



Meeting of the States Parties to the Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1187th MEETING* (Chamber A)

Held at the Palais Wilson, Geneva,
on Friday, 22 September 2006, at 10 a.m.

Chairperson: Mr. DOEK

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* No summary records were prepared for the 1185th and 1186th meetings.

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)
(continued)

Initial report of Viet Nam submitted under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict [(CRC/C/OPAC/VNM/1; list of issues (CRC/C/OPAC/VNM/Q/1); written replies of the State party to the list of issues (CRC/C/OPAC/VNM/Q/1/Add.1)]

Initial report of Viet Nam submitted under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography [(CRC/C/OPSC/VNM/1); list of issues (CRC/C/OPSC/VNM/Q/1); written replies of the State party to the list of issues (CRC/C/OPSC/VNM/Q/1/Add.1)]

1. *At the invitation of the Chairperson, the Vietnamese delegation took places at the Committee table.*

2. Ms. LE THI THU (Viet Nam) emphasized that there had been several developments since Viet Nam had prepared its initial reports on the implementation of the two Optional Protocols to the Convention on the Rights of the Child, at the end of 2004.

3. The Vietnamese economy had continued to grow rapidly, at a rate of 8.4 per cent in 2005, although the country's level of development and living standards were still lower than those of many countries in the region. Per capita GDP had reached \$640 in 2005 and the number of poor households had decreased by 60 percent, allowing Viet Nam to attain some of the Millennium Development Goals 10 years ahead of schedule. In particular, the Government had provided preferential loans to promote job creation for vulnerable people, their families and child victims of trafficking, in order to combat trafficking by means of poverty reduction.

4. Among the noteworthy results achieved in the health sector in 2005, mention should be made of: the reduction in the ratio of malnourished children under 5 years of age from 33.4 percent in 2000 to below 25 percent in 2005; the fact that infant mortality had been almost halved compared with 1999; and the improvement in access to clean water in rural communities from 54 percent in 2003 to 62 percent in 2005.

5. The State had devoted 18 percent of its budget to education in 2005 and in that year the target of universal junior secondary education had been attained in 31 of the 64 provinces and cities, while primary school enrolment had been 97 percent. All communes where ethnic minorities lived had their own primary schools and there were boarding schools in all the mountain regions.

6. The State and the communities cared for 55.3 percent of orphans and all orphans and disabled children were exempt from school tuition fees. Three quarters of children with severe disabilities received various forms of aid.

7. The development of the market economy and of relations with the rest of the world had unfortunately had some negative consequences, including greater frequency of sale of children, child prostitution and child pornography. In order to tackle that complex new phenomenon, Viet Nam had adopted various legislative

texts to protect children's rights, particularly by criminalizing the sale of children, child prostitution and child pornography and by adopting a series of penal, civil and administrative sanctions. The texts included the 2004 Law on the Protection, Care and Education of Children, the 2005 Law on Youth, the 2003 Law on Penal Procedures, the 2005 Civil Code and the 2003 Ordinance on Prevention of Prostitution.

8. The Government had initiated a number of projects and programmes to give effect to the Optional Protocol, including the national Action Plan to combat trafficking in women and children for the period 2004-2010, designed to create awareness of the problem on the part of society and government authorities at all levels. Implementation was the responsibility of a steering committee headed by a Deputy Prime Minister, which was working with various ministries and local bodies to that end. In 2005, the Prime Minister had approved four projects under the Plan, dealing with: community education and propaganda on prevention of trafficking in women and children; assistance to women and children who had been victims of trafficking and had been repatriated; measures to combat trafficking in women and children; and reform of the relevant legislation. In 2006, the Prime Minister had also endorsed the Interdisciplinary Programme on the prevention of prostitution for 2006-2010, aimed at eradicating child prostitution among school-children and university students, preventing organized prostitution and enhancing medical assistance and reintegration for sex workers.

9. National awareness campaigns to prevent violence against children and trafficking in children had been conducted by providing "tip-off" boxes for complaints denouncing the perpetrators of such offences and by strengthening people's security teams and propaganda units. Activities to combat trafficking in persons had been integrated into school curricula and various activities, including the Child Forum between Viet Nam and China organized in Hanoi in 2006 and Little Correspondents' Clubs, were organized to make children aware of the problem.

10. Short and long training courses had been held for thousands of officials involved in combating trafficking in children and child prostitution - including members of the security forces and the judiciary and staff of the Ministry of Labour. In order to adapt them to the actual reality, the Government had reviewed its control and management of restaurants, hotels and karaoke venues and its surveillance of residents, immigrants, marriages with foreigners and adoptions.

11. Many criminal rings trafficking women and children to foreign countries had been dismantled. Between 1998 and 2005, there had been 1,622 cases involving 2,765 people relating to trafficking in women and children. In 2005 and the first six months of 2006, the courts had tried 161 cases of that kind involving 289 defendants, of whom six had received sentences of 20 to 30 years of imprisonment, 31 had received sentences of 15 to 20 years, 83 had received sentences of 7 to 15 years and 149 had received sentences of less than seven years. In 2006, no persons sentenced for trafficking in women or children had benefited from the amnesty granted on the National Day, 2 September.

12. Local authorities and social organizations had sheltered and assisted thousands of repatriated women and children who had been victims of trafficking. There were reception centres at the borders with China and Cambodia. Repatriated children were given medical treatment and offered vocational training and employment suited to their skills and age. Women and children who had been sexually assaulted

or trafficked could also use the services of consultation and reception centres, social sponsoring facilities and open roofs, legal assistance centres and telephone hotlines. Such victims were also protected during legal proceedings and had the right to seek compensation for damages.

13. In recent years, information on violation of children and trafficking in women and children in Viet Nam had been collected by various agencies, in particular the security forces, the courts, the procurators' offices, the regional people's committees, the Women's Union and the Ministry of Labour.

14. A general review of the problem of trafficking in women and children covering the period 1998-2005 had been conducted and child rights indexes had been compiled; they focused particularly on child prostitution and child pornography and on proceedings and trials instituted against perpetrators.

15. In a desire to strengthen bilateral, regional and international cooperation to eliminate those scourges, Viet Nam had made the necessary arrangements to accede before the end of the year to the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; it was studying the possibility of acceding by 2007 to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and planned shortly to withdraw its reservations concerning paragraphs 1, 2, 3 and 4 of article 5 of the Optional Protocol on the sale of children, child prostitution and child pornography, concerning extradition.

16. Viet Nam was working with the countries concerned to implement the Plan of Action on the prevention of trafficking in persons in the Mekong subregion for the period 2005-2007 and had signed agreements on adoption with 12 countries, an extradition agreement with the Republic of Korea and legal assistance agreements with 13 countries.

17. However, there were many obstacles to the prevention of the sale of children, child prostitution and child pornography, such as: the as yet inadequate impact of propaganda and education efforts; data collection shortcomings and lack of uniform criteria, preventing the creation of a single independent database; ineffective coordination between relevant agencies, border services and inland localities; the need to strengthen policies on reception, repatriation and reintegration of victims and to mobilize large-scale international assistance; flaws in the system of laws and legal assistance agreements, which must be remedied in particular to allow information sharing, investigation, detection and rescue of victims and prosecution of criminals; and ongoing deficiencies of training and capacity-building in those areas.

18. For several decades, Vietnamese children had been living in peace without fear of being recruited to the armed forces, but thousands of them still continued to suffer the serious consequences of prolonged and devastating wars. They were the victims of explosions of explosive remnants of war or mines left behind by those conflicts or were suffering from physical deformities or mental disturbances due to their parents' exposure to toxins and especially to agent orange. Viet Nam hoped that the United Nations, other international organizations and countries would continue to help it to recover from the consequences of the war and particularly those affecting children.

Optional Protocol on the involvement of children in armed conflict

19. Ms. LEE requested clarification of the statement in the report that boys under eighteen years of age participated in war battles if they had to protect the country's independence, sovereignty, unity and integrity.

20. She asked whether Vietnamese law criminalized the recruitment or involvement in hostilities of a person under 18 years of age if committed outside Viet Nam by or against a Vietnamese citizen.

21. It would also be useful to know whether the State party planned to ratify the second Protocol to the Geneva Conventions and the Rome Statute of the International Criminal Court.

22. In view of the shortcomings of the birth registration system in remote regions, she asked how the local authorities could determine the real age of recruits. The amendments to the Law on Military Service were welcome but it was regrettable that article 13 of the former 1981 law had not been revised, because it allowed young men who had turned 17 to be accepted at military schools and to be recognized as servicemen on active duty, which meant that a minor could be a soldier. The delegation should describe the various types of military school and their curricula and specify whether a student at a military school could freely decide to return to the regular school system.

23. The delegation could also explain the difference between the self-defence militia forces and the regular military forces, since their members seemed to be recruited in the same manner. The State party's demobilization programmes were remarkable but no information was given on programmes for the physical and psychological recovery and social reintegration of demobilized persons.

24. The presence in many regions of unexploded ordnance and land mines from past conflicts, which posed a serious risk to the general population and especially to children, was particularly worrying because the State party had no law prohibiting discrimination against disabled persons.

25. Mr. SIDDIQUI said it was his understanding that the 1981 Law on Military Service allowed 17-year-old boys to perform military service, which would be contrary to the Optional Protocol. He asked whether military schools provided human rights education and why they were only for boys.

26. Mr. KOTRANE asked what specific measures Viet Nam was taking to prevent the recruitment and use in the armed forces of persons under 18 years of age and, in particular, to prohibit and punish those practices.

27. Ms. OUEDRAOGO asked when Viet Nam intended to withdraw its reservations to article 5 of the Optional Protocol.

28. She asked whether students at military schools could, upon completing their studies, decide not to pursue a military career.

29. The delegation should provide information on the human and financial resources at the disposal of the State party for victim rehabilitation programmes, and on the measures taken to protect children in regions that had not yet been demined.

30. Mr. KRAPPMANN asked whether the population in general and children in particular were familiar with the provisions of the Optional Protocol and would be

informed of the comments made by the Committee upon the conclusion of its dialogue with the State party.

31. Ms. ORTIZ asked which authority was responsible for military schools and how any acts of violence or ill-treatment occurring at those schools were dealt with.

32. Details concerning the revision of the Law on Military Service would be welcome.

33. The CHAIRPERSON, noting from paragraph 21 of the report that the results of medical examinations of persons recruited to join the armed forces must be widely publicized, asked whether that meant that the identity of the persons in question was disclosed.

34. He asked what provisions allowed the State party to prohibit and punish the recruitment and use of minors in the armed forces if those acts were committed abroad.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

35. Mr. LE THANH TRUNG (Viet Nam) said that by law persons under 18 years of age were not allowed to participate in armed conflict but that in the past children had indeed voluntarily enlisted in the armed forces to defend their country. That situation had resulted from exceptional circumstances.

36. The situation had improved considerably as regards birth registration in the remote regions and the military authorities now had reliable birth certificates to determine the real age of recruits.

37. Students entered military school upon completing their secondary studies, usually at 17 years of age, and on a voluntary basis. In the remote regions, there were a few military secondary schools at which the army provided, often for poor children, a basic education similar to that dispensed in the regular system.

38. Upon completing their studies, children were not obliged to enlist in the army and could attend a university. In addition to military instruction, military colleges offered courses similar to those of a university. Children under 18 years of age did not take part directly in military operations but could, if over 17 years of age, receive basic theoretical military instruction.

39. All acts of violence and ill-treatment were severely punished by law, including those which occurred in military schools. The perpetrators of such acts were of course excluded from the armed forces and brought to justice.

40. Military service, which lasted 18 months for non-officer ranks and 24 months for aspirant officers, was compulsory only for men. Women who possessed skills of interest to the armed forces could choose to perform military service.

41. Compulsory participation in self-defence militia forces at the local level was quite unrelated to compulsory military service for boys. The revision of the Law on Military Service had taken due account of all aspects covered by the Optional Protocol, and particularly the rights of the child.

42. Ms. LEE expressed surprise that students at military schools, some of whom were only 17, were considered as soldiers on active service, which meant that they could be required to participate in military activities.

43. She asked whether the military training provided in the last year of secondary school (class 12) applied to all institutions including civilian ones. It would be useful to have details regarding the content of that training as well as on the various military schools, which apparently formed part of the secondary, higher or advanced higher education system.

44. Mr. LE THANH TRUNG (Viet Nam) explained that military training was provided in all graduating classes to inculcate patriotic values and to give pupils rudiments of military instruction. Military schools allowed children in isolated regions, where there were few schools, to continue their schooling up to class 12. They were generally boarding schools, run by the army, and the education provided was not specifically military. Upon completing their studies, students could attend any institution of higher education. Students could enter military colleges upon completing their secondary studies, if their grades were good enough.

45. The CHAIRPERSON asked whether military colleges had a general curriculum comparable to that of other higher education institutions and what military training was given there to first-year students, most of whom were still under 18 years of age. In particular, it would be interesting to know whether they learned shooting and whether such students could decide not to pursue a military career upon completion of their studies or could even interrupt their studies.

46. Mr. LE THANH TRUNG (Viet Nam) explained that the training did not include use of weapons but only physical education and practice in military activities such as marching. In the event of a conflict, students aged 17 would not be required to participate in the hostilities because other army units would be mobilized. Upon completing their studies, students were supposed to stay in the army but could return to civilian life if they so wished.

47. Mr. NGUYEN CONG HONG (Viet Nam) said that the military training given in class 12 helped to promote good relations between the army and civilians and to teach young people how to react in an emergency situation.

48. A report on the possible withdrawal of the reservations to the Protocol had been submitted to the Prime Minister.

49. Education and recreation centres had been constructed for child victims of agent orange, who also received an allowance and were eligible for a health care programme. The Government was trying to help them to the extent possible, but its means were limited.

50. Mr. KOTRANE asked whether military training included instruction in human rights, and particularly the rights of the child, and the culture of peace, the Protocol and other international instruments such as the Geneva Conventions.

51. Noting that Viet Nam had not ratified the Rome Statute of the International Criminal Court, he wondered whether the State party could prosecute a person resident in its territory who had been found guilty of war crimes elsewhere, for example in Africa.

52. In view of article 344 of the Penal Code, which punished by imprisonment anyone who recruited a mercenary and also the mercenary himself, it would be useful to know whether children used as combatants were liable to imprisonment.

53. Mr. NGUYEN CONG HONG (Viet Nam) said that, like civilian schools, military schools followed the curriculum of the Ministry of Education, which included civics education suited to each age group. In advanced higher education institutions, such instruction was supplemented with training on human rights and international instruments.

54. Mr. VU ANH QUANG (Viet Nam) said that any war criminal would be punished in Viet Nam, in accordance with the national legislation. Viet Nam had participated in the negotiations on the Rome Statute and fully endorsed the principles contained therein. It had not yet ratified the Statute because it still had to align certain provisions concerning national sovereignty.

55. Mr. DANG HOA NAM (Viet Nam) said that the Government was implementing a number of demining programmes and taking preventive action, particularly in the centre of the country where most of the unexploded mines and bombs were located. It also offered treatment and rehabilitation programmes for victims and helped them to purchase wheelchairs or artificial limbs.

56. Viet Nam attached great importance to the principles of equality and non-discrimination and was therefore careful to see that they were applied in all programmes. Children who were victims of mines or agent orange were not stigmatized, any more than children born out of wedlock or other categories of children were.

57. The support of the international community in that area was welcome. UNICEF in particular was very active. It should be remembered, however, that the consequences of the war were very serious: there was now a third generation of child victims with malformations, and complete demining of the country would take several more decades. That was why Viet Nam was renewing its requests for support.

58. A press conference would be held as soon as the delegation returned, in order to inform the public and the media about the dialogue with the Committee. The reports of the State party and the other relevant documents were disseminated to the administrative authorities concerned and to the media. Children also had access to them through young people's forums. Viet Nam had very active communication networks for children, who thus kept each other informed about everything of concern to them. In accordance with the commitments set out in the document "A world fit for children" and with the goals of the National Action Plan for Children, the Government was trying to foster a society conducive to children's development and enjoyment of their rights. With that goal, activities were being undertaken to make the Convention known at the grassroots level.

Optional Protocol concerning the sale of children, child prostitution and child pornography

59. Ms. ANDERSON noted that the impressive economic and social advances made in Viet Nam had not been translated into direct benefits for children in the area of promotion and protection of their rights. It would have been desirable to have a specific national plan of action on the sale of children, child prostitution and child pornography.

60. The delegation should indicate whether Viet Nam had undertaken a comprehensive review of its legislation in order to bring it into line with the

international instruments on the rights of the child, whether the courts could apply the Optional Protocol directly in deciding cases, whether there was any jurisprudence on the use of the Protocol and whether there were any direct references to that instrument in Vietnamese legislation.

61. She also asked when Viet Nam intended to withdraw its reservations concerning paragraphs 1 to 4 of article 5 of the Optional Protocol and to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

62. It would also be useful to know what difference there was between the National Commission for Population, Family and Children and a ministry, as regards legal basis, budget and staffing. Additional information on the linkage between the various bodies responsible for implementation of the Protocol would also be welcome.

63. The report contained no disaggregated data or research findings, but certain available data showed that the number of children involved in prostitution, particularly very young girls, had almost quintupled between 2000 and 2006. More information on child pornography would also be useful.

64. The delegation should explain until what age children were protected by the laws related to the Protocol. Article 7 of the Law on Child Protection, Care and Education seemed to include all children but was unclear.

65. It would be interesting to know whether Viet Nam had a witness protection programme and, if so, how it worked and whether the legal aid programme covered the whole country and was free of charge for children. The Committee should also be told whether court proceedings were held in child-friendly and accessible language and whether children received help and guidance.

66. The delegation should also explain precisely in what circumstances sexual exploitation cases were tried in camera, whether the courts used video testimony or whether the victim was directly confronted with the alleged perpetrator.

67. Noting with concern that certain information campaign slogans seemed to perpetuate gender stereotyping, she asked whether the actual experience of children who had suffered sexual exploitation was used in public information, awareness and education campaigns. The delegation should also indicate whether prevention programmes reached the most vulnerable families and families living in the most remote areas, in particular those which were experiencing serious financial difficulties that might lead them to sell their children. It would also be interesting to know what assistance the persons concerned could obtain and whether there was an early warning system at the local level enabling people in the community to draw attention to a family at risk.

68. Mr. SIDDIQUI asked whether or not the number of children who were sold, prostituted or used for pornography was declining in Viet Nam and whether certain socioeconomic groups or particular regions were more concerned than others by such activities, as regards both victims and perpetrators of offences. He wondered to what extent changing values in a rapidly expanding market economy were influential in that regard. He would like the delegation to indicate whether restrictions or taboos existed in that area in Viet Nam, since the available studies and figures came mostly from international organizations.

69. It would also be useful to know whether Viet Nam planned to allocate a special budget to implementation of the Optional Protocol.

70. Ms. ORTIZ asked what was being done to identify and punish clandestine intermediaries in paid adoptions and whether the Ministry of Public Security was doing preventive work in that area.

71. Ms. OUEDRAOGO asked whether the media were sufficiently familiar with the Convention as regards non-disclosure of the identity of child victims of sexual exploitation on whom they were reporting and whether Viet Nam planned to improve the apparently inadequate measures taken to combat the use of new information technologies for pornography or prostitution. The Committee should also be told whether child protection activities also covered trafficking in children within the country.

72. She would like to know whether it was planned to increase the number of social workers qualified in the rehabilitation and social reinsertion of victims and to recognize them as a full-fledged professional category.

73. The delegation should inform the Committee whether action was planned to deal with the fact that child victims of prostitution or pornography were often seen as having dishonoured their families, who tended to reject them when they returned home, and to give those children vocational training. It would also be useful to have information on reinsertion facilities to accommodate, before returning them to their families, children repatriated to Viet Nam after having been involved in prostitution or pornography abroad.

74. Mr. KRAPPMANN requested details about the professionals who provided medical and psychological care to child victims and who gave them legal advice for their rehabilitation and reinsertion.

75. He would like to know what was being done to better identify groups of young people at risk and to put in place precisely targeted prevention programmes, since poverty and family problems led many children to drop out of school and many of the children involved in prostitution and pornography were illiterate. It would also be useful to know whether Viet Nam used the "peer education" method for preventive purposes.

76. Mr. KOTRANE expressed surprise that Viet Nam had not yet ratified ILO Conventions No. 29 on Forced Labour and No. 105 on Abolition of Forced Labour, although article 3 of the Optional Protocol also dealt with forced labour by children. He asked what was being done for children between the ages of 16 and 18, since the law defined a child as any person up to 16 years of age.

77. Since an increasing number of offences were committed by legal persons, it would be interesting to know whether Viet Nam planned to extend criminal liability to legal persons, as recommended in article 3, paragraph 4, of the Protocol, and whether there had been discussion of that subject in law faculties.

78. It was regrettable that the legislation of the State party did not extend courts' jurisdiction to offences committed abroad against Vietnamese children or by Vietnamese nationals.

79. Ms. LEE requested details on the legislative provisions of the State party punishing child pornography and asked whether it was true that the Penal Code

allowed a reduced sentence for an offender against a child if the family accepted compensation from him. The Committee should also be told whether children involved in prostitution were considered as victims or guilty parties in the legislation of the State party.

80. The delegation should also indicate whether, given the current development of sex tourism, there were any plans for a global programme to prevent the sale of children, child prostitution and child pornography and whether there were training programmes for legal professionals working with children.

81. The CHAIRPERSON asked what exactly was covered by the term "obscenity" in Vietnamese legislation and whether the legislation contained adequate provisions to combat Internet pornography, targeting service providers in particular. In connection with the punishment of sexual exploitation, the report mentioned only children between 13 and 16 years of age; he asked what was the situation for children under 13.

82. Vietnamese legislation did not clearly establish whether the offering, obtaining, procuring, providing or accepting of a child for purposes of forced labour or an illegal adoption constituted a criminal act and information on that point would therefore be welcome. The delegation should also explain what the State party understood by "illegal adoption".

83. The Committee should also be told what measures were being taken to encourage victims to complain to the authorities and to ensure their protection and anonymity.

84. The delegation should give details about the emergency hot line available to child victims of sexual exploitation and provide figures, particularly on the number of calls.

The meeting rose at 1 p.m.