



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

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

**Periodic reports of States parties due in 1997**

**VIET NAM\***

[10 May 2000]

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\* For the initial report submitted by Viet Nam, see document CRC/C/3/Add.4, for its consideration by the Committee, see documents CRC/C/SR.59-61 and for the concluding observations, see document CRC/C/15/Add.3.

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### **List of abbreviations**

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

## Introduction

### Some characteristics of the country in 1993-1998

1. In the beginning of 1999, the population of the Socialist Republic of Viet Nam (called Viet Nam) was over 76.3 million, of which children under 16 comprised approximately 40 per cent (preliminary result of the census conducted on 1 April 1999). Over the last years, population and family planning programmes have achieved encouraging results. In 1998, the population growth rate was about 1.7 per cent. However, over 1 million children are born each year in Viet Nam, while the average life expectancy has increased to more than 66. Administratively, Viet Nam comprises 61 provinces and cities, consisting of 600 districts and 10,331 communes.
2. Over the years, Viet Nam has undergone many positive and comprehensive changes which have had great impacts on the lives of the Vietnamese people, including children. These changes are the result of effective implementation of the correct policy of renewal (*doi moi*), initiated by the Sixth National Congress of the Communist Party of Viet Nam in 1986. Viet Nam's comprehensive *doi moi* policy has resulted in considerable political and socio-economic, cultural and civil achievements, creating favourable conditions for the implementation of the Convention on the Rights of the Child.
3. The legislative State of the Socialist Republic of Viet Nam, which is of the people, by the people and for the people, has continued to be strengthened. The 1992 Constitution, the 1995 Civil Code and other legislation have been issued to confirm the fundamental rights of the citizen. Socialist democracy has continued to be promoted in many fields. Widening economic democracy has made positive impacts on the liberation of production forces, being an impetus for economic development, and improving people's lives. Important progress has been made in the field of political democracy which is reflected in the people's elected offices, the quality of the National Assembly meetings and People's Councils at various levels, and at people's discussions on draft laws, press activities, etc. National political stability has facilitated social and economic development. The mass media have played an important role in reflecting people's ideas and aspirations, helping to ensure that the *doi moi* process fulfils its defined goals. The process of democratization in the political and economic spheres has been gradually changing the way of thinking and the behaviour of citizens. People have paid more attention to and shared with the State in solving social problems. Economic development provides favourable conditions for the realization of social development objectives (including objectives for children). In turn, social development is a motive and ultimate objective for economic development.<sup>1</sup>
4. Political stability and correct economic development policies have helped Viet Nam maintain an average growth rate of 7.4 per cent per year between 1991 and 1998.<sup>2</sup> Inflation was checked (1994 - 14.4 per cent; 1998 - 9.0 per cent).<sup>3</sup>
5. Under a socialist-oriented and State-managed market mechanism, a multisectoral economy is being developed in Viet Nam. Economic and social programmes have been simultaneously implemented, and budgets have been allocated to achieve parity between

different regions, with priority to disadvantaged, remote and mountainous areas. Thanks to economic achievements, the material and spiritual life of the Vietnamese people has also been improved.

6. During the period 1993-1998, the State has supplemented, amended and promulgated a number of important legal documents which conform with a new period of national development in Viet Nam and with those international treaties to which Viet Nam is party. A stable political situation has created favourable conditions for socio-economic development. The Party and the State have always viewed correct social policies for human welfare as great motives to encourage people's creative potentials in the national construction. Economic growth is closely associated with social progress and justice which remains the basic guideline in the process of defining and implementing socio-economic policy in Viet Nam. Therefore, over the past years, parallel with the implementation of economic growth measures, the Government has realized a series of policies giving priority to State budget allocation for human development, employment, poverty alleviation, supporting poor communes and areas for development.

7. Over the last years, those national social programmes have made positive and profound impacts in rural and urban areas.

8. Concerning employment, the State has created favourable conditions with regard to laws and policy mechanisms to encourage local and foreign investment to create more jobs. The State has worked out a national programme on job creation by the year 2000 and set up a national fund for employment promotion. At present, every year 1.2 million jobs are created.

9. Concerning the poverty alleviation programme, at present, the programme is under the direction of the Government; on the other hand, this programme is being socialized step by step. The Government has worked out national programmes and targets for poverty alleviation for 1998-2000 and established a Bank for the Poor. The percentage of poor households was reduced from 30.1 per cent in 1992 to 20.3 per cent in 1995 and 15.7 per cent in 1998. According to the United Nations *Human Development Report*, Viet Nam has recorded relatively high human development indicators as compared to its per capita income.

10. Education constitutes a national policy and a top priority in Viet Nam. It is the cause of the whole State and people. The State budget for education increased from 12.7 per cent in 1995 to 15 per cent of the total State budget in 1998. In addition, substantial resources from the people have been mobilized. The national system of general education has been developed and reached all communes.<sup>4</sup> At present, Viet Nam is one of those developing countries with highest literacy rate (93 per cent of the population and 97 per cent of the labour force). Many new schools have been built in urban and rural areas.

11. The Government has developed a national health-care programme that targets the elimination of certain social diseases and dangerous epidemics, and the national programme on the control and prevention of HIV/AIDS. The State has paid more and more attention to the development of health-care services, especially primary health care and reproductive health. More than 90 per cent of the population have access to health-care services. The rate of expanded immunization has been increased from 91 per cent in 1993 to 95 per cent in 1998, the child mortality rate under 1 year old has been considerably reduced from 43.3 per 1,000 in 1993

down to 39 per 1,000 in 1998. Child mortality under 5 years old decreased from 61.6 per 1,000 in 1995 to 48.5 per 1,000 in 1998. The malnutrition rate of children under 5 decreased from 45.6 per 1,000 in 1994 down to 39.8 per 1,000 in 1998. Especially in recent years, the Government has invested more and more in the national programme on child malnutrition and the national programme on the control and prevention of HIV/AIDS.

12. The provision of clean water and sanitation, especially for rural areas, is one of the areas receiving more and more priority from the State. The Government has worked out a national programme on rural safe water and sanitation. At present, 43 per cent of households have access to clean water and 20 per cent of households have sanitary facilities.

13. Children are the priority target in every State policy and programme. The Viet Nam Women's Union, social bodies and other mass organizations have played an increasingly significant role in national development and in supporting charitable activities, women's emancipation, and the protection, care and education of children. The second plenum of the eight session of the Central Committee of the Communist Party of Viet Nam (CPVN) in 1996 decided strategic orientations, objectives and tasks up to the year 2000 relating to extremely important fields, both on an immediate and a long-term basis, i.e. education, training, technology and science, to prepare human resources for national development beyond the year 2000. The third plenum of the CPVN (eighth session) in 1997 decided some issues including the human resources strategy for the industrialization and modernization of the country.

14. In 1998, average per capita GDP was US\$ 340. Low income has worsened prolonged socio-economic difficulties, adversely affecting children: severe child malnutrition, a high school drop-out rate in remote areas, insufficient safe water and sanitation facilities, and a shortage of recreational facilities for children. The number of children in conflict with the law and child drug addicts is rising, especially in some big cities and provinces. Many children have to live in poverty.

15. Some social issues have newly emerged as significant challenges, such as a growing disparity of wealth, and the gaps in income and opportunity between rural and urban areas and between different regions are widening. The moral degeneration of some adults, the pursuit of materialistic lifestyles among youth and the infiltration of indecent and violent materials are linked to growing social evils, such as drug addiction, prostitution, and trafficking of women and children. Though the State has developed a number of policies to cope with these challenges, there is no immediate solution yet, and solving these problems requires a long-term commitment of the Government and the people. The overall viewpoints and objectives of social development strategy up to the year 2000 and for beginning the twenty-first century are: in the context of developing a multisectoral economy with a socialist orientation mechanism, social development guided by the principle of justice and progress is implemented not only by regulation and redistribution of the people's income, but mechanisms and policies are also worked out to ensure that everyone, especially the vulnerable and disadvantaged who should be able to master some part of the instruments of production, enjoys basic education and health, can develop his/her personality, is provided with a job and vocational training, and those faced with difficulties are helped so that they can take care of themselves and gradually improve their own lives and families, thereby contributing to national construction.

16. To implement its foreign policy so as to be independent, self-determined, multilateral and diversified and “to be friends with all countries” in the world community, since the early 1990s Viet Nam has established cooperation with and received assistance from many countries, international organizations and foreign non-governmental organizations (NGOs). Viet Nam has diplomatic relations with more than 160 countries and trade relations with more than 100 countries. Viet Nam is a member of over 60 international organizations of the United Nations system and has relations with 480 foreign NGOs (350 of them now participate in activities in Viet Nam). In July 1995, Viet Nam became a member of the Association of South-East Asian Nations (ASEAN). Viet Nam was admitted to the Asia Pacific Economic Cooperation (APEC) organization in December 1998. The election of Vietnamese representatives to the Executive Board of UNICEF (as Vice-Chair) in 1996, to the UNICEF Executive Board in 1996-1998, to the United Nations Economic and Social Council in 1998-2000, to the Bureau of the fifty-second session of the General Assembly (Vice-Chair) and to the Executive Board of the United Nations Development Programme and the United Nations Population Fund in 2000-2002 have facilitated the country’s international relations in all fields, including children, thus contributing to increase the voice and position of Viet Nam in the United Nations system. Viet Nam is now negotiating to join the World Trade Organization.

#### **Summary report on implementation of the Convention on the Rights of the Child, 1990-1992**

17. On 20 February 1990, Viet Nam ratified the Convention on the Rights of the Child without reservations. In September 1992, the Government of Viet Nam submitted its first two-year report (1990-1992) on the implementation of the Convention to the Committee on the Rights of the Child. This report showed that while Viet Nam faced numerous socio-economic difficulties, the Government was determined to carry out its strong commitment to the Convention through incorporating its content into Viet Nam’s socio-economic strategies and harmonizing the Convention with national legislation.

18. Information and education on the Convention has been widely disseminated throughout the country. The mechanism for the protection and care of children has gradually been strengthened and improved with the Viet Nam Committee for the Protection and Care of Children (CPCC) as the focal point. Under the National Programme of Action for Children 1991-2000 (NPA) worked out in December 1991, each ministry, agency, mass organization, province and city has clearly defined tasks, objectives and responsibilities to further the protection, care and education of children. The NPA has been decentralized to the province, district and commune levels.

19. After reviewing Viet Nam’s two-year report, the Committee on the Rights of the Child (the Committee) expressed its appreciation for the report’s frankness and openness and for the Government’s efforts to comply with the Convention. At the same time, the Committee recommended that Viet Nam should take a number of steps to strengthen its implementation of the Convention. These observations have been taken into serious consideration by the Vietnamese Government in drafting and amending policies and laws relating to children.

### **Preparation of the 1993-1998 report**

20. To prepare the present report, a number of discussions, forums and workshops were held to gather opinions from a diverse range of government agencies, organizations and individuals at various levels. Implementing the 1996 Prime Minister's Directive No. 298/TTg to review the five-year implementation of the 1991 Law on Protection, Care and Education of Children, in March 1997, the Vietnamese Government organized a national consultation, with the participation of the Vice-President of the country, a Deputy Prime Minister, and representatives of relevant ministries, mass organizations, social bodies, provinces, United Nations organizations and NGOs who are working in Viet Nam. Government ministries, mass organizations and local authorities assessed what had been done and what had not been done in implementing and promoting children's rights as stipulated by the national law and the Convention during the previous years. The five-year implementation of the NPA was also evaluated. This process has enabled Viet Nam to include the participation of government agencies, NGOs, the public, and children in assessing the implementation of the Convention. This process has also helped to identify new challenges relating to children, particularly child protection, and contributed to the preparation of this report.

21. Implementing the Prime Minister's instructions (May 1997) to prepare this report, CPCC has coordinated with the Ministry of Foreign Affairs and the Ministry of Justice to synthesize and refine reports provided by related line ministries and socio-economic organizations. In the process of report preparation, many social organizations and children had comments on the rough draft. There was close collaboration with UNICEF and other United Nations agencies and NGOs, especially the International Save the Children Alliance.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

### **A. Harmony between the Convention and national legislation**

22. Since Viet Nam ratified the Convention in February 1990,<sup>5</sup> the basic rights of children stipulated in the Convention have been observed owing to the fact that Viet Nam accepts that those international treaties, including the Convention, to which Viet Nam is a signatory prevail over domestic laws and that they are considered an integral part of Vietnamese legislation. The transfer of those international treaties, including the Convention, to which Viet Nam is a signatory into Vietnamese law has become a principle in the development and promotion of the legal system in Viet Nam. In a changing economic and social environment, there have been advantages and there have also emerged pressing social problems for children. Over the years, in order to better protect, care and educate children and properly implement the Convention, the State has revised, supplemented and issued a number of legal instruments related to children in the form of codes, laws, ordinances, decrees, decisions, regulations, circulars and instructions. Besides the continuation and perfection of the legal system relating to children, the State has also recorded a lot of progress in law enforcement, monitoring and supervision of violations against children.

23. However, there are still some shortcomings in law enforcement relating to children; for example, a gap remains between child rights (stipulated by the laws) and actual implementation of those rights. This is due to many reasons: education and dissemination of laws have not been widely carried out; awareness of the need to observe the law is not high. At present, the training on the Convention and national legislation relating to children for law enforcement cadres have been promoted to bridge the gap.

24. In 1998, the Ministry of Justice (MOJ) conducted a comparative analysis of the Convention and the Vietnamese legislation concerning the child. Based on these findings, lawmakers will further improve the national law for better childcare and protection in compliance with the Convention. Also in 1998, the Standing Committee of the National Assembly adopted an ordinance on the signing and implementation of international treaties (replacing the former ordinance of 1989). According to this ordinance, the State strictly complies with those international treaties it has signed (art. 23).

### **B. Issuance of appropriate policies**

25. Implementing the strategy of caring for human beings from early childhood, the Communist Party of Viet Nam and the State have issued many policies and legal documents relating to children, and prioritized plans and programmes for children, especially programmes to encourage the whole society to participate in the protection, care and education of children. In 1994, the Communist Party issued Instruction No. 38/CT-TW, which strengthens the protection, care and education of children. In 1997, all related ministries, mass organizations and local authorities conducted a review of the three-year implementation of this directive. At the national review (July 1998), Communist Party Secretary-General Le Kha Phieu and Deputy Prime Minister Pham Gia Khiem attended and gave direction to the work of protection, care and education of children in the spirit of the national law and the Convention. In 1998, Circular No. 04 TT/TW on strengthening of the leadership of the protection, care and education of children was issued by the Political Bureau. Based on the goals, strategies and measures of the NPA, all relevant line ministries, socio-economic organizations and 61 provinces and cities have developed their own plans of action for children, including goals for children. Besides, 70 per cent of Viet Nam's districts and 30 per cent of its communes have developed their own plans of action for children in 1991-2000.<sup>6</sup> All local plans have been approved by the relevant People's Councils and integrated into the socio-economic development plan of each locality.<sup>7</sup> Decentralizing NPA implementation has enabled communities to develop their own plans and helped coordinate necessary resources from central, local and international sources. This decentralization has also simplified the follow-up and monitoring of the implementation of the Convention and national laws relating to children.

26. To support NPA (1991-2000) implementation, at present, the Government has carried out eight national social programmes in Viet Nam. They include: hunger eradication and poverty alleviation 1998-2000; population and family planning; elimination of infectious and dangerous epidemic diseases; HIV/AIDS control; water and environmental sanitation; the promotion of talented athletes and sport centres; job creation and crime prevention.

27. In order to raise the material and spiritual life of the ethnic minority people, many socio-economic development policies have been issued by the State such as priority of investment in infrastructure, planning and resettlement of population in connection with production development; provision of basic social services (education and health); training and fostering of cadres, etc. Priority policies for deserving families, ethnic minorities, the poor and disadvantaged target groups including orphans and children with disabilities, etc. have impacts on children in need of assistance and protection. The national programmes of population and family planning and expanded immunization have gradually reduced the birth rate and mortality rate of mothers and children. Anti-narcotic and anti-crime programmes have been carried out in many key areas.

28. At present, in order to strengthen the protection of children in especially difficult circumstances, the Prime Minister has approved the Programme of Protection of Children in Especially Difficult Circumstances 1999-2002. This programme will be coordinated with other social programmes and resources will be mobilized to protect children, especially street children, child drug abusers, sexually abused children, children exploited for their labour and children in conflict with the law.

### **C. Strengthening the mechanism of planning, implementation and monitoring**

29. The 1994 Government Decree No. 118/CP defines the specific roles, tasks, mandate and organizational structure of the Viet Nam Committee for Protection and Care of Children (CPCC). The CPCC is a government agency whose primary function is to oversee the protection, care and education of children as well as to guide, monitor and coordinate relevant government agencies and social and economic organizations in the protection, care and education of children. The CPCC is chaired by a Cabinet minister who is also a parliamentarian. The Committee is composed of 24 members. The Chief Inspector of the CPCC was appointed by the Prime Minister.

30. Since 1994, CPCCs at various levels have been established and strengthened. CPCCs are the focal points for coordinating with related branches and socio-political organizations in the protection, care and education of children and ensuring the implementation of child-related objectives. An intersectoral mechanism between members of the Committee at various levels has been established and promoted to coordinate activities in this field. With such a mechanism, the CPCC has created synchronous coordination in recommending to the State laws and policies relating to children.

31. The inspection system of protection, care and education of children has been strengthened to support monitoring and evaluation of implementation of the Convention and the Law on Protection, Care and Education of Children (hereafter called the National Law). The CPCC and GSO, in coordination with UNICEF, have set up a database for children - the Child Rights Indicators (CRI) consist of 84 indicators and a strategic framework for monitoring and evaluation of the implementation of the Convention and the National Law. Thousands of staff who are engaged in the protection, care and education of children at various levels have been trained in planning and monitoring.

32. The setting up of the above-mentioned specialized agency on children has indicated the profound attention paid by the Party and State to the protection, care and education of children. However, there still remain some problems relating to the functions and tasks of the government agencies responsible for the protection, care and education of children as well as their management capability, monitoring and supervision of the implementation of the National Law and the Convention. There are also a lot of difficulties in updating data relating to children as well as with the precision of these data.

#### **D. Strengthening the dissemination of the Convention on the Rights of the Child**

33. Implementation of child rights is not only the responsibility of the State and family, but also of the community and people as well. Public education and social mobilization have played an extremely important role in disseminating the Convention and the National Law.

34. In Viet Nam, the Convention has been translated into Vietnamese (the national language) and certain ethnic minority languages (Thai, Hmong, Ede and Bana) and has been widely disseminated through the mass media, especially at the grassroots level. In past years, the CPCC, in cooperation with MOET, the Central Council of Youth Union and Viet Nam National TV and Radio, has sponsored a number of competitions to raise awareness of the Convention and the National Law, involving more than 6 million entries. One hundred and fifty thousand copies of the Convention and guidelines about implementation of children's rights, child protection and juvenile justice have been printed.<sup>8</sup> Information on the National Law and the have been printed and regularly provided to schools and communities. For effective communication, the mass media have improved the content and forms of education so that they are suitable to each target group.

35. In 1998, a number of national seminars on child rights were organized by the Committee on Culture, Education, Youth and Children of the National Assembly. At these forums, parliamentarians and representatives of related agencies (line ministries and branches, localities and socio-political organizations) presented what they have done to improve the protection, care and education of children. Also, a national conference on mass media for children's rights was organized in 1998 by the CPCC in cooperation with the Ministry of Culture and Information and UNICEF, which adopted a 13-point declaration emphasizing the promotion of dissemination, of and education in children's rights.

36. In recent years, many training courses and workshops on children's rights have been organized for government officials, staff of the mass organizations, social workers, health workers, judges, prosecutors, lawyers, correction officers, law enforcement officers, teachers and journalists. The majority of these workshops have been conducted by master trainers on child rights who had been trained in a multi-step training programme organized by the Research Centre for Human Rights and the CPCC. Initial efforts have been made to include child rights in the programmes at educational and training institutions, including the training schools for mass organizations, judges and prosecutors, the police training schools and the Ho Chi Minh National Political Academy where high-ranking party and government officials are trained.

37. Many national days of action for children have taken place, including Immunization Day, School Enrolment Day (5 September), Micronutrient Day and Children's Day (1 June). The Month of Action for Children (15 May-30 June) is organized every year throughout the country with various activities for children, especially at the local level. This in particular has encouraged practical public involvement in the protection and care of children, heightening public awareness of children's rights. Newspapers have increased coverage of child rights issues, especially child protection.

38. Children's forums have been organized in many places, especially at local level. These forums give children an opportunity to voice their opinions and aspirations, and to learn more about their responsibilities, rights and obligations. To disseminate the Convention to ethnic minorities, a summary of the Convention has been prepared, with illustrations and translation into some of the ethnic minority languages.

39. From the central to the grass-roots level, the CPCC, the Women's Union, the Ho Chi Minh Communist Youth Union and humanitarian organizations have played an important role in providing education about the Convention by distributing copies, organizing children's forums, mobilizing the community to support children's programmes and other activities. Child Rights Weeks have been launched in schools by MOET and child rights have begun to be incorporated into the school extra-curriculum.

40. At schools, children have participated in competitions designed to enhance general knowledge of the Convention and the National Law, their rights and obligations. In addition, the Young Pioneers' Organization organized the "Young Bamboo Shoots" Communication Team. This group has contributed actively to public education on the Convention and the National Law, prevention of malnutrition, provision of safe water and sanitation, and ensuring a healthy environment and social order and security.

41. Education and social mobilization have resulted in a system of providing funds for children at every level. People have actively contributed to these funds to support children's rights activities at the community, province and district levels. These contributions have supplemented government funding for children's programmes and activities. At the moment, the national funds for children at the national and local levels have mobilized over 50 billion D in 1998 alone.

42. However, educating ethnic minority groups about the Convention has been constrained by budget limitations. Many of Viet Nam's ethnic minority groups are very small and only a number of them have a written language, and therefore in addition to translating the Convention into ethnic minority languages, other methods suitable to the circumstances are required. Additionally, there is a shortage of communicators who work directly with ethnic minorities and in remote areas and a lack of educational materials and guidelines for implementing the rights and obligations of children.

### **E. International cooperation**

43. International cooperation has played an extremely important role in helping the Government to reach its mid-decade goals for children. This cooperation has been a motivational force, pushing forward the implementation of goals for children in general and those of the NPA in particular.

44. Viet Nam recognizes the important role that international, bilateral, multilateral and regional cooperation have played in mobilizing additional resources for NPA implementation. Through the functioning agencies, the Government has coordinated sources of foreign aid, giving priority to poor and remote areas and disadvantaged groups. These aid projects have had a direct or indirect positive impact on women and children. In addition to foreign aid and grants, the Government has borrowed from the World Bank and the Asian Development Bank to fund health, education and family planning projects.

45. In recent years, the UNICEF-Viet Nam programme has been one of the 10 largest country programmes in the world. International NGOs, especially the International Save the Children Alliance, have been very active in Viet Nam and have contributed to a number of programmes in Viet Nam. These resources are aimed at disadvantaged target groups, especially women and children living in Viet Nam's poorest provinces, districts and communes. To assist international organizations working in Viet Nam, the Government issued the 1996 Regulation on Activities of International NGOs in Viet Nam, which allows NGOs to work directly with local authorities, mass organizations and communities. However, in recent years, official development aid from some organizations such as UNICEF has decreased and affected the cooperation programme. International agencies such as the World Bank, the Asian Development Bank (ADB) and UNFPA and bilateral aid from countries such as Japan, Australia, France and Belgium have supported numerous projects benefiting children directly or indirectly.

46. International cooperation is not simply a matter of seeking funding, but is also an opportunity for Viet Nam to acquire important knowledge and skills. This has strengthened the capacity of officials at many levels and branches. Experience has been exchanged and gained through research teams, seminars, regional conferences, and generally through the development of bilateral and multilateral relations. The Third Regional Consultation on the Convention on the Rights of the Child in East Asia and the Pacific in April 1995 and the Fourth East Asia and Pacific Ministerial Consultation on the Goals for Children and Development to the Year 2000, held in Hanoi, in November 1995, were extremely important milestones in Asia and the Pacific in general and for Viet Nam in particular in the field of child protection activities. The two Hanoi Declarations in April and November 1995 have oriented government activities for children in the region, especially in reviewing mid-decade goals for children. At the same time they helped Viet Nam to review its mid-term implementation of the goals of the World Summit for Children as well as to identify priorities for children and development up to the year 2000.

47. However, these international cooperation programmes have not yet given priority to remote and difficult areas.

48. The State of Viet Nam has demonstrated its concern for children's rights by supplementing and amending legal documents and carrying out programmes to answer to the rights and demands of children; adults have listened to children's opinions; the community and the society have paid attention to children's issues and have actively participated in activities for children.

## **II. DEFINITION OF THE CHILD**

### **Legal context**

49. In addition to the legal stipulations mentioned in the previous report, some additions have been made:

(a) The Civil Code, 1995, article 20, stipulates that "persons who are not yet 18 years of age are minors"; article 22 defines the capacity for civil acts of minors who are 6 years of age or over but under 18 years of age. Minors must have the consent of a representative at law when undertaking civil transactions; article 23 provides that "persons under 6 years of age do not have the capacity for civil acts. All civil transactions by persons who are under 6 years of age must be established and performed by their representative at law.";

(b) The Labour Code, 1994, article 6 states: "A labourer must be at least 15 years old, have the ability to work, and have a labour contract."; article 119, section 1, stipulates: "A juvenile labourer is one who is under 18 years of age."

### **Implementation**

50. This right has been realized according to legal regulations.

### **Future plans**

51. In the future, more research must be conducted concerning sentencing for children in conflict with the law.

## **III. GENERAL PRINCIPLES**

### **A. Non-discrimination (art. 2)**

#### **1. Legal context**

52. In addition to stipulations mentioned in the previous report, there are some new amendments:

(a) The 1992 Constitution, article 64, stipulates "The State and society shall recognize no discrimination among children";

(b) The 1995 Civil Code, article 8, stipulates: “In civil relations, the parties shall be equal and shall not invoke differences in ethnicity, gender, social status, economic situation, belief, religion, educational level and occupation as reasons to treat each other unequally”; article 55 stipulates the right to birth registration; and article 56 stipulates birth registration for abandoned infants;

(c) The 1998 Ordinance on People with Disabilities stipulates the responsibilities of the family, the State and society for people with disabilities and the rights and obligations of people with disabilities, including children;

(d) The 1995 Ordinance on HIV/AIDS prevention and control, article 4, stipulates that those infected with HIV/AIDS shall not be discriminated against but they must practise prevention measures to protect the health of the community, in accordance with the laws;

(e) Government Decree 83/1998/ND-CP of 1998, on civil registration, article 21, stipulates that the birth of abandoned newborns must be registered.

(f) Prime Minister’s Decision No. 822/TTg of 1997 on the ratification of the National Plan of Action for the Advancement of Women in Viet Nam up to the year 2000 has 11 specific goals, including protection for the girl child.

## **2. Implementation**

53. The State has issued many concrete policies in order to reduce the economic and social disparity between geographic regions so that all children can enjoy their rights and obligations.

54. National programmes in their first years have prioritized difficult-to-access and remote areas, such as mountainous, rural and coastal regions, for such programmes as protection and care for children, poverty alleviation, and universalization of primary education. Pupils and teachers in those remote regions are accorded first priority, receiving, among other things, larger teacher allowances, subsidized textbooks, and larger budgetary investments from the central Government. Boarding schools for ethnic minority children have been established in all of Viet Nam’s mountainous districts. These schools are subsidized by the State.

55. At present, the Ministry of Planning and Investment (MPI) is coordinating with the National Committee for the Advancement of Women (NCFAW) to deploy the National Plan of Action for the Advancement of Women up to the year 2000 in the whole country. This plan includes provisions for countering discrimination against girl children. The Prime Minister is directing MPI and NCFAW to conduct a one-year review of the Plan’s implementation and to integrate it into the activities of all ministries and regions in 1999.

56. Working in collaboration with the MOET and the CPCC, the Viet Nam Women’s Union (VWU) has also worked through family channels to encourage the enrolment of girls in school. The VWU efforts include organizing informal classes, multi-grade classes and classes for

illiterate girls. Between 1992 and 1996, the Union successfully encouraged 190,781 pupils to return to school (60 per cent of them female), opening 283 classes for 7,709 illiterate girls. Following the Fourth World Conference on Women, the MOET, the VWU, the Committee for Ethnic Minorities and Mountainous Areas and the CPCC have begun research on how to promote children's education. They support universal education with multi-graded classes for illiterate, poor and disadvantaged children, especially girls. In addition, the 1991-2002 national programme for children in especially difficult circumstances pays special attention to protecting girls from sexual abuse and labour exploitation. Practical experience shows that in areas where education levels are higher, opportunities for girls to exercise their rights are greater.

57. The State has issued various policies and measures in order to restore and re-integrate children with disabilities, such as the community-based rehabilitation programme, Operation Smile, For the Glow of Children's Eyes, and the education programme for integration.

58. To protect children from discrimination, a number of social measures have been taken, including:

- (a) Providing birth registration for children born out of wedlock and abandoned;
- (b) Widening the network of boarding schools for ethnic minorities so that children in remote areas can have access to education;
- (c) Mapping out policies and measures to help orphans, ethnic minority children, children from poor families, and children from mountainous areas and islands. Funds are now being created to support these groups, including the Fund for Young Talented Individuals, the Poverty Alleviation Fund, and the Fund for Children;
- (d) Facilitating the immigration of Amerasian children to the United States of America.

### **3. Limitations**

59. Despite public and State efforts to eradicate child discrimination, the following problems remain: son preference in some rural areas, and children in especially difficult circumstances. In fact, the Government's budget for infrastructure in mountainous and remote areas is still limited.

### **4. Future plans**

60. The Government will continue to support disadvantaged groups and areas, especially in Viet Nam's 1,715 poorest communes. It will also work to promote gender education and pay special attention to girls.

## **B. The best interests of the child (art. 3)**

### **1. Legal context**

61. The following legislation applies:

(a) The 1996 Ordinance on Procedures for Settling Administrative Cases, article 21, stipulates that if minors are involved, their rights and responsibilities are implemented through their representative;

(b) The Ordinance on Sentencing of 1993, article 10, stipulates that sentenced minors or females shall have separate areas suitable to their age and gender in accordance with the management regime;

(c) Government Decree No. 184/CP of 1994 stipulates marriage procedures, recognition of children born out of wedlock, adoption and fostering between Vietnamese and foreign citizens.

### **2. Implementation**

62. The Government and the people remain strongly committed to furthering the best interests of the child in Viet Nam, especially in the law-making process. The CPCC and relevant ministries have organized training in child rights for government officials, judges, lawyers, and law enforcement officers in the Convention and the National Law and implementation of local plans of actions for children for ensuring their best interests.

63. Although the penalties for children in conflict with the law have not yet been modified, when a juvenile commits an offence, the prosecutors and the court usually apply educative and preventive measures. The family, school and community also undertake these measures. The Penal Code was amended and supplemented for the fourth time in May 1997 to increase penalties for crimes against children and especially offences against the life, health, honour and dignity of children.

64. The national investment in children's programmes is steadily increasing. Annually, investments in social sectors account for 28 per cent of the total budget, including 12 per cent for education. Plans of Action for Children (PPAs) in provinces, districts and communes have focused on child development, protection and care, integrating these plans into the socio-economic development strategy of each ministry and locality. The Provincial People's Council approves the PPA, allocates funds and ratifies the financial accounting for programmes for children, while information, education and communication activities have helped to raise public awareness, thus helping to improve resources to support children's programmes.

65. Adoption, both local and international, must meet certain standards of income, health status and morality. In addition, adoption is always based on the best interests of the child.

66. At the community level, parents who neglect their children may be warned by local CPCCs and mass organizations such as the Women's Union of their responsibilities under the law and encouraged to protect child rights within the family.

67. Orphans are raised in State-run institutions or in the community. In the former case, care and education are wholly subsidized; in the latter, charitable or mass organizations arrange accommodation and food, financed by the community, often with international NGO assistance. Children in conflict with the law, depending upon the seriousness of the violation, are either kept in the family for education or sent to reform schools. Local government agencies are making efforts to provide education for children with disabilities and integrate them into school and the community.

68. Different models of care for children in extremely difficult circumstances have been developed in diverse locations. These programmes include *Mai Am* (children's shelters), *Nha Tinh Thuong* (drop-in centres) and child counselling centres which provide assistance and reintegration for street children, orphans, sexually abused children and others. These programmes are carried out at the community level, comprehensively coordinating the process of the protection and care of children in especially difficult circumstances.

69. Cases where children's rights are violated have been publicized through the mass media or through the network of the CPCC. On the basis of this information, the CPCC and the Women's Union make proposals to law enforcement agencies for action. In recent years, many cases of crimes against children have been prosecuted and the offenders have been strictly punished in a timely manner.

### **3. Limitations**

70. Despite the efforts of the State and people, Viet Nam still faces many challenges in securing the best interests of the child. With lack of awareness and responsibility in a number of local leaders, families and communities, and gaps in socio-economic development in various regions, the possibilities of giving priorities to children are limited and so there is an increasing exodus of children from the countryside to the cities. Until the root cause of this exodus - poverty - is eliminated, efforts to care for street children in cities will not fully solve this issue. Street children who financially support themselves are at high risk of labour exploitation, sexual abuse and criminal activity.

### **4. Future plans**

71. Information, education and communication to promote the Convention and the National Law will be strengthened, with the amendment and supplementation of the Penal Code, the Penal Procedure Code, the Law on Marriage and Family, and others. Those amendments relating to children will incorporate the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the 1990 United Nations Rules for the

Protection of Juveniles Deprived of their Liberty, the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and the Convention. Viet Nam has also developed a set of child rights indicators and is establishing a mechanism for monitoring and supervising the implementation of the Convention and child-related laws throughout the country.

72. The State continues to invest funds from its budget and appeals to donors to prioritize the poor, difficult areas and children in especially difficult circumstances.

### **C. Right to life, survival and development (art. 6)**

#### **1. Legal context**

73. The following legislation is relevant:

(a) The 1995 Civil Code, article 32, stipulates the right to enjoy safety of life, health and body. Article 37 stipulates the right to enjoy mutual care among family members;

(b) The 1994 Labour Code, article 6, stipulates: “workers must be at least 15 years old, have the ability to work, and have a labour contract”. Article 119, chapter XI, includes specific stipulations: “a juvenile labourer is one under the age of 18 ... abuse of juvenile labourers is strictly prohibited”; article 120: “it is not permitted to admit children under the age of 15 to work, except in some occupations stipulated by MOLISA”; article 121: “The use of juvenile workers in hard or dangerous jobs or in work which requires frequent contact with noxious substances named in the list provided by MOLISA and MOH is strictly prohibited”; and article 122: “The working time of juvenile workers must not exceed 7 hours a day or 42 hours a week”;

(c) The 1998 Law on Education, article 9, stipulates: “All citizens without distinction of ethnicity, religion, belief, sex, family origin, social or economic status are equal in learning opportunities. The State ensures social equity in education and creates conditions so that everybody can afford education. The State and the community provide assistance so that poor people can learn and create conditions for outstanding learners to develop their talents. The State gives preference to and creates conditions for children of ethnic minorities and the families in the areas with exceptionally difficult economic and social conditions, the beneficiaries of preferential policies, the disabled and the beneficiaries of other social welfare policies to exercise their right and discharge their obligation to learn.”

(d) The 1995 Ordinance on Prevention and Control of HIV/AIDS;

(e) Government Decree No. 34/CP of 1996 on the Implementation of the Ordinance on Prevention and Control of HIV/AIDS.

## 2. Implementation

74. Viet Nam has established a wide health-care network from the central to the local level, offering disease prevention, medical treatment and rehabilitation. In an effort to ensure the survival and development of children, this system gives priority to mother and child health care, particularly prenatal care. The existing service includes:

(a) A system for disease prevention including: National and Regional Institutes of Hygiene and Epidemiology, National Institute of Nutrition, Pasteur Institutes, Vaccine Institutes, Provincial Centres for Preventive Medicine, District Teams of Hygiene and Epidemic Prevention;

(b) A system for curative care including: general, obstetric, gynaecological and paediatric hospitals at the central and regional levels; paediatric and general hospitals at provincial level with obstetric and gynaecological departments; general hospitals at district level with paediatric and obstetric departments;

(c) A system for rehabilitation for the disabled, including children. This community-based programme for rehabilitation is implemented by the health sector in collaboration with the CPCC, MOLISA, and international assistance.

75. To improve the nutrition of children under 5 years old, the Protein Energy Malnutrition control (PEM) programme has been carried out in 3,200 communes focusing on the following activities: child growth, nutrition education, supplementary feeding and other complementary activities, with priority given to the poor communes. The PEM programme covers all of Viet Nam's communes, in terms of monitoring child growth and public communication and education activities on nutrition. The government budget allocation for the programme has gradually increased over the years. In a successful battle against micronutrient deficiencies, vitamin A capsules and iron tablets are provided for children and pregnant mothers. All salt now consumed is iodized as stipulated.

76. Multisectoral programmes focus on improving mother and childcare with the goal of reducing the infant mortality rate (IMR) to 30 per 1,000 and the maternal mortality rate (MMR) to 50 per 100,000 by the year 2000. Commune health stations and hospitals at different levels, especially obstetric hospitals, track infant and child mortality cases.

77. The National AIDS Committee is assisting the Prime Minister with monitoring and implementing the programme of control and prevention of HIV/AIDS including development of strategy, advocacy and policy, and plans against HIV/AIDS infection, coordinating with MOH, MPI and MOF in proposing the annual budget for government approval, conducting monitoring and evaluation of the HIV/AIDS situation in the whole country.

78. The Government has been giving guidance to a number of targeted provinces in order to speed up the Universalization of Primary Education by the year 2000 programme. By the end of 1998, 52 out of 61 provinces and cities had achieved universal primary education and literacy; 57 per cent of communes and 76 per cent of districts had achieved universal junior basic education (nine years).

79. For protection and prevention of child abuse, the Government has increased measures for education and communication and approved the National Programme of Special Protection for Children 1999-2002.

### **3. Limitations**

80. Viet Nam still lacks the human resources, material and equipment necessary to provide adequate health care for children. Every year, we need a large amount of foreign currency to import EPI vaccines for children. Vaccines for hepatitis B and Japanese encephalitis are presently in short supply.

81. Malnutrition of children under 5 is still high in Viet Nam (39.8 per cent). The State budget and international assistance have not met the actual needs. Natural disasters often occur in Viet Nam, causing considerable damage to school facilities and thus affecting children's study.

### **4. Future plans**

82. After the pilot production of the hepatitis B and Japanese encephalitis vaccines, Viet Nam has used foreign aid to increase the production of these two vaccines. Viet Nam has decided to incorporate these two vaccines as well as vaccines for cholera and typhoid into the national immunization programme.

83. Viet Nam will continue to promote the best use of domestic and international resources to reduce IMR, reduce the malnutrition rate among children under 5, improve access to school for children in disadvantaged areas, improve water and sanitation as key priorities in the future, and prepare plans of actions for intersectoral coordination (labour, war invalids and social affairs, public security, protection and care of children) in order to deploy the national programme of special protection for children 1999-2002.

## **D. Respect for the views of the child (art. 12)**

### **1. Legal context**

84. There is nothing new to report.

### **2. Implementation**

85. Children can express their views through activities of the Young Pioneers Organization (YPO), the radio, television, newspapers, and their forums and broadcasting programmes at schools as well as in communities. In these organizations, they conduct discussions, map out plans of action and manage the activities of their own organizations. The leadership of the school and community respect the collective decisions of the YPO. The Youth Union, Women's Union and CPCCs mobilize and assist families and communities to express their opinion. Children have their full rights when involved in criminal proceedings as juvenile defendants.

In cases where a juvenile defendant cannot choose a legal defender, the police, prosecutor's office or court must request the Bar Association to nominate one. This procedure has been observed in cases involving children. In trials for child abuse and exploitation, the child's legal representative will undertake the rights and obligations relating to the process.

86. At schools, including reform schools, classes are organized in a self-managed manner in accordance with the school's guidelines. The pupils elect a class monitor, deputy class monitor and group heads to manage their studies and activities. In reform schools for children in conflict with the law, children are consulted before decisions such as home visits and early release are made.

87. Thanks to the positive effects of the distribution and dissemination of the Convention and National Law, parents are more eager to listen to their children and respect children's views. In addition, child participation and listening to children's views are now incorporated and emphasized in all training courses and workshops on the Convention, for both adults and children.

### **3. Limitations**

88. Children are not consulted at all times in cases of divorce proceedings which, therefore, are not always properly settled in the interests of the child. It may take a long time for the views of the child to be widely respected in Vietnamese families.

### **4. Future plans**

89. The Government will continue to promote education to raise the awareness of the family and the community on the role and position of young people as equal citizens in the society. It will also continue to develop a better system for monitoring and supervising existing laws for the respect of children's views and settlement of children's issues. Children's forums, especially those in rural mountainous areas, will be further expanded.

## **IV. CIVIL RIGHTS AND FREEDOMS**

### **A. Name (art. 7)**

#### **1. Legal context**

90. The following are cited:

(a) The 1995 Civil Code, article 28, section 1, stipulates: "Each individual has the right to have a family name and a given name. The family and given names of a person shall be determined in accordance with the family and given names in the birth certificate of that person"; article 29, section 2 stipulates: "The change of the family or given name of a person who is nine years of age or older must have his/her consent"; article 55, section 1, stipulates: "At birth, each person shall have the right to have his/her birth registered without discrimination between

legitimate and illegitimate births. The family name of the infant shall be the family name of the father or the mother according to custom or agreement between the parents. Where it is not possible to identify the father, the family name of the infant shall be that of the mother”; article 55, section 2, stipulates: “The father, mother or next of kin must register the birth of the infant in accordance with the provisions of the legislation on civil status”;

(b) Government Decree 83/1998/ND-CP of 1998 on residence registration, article 18, stipulates: “within 30 days after birth, parents, relatives or responsible persons shall register a child’s birth; for remote or mountainous areas, the deadline is 60 days”; article 21 stipulates: “within 30 days after an abandoned child is found, if its parents are not identified, individuals or organizations responsible for taking care of a child shall register the birth of that child at the commune People’s Committee.

## **2. Implementation**

91. It is the duty of the commune People’s Committee to remind parents to register their child’s birth. In cases where a birth is declared after the deadline, the People’s Committee should help to expedite the process. In cases where a migrant gives birth to a child, the local People’s Committee issues the birth certificate. However, many parents in remote and mountainous areas only declare a child’s birth when applying for school, often because they are unaware of the significance of birth registration.

92. Due to the difficult economic situation and low awareness of national laws of many parents in remote and mountainous areas, it is not possible to force parents to declare births in a timely manner; instead, persuasion and education play an important role. This persuasion is undertaken by commune and precinct officials, mass organizations and local CPCCs. However, people in some areas do not sufficiently comply with birth declarations, and it is still difficult to educate migrants, street people and ethnic minorities in remote regions on the importance of registering a child’s birth. Transportation and travel in some remote and mountainous areas are bottlenecks for child registration.

## **3. Future plans**

93. The State plans to support justice officials at the grass-roots level to improve the system of birth registration for children, especially for street children and those living in remote and mountainous areas. At the same time, mass organizations will educate families on the importance of registering births as stipulated by the law.

### **B. Preservation of personal identity (art. 8)**

#### **1. Legal context**

94. The following may be cited:

(a) The 1998 Law on Nationality (which replaces the one adopted in 1988), article 1, section 1, stipulates: “In the Socialist Republic of Viet Nam (SRVN), each individual is entitled to have a nationality. No citizen of Viet Nam can be deprived of his/her nationality except cases

prescribed in article 25 of this Law”; section 2 of this article stipulates: “All ethnic groups who live in Vietnamese territory have equal rights to Vietnamese nationality”; article 8 stipulates: “The SRVN provides for all minors born in Viet Nam to have Vietnamese nationality and for those who do not hold permanent nationality in Viet Nam to apply for Vietnamese nationality under the provisions of this Law”; article 9 stipulates: “Marriage, divorce or annulment of an unlawful marriage between a Vietnamese citizen and a foreign national does not affect the nationality of the Vietnamese citizen, or that of his/her children”; article 16 stipulates: “A child born to parents, both of whom are Vietnamese citizens, shall hold Vietnamese citizenship, regardless of whether the child was born inside or outside Vietnamese territory”; article 17, section 1, stipulates: “A child born to parents, one of whom is a Vietnamese citizen and the other is a stateless person, or whose mother is a Vietnamese citizen and whose father is unknown, shall hold Vietnamese nationality, regardless of whether the child was born inside or outside the Vietnamese territory”; article 17, section 2, stipulates: “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 his/her birth registration”; article 18, section 1, stipulates: “A child born in Vietnamese territory and whose parents, at the time of his/her birth, are both stateless persons who have permanent residence in Viet Nam shall hold Vietnamese nationality”; article 18, section 2, stipulates: “A child born in Vietnamese territory whose mother at the time of his/her birth is a stateless person having a permanent residence in Viet Nam and whose father is unknown shall hold Vietnamese nationality”; article 19, section 1, stipulates: “A newborn abandoned or found in Vietnamese territory whose parents are unknown shall hold Vietnamese nationality”; article 19, section 2, stipulates: “In cases where a person who is under 15 years old [and abandoned or found in Vietnamese territory] has found his/her parents and they both hold foreign nationality or his/her guardian holds foreign nationality, he/she shall no longer hold Vietnamese nationality; for a person who is from 15 to 17 years of age, his/her written consent is required”; article 28 stipulates the nationality of minors in cases of their parents’ naturalization, relinquishment or restoration of Vietnamese nationality; article 29 stipulates the nationality of minors in cases where their parents are deprived of Vietnamese nationality or where decisions on granting Vietnamese nationality are annulled; article 30, section 1, stipulates: “A child who is a Vietnamese citizen and adopted by a foreign national(s) shall retain his/her Vietnamese nationality”; article 30, section 2, stipulates: “A child who is a foreign national and adopted by a Vietnamese citizen(s) shall hold Vietnamese nationality as from the date the competent Vietnamese agency recognizes the adoption”;

(b) Government Decree No. 104/1998/ND-CP of 1998 contains specific provisions and guidance for the implementation of the Law on Nationality.

## **2. Implementation**

95. Boarding or semi-boarding schools have been established by the State for children of ethnic minorities. Vietnamese is the official language used in schools. The State creates favourable conditions for ethnic minority groups to preserve and enhance their cultural identification and the good traditions of their own culture.

## **C. Freedom of expression (art. 13)**

### **1. Legal context**

96. The 1992 Constitution, article 69, stipulates that all citizens have the right to freedom of speech, freedom of the press, and the right to information.

### **2. Implementation**

97. New forms of information and communication for and between children have been applied and developed. Mass media, including television, radio, newspapers and local communications networks, have played an important role in public education campaigns aimed at children. In Hanoi in 1995, child representatives participated in the Third Regional Consultation on the Convention, and Fourth East Asia and Pacific Ministerial Consultation on the Goals for Children and Development to the Year 2000. Programmes by and for children on television also create opportunities for children to express themselves.

98. At the five-year review of the implementation of the National Law organized at the central and local levels in 1997, children were invited to participate and express their opinions. These opinions were given due consideration in the amendment of laws concerning children's rights. Children also have the opportunity to express themselves via newspapers such as *Thieu Nien Tien Phong* (Young Pioneer), *Nhi Dong* (Young Child), and *Vi Tre Tho* (For Children). They can participate in children's television and radio programmes. At the commune, district and provincial levels, the CPCC has organized children's forums in which children can discuss child rights issues with local authorities. Broadcasting Day for Children is organized in April annually. Children are not only information receivers but can also express opinions and involve themselves in programme production. In 1998, junior correspondents' clubs were set up in Hanoi, Hue, Dalat and Ho Chi Minh City under the Radio Voice of Viet Nam.

99. In the time ahead, education and dissemination of laws in this field should be further promoted so that children can fully exercise this right.

## **D. Freedom of thought, conscience and religion (art. 14)**

### **1. Legal context**

100. Article 70 of the Constitution stipulates that "citizens have the right to freedom of belief and religion, to follow or not to follow any religion. Religions are equal before the law. Places for the worship of beliefs and religions are protected by the law. No one is allowed to violate the freedom of belief and religion or to abuse it to violate the laws and policies of the State". The 1995 Civil Code, article 43, contains more or less the same content.

## **2. Implementation**

101. In Viet Nam there are 54 ethnic groups with many religions, of which the most popular are Buddhism, Catholicism and Protestantism. Commonly, children adhere to the same religion as their parents. This right is fully respected. The State helps maintain and preserve religious sites, ensuring that children, like adults in Viet Nam, enjoy favourable conditions to practise their religions.

### **E. Freedom of association and peaceful assembly (art. 15)**

#### **1. Legal context**

102. The 1992 Constitution, article 69, stipulates: “Every citizen has the right to assemble and form associations according to the law.”

#### **2. Implementation**

103. Children have their own organizations, including the YPO, the Child Star, the Young Bamboo Shoot Communication Team, the Red Cross Young Pioneer Organization, and others. In these organizations, children prepare activity schedules, elect leaders, plan meetings and resolve problems with the help of the schools and the community via the Communist Youth Union and Women’s Union. There are no constraints on children in exercising this right.

### **F. Protection of privacy (art. 16)**

#### **1. Legal context**

104. The 1995 Civil Code, article 34, stipulates: “An individual’s right to personal privacy shall be respected and protected by law”.

#### **2. Implementation**

105. As mentioned in the previous report, the right to privacy is observed.

### **G. Access to appropriate information (art. 17)**

#### **1. Legal context**

106. Government Decree 87/CP of 1995 is aimed at strengthening cultural and service activities to eradicate serious social evils.

107. Prime Minister's Decision 21/TTg defines the policy on the publication of films, photographs, and other materials for children. Article 1 stipulates: "The State allocates funds for improving child-oriented newspapers, publishing houses, radio broadcasts and television programmes and films, considering them public welfare programmes that do not require financial return on the capital investment"; article 2 stipulates: "In responding to the need for educational material for the children in rural, mountainous and highland, remote and island areas, the State also supplies free of charge books and newspapers to primary, secondary and boarding schools for ethnic minorities in those areas."

## **2. Implementation**

108. In recent years, Viet Nam's mass media and communication network has grown. There are now 635 newspapers and periodicals, many of which have items about the protection, care and education of children. Fifteen of them are aimed at children, which helps to promote education in child rights at the grass-roots level.<sup>9</sup> Central and local television and radio stations all have a separate department dedicated to creating various interesting kinds of children's programming. There are now 4 national and 93 provincial TV programmes and 4 national and 96 provincial radio programmes for children. Children's programmes have been improved (diversified in forms and contents).

109. According to a recent study conducted by the Sociology Centre of the Ho Chi Minh National Political Academy, approximately 76 per cent of children in Viet Nam watch TV every day. This indicates the growing importance of TV, particularly in cities. Fifty provincial general libraries have separate reading rooms for children.

110. International organizations such as UNICEF and Radda Barnen have worked with media organizations to improve children's programming, including training journalists and editors and designing children's programmes, such as the children's television quiz show, "Kaleidoscope". The Young Pioneers Organization has promoted a number of child-to-child activities designed to provide basic information, especially on health, for children to disseminate among their peers at the local level.

## **3. Limitations**

111. Because of budget limitations, children in mountainous and remote areas still lack an adequate supply of books and newspapers, and may not be reached by television or radio transmission. Since Viet Nam adopted an "open-door policy", more and more harmful books, videos, tapes, films, toys and so forth have appeared in the country; however, these are not scrupulously checked and dealt with. Therefore, there is a danger of children being exposed to indecent lifestyles and violence, leading to criminal activity.

## **4. Future plans**

112. Viet Nam will pay more attention to training communication officials in providing information to adults as well as children and to use age-appropriate methods of communication.

## **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

### **1. Legal context**

113. Article 7.1 of the 1992 Constitution of Viet Nam states: “Citizens have the inalienable right to freedom from physical abuse, they are protected by law in terms of life, health, honour and dignity. No one shall be put under arrest unless there is a decision issued by the People’s Courts or a decision or ratification issued by the People’s Procuratorate, with the exception of the case of being caught in action. Custody and detention shall only be in accordance with the law.”

114. In order to specify the implementation of the above-mentioned principles, the State has promulgated a wide range of legal documents including the Civil Code, the Penal Code, the Criminal Procedure Code. In addition:

(a) Government Decree No. 19/CP of 1996 issues regulations on education in the community for juvenile offenders;

(b) Government Decree No. 33/CP of 1997 stipulates the regulations on reform schools for juvenile offenders. Article 1 states that minors between 12 to 14 years old who have committed violations as stipulated in the Penal Code, those who have been corrected many times by local authorities and people but failed to change their behaviour, and those aged between 12 and 18 who have violated administrative guidelines on social safety shall be sent to a reform school for six months to two years;

(c) Government Decree No. 98/CP of 1998 stipulates the regulations on temporary detention.

### **2. Implementation**

115. In Viet Nam, public education campaigns such as “Healthy Child, Well-Behaved Child”, “A Family’s Cultural Lifestyle”, “Exemplary Adult, Dutiful Child” have been conducted. These campaigns include timely interventions from the local governments, CPCCs and the Women’s Union in cases where a child in the community is abused. Corporal punishment of children is traditional in the countryside and reflected in the expression “Spare the rod and spoil the child”. The Government and mass organizations have taken educational and preventive measures to protect children from cruel treatment by parents. The right of the child not to be tortured, maltreated, inhumanely punished or dishonoured is also covered in training courses for legal officials on the Convention and the National Law. People can express their opinions and complaints to elected State bodies to protect children’s rights in cases of adults violating children’s rights. In general, these complaints have been dealt with promptly.

116. CPCC inspection units also focus on identifying and preventing cases of violations of child rights. Cases of violence against children have been strictly prosecuted.

117. As a result of education, dissemination and training on child rights, social awareness on this problem has been raised, contributing to the reduction of maltreatment of children in detention and reform institutions and in the family.

118. Following are statistics relating to the handling of violations of child rights over the period 1997-1998:

**Table 1**  
**Child rights violations 1997-1998**

Violation	1997		1998	
	No. of cases	Cases tried	No. of cases	Cases tried
Rape	287	257	608	560
Lewd act	5	5	61	55
Sexual intercourse	81	63	138	119
Abduction, trafficking	25	22	48	42
Maltreatment	58	55	41	36

Source: The People's Supreme Office of Prosecutors.

### **3. Limitations**

119. There are still many limitations in the propagation and dissemination of the National Law and the Convention for law enforcement officials. Child abuse cases still occur.

### **4. Future plans**

120. There will be an intensification and expansion of the dissemination and communication of national legislation as regards the protection of children, and proper measures for the prevention and punishment of maltreatment against children.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance (art. 5)**

#### **1. Legal context**

121. The Civil Code of 1995 defines the right of minors to enjoy care from family members (art. 37); the right to recognize or not recognize parents and children (art. 39); guardianship for minors (art. 67); the right to have a guardian (art. 69); and the natural guardian of a minor (art. 70).

122. Prime Minister's Decision No. 198/TTg of 1994 concerns organizing activities for the International Year of the Family.

## **2. Implementation**

123. In Viet Nam, families play a crucial role in the formation and development of a child's personality. Children always enjoy the most attentive care and support from other members of the family. In the *doi moi*, the improvement of the economic and social situation has contributed, leading to a better family life and better protection and care of children in each family.

124. In response to the International Year of the Family 1994, the Government established a National Steering Committee for the Year of the Family to organize family-focused activities. In 1997, the Viet Nam Women's Union launched the movement "Women Study Hard, Work Creatively, Bring Up Children Well, and Build a Happy Family". The Viet Nam Fatherland Front, in cooperation with the CPCC, launched the national movement in 1997 "Exemplary Adults, Well-Behaved Children". All these activities have contributed to the enhancement of the family's role in society.

125. Families have also been educated on children's rights under the Convention and the National Law and other related legal issues to enhance the awareness of adult responsibility towards children.

126. Reconciliation groups, the Women's Union, the commune CPCCs and the commune authorities all play important roles in helping families properly carry out their responsibilities towards children. These groups also help settle disputes or relationship problems between parents or guardians and their children. Child counselling centres have been established in a number of districts to advise parents on children's laws, nutrition, health and psychological issues.<sup>10</sup>

127. Public information and the mass media have also made parents pay more attention to the importance of education within the family in shaping a child's development and personality.

## **3. Limitations**

128. Because of limited knowledge of childcare and psychology in a number of families, some children cannot get adequate and proper guidance from their parents. Some parents who struggle to earn a living do not pay enough attention to their children's education and development. Some poor families have allowed their children to seek employment at an early age, exposing them to higher risk of being abused and exploited. On the other hand, some rich families indulge their children and have loose control of their children, thus driving their children to become involved in social evils.

## **4. Future plans**

129. The Government has planned to maintain and bring into full play the traditional good values of the Vietnamese family and to build a family-centred strategy for child development which highlights the exemplary role of parents; attaches importance to cultural family-building; develops close relationships between family, school and society; promulgates support policies;

and promotes economic development for poor or extremely disadvantaged families and heightens their knowledge and skills in child-rearing. The CPCC will carry out a national research programme on the role and position of the family and community in the protection, care and education of children.

## **B. Parental responsibilities (art. 18, paras. 1 and 2)**

### **1. Legal context**

130. The 1992 Constitution, article 64, states: “The family is the basic unit of the society. The State provides protection for marriages and families. Marriage must be realized on the basis of willingness, progress, monogamy and equality between husband and wife. Parents are responsible for raising their children to be good citizens. Children have the duty to respect and take care of their grandparents and parents. The State and society do not acknowledge unequal treatment among children.”

131. The Civil Code of 1995, article 37, states: “Children and grandchildren who are minors shall benefit from the care and upbringing of their parents and grandparents.”

### **2. Implementation**

132. The main measures taken so far to strengthen parents’ awareness of their responsibilities towards their children include public information and education through the mass media such as TV, radio, newspapers and magazines. Recent efforts have been made to combine the “Raise Healthy and Happy Children” campaign with competitions for mothers. The CPCC in collaboration with the Fatherland Front, has established family clubs, grandparent’s clubs and other groups to promote good parenting and child-centred development. The CPCC, in cooperation with local government and mass organizations, is expanding a programme to build “child-friendly villages” in order to raise the level of awareness of child protection, especially within the family.

133. Experiences in several areas have shown that where parents fulfil their responsibilities towards their children in coordination with social and mass organizations, there is much less of a problem of juvenile delinquency and child drug abuse.

134. Street children, migrants and runaway children are admitted to and taken care of by community centres such as “Warm Roof” and “Affection House”. Many of these children are encouraged to reunify or communicate with their families. However, in several cases children did not want to reveal their address, and communication with their families could not be facilitated.

## **C. Separation from parents (art. 9)**

### **1. Legal context**

135. There has been no change as compared with the previous report.

## **2. Implementation**

136. Divorce is a problem of great concern today. The number of divorce cases has increased, especially among young couples. Recently, children who come from broken families account for a high percentage of street children and children in conflict with the law. This indicates a need to pay more attention to strengthening family values and educating youth on marriage, family life, and the responsibilities entailed in having children. Reconciliation groups at the grass-roots level play an important role in cooperating with the court to respect the decision of a couple who want to separate, on the one hand, and to persuade the couple to reunify, whenever possible, on the other.

137. Whenever the court approves a divorce, great care is taken to entrust the children to the most appropriate caretaker.

138. Street children have access to community centres such as children's shelters and drop-in centres, where they may be assisted in communicating or reuniting with their families.

### **D. Family reunification (art. 10)**

#### **1. Legal context**

139. See the previous report.

#### **2. Implementation**

140. Viet Nam has completed its programme of repatriation of unaccompanied minors. The programme was undertaken within the framework of the Comprehensive Programme of Action with assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR). From 1991 to 1995, 4,200 children returned to Viet Nam under this framework. In the refugee camps, these children received inadequate psychological and educational attention. Eighty per cent of these children have two parents, 8 per cent have only one parent, and the rest are orphans. These children have been helped to reintegrate into communities and receive support for their education and care.

141. Viet Nam has also facilitated Amerasian children to complete the necessary formalities for settlement in America. In cases where a child or his/her parents applied for family reunification in a third country, the authorized Vietnamese agency worked to expedite the request quickly on a humanitarian basis. Many cases have been resolved to enable children or their parents to settle in another country. However, many applications for family reunification were not accepted by foreign countries because they did not meet the necessary requirements. Applicants whose requests were either accepted or rejected were not subject to discrimination or negative consequences.

142. The Vietnamese authorities have taken necessary measures to bring back children who have been trafficked abroad. Vietnamese embassies abroad are required to take prompt action and measures to return Vietnamese adults or children who are in danger back to Viet Nam.

143. Children who are involved with criminal cases are not permitted to go abroad. This limitation does not affect children's rights as defined by articles 3, 6, 12 and 13 of the Convention. The Government has promulgated many legal documents creating favourable conditions for Vietnamese citizens in general and for children in particular to go abroad and return. However, illicit transfers of children abroad have made it more difficult for the authorized agencies to implement these articles.

#### **E. Illicit transfer and non-return (art. 11)**

##### **1. Legal context**

144. Prime Minister's Decision No. 766/TTg assigns responsibilities in the prevention of the illicit transfer of women and children.

##### **2. Implementation**

145. The illicit transfer of children abroad is one of the current critical issues. The illicit trafficking is undertaken primarily to transfer children to neighbouring countries through Viet Nam's northern and south-western borders. In 1995/96, 22 cases of trafficking 39 girls abroad for prostitution were reported in three provinces. A 1996 survey found that of 28 cases of illegal trafficking, seven victims were children under 16. From 1996 to March 1997, 64 cases of trafficking of women and children abroad were prosecuted.

146. Limited resources and the long borders between Viet Nam and neighbouring countries cause many difficulties in preventing this trafficking. Agencies are developing plans to implement Directive 766/TTg, which assigns responsibilities to various ministries and branches. Their efforts will include a survey and investigation of the situation, promoting information dissemination via the mass media to increase public awareness, and facilitating close collaboration between border guards and police to more strictly control the borders and identify and suppress trafficking routes. Under this directive, offenders will be rapidly brought to trial and severely punished. Viet Nam has been in active cooperation with ASEAN countries and the Sub-Mekong region countries to stop cross-border trafficking of women and children.

#### **F. Recovery of maintenance for the child (art. 27, para. 4)**

##### **1. Legal context**

147. See the previous report.

##### **2. Implementation**

148. In reality, for cases where parents do not fulfil their financial obligations to raise their children, the court or local authority either obliges them by a court judgement to implement their obligations or takes administrative measures to recover money and transfer it to the child's primary parent or guardian. Those who do not fulfil the obligation are usually poor or not responsible for their children after divorce.

149. While this method has been implemented in Viet Nam, the State has yet to reach international agreements on the recovery of childcare expenses from Vietnamese citizens who are overseas.

## **G. Children deprived of a family environment (art. 20)**

### **1. Legal context**

150. See the previous report.

### **2. Implementation**

151. In special cases where children are deprived of a family environment (for example, due to the parents' death or detention), the State or the community will provide the necessary support. This may entail entrusting the child to a relative or sending the child to an orphanage or SOS village.<sup>11</sup>

152. For those orphans who are raised in institutions or in foster families, the appropriate authority and mass organization follows alternative care conditions, readjusting them when necessary. These children are not subject to any discrimination by communities or institutions.

153. Services for children in especially difficult circumstances are now being expanded. These include SOS villages, orphanages, community drop-in centres and encouraging alternative care by a relative or adoptive parent. The new policy is to keep children in their communities if possible, surrounded by familiar people. Children are sent to an orphanage only when there is no alternative available in their community. The State provides subsidies to orphans in community care.

## **H. Adoption (art. 21)**

### **1. Legal context**

154. Ensuring the best interests of children is the main objective of Viet Nam's legislation on adoption:

(a) The Civil Code of 1995, article 40, stipulates: "the right to adopt a child and the right to be accepted as an adopted child shall be recognized and protected by law"; article 59 regulates the registration of adoption;

(b) The Ordinance on Marriage and Family between Vietnamese and Foreign Citizens of 1993, article 16, stipulates the conditions that a foreign national has to follow when adopting a Vietnamese child, as well as the rights and obligations of the adoptee and the adoptive parents;

(c) Government Decree 184/CP of 1994 regulates the procedures for marriage, recognizing an illegitimate child, adopting a child and fostering a child between a Vietnamese citizen and a foreign national.

## **2. Implementation**

155. The above legal instruments have fully and specifically provided the conditions that a foreign national must observe in order to adopt a Vietnamese child, and the measures to be taken to ensure the child's best interests when adopted in Viet Nam. A foreign national can only adopt a Vietnamese child if no family in Viet Nam offers adoption or to accept responsibility for the child. It is a measure of last resort to benefit unaccompanied children.

156. The adoptive parent(s) must demonstrate civil behaviour and good character, and have an income sufficient to ensure quality care and education for the adopted child. In cases where a foreign national wishes to adopt a Vietnamese child, his/her Government must permit the adoption. The tasks and rights of adoptive parents and their children are defined by the laws of the adoptive parents' country. This provision ensures the child's right to enjoy the protection and welfare of the country where he/she will live. One of measures which ensures the child's best interests requires that the adoptive parents agree to submit to the relevant Vietnamese authority an annual report about the child's development until he/she is 18 years old.

157. The People's Committee of the province or city where the adoptee resides is authorized to conduct adoption procedures in which a foreign national adopts a Vietnamese child. In order to ensure the best interests of the child, Vietnamese legislation also clearly provides that the potential adopter must demonstrate to the authorities a legitimate motive (i.e. without any sign of profit-making).

158. Both local and international adoptions have been permitted based upon the above regulations. The supervising system also regulates the Ministry of Justice, the main agency responsible for international adoption in cooperation with others including the Ministry of Foreign Affairs (MOFA), the Ministry of Labour, Invalids and Social Affairs (MOLISA) and the Ministry of Public Security (MPS). Viet Nam's embassies abroad are expected to follow up with Vietnamese adopted children.

159. The Ministry of Justice requests the provincial justice departments to keep better records and statistics in the future. According to statistical data, most foreigners seek Vietnamese adoptees in the big cities. The average age of adopted children ranged from newborn to less than one year old. Statistical data on the number of domestic adoptions are not available.

### **I. Periodic review of placement (art. 25)**

#### **1. Legal context**

160. No change as compared with the previous report.

#### **2. Implementation**

161. The competent State agencies place children needing care, protection and treatment for physical or mental ailments in various State care institutions. These institutions are monitored and supervised by the concerned ministries and sectors to ensure the appropriateness of the care and protection of these children. MOLISA manages orphanages and social centres; MOET

manages special schools for children with disabilities and boarding schools for ethnic minority children; and MPS manages reform schools for children in conflict with the law. Besides supervisory activities within each ministry, intersectoral control is part of the mandate of the CPCC, mass organizations and others, to ensure that a child enjoys his/her rights in institutional care. For instance, an orphan is entitled to 15 kg of rice per month.

162. In principle, Vietnamese embassies or consulates are responsible for reviewing the care of children adopted by foreigners and recommending solutions when problems arise. However, there are still limitations to fully implementing the supervision of both domestic and international adoptions.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Disabled children (art. 23)**

#### **1. Legal provisions**

163. The Law on Education of 1998, article 9, stipulates that “education is both the right and obligation of citizens”; “the State gives priority to the disabled people to implement their right to and obligation in education”.

164. The Ordinance on People with Disabilities of 1998 stipulates that the rights of disabled people, including children, to rehabilitation, education and vocational training for social reintegration are assisted by the State and society.

165. Government Decree No. 55/CP of 1999 on concrete regulations for the implementation of a number of articles of the Ordinance on People with Disabilities, stipulates the reduction or suspension of fees and other contributions for disabled students.

166. Government Decree No. 26/CP of 1995 transferred responsibility for the education for disabled children, including the deaf, from MOLISA to MOET.

167. Government Decree No. 95/CP of 1994 provides that disabled people may benefit from reduced hospital fees or free hospital services.

#### **2. Implementation**

168. Currently there are an estimated 200,000 disabled children in Viet Nam.<sup>12</sup> Children with disabilities are one of the categories that need care.

169. The implementation and results of programmes and projects for children with disabilities in Viet Nam are as follows:

(a) The Operation Smile programme in the past few years has given back smiles to nearly 2,000 children in most provinces. This programme has been carried out by the Vietnamese Fund for Children, a unit of the CPCC, in cooperation with the health sector and international organizations;

(b) The Programme for Children's Eyesight started in 1998 in 19 provinces and cities has provided eye operations for nearly 300 children;<sup>13</sup>

(c) The community-based rehabilitation programme (CBR), conducted by the Ministry of Health, has been well implemented in 30 provinces. Up to now, 70 per cent of rehabilitated children have made progress and been socially reintegrated. This rehabilitation has been a multidimensional effort, focusing on health, education, vocational training and social mainstreaming. There is a network of institutions that serve disabled children: 64 centres, 2 camps, 10 SOS villages and many classes and centres at community level.<sup>14</sup> The CBR, started in 1987, together with other programmes has contributed to the improvement of the situation of people with disabilities, including children. Staff are trained in community-based rehabilitation skills to guide families to carry out daily exercises for their disabled children. This programme receives support from many NGOs, including Radda Barnen, Save the Children Fund/UK, World Vision, Dutch Komitee Twee, Handicap International, Health Volunteers Overseas, Vietnam Assistance for the Handicapped, and Catholic Relief Services. Efforts made in the UNICEF-supported expanded immunization programme have been fruitful in preventing diseases causing disability among children.

170. To facilitate the reintegration of disabled children into schools and communities, public education activities have been undertaken to build a spirit of sympathy, tolerance and inclusion towards disabled children. The national programme of universalization of primary education is one of the measures for disabled children. Pilot programmes to promote inclusive education have been developed by the National Institute for Educational Sciences, including special training for teachers. Inclusive education now covers 42 provinces, enrolling 42,000 disabled children in regular schools. In addition to inclusive education, there is a network of 80 special schools and centres under MOET assisting children with disabilities with special education, boarding, and pre-vocational training, enrolling about 4,000 children.<sup>15</sup> In these schools and centres, disabled children receive both education and vocational training.

171. In both State or local-run institutions, all costs, boarding and education are subsidized by the national budget. Many localities have a priority policy to allocate funds or mobilize resources from foreign organizations to invest in building institutions and purchasing equipment for teaching, learning and entertaining in these institutions. Between 1995 and 1998, the percentage of disabled children, orphans and street children who received the assistance from the State increased from 12 per cent to 16.8 per cent.

### **3. Limitations**

172. Although the community-based rehabilitation programme has produced certain successes, its coverage is limited. Moreover, there is still a big shortage of skilled workers for rehabilitation and of teachers for children with diverse disabilities, and especially a shortage of vocational training centres and schools for seriously handicapped children. There is still a large gap between both State investment and contributions from the people and the needs of disabled children.

#### **4. Future plans**

173. MOET will construct a special programme for the rehabilitation of disabled children.

#### **B. Health and health services (art. 24)**

##### **1. Legal context**

174. The Labour Code of 1994, article 120, stipulates the “prohibition on employing children under 15, except in certain jobs and work to be regulated by MOLISA”; article 121 stipulates “the employer can only use adolescent workers in such work as is appropriate for their health in order to ensure their physical, intellectual and behavioural development, and is responsible for attention and care for adolescent workers as regards labour, payment, and education in the process of work. It is forbidden to use juvenile labour in hard, dangerous work or in contact with harmful chemicals on the list of jobs regulated by MOLISA and MOH”; article 122, section 2: “Working time for juvenile workers shall not exceed 7 hours a day or 42 hours a week.”

175. The following also apply:

- (a) Government Decree No. 95/CP of 1994 on collection of partial hospital fee;
- (b) Government Decree No. 34/CP of 1996 on the implementation of the ordinance on the prevention and control of HIV/AIDS infection;
- (c) Prime Minister’s Decision No. 481/TTg of 1994 on the organization of the campaign to promote the use of iodized salt;
- (d) Prime Minister’s Decision No. 307/TTg of 1994 on the issuance of regulations on trading and use of breast milk substitutes in support of breastfeeding;
- (e) Prime Minister’s Decision No. 576/TTg of 1995 on approval of the national plan of action for nutrition;
- (f) Prime Minister’s Decision No. 224/1998/QD/TTg of 1998 adding the goal of under-5 child malnutrition control to the national programme on the elimination of transmitted diseases and dangerous epidemics under the management of the Ministry of Health;
- (g) Inter-Ministerial Circular No. 18/TT/LB of 1994 issued by the Ministry of Health, the Ministry of Trade, the Ministry of Culture and Information and the CPCC providing guidance on the implementation of Decision No. 307/TTg;
- (h) Inter-Ministerial Circular No. 09/TT/LB of 1995 of MOLISA and MOH issues regulations on harmful conditions and work for which adolescent labour is forbidden.

## 2. Implementation

176. The general trend in State spending for health has been upward. Between 1990 and 1997, State spending for health increased more than twofold, reflecting the very high priority the Government has placed on health. In 1997, health spending was 5.6 per cent of total State spending, about 3.4 per cent of GDP.<sup>16</sup> However, a lower proportion of State spending goes to the health sector than to the education sector.

177. Many child-focused health-care programmes have been successfully implemented in Viet Nam, including the Expanded Programme on Immunization (EPI), the Control of Diarrhoeal Diseases (CDD) project, the Acute Respiratory Infection (ARI) project, the Community-Based Rehabilitation (CBR) programme and the Protein-Energy Malnutrition (PEM) project for children under 5.

### Expanded Programme on Immunization (EPI)

178. The EPI programme began in 1981. By 1989, Viet Nam had achieved the goal of Universal Child Immunization, vaccinating 87 per cent of children under 12 months against six diseases: tuberculosis, diphtheria, pertussis, tetanus, measles and poliomyelitis. In 1996, coverage increased to 95 per cent. In 1997, the Government decided to introduce four new vaccines into selected high-risk areas in order to prevent Japanese encephalitis, viral hepatitis B, typhoid fever and cholera. The Government plans to extend these four vaccines to all risk areas by the year 2000.

179. The results of the EPI programme have been very encouraging. Incidence of EPI diseases is steadily decreasing. From 1994 to 1996, reported diphtheria cases dropped by 3 per cent, pertussis by 55 per cent, neonatal tetanus by 32 per cent, measles by 53 per cent, and wild polio virus by 93 per cent.

**Table 2**

#### National immunization coverage in children under 12 months, 1993-1998

	1993	1994	1995	1996	1997	1998
Rate	91%	94%	94%	95%	95.4%	95.1%

Source: MOH.

**Table 3**

#### Tetanus immunization coverage for pregnant women, 1993-1998

	1993	1994	1995	1996	1997	1998
Rate	71%	79%	82%	82.1%	83.53%	83%

Source: MOH.

### Control of Diarrhoeal Diseases (CDD)

180. The health sector developed this programme in 1982 in an effort to reduce the death rate from diarrhoeal diseases and has seen enormous success. From 1984 to 1994, the mortality rate of this disease among children under 5 has declined by 64 per cent and the incidence of diarrhoeal diseases has been reduced by 38 per cent.

**Table 4**

#### CDD project results, 1993-1997

	1993	1994	1995	1996	1997
No. of communes with programmes	8 556	9 227	9 631	9 800	9 758
Percentage of communes covered	87%	92%	95%	97%	96%

Source: MOH.

### Acute Respiratory Infection Project (ARI)

181. ARI causes the highest morbidity and mortality rates among children in Viet Nam, accounting for approximately 30-35 per cent of hospitalization cases among children under 5 each year. In addressing this problem, the ARI project has been widely implemented, successfully reducing mortality and morbidity rates in each region. For example, in some regions the rate of diarrhoeal episodes in children used to be 3-5 or 5-6 times per year, now reduced to 1.8-2.2 times/per year. The project's coverage area has been expanded.

**Table 5**

#### Results of ARI project, 1993-1998

Year	No. of provinces	No. of communes
1993	53	4 484 (44.8%)
1994	53	5 399 (53.9%)
1995	53	6 415 (62.7%)
1996	53	6 877
1997	61	7 667 (74%)
1998	61	9 116 (87%)

Source: MOH.

### Malnutrition Control Programme for children under 5

182. In 1994, about 45 per cent of Vietnamese children under 5 years old were underweight, 47 per cent were stunted and 11.6 per cent wasted. Micronutrient deficiency affected both women and children: xerophthalmia prevalence was seven times higher than the

WHO cut-off point; 94 per cent of the population aged 8 to 12 suffered from iodine deficiency disorders (IDD); iron deficiency anaemia (IDA) prevalence among children under 2 years old, pregnant and non-pregnant women were 60 per cent, 40.2 per cent and 52.7 per cent, respectively.

183. With assistance from UNICEF and other international organizations, the Government has been actively designing and implementing several nutrition programmes and projects to control all these forms of malnutrition. Recognizing nutrition as an outcome of multisectoral interventions, advocacy and social mobilization have been intensified to raise awareness and empowerment of both political leaders and community and family. Substantial financial support from the Government to nutrition programmes clearly reflects its high commitment to improving the nutritional status of women and children. About 30 billion D yearly have been allocated to the (PEM) programme and 60 billion D to the IDD programme.

184. Several nutrition-related events have been well organized to mobilize active annual participation in nutrition programmes, such as Micronutrient Days during Children's Month in June, Breastfeeding Week in August, and Nutrition and Development Week in October, the IDD Day in November and the vitamin A supplementation connected with the National Immunization Days in December. These events have greatly contributed to the success of the nutrition programme.

185. Breastfeeding has been promoted and expanded, concentrating initially on improving practices in the provincial and central maternity hospitals. So far 37 hospitals have successfully passed the assessment of the 10 steps required for successful breastfeeding, thus becoming "baby-friendly hospitals". Breastfeeding promotion is also an important part of the community-based nutrition education programme.

186. In 1998, a comprehensive national investment plan for the child nutrition sector was prepared and approved by the Government. This important document is highly appreciated and used by the international community in considering their potential financial support to the nutrition programme in Viet Nam.

187. The PEM control programme has been quickly expanded from pilot to nationwide scale with great support from the Government and organizations. Improved knowledge and behaviour of family members has gradually reduced PEM prevalence. A national survey in 1998 showed the PEM prevalence reductions: 39 per cent of Vietnamese children under 5 years old were underweight, 34.4 per cent were stunted and 10.6 per cent were wasted.

188. The rate of xerophthalmia was reduced to below the WHO regulation. At present, Viet Nam is the second country in the region where there is no xerophthalmia due to vitamin A deficiency. The clinical form of vitamin A deficiency has been virtually eliminated and this achievement is maintained. The Government considers vitamin A supplementation as a long-term strategy while other approaches like fortification and improved diet are promoted to eliminate the sub-clinical form of this deficiency in the near future.

**Table 6**

**Under 5 malnutrition rate (underweight)**

	1994	1995	1996	1997	1998
Rate	45.62	44.9	43.9	40.6	39.8

Source: MOH.

**Iodine Deficiency Disorders (IDD) control**

189. Substantial progress has been achieved in control of IDD. In addition to enormous financial support, the Government has issued a decree on compulsory universal salt iodization. By 1998, 63.6 per cent of households consumed adequately iodized salt. The Government plans to declare elimination of IDD by the end of 2005.

190. Due to the complexity and difficulty of controlling IDA, the programme started in 1998 and gradually expanded to 61 provinces and cities mainly with iron/folate supplementation and education. This programme is closely integrated with PEM control and vitamin A programmes for higher cost-effectiveness and efficiency.

191. There are a number of other programmes and activities that address women and children's health issues, such as tetanus prevention injections for pregnant women, developing baby-friendly hospitals, launching rheumatism prevention efforts, and implementing a Clean Water and Sanitation (WATSAN) programme. Other efforts include the Bamako programme, free medical consultation and treatment for poor children, family planning education, and public education campaigns on the importance of disease prevention. In order to implement the NPA, these programmes have relied on substantial State funding and international assistance, including capital loans from the World Bank and the Asian Development Bank and grants from other Governments.

**Table 7**

**Percentage of population with access to safe water and hygienic sanitation**

Safe water			Hygienic sanitation		
1994	1995	1996	1994	1995	1996
42.7%	45.2%	47.07%	25.5%	27.3%	29.03%

Source: GSO.

**Table 8**

**Infant mortality rate (IMR) per 1,000 live births**

Year	Under 1 year	Under 5 years
1989	37.4	59.7
1990	54.7	68.4
1991	44.3	53.5
1992	45.2	50.6
1993	43.3	-
1995	45.1	61.6
1996	45.2	61.6
1997	39.0	48.5
1998	39.0	48.5

Source: MOH.

**Table 9**

**Reduction rate of low-weight newborn infants**

	1995	1996	1997	1998
Low weight newborn	10.1%	9.5%	9.5%	9.5%

Source: MOH.

192. HIV/AIDS is spreading in Viet Nam. As of December 1998, there were approximately 11,300 reported cases of HIV and about 2,200 of AIDS. To reduce HIV/AIDS transmission, the Government has strengthened preventive activities and other measures, especially communication and advocacy activities aimed at eliminating the transmission of the disease. Efforts to control HIV/AIDS, prostitution and drug abuse have been coordinated. The health sector has focused on ensuring safe blood transfusions as well as monitoring the treatment of patients with HIV/AIDS in order to strengthen HIV/AIDS prevention during the care and support of infected patients, including children. The State has also started to train paediatricians who will specialize in the diagnosis and treatment of HIV-infected children, the management of HIV-infected mothers, and the early use of AZT in treatment. In addition, the National AIDS Committee has started HIV/AIDS prevention activities for children in Viet Nam, and UNAIDS has launched a public education campaign for children.

193. Commune health stations charged with primary health care offer a number of health-care services for mothers and children. These stations are staffed with from three to five government health workers, and each includes a midwife, obstetrician or paediatrician. Health care for

children in communes has had a positive impact on reducing the rate of common diseases and child mortality, especially the malnutrition rate. By 1997, about 22 per cent of health service stations in communes had medical doctors.

194. Health-care services for mothers provided by the commune health stations include: provision of care to pregnant women (pregnancy care, assistance in delivery, identification of possibly complicated pregnancies that may need the care of a higher-level hospital, tetanus vaccination, dispensing iron supplements to iron-deficient mothers, educating pregnant women on proper nutrition and rest practices); tetanus vaccination of women of reproductive age; other medical assistance.

195. Health-care services for children provided by the commune health stations include: vaccination; nutritional education, provision of medical supplements for children under 5, including iron to prevent anaemia, vitamin A to prevent some eye diseases and iodine to prevent goitre; public education and provision of medicine to prevent diarrhoea and acute respiratory infections.

196. In the future, State health workers should train village health workers and traditional birth attendants so they can work with commune health workers to care for women and children in the community.

## **2. Limitations**

197. The following challenges remain in the field of health care for children:

(a) The mortality rate of children under 24 hours old is still high. This indicates that emergency services for newborns at the local level are still inadequate as some poor districts do not have the necessary emergency equipment and means of transportation, and lack sufficient community organization and support for pregnant mothers;

(b) Some health indicators are still high: under-5 child malnutrition rate (39.8 per cent), anaemic pregnant women (52.7 per cent), anaemic children under 5 (45.3 per cent);

(c) Some childhood diseases that were once reduced, such as cholera and typhoid, are now re-emerging;

(d) Inadequate vaccine supply to cope with the Japanese encephalitis epidemic.

## **3. Future plans**

198. Beside continuing its further investment in the health sector, the State will encourage organizations and individuals to mobilize resources from the population and all economic sectors to develop health services in accordance with the State regulations.

## **C. Social security and childcare services and facilities (art. 26, para. 3)**

### **1. Legal context**

199. The following apply:

- (a) The Civil Code of 1995, article 32, section 1, states: “An individual shall have the right to safety of life, health and body”;
- (b) Government Decree 95/CP of 1994 on collection of part of hospital fees;
- (c) Statute on Social Insurance attached to Government Decree No. 12/CP of 1995 includes concrete regulations on the rights of parents with small children to social insurance;
- (d) Prime Minister’s Decision No. 167/TTg of 1994 stipulates that orphans under 16 years of age receive a monthly allowance at the commune level;
- (e) MOLISA Minister's Decision No. 869/LD-TBXH of 1995 issues regulations on the running of social centres that provide care for social target groups that include disadvantaged children;
- (f) MOLISA Circular No. 06/LD-TBXH guides the implementation of the Statute on Social Insurance attached to Government Decree No. 12/CP of 1995;
- (g) Intersectoral Circular No. 05/1999/TTLB LDTBXH-YT-TC of 1999 (MOLISA, MOH and MOF) guides the buying of health insurance for the target groups mentioned in Government Decree No. 95/CP of 1994.

### **2. Implementation**

200. Although the country is still poor and has numerous economic development priorities, the State has issued many legal documents and allocated a considerable budget to social development, including social security, in recent years. This investment is aimed at sustaining the minimum living conditions for the disadvantaged groups. In addition to the State budget, private enterprises and communities have been mobilized to contribute to the reduction of the disadvantages of these groups.

201. In strengthening measures to protect the life and physical security of all citizens, including children, provinces and cities continue to implement 1995 Government Decrees No. 36/CP on road and urban traffic safety, 1996 No. 39/CP on railway traffic safety and No. 40/CP on domestic waterway traffic safety. Ministries and agencies have coordinated to educate the population via the mass media on traffic safety and awareness of traffic rules, and to take strict measures against violations of safe traffic rules on roads, railways and waterways. Thanks to these efforts, traffic accidents in some provinces and cities have been considerably reduced. However, at the national level, traffic accidents remain a great concern, while the authorities are seeking further effective solutions. At present, the education of families and communities to protect the children from accidents has been carried out and strengthened.

## **D. Standard of living (art. 27, paras. 1-3)**

### **1. Legal context**

202. No change as compared with the previous report.

### **2. Implementation**

203. In Viet Nam, tradition dictates that every family and community reserve what is most precious for their children, in the belief that if children are better off than their parents, the family is happy.

204. Indicators on health, nutrition, education and care, economic development, general social improvement, and the impact of social programmes indicate that children's quality of life has improved greatly over the last six years. These changes have been fuelled in part by Government investments and social contributions. However, the country still faces many difficulties and challenges.

205. Renovating the country has required a two-tiered approach. On the one hand, the Government prioritizes economic development in order to alleviate poverty and underdevelopment. On the other hand, the Government has also focused on social programmes that help to bridge unequal development between geographical areas and demographic groups. Particular emphasis has been placed on social programmes, especially the National Programme of Eradicating Hunger and Alleviating Poverty, the National Programme on Job Creation, and the Social-Economic Development Programme in the Extremely Disadvantaged Communes (in the mountainous and remote areas), giving particular attention to the poor and disadvantaged families to enable them to increase their income and improving living standards to ensure the minimum conditions for children's development. In addition to providing allowances for poor families, the Government also offers loans to promote household economy and income generation. The Government has helped international organizations and NGOs identify poor areas and disadvantaged groups where their assistance is most needed, and women and children are the target groups for their direct or indirect assistance. Currently, about 80 per cent of the annual budgets of international NGOs working in Viet Nam finance projects for women and children.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education (arts. 28-29)**

#### **1. Legal context**

206. Beside those mentioned in the previous report, there are some additions:

(a) The Law on Education of 1998, articles 73-77, stipulates the tasks and rights of learners;

(b) Government Decree No. 73/1999/ND-CP of 1999 on the policy to encourage the socialization of activities in education, health, culture and sport;

(c) Prime Minister's Decision No. 51/1998/QD-TTg of 1998 on the establishment of the Credit Fund for Training;

(d) Inter-Ministerial Circular 14/TT/LB of 1994 issued by the Ministries of Education and Training and Finance outlines policies on school fees;

(e) Inter-Ministerial Circular No. 27/TT/LB of 1996 issued by the Ministry of Education and Training and the Ministry of Culture and Information establishes principles on coordinating the training of art and music teachers.

## 2. Implementation

207. In order to implement its education goals, the Government has regularly increased the budget of the education sector. State spending on education rose from 12.7 per cent in 1995 to nearly 15 per cent in 1998.<sup>17</sup> The Government has issued a policy to encourage organizations and individuals to mobilize resources in the population and all economic sectors to promote all forms of education besides the public one. The Government also mobilized resources from abroad to support this programme (including loans from the World Bank).

208. The Government has applied many measures to increase the enrolment rate at all education levels.

**Table 10**

### Enrolment in pre-school education, 1993-1998

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998
Number of pupils	1 659 200	1 777 000	1 931 600	2 092 501	2 245 661
Percentage	34.18%	27.4%	28.98%	37.14%	38.90%

Source: MOET.

**Table 11**

### Gross enrolment ratio in primary education, 1993-1998<sup>18</sup>

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998
Number of pupils	9 885 083	10 047 564	10 218 169	10 348 964	10 437 700
Enrolment as a % of total number of children from 6-10 years old	109.40%	110.95%	112.01%	111.89%	110.55%

Source: MOET.

209. Drop-out rates have declined to less than 10 per 100 students at all levels, and the percentage of students repeating a grade is below 5 per cent for all levels.<sup>19</sup>

**Table 12**

**Drop-out and repeat rates in primary and basic secondary education, 1992-1998**

School year	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998
Number of primary pupils	9.72 million	10.04 million	10.20 million	10.37 million	10.43 million
Repeats	6.2%	5.1%	4.8%	4.36%	3.64%
Drop-outs	6.6%	6.9%	7.2%	6.42%	5.84%
Number of junior secondary school pupils	3.10 million	3.67 million	4.86 million	4.86 million	5.25 million
Repeats	3%	2.6%	2.4%	2.31%	
Drop-outs	2.5%	7.4%	9.4%	8.08%	

Source: MOET.

210. With the objective of achieving education that trains Vietnamese citizens in comprehensive development with ethics, intelligence, health, art and career, the education sector has created conditions for the children to realize fully their right to education. Therefore, in past years Vietnamese students have won many prizes in international competitions.

211. Besides formal education, the Government has developed non-formal classes for children such as complementary classes, alternative basic education classes for disadvantaged children, multi-grade and bilingual-education schools for ethnic minority children, and summer illiteracy eradication classes for children (undertaken by youth and students). These new approaches have helped to decrease the out-of-school rate.

212. The education sector has also developed a system of vocational training. This system was designed to attract children who have completed their primary or junior secondary education but do not have the opportunity to pursue senior secondary education. The Government is also working with communities and social organizations to reduce the number of out-of-school children. Disabled children have been enrolled in special schools and classes that offer appropriate study conditions, treatment, and reintegration into regular schools. The Government has also introduced primary and basic secondary education in reform schools.

213. At present, all students of primary education pay no school fee. For students of other education levels, the Government has a policy of reduced or no school fee for target groups such as those who enjoy the social policy or poor ethnic students in the most disadvantaged socio-economic areas, unaccompanied orphans, disabled children and children in extremely difficult circumstances (students from poor families only contribute 50 per cent of the school fee).

214. In addition to central and regional teacher training colleges, provinces have their own teacher training colleges and centres. To improve the teaching standard, the State issued a policy to offer regular intensive training in both knowledge and career.

215. At present, MOET has had an instruction to guide and improve the quality of teaching and readjust the extra teaching and learning of both teachers and students, to ensure the quality of the teachers.

216. In schools, beating or corporal punishment as well as discrimination as regards sex and ethnicity are strictly prohibited. The disciplinary measures used in schools are to educate, not punish. Students' personalities and dignity are to be respected at school.

### **3. Limitations**

217. In rural, remote and mountainous areas, there are still many children aged from 6 to 14 who are not enrolled, have dropped out or repeat (especially girl children), for many reasons including the shortage of schools and classrooms or the long distance from their villages to schools. Legal provisions on birth registration have yet to be implemented seriously and fully in a number of localities, especially in the mountainous and remote areas. A large number of children have no birth certificate or residence registration which causes difficulties with their school enrolment.

218. There is a shortage of teachers as well as teaching materials, especially in mountainous areas. In the 1997/98 school year, there was a shortfall of 50,000 teachers at the primary school level, 38,000 in lower secondary and 15,000 in upper secondary.<sup>20</sup> Cultural and language barriers are one of the obstacles to sending lowland teachers to ethnic minority areas. This also contributes to poor teaching quality.

219. For the poor families, when facing a choice, they choose the male child to continue learning. At present, there are no statistical data on the enrolment and drop-out rate as regards gender.

220. While many poor students cannot go to school or drop out of school, children of well-off families in big cities must learn too much (extra learning beside classes), and they are short of time for recreational activities.

### **4. Future plans**

221. Beside the allocation of more funds from the budget for the education sector, there must be appropriate measures for effective implementation of the Government Ordinance on the socialization of education, health, culture and sport.

## **B. Leisure, recreation, and cultural activities (art. 31)**

### **1. Legal context**

222. The following apply:

(a) The Land Law of 1993, article 58, stipulates: “The land used for public purposes is for the construction of ... schools, hospitals ... and children’s recreational centres”;

(b) Prime Minister’s Decision No. 21/TTg of 1993 sets policies on publishing books, newspapers and films for children;

(c) Inter-Ministerial Circular No. 18/TT/LB of 1994 issued by the Ministry of Culture and Information and MOET on coordination to promote cultural, artistic and communication activities in schools;

(d) Inter-Ministerial Circular No. 24/TT/LB of 1994 issued by the Ministry of Finance, the Ministry of Culture and Information and the Youth Union defines the system of financing Children’s Cultural Houses.

### **2. Implementation**

223. In recent years, central and local authorities have funded and built children’s cultural houses and recreational centres at provincial and district levels. Children’s cultural houses are the sites of cultural performances, concerts and activities for children including sports and recreational classes. The total number of district children’s cultural houses increased from 97 in 1990 to 226 in 1998.<sup>21</sup> Most provinces and cities have cultural houses at the province and city levels. International organizations and the public have also supported this endeavour. Many local People’s Councils have reserved land for children’s recreational activities, with more than 50 per cent of the districts in the country having recreational centres or cultural houses for children. From 1992 to 1998, the Government spent more than 20 billion dong on recreational equipment and summer activities in cultural houses and recreational areas for children, and hundreds of billions of dong in 1997 alone to construct and upgrade children’s cultural houses and recreational centres.

224. The Government has subsidized and supported children’s mass media cultural and artistic programmes. All of these activities aim to ensure a child’s right to enjoy recreational activities. The number of books published in Viet Nam increased from 2,923 (circulation 62,145) in 1990 to 8,186 (circulation 169,800) in 1995. The number of children’s books increased from 365 in 1990 to 850 titles per year, with circulation at 9.2 million copies. The number of magazines and newspapers for children’s use increased from 6 in 1990 to 15 in 1998. From 1993 to 1998, the Government spent 54 billion dong on books and magazines to be distributed free to children in remote and ethnic minority areas. The local authorities also subsidize the tickets for cultural performances for children in mountainous and ethnic minority areas.

### **3. Limitations**

225. Some progress has been made in creating conditions for children to realize their right to recreational activities. However, since Viet Nam's economy is still so underdeveloped, other aspects of child rights have a higher priority. While government funding has increased yearly, it still fails to meet the ever-increasing needs of the children in this field. Persuading international organizations to support the recreational needs of children has also been difficult because these organizations often have other funding priorities. Some places have recreational centres but lack human resources and methods of organizing activities, so children's demands for cultural and spiritual development are not yet fully met.

226. Children are also at risk of being exposed to pornographic material and violent toys and games, mostly smuggled from abroad.

### **4. Future plans**

227. Apart from increasing State investment in developing recreational centres for children, the State encourages both organizations and individuals to mobilize resources from the population and all economic sectors to develop recreational centres for children as provided by the law.

## **VIII. SPECIAL PROTECTION MEASURES**

228. Over the last few years, Viet Nam has shifted its focus to child protection, which will be a focus area for programmes and activities for children up to the year 2000. The objective of protecting and caring for children in especially difficult circumstances (CEDC) is expanded from the NPA and developed into the National Programme of Action for Special Protection of Children 1999-2002. The approval of this programme has shown the Government's determination to enhance child protection and care in order to achieve the goal by the year 2002, i.e. "to create a big change in awareness and action in the whole society for protection of children as well as to prevent, reduce and basically settle the problems of street children, children working in toxic and heavy conditions, children abused physically, health, honour and children in conflict with the law".

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

229. Because of the war, a significant number of Vietnamese people have left Viet Nam. The Government of Viet Nam has actively coordinated with the Governments of relevant countries and UNHCR to carry out the Comprehensive Programme of Action (CPA). Under this programme, more than 100,000 former asylum-seekers have returned to Viet Nam from refugee camps since 1989. This includes 4,200 unaccompanied minors. UNHCR has recognized the Government's good will and its efforts to implement this programme, especially the Unaccompanied Minors Repatriation Programme (UNAM). This repatriation was conducted according to the goals agreed upon by both parties, facilitating returnees' (voluntary or orderly) reintegration into society without discrimination.

230. Children in the camps, many of whom were born there, did not enjoy civil rights or appropriate protection and care. Conditions were created for returnee children to resume their education. Their families have been given loans for production activities. Viet Nam has coordinated with the European Union and other international organizations in developing an assistance programme that includes a school allowance for children and the building of new schools, vocational centres, health stations and other institutions. By April 1997, 1,500 returnee children had benefited from this assistance programme. In addition, the Government, with its greatest effort, is cooperating with other relevant countries and international organizations, especially UNHCR and the International Organization for Migration (IOM), to return children who have been illegally trafficked abroad.

## **2. Children in armed conflicts (art. 38)**

231. As explained in the previous report, in Viet Nam, there are no children involved in armed conflicts. However, the country still suffers heavily from the consequences of the long wars. Thousands of children whose fathers or mothers were exposed to defoliants and toxic chemicals, including Agent Orange, during the war suffer disability, deformity, or other long-term health problems.

## **B. Administration of juvenile justice (art. 37)**

### **1. Legal context**

232. The fundamental rights of children are protected by the general legal system, including:

(a) The Ordinance on Sanctions against Administrative Violations. Article 5, section 1 (a), stipulates the age of administrative responsibility for juveniles; article 6 defines the levels of administrative sanctions for juveniles; article 21 stipulates the application of educative measures at communes, wards or towns for repeat offenders and drug addicts whose actions are so serious that they need to be sent to reform schools; article 22 stipulates the types of juvenile delinquents to be sent to reform school; and articles 60-66 define the procedures for sending juvenile delinquents to reform schools;

(b) Government Decree No. 19/CP of 1996 stipulates the regulations on the education of offenders at the communes, wards and townships;

(c) Government Decree No. 33/CP of 1997 stipulates the regulations on reform schools.

### **2. Implementation**

233. Viet Nam is now in the process of studying possible amendments to the 1995 Penal Code, the 1988 Penal Procedure Code and other legal instruments to harmonize national legislation with the Convention. Revised drafts are being prepared with reference to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Riyadh Guidelines, the Beijing Rules and the Convention. These revisions focus on ensuring the best interest of the child, and imposing imprisonment or detention as a last resort.

234. The intent of the treatment of juvenile crime is mainly to educate and assist juvenile offenders to correct their mistakes, to encourage their healthy development, and to help them become useful citizens. In the penal procedures, only children of 14 full years of age and above can be criminally indicted or accused. For children in conflict with the law, the prosecutors' offices and the courts aim to apply primarily educational and preventive measures; schools, families and communities also participate actively in these measures.

235. Representatives from the Women's Union, schools, the CPCC or the Youth Union are always present during the process. The Bar Association also sends representatives to observe the investigation process and the trials to safeguard the rights of the accused. Juvenile offenders have the right to defend themselves at court or to be represented by their guardians. Children can also be witnesses in these trials.

236. In order to enhance the educative rather than punishment measures, only the following categories of children in conflict with the law would be sent to reform schools (as a type of administrative sanction): those from 12 full years of age to under 14 years old committing serious crimes as defined in the Penal Code; those from 12 full years of age to under 16 years old convicted of less serious crimes as defined in the Penal Code and who were educated by the local authority and community many times but did not change; those from 12 years old to under 18 years old violating administrative rules on order and social security and who were educated many times by the local authority and community but did not change (as defined by the law). These children in conflict with the law would be provided with general and vocational education and work and live under the schools' management. Viet Nam now has five reform schools for repeat juvenile offenders who are not to be prosecuted for their criminal acts (in 1992, there were only two reform schools). These schools have been improved in many aspects, focusing on education.

237. Although Viet Nam still faces numerous economic challenges, efforts have been made to build separate detention units for juvenile offenders who are sentenced to prison. Families and communities are able to visit and assist these children. There is no official prejudice against juvenile offenders after they have graduated from reform schools or served a prison term. Local authorities, communities and families, especially the Women's Union, the Youth Union and the local CPCC, coordinate efforts to reintegrate them into normal life.

238. Education campaigns on legislation relating to children have helped to raise awareness and improve the situation of children in conflict with the law. The Ministry of Public Security and the CPCC have conducted national training workshops on child rights for jail managers and key correctional officers and teachers at reform schools. Child rights handbooks have been distributed to officials in detention centres and reform schools and other correctional officers. The CPCC, in coordination with the Ministry of Justice, has also organized training workshops on juvenile justice for key prosecutors, police officers, judges, correctional officials and other law enforcers, officials, staff of the CPCC and officials from the mass organizations at various levels.

### **3. Limitations**

239. Due to budget limitations, the living conditions of children in conflict with the law in detention centres have not really improved. In addition, there are still limitations in enforcing judicial measures applicable to juveniles.

### **4. Future plans**

240. More communication activities and training will be provided for those who work with children in conflict with the law at local levels. On the basis of the recommendations of the Committee on the Rights of the Child, Viet Nam is also continuing to study and develop the juvenile justice system in a way that is suitable to the situations and conditions of Viet Nam.

## **C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)**

241. Regular public education campaigns about the protection and care of children have urged families and communities to help prevent violations, especially in cases where illegally imported pornography contributes to these violations. Additionally, the monitoring of the implementation of child rights is being strengthened in each sector and region, and intersectoral supervision and control have been regularly carried out. The public is encouraged to report violations against children to the appropriate legal agencies.

242. In large cities, some rehabilitation centres for child victims of labour exploitation and sexual abuse have been established and worked effectively in recent years, especially in Ho Chi Minh City. Children who have been the victims of abuse and exploitation in these cities may now be brought to child counselling and medical treatment centres, where they receive physical and psychological treatment. Where possible, these children have been helped to reintegrate into families and communities, while others were sent to general or vocational schools to acquire skills to help them to earn a livelihood.

243. However, it is difficult to develop a contingent of skilled volunteer social workers in rehabilitation and reintegration. Moreover, there is excessive strain on the State budget to assist in care and integration of exploited children into families and communities as well as to establish and support rehabilitation and reintegration centres. This process requires a more stable funding source.

244. In the near future, the CPCC will coordinate with MOLISA to study and develop reasonable policies for these workers, especially those who work with children.

## **1. Economic exploitation of children, including child labour (art. 32)**

### **(a) Legal context**

245. The Labour Code 1994, article 6, states that “A labourer must be at least 15 full years old, have the ability to work, and have a labour contract”; article 119, section 1, stipulates: “A juvenile labourer is one who is under 18 years of age”; section 2 of this article stipulates:

“It is strictly forbidden to misuse the labour of minors”; article 120 stipulates: “It is forbidden to employ children below 15 years of age, except in some occupations designated by MOLISA”; article 121 stipulates: “An employer is allowed to employ minors only for jobs suited to a minor’s health in order to protect the development of their physical and intellectual conditions as well as their personality, and has the responsibility to take care of the minor labourers’ work, salary, health and education during their working process. It is strictly forbidden to use minors in hard or dangerous jobs or in work which requires frequent contact with noxious substances named in the list provided by MOLISA and MOH”. Government Decree No. 38/CP of 1996 stipulates the administrative sanctions for violations of labour legislation.

246. The following also apply:

(a) Prime Minister’s Directive No. 06/1998/CT-TTg of 1998 on strengthening the protection of children, prevention and control of street children and child labour;

(b) Inter-Ministerial Circular No. 09/TT-LB of 1995 of MOLISA and MOH defining hazardous working conditions and jobs in which the employment of juvenile labourers is prohibited.

**(b) Implementation**

247. Most children in Viet Nam help their parents in household activities according to their evolving capacity. That is a condition for forming and developing the personality of the child.

248. Viet Nam has developed a plan of action as follow-up to the 1997 International Conference on Child Labour held in Oslo. In implementation of the Prime Minister’s Directive No. 06/1998/CT-TTg, many intersectoral inspection tours on child labour have been conducted at national and local levels. In some communities, there have been preliminary surveys on child labour. The surveys and inspection tours have shown that there is no child labour in government enterprises, factories, or joint ventures. A recent CPCC survey of children working in the private service industry found that among 215 working children, 36 per cent were girls, 28.8 per cent worked in restaurants, and 41.9 per cent worked in electrical services. The rest worked in service jobs in private homes, washing cars or motorcycles, or repairing bicycles. In addition, other government agencies and social bodies have conducted research on child labour in big cities with support from international NGOs

249. In 1998, the CPCC, in coordination with MOLISA and MPS, organized a National Conference on Street Children in Focused Areas. Over 30 models of 17 provinces were presented for discussion and exchange. Prime Minister Phan Van Khai attended and made a statement on enhancing the responsibility of society, families and local authorities in the prevention and settlement of this issue in a close linkage with local socio-economic tasks.

250. MOLISA, in cooperation with the Viet Nam General Federation of Trade Unions and the CPCC, has disseminated legislation regarding labour in general and other legal provisions concerning child labour at various levels, and has also enhanced the inspection and monitoring of

the implementation and the handling of violations of the Labour Code. Local authorities have since cracked down on the use of child labour in several private gold mining ventures in Bac Can, Nghe An and Quang Nam provinces.

251. The Government has implemented national socio-economic programmes for rural development to reduce the disparity between urban and rural areas, to tackle the root cause of labour migration from the countryside to urban areas, including of children.

**(c) Limitations**

252. In rural areas, families that have limited labour resources and are under severe economic pressure often expect their children to work many hours, limiting a child's education and development.

253. Working children suffer from educational disadvantages due to time constraints. Currently, little support is available to these children except alternative basic education classes.

254. In the market mechanism, forms of child labour are diversified. However, there are still insufficiencies in the State management and control of child labour.

**(d) Future plans**

255. In the future, there will be a priority for children in national programmes for poverty alleviation and job creation.

256. The Government will implement the National Programme of Action for Special Protection of Children in Difficult Circumstances in the period 1999-2002. In the programme, the child labour issue will be addressed through various concerted economic, social, communication and educational measures. Priority will be given to expansion and diversification of educational and vocational training models for working children.

257. Intersectoral inspection, supervision and monitoring as well as handling of violations will be strengthened and reinforced.

## **2. Drug abuse (art. 33)**

**(a) Legal context**

258. The following apply:

(a) The 1997 Law on Amending and Supplementing the Penal Code, article 185d on the crime of transportation of an addictive substance; article 185d on the crime of illegal buying and selling of an addictive substance; article 185i on the crime of organizing the illegal use of an addictive substance; and article 185m on the crime of encouraging others to use an illegal addictive substance;

(b) Government Resolution No. 6 of 1993 on prevention and control of drug abuse;

(c) Prime Minister's Decision No. 686/TTg of 1997 on establishment of the National Committee on Prevention and Control of Drug Abuse;

(d) Prime Minister's Decision No. 138/1998/CT-TTg of 1998 which ratifies the National Programme for Criminal Control and Prevention;

(e) Prime Minister's Decision No. 139/1998/CT-TTg of 1998 which ratifies the National Programme of Action for Drug Control 1998-2000;

(f) Prime Minister's Decision No. 134/1999/QD-TTg of 1999 which ratifies the National Programme of Action for Protection of Children in Especially Difficult Circumstances 1999-2002;

(g) The MOET Minister's Directive No. 24/GD-DT of 1996 on strengthening drug prevention and control in schools.

**(b) Implementation**

259. The Party and the Government have adopted policies to eradicate drug addiction absolutely, especially drug addiction among children in general and among schoolchildren in particular. The Government has confirmed that this is a long and constant struggle to be undertaken by all sectors at all levels as well as by all mass organizations and also by each family.

260. In the past, the prevention and control of drug abuse has achieved important results thanks to the active implementation of policies set by the Party and the Government. However, drug trafficking and addiction have not been checked effectively and are increasing, which has become a burning problem. According to a report from the National Committee on Prevention and Control of Drug Abuse, as of December 1998, there were about 8,600 drug addicts (of whom about 4,000 were children).

261. At present, the Government has focused on directing the implementation of the National Programme for Criminal Control and Prevention, the National Programme of Action for Drug Prevention and Control and the National Programme of Action for Protection of Children in Especially Difficult Circumstances 1999-2002, which has a project on Prevention and Control of Drug Abuse among Children. On the other hand, the General Plan on Drug Prevention and Control 1999-2000 will be further implemented.

262. The line agencies and ministries in coordination with the Central Committee of the Fatherland Front and other mass organizations have enhanced the role of communities and schools in eradicating this evil among children.

263. Public education activities aimed at families, communities and schools have been strengthened in order to improve public awareness about the danger of drug addiction. Many special items on drug prevention and control have been developed in radio broadcasts, newspapers and other mass media. The National Committee on Drug Prevention and Control has been established.

264. Public education on destroying and not recultivating opium plants and on giving up drugs has been undertaken among ethnic people of focused provinces, coupled with a crop-substitution scheme to replace opium plants with other cash crops or to raise cattle. These activities have shown many encouraging results. During the period 1996-1998, in a crackdown on drug-smuggling networks, many drug-smugglers and dealers were prosecuted and sentenced.

**(c) Future plans**

265. These are to continue to complete the legislation on drug prevention and control, to develop the draft law on drug prevention and control and to supplement and amend the Penal Code, the Criminal Procedure Code and the ordinance on the organization of criminal investigation. On the other hand, international coordination, especially with neighbouring countries, on drug prevention and control will be strengthened.

266. The management system will be enhanced and the enforcement forces on drug prevention and control will be improved, especially at local levels. The Ministry of Public Security will join efforts with line ministries, agencies and localities to track down the drug criminals. The National Committee on Prevention and Control of Drug Abuse will coordinate with related localities to check out and destroy completely the opium plants coupled with crop substitution and improving production in order to ensure the people's livelihood. MOLISA will study a policy of simultaneously providing treatment, vocational training and jobs for drug addicts as well as coordinating with line agencies to set up two regional treatment centres for drug addicts.

**3. Sexual exploitation and sexual abuse (art. 34)**

**(a) Legal context**

267. The following apply:

(a) The 1997 Law on Supplementing and Amending some articles of the Penal Code, article 112a on the crime of child rape, article 113a on the crime of forcing a minor to have sex, article 114 on the crime of having sexual intercourse with children, article 202 on the crime of harbouring or procuring prostitution, article 202a on the crime of buying sex with a minor, article 202b on the crime of committing a lewd act with a minor, and article 39 on details resulting in more severe punishment for these crimes;

(b) Government Resolution No. 5 of 1993 on prevention and control of prostitution;

(c) Government Decree No. 88/CP of 1995 stipulating administrative sanctions in cultural activities and services, and handling serious social evils;

(d) Prime Minister's Decision No. 822/TTg of 1997 on the ratification of the National Plan of Action for the Advancement of Women in Viet Nam up to the year 2000;

(e) Prime Minister's Decision No. 138/1998/CT-TTg of 1998 which ratifies the National Programme for Criminal Control and Prevention;

(f) Prime Minister's Decision No. 134/1999/QD-TTg of 1999 which ratifies the National Programme of Action for Children in Especially Difficult Circumstances 1999-2002;

(g) Prime Minister's Directive No. 766/TTg of 1997 which defines the responsibilities of ministries to take measures to prevent the illicit trafficking of women and children abroad.

**(b) Implementation**

268. In recent years, due to many reasons (including the illegal importation of pornography, local poverty, deterioration of illegally rich people and the influence of a materialistic way of living), crimes, including sexual offences against children, are showing an increasing tendency. Street children and those children who have moved from rural to urban areas are particularly vulnerable to sexual abuse and being lured into prostitution. In 1989, 2.9 per cent of the prostitutes in Viet Nam was younger than 18. In 1997, survey figures indicated that this number had risen to 13 per cent. This population is especially vulnerable to poverty, abuse, violence and trafficking. They tend to be illiterate, uneducated about pregnancy and HIV/AIDS prevention, and receive inadequate health care for sexually transmitted diseases. Legally, child prostitutes are considered victims, not criminals.

269. Public education to enhance people's awareness of the danger of this evil has been undertaken in the mass media as well as disseminated directly to the people. Cases of sexual abuse and sexual exploitation of children have been punished as defined by the law. Nevertheless, in many cases the child or the family does not report the abuse to the law enforcement authorities for various reasons. Currently, counselling centres in districts (which offer counselling on legislation, psychology, health care for children and also for families) and various models of caring for street children in the community (warm shelter, drop-in centres, etc.) have been working effectively. In addition, the Women's Union and CPCC at the precinct and commune levels provide counselling on legislation, psychology and health care to families and children, as well as report the violations, contributing to the child protection network.

270. In addition to directing the implementation of the programme on prevention and control of prostitution, the Government focused on directing the implementation of the 1995 Decree No. 87/CP on strengthening the control of cultural activities and services and eliminating serious social evils, including prostitution.

271. After the Penal Code was amended in 1997, the Ministry of Justice, the Ministry of Public Security, the People's Supreme Office of Prosecutors and the People's Supreme Court organized training courses for police officers, judges, prosecutors and lawyers on how to execute the new articles. According to these articles, defendants convicted of sexual abuse and exploitation of children are now subject to harsher sentences.

272. In addition to amending existing legislation, the State has increased funding to high-risk regions, especially through the Poverty Alleviation Programme and the National Programme on Job Creation. The mass media have tried to raise public awareness on prevention and control of this evil in the community. At present, some models on care, rehabilitation and reintegration for the child victims have been developed.

**(c) Limitations**

273. There is currently a shortage of effective rehabilitation (especially psychological rehabilitation) and reintegration skills, which require further training as well as more funding.

**(d) Future plans**

274. In responding to the Plan of Action of the World Congress against Commercial Sexual Exploitation of Children (Stockholm, 1996), the CPCC will, in coordination with MOLISA, MPS, the National Committee on Drug Prevention and Control and the Provincial People's Committees, carry out the National Programme on Special Protection of Children in Especially Difficult Circumstances 1999-2002.

275. The Programmes on Hunger Eradication and Poverty Alleviation and on Job Creation will continue to focus on high-risk regions and poor families.

**4. Sale, trafficking and abduction (art. 35)**

**(a) Legal context**

276. The following apply:

(a) The 1992 Law on Supplementing and Amending some articles of the Penal Code, article 149, states that a prison sentence of one to seven years will be imposed on anyone convicted of kidnapping, trading in or fraudulently exchanging a child. The sentence will be from 5 to 20 years for cases involving organized crime, overseas trafficking of a child, more than one child, causing serious affects, and repeat offenders;

(b) Prime Minister's Decision No. 138/1998/QD-TTg of 1998 ratifies the National Programme for Criminal Control and Prevention;

(c) Prime Minister Decision No. 134/1999/QD-TTg of 1999 ratifies the National Programme of Action on Protection of Children in Especially Difficult Circumstances 1999-2002;

(d) Prime Minister's Directive No 776/TTg of 1997 defines the responsibilities of ministries to take measures to prevent the illicit trafficking of women and children abroad.

**(b) Implementation**

277. In recent years, the trafficking and abducting of children across national borders, especially for the purpose of prostitution abroad, has become a serious problem. The increasing number of children being trafficked across the border for prostitution or adoption is of great concern to the Government and the families.

**Table 13**

**Cases of child trafficking, 1993-1996**

Year	No. of cases tried	No. convicted
1993	290	542
1994	194	336
1995	219	370
1996	274	549

Source: MPS.

278. According to surveys, there are currently several channels through which the traffic of women and children is conducted. This includes smuggling routes via the northern border with China and the south-western border with Cambodia, and operations by fake matchmaking services, travel agencies and international job promotion services.

279. In order to implement the Prime Minister's Directive on this issue, relevant ministries and regions have developed plans to inhibit the trafficking of women and children across the border. The Viet Nam Women's Union has developed and implemented a programme of prevention and control of this evil. The line agencies have investigated and eliminated criminal networks to be tried by the law. The mass media have stepped up efforts to educate and warn the public about this danger and to encourage individuals to report any signs of women and child trafficking to the authorities. At the same time, government agencies have coordinated with international organizations and other countries to develop and implement plans to stop cross-border trafficking. INTERPOL Viet Nam has also participated in this process. When information on children trafficked to another country is received, related government agencies coordinate to bring them back. In the first six months of 1997, three children who were trafficked or abducted to two neighbouring countries were returned to Viet Nam. These children have been reintegrated into their families and communities after receiving rehabilitation and medical treatment.

280. Viet Nam has also been active in participating in various regional initiatives to combat child trafficking as well as in initiating bilateral agreements concerning this issue.

**D. Children belonging to a minority or an indigenous group (art. 30)**

**1. Legal context**

281. Article 5 of the Constitution stipulates: "The Socialist Republic of Viet Nam is the unified State of all nationalities living on the territory of Viet Nam. The State carries out a policy of equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division. Every nationality has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, practices, traditions and culture. The State carries out a policy of comprehensive development and gradually raises the material and spiritual living conditions of the national minorities."

282. The 1998 Law on Nationality (which replaces the one adopted in 1988), article 1, section 1, stipulates: “In the Socialist Republic of Viet Nam, each individual is entitled to have a nationality. No citizen of Viet Nam can be deprived of his/her nationality except cases prescribed in article 25 of this Law”; section 2 of this article stipulates: “All ethnic groups who live in Vietnamese territory have equal rights to Vietnamese nationality.”

283. The 1998 Law on Education, article 5, section 2 stipulates: “The State creates favourable conditions for the ethnic minority people to learn the language and the script of their ethnic groups”; article 9 stipulates: “... the State gives preference to and creates conditions for children of ethnic minorities ... to exercise their right and discharge their obligation to learn”; article 56 states: “The State establishes boarding general schools, semi-boarding schools and pre-university schools for children of ethnic minorities, and children from families who have settled permanently in socio-economically extremely difficult areas, which will help to train the local workers for these areas” and “The boarding general schools, semi-boarding schools and pre-university schools will be given priority in the assignment of teachers, material bases, equipment and budget.”

284. The following are also relevant:

(a) Prime Minister’s Decision No. 133/1998/QD-TTg of 1998 ratifying the National Programme on Hunger Eradication and Poverty Alleviation, 1998-2000;

(b) Prime Minister’s Decision No. 135/1998/QD-TTg of 1998 ratifying the National Programme for Social and Economic Development for the Especially Difficult Communes in Mountainous and Remote Areas;

(c) Prime Minister’s Decision No. 184/1998/QD-TTg of 1998 ratifying the Overall Plan on Socio-Economic Development for the High Plateau up to the year 2010.

## **2. Implementation**

285. In order to create favourable conditions for the ethnic minority people to overcome their backward and poverty-stricken situation, to gradually improve their material and spiritual life and to integrate them into the mainstream of the country, the Government has worked out the above-mentioned decisions and directed the implementation of a number of policies in all fields, giving investment priorities to the following projects: the building of infrastructure; supporting production and promotion of jobs; credits for the poor and providing basic social services (such as education and health) and other essential commodities; radio and television broadcasting coverage; training cadres from ethnic minority groups.

286. In 1998, the Government identified 1,715 difficult communes, among them 1,000 especially difficult ones, in extremely difficult social and economic situations, for focused government funding and international assistance to carry out the above-mentioned projects so as to eradicate hunger, alleviate poverty and accelerate socio-economic development in these areas.

287. At present, international organizations and NGOs provide support to development projects in ethnic minority areas. One example is the Ethnic Minority Development Project, which has provided integrated basic services for about 90,000 children of vulnerable ethnic minority groups. UNICEF has a project on multigraded and bilingual education, etc. Ethnic minority children are among the beneficiaries who have been given priority by the State.

288. At present, in addition to the general boarding schools at central level, the Government has developed many general boarding schools and semi-boarding schools in provinces, districts and groups of communes with ethnic minorities: in the school year 1997/98 there were 10 national schools, 42 provincial schools, 182 district schools and 35 schools for clusters of communes, with nearly 50,000 pupils. In addition, there are hundreds of semi-boarding schools established by the local population and boarding schools funded by the local population in communes or clusters of communes. Vietnamese is the official language in schools; meanwhile, the State has created conditions for ethnic minorities to study the language and script of their own ethnic groups. In these schools, besides the textbooks in Vietnamese there are textbooks available in seven ethnic minority languages (Khmer, Cham, Ede, Bana, Kho, Hmong, Chinese). In addition to the regulation under which schooling is free for children of mountainous and highland areas (except the ones in cities and towns), there are other advantages for ethnic minority schoolchildren such as subsidies for textbooks and stationery, or being given preference for university entrance. Apart from their salary, teachers working in mountainous, remote and island areas are provided with special subsidies.

289. In an effort to improve primary education and literacy for ethnic minority children and women, the Government is promoting multigrade teaching and bilingual education in Vietnamese and ethnic minority languages.

290. Health care is free of charge for ethnic minority people.

### **3. Limitations**

291. In Viet Nam there are 53 ethnic minority groups (approximately 10 million people, accounting for about 13 per cent of the total population). Some ethnic minority groups are among the poorest people. The average annual income in these areas, estimated to be US\$ 80 per year, is far below the national average. At present, the disparity between the highland and lowland populations is growing. Improving access to basic social services for ethnic minorities remains a major challenge for Viet Nam.

292. Ethnic minority children also generally lack access to appropriate information and education about child rights. The Convention has not yet been fully translated into ethnic minority languages, although some pamphlets and summaries are available.

293. Indicators on universalization of primary education and literacy among ethnic minority areas are still low (the literacy rate is about 70 per cent, the percentage of children enrolled in primary school is very low; about 50 per cent of primary school-aged children not in school in Viet Nam are ethnic minority children), which are great challenges to the Government. There are still traditional practices and traditions that discriminate against women and girls. Girls in

ethnic minority communities suffer from disadvantages in education (such as late start in education, and early drop-out). Education facilities are often in a state of disrepair. Schools are not located within a reasonable distance from the villages. Teacher shortages and poor-quality teacher training in the ethnic minority areas are widespread.

294. The overall health infrastructure in remote ethnic minority areas is still not reasonably developed. In the mountainous areas, 60 per cent of the population suffers from a lack of food. Child malnutrition is prevalent among ethnic minority children, notably among the Hmong, Nung, Tay and Dao. Ethnic minority mothers suffer from a lack of knowledge about child nutrition. Health care for the ethnic minorities is faced with many difficulties due to the high transportation cost. The ethnic minority and mountainous areas have fewer midwives and commune health centre workers per commune than most other country provinces. Ethnic minority women lack ante- and post-natal care. Unassisted deliveries are very common in ethnic minority areas. Many infectious diseases and very poor water and sanitation further aggravate the health situation of ethnic minority children.

#### **4. Future plans**

295. The National Committee for Ethnic Minorities and Mountainous Areas is continuing its direction in implementing the national development programme in especially difficult communes in mountainous and remote areas. The State gives priority to funding for 1,715 difficult communes, in which the focus will be placed on 1,000 especially difficult communes.

296. MOLISA will continue to assist the Government in coordinating with line agencies and localities in implementing the National Programme on Poverty Alleviation 1998-2000 and the National Programme on Job Creation 1998-2000. MPI will, in coordination with the Ministry of Finance, assist the Prime Minister to effectively integrate these programmes in the same locations where mountainous and ethnic minority areas are the priorities.

297. The Viet Nam-UNICEF Country Programme has been readjusted to the Government's priorities, i.e. to invest more in targeted areas. At the same time, the Government appeals to international organizations to provide support for and investment in programmes and projects for such communes.

### **IX. CONCLUSION**

298. The protection, care and education of children is not only a national tradition, but also a consistent State policy of Viet Nam. In recent years, Viet Nam has reached considerable achievements in social development thanks to the stable political system and the successful implementation of the renewal (*doi moi*) policy, with sound social policy for its population's happiness and effective State management. Due to initial economic achievements, the State has been able to support national development, at the same time having a larger budget to invest in social sectors, with priority given to children.

299. The Convention on the Rights of the Child is one of the important United Nations treaties on human rights that Viet Nam has ratified. At present, implementing child rights is one of the focuses of human rights in Viet Nam. Meanwhile, the conversion of international treaties to

which Viet Nam is a signatory (including the Convention) into national legislation is a priority in the development and improvement of the relevant legislative system in Viet Nam. The National Programme of Action for Children has played an important role in national and local socio-economic programmes, and in smooth coordination with international cooperation programmes, especially those of UNICEF, and other programmes of action of social bodies and mass organizations.

300. Although the country is facing many economic and social challenges, the State of Viet Nam has made efforts within its capacity to increase funding for social development, issuing important policies and providing effective direction in addressing social problems, including the protection, care and education of children. The government budget for the social sectors has increased. During the period between 1995 and 1998, the percentage of the State budget spent on social sectors reached 25.6 per cent. Therefore, children, including disadvantaged children, now have better access to health care, education and protection than they did previously. Children participate more in social activities of their own, with their friends, their families and their communities.

301. During recent years, thanks to great efforts from line ministries at various levels, the care, protection and education of children, especially children in extremely difficult circumstances, have made considerable achievements not only in the field of organization but also in implementation. Enrolment in primary education is very high. The prevention and control of malnutrition among children under 5 as well as the care and protection of children in extremely difficult circumstances makes greater progress than in previous years. However, there are still many burning problems that we have to focus on, such as: high percentage of malnutrition among children under 5; drug abuse in schools; child abuse; street children; disabled and orphaned children; the shortage of recreational places for children, etc.

302. The CPCC, the agency assisting the Government in State management of childcare, protection and education, has been further developed. The system of protection and care of children has been established and operated effectively to oversee the protection and care of children from the central to grass-roots level, playing the role of focal point in this area. The intersectoral mechanism has been operational. Thanks to this mechanism, ministries and mass organizations support each other to accomplish a common goal - protecting the best interests of the child. One of the most outstanding achievements in the last six years is the decentralization of the NPA (1991-2000). Now four levels of government - central, provincial, district and commune - are responsible for implementing the NPA. The child rights indicators (CRI) will be finalized and used in all relevant agencies. These indicators are one of the instruments for governmental agencies to monitor and evaluate the implementation of child rights.

303. Although many legal instruments have been amended and issued to protect the best interests of children, it will take time for people to understand these laws and to abide by them. Law enforcement now plays a crucial role in Viet Nam. To gain positive experience, Viet Nam continues to study the juvenile justice system in other countries. Viet Nam's general and child-specific legislation will continue to be developed along with general national socio-economic development.

304. It can be affirmed that child rights have been better implemented in Viet Nam. The Government has made efforts to fulfil its commitment concerning social issues, including child rights. However, Viet Nam is still one of the poorest countries in the world with income per capita of about US\$ 340 per year. This has affected and limited the capacity for accumulation from the national economy, which is in difficulties, and it has limited the resources needed for addressing social issues, including challenges in protection, care and education of children. There are still many children who are out of school, are malnourished, disabled, living in poor and remote areas, and so forth. These challenges demand from the State appropriate mechanisms and policies for mobilizing all local resources and for attracting and using the international resources effectively.

305. Viet Nam's advances in the protection and care of children in recent years have been achieved with the effective support and assistance from international friends. Foreign Governments, international organizations, especially UNICEF, and international NGOs, especially the Save the Children Alliance, have played an important role in all of Viet Nam's successes. They have also shared with us the constraints and challenges in this field. It is hoped that this assistance will be maintained and expanded in the future to help ensure the interests of the child in general and Vietnamese children in particular.

#### Notes

<sup>1</sup> The term "State" refers to the Government, legislative and judicial bodies which comprise the leadership of the Socialist Republic of Viet Nam.

<sup>2</sup> Source: General Statistics Office (GSO).

<sup>3</sup> Source: GSO.

<sup>4</sup> Expanding Choices for the Rural Poor.

<sup>5</sup> Diplomatic Note No. 241, State Council of the Socialist Republic of Viet Nam to the United Nations, 20 February 1990.

<sup>6</sup> In 1997, several provinces were split, creating a total of 61 provinces and cities. Eight newly created provinces are now preparing plans.

<sup>7</sup> The highest legislative body at the local level, the People's Council elects members of the People's Committee and approves local budgets.

<sup>8</sup> Source: CPCC, 1988.

<sup>9</sup> Source: Ministry of Culture and Information, 1998.

<sup>10</sup> Thirty-three centres have been established and are operated by the CPCC.

- <sup>11</sup> Orphanages are run by national agencies, mainly MOLISA. SOS villages are a popular term for orphanages supported by international donors.
- <sup>12</sup> Source: National Institute of Educational Science, MOET, 1998.
- <sup>13</sup> Source: CPCC, 1998.
- <sup>14</sup> Source: MOLISA.
- <sup>15</sup> Source: National Institute of Educational Science, MOET, 1998.
- <sup>16</sup> Basic Social Services in Viet Nam: An Analysis of State, Public and Donor Expenditures. National Report at Hanoi Meeting on 20/20 Initiative, 1998.
- <sup>17</sup> Report on the Assessment of Education for All (EFA) in Viet Nam 1999-2000, MOET.
- <sup>18</sup> The increasing ratio of the number of children in primary education to the total number of children aged 6-10 indicates the problems of late entrance, repeating classes, and drop-out/re-entry.
- <sup>19</sup> Basic Social Services in Viet Nam.
- <sup>20</sup> Expanding Choices for the Rural Poor.
- <sup>21</sup> Ministry of Culture and Information, 1998.

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