedite the reporting from sectoral ministries and local authorities to the National Assembly on the progress of child-related tasks and implementation of CRC.²

¹ Giving 17 million doses of COVID-19 vaccines for children aged 12-17.

² Decision No. 1216/QĐ-UBQGVTE.

5. The Intersectoral Steering Committee/Working Group on Child Protection and Care is also established at the provincial, district, and commune levels.

6. The sector of Labour, Invalids and Social Affairs coordinates child-related work as a standing agency providing advice for the National Committee for Children and the local Intersectoral Steering Committee on Child Protection and Care.

Reply to paragraph 1 (d) of the list of issues

7. The central budget covers expenditures on child protection, care, and education implemented by ministries and central agencies; expenditures on target programme implementation; support for localities whose budget for child-related policies and programmes has not been secured.

8. Based on the capacity of the local budget and funding from the central budget, the provincial People's Committee will submit a request to the same-level People's Council to allocate funds for implementing child-related policies and programmes.

9. The allocation of the state budget complies with specific norms and criteria for different sectors such as social security, health-population, education, culture-sports and tourism, and other sectors.

10. Committees of the National Assembly and People's Councils at all levels work with auditing agencies to examine and monitor the estimates and allocation of the state budget.

11. During the examination, review, and appraisal of the budget settlement, if an item of expenditure in contravention of the law is detected, it will be withdrawn and accounted for state budget expenditure reduction. Competent authorities examine, review, and appraise the recurrent budget settlement to ensure compliance with the budget law and meet with the investment needs to ensure children's rights at all levels.

Reply to paragraph 2 (a) of the list of issues

12. CRC is included in the civic education textbook of Grade 6 and taught to students nationwide.

13. Every year, ministries, sectors, national and local media agencies hold thousands of communication and training sessions on CRC for children, their caregivers, and child-affair officers.

14. Agencies and organizations carry out periodic impacts assessment of CRC awareness-raising programmes by analysing the feedback of children, their caregivers, officers obtained from the data collection toolkit, using appropriate criteria.

15. Results: CRC awareness-raising programmes have not only helped to improve the public awareness of children's rights but also enhanced the development and promulgation quality of regulations, plans, and measures for exercising such rights in Viet Nam.

Reply to paragraph 2 (b) of the list of issues

16. All professionals working with or for children at all levels and sectors are required to attend training in children's rights. Children's rights are one of the important topics for people attending exams for recruiting civil servants in child affairs at state agencies.

17. Sectoral ministries and local authorities provide annual training and retraining sessions on children's rights for professionals working with or for children.

Reply to paragraph 3 of the list of issues

18. Many child-related regulations and policies have been applied to persons under 18 years of age, including some exclusive policies for the age group from 16 to under 18.

19. Viet Nam is working with UNICEF Viet Nam in researching to propose the National Assembly to raise the age of children to 18 years.

Reply to paragraph 4 (a) of the list of issues

20. Viet Nam prohibits sex selection at birth; raises public awareness of the roles of women and girls to reverse discrimination; creates fair and equal opportunities for girls to access quality support services.³

21. Viet Nam implements inclusive education programmes nationwide at all levels of education, from early childhood to general education, for children with disabilities; applies information technology to education for students with disabilities; develops a community-based care model for children with disabilities.

22. The State introduces policies and programmes that support children of ethnic minorities to access social services, especially health care, education, and entertainment services, through programmes made exclusively for children of ethnic minorities and socio-economic development programmes in ethnic minority and mountainous areas.⁴

23. Migrant children are those under special circumstances and beneficiaries of policies on social assistance, health care, education, legal aid, etc., as prescribed by the current laws and policies.⁵

Reply to paragraph 4 (b) of the list of issues

24. The Government has the Strategy for Ethnic Affairs in place for the 2021-2030 period,⁶ with a vision to 2045. Policies on ethnic affairs are also specified in socio-economic development strategies, plans and development investment programmes, projects in economic and socio-cultural fields for ethnic minority and mountainous areas, with a focus on: sustainable poverty reduction, raising living standards of ethnic minorities; education & training development, which appreciates staff training and intellectuals of ethnic minorities.

Reply to paragraph 4 (c) of the list of issues

25. Every birth of a child born under any circumstance is registered and he/she is provided with a birth certificate as prescribed by the law. For children without birth certificates, local authorities have to review and support the issuance of such documents for them. All children receive health care and fully benefit from education policies to ensure their comprehensive development.

Reply to paragraph 5 (a) of the list of issues

26. The mentioned laws contain provisions on respecting and ensuring children's rights to privacy, access to appropriate information, freedom of expression, and freedom of peaceful and religious assembly.

27. Individuals or organizations violating such provisions will be subject to administrative or criminal sanctions, depending on the gravity of the violation.

³ National Strategy on Gender Equality for the 2021-2030 period.

⁴ National Target Programme on Socio-economic Development in ethnic minority and mountainous areas for the 2021-2030 period, which includes Project 8: Promoting gender equality and addressing urgent issues of women and children.

⁵ Decree No. 56/2017/ND-CP of the Government, dated 09 May 2017, specifying some articles of the Law on Children; Plan for Implementing the UN Global Compact for Safe, Orderly and Regular Migration.

⁶ Issued with Resolution No. 10/NQ-CP dated 28 January 2022 of the Government.

28. The Government strengthens communication and awareness-raising on children's rights to privacy, access to appropriate information, freedom of expression, and freedom of peaceful and religious assembly.

Reply to paragraph 5 (b) of the list of issues

29. The 2016 Law on Children stipulates that children have the right to freedom of assembly which is complied with the law and appropriate to their age. Provisions in the Law on Children and sub-law documents ensure their right to participation in a public assembly.

30. Activities with children's involvement will not require special permission unless there is a risk to their safety.

Reply to paragraph 5 (c) of the list of issues

31. The Law on Children stipulates that children have the rights to freedom of assembly, freedom to express their opinions and aspirations on issues related to them. The moment of promulgating the Law on Associations does not affect these rights of children. The research to finalize the draft Law on Associations is currently in progress.

Reply to paragraph 5 (d) of the list of issues

32. The Law on Children stipulates that children have the right to use their national language and script, preserve the good cultural traditions and customs of their country; right to freedom of belief and religion.

33. The 2021 Law on Religion and Folk Belief states that every act of infringing upon children's rights related to belief and religion will be considered a violation of the belief and religion law.

34. Viet Nam also promotes communication activities and social advocacy to make sure all ethnic and religious groups have equal rights, live together in peace, and support each other.

Reply to paragraph 6 (a) of the list of issues

35. Drug-addicted children have the right to participation in voluntary drug rehabilitation programmes. For compulsory drug rehabilitation of addicts aged from 12 to under 18, a written consent of the local state management agency on children and a decision of the provincial people's court must be obtained. Drug rehabilitation facilities must arrange a separate accommodation area for persons from 12 to under 18 and ensure they receive academic education or vocational training.

Reply to paragraph 6 (b) of the list of issues

36. The National Assembly issued Resolution No. 121/2022/QH14 dated 19 June 2022 on strengthening the effectiveness and efficiency of implementing policies and laws on child abuse prevention and control. The Government promulgated the National Action Plan on Preventing and Combating Violence and Abuse of Children in the 2020-2025 period, National Programme on Prostitution Prevention and Combat in the 2021-2025 period, National Action Programme for Children in the 2021-2030 period, Programme on Protecting and Supporting Children to interact healthily and innovatively on cyberspace in the 2021-2025 period, Programme on Domestic Violence Prevention and Control by 2025.⁷ These programmes aim to safeguard children against violence, abuse, neglect, and exploitation.

⁷ Decisions of the Prime Minister: Decision No. 23/QD-TTg (2021); Decision No. 1629/QD-TTg (2021); Decision No. 830/QD-TTg (2021); Decision No. 45/QD-TTg (2022).

Reply to paragraph 6 (c) of the list of issues

37. The Government issued Directive No. 08/CT-TTg dated 01 June 2022 on “strengthening the development of school culture”. Relevant ministries and sectors are making plans for child violence prevention and control at school. Following are some main points:

- Raising awareness and changing behaviours on school violence prevention and control; Building safe and friendly schools; Developing and using appropriate materials on school violence prevention and control;
- Establishing channels to receive information and handle cases of school violence;
- Strengthening the inspection of school violence prevention and control; strictly handling violations;
- Organize training sessions on positive discipline for parents (non-violent discipline).

Regarding child violence prevention and control at home:

38. The State develops and implements the “National Programme on Domestic Violence Prevention and Control in the new situation by 2025” of the Prime Minister; applies the Family Code of Conduct; establishes and guides the procedures of receiving, handling, protecting, and supporting cases of domestic violence; promotes communication and education on prevention and control of domestic violence against children; educates in morality, family lifestyles, roles of families in child care, education, and protection.

Reply to paragraph 6 (d) of the list of issues

39. The laws define the roles of agencies under the National Assembly, Government, Court, and Procuracy in receiving, monitoring, investigating, settling, and reporting cases of child violence, abuse, neglect, and exploitation.

Reply to paragraph 6 (e) of the list of issues

40. Communication and education on social advocacy are carried out to gradually eliminate child marriage.

41. Administrative and criminal handling measures are applied in case of violation:

- Administrative measures: Warning or monetary fines;⁸
- Criminal measures: monetary fines or non-custodial rehabilitation with a duration of up to 2 years.⁹

Reply to paragraph 7 (a) of the list of issues

42. Since 01 July 2021, Viet Nam has officially put the national population database into operation. Accordingly, information on children in general and children without a family environment will be updated in the national database.

43. Regarding children without biological parents or not living with their birth parents for their best interests, they will receive alternative care from other families or institutional care.

44. Currently, Viet Nam has more than 170,000 children receiving alternative care from families and over 20,000 children benefiting from institutional care.

⁸ Decree No. 110/2013/ND-CP; Decree No. 67/2015/ND-CP.

⁹ Article 183, Penal Code.

Reply to paragraph 7 (b) of the list of issues

45. There are various forms of alternative care in Viet Nam: Alternative care by a relative, alternative care by another family, adoption, and institutional care at social assistance facilities. Institutional care is only a temporary solution, used as a last resort; when a person adopts a child, he/she will support to return the child to the family environment.

46. The State intends to return children under institutional care to the family environment; however, the level of allowance provided for them is still low; if the allowance level is raised and social services for children in the communities are well-developed, the cases of children under institutional care will be minimized.

Reply to paragraph 7 (c) of the list of issues

47. The Vietnamese laws stipulate conditions for individuals or organizations to provide alternative care for children; procedures for providing alternative care; responsibilities of the People's Committee of the commune where the individual, family, or organization providing alternative care takes residence; responsibilities of state management agencies on children in monitoring and evaluating the quality of alternative care, receiving and investigating complaints related to child abuse at alternative care facilities;¹⁰ assessment of the situation of children transferred from social assistance facilities to alternative care at the local level.¹¹

Reply to paragraph 8 (a) of the list of issues

48. Communication is carried out to raise awareness and promote sex education programmes, combined with reproductive health and HIV prevention services; early marriage is prevented; universal education for girls are provided.

49. Counselling and education in life skills, reproductive health, and safe sex for students of secondary schools are provided.

50. Public and private health facilities are engaged in providing contraceptive services.

51. Forms of communication are shifted from face-to-face to digital channels and social networks to reach out to girls.

Reply to paragraph 8 (b) of the list of issues

52. The National Action Plan for Children Affected by HIV/AIDS in the 2014-2020 period contains the following objectives: 90 per cent of children affected by HIV/AIDS under management are provided with services in health care, education, counselling, nutrition and physical development support, alternative care, entertainment, and social policies as prescribed; 100 per cent of schools create opportunities for children affected by HIV/AIDS to go to school as needed.

53. The Programme on Mother-to-child HIV Transmission Prevention contains the following activities: Providing counselling and testing of HIV for early pregnant women, which is expanded to commune/ward health stations; Providing immediate ART for HIV-infected pregnant women and lifetime ART. Services of mother-to-child HIV transmission prevention are integrated into the reproductive health care system. Children born to HIV-infected mothers are provided with ART to reduce mother-to-child HIV transmission. The number of children infected with HIV from their mothers has tended to constantly decline since 2012.

¹⁰ Decree No. 56/2017/ND-CP.

¹¹ Circular No. 14/2020/TT-BLDTBXH guiding the implementation of provisions on alternative care for children.

Reply to paragraph 8 (c) of the list of issues

54. Viet Nam strengthens communication on the Law on Prevention and Control of Harmful Effects Alcoholic Beverages well as the harmful impacts of tobacco, wine, and drugs; inspects, monitors, and detects to promptly prevent the use of tobacco, drugs, and alcohol at school.

55. Awareness of families is raised so that they pay attention, care for, and closely supervise, thereby preventing their children from using tobacco, alcohol, or drugs.

56. Functional agencies and competent authorities at all levels strengthen inspection and strict handling of cases of trading tobacco and alcohol as prescribed.

57. The roles of communities in preventing drug use are enhanced through movements such as “Safe and healthy residential areas without crimes and drug evils”, “Building drug-free communes, wards, agencies, enterprises, and schools”, etc.

58. The cooperation programme on school drug prevention, programme on addiction prevention among the youth and students are promoted; early interventions are taken when the drug has just been used; voluntary drug rehabilitation is developed, which includes materials on “Drug Prevention and Control Skills” in education programmes to help students, parents, and teachers have a better grasp of drugs, how to recognize different types of drugs and drug users to actively stay away from such evils, and equip them with knowledge and skills to assist drug users.

Reply to paragraph 8 (d) of the list of issues

59. Viet Nam encourages drug addicts from 12 to under 18 to register for voluntary drug rehabilitation in families, communities, public and private rehabilitation centres within 6 to 12 months. Their parents and relatives, in addition to health workers, will be always by their side to support and raise their spirit, helping them overcome challenges and win the fight against drugs.

60. The post-rehabilitation supervision is conducted with the support of children's families, local authorities, and mass organizations where they live. Children are also included in recovery and reintegration programmes, such as vocational training suitable for their age and preparation for job seeking after successful rehabilitation when they come to employment age.

61. If children do not register for voluntary drug rehabilitation or unilaterally terminate voluntary drug rehabilitation; or during the period of voluntary drug rehabilitation, if they are caught illegally using drugs, which affects their health, the measure of compulsory placement in drug rehabilitation centres will be taken.

Reply to paragraph 8 (e) of the list of issues

62. The National Climate Change Adaptation Plan for the 2021-2030 period, with a vision to 2050, contains a range of measures to minimize vulnerabilities and risks when being exposed to impacts of climate change by enhancing resilience and adaptability of communities, mitigating the impacts and vulnerabilities of vulnerable groups, including children. Viet Nam is currently developing child-centred policies and programmes in response to climate change. Accordingly, the development of such policies and programmes focuses on the identification and assessment of essential needs of children regarding nutrition, health, education, clean water, risks of diseases and death, impacts on health, livelihood, assets and social services for parents, stakeholders, and sustainable supportive solutions.

63. Communication activities are carried out in the mass media, by holding contests, extracurricular activities, and via the press, which focuses on environmental protection and climate change adaptation.

64. Educational activities for children in educational facilities are carried out to form awareness, skills, and behaviours of environmental protection, climate change adaptation, and disaster risk reduction; create healthy habits and green lifestyles for children.

Reply to paragraph 9 (a) of the list of issues

65. The 2019 Education Law mentions that the State encourages and creates favourable conditions so that ethnic minority people can learn the languages and scripts of their ethnic groups, ethnic minority students are enrolled in boarding, day-boarding secondary schools, foundation courses of universities, and benefited from policies on tuition fee exemption/reduction.

66. The Scheme “Improving Vietnamese proficiency for preschoolers and primary school students in ethnic minority areas in the 2016-2020 period, with orientations towards 2025”¹² is implemented.

67. The Ministry of Education and Training promulgates the general education curriculum for the subjects of Bahnar, Cham, Ede, Jrai, Khmer, Hmong, Mngong, and Thai languages.

68. Viet Nam has introduced eight programmes and six sets of textbooks in ethnic languages to secondary schools and conducted various studies on strengthening Vietnamese proficiency for ethnic minority children. The Programme on Bilingual Education, which combines the mother tongues of ethnic groups and the Vietnamese language, is piloted among preschools and primary schools in some provinces with a large number of Hmong, Jrai, and Khmer students.

69. In 2021, the National Assembly's Ethnic Council held a consultation session on restarting and expanding bilingual education programmes for ethnic minority students.

Reply to paragraph 9 (b) of the list of issues

70. Viet Nam invested in building a system of cultural institutions which dedicated 30 per cent of their operation duration to children. These include libraries, museums, cultural houses, cultural and art clubs, sports parks, and community learning centers.

71. Responding to the new construction movement, there is at least 01 leisure and recreational space for children per commune, ward or township. By 2021, there were 2,314 playgrounds for children at the provincial level; 972 at the district level; 5,705 at the commune level; and 29,391 at the village level; by 2022, there are 10,641 newly built children playgrounds across the communes, wards and townships, and 12,566 upgraded and repaired recreational spaces, most of which are outdoor playgrounds in the proximity of residential areas with safe and convenient access for every child.

72. Vietnamese children are entitled to discounts when visiting scenic spots, amusement parks and tourist attractions.

Reply to paragraph 10 (a) of the list of issues

73. Regarding the law: The Labour Code specifies minor workers and employment of persons under the age of 15 in some industries and jobs permitted by law; it is forbidden to employ minor workers to do jobs that are heavy, hazardous, dangerous or have adverse effects on their health and personality development. The Criminal Code stipulates that anyone who employs a person under the age of 16 to do heavy, dangerous or hazardous work shall be subject to a fine, community sentence or imprisonment.

74. MOLISA issued Circular No. 09/2020/TT-BLDTBXH guiding the implementation of the Labour Code on employment of persons under 15 years of age.

¹² Decision No. 1008/QĐ-TTg of the Prime Minister.

75. Regarding policies: There is a policy that provides allowance for children with disadvantaged circumstances who are eligible for social protection; a policy on medical and education support for children with disadvantaged circumstances, ethnic minority children, children from poor and near-poor households; a policy to support vocational training on the prevention and reduction of child labour, and a policy to support the livelihoods of their families.

76. Regarding programmes and projects: In addition to programmes and investment projects based on the State's resources such as the National Programme on prevention and reduction of illegal child labour in the 2021-2025 period, with orientation to 2030 with three core objectives: preventing and detecting cases of illegal child labour, supporting and intervening for children engaged in illegal labour and children at risk; raising awareness about the prevention and reduction of child labour; and enhancing capacity on the prevention and reduction of child labour, resources from foreign partners through organizations such as ILO and UNICEF are also allocated, e.g. for the Project of Technical Support for Enhancing the National Capacity to Prevent and Reduce Child Labour in Viet Nam for the 2019-2020 period.

77. Child labour is integrated into socio-economic development policies and programmes at central and local levels, notably the National Target Programme on Sustainable Poverty Reduction; National target programme on socio-economic development of ethnic minority and mountainous areas for the 2021-2030 period

78. Communication activities and events on the occasion of World Day Against Child Labour have been conducted to raise awareness, responsibility and change behavior on child labour for authorities at all levels, sectors, organizations, employers, society, parents and children. Viet Nam has actively participated as a pioneer country in the Alliance 8.7 on the prevention and combat of child labour and human trafficking.

79. 2 national child labour surveys in 2012 and 2018 were conducted to develop a database and evidence for amending policies on prevention and reduction of child labour.

Reply to paragraph 10 (b) of the list of issues

80. A set of indicators to track, monitor and evaluate the implementation of the programme on preventing and reducing child labour for the 2016-2020 period has been developed and put to nationwide application.

81. Law enforcement as well as inspection and handling of violations of the law related to child labour are promoted more regularly in both public and private sectors, particularly in some manufacturing industries such as agricultural products, fisheries and garments.

82. Capacity building activities are delivered for inspectors to inspect and examine the implementation of the law against minor workers.

83. The National Assembly's Committee on Culture and Education has also closely monitored the implementation of child labour-related policies and laws.

84. During the 2016-2020 period, 1,454 provincial-level inspections were carried out at 4,924 production and business establishments, and 476 district-level inspections at 5,042 production and business establishments regarding regulations on the use of child labour, thereby detecting and handling cases of law violations.

Reply to paragraph 11 of the list of issues

85. A number of main tricks often used by trafficking criminals include:

- Collude as gangs or networks of human trafficking that take advantage of social networks to make friends, get acquainted, promise well-paid job opportunities, build trust, then trick victims abroad, force them into prostitution, to become illegal wives, or sell them to other localities to work as waiters at hair salons, nightclub/karaoke lounges, massage/sauna parlors; swindlers and brokers would organize cross-border

trafficking in the form of visits to relatives, illegal employment, and selling for forced labour;

- Take advantage of marriage brokerage, labour brokerage, and child adoption brokerage to defraud and traffic in women and children; search and lure women with unintended pregnancies abroad and sell their children; entice women with difficult economic circumstances and limited legal awareness to negotiate the price of surrogacy, organize embryo implantation, then send the victims abroad to give birth and return the newborn children to the criminals for illicit gains.

86. To raise awareness about human trafficking prevention and combat, from 2005 onwards, the Government has regularly approved 5-year programmes on human trafficking prevention and combat. Decision 193/QĐ-Tg dated 09 February 2021 approving the Programme on prevention and combat of human trafficking for the period of 2021-2025, with a vision to 2030 is currently in place to engage the whole society in awareness raising and capacity building to prevent and combat human trafficking. Sectoral ministries at the central and local levels have stepped up the society-wide communication and awareness raising in the prevention and combat of human trafficking and victim support; designed and distributed leaflets, brochures, panels, and posters; organized conferences, seminars and trainings; integrated communication on preventing human trafficking and supporting victims of trafficking with prostitution prevention and control, drug rehabilitation and HIV/AIDS prevention and control.

87. The national child protection call center (111) functions as a free-of-charge 24/7 human trafficking hotline to support victims of trafficking, including children; activities are organized to respond to World Day Against Trafficking in Persons – 30 July.

Reply to paragraph 12 (a) of the list of issues

88. A closed trial only consists of the Trial Panel, the procurator, the court clerk and other required procedure participants.

89. The court may decide to conduct closed trials in the following special cases: (i) it is necessary to protect persons under 18 years of age or; (ii) to protect defendants and victims under 18 abuse cases of girls and minors in Viet Nam are subject to closed trials to avoid psychological pressure on the victims.

Reply to paragraph 12 (b) of the list of issues

90. Custody and temporary detention measures are applied to accused persons who are under 18 years old only when there are grounds indicating that the application of supervision and other prevention measures have proved ineffective. When there are no more grounds for custody or temporary detention, competent agencies and persons shall promptly terminate and replace them with other preventive measures.¹³

91. Persons from full 16 years old to under 18 years old may only be detained in case of emergency, and arrested, held in custody or temporary detention for intentional serious, very serious or particularly serious crimes there being sufficient grounds.¹⁴

92. Persons held in custody¹⁵ or temporary detention and inmates who are under 18 years of age¹⁶ are detained separately, secured with larger food rations as well as meeting relatives, advocates and consular contacts. There is no violation of the detention regime for persons held in custody or temporary detention who are under 18 years of age.

¹³ Clause 1 Article 419 Criminal Procedure Code 2015.

¹⁴ Clause 3 Article 419 Criminal Procedure Code 2015.

¹⁵ Law on Enforcement of Custody and Temporary Detention 2015 and detailing documents.

¹⁶ Point b, Clause 2, Article 30 of the Law on Criminal Judgment Execution 2019.

Reply to paragraph 12 (c) of the list of issues

There are regulations in place in Viet Nam that allow diversion of administrative or criminal law violators to informal measures, instead of administrative or criminal sanctions:

- Two alternatives to administrative measures for violations by minors are admonition and family-based supervision;
- Two alternatives to criminal liability are reconciliation and reprimand.

Reply to paragraph 12 (d) of the list of issues

93. Viet Nam has legislated and has its own regulations on training and criteria for police forces, prosecutors, judges and people's jurors to handle cases involving participants under 18 years old under Article 415 of the Criminal Procedure Code 2015 (amended and supplemented in 2021).

Reply to paragraph 13 (a) of the list of issues

94. The above acts are criminalized in five crimes of sexual abuse against children as specified in Chapter XIV of the 2015 Criminal Code, including raping a person under 16 years old; having forcible sexual intercourse with a person from full 13 years old to under 16 years old; having intercourse or performing other sexual acts with a person from full 13 years old to under 16 years old; committing a lewd act against a person under 16 years old; using a person under 16 years old for pornographic purposes.

Reply to paragraph 13 (b) of the list of issues

95. The Criminal Code stipulates a very strict penalty framework for acts of violence, abuse and crime against children. The Judicial Council of the Supreme People Court approved Resolution No. 06/2019/NQ-HDTP guiding the application of a number of provisions of the Criminal Code and adjudication of sexual abuse cases involving persons under 18 years of age. The resolution has created a more concrete legal basis to fairly protect both girls and boys under 18 years of age from sexual abuse, remove many difficulties and obstacles in practice, and specify measures to make the adjudication process friendlier, more sensitive and responsive to the needs of minors.

Reply to paragraph 13 (c) of the list of issues

96. As stipulated in the Criminal Code, all crimes related to child prostitution are considered aggravating circumstances and subject to imprisonment of up to 15 years. Those crimes include spreading depraved cultural products; harboring prostitution, brokering prostitution; and buying sex from a person under the age of 18. In addition, offenders can be fined up to 50 million VND and subject to additional sanctions.

97. The Criminal Code also clarifies that a person aged full 18 years who engages in buying sex with a person under 18 is committing the crime of "buying sex from a person under the age of 18" (Article 329). However, if a person who is full 14 years old or older buys sex with someone under the age of 13, he/she may be prosecuted for child rape. In addition, enticing, luring or forcing a person under 16 years old to participate in direct or indirect pornographic performances shall be penalized under Article 147 of the Criminal Code.

Reply to paragraph 14 of the list of issues

98. According to the applicable law of Viet Nam, children under 18 years old of age shall not join the armed forces.

Part two

Reply to paragraph 15 (a) of the list of issues

99. From 2018 onwards, Viet Nam has amended, supplemented and promulgated a number of laws in accordance with CRC:

<i>Title of document</i>	<i>Contents related to children's rights</i>
Cybersecurity Law 2018	Specific regulations on the protection of children in cyberspace
Labour Code 2019	Regulations on protection measures and working conditions for minor workers under 18 years old; 15 years old is the minimum working age; 13 years old can do light work; regulations on jobs and workplaces where the use of persons under the age of 15 is prohibited and conditions for employing persons under the age of 15; regulations prohibiting the employment of children under 18 years old for heavy, dangerous or hazardous work.
Law amending and supplementing a number of articles of the Law on Handling of Administrative Violations in 2020	Supplementing community-based education as an alternative to handling administrative violations, applicable to a person aged between full 12 and under 14 years old who commits acts indicating an intentional and particularly serious crime, has a stable place of residence, is studying at an educational institution, and whose parents and guardians commit in writing to their management and education. The People's Court shall decide to apply the measure of community-based education. The minors subject to community-based education can go to school and participate in social activities like other ordinary people.
Law on Mediation and Dialogue at Court 2020	One of the mediation and dialogue principles at the Court is to respect and protect children's legitimate rights and interests. In case a mediator must be appointed for a case involving a person under the age of 18, the judge shall appoint a mediator with experience and understanding of the psychology of persons under 18 years of age.
Youth Law 2020	Regulations on a number of policies for young people from full 16 years old to under 18 years old in education, vocational training, culture, sports and entertainment; career choice, employment; equipment of self-protection knowledge and skills; assurance of support and intervention measures to live a safe and healthy life. Assured implementation of criminal, administrative and civil policies in accordance with law; settlement of cases that cause physical and mental harm; encouragement of organizations and individuals to discover, train and foster talents.
Law on drug prevention and control 2021	Specific regulations on preparing an application for sending drug addicts from full 12 years old to under 18 years old to compulsory rehabilitation in rehabilitation centres; compulsory rehabilitation period. The decision to send drug addicts to compulsory rehabilitation in rehabilitation centres shall be made by the Court and shall not be considered as handling administrative violations. Regulations on separate areas for minor addicts, ensuring the best rights for the children during rehabilitation in rehabilitation centres. In case of relapse during

<i>Title of document</i>	<i>Contents related to children's rights</i>
	the post-rehabilitation management period, the addicts will continue to receive voluntary rehabilitation.

Reply to paragraph 15 (b) of the list of issues

100. A short, easy-to-remember, available 24/7 national call center 111 has been established to protect children by receiving and processing information and denunciation of risks, acts of violence, abuse against children.

Reply to paragraph 15 (c) of the list of issues

101. National Action Programme for Children in the 2021-2030 period.

102. National Action Plan on preventing and combating violence and abuse of children in the 2020-2025 period.

103. Project on mobilizing social resources to support children living in extremely disadvantaged communes in ethnic minority-inhabited and mountainous areas during the 2019-2025 period.

104. Viet Nam Family Development Strategy to 2030.

105. National Programme on Domestic Violence Prevention and Control in the new situation towards 2025.

106. Programme on Family Ethics and Lifestyle Education by 2030.

107. Code of conduct in the family.

108. Educational programme on revolutionary ideals, ethics and cultural lifestyles for young people and teenagers. and children in cyberspace in the period of 2022-2030.

109. Programme on strengthening education for revolutionary ideals, ethics, lifestyle and arousing aspiration for dedication to young people, adolescents, and children for the period of 2021-2030.

110. The above programmes and plans have been implemented on a national scale and funded by annual budgets and mobilization.

Reply to paragraph 15 (d) of the list of issues

111. From 2018 onwards, Viet Nam has ratified a number of ILO conventions, including:

- Convention No. 88 on Employment Service (2018);
- - Convention 159 on Vocational Rehabilitation and Employment for Disabled Persons (2019);
- Convention 98 on the Right to Organize and Collective Bargaining (2019);
- Convention No. 105 on the Abolition of Forced Labour (2020).

Part three

Data, statistics and other information

Reply to paragraph 16 of the list of issues

112. Spending on social security: about 16 trillion VND/year on average.

113. Spending on health, population and family: about over 2 trillion VND/year.
114. Spending on education, training and vocational training: 20 per cent of total state budget expenditures.
115. Spending on culture, sports and tourism: about 350 billion VND/year.

Reply to paragraph 17 (a) of the list of issues

116. According to the 2019 Population and Housing Census, the child marriage rate is 3.9 per cent for girls aged 15-17, and 0.9 per cent for boys, equivalent to (38,000) children by estimation.

Reply to paragraph 17 (b) of the list of issues

117. Estimated at 0.2 per cent.

Reply to paragraph 17 (c), (d), (e), (f), (g) and (h) of the list of issues

118. Data not available

Reply to paragraph 17 (i), of the list of issues

<i>Content</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Number of child trafficking cases	22	39	15
Number of child traffickers	44	76	26
Number of children trafficked	24	49	19

Reply to paragraph 18 (a), (b), (c) and (d) of the list of issues

119. Data not available

Reply to paragraph 19 (a), (b) and (c) of the list of issues

120. Data not available

Reply to paragraph 19 (d) of the list of issues

121. Male prisoners under 18 years old accounted for about 96 per cent, and the majority of prisoners committed crimes of murder, drugs, robbery, mugging and theft.

Reply to paragraph 19 (e) and (f) of the list of issues

122. Data not available

Reply to paragraph 20 (a) of the list of issues

123. Based on the actual situation, the Government has issued the National Action Plan for the implementation of the 2030 sustainable development agenda. On the basis of the Government's plan, the ministries, sectors and localities shall develop corresponding implementation plans, including targets related to children.

Reply to paragraph 20 (b) of the list of issues

124. Based on international conventions and practical conditions, Viet Nam has gradually improved its legal system to ensure the realization of children's rights, including the Law on Children 2016, Labour Code 2019; amended Criminal Code in 2015 (amended in 2017); Criminal Procedure Code 2015; Law on Youth 2020, Law on Handling of Administrative Violations 2020; and Law on Drug Prevention and Control 2021 and many other sub-law documents.

125. The Government and the National Committee on Children have directed the ministries, sectors and localities to apply many measures in terms of administration, education, training, communication, social mobilization, inspection and examination to develop a three-level child protection system, linked to the nationwide development of social work professions and social services.

126. The database on children is divided into three groups: national monitoring and surveillance indicators; monitoring and surveillance indicators by sector; and monitoring and surveillance indicators by programme and project; the database on children of all sectors is linked with the national database on population.

127. MOLISA shall actively cooperate with the ministries, sectors and localities to collect and process the information on children, and rank localities according to the children's rights performance indicators.

Reply to paragraph 20 (c) of the list of issues

128. The COVID-19 pandemic increases the risk of child abuse; the risk of children entering the labour force due to parents losing their jobs, temporarily stopping their jobs, and reducing their incomes. The delivery of child protection services is still limited, not timely and continuous.

129. In 2020, about 78 per cent of communes, wards and towns met the standard of child responsiveness.

Reply to paragraph 20 (d) of the list of issues

130. The implementation and monitoring of sustainable development goals related to children are assigned by the Government to the ministries, sectors and localities.

131. Sustainable development goals related to children are integrated with socio-economic development programmes by the ministries, sectors and localities.

132. Inter-sectoral coordination is strengthened in the achievement of sustainable development goals related to children.

Reply to paragraph 21 of the list of issues

133. The information in the report has been updated.

Reply to paragraph 22 of the list of issues

134. The areas affecting children that Viet Nam prioritizes are prevention of violence, abuse, and child trafficking; child protection in cyberspace, children's mental health care, child labour, migrant children, prevention of child accidents and injuries; climate change, natural disasters, epidemics; development of a child protection service system as well as issues related to human resources and financial investment for children.
