Child Rights Situation Analysis
Vietnam Country Office 2014
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# Abbreviation

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<tr>
<td>ATR</td>
<td>Anti-retroviral Treatment</td>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>CRPD</td>
<td>Convention on Rights of Persons with Disability</td>
</tr>
<tr>
<td>CRSA</td>
<td>Child Rights Situation Analysis</td>
</tr>
<tr>
<td>CPFC</td>
<td>Committee for Population, Family and Children</td>
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<tr>
<td>CPV</td>
<td>Communist Party of Vietnam</td>
</tr>
<tr>
<td>CSOs</td>
<td>Civil Society Organisations</td>
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<tr>
<td>DCPC</td>
<td>Department of Child Protection and Care</td>
</tr>
<tr>
<td>DOLISA</td>
<td>Department of Labour, Invalids and Social Affairs</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GSO</td>
<td>General Statistics Office</td>
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<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
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<tr>
<td>INGO</td>
<td>International Non-Governmental Organisations</td>
</tr>
<tr>
<td>LGBT</td>
<td>Lesbian, Gay, Bisexual and Transgender</td>
</tr>
<tr>
<td>LNGO</td>
<td>Local Non-Governmental Organisations</td>
</tr>
<tr>
<td>MDG</td>
<td>Millennium Development Goals</td>
</tr>
<tr>
<td>MF</td>
<td>Ministry of Finance</td>
</tr>
<tr>
<td>MOET</td>
<td>Ministry of Education and Training</td>
</tr>
<tr>
<td>MOLISA</td>
<td>Ministry of Labour, Invalids and Social Affairs</td>
</tr>
<tr>
<td>MOH</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>SEDP</td>
<td>Socio-Economic Development Plan</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children Fund</td>
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</tbody>
</table>
Executive Summary

Vietnam has made impressive socio-economic development progress between late 1990s and 2000s. From a planned centralized economy based on public ownership, to a multi-sector economy based on the market, Vietnam was transformed with an average annual growth rate of 7.4 percent from 1990 to 2008. This achievement helped the country move from the list of poor countries to join the ranks of middle income countries in 2009. However, while these national-level trends are encouraging, they mask acute social, ethnic, and regional inequalities, especially for the most vulnerable sub-groups and the poorest of the poor.

The recent global economic slow-down has also posed more challenges for the country with more institutional donor’s commitment going downward with few exceptions.

In 2012, Vietnam was among more than 40 developing countries identified to have done better than expected in human development terms, ranking 127th out of 187 countries\(^1\), however, it dropped from the position of 116th in 2009.

While the country is still on the track for achieving its MDGs by 2015, growing disparities and inequities still persist. In 2012, the poverty rate was 4.3 per cent for urban areas while it was 14.1 per cent for rural areas. A national household living standard survey estimated the child poverty rate was 29.6 per cent, equivalent to 7.6 million children, of those 22.6 per cent for Kinh children and 60.3 per cent for ethnic minority groups. \(^2\)

These figures indicate a growing concern regarding negative effects on the rights of children belonging to the most vulnerable groups. These are children who are living in remote areas, in ethnic minority communities, HIV/AIDS affected and infected, orphans, children with disabilities, child labourers, street children and migrating and trafficked children who are subjected to violence and sexual abuse. The Ministry of Labour, Invalids and Social Affairs (MOLISA) reported there are about 4 million children, about 16 per cent of the total children population in need of support.

Vietnam is the first Asian country and second in the world to ratify the Convention on the Rights of the Child (CRC). The Government of Viet Nam has made great efforts in completing a legal policy, incorporating international law’s regulations into the national legal system and applying these policies to protect children’s rights. Strategic programmes and policies to promote children rights to access to health care and education have proved considerable progress. National programmes on child protection from 2010 -2020 have been put in place to protect the rights of the child.

There remain challenges that constraint the exercise of the Rights of the Child including the lack of effective mechanism for law enforcement, the inadequate public awareness, knowledge levels of child rights as well as practical implementation on the ground. There is a need to establish a multi-sectorial and organizational coordination and to effectively functionalize the responsibility of duty barriers in the practice of the Rights of the Child.

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\(^1\) UNDP Vietnam (2013) - A Human Development Overview 2013
Introduction

This CRSA summarises the situation of children’s rights in Vietnam, the current implementing progress of CRC in Vietnam and updates on the Government response to the latest recommendation by the UNCRC in regard to Vietnam’s fulfillment of the CRC.

Since the CRSA was conducted in a brief time and with limited resources this CRSP therefore mainly highlights the critical areas of the rights of the children in Vietnam that the UNCRC addressed and urged the Government to fulfill.

This CRSA is intended to be used as reference for the design of Save the Children programmes in the coming time and it is desirable to conduct a more comprehensive and thorough analysis when more resources and capacity are available.

The first main part introduces the country facts with natural characteristics, the population, economic development and political system. It also includes the international and regional treaties and conventions Vietnam has committed to in regards to the implementation of the Rights of the Child.

The second part will discuss the progress Vietnam has made to protect the children rights and analyse the current status in the implementation of the CRC. This part also covers facts and challenges facing Vietnamese children in practicing their rights to education, health, social welfare and protection. The main purpose of this part is to provide the overview of gaps in the implementation of the CRC in Vietnam so as to address the recommendations for the future programmes.

The final section focuses on analysis of domestic factors and actors that have overall impact on the implementation of the CRC. This part is largely extracted from UNICEF analysis which has been distributed through INGOs for application.

Methodology

This CRSA was completed by Save the Children for a period of three weeks in August 2014. The methodology is basically to synthesise existing statistics, national data and a review of international research on the CRC. A desk review was based on data and recommendation from different documents, legal materials and publications that address issues relating to children and provisions of child rights. They include: Government’s strategies and plans for child protection and child rights; the child relating laws and laws with provisions addressing issues facing children; the Government’s statistics on multi-dimensional factors relating to children; reviews of media coverage; research finding and reports of local civil societies, local and international NGOs; and other UN agencies including UNICEF.

The report is also involved a number of consultations and discussions with social workers and child rights specialists from both government and LNGOs and INGOs. It also covers conclusions extracted from recent workshops on child rights by LNGOs and INGOs as well as SCiV many years of programme experience.

The analysis also uses the voice of children who are currently participating in the Save the Children’s projects to reflect their concerns, needs and expectation in practice of children’s rights.
Save the Children in Vietnam

Save the Children began to work in Vietnam in 1990s, starting with support to the children of poorest communities in the central provinces of the country. Since then, Save the Children in Vietnam has developed seven thematic programmes to assist Vietnamese children throughout the country to grow healthily, to access to quality education, to have equal rights to thrive and develop.

Save the Children’s programmes in Vietnam include: Child Protection, Child Rights Governance, Education, Health, Humanitarian Responses and Livelihoods. Together with providing direct supports for the children, Save the Children aims to achieve sustainable outcomes for children through broad advocacy activities at both national and local levels. Save the Children has a long experience in partnership with Government’s line ministries, the State local authorities, international and local mass organisations to succeed in the implementation of its programmes and advocacy strategies.

In 2012, Save the Children, in cooperation with other agencies, successfully advocated for the Government’s approval of maternal leave extension to six months and the scale-up of the community-based child protection system nation-wide. The system was developed by Save the Children in coordination with Plan, World Vision and Child Fund.

In the area of Child Rights Governance, Save the Children is currently working with the Government and civil society organizations to ensure the rights and needs of children are addressed in different sectors by strengthening governance mechanisms. We support vulnerable children including LGBT children, to have better access to social services and equal opportunities to thrive.
Vietnam

Vietnam is located in the centre of the Southeast Asian region. It lies in the eastern part of the Indochina peninsular bordering China to the north, Laos and Cambodia to the west and the east Sea and Pacific to the east and south.

Three-quarters of Viet Nam’s territory is made of mountains and hills, most of which is forested. Arable land accounts for only 28 per cent of the total area; 80 per cent of cultivable land is irrigated. Most of the well-irrigated land is lowland, so the most densely populated areas are the Red River Delta in the north and the Mekong River Delta in the south.

Viet Nam consists of eight economic regions: Red River Delta, North East, North West, North Central Coast, South Central Coast, Central Highlands, South East and Mekong River Delta. The country has 2,860 small and large rivers, but the two most important are the Red River and the Mekong River, which account for 75 per cent of the total river flow in the country.

Climate

Vietnam is located in the tropical zone and strongly influenced by moon soon with a considerable amount of sunny days, and with a high rate of rainfall and humidity. Viet Nam is one of the countries that are most prone to natural disasters due to its climate and topography, with frequent natural hazards by typhoons and floods. Typhoons affect the long coastal area, and flooding is extensive throughout the rainy season in the large deltas.

Every year, it is estimated that Vietnam has a total asset loss due to natural disasters of approximately 1.5% of GDP, of which 70% of the loss occurs in the the central provinces. The coming years, it is expected that this will increase as in 2013, 4 tropical depressions and 15 tropical storms affected the country as compared to 10 storms in 2012 and seven in 2011.

Environment and pollution

Vietnam’s rapid economic growth, followed with urbanisation and over population, has caused considerable stress on the environment in the country. There is a concern about the country’s environmental sustainability. According to the Vietnam Environment Administration, Viet Nam faces five serious environmental threats: degraded land resources, decreased forest coverage and quality, clean water shortages and water pollution, an increasing pollution of air, dust, and solid waste containing hazard substances and climate change-related threats.

Demography

Vietnam is one of the most densely populated countries in the region and in the world. Vietnam’s population density is third in Southeast Asia after Philippines and Singapore and stands 16th in 51 nations and territories in Asia.

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3 The Ministry of Natural Resources and Environment  

4 The Ministry of Natural Resources and Environment  
According to the General Statistics Office, the population of Vietnam in 2012 was 88.7 million, unevenly distributed with density varying according to the geographic and economic conditions. Although a majority of population lives in rural areas, about 32.3 per cent live in cities and town. The urban population has grown five per cent since 2009. (Vietnam population has been widely reported to reach over 90 million in 2013-2014, however, the other correspondent information relating to demography was found only in the latest surveys of GSO in 2012)

Population density in the Red River Delta is the highest in the country (956 persons/km2), followed by the Southeast area. These two regions contain 39.9 per cent of the country entire population but only comprise 13.5 per cent of total land area. The Central Highlands have the lowest population density. (see Table 1)

The fertility has declined substantially in recent years in Vietnam, largely due to the family planning campaign in the last two decades. But the life expectancy at birth of Vietnam continues to rise, making the increasing proportion of the population aged 60 years and older. The ageing index increased from 24.3 per cent in 1999 to 42.7 per cent in 2012.

In 2012, children under 16 years of age accounted for 28 per cent of the total population. The Vietnam’s sex ratio has always been slightly uneven with more female than male in the past decades. However, the rising trend in the population of boys at births is resulting in the serious imbalance of sex ratio at birth for Vietnam. Two main causes of this issue are due to the long-standing cultural norm of son preference and the country’s family planning pressure on maximum of two children for each family. The sex ratio at birth in 2012 stood at 112.3 male births per 100 female births, a significant excess compared to the biological standard which is known to be between 104 -106. The surplus of adult men is estimated to amount to 10 per cent of the female population by 2035. There are, therefore, important issues related to the disequilibrium of sex ratio at birth, including gender inequality and future shortage of young women at time of marriage.

Table 1. Distribution of land area, population and population density by socioeconomic region, 2012

<table>
<thead>
<tr>
<th>Socio-economic region</th>
<th>Area (%)</th>
<th>Population (%)</th>
<th>Population density (Persons/km2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Midlands and Mountains</td>
<td>28.8</td>
<td>12.9</td>
<td>119</td>
</tr>
<tr>
<td>Red River Delta</td>
<td>6.4</td>
<td>22.8</td>
<td>956</td>
</tr>
<tr>
<td>North and South Central Coast</td>
<td>29.0</td>
<td>21.6</td>
<td>200</td>
</tr>
<tr>
<td>Central Highlands</td>
<td>16.5</td>
<td>6.0</td>
<td>98</td>
</tr>
<tr>
<td>Southeast</td>
<td>7.1</td>
<td>17.1</td>
<td>642</td>
</tr>
<tr>
<td>Mekong River Delta</td>
<td>12.3</td>
<td>19.6</td>
<td>429</td>
</tr>
</tbody>
</table>

Table Source: GSO 2012 Population Change and Family Planning Survey: Major Finding

Economy

During the last two decades, the economy grew at an average annual rate of 7.4 per cent, despite the affects by the East Asian financial crisis of 1997-98. GDP per capita growth was also strong, averaging 6.5

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6 GSO (2012) - Population Change and Family Planning Survey: Major Finding
7 UNDP Vietnam (2013) – Basic Statistics (Updated July 2013)
8 UNFPA (2009) - Recent Change in Sex Ratio in Vietnam
per cent per annum and reaching a level of US$ 919 in 2007. In 2008, the figure had risen to US$1,165, officially bringing the country to lower middle-income status. Despite the global financial crisis that led to a sharp slowdown worldwide, the country GDP still grew by 5.4 per cent in 2014 and is forecasted to continue at the same pace of growth by the next a couple of years.

The rapid economic growth, in return, has resulted in growing disparity between the poorest group and the richest group. The gap in average income per capita between the richest group and the poorest group has been steadily increasing. Poorer groups, ethnic minorities and rural populations, have seen their share in economic progress decline. Income growth has been concentrated mainly around the large cities and in areas with export-oriented economic activities.

Table 2. The rich-poor income per capita gap

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</tr>
</thead>
<tbody>
<tr>
<td>Gap</td>
<td>8.1</td>
<td>8.3</td>
<td>8.4</td>
<td>8.9</td>
<td>9.2</td>
<td>9.4</td>
</tr>
</tbody>
</table>

Source: Results of the Vietnam Household Living Standards Survey 2012

While Vietnam successfully reduced the poverty from 58.1 per cent in 1993 to 12.6 percent in 2011 according to the UN figure, and the government reported the rate of 2012 was 11.1 per cent, the pace of reduction is not equal among regions and population groups. The poverty rate is still high and chronic poverty persists, particularly among ethnic minorities and the most vulnerable groups such as children, women and non-registered migrants, particularly in disadvantaged areas.

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9 World Bank data - GDP per capita (current US$)
10 World Bank (2014) - Taking Stock An Update on Vietnam’s Recent Economic Development –Key Findings
12 UNDP Vietnam (2013) – Basic Statistics (Updated July 2013)
**Child poverty**

Viet Nam recently developed its own country calculation with child-specific multi-dimensional approach to child poverty. This approach is based upon several poverty domains, including education, health, nutrition, shelter, water and sanitation, child work, leisure, social inclusion and protection.

In 2010, about one-third of all children under 16 years can be identified as poor. This amounts to 7.2 million children or a child poverty rate of about 29.6 percent of the total children population. High rates of multi-dimensional child poverty were found among children living in rural areas, among children from ethnic minority groups, and among children living in the Northwest, Northern midland and mountainous regions. (See Table 3)

Table 3. **Multi-dimensional child poverty rate by regions and ethnic groups in 2010**

<table>
<thead>
<tr>
<th>Regions</th>
<th>Multidimensional child poverty rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red River Delta</td>
<td>11.5</td>
</tr>
<tr>
<td>North East</td>
<td>39.4</td>
</tr>
<tr>
<td>North West</td>
<td>60.0</td>
</tr>
<tr>
<td>Northern Midland and Mountainous Areas</td>
<td>46.6</td>
</tr>
<tr>
<td>Northern Central and Central Coastal Areas</td>
<td>26.5</td>
</tr>
<tr>
<td>Central Highlands</td>
<td>33.6</td>
</tr>
<tr>
<td>Mekong River Delta</td>
<td>46.6</td>
</tr>
<tr>
<td>Kinh (majority group)</td>
<td>22.6</td>
</tr>
<tr>
<td>Other ethnic minority groups</td>
<td>60.3</td>
</tr>
</tbody>
</table>

*Source: GSO Results of the Vietnam Living Standards Survey 2012*

**International Conventions and Treaties**

Vietnam was admitted to United Nations on 20th September 1977. Followings are the number of international conventions and treaties relating to the rights of the child that Vietnam has ratified and observed:

**Convention on the Rights of the Child**
Declarations and Ratification: Articles 1-20
Viet Nam’s second periodic report was considered by the Committee at its January 2003 session; the third and fourth periodic reports was submitted in 2009 and were reviewed by the UN Committee for the Rights of the Child in 2012.

**Optional Protocol (Sale of Children)**
Signed: 8 September 2000; ratified: 20 December 2001
Reservations and Declarations: Article 5

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14 Making the Children’s Rights Work - Country Profiles on Cambodia, Indonesia, Sri Lanka, Timor Leste and Vietnam;
Viet Nam’s initial report was submitted on 8 November 2005 but has not yet been considered by the Committee on the Rights of the Child.

**Optional Protocol (Armed conflict)**
Signed: 8 September 2000; ratified: 20 December 2001
Reservations and Declarations: Articles 1-20
Viet Nam’s initial report was submitted on 8 November 2005 but has not yet been considered by the Committee on the Rights of the Child.

**International Covenant on Economic, Social and Cultural Rights**
Acceded: 24 September 1982
Reservations and Declarations: Article 26 (1)
Viet Nam’s initial report was submitted in 1990 and considered by the Committee on Economic, Cultural and Social Rights at its May 1993 session; Vietnam submitted its report for the 1993-2010 period in 2011.

**International Covenant on Civil and Political Rights**
Acceded: 24 September 1982
Reservations and Declarations: Article 48 (1)
Viet Nam’s second periodic report was considered at the Human Rights Committee’s March 2002 session; the third periodic report was submitted on 1 August 2004. The country is preparing the report on the implementation of the Convention.

**Optional Protocol (International Covenant on Civil and Political Rights)**
No action to date.

**Convention on the Elimination of all forms of Discrimination against Women**
Signed: 29 July 1980; ratified: 17 February 1982
Reservations and Declarations: Article 29
Viet Nam’s second periodic report and fourth and fifth, which were submitted as one document, were considered at the Committee’s July 2001 session; the sixth periodic report was on 19 March 2003. The latest report was submitted in 2012.

**Optional Protocol on the Convention on the Elimination of all forms of Discrimination against Women**
No action to date.

**International Convention on the Elimination of All Forms of Racial Discrimination**
Acceded: 9 June 1982
Reservations and Declarations: Articles 17, 18 and 22
Viet Nam’s sixth through ninth periodic reports, which were submitted as one document, were considered by the Committee at its July/August 2001 session; the tenth and eleventh periodic reports were to be submitted as one document on 9 July 2003. The latest reported was submitted in 2009.

**Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages**
No action to date.

**Declaration on the Elimination of Violence against Women**
No action to date.
Convention concerning the Minimum Age for Admission to Employment (ILO 138)
Ratified: 24 June 2003
Set minimum age at 15.

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO 182)

Convention on the Rights of Persons with Disabilities (CRPD)
Signed in 2008
is currently completing procedures to ratify the CRPD.

Convention on Transnational Organized Crimes
Joined in 2012

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children
Joined in 2012

Convention No. 122 of the International Labour Organization (ILO) on Employment Policy
Acceded in 2012

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption
Ratification on November 1, 2011

Source: The Ministry of Labour, Invalids and Social Affairs
**Political System**

The Communist Party of Viet Nam (CPV) decides the national development directions and major policy issues, which are followed by the State. The National Party’s Congress is the highest body of the CPV and meets every five years. The Politburo is the Party’s strategic leadership body, which currently has 16 members, all elected by the 175-member Central Committee at the eleventh National Party Congress in 2011.

The National Assembly is the main legislative body and it convenes twice per year. Viet Nam’s Constitution was first established in 1946; the National Assembly subsequently adopted the Constitutions of 1959, 1980, and 1992. These three Constitutions represent a significant evolution toward a state ruled by law, by the people and for the people. In 2001, an amendment to the 1992 Constitution was adopted, which further strengthens the National Assembly’s role as the people’s supreme representative body.

The President is the Head of State. The President is elected by the National Assembly and serves a five-year term. The President proposes the Vice President, Prime Minister, Chairman of the Supreme Court and President of the People’s Supreme Judiciary, who are then elected by the National Assembly. The Prime Minister proposes the Vice Prime Minister and members of the Government, who are then appointed by the President (subject to ratification by the National Assembly). Currently the Government of Viet Nam includes 22 line ministries and eight ministerial organisations. Despite recent reforms and legal changes, the Party still has the overall strength and influence in decision making process.

The administrative structure of the Vietnamese State consists of four levels: national, provincial, district and commune. There are 63 provinces and central cities, with 700 administrative units of districts and towns and 11,145 administrative units of communes and wards. The political system at local levels is similar to the national one, and includes a local Communist Party Bureau, a People’s Committee and a People’s Council. At local government levels (in provinces, districts and communes), the People’s Councils are directly elected by the people with five-year terms. The People’s Committees (which are appointed by the People’s Councils) are the State’s local administrative agencies.

**Status of National Legal System**

The Constitution in 1992 stated that the children enjoy protection, care and education by the family, the State and society (Article 65). Followings are major laws relating to the Rights of the Child until 2012:

<table>
<thead>
<tr>
<th>Laws/legal documents and date of issue</th>
<th>Provisions relating to child rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution (1992)</td>
<td>Provides basic rights of Vietnamese citizens, including children</td>
</tr>
<tr>
<td>Law on the Protection, Care and Education of Children (2004, being revised and)</td>
<td>Basic principles for child rights; recognises many child rights and some obligations; responsibilities of different parties; financial sources and international cooperation for child</td>
</tr>
</tbody>
</table>

expected on effect in 2015) rights protection.

<table>
<thead>
<tr>
<th>Law Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Law (2005)</td>
<td>Includes responsibilities of duty-bearers such as the State, family, and society to protect rights of children aged 16-18.</td>
</tr>
<tr>
<td>Ordinance on Prostitution Prevention and Combat (2003)</td>
<td>Includes provisions to prevent sex work and measures to deal with child sex work.</td>
</tr>
<tr>
<td>Law on Education (revised in 2004)</td>
<td>In addition to principles relating to children’s education, there are provisions dealing with school violence and encouraging the development of child-friendly schools.</td>
</tr>
<tr>
<td>Civil Procedure Code (amended in 2004)</td>
<td>Provides procedures in civil appeal; procedures for considering cases relating to the rights of women and children.</td>
</tr>
<tr>
<td>Ordinance on the Administrative Sanctions (2002)</td>
<td>Includes specific regulations on sanctions on juveniles in conflict with the law.</td>
</tr>
<tr>
<td>Law on Military Service (1981, amended in 2005)</td>
<td>Sets the age for army recruitment at 18 and provides measures to ensure that younger children are not recruited.</td>
</tr>
<tr>
<td>Law on Gender Equality (2006)</td>
<td>Provides principles and measures to ensure gender equality within society and the family.</td>
</tr>
<tr>
<td>Land Law (amended in 2003)</td>
<td>Stipulates the need to provide land for recreation and playing fields for children.</td>
</tr>
<tr>
<td>Law on Human Trafficking Prevention and Combat (2011)</td>
<td>Regulates the prevention, discovery and punishment of human-trafficking including child trafficking; provides measures of investigation, protection and support to the victims including children.</td>
</tr>
<tr>
<td>Law on Persons with Disability (2010)</td>
<td>Regulates the rights and obligation of people with disability including children with disability</td>
</tr>
<tr>
<td>Law on Adoption (2010)</td>
<td>Includes principals and conditions of adoption, procedures of adoption and regulates the rights and obligations of adopted parents, adopted child and biological parents.</td>
</tr>
<tr>
<td>Law on Nationality (2008)</td>
<td>Regulates the rights of Vietnamese nationality to children born in Vietnam or by Vietnamese parents/parent</td>
</tr>
</tbody>
</table>
Law on Handling Administrative Violations (2012) Including measures on punishment for children between 14-16 of ages

Sources: The Bureau of Child Protection and Care, Ministry of Justice (Legal Normative Document), the Government Office (Legal Normative Documents) and UNICEF.
General Measures of Implementation

Harmonisation between Legislation and the Convention

Vietnam has been making a lot of efforts to revise, adjust, enact and promulgate laws and policies within the country’s domestic legislation in conformity with the CRC. The Laws on Protection, Care and Education of Children has been revised and expected to be on effect in 2015. From 2005, the government has introduced 15 national programmes on children’s rights to support the implementation of the CRC and respond to the need of children in the current variation of national and international contexts. Despite this progress, there are still significant gaps in the harmonization of the domestic legislation and the implementation of CRC, many in the areas of juvenile justice, definition of the child and dealing with cases of child abuse. Even when the legislation is in place, the implementation of laws faces many obstacles:

- There is a long delay in the implementation of laws. Laws are passed by the National Assembly but the enforcement are on actual effect only after the decrees and guidelines for the implementation are issued by a relevant ministry;
- There are overlapping legal documents that cause contradictory provisions and inconsistent guidelines for implementation of laws.
- There is also lack of coordination among levels of the government leading to overlapping functions to enforce the laws.
- While a high number of programmes and policies for protection of child rights are put in place, there is an overlap in their designs and their implementation.

Coordination

There is a weak coordination amongst related child protection service providers and the necessary continuum of services is missing. The existing services for prevention, early identification, intervention, referral to rehabilitative and specialised services and follow-ups are either not in place or fragmented and unregulated.

The main reason for this weakness is due to the devolution of the powers from national to provincial, district and communal level in the implementation of child rights. In 2008, the Department of Child Protection and Care (DCPC) under the Ministry of Labour, Invalids and Social Affairs (MOLISA) was established to replace the Committees for Population, Family and Children (CPFC). The former staffs of CPFC have re-assigned to Department of Labour, Invalids and Social Affairs (DOLISA) or departments of other line ministries at provincial levels. The newly-established department has the overall oversight of child rights but is yet to build a network of local structures.

Currently, most of the staff responsible for child rights at the provincial level lack professional knowledge and skills. There is no full-time staff responsible for children’s issues at commune level.

Social work has only begun to be recognized as a profession in Vietnam. Social services for vulnerable groups of children are provided largely by voluntary efforts and non-profit organisations, rather than trained and paid professional.

The State officials at central level tend to be sensitized to the concept of child rights, but the local officials are not. There is a similar disparity between the State legislature and the implementing authorities. The situation contributes to inconsistencies in prioritising local investment and budget allocation.
Children’s issues using a rights-based approach are new in Viet Nam. It will take time for the legislature, executive and judicial systems to regard children as holders of their own rights. There is still a need for capacity development in such governance institutions to ensure that the rights of all children are respected, protected and fulfilled. This also requires an assessment of capacity needs at various levels including organizational, individual and the status of an enabling environment.

Child rights issues need to be addressed through a multi-sectoral, multi-disciplinary approach. Implementing programmes and policies related to child rights requires close collaboration between central and local levels. Although inter-sectoral coordination and cooperation between state actors has been strengthened over the past few years, several challenges still exist, particularly in the context of the Government reorganization and dissolution of the CPFC. Coordination between the line ministries and State agencies still needs to be strengthened. Since the main activities to support children’s rights are actually undertaken at the grassroots level, there is concern that the limited coordination will lead to duplication and the inefficient use of public resources.\textsuperscript{17}

\textbf{Cooperation with Civil Society}

The legal framework for NGOs and Civil Society Organisations (CSOs) remains weak, as the Law on Association, which defines their legal status, is still, after more than a decade, in draft form, making it difficult for INGOs to partner with NGOs and CSOs for the benefit of children.

\textbf{Independent Monitoring and Evaluation}

In Concluding Observation of Vietnam’s combined 3rd and 4th Report in June 2012, the UNCRC addressed the concern over the lack of an independent monitoring body for the promotion and protection of the child rights\textsuperscript{18}, noting that the former CPFC’s monitoring system was not an independent monitoring body. The government has recently placed an inspectorate system and developed tools and guidelines on child protection and child rights indicators to rank each province’s level for the national investment and implementation of the child rights\textsuperscript{19}, but the process is mostly assigned to line ministries and State’s agencies.

Currently, there is no independent mechanism for the oversight of the children’s rights.

\textbf{Allocation of Resources}

The budget for the implementation of the child rights is not separated from national budget and it is integrated into sectorial budgets for line ministries. Thus, the State budget allocations for children go through different channels.

Although the proportion of state budget allocated for social sector, including health care and education has steadily increased\textsuperscript{20}, the funding is unsatisfactory for the growing needs of education and health sectors in context of rapid development. The Government has recently encouraged the engagement by the private sector, enterprises and communities and worked in partnership with donors to fill the gaps. However, given the global economic slowdown and the improvement of the country’s status as a middle-income country, both domestic and international resources are limited.

\textsuperscript{17} UNICEF (2010) - An Analysis of the Situation of Children in Vietnam 2010
\textsuperscript{18} CRC/C/VNM/CO/3-4 (June 2012) - Consideration of reports submitted by States parties under article 44 of the Convention
\textsuperscript{19} Prime Minister Decision 37/QD-TTg (2010) – Regulations on Standards of Communes and Wards for Children; Prime Minister Decision 43/QD –TTg (2010) – Regulation on National Statistic Standards
\textsuperscript{20} The Ministry of Finance (2009; 2010; 2011;2012) - An Estimate of State Budget Allocation for Sectors
Funding resources could be more promising if the global economy shows positive trends and the domestic investment situation is improved. At the moment, it seems to have a lot of constraints.

The Official Development Assistance (ODA) has played an important role in Vietnam’s development progress. In recent years, the ODA funding has represented only 3-4 per cent of the country’s GDP, however, it contributed 15-17 per cent of the public investment, in particularly in areas of education, health care, transportation, urban development and clean water.

The top three donors are the Asian Development Bank (ADB), the World Bank (WB) and Japan, whose contribution together forms 70–80% of the ODA to Vietnam. The EU together with its member states is a significant donor with a share of about 11% of the total ODA.

Although the ODA trend in Vietnam seems fluctuating and there is no sign of decreasing trend since 2009 according to the World Bank indicators, the Government of Vietnam is expecting to see a decline of the aid in the future following the country’s lower middle income status.

In SEDP 2011–2015, the Government has taken into account the declining trend of ODA supply in the world and the changing donor strategies prioritising less developed countries over middle-income countries. Vietnam is forecasted to experience a transition of ODA shifting from grants to concessional loans and have increasing access to commercial finance. In the meantime, Vietnam is likely to benefit from the availability of climate change funding, which will influence the international funding trends.

This shift then presents a challenge to children’s rights as support from other sources will not necessarily focus on vulnerable groups. There is, therefore, a need to allocation of State budget for the needs of vulnerable children when investing in national development programmes.

Data Collection and Monitoring

There is an inconsistency in data collection. Although data on children are collected, it is dispersed between different line ministries, making it hard to obtain a coherent picture of child rights in the country.

The coordination between Government, INGOs, local NGOs and UNICEF on the collection of children’s data, especially information relating to child abuse, migrating children, children affected and infected by HIV/AIDS, children with disabilities, children’s right to education, children in conflict with the law and on child labourers, is still weak. There are questions on the reliability and consistency of the data, and limitation on data information sharing and disclosure to the public and also a need for a more clear definition of certain child-related concepts as for example on child abuse in order to provide adequate data. The involvement of political, social and professional agencies and civil societies, INGOs and LNOGs in monitoring is still limited. There is no a clear mechanism for them to be more active and this is often viewed with some skepticism from the government.

Making the Convention Known and Dissemination Responsibilities

The former staffs of CPFC who were reportedly trained on child rights by the Government are no longer working under the child rights oversight department, particularly those at the grassroots levels. In the meantime, there is a limitation of social workers with adequate levels of qualification those are capable of providing advices and consultation on the child rights and protection at the community level, creating a lot of challenges in raising awareness of child rights and disseminating the CRC among children, care givers, teachers parents and community members.
At grassroots level, whereas there are needs of poor families and children, social work and protection services are provided by volunteers and untrained workers undertaking complex tasks without the necessary skills. But trainings for local social workers are largely provided by INGOs but more at the provincial level.

There is a lack of effective information channels using ethnic minority languages to disseminate the CRC and basic rights of the children for ethnic minority groups.
General Principles

Non-Discrimination

The Law on Protection, Care and Education of Children endorses the principle of non-discrimination for all children. Despite efforts by the Government in the past few years to create opportunities for vulnerable children, those who are of ethnic minority groups, children with disability, HIV or different gender identity are still facing challenges of integration.

With respect to accessing education, the primary school enrolment rate among ethnic majority groups such as Kinh ethnic group is as high as 95%, while many other ethnic minority groups still have very low enrolment rates, such as 71% among Dao children and just 42% among H'mong children. According to the Ministry of Education, only 20% of children with disabilities attend high school.

Discrimination and stigmatisation of children living with HIV and AIDS, and those having different gender identity still exists in Viet Nam. Reports indicate that most people living with HIV and AIDS are not accepted by their communities and that children with a family member living with HIV have been turned away from schools and health facilities, or have been subjected to bullying.

There is a need for in-depth research with regards to discrimination against children since gaps in the implementation of the laws prohibiting discrimination remain, in particular for children with HIV/AIDS.

Vietnam signed the UN Convention on the Right of Persons with Disability in 2007, however obtaining precise data on the children with disability is still challenging.

Best Interest of the Child

The principal of the best interest of the child was incorporated into the Law on Protection, Care and Education of Children in 2004. Despite of this provision, this principal has not yet been included in all legislation affecting children. The understanding of the principal is therefore inadequate and it is not yet applied to administrative and judicial decisions.

Viet Nam’s justice system is still very rigid and lacks adequate capacity and established programmes to address the rights of child victims of violence, abuse and exploitation, as well as children in conflict with the law and their needs for protection.

There is a need to establish juvenile courts and trainings on child rights for judges and trial panels in handling children in conflict with law.

The Right to Life, Survival and Development

Injury has become a considerable cause of death in children of Vietnam. The most common fatal injuries are drowning, traffic accidents, cut by sharp objects, burn and poisoning.

In 2011, the Government approved a national programme on prevention of child injury until 2015 and issued a series of sub-law documents to prevent the fatal risks of injury for children. Despite these

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22 In the Consideration of Vietnam 3rd and 4th Combined Report (CRC/C/VNM/3-4) in May –June 2012, the child injury is the most highlighted of this article. Thus, the analysis focuses on addressing this regard in particular. Other relating information will be included in followed sessions.
efforts, about 4,000 children are reported dead and 7,000 injured by road accidents\textsuperscript{24} and 3,300 children die from drowning every year\textsuperscript{25}.

There is a great concern about poor child safety and frequent injuries at the community level. Widened roads for car access, increased numbers of motorbikes among better off households, and the limited knowledge of ethnic minority children regarding traffic laws raises a big concern among parents over the safety of their children when travelling. Cases of drowning in remote areas also remain frequent. Children are also the most vulnerable to natural disasters and diseases, which are prevalent in the remote areas.

There is still an overlapping legal framework, and relatively weak enforcement of laws that do exist. As one of the newer threats to children’s well-being, there is still low awareness of the importance of injury prevention by parents, teachers, caregivers, officials, and the best approaches to use in preventing injuries.

There is an urge to make homes, schools, and play grounds safer for children, especially in communities that are near the rivers, canals, ponds or close to the sea. Adequate design and construction standard of playgrounds need to be tightened.

The side effects of the recent market economy have resulted in an increasing number of potential risks for children, not only in cities and industrialised areas but also in mountainous communes. One of the most important recommendations is to equip children with necessary skills to reduce risks and prevent injuries. The implementation of the existing laws protecting children from accidents and injuries needs to be strengthened, for example, the traffic rules and regulation must be thoroughly enforced.

\textit{“My mother died when I was born. I ran away from my violent father and stepmother at the age of 10. I lived on the street, earning livings by pickpocketing, market portering, scavenging and pimping. Street life made me experience all forms of abuse and violence. I was arrested and escaped from the rehabilitation centres for many time from the age of 12”,}
There are laws that make reference to or promote children’s participation such as the amended Law on Protection Care and Education of Children (2004), Civil Procedure Code, Law on Marriage (2000), Criminal Procedure Code (2003), and Decree on Administrative Violations (2013). However, provisions relating to this are neither widely disseminated nor considered as an integral part of the child rights legal framework.

Many initiatives have recently been developed by the National Assembly, Government INGOs and LNGOs to promote child participation in Vietnam although these initiatives remained incorporated in ad-hoc or social activities. Promoting of child participation is still within the periphery of adult support and adult initiations.

In 2011, the Government decided to design a national action plan for child participation from 2015-2020 to provide a better mechanism for the exercise of this aspect in CRC. The plan is still being developed.

One major challenge for child participation in Vietnam is to define the boundaries between the child’s right to participation and his/her duty of obedience to adults in the country’s social-cultural context as is also regulated by the Law on Protection, Care and Education of Children. The cultural element that gives a great deal of strength to the age hierarchy make children largely regarded as being dependent on adults and as having no capacity to provide useful inputs. This, therefore, discourages the child participation and downgrades the child’s view in decision making process.

The challenges facing both government and INGOs/LNGOs while promoting children’s participation are that there is neither uniformed understanding of child participation nor any mechanisms to measure its potential impact.

Furthermore, there is a lack of personnel trained to promote child participation; no regular child-friendly information flows, nor any specific budget allocated for long-term sustainable participation programmes.
Definition of the Child

In the Youth Law effected in 2005, it is stated that the CRC should be applied to all persons under 18 of age. This article is, in fact, conflicting with many of those in the domestic laws and legal documents where the definition of a child is as a person under 16.

The Law on Child Protection, Care and Education in 2004 recognizes a child as a person under 16 of age – a definition does fully harmonize with that of CRC. Under the pressure of the Committee on the Rights of the Child, the Government has recently conducted a poll to collect public opinions for the revision of provisions relating to the child rights and protections. The process was completed last year and the new law, scheduled from 2015, will bring the legal age of a child up to 18 in conformity with the CRC.
Right to Access to Education

Vietnam has made significant progress in achieving universal primary education and promoting the rights to access. The State budget allocated for education rose from 13 per cent to 20 per cent from 1998 to 2010. The higher figure was maintained until 2013 and Vietnam is among the countries with the relative highest expenditure on education. In 2011, the net attendance rate in primary school was 97.9 per cent and the primary school completion rate was 99.6 per cent with indicators of no difference between girls and boys.

Despite this progress, there are still wide gaps between the rich and the poor, the ethnic minority groups and the majority and the different socio-economic regions in regard to the access to education. The children of disadvantaged groups have continued to experience complex and persistent barriers in enrollment, regular attendance, and timely completion of basic education.

For example, the primary school completion rate among ethnic minority children is significantly lower than that of Kinh and Hoa children: 79.8 per cent and 103.1 per cent, respectively.

There are barriers facing the children in ages of 6-14 of vulnerable groups that make the lower rates in the attendance and completion of basic school levels. The Vietnam’s Multiple Indicator Survey 2011 showed that secondary school attendance ratio between the children from the majority and the ethnic minorities was 83.7 per cent and 65.6 per cent respectively. This ratio between the richest and the poorest was 95.7 per cent and 65.2 per cent.

Many children living remote areas and in disadvantaged areas with less economic opportunities do not have access to pre-school programmes and activities. In Mekong River Delta, only 47 per cent of children of 36-59 months attend preschool, while in Red River Delta 90 per cent. This ratio difference between the richest and the poorest is 90.6 per cent and 58.8 per cent respectively.

The reasons for these disparities include a lack of adequate investment in remote areas such as school buildings and roads from remote communities to schools. There exist many communities and children, particularly in remote, mountainous areas without access to adequate school infrastructure, including satellite classrooms, boarding facilities, functional rooms, water and sanitation, medical rooms and kitchens.

There are also significant concerns regarding the affordability of education for the poorest children and their families with the introduction of schools fees in pre-school and lower-secondary education and the “hidden costs” of primary schooling, which serve to exclude the poorest and most vulnerable. Although basic school fees are waived for poor and vulnerable children, informal contributions (not regulated by exemption policies) including cost for uniforms, sharing costs for school facilities and class’s funds at the start of every school year, render education unaffordable.

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26 Ministry of Finance (2009-2013): An estimate of State Budget Allocation on Sectors
28 This indicator is calculated as the number of children (of any age) attending the last grade of primary school (excluding repeaters) [numerator] over the total number of children of primary school completion age (age appropriate to final grade of primary school) [denominator] (GSO 2011)
30 Government’s Decree 49/2010-CP on school fee exemption from 2010-2015; The Prime Minister’s Decision No 85/2010/QD dated 21/12/2010 on subsidies for boarding students of disadvantaged groups and boarding schools of ethnic minority groups in poor communities; PM Decision 2123/QD-TTG on approval of education development for ethnic minority groups 2010-2015.
Furthermore, there are substantial numbers of hidden children in the society. These include children living together in groups and avoiding the authorities, domestic servants, and children in various forms of bonded labour. These, along with migrant children, do not usually access education at all. Migrant children’s difficulty in accessing education is significant as they are amongst Vietnam’s poorest and most vulnerable and because they tend not to be officially recognised or registered, they do not have an opportunity for the same access rights to education as long-term urban residents.

**Right to Quality**

There are ongoing issues related to the quality of education throughout all levels of the Vietnamese education system, particularly significant for ethnic minority children living in remote mountainous areas. Repetition and drop-out rates with clear links to low quality in all levels of education are particularly high for these groups. Learning achievements for these children are low, particularly as children progress up through the system.

There is no an update on the quality assessment of primary school students between different groups, but a survey by the Ministry of Education and Training in 2008 on 5th grade student performance showed 75.3 per cent of the Kinh children meet the standard of Vietnamese subject while that of ethnic minority was 47 per cent. The ratio for Mathematics subject was 78.7 per cent and 49.9 per cent respectively.

Among many reasons, languages are still significant barriers. While Vietnamese is used to teach in the regular schools, many children of ethnic minority groups don’t speak the language, making it difficult for them to understand and participate in the learning and children consequently often drop out.

There is a lack of teachers who can speak languages of ethnic minorities to support the children and the absence of appropriate teaching methods and culturally contextualized curriculum for ethnic minority groups has been posing challenges to achieve quality of education for these groups.

Currently, there are piloting bilingual education programmes for children of different ethnicities which have been designed by UNICEF and some INGOs including Save the Children. These programmes have been implemented in selected provinces but there is not yet any Government’s plan for formalization.

**Leisure, Recreation and Cultural Activities**

The right to cultural, recreational and sporting activities is often limited for children in disadvantaged, rural and mountainous areas. The Government has invested in entertainment facilities for children but a higher priority is commonly given to profit-making projects rather than to public investment in spaces for children.32

Allocation of land for constructing playgrounds or entertainment areas for children is not given sufficient attention in urban and rural planning, and budgetary allocations for leisure facilities for children is inadequate. Where the private sector has built leisure facilities, the high entrance fees are prohibitive for poor families.

One hovering concern over the last few years for children in urban areas, is the lack of time for recreation, due to spending most of their time studying. Schools and families hardly consider children’s right to play and develop more fully in areas other than school activities.

Health and Welfare

Health and Health Services

Vietnam has made impressive progress in health care for children over the last two decades. The 2004 Law on Protection, Care and Education regulates the provision of free healthcare for children under the age of six in all public health centres. Although healthcare is broadly available, the access to quality health service is still limited for ethnic minorities, for families in remote rural areas and for groups such as migrant children. Informal costs such as long travelling and transportation and vital medicines are unquoted for the Government’s policies while there is still lack of trained doctors and nurses/ midwives in community levels. There is also existing old fashion style of home health care prevailing among ethnic minority groups and in remote rural areas that creates obstacles for children’s right to health services.

The Ministry of Health reported that 98.9 per cent of communes and towns have at least one health center, of these 74.4 per cent have one doctor who either work full time or three days a week. This aspect, however, reflects the difficulties in the access to basic health services by poor and ethnic minority groups living in remote mountainous areas. In many villages, especially in northernmost and northern west regions, where often it even takes a half day for these communities to go to the nearest town. This often poses many risks, particularly in cases of emergency.

Vietnam has successfully reduced both infant mortality rate and under-five children mortality rate by half from 1990-2006. In 2011, the country had already achieved the MDG. However, the progress has been stagnant in the last couple of years which results in different opinions on whether the country would achieve the MDG next year.

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34 General Statistics Office (2011) - GSO Multiple Indicator Cluster Survey 2011
Disabled Children

Although Vietnam law for people including children with disability is in place, the implementation remains weak. In 2010, the country ratified the Convention on Persons with Disability. By the time, the Government issued a mandate that targets to achieve 70 per cent of children with disabilities to have access to school of all kinds. This, however, implied 30 per cent of those with disadvantages did not receive the same opportunities to have access to education.

To date, around 50 per cent of children with disability have no access to education and a very small number of children attend regular schools. In 2011, there is approximately 0.5 per cent of children with disability who go to regular primary school and 0.2 per cent of those attend to regular secondary school. It is the evidence, therefore, that a majority of children with disabilities have yet to benefit from the implementation of inclusive education policies. There are complex reasons which include the limited access to Government’s funding, negative social attitudes towards to children with disability and the lack of public facilities for people with disability. For example, there is absence of rams in almost all regular schools for children with moving problems, making it impossible to them to have access to their class without support. Although there are government regulations on the design and construction of new schools, the Ministry of Education is exempted.

The current level of educational achievement made by children with disabilities in Vietnam is low. The lack of training for teachers with skills on inclusive education and prevailing discrimination and prejudice against this group in schools have caused low rates of school attendance and high rates of dropouts by the children with disability.

There is a concern raised by INGOs working for the rights of children with disability which addresses the poor early intervention at the provincial and community levels that causes problems for the children later in schools.

Children with HIV/AIDS

Vietnam has made great efforts in legal and policy framework related to HIV to 2012. A new national HIV strategy that is aligned with global targets by 2015 has been approved. The first National Targeted Programme on HIV/AIDS has been endorsed for 2012-2020. The HIV prevalence is maintained less than 0.3 per cent of the country’s population.

In 2011 the total number of individuals on anti-retroviral treatment (ART) has increased by 1.5 times than that of 2009, with ART coverage standing at 83 percent in children. However, despite this impressive progress, children with HIV are still facing many challenges in health and social services.

Children with HIV are stigmatized and discriminated against by community, school and their relatives. The Law on HIV/AIDS Prevention in 2006 provides the protection for people with HIV from discrimination but there is no legal mechanism to enforce the law. This prevailing prejudice has even made the children with HIV and their families isolated themselves and refused to have access to social services and information of their rights which further create negative impacts on their life and development.

Adolescent Health

In Vietnam there is a wide absence of social services for adolescent groups who have been increasingly facing risks that threaten their healthily life and living environment.

Young people in rural and ethnic minority communities have higher risks of early birth and early marriage due to lack of education and poor awareness by their families and local authorities. For example, the adolescent birth rates among girls between 15-19 found higher in rural regions at 59 per cent compared to 15 per cent in the cities and towns. And the ratio between the majority and ethnic minority groups was 37 per cent and 99 per cent. The adolescent birth rate is above 100 for women of these ages with no or low education while it dropped 20 per cent for those of high school levels.

The urban children including migrant children, however, have faced risks of different perspectives. The prevalence of Internet and rapid technology development has brought various opportunities for young people to socialize and discover the world without supervision by their parents and other guardians.

Vietnam Family Planning Association reported about 300,000 cases of abortion were girls between 15-18 every year, 60-70 per cent of them are currently being students in schools and universities. UNFPA warned in 2013, about 35.4 per cent of young people between 15-19 were not having access to necessary contraception. This could be leading to consequent risks of HIV/AIDS infection and early marriages.

Another critical problem is the use of low quality private clinic for abortion by the girls for fear of being discovered by their parents, friends or relatives leading to serious problems for their reproductive health.

37 GSO (2011) – A multiple Indicator Cluster Survey 2011
Standard of Living

Despite significant improvements in living standards for Vietnamese people in the last decade, there are still one third of children under 16 living in poor conditions. These children are concentrated in the ethnic minority groups and the migrant populations.

The poor children are identified through a multi-dimensional approach which includes economic aspects and the access to education, health, nutrition, housing, clean water, sanitation, not having to work at an early age, entertainment and social protection.\(^\text{38}\)

Considering the standard of living for children, in 2012 the UNCRC raised its concern of the serious gaps in the supply of safe drinking water, especially in rural areas and among ethnic minority populations and about the inadequate sanitation facilities at home and in schools which affect the health of child and ability to achieve in schools.\(^\text{39}\)

In the Northern mountainous and Central Highlands where there are high proportions of ethnic minority populations have the lowest levels of access to improved water at 80.7 percent and 86.1 percent respectively while the rates for the Red River Delta and South East regions were 99 percent and 98.4 percent respectively.

Nation-wide, 93.8 percent of urban dwellers and 71.4 percent of the rural population use improved latrines, while 1.1 percent of the urban and 8.6 percent of the rural population practice open defecation. Open defecation is largely practiced by the poor (22.9 percent) and ethnic minority groups (27.5 percent). The three regions with the lowest use of sanitary means of excreta disposal are the Mekong Delta, Central Highlands and Northern mountainous region.\(^\text{40}\)

“*We hardly have meat. We mainly eat rice and vegetable.*”

“I like Lunar New Year, when I have delicious meals with a lot of food and new clothes”, “I wish I will have enough warm clothes for this winter. I will feel free to shepherd buffalos in the field.” – a nine-year-old boy from Dao ethnic minority in Lao Cai Province.

“*My family is very poor. My father died when I was 3 and my mother works as farmers and wood collector to support my 3 siblings and I. Now I am at 5^{th} grade but all my sisters and brother dropped out of school. Every day, before going to school I have to shepherd our cows and never had breakfast. I do not have enough text books so I have share books with my classmates. And go to my friend’s house to do the homework*,” a Van Kieu ethnic minority child in Quang Tri.

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\(^{38}\) GSO (2012) - Household Living Standards Survey 2012  
\(^{39}\) CRC /CVNM/C/3-4 (June 2012) - Consideration of reports submitted by States parties under article 44 of the Convention  
\(^{40}\) UNDP (2013) Vietnam MDG Ensuring Environmental Sustainability
Civil Rights and Freedoms

Birth Registration

Birth registration is a fundamental means of securing the child’s rights to a name, a nationality and an identity. The right of the children to birth registration is stipulated in the Civil Code. In Vietnam as many as 95 per cent of children less than five have been registered.

The Government acknowledges that not all children in remote areas and belonging to ethnic minorities are registered. About 84.9 per cent of ethnic minority children have their birth registered by age of 5, compared to 96.7 per cent of Kinh children. According to INGOs, the Government policies to facilitate the birth registration of migrant, homeless and ethnic minority children in remote communities are not effectively disseminated and implemented.

Rights of LGBT

The lesbian, gay, bisexual and transgendered (LGBT) persons are often marginalized in Vietnamese society and is the target of stigma, discrimination and violence. In a research on LGBT children in HCM City by Save the Children in Vietnam, many children revealed that they were denied by their parents and families after they found out their different gender identity. Many said they were reluctant to be open about their “hidden” gender and worried about a negative reputation for their families and violence against them.41

When being denied by parents and teachers, these children live on the streets and their lives are full of hazards, such as irregular sleeping places and meals, lack of health care, threats of violence and harassment, and potential exposure to HIV and other diseases.

Although there are growing campaigns by NGOs and social groups in recognition of the rights of LGBT people including children, they are still being discriminated against and suffer severe child rights violations. They don’t have much chance for education or proper employment; they face physical and psychological abuse, which would potentially lead to drug and alcohol abuse, suicide attempts, and self-mutilation. They are constantly on the move without any permanent residence.

“I dropped out of school at grade 3 when I realized I was not a boy, and due to the bullying from the other kids. I got no protection from my teacher.” – Yuki, a young trans-woman, ran away from home when she 13 years old.

“It was a tough street life. I used drug as I thought it would help me to cope with depression, violence, and stigma. My life had become a mess since then.”

41 Background of Save the Children LGBT project “Promote Non-Discrimination of Vulnerable Children and Young People in Vietnam” 2013
**Corporal Punishment**

The use of physical force to discipline children is a common practice in Vietnam. Although provisions against violence and abuse in the Constitution and legal documents⁴², they are not interpreted as the prohibition of corporal punishment in childrearing.

Physical punishment takes place both within the family and school and it is widely considered as a way of educating children. Although the prevalence of corporal punishment in school may be decreasing as result of professional community promoting alternative methods in disciplining children⁴³ and the increasing public watch-out of school violence⁴⁴ in the last two years, the practice seems lawful in homes.

About 74 per cent of children in Viet Nam aged 2–14 years had experienced violent discipline, meaning they had been subjected to at least one form of psychological or physical punishment by their parents/caregivers or other household members.⁴⁵

There is no explicit prohibition in laws. The Government stated its intention to include a provision on corporal punishment in draft amendments to the Law on the Protection, Care and Education of Children. In November 2013, the new Constitution 2013 was adopted to protect human dignity but does not clearly prohibit all corporal punishment.⁴⁶

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⁴² Law on the Protection, Care and Education of Children in 2004, the Penal Code 1999, the Law on Marriage and the Family (art. 26), the Civil Code 2005, the Law on Domestic Violence Prevention and Control 2007, Law on Education 2005
⁴⁴ Several cases of child physical abuse at schools and day-care centres were seriously reported by media 2011-2013.
⁴⁵ GSO (2011) - Vietnam Multiple Indicator Cluster Survey 2011
⁴⁶ Global Initiative to End All Corporal Punishment of Children (2014) - Corporal Punishment of Children in Vietnam
Special Protections

Child Labour

The first ever child labour survey conducted in Vietnam in 2012 revealed about 1.75 million children aged 5-17 in Viet Nam are categorized as child labourers, accounting for 9.6 per cent of the national child population. About 2.8 million or 62 per cent of children under these ages engaged in economic activities. This survey also indicated that about one-third of the child labourers, or nearly 569,000 children, have to work an average of more than 42 hours per week.47

Of the total number of child labourers, children in rural areas represents 85 percent and those in urban areas account for 15 per cent.

According to the report, about 1.3 million or almost 75 percent of the population of child laborers, are identified as children who are at risk of engagement in activities prohibited to adolescent workers or in hazardous working environment by Vietnam law.

Child labour is also prevalent among migrant children who have limited opportunities to access to school and social welfares. These children have faced a high number of risks including the lack of protection from their parents and local authorities, being robbed, beaten by others on the street, being enticed or forced into criminal behaviours, participating in drug abuse or drug dealing, and consequent risk of HIV infection or sexual exploitation.

Juvenile Justice

Vietnam legal framework must be aligned with international standards in regard to the exercise of the Convention on the Rights of the Child. Critical steps involve in the raising the legal age of a child to 18 and the revision of legal and justice system for juvenile delinquency, particularly in administrative punishment and juvenile courts.

A statistics released by the Steering Committee for the Plan “Prevention and Combat against Child Abuse and Juvenile Delinquency” showed between 2007-2013, there were 94,000 children in conflict with law.\(^4\) The most common offences committed by juveniles are theft, purse snatching, disturbing public orders, appropriating assets by deception, drug addiction and robbery; however, there exist serious crimes including man slaughter among these juvenile delinquencies.

While there are two systems to handle the juveniles in conflict with the law for administrative violations and criminal commits, the justice procedures are not child-friendly and adequate.

There is no juvenile court or support service system for these marginalized children. Neither system to follow-up and re-integrate these children into society once they have been released nor a systematic data collection on children in conflict with the law exists in the country.

In response to the recommendation by CRC on the Vietnam 3\(^{rd}\) and 4\(^{th}\) Report, the Government stated that there is not yet any exclusive plan for juvenile justice but it had been reviewing the criminal and administrative legal system for juvenile delinquency.\(^4\)

Trafficking

There is a challenge in collecting the data of trafficked children in Vietnam although the trends for the trafficking of children and women are visibly identified. It is estimated that thousands of Vietnamese women and children are trafficked both within and outside the country’s borders every year. Due to the secretive and illicit nature of the business, very little is known about the phenomena.

A research by Vietnam Association for the Protection of the Children’s Rights reported that most trafficked children come from poor or single parent families. Many of them had been victims of sexual abuse. These children are lured to big cities or China for the economic opportunities; they then are forced and dragged into working in the commercial sex industry. Upon arrival in the destination country, they become indebted to a trafficker or their owner and deprived of their identity papers. They become dependent with restricted control, even with violence. Even if the trafficked children had a chance to escape from these setting they had many difficulties due to lacks of money and travelling support documents. Many of them refused to return for the fear of stigmatization against them.\(^5\)

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“We want the spotlight to shine on those who traffick children, sexually abuse them and exploit their labour and we want those people to face strict punishment.” Save the Children’s project children voiced up at the National Children Forum.
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\(^5\) Vietnam Association for Protection of the Children’s Rights (2014) - Country Paper Brief on Child Protection (The report is not yet published)
Family Environment

There is a lack of reliable information on children deprived of their family environment whether they are in street situations, orphans, abandoned children or displaced children.

Although the Government has made progress in deinstitutionalization of care for children deprived of a family environment, there is a high prevalence of institutionalization of children, in particular with disabilities, children with HIV, children whose both parents or one of them is deceased as well as abandoned and unwanted children.

Adoption

Viet Nam has for a long time ranked among the most popular countries of origin for adopted children, with at least 10,000 children being adopted worldwide in the last decade.

In 2011, Vietnam ratified the Hague Adoption Convention that expectedly strengthens its child welfare system and the integrity of domestic and international adoption process. There remain some challenges in protecting children in this regard.

There is a lack of knowledge and understanding around child abandonment and absence of effective prevention mechanism and support services for vulnerable families and parents.

In an analysis of child adoption in Vietnam in 2010, UNICEF indicated many problems, particularly in inter-country adoption that are existing despite significant progress in the country’s legislative reform. Among them were:

- Intercountry adoptions were essentially influenced by foreign demand.
- The need to reform the relationship that exists between agencies and specific residential facilities.
- Not all Governments and central authorities of “receiving countries” had fully adhered to applying the basic principles of Hague Convention of 29 May 1993 on protection of Children and Co-operation in Respect of Intercountry Adoption, or the recommendations of the special commission on the treaty’s practical operation, in their dealings with intercountry adoptions from Viet Nam.\(^\text{51}\)

Alternative Care

The MOLISA reported about 163,250 children under age of 16 were either orphans or abandoned in 2013. The figure in reality could be much higher. It is reported about 30 per cent of these children were receiving some care and support by the Government in the form of institutional care or social subsidies, the UNCRC raised concerns about the reliable data as the institutionalization of children was prevalent.

There is a growing concern over the residential care facilities, both registered and unregistered. Children are increasingly reported suffering from physical abuse and trafficking. Concerns about the knowledge levels and ability to provide care by by care givers at these residential centers is increasing.

Currently, the UNCRC urged the Government to establish a mechanism for receiving complaints, investigations and prosecution of child abuse in alternative care settings and ensure that victims of abuse have access to complaints procedures, counseling, medical care and other recovery assistance. There is also need to develop guidelines for the replacement process and organize adequate trainings for caregivers in alternative care centres.

Analysis of Cross-cutting Factors and Actors

Viet Nam was the first country in Asia and the second in the world to ratify the Convention on the Rights of the Child. Basic principles of the CRC have been incorporated into many national laws, including most importantly the 2004 Law on Protection, Care and Education of Children. This law establishes the age of childhood to be up to 16 years, and also establishes the child’s obligations as well as his/her rights.

In addition to an extensive legal framework supporting children’s rights, Viet Nam has put in place a number of national policies and programmes to promote and protect children’s well-being. These include the National Target Programmes, National Programmes of Action on Children, the National Plan for Implementation of UNCRC Recommendation 2014 -2020 and social welfare and social security policies.52

There are many duty-bearers for children’s rights. The Communist Party of Viet Nam leads the State and political and social mass organisations. The National Assembly, which has oversight of all State activities, includes several committees whose work is directly relevant to children. Within Government, MOLISA has overall responsibility for children’s rights, with other line ministries playing key roles in their respective areas. The judiciary plays an important role, and Viet Nam has made continuous efforts to improve the legal framework for children and clarify the organizational structure and mandates of the courts. Political, social, professional organisations are slowly emerging and its important role is increasingly recognised. Mass organisations, affiliated with the Fatherland Front, are very active at grassroots level. The media spreads communications related to children’s rights, and raises awareness of key issues.

Although progress has been made in media coverage, there are still shortfalls in term of language barriers of ethnic minority groups and the availability of broadcasting facilities in rural areas. International development partners, including the UN, have supported Viet Nam in implementing its international and national commitments in relation to children, such as the MDGs, but gaps still remain serious.

The family is the foundation and basic social unit in Viet Nam. There is now a tendency towards nuclear families, a larger number of female-headed households, and an increase in family breakdowns. The traditional Vietnamese family is based on a collective identity, in which the welfare of the extended family has priority. Gender roles within families remain, with most decision-making power concentrated with the male head. One especially important legal development in relation to the family is the 2007 Law on Prevention and Control of Domestic Violence, which outlaws domestic violence.

Another important set of actors for children are state and non-state service providers. Over the last decade, the private sector has played an increasingly important role in delivering child-related social services, as a result of the Government’s policy of ‘socialisation’ of the provision of basic social services. However, private sector service providers tend to be concentrated in large cities and more economically developed regions.

Public sector provision of services has improved significantly, especially in health and education. But there is growing inequality in quality and quantity of public services between rural and urban populations, and between rich and poor. Under-developed economic conditions also hamper the provision of child-related public services in rural and poor provinces.

Planning and budgeting is complex and takes place at many levels. The most important planning framework is the five-year national Socio-Economic Development Plan (SEDP), on which sectoral plans and annual

SEDPs are developed at sub-national levels. Budget allocations for children’s rights are not presented separately within the national budget, but are included within sectoral budget lines such as education and primary health care. Challenges related to planning include: inadequate knowledge of strategic planning approaches; inconsistent integration of child-related targets or priorities in SEDPs; inadequate budget allocations for child-related services; and inadequate time for integrated, participatory planning at local levels.

State spending on the social sectors, especially health and education, has been growing steadily. In 2013 State budget for education and training accounted for 20 per cent and for health accounted for 8.1 per cent.  

Under the ‘socialisation’ policy, user fees were introduced and households are devoting a growing share of their total monthly consumption for basic social services; in 2012, households spent 4.3 per cent of their total monthly consumption on education, and 5.3 per cent on health care.

The Government has invested in developing and strengthening child rights monitoring systems. There are child-specific indicators, national surveys which routinely collect data on children, and work is under way by MOLISA to consolidate all child rights-related data and indicators into one central system under its oversight. Monitoring the impact of specific child-related laws, policies or initiatives is undertaken by a wide range of actors, including the National Assembly, line ministries such as MOLISA, and agencies such as GSO.

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55 UNICEF Vietnam (2010) - An Analysis of the Situation of Children in Vietnam 2010 (This extraction of the original version with some updates on the data)