



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Item 4 of the provisional agenda

### Consideration of reports of States parties

## Implementation of the Convention on the Rights of the Child

### List of issues concerning additional and updated information related to the consideration of the third and fourth combined periodic reports of Viet Nam (CRC/C/VNM/3-4)

#### Addendum

#### Written replies of Viet Nam<sup>\* \*\*</sup>

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the Secretariat.

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## **I. Introduction**

1. As requested by the Committee on the Rights of the Child, Viet Nam updates the combined third and fourth reports on its implementation of the Convention, including the overview of Viet Nam's socio-economic development in the period of 2008 – 2012; the implementation of the Convention in Viet Nam in this period and answers on exercising the rights of the child which the Committee pays attention to.

## **II. Socio-economic overview of Viet Nam in the period 2008 – 2011**

2. In implementing the Strategy on socio-economic development for 2001 – 2010 and the Strategy on socio-economic development for 2011 – 2020, the Viet Nam's economy has developed moderately and stably since 2008. The GDP growth has averaged 7,26 per cent per year in the phase of 2001- 2010.. The economic structure has moved toward the goals of industrialization and modernization. The GDP per capita in 2008 went up from US\$ 1,052 to about US\$ 1,300 in 2011, and increased threefold against 2000. In 2011, Viet Nam's GDP growth reached 5.9 per cent. Viet Nam thereby moved from the group of poorest countries to the group of low, middle-income countries. Along with the rapid and stable growth of the economy, Viet Nam has witnessed remarkable changes in the economic structure.

3. Viet Nam has integrated into the global economy in an in-depth manner, attracting foreign investment flows and taking opportunities in the international market to promote the economic growth.

4. Along with the economic development, Viet Nam pays special attention to and gives priorities over resources for the social development. Therefore, encouraging achievements have been recorded in this area. About 1.7 million jobs per year have been created. The rate of urban unemployment has maintained at 5 – 6 per cent. The public health care has been paid great attention to; the health-care network has been strengthened and upgraded, activities of the preventive health care have been further promoted; newly emerging diseases have been treated in a fast and timely manner. Together with the maintenance of achievements on primary school universalization, the implementation of secondary school universalization has gained various achievements, and the training scale at the university, college, technical college and vocational school levels has risen by 20 per cent per annum. Viet Nam pays great attention to the vulnerable groups such as women, children, minorities, people living with HIV/AIDS and the disabled including victims of Agent Orange. To each group, Viet Nam has specific priority mechanisms and policies to protect, support and create opportunities for them to develop and integrate into the social life. Consequently, these vulnerable groups have step-by-step accessed fundamental social services; infrastructure in difficult areas has been improved, especially in mountainous and remote areas and areas where ethnic minorities live in.

5. The life of many people have been better improved, particularly women, children and ethnic minorities. The rate of poor households decreased to 12 per cent in 2011 according to the standard for 2011 – 2015, an average decrease of 2 per cent per year. Viet Nam has been recognized as one of the countries taking the lead in poverty reduction and implementation of the Millennium Development Goals. The life expectancy of the Vietnamese people has increased from 72.8 years old in 2009 to the age of 73.2 in 2011. Particularly, the Human Development Index (HDI) of Viet Nam was 0.733 in 2008

(ranking 105th out of 177 countries and territories) and 0.728 in 2011 (ranking 128th out of 187 countries and territories).

6. Viet Nam regards people as a goal and driving force for all policies toward socio-economic development and promotion of human rights, including the rights for children.

7. In addition to the formulation and improvement of the legal system to better guarantee human rights, Viet Nam has signed, participated in and implemented the most important international conventions on human rights, including the Covenant on Civil and Political Rights, the Covenant on Economic, Cultural and Social Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on Protection of Children and Co-operation in respect of intercountry adoption. Furthermore, Viet Nam is a signatory to 18 Conventions of the International Labour Organization and considering the ratification of the Convention on the Rights of Persons with Disabilities and the participation in the Convention against Torture. The State of Viet Nam commits itself to complying with international conventions that it is a signatory to. In case of contradictions between the Vietnamese laws and the international conventions that Viet Nam is a party to, the international conventions will prevail.

8. Viet Nam is an active and responsible member of the Human Rights Council and cooperating fully with United Nations human rights mechanisms. In September 2009, Viet Nam successfully defended its National Report on the implementation of human rights, including the rights of the child in Viet Nam under the mechanism of the universal periodic review (UPR) of the Human Rights Council, and was assessed to record encouraging achievements. In implementing commitments made at the UPR defence session, Viet Nam has so far received three independent experts of the United Nations on ethnic minority issues (July 2010), human rights and extreme poverty (August 2010), the effects of foreign debt on the enjoyment of human rights (March 2011), and the Special Rapporteur on the right to health (November 2011). Viet Nam has made active contribution to the establishment and activities of the ASEAN Intergovernmental Commission on Human Rights and assumed the Chairmanship of this Commission in 2010. Viet Nam has participated in many international and regional conferences on human rights and conducted annual human rights dialogue with the U.S., the EU, Australia, Norway and Switzerland, thus strengthening the mutual understanding and attaining active outcomes.

9. By adopting the foreign policy of independence, self-reliance, diversification, multilateralization and in the spirit that Viet Nam is willing to be a friend and reliable partner of countries and international organizations and strives for peace, independence and development, the external relations of Viet Nam have continuously expanded. The 150th membership in the World Trade Organization (WTO), the assumption of the Non-Permanent Member of the United Nations Security Council for 2008 – 2009 and the ASEAN Chairmanship in 2010 have affirmed the growing role and position of Viet Nam in the regional and international integration. Viet Nam has also actively participated in and contributed to the settlement of common issues of the international community.

10. In the period of 2008 – 2011, Viet Nam has actively implemented international commitments and obligations related to children. Under the multilateral cooperation frameworks, Viet Nam cooperated with countries in the Colombo process on labour migration and worked with the Non-Aligned Movement on gender equality and women advancement. In these fora, Viet Nam committed itself to protecting the rights of female migrant labourers and their families (including children), women, and children in general. Under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) including six countries (namely Viet Nam, Cambodia, China, Laos, Myanmar and Thailand), Viet Nam has ratified the 3rd Action Plan for the period of 2011-2013 related to human trafficking. Viet Nam has dynamically participated in activities of the ASEAN

Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) to contribute to the implementation of international and regional documents related to the rights of women and children. And at the same time, Viet Nam has focused on its collaboration among the Convention on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) to implement more effectively the final conclusions of these mechanisms at the national and regional level.

11. In spite of encouraging achievements, Viet Nam has still faced a number of difficulties in the process of socio-economic development, which are to maintain the macro-economic stability, control inflation, ensure social security and sustainable development, enhance the competitiveness, increase income per capita, reduce the rate of poor people, bridge the gap between the rich and the poor, prevent natural disasters and pandemics. In addition, climate change and the world economic recession have made adverse impacts on production, people's life as well as implementation of the rights of children in Viet Nam.

### **III. Progress made in the implementation of the rights of the child in Viet Nam**

#### **Update of the legal system and policies toward children**

12. According to the consistent motto "Best interest must be given to children", the legal system and policies toward children have been increasingly improved. Regulations and standards of international laws have been incorporated into the domestic law, ensuring the harmony and conformity to Viet Nam's socio-economic conditions as follows:

- The 2008 Law on Nationality of Viet Nam stipulates the right to have nationality and be guaranteed on nationality, including children's nationality;
- The 2008 Law on Healthcare Insurance promulgates that children, who are below the age of six, live in poor households, are ethnic minorities living in extremely difficult communes, hamlets and villages and live in the extremely difficult conditions, are entitled to be covered by social welfare and granted health-care insurance cards by the State. Children of the nearly poor households are partly provided with financial assistance for purchases on health-care insurance cards;
- The 2009 Amended and Supplemented Penal Code amended a number of provisions directly related to juvenile justice; and changed the crime of women and children trafficking to human trafficking;
- The 2010 Law on Adoption demonstrates the spirit of the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption; identifies the regulation on respecting the rights of children living in the environment of their original families, encourages humanitarian assistance in rearing, caring for and educating children living in special conditions;
- The 2010 Law on Execution of criminal judgments affirms that judgment exercises to juvenile aims at educating and helping them correct their mistakes, grow healthily and become useful people for the society;
- The Law on People with Disabilities in 2010 stipulates policies toward assisting the disabled, including children in terms of social welfare, medical check-up and treatment, orthopaedic rehabilitation, education, vocational training, access to public facilities, transport and social integration;

- The Law against Human Trafficking in 2011 stipulates the protection of children who are victims of human trafficking;
- Viet Nam has also actively reviewed, prepared and planned to amend a number of articles of the Law on protecting, nurturing and educating children (amended in 2004) in accordance with the new context, conditions and requirements on protecting, nurturing and educating children;
- To implement newly issued laws, amended and supplemented existing laws, the Government has issued various new sub-legal documents to guide the execution;
- The Government has introduced policies toward better guaranteeing social welfare for the poor, ethnic minorities, low-income people and the vulnerable groups. Children also benefit from these policies such as policies on social welfare, housing, supporting low-income people who receive their salary from the State budget, power tariff support, assistance to children of kindergartens, primary and secondary schools residing in communes and hamlets of extreme difficult, subsidies for the poor and building facilities suitable to children, etc;
- In addition, the Government has introduced 15 National Goal Programs, other national programmes directly related to the exercise of the rights of children such as the Program on Poverty Reduction, the Program on Employment, the Program on Vocational Training for Rural Laborers, the Program on Population and Family Planning, the Program on Fresh Water and Environmental Sanitation, the Program on Prevention of Social Diseases, the Program against HIV/AIDS, the Program on Public Healthcare, the Program on Cultural Development, Education and Training, etc, and other programmes exclusively for children such as the National Program on Children Protection in the period of 2011-2015, the National Action Program for Vietnamese Children for 2011-2020; the Program on prevention of accidents and wounds for children, the Project on kindergarten universalization for children below five years old, etc. These policies and programmes have significantly contributed to the advancement of the exercise of the rights of children in Viet Nam.

### **Progress achieved in protecting, rearing and educating children**

#### **Health care and nutrition (the survival rights)**

13. The health-care system has been continuously improved in terms of staff, facilities and medicine. Most of the communes and wards have clinics. Children of poor households, ethnic minorities living in extremely difficult communes, and children under the age of six receive 100 per cent free health care check-up and treatment. In 2011, there were about 66 per cent of children covered by health-care insurance. The investment by the Government in health care increased, accounting for about 6 per cent of the central budget (it was 4 per cent in 2007). The rates of malnutrition, infant and maternal mortality, etc have decreased. In 2010, the rate of maternal mortality was 68/100.000 and 67/100.000 in 2011. In 2010, the mortality rates of children under five years old were 2.38 per cent and 2.4 per cent in 2011. In 2010 and 2011, the mortality rates of children under one year old were 1.58 per cent and 1.55 per cent respectively. The malnutrition rates of underweight children under the age of five were 17.5 per cent in 2010 and 17.3 per cent in 2011; the proportions of people and schools having access to fresh water were 86.5 per cent and 99 per cent respectively.

#### **Education (the development rights)**

14. The network of kindergartens, primary and secondary schools, both public and private, has developed nationwide. All communes have kindergartens and primary,

secondary schools; 100 per cent of districts have secondary schools. All mountainous provinces have boarding and day-boarding secondary schools for children belonging to ethnic minorities. The proportion of pupils attending school at their appropriate age at all grades grew in consecutive years from the school year of 2000-2001 to that of 2009-2010. The proportion of children aged 5 attending nursery schools has increased remarkably from 88 per cent in 2005 to 95 per cent in 2010. The rate of pupils attending primary and secondary schools at their appropriate age also went up. Nearly 50 per cent of children with disabilities have access to schools with specialized and integrated forms of education. The expenditure for education increased gradually per annum. In 2011, it accounted for 20 per cent of the central budget (the figure was 14 per cent in 2007);

15. By December 2011, 63/63 provinces and cities, 687/687 districts and wards have achieved the secondary school universalization standard; 99.4 per cent of the communes have completed the educational universalization. The building of schools safe and friendly with children increasingly expanded and gained fruitful outcomes, thus noticeably reducing significantly school violence. Educational equity has been ensured through favourable policies and social mobilization to support female children, ethnic minority children and children living in poor households.

#### **Children protection (exercising the right to be protected)**

16. Children protection was implemented at three levels (prevention; interference to reduce risks and support for children who live in difficult conditions and are vulnerable to recovery and integration). Forms of children protection living in special hardship were diversified and more suitable to meet the needs of each group. Therefore, by 2011, the proportion of children living in special hardship was reduced to below 6 per cent of the rate of children in hardship nurtured increased to over 80 per cent. The number of children who are in special hardship, poor households, ethnic minorities living in extremely difficult areas who are under 6 years old receiving support of the State increased rapidly. 100 per cent of children living in special hardship, poor households and ethnic minority children were offered free-of-charge legal assistance on demand. All ethnic minority children received educational support through policies toward tuition exemption and reduction and other kinds of support, etc.

17. Viet Nam is also implementing a pilot system on children protection to strengthen the collaboration among competent agencies and social organizations in children nurture and protection. Some provinces have established the Center for Social Activities and Consulting Offices to timely provide consulting services, nurture and protection for children on demand. Viet Nam has also issued criteria on recognition of communes and districts suitable to children; safe houses, schools and communities for better protection of children.

#### **Leisure, entertainment and enjoyment of the right to participation (the right to participation)**

18. Currently, the system of cultural institutions has developed throughout the country from provincial to grassroots level, thus enabling children to play, participate in recreation, cultural, art, physical and sports activities appropriate to their age. Activities of the cultural centres, cultural houses and exhibition centres include organizing artistic, singing, dancing, music, art, martial arts, sports classes, thematic exhibitions for all ages, especially for children. As of 2009, provincial cultural centres are present in the whole country; 449/682 districts have cultural centres or cultural houses; 3911 communal culture houses in the total number of 10,929 communes, wards and towns; 50,819 cultural villages and hamlets in the total number of 100 406 villages and hamlets; 7558 neighbourhoods have sports grounds; 34,303 villages have sports grounds; there are 2,991,989 different types of clubs, 713,392 teams of folk arts and about 9,000 communes have recreation and entertainment places for

children (at 82 per cent). As of 2010, the rate of the communes with standard recreation and entertainment places for children is 38.4 per cent; rate of districts with recreation centres for children is 47 per cent; there are 307/685 children's cultural houses at district and provincial level (44.8 per cent); children's cultural houses attract on average more than 60,000 child arrivals daily to play and engage in recreation, cultural and arts activities. The localities have also built children's libraries in the Children's Cultural Houses with more than 15,000 child readers daily. In 2010, 100 per cent of provinces and the first class cities (under the central administration) have libraries; there are 485 reading rooms for children in the districts. On average, each library has 4,000 books, 400 titles, 10 newspapers and magazines for children. Funding for books and newspapers for children in every provincial library is about 10-15 million VND/ year.

19. In the last 10 years, in order to better to meet the needs of children, many amusement parks, various types of children's play areas have been developed in the form of socialization, creating conditions for children in cities and in rural areas (including poor children) to participate in recreation and entertainment activities. From large-scale amusement parks (such as the Dam Sen, Suoi Tien, Ky Hoa ... in Ho Chi Minh City, the Lac Canh Dai Nam in Binh Duong Province, the West Lake Water Park, Moon park, Bao Son Paradise in Hanoi), to the small recreations (such as Vincom, Big C, national Cinema Centre in Hanoi ..., fairy gardens, computer labs, children libraries ... in many localities) have responded to the demand for entertainment and recreation of children. The performance has met and even gone far beyond some targets of National target programme on culture for 2006-2010; specifically, providing 1,479,000 million copies of books for 63 provincial libraries and 1,493,000 copies of books for district libraries (target overachieved); investing to support the building of libraries for 30 newly separated districts and districts with difficulties (target achieved); building 500 cultural spots (in coordination with the High command of border guard) (target overachieved); investing in the construction and supporting the maintenance of 80 spots for cultural activities in the villages and hamlets in special conditions (target achieved).

20. Activities to enhance the participation of children were gradually duplicated nationwide. Many kinds of fora for children were established by agencies and organizations to help children express their views at schools, localities throughout the country. Children were also supported to participate in regional and international fora. Adults paid more attention to the voices of children and included them in policy-making, programming and projects related to the rights of children.

21. The National Forum for Children will take place biennially as of 2009. The Ministry of Labor, Invalids and Social Affairs, and the Committee on Culture, Education, Youth, Teenagers and Children of the National Assembly have cooperated with international agencies and organizations to organize this Forum with the participation of nearly 400 children. In this Forum, children can exchange their views and express their aspiration to leaders of the Party and State on the exercise of the rights of children. This activity has received good comments of people in the country and outside.



## **IV. Updating the third and fourth periodic reports of Viet Nam on the implementation of the Convention on the Rights of the Child in the period 2008-2011**

### **Replies to the issues raised in the list of issues (CRC/C/VNM/Q/3-4)**

#### **Part I**

##### **Reply to the issues raised in part I, paragraph 1, of the list of issues**

22. Viet Nam has planned to amend the 2004 Law on protecting, nurturing and educating children and the changes have been incorporated into the Program on law and ordinance formulation of the 13th National Assembly (resolution 20/2011/QH 13 dated 26 November 2011). The Government has expected to submit this Bill to the National Assembly in a meeting by the end of 2013.

23. The amendment of the Law on protecting, nurturing and educating children aims at fully carrying out principles and regulations of the Convention on the Rights of the Child. As expected, some issues are proposed to be amended as follows:

- (a) Increase the age of children in conformity with the Convention and related legal documents;
- (b) Stipulate more specifically the rights of children based on groups of the rights enshrined in the Convention;
- (c) Identify authorities and responsibilities of agencies, organizations, schools, families and individuals in prevention of and support for children who are abused and suffered from violence;
- (d) Supplement and specify regulations on children protection such as forms of abuse, violence against children, punishment mechanisms to abuse cases, procedures for detecting, denouncing and reporting on abuse cases, violence against children, confidential information and protection of whistle-blowers; the process of detection, interference, settlement and reintegration of children in special hardship;
- (e) Issue regulations on functions, responsibilities and operations of organizations providing services for children protection and nurture; encourage socialization of activities on children protection;
- (f) Put forth regulations on data collection on children to supervise the exercise of the rights of children;
- (g) Provide judicial principles on juvenile, directions and re-integration into the community for juvenile violating the laws;
- (h) Stipulate operations and resource allocation for activities of children protection and nurture, etc.

##### **Reply to the issues raised in part I, paragraph 2, of the list of issues**

24. After the third and the fourth National Report of Viet Nam, by the end of 2007, the state management function on children protection and nurture has been handed over to the Ministry of Labor – Invalids and Social Affairs (Decree 186/2007/NĐ-CP dated 25<sup>th</sup> December 2007). The specialized unit of the Ministry is the Department on Children Protection and Nurture.

25. At the provincial level, Departments on Labor, Invalids and Social Affairs establish Divisions on Children Protection and Nurture or Agencies on Social Protection, Children Protection and Nurture (about 380 officers).

26. At the district level, there is one or two officers specialized in children protection and nurture in Divisions on Labor – Invalids and Social Affairs (778 officers).

27. At the commune level, there is one officer in charge of supervising labour and social affairs, including children protection and nurture. Some communes have specialized officers on children protection and nurture (about 12,000 officers). In addition, the collaborator network on children protection and nurture at hamlets and villages has been improved. By the end of 2011, there were 41,055 collaborators nationwide, many of whom work both in the Program on population and family planning and in the Program on Children Protection and Nurture.

28. In their functions and responsibilities, the Ministry of Justice, the Ministry of Health, the Ministry of Education and Training and the Ministry of Public Security, etc have actively worked with the Ministry of Labor, Invalids and Social Affairs to promote the exercise of the rights of children.

### **Reply to the issues raised in part I, paragraph 3, of the list of issues**

#### **Major outcomes of the National Action Program for Vietnamese children in the period of 2001-2010**

29. After 10 years of implementation of the National Action Program for Vietnamese children in the period of 2001-2010, Viet Nam has attained a number of significant outcomes.

30. Regarding health, nutrition, fresh water and environmental sanitation, the proportion on malnutrition, infant and maternal mortality, etc has been reduced. In 2010, the rate of maternal mortality was 69/100,000; the rates of infant mortality below the age of 5 and 1 were 16 per cent and 14 per cent respectively; the malnutrition rate of underweight children under 5 years old was 18,6 per cent; and the proportions of people and schools having access to fresh water were 93 per cent and 99 per cent respectively.

31. However, shortcomings remained. The malnutrition rate of underweight children under 5 years old was high. Despite the reduced malnutrition rate of children below the age of 5 (by their weight and age), disparities still occurred in different areas. The number of paediatricians and beds for paediatric patients did not meet practical demand. Children of poor households, in remote areas and areas of ethnic minorities had difficulties in accessing primary health care, etc. The quality of fresh water was low; weaknesses appeared in the management, usage and maintenance of sanitary equipment at schools, health clinics and residential areas.

32. Regarding education, by December 2011, the number of provinces and cities met the standard of secondary school universalization was 63/63 (reaching the rate of 100 per cent). The number of units at commune level reached the standard of educational universalization was 11,016/11,088 (reaching the proportion of 99.4 per cent); and the number of units at the district level attained the standard of secondary school universalization was 694/694 (reaching the rate of 100 per cent). The proportion of children aged 3-5 years old attending nursery schools and the enrolment at appropriate age in primary and secondary schools rose. In 2010, 98 per cent of children aged 5 went to school according to the compulsory universalization programme (pre-school). Nearly 50 per cent of children with disabilities enrolled with various kinds of specialized education and integration. The network of kindergartens, primary and secondary schools developed nationwide under the state and private forms. In addition to the increased number of secondary schools, infrastructure of

schools was also improved remarkably. All communes had kindergartens and primary schools. Primary schools appeared in all communes or groups of communes. 100 per cent of districts had secondary schools. All mountainous provinces had boarding and day-boarding ethnic secondary schools for ethnic minority children. Social equality in education was improved noticeably, particularly to female children, children of ethnic minorities and living in poor households. Education in areas of ethnic minorities and remote areas vigorously developed and made considerable progress. The number of schools fundamentally guaranteed that ethnic minority children could enrol right at their communes, hamlets and villages.

33. However, shortcomings still exist in the area of education. The education expenditure was still high in comparison with people's income, particularly in the urban areas. There were disparities in access to and the gap on the quality of education among the urban, rural, delta, mountainous and remote areas. Ethnic minority children faced the language barrier when attending school. Some poor children and children living in special hardship did not have access to education. The enrolment and graduation rates of some groups were lower than the general rate (the rate of children with disabilities attending the integration education only reached 50 per cent); the rate of ethnic minority children completing primary school remained low.

34. Regarding protection of children, positive changes were seen in the child right based approach. Children protection was implemented at three levels (preventing, interfering to reduce risks, and support the recovery and integration for children in special hardship and being vulnerable). Nurture forms for children of special hardship were diversified and more suitable to demands of each group. Therefore, by 2011, the rate of children living in special hardship out of the total number of children reduced to 6 per cent, and the proportion of children living in special hardship being taken care of was 75 per cent in 2010 and above 80 per cent in 2011. Children working in hard, harmful and dangerous conditions, street children, children at risk of wandering and their families were supported under different forms such as returning home, coming back to school, accessing health-care services, assisting their vocational training, creating jobs, increasing their families' income to help them stabilize their career, and increasing their own income. Children suffered from sex abuse and violence were detected and supported timely. Most of ethnic minority children were supported when enrolling at schools through policies on tuition exemption and reduction and other forms of support. Children living in special hardship, poor children and children under 6 years of age, who accessed health-care services, were granted health-care insurance cards and medical check-up and treatment. About 69.7 thousand children with disabilities received rehabilitation and orthopaedic surgery; about five thousand children had surgery for congenital heart. 100 per cent of children living in special hardship, poor children and ethnic minority children were offered free-of-charge legal assistance on demand.

35. However, the children protection still faced a number of difficulties. The number and rate of children living in special hardship is still in the upward trend. The maltreatment, abuse, violence toward, exploitation, trafficking and neglect of children and juvenile violating the laws were complicated and some cases were serious. The implementation of school discipline was not flexible and in line with the principle of children's best interests. The law on protection, nurture and assistant to children living in special hardship were comprehensive. However, some specific regulations were slowly amended and supplemented, resulting in the ineffectiveness. There lacked an effective organization and provision network of services on children protection.

36. Regarding leisure, entertainment and participation of children, activities meeting children's demand for entertainment were paid more attention to through activities in cultural centres and houses, exhibitions at the provincial, district, and commune levels and

entertainment places at communes and wards; Mass media agencies paid greater attention to children, enabled them to access and enjoy culture of the human beings and entertainment in a healthy manner through books, newspapers, magazines, radios, TV and Internet, etc. Many competitions on composing and drawing were organized and drew attention of the author circle and children. Activities aiming at enhance the participation of children were gradually expanded around the country. Children learned about their rights, participated in art performances, sports, fora, competitions and charity activities in the community. Many fora for children were established by related agencies to facilitate their expression of views at the school, local, regional and international levels. These fora drew attention of tens of thousands of children per annum.

37. However, there were difficulties and challenges in entertainment and exercise on the participation rights of children. The investment resource was limited. There was a short in human resources that were competent and skilful in working with children. Cultural activities and entertainment for children was mainly located in cities, hence children in rural poor and remote areas did not have much access to those activities. Cultural institutions, information and facilities for children's entertainment did not meet the requirement on social and children development.

38. The National Action Program for Children for the period of 2011-2020 aims to:

- Give priority over activities, overcome shortcomings of the 2001- 2010 period based on the Convention, conditions of national socio-economic development and suggestions of the Committee on the Rights of the Child (submitted for the Prime Minister's approval).

39. The goal of this Program is to establish a safe, friendly and healthy environment to better exercise the rights of children. The gap on living conditions should gradually be bridged among groups of children at different areas. The quality of children's life should be increased; equal opportunities for children's development must be created. There are five goals as follows:

- Create opportunities for all children to access primary health-care services and step-by-step access to high quality health-care services in an equal manner; ensure adequate and proper nutrition for children, reduce the malnutrition with a view to lift our country out of the group having the world's highest rate of malnutrition stunting children;
- Create opportunities for all children to access forms of education in an appropriately and non-discriminatory manner, increase the number of children in kindergartens and primary schools at their specified age; gradually enhance the education quality in countryside and mountainous areas. Strengthen the education of integration for children with disability, living with HIV and mental disorders;
- Protect children from maltreatment, abuse, violence, exploitation, neglect and reduce the likelihood of children living in special hardship. Ensure that all children living in special hardship or being abused are supported to re-integrate into the community and enjoy equal opportunities for development;
- Enable children to participate in entertainment, cultural activities and sports healthily and usefully in accordance with their age, gender and characteristics of areas, enhance the education on culture and good traditional practices of the nation for children, particularly traditional games which are educational and economical. Reduce the situation of children having access to violent and pornographic publications;
- Enable children to access information, participate in social activities, express their views on issues related to children through fora at all levels or dialogues between

children and management agencies, National Assembly Deputies and People's Councils at various levels.

40. The specific measures to implement the programme are as follows: (a) strengthening the leadership and guidance of Party committees at all levels and the authorities for the protection, care and education of children; (b) promoting propagation and education to raise awareness of the meaningfulness and importance of the protection, care and education of children; (c) socializing the activities of protection, care and education of children through creating a mechanism to encourage business entities, political-social organizations, social organizations, families, communities, citizens and children to participate in the protection, care and education of children; (d) providing protection, care, education, leisure and entertainment services for children; (e) creating opportunities and facilitating children's active participation in activities on protection, care and education of children and other social activities consistent with age; (f) promoting scientific research and international cooperation such as enhancing scientific research activities for forecasting, policy-making and managing the protection, care and education of children; (g) encouraging applied research, application of service models of protection, care and education of children and the implementation of the rights of children; (h) expanding and strengthening international cooperation, especially with potential partners to mobilize resources and share experiences regionally and internationally for the protection, care and education of children and child rights implementation; (i) participating in and hosting international and regional events on protection, care and education of children and child rights implementation.

**Reply to the issues raised in part I, paragraph 4, of the list of issues.**

41. In Viet Nam, political institutions and mechanisms on ensuring human rights are affirmed in the Constitution. These are the system of state agencies, political-social organizations, social organizations and the people; agencies, organizations and the people have specific responsibilities in accordance with regulations, have close relations, enable the support and supervise in the formulation and exercise of policies and laws. This contributes to the socio-economic development, protects the legal interests of organizations and individuals, and the right to complaints and denunciations. In fact, this system has worked increasingly.

42. The National Assembly plays the supreme supervising role in activities of State agencies and organizations and every citizen. It establishes independent committees. The Committee on Culture, Education for the Youth, Teenagers and Children is an independent agency having the right to supervise the full exercise of the rights of children in line with Vietnamese laws and the Convention.

43. In addition, delegations of deputies to the National Assembly, People's Councils, National Assembly delegates at various levels play an active role in observing the full exercise of the rights of children in conformity with regulations.

44. The Government, People's Committee at various levels are executive agencies implementing laws and policies to exercise the rights of citizens, including the rights of children.

45. Organizations such as the Fatherland Front and member organizations such as the Women Association, the Youth Union, the Veteran Association, and the Association of Farmers play a supervising role to guarantee the exercise of rights of citizens, including the rights of children.

46. Viet Nam's social organizations and non-government organizations are established and developed, significantly contributing to collecting inputs for law and policy formulation and the implementation, including the rights of women and children. The independent Association on Protection on the Rights of Child established in central

agencies and localities actively participates in ensuring the rights of children suitable to the Convention.

47. Families, schools, all citizens and children play a significant role in exercising the rights of children.

48. Viet Nam is considering the amendment of the 1992 Constitution. On this basis, law documents and sub-law ones will be amended and supplemented to ensure human rights, including the rights of women and children.

**Reply to the issues raised in part I, paragraph 5, of the list of issues.**

49. As mentioned in the third and the fourth periodic reports, Viet Nam has established a system to collect information and report to central agencies and localities through periodic surveys and reports.

50. Currently, Viet Nam has an index set on the rights of children with the figure of over 70 for 4 groups of fundamental rights of children in accordance with the UN Convention on the Rights of the Child, a tool set for the six-month report and 25 groups of basic information related to criteria on protecting and nurturing children for annual reports. Besides, Viet Nam is completing the index on children protection to supervise the implementation of Decision 267/QĐ-TTg dated 22February 2011 adopted by the Prime Minister for the National Program on children protection for 2011-2015.

51. Over the last three years (2008-2011), Viet Nam continued to update its database on children in general and the group of children living in special hardship in particular. In the period of 2012-2015, Viet Nam will also establish a database on the group of children risking being vulnerable and living in special hardship to seek appropriate interference and support.

**Reply to the issues raised in part I, paragraph 6, of the list of issues.**

**Measures taken by the Government to enhance the awareness of and education on the rights of children**

52. Viet Nam attaches great importance to communications on enhancing the awareness and education on the rights of children on the social scale. A project on communications on social mobilization was included in the national programme on children protection in the period of 2011-2015. The Ministry of Labor, Invalids and Social Affairs has a specialized centre on communications "For Children" to broadcast on VTV1, VTV3, VCTV 15 and a journal on families and children. The Viet Nam TV Station and Radio the Voice of Viet Nam have separate programmes for children; there are also some newspapers exclusively for children in Viet Nam such as the Children Newspaper, Teenager Newspaper, and Student Newspaper, etc.

53. Communications activities implemented by the Government are as follows:

- Organize communications campaigns through the organization of major events such as the Launching Ceremony on an Action Month for Children,; prevention of accidents and wounds for children; the Vietnamese Family Day, a Day When all Children go to school, a Day for micro-nutrition for children, cultural and sport events, events on popularizing knowledge on raising children healthily and teaching them to be good people; education on gender equality and HIV for youth and teenagers;
- Research, develop and produce communications publications on protecting and nurturing children, sending messages and programmes on TV, central and local

radios, making leaflets and handbooks on protecting children and preventing forms of maltreatment, abuse, violence and exploitation of children, etc;

- Organize communications activities in the community and schools, cover these activities on loudspeakers of communes conducted by core children and children's clubs such as the Young Star, The Young Propaganda Group, the Club on the Rights of Children, the Club of Young Reporters, the Club of Families loving their children, etc;
- Organize fora for children at the district, provincial and national levels. Fora for children at the district and provincial levels are organized once a year and the forum for children at the national level takes place biennially. These are opportunities to meet, exchange views, question and express their aspiration to leaders at various levels to guarantee the best interests for children and fully exercise the fundamental rights of children.

54. Media means pay attention to the group of ethnic minority children and children living in rural areas. Traditional documents are translated into ethnic languages to facilitate their access to these papers. The Viet Nam TV Station has a separate programme broadcast in the Khmer language (VTV5) for the Khmer people. Radios and TV stations of some provinces having a large number of ethnic minorities also save time to broadcast programmes on ethnic languages (Tay, Thai, Khmer, Muong, H'Mông, Ede, etc).

55. However, communications activities to some ethnic minorities have faced difficulties. Because there are many ethnic minorities not possessing writings, it is hard for this group to access media publications. To enhance the communications activities on exercising the Rights of Children in Viet Nam, the Government has established a communications strategy with technical support of the UNICEF, international organizations, and NGOs in Viet Nam. This is an important content in the national action programme for children in the period of 2011-2020 and the national programme on Children Protection for 2011- 2015.

#### **Training programmes and courses to increase capacity of specialized officers working with children**

56. Ministries, sectors and social organizations have programmes on capacity training for specialized officers working with children. Some training programmes can be listed as follows:

57. The Ministry of Labor, Invalids and Social Affairs annually has a training programme on enhancing capacity for officers in this sector. The Ministry organizes training classes for core lecturers of provinces and districts and for officers in charge of protecting and nurturing children at the provincial, district and commune levels and collaborators in hamlets and villages on: fundamental content of the Convention on the Rights of the Child, fundamental rights of children and responsibilities of agencies and organizations to the protection of the rights of children; general knowledge on social activities toward children; skills on children protection; knowledge on laws and policies on children; the state management on children protection and nurture; the legal status of juvenile; plan making; examine, supervise and analyse the information collection, establish models to support children living in special hardship; training on survey and assessment skill; the skill on report summary; training officers using computers, network and programme management to collect information, manage, exploit, share and use database, etc.

58. The Ministry of Education and Training annually organizes seminars, conferences and training classes on educating, nurturing and protecting children for managers and specialized officers on health care at schools, including the rights of children. In addition,

content on nurture, education, protection and entertainment of children is incorporated in agendas of conferences and major movements of the sector such as: the regional briefing meetings, briefing and reviewing the emulation movement “building friendly schools, proactive pupils”, documents guiding the implementation of activities related to pupils and students in the beginning of the academic year. Currently, the project “Education on attitude changes on families and prevention of domestic violence in the period of 2011-2020, vision toward 2030”, one of seven component projects of the Family Development Strategy for 2011-2020, vision toward 2030, has been established and expected to be adopted in the coming time.

59. The National Academy on Politics and Administration trains officers on policy making, managers at various levels with such content as Children in the socio-economic development strategy of the Party and State; the state management on children, including the Convention on the Rights of Children, policies and laws on children.

60. The Ministry of Justice, the Procuracy, the Court and the Ministry of Public Security have training programmes for judicial staff (investigators, procurators, judges and lawyers) on skills on working with children, legal status of juvenile (giving direction and judicial recovery, friendly investigation with children and juvenile, collecting judicial figures of juvenile).

61. The Government has given direction on mainstreaming content on protecting, nurturing and educating children in curriculum in universities and colleges specialized in social science and humanity, faculties related to social activities of universities and academies, the Academy on Politics and Administration, the Academy on Public Security, the Academy on Security, the Law University, the Academy on Youth, the school training female staff and the Academy on Journalism and Communications.

62. Political and social organizations such as the Viet Nam Women’s Union, the Youth, the Association of Farmers, the Viet Nam General Confederation of Labor have training programmes for their staff and members on the rights of children.

63. In the education system, at primary, secondary and high schools, the subject of civic education has introduced fundamental content of the Convention on the Rights of the Child, the Law on protecting, nurturing and educating children to lessons. In addition, clubs on the rights of children, activities of youth party cells are established. With these measures, children can be fully aware of the rights of children and the exercise.

**Reply to the issues raised in part I, paragraph 7, of the list of issues.**

64. Viet Nam’s law and policies have always demonstrated consistently the equality and equity in exercising the rights of children, prohibiting all forms of discrimination on children regardless of religion and resident areas in Viet Nam’s territory. In addition, ethnic minority children, migrant children, living with disabilities, HIV/AIDS and children in remote areas are given priority over access to fundamental social services, particularly education, health care, social subsidy and welfare, creating equal opportunities on development for children.

65. However, in fact, there remained prejudice and discrimination against some groups of children, or the groups of children having difficulties in health care, educational and social services. The Government has many measures to address this inequality. In addition to general programmes on socio-economic development such as poverty reduction, development for the mountainous areas and areas of ethnic minorities, building new rural areas, health-care and education programmes, the goal of protecting rights and interest of children is mainstreamed in the principle of best interests for children. Measures that Viet Nam is taking as follows:



- Continue to complete the legal system: assess the legal system on children and related documents to amend and supplement, particularly policies and mechanisms on examination, inspection and supervision to ensure that children of different religions, ethnic minorities, migrant children, children with disabilities, HIV /AIDS and children in remote areas, and rural areas have favourable conditions to access health care, educational and social services;
- Improve the system of social welfare for children: continue to develop policies toward social welfare for children, particularly children in special hardship, poor children, children of low-income families and ethnic minority children living in difficult areas. Typical policies are as follows: support poor households in housing<sup>1</sup>; the national action plan for children living with HIV/AIDS by 2010 and vision toward 2020<sup>2</sup> (ensuring that children living with HIV/AIDS are nurtured and access to education or vocational training support, enjoy social policies in accordance with current regulations, live safely with their father, mother, brother, sister or their relatives, or live in nurture facilities, and children living with HIV in the group of diagnosing and treatment of diseases related to HIV/AIDS). Along with policies on social welfare, the current assistance is moving toward the establishment of policies to support children access to forms of family's assistance; and access health care and education services stably and sustainably, specifically as follows:

- Health care: Vietnam is implementing measures to eliminate all forms of discrimination against children infected with HIV / AIDS such as the State fostering children under six months of age born to mothers infected with HIV / AIDS with milk replacer; prohibits discrimination, discrimination against children infected with HIV / AIDS; ensure the right to education for children affected by HIV / AIDS. Amend the maternity leave in the direction that mothers are entitled to five or six-month leave after delivery; encourage investment in health services on orthopaedic and rehabilitation for people with disabilities, children with disabilities; develop models on orthopaedic rehabilitation based on the community; support health insurance for the poor and near poor, including children. Develop models of the safe community, and houses to prevent injuries to children, especially the prevention of drowning and traffic accidents. Make a policy on surgery support for children with congenital heart diseases. Develop policies to support children living with HIV to access social services and community integration. Invest in construction, renovation and upgrade of hospitals specialized in tuberculosis, mental illness, oncology, paediatrics and some provincial general hospitals in mountainous and difficult areas<sup>3</sup>;

- Education: draft and issue documents to facilitate the implementation of the Rights of the Child such as universalization of kindergarten education for five year old kids, primary education and secondary education; inclusive education for children with difficulties<sup>4</sup>; health care in kindergartens<sup>5</sup>;

<sup>1</sup> Decision 167/2008/QĐ-TTg of the Prime Minister dated 12 December on policies toward poor households.

<sup>2</sup> QĐ 84/2009/QĐ-TTg adopted the National Action Plan for children living with HIV/AIDS by 2010 and vision toward 2020

<sup>3</sup> Decision No. 930/QĐ-TTg dated 30 June 2009 ratified the Project on "Investment in construction, renovation and upgrade of hospital specialized in tuberculosis, mental illness, oncology, pediatrics and some provincial general hospitals in mountainous and difficult areas using government bonds and the other legal capital resources for the period of 2009-2013"

<sup>4</sup> Circular No. 39/2009/TT-BGDĐT dated 29 December 2009 of Ministry of Education and Training.

enhancement of HIV/AIDS prevention and control in education with a focus on reducing stigma associated with children living with HIV/AIDS<sup>6</sup>; design friendly toilet for children with disabilities at kindergartens, primary school, secondary school and high school<sup>7</sup>; promulgate the Action Plan on implementation of the National Strategy for Natural disaster prevention, response and mitigation in education sector to 2011-2020<sup>8</sup>; draft a sub-project of “Education access without barrier for children living with HIV/AIDS and high risk children” and “Change of behavior in HIV/AIDS prevention and control from the perspective of education and media”; grant preferences for teachers and educators of children with disabilities, children living with HIV/AIDS and children with other difficulties; draft education project for ethnic super minorities in 2010-2015<sup>9</sup>; issue policies in support of semi-boarding students and semi-boarding school for ethnic students<sup>10</sup>. In addition, the type of education is diverse while the number and quality of teacher are increased. Priority of building standard state’s school is given to mountainous, island, border, far and remote areas, where people are living with socio-economic difficulties. As such, education in ethnic minority communities in far and remote areas has seen strong growth and remarkable progress. Ethnic children can now have access on-the-spot education service in their communes and villages. Scholarship has been granted to ethnic children, in particular female students and students with poverty to facilitate their schooling and promote equal opportunity in education. Education is socialized by allowing the civil society’s contribution to the construction and maintenance of schools, facilitation of children’s schooling and organization of child care events such as donation of free toothpaste and toothbrush for first-grade students throughout the country and free dental care for elementary students;

- Child protection: work out process and regulations on intervention and assistance to children suffering from maltreatment, abuse, violence and children vulnerable to special circumstances. Provide legal assistance and mechanism to further strengthen child protection services at three levels of prevention, intervention and community re-integration with a focus on the first level. Design and increase child care models for children in special circumstances in disadvantaged areas and mobilize civilian’s contribution to child care and child protection, in particular children in special circumstances;

- Child participation: Invest in the construction of child entertainment centres, where forms of entertainment are designed to fit local customs, identity and religion under the Government’s leadership. Open ‘rights of the child’ clubs and forums to facilitate children’s on-the-spot participation. Facilitate children’s participation in national and regional child forums.

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<sup>5</sup> Decision 73/2007/QĐ-BGDĐT dated 4 December 2007 stipulated regulations on medical activities in primary, secondary and high schools with many levels; Decision 58/2008/QĐ-BGDĐT dated 7 October 2008 promulgated the regulations on health-care activities in the kindergarten facilities.

<sup>6</sup> Directive 61/2008/CT-BGDĐT dated 12 November 2008.

<sup>7</sup> Decision No. 4792/QĐ-BG ĐT dated 28 September 2011.

<sup>8</sup> Decision No.4068/QĐ-BGDĐT dated 8 September 2011.

<sup>9</sup> Decision No. 2123/QĐ-TTg of the Prime Minister dated 22 November 2010 approving the education Project for ethnic super minorities 2010-2015.

<sup>10</sup> Decision No. 85/2010/QĐ-TTg of the Prime Minister dated 21 December 2010 issued some policies in support of semi-boarding students and semi-boarding school for ethnic students

66. In addition, Viet Nam mobilizes State's budget, international aid and civil society's contribution to improving socio-economic development in disadvantaged areas, which adds more substance to the implementation of the rights of the child.

**Reply to the issues raised in part I, paragraph 8, of the list of issues**

67. Resolution 20/2011/QH13 dated 26 November, 2011 by the 13th National Assembly states that the National Assembly is expected to approve children-related legal document including the Law on amendment and addition of the Law on child protection, care and education, the Law on handling administrative violations, the Penal Code (Amendment), the Criminal Procedure Law (Amendment), the Law on amendment and addition of the Law on Marriage and Family and the Law on Civil Status.

68. The Draft Law on amendment and addition of the Law on child protection, care and education continues to attach importance to the principle of 'the best interests of the child' by stipulating the judicial and administrative bodies' respect and adherence to that principle in their decision making of child-related issues.

69. The Draft Law on handling with administrative violations (to be approved in June, 2012) contains one section on juvenile's administrative violations, in which juvenile's administrative violations are only handled in particular cases in order to help them realize their misconduct and have it corrected as a responsible citizen. The level of punishment for administrative violations increases from juvenile to adult. The Draft Law takes note of the principle of ensuring the best interests of the juvenile, respect and confidentiality in handling with the juvenile's administrative violations. Decision should be made by reference to the juvenile's violation in nature and level, identity and understanding of social dangers caused by their violation as well as causes and circumstances for such violation. As a result, decision shall be made in forms of fine, on-the-spot education in commune, ward or village or education in reformatory school. It is the first time the Draft Law has acknowledged measures of education and community-based monitoring in replace of administrative measures to handle administrative violations.

70. The current law stipulates two measures of handling juvenile's administrative violation, which are on-the-spot education in commune, ward or village or education in reformatory school. Law enforcement is expected to be transferred from administration into judicial authority. New features of this law are the minimization of use of administrative measures in handling juvenile's administrative violation and the termination of existing regulations on sex workers' violation. With that, sex workers from 14 to 16 are treated with on-the-spot education measures and medical care if they are sick.

71. Amendment and addition, the Penal Code stipulates the following principle: "no life imprisonment or death penalty is applied for adolescent crime. Imprisonment is limited in handling adolescent crime. Adolescent crime's imprisonment period should be shorter than that of adult crime. No fine charge of adolescent crime from 14 to 16. No additional punishment applied for adolescent crime".

72. The amendment of the Law on Marriage and Family, the Criminal procedure law, developing the Law on Civil status are under commencement in accordance with the existing regulations and international conventions and laws concerning children.

**Reply to the issues raised in part I, paragraph 9, of the list of issues.**

73. Corporal punishment on every citizen including children in family, school and education centre is outlawed in Viet Nam. This is stipulated in the Constitution, codes, laws and by-laws. Acts of violence, abuse, maltreatment, battery or other intentional acts violating the health and life of family members are banned under the Law on Domestic Violence Prevention and Control. Child maltreatment and abuse are also banned under the

Law on Child Protection, Care and Education and its implementation guiding document. The 2005 Education Law provides teachers' behaviours which are prohibited, including hurting honour, dignity and body of learners.

74. Sanctions are stipulated in the Vietnamese law in order to prevent child abuse and maltreatment and are applied for each particular case. Depending on the nature and seriousness of the violations, individuals and organizations can be punished by administrative sanctions under the law on administrative violations. Serious acts of violation of children's physical and mental health that go beyond the scope of administrative sanctions shall be punished in accordance with the 1999 Penal Code, ranging from warning, fine, non-custodial reform, deportation, termed or life imprisonment, or death penalty. In addition, individuals and organizations who discover and denounce acts of violence and child abuse are to be rewarded and encouraged.

75. To ensure law enforcement, there is a system of specialized inspectors in different fields, especially labour, invalids and social affairs, to timely inspect and intervene in acts of violation.

76. The Child Counselling and Support Hotline (number: 18001567) is operated in Viet Nam to intervene and support children, including victims of child abuse and violence and assist local authorities in handling child abuse and violence cases.

77. For timely prevention, intervention and assistance to children, Viet Nam has developed a pilot programme on child protection system through province-based social work centres for children, district-based counselling offices, community-based and school-based counselling points. The child protection system is of great help in implementing child support policies and providing community-based child protection services;

78. To prevent corporal punishment of children, Viet Nam has launched campaigns such as 'Communes and wards fit for children'<sup>11</sup>, 'cultured family', 'child-friendly schools and proactive students in 2008-2013'<sup>12</sup> with many concrete indicators, including absence of abuse and violence against children. Cooperation among school, family and the society needs to be strengthened to help educate children and students<sup>13</sup> thus provide them with essential life skills for self protection and to timely intervene in case of physical and psychological abuse.

79. In 2011, the National Assembly of Viet Nam monitored; in 2012, the Government provided report on the situation of violence and abuse against children, and the measures taken to prevent and curb violence and abuse against children to Culture, Education, Youth, Children and Infants Department of the National Assembly.

#### **Reply to the issues raised in part I, paragraph 10, of the list of issues**

##### **Child abuse and neglect in Viet Nam:**

80. Child abuse is understood as acts that cause damage affecting children's physical and mental health, emotions, and social and ethic awareness. Types of child abuse include physical, psychological, sexual and economic. Child neglect is understood as the failure of parents and caregivers to meet the children's needs, to ensure a child being looked after or unfair treatment to children. The Vietnamese law stipulates responsibilities of parents,

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<sup>11</sup> Decision No. 37/2010/QĐ-TTg of 22 April 2010 adopting the Standards of communes and wards fit for children.

<sup>12</sup> The Ministry of Education and Training issued Directive No. 40/2008/CT-BGDĐT on 22 July 2008.

<sup>13</sup> The Ministry of Education and Training issued Directive No. 71/2008/CT-BGDĐT on 23 December 2008.

guardians and caregivers, as well as administrative and penal sanctions for acts of child neglect, or negligence resulting in serious consequences.

#### **Prevention measures for child abuse and neglect**

81. There are series of preventive measures for child abuse and neglect, some of which has been explained in the reply to the issues raised in paragraph 9 of the list of issues. In addition, other measures have been taken as follows:

- Increase investment in media and social education with a view to raising awareness, change of behavior towards children and implementation of the rights of the child for all people, in particular leaders of local authorities, community reputed persons, teachers, parents, caregivers and children themselves;
- Timely handle violations. Provide a mechanism for the encouragement of individuals' denunciation of violators, reward commune and individuals for their proactive contribution to the prevention of child abuse and neglect;
- Improve and stabilize the organization and human resources of the coordinating authorities from central to grass-root levels, in particular child protectors in villages and hamlets;
- Organize training courses on general knowledge of children, child related law and policies and skills to work with children for coordinating staff and those who work directly with children;
- Organize parents training workshops, young family clubs and counselling offices to enhance parents' responsibilities in child up-bringing and care.

82. In the period of 2009-2010, Viet Nam launched a pilot child protection system in collaboration with UNICEF, Plan, Child Fund, Child Relief and World Vision in 125 communes of 10 provinces and cities. A recent review showed that the system had produced positive results in child protection at all three levels, especially level 1 (prevention). Since 2011 the child protection system has been deployed throughout the country as an important component of the National Programme on Child Protection for 2011-2015.

#### **Reporting, intervention and monitoring measures on children and young families**

83. Viet Nam has adopted the procedures of intervention and assistance to child victims of violence and sexual abuse (Circular No. 23/3010/TT-LDTBXH of the Ministry of Labour, War Invalids and Social Affairs of 16 August 2010), which includes the receipt of information, risk verification and assessment, and provision of safeguards to children in emergencies. Under the existing law, provinces shall report to the Department of Child Protection and Care of the Ministry of Labour, War Invalids and Social Affairs on all cases of abuse and violence against children, intervention and assistance measures immediately from beginning to end.

#### **Reply to the issues raised in part I, paragraph 11, of the list of issues**

84. Viet Nam always ensures the principle of the best interests for children, in particular children in special circumstances including children with disabilities. In order to adequately assist families having children with disabilities, Viet Nam undertakes various measures as follows:

- The State of Viet Nam implements the social, medical and education assistance policy to help children with disabilities, children in special circumstances, provides social assistance to families and individuals working as caregivers to

children with disabilities and orphans, and families taking care of at least two people with serious disabilities;

- Develop inclusive education, semi-inclusive education and specialized education adequate for children with disabilities. Implement the policy of tuition exemption and reduction and grants to encourage children in special circumstances to go to school and fully access education services;
- Children under 6 years old receive 100 per cent free health care check-up and treatment;
- Build community-based rehabilitation and corrective surgery centres for children with disabilities;
- Engage the society and businesses in founding funds and assistance programmes such as the Orphans and Disabled People Protection Fund, Children Protection Fund and rehabilitative programmes for children with disabilities.

85. Many measures are conducted to establish community-based child care and assistance services to avoid institutionalization of children and to facilitate the reintegration of people with disabilities. Viet Nam's law on child adoption ensures the principle of the best interests of children, in which local adoption of children and especially foreign adoption of children is the last alternative resort after all necessary measures have been exhausted. In parallel with having alternative care centres, Viet Nam has been gradually moving towards alternate family care model or social houses for children living with HIV, orphans, children with disabilities and other children in special circumstances. In addition to the above-mentioned assistance models, children with disabilities are supported in monetary terms either by the state budget or society mobilizations to facilitate their living with the family, adequate schooling or vocational training for community integration.

86. However, given various socio-economic difficulties, Viet Nam still maintains the care centre model for orphans, abandoned children and children with disabilities. 20,000 children in special circumstances are being taken care of in 300 state-owned and 100 private child care centres established by social, religious and private organizations.

#### **Reply to the issues raised in part I, paragraph 12, of the list of issues**

##### **Evaluation of the People Healthcare Strategy for 2001-2010**

87. Viet Nam has made encouraging achievements in people's health care, namely:

- The average life expectancy increased from 72.8 in 2009 to 73.2 in 2011, surpassing that of other countries with the same level of GDP per capita;
- Mortality rate of children under 1 year old declined rapidly from 30 per 1000 live births (2001) to 15.8 per 1000 live births (2010), thus accomplishing the target of the socio-economic development Plan 2006-2010. - Mortality rate of children under 5 years old decreased rapidly from 42 (2001) to 25 (2009) and in 2010 decreased to 23.8 per 1000 live births. In accordance with the Millennium Development Goals, Viet Nam is to reduce this rate to 19.3‰ by 2015. Given the current tendency, Viet Nam is on track to meet the MDG by 2015;
- The maternal mortality ratio reduced from 165/100,000 live births in 2001 to 80/100,000 live births in 2005 and 69/100,000 live births in 2009, which met the Strategy's goal of reducing maternal mortality ratio to 70/100,000 live births by 2010. Hence, Viet Nam is expected to achieve the MDG of reducing maternal death ratio to 58.3/100,000 live births by 2015, which is equivalent to three quarters of maternal mortality reduction from 1990 to 2015;

- The under-five malnutrition rate reduced year on year from 25.2 per cent in 2005 to 18.9 per cent in 2009 and 17.5 per cent in 2010.

88. In spite of those achievements, some major challenges remain, namely:

- (a) Large disparities among provinces in terms of medical and health indicators;
- (b) Changes in the disease model of Viet Nam creating multiple burdens: Regardless of the decreased rate of infections, there is risk of reemergence of some infectious diseases such as influenza A (H5N1); There is a sharp increase in cases of non-infectious diseases such as heart disease, diabetes, obesity, accidents, injury, and poisoning, while new such as influenza A (H1N1), unknown and unpredictable diseases continue to emerge.

#### **Evaluation of the National Strategy on Nutrition for 2001-2010**

89. The nutrition situation for the Vietnamese people in general and Vietnamese mothers and children in particular has been much improved during the period of 2001 to 2010.

90. The under-five low-weight-for-age rate decreased sharply, at an average of 1.5 per cent per year, from 31.9 per cent in 2001 to 25.2 per cent in 2005 and 18.9 per cent in 2009, which surpassed the Strategy's goal.

91. The under-five low-height-for-age rate reduced sharply from 43.3 per cent in 2000 to 31.9 per cent in 2009. Nevertheless, Viet Nam is still among the 36 countries having the largest number of cases of this type of malnutrition.

92. The under-five overweight and obesity rate nationwide is 4.8 per cent (5.7 per cent in urban and 4.2 per cent in rural areas), as compared to the set goal of under 5 per cent.

93. The rate of low birth weight (under 2.500 grams) was 12.5 per cent in 2009.

94. Chronic energy deficiency (CED) in women indicates limitations of health care and nutrition for women, which also relates to fetal malnutrition. Nutrition surveys in 2005 and 2009 showed that the prevalence of CED in reproductive-age women, which is indicated by low Body Mass Index (BMI) of less than 18.5 per cent, decreased from 28.5 per cent in 2000 to 21.9 per cent in 2005 and 19.6 per cent in 2009. The annual average reduction was 0.98 per cent for 2000 to 2009, as compared to the target of 1 per cent in the Strategy.

95. The prevention of deficiency of micro-nutrients plays an important role in improving nutrition and health condition of women and children, in particular child low-height-for-age malnutrition. Over the past 10 years, 85 per cent of 6-to-36-month children and 60 per cent postnatal mothers have been provided with vitamin A. High risk group including children with pneumonia, measles and extended diarrhea is provided with high dose of vitamin A and safe. Clinical vitamin A deficiency has been eradicated in Viet Nam since 2001.

96. Iodine deficiency disorders have been fundamentally abolished since 2005. In comparison to the Strategy, Viet Nam has met the goal of reducing goiter in 8-12 children but not yet achieved the goal of median urinary iodine and iodine salt coverage rate (disease prevention iodine coverage rate reduced from 91.9 per cent in 2005 to 69.5 per cent in 2009).

97. Iron deficiency anemia in pregnant women reduced to 18.9 per cent in 2009 in provinces where assistance programmes were provided, which met the goal of the Strategy. However, the coverage of the programmes is reduced compared to 2000 due to the limited international supply of iron folic acid tablets. Until 2009, the prevalence of iron deficiency anemia in pregnant women had remained high at 36.5 per cent.

98. However, the network of nutrition-related activities has not been implemented in a consistent and uniform manner. Nutrition staff in the community, school and hospital is limited in both quantity and quality. The community's awareness of adequate nutrition is still limited. As such, inadequate nutrition understanding and practice remain pervasive among mothers and families in far and remote areas, and areas with predominant ethnic minorities. Child malnutrition differs greatly among provinces in both categories (weight-for-age and height-for-age). The rate of child malnutrition in the Northern mountainous areas, North Central and Central Highlands remains high compared to other areas and the country's average, which requires appropriate interventions.

99. Some targets have not been achieved as desired:

- The rate of under-five malnutrition (low height for age) remained high at 29.3 per cent in 2009; 28 provinces had larger prevalence of under-five malnutrition than the whole country. 12 out of 28 provinces had a prevalence of more than 35 per cent;
- The rate of iron deficiency anemia in pregnant women remains high at national;
- The preventive iodine coverage has not been sustained after the end of project by 2005.

**Strategies relating to nutrition and health implemented from 2011-2020, including those on clean water and environmental sanitation**

100. The Strategy on Population and Reproductive Health for 2011-2020<sup>14</sup>, the National Strategy of Nutrition for 2011-2020 and Vision to 2030<sup>15</sup>, National Strategy for Food Safety period 2011 - 2020 and Vision to 2030; Decision of the Prime Minister No. 20/QĐ-TTg of 04 January 2012;

101. The National Target Programme on the Development of New Rural Areas for 2010-2020<sup>16</sup>, Resolution of the National Assembly No. 13/2011/QH13 of 09 November 2011 on the National Target Programme for 2011-2015 and Decision of the Prime Minister No. 2406/QĐ-TTg of 18 December 2011 approving the Schedule of National Target Programmes for 2012-2015, including the National Target Programme on clean water and rural sanitation (this programme is currently being developed and submitted to the Government).

102. In addition, there are a number of strategies and programmes, such as the Master Plan to develop medical care and treatment network until 2010 and vision to 2020<sup>17</sup>, detailed list of types, criteria, scope and standards of socialized centres in education and training, vocational training, health care, culture, sport and environment.<sup>18</sup>

103. The Implementation of the Strategy on malnutrition in ethnic minorities and children in rural and remote areas receives special attention in Viet Nam's socio-economic development. Hence, together with the comprehensive implementation of national target programmes on poverty reduction, building new rural areas, people's health care and protection, and nutrition programmes, Viet Nam is implementing the following special policies to improve child nutrition:

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<sup>14</sup> Decision of the Prime Minister No. 2013/QĐ-TTg of 14 November 2011.

<sup>15</sup> Decision of the Prime Minister No. 226/QĐ-TTg of 22 February 2012.

<sup>16</sup> Decision of the Prime Minister No. 20/QĐ-TTg of 4 January 2012.

<sup>17</sup> Decision of the Prime Minister No. 30/2008/QĐ-TTg of 22 February 2008.

<sup>18</sup> Decision of the Prime Minister No. 1466/QĐ-TTg of 10 October 2008.



104. Continue the implementation of the programme on improving the stature and physical strength of Vietnamese people, in which priorities are given to children; Implement the Project on the universalization of kindergarten education, in which the above group of children's school lunches are sponsored by the Government at a rate equal to 0.4 of the minimum monthly wage; the school milk project provides children with free milk. In order to encourage breast feeding, the Labor Code is expected to be amended to extend postnatal leave from four months to five or six months. The State also provides assistance policies for mothers working in both formal and informal sectors. In addition, projects on combating and preventing child malnutrition prevention and control funded through international aid and social organizations also focus on disadvantaged areas. Meanwhile, local provinces mobilize the community's contribution to improving child nutrition and encouraging children's schooling through programmes such as the "A glass of milk and an egg a day" campaign, "Meal with meat for mountainous children" and the "Milk for height" Fund for children in disadvantaged areas.

**Reply to the issues raised in part I, paragraph 13, of the list of issues.**

**Information on the quality and effectiveness of education, disintegrated by areas and ethnic groups, including the use of ethnic languages in primary school**

105. The education has further developed in terms of scale and institutional network so as to better meet the people's educational needs. The country-wide expansion of education institutional network has brought more opportunities for everyone, initially moving toward a learned society. The phenomenon of "commune with no kindergarten education" has been wiped out; primary schools are available in all communes, secondary schools in most communes or inter-communes and high schools in all districts. There are ethnic minority boarding schools and semi-boarding schools in provinces and districts where most of the population is ethnic minority people. Regular education centre network, community learning centres thrive steadily. The quality of education at all educational levels and training levels have been improved. The level of knowledge and the students' ability to access new knowledge have been enhanced. The country has achieved the target of illiteracy eradication, primary and secondary education universalization and is strengthening kindergarten education for children under the age of five and primary education universalization at the right age; some local areas are implementing universal secondary education. Social equity in access to education has improved, particularly for ethnic minorities, children of poor families, girls and disadvantaged groups. Basically, gender equality in education has been achieved. Education in the ethnic minorities, mountainous and remote areas continue to make progress. The policies of free and reduced tuition fee, scholarships, school loans and other support to students, especially student in difficult circumstances have effectively contributed to ensuring social equity. In the past 10 years, the achievements of Vietnam's education has made important contributions to improving people's knowledge, developing human resources, nurturing young and talented generation, enhancing socio-economic development, helping the country engage more in the international integration process.

106. In Viet Nam, ethnic boarding school is developed to help train ethnic civil servants for local provinces. In the school year 2010-2011, the number of ethnic boarding schools stood at 239 at district level (increased by 105.75 per cent compared to the year of 2009-2010) and 52 at provincial level (increased by 110.64 per cent compared to the year of 2009-2010). In addition, regular education centres are organized at district and provincial levels, of which 706 were recorded for the school year of 2010-2011 (increased by 105.69 per cent compared to the year 2009-2010). In the implementation of the Party's ethnic policy, ethnic languages have been taught at school, especially primary schools. Eight ethnic languages taught at school include Khmer, Cham, Hoa, Ede, Giarai, Bana, Thai and Hmong. The infrastructure at school and classroom in villages with students from

extremely small population minorities was improved. Classrooms have been newly built while teaching facilities were provided to meet the needs of primary schools with those students. Assistance policies to children and students of such minorities were also implemented. In addition, special training documents were written for teachers, education management officers, and training workshops were held to assist teachers and education management officers at schools with students from those minorities (the Project on education for minorities with extremely small population for 2010-2015<sup>19</sup>). In addition, the State issued assistance policy for semi-boarding students and ethnic semi-boarding schools, in which semi-boarding students' lunches and accommodations are sponsored while education facilities were provided for semi-boarding schools. That policy contributed to increasing the number of ethnic students and the quality of education in semi-boarding schools and ethnic boarding schools.

107. Over the past years, education for children with disabilities has recorded important achievements together with education development in general. In 2010-2011, 300,000 out of 700,000 school-age children with disabilities went to school. Remarkable progress was made in their school report, in which at least 48.5 per cent of students with disabilities achieved intermediate grades; the number of repeating students and dropouts being reduced considerably. Reduction and waiver of tuition fee, scholarship and other assistance policies facilitated the access to education of the majority of all children of poor and entitlement families, especially at the universalized education levels. The Reviews were conducted at the local level on the number of children in difficult circumstances, children who are unable to afford enough food, clothing and learning tools and reports were submitted to local authorities, based on which cooperation among authority, agencies and organizations was further strengthened to facilitate children's schooling, encourage dropout students to return to school, visit and bring gifts to students in difficult circumstances. The education management system for children with disabilities was established in 63 provinces and cities and began to operate. The network of education and training centres for management officers and teachers working with children with disabilities were also developed. Education programmes for children with disabilities are being implemented. In addition, inclusive education is being expanded in accordance with situation of Viet Nam. The number of children with disabilities going to school is increasing day by day.

**Information on whether the definition of inclusive education is incorporated into the law and on the measures taken by the State party to provide inclusive education for children with disabilities**

108. Inclusive education means an educating method to meet the demand for individual education of every child within kindergarten and secondary education without discrimination on the basis of gender, religion, ethnicity, economic or social status, living and studying conditions (Circular No. 39/TT-BGDĐT of 29 December 2009 by the Ministry of Education and Training). The 2011 Law on people with disabilities introduces the following definition: "Inclusive education means an educating method for both people with disabilities and people without disabilities in education facilities" (art. 2, the 2011 Law on People with Disabilities).

109. Instructions for implementation of education for children with disabilities have been introduced at all education levels. Meanwhile, education management officers were trained on legal documents in relation to education for people with disabilities and implementation of the Law on people with disabilities. Inclusive education for children with disabilities was trained for education staff, management officers and teachers of secondary and high schools throughout the country. Training documents were written for teachers and education

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<sup>19</sup> Decision of the Prime Minister No.2123/QDD-TTg of 22 November 2010..

management officers on inclusive education for secondary students with disabilities. Financial support was also provided for to strengthen education facilities and equipment at secondary schools teaching inclusive education for children with disabilities under the Secondary Education Development Programme. Regular training programme on inclusive education was organized for teachers and management officers at kindergarten, primary, secondary and high school levels and regular education centres.

110. In addition, Viet Nam has taken measures to identify and provide early interventions for children with disabilities through education and career counseling, provide family-based, school-based and community-based assistance to children with disability, course readers and other education facilities fit for children in particular circumstances and inclusive education assistance services to children in difficult circumstances. These measures are participated by education institutions, inclusive education assistance centres and other education centres set up by social organizations, professional association and individuals under the Vietnamese law.

**Reply to the issues raised in part I, paragraph 14, of the list of issues.**

111. At the moment, Viet Nam has no national plan of action on juvenile justice. Juvenile justice has been incorporated into the National Child Protection Programme for 2011-2015 with a focus on reviewing and amending laws and policies on juvenile justice; raising awareness and capacity building on juvenile justice for law enforcement officers and officers working with juvenile victims, witnesses or delinquents; developing and implementing pilot programme on child friendly investigation for juvenile delinquents; and considering the establishment of the family and child court.

112. Viet Nam has been reviewing and evaluating provisions of the Penal Code, the Criminal Procedure Law and the Ordinance on administrative violations and other related documents with a view to amending the laws and policies in relation to juvenile justice.

113. Viet Nam has conducted many activities to develop and improve a juvenile-friendly judicial system. These activities generally meet the principle of the best interests of children, the principle on juvenile justice under the Convention on the Rights of the Child and its two Protocols namely, Optional Protocol on the involvement of children in armed conflict and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice - Beijing Rules:

- Issuing normative acts on juvenile justice such as guiding documents on the implementation of some provisions of the Criminal Procedure Code relating to juveniles (Joint Circular No. 01/2011/TTLT/VKSNDTC-TANDTC-BTP-BLDTBXH). Studying and developing for the issuance the Law on administrative violations with a section on juvenile administrative violations. Studying and developing regulations on community reintegration for juvenile delinquents, including provisions on the collection, provision, use of and report on juvenile delinquents; guidelines on the application of alternative measures in lieu of criminal ones for juvenile delinquents during investigation, prosecution and of restorative justice for juvenile delinquents. The Penal Code and the Criminal Procedure Code are under review, including provisions on juveniles. - Drafting documents on juvenile justice, child-friendly investigation, investigation of child sexual abuse for commercial purposes; Developing manual on the protection of child victims during penal procedures for training of key personnel and training workshops for justice organs' officers and personnel working with children and other organizations relating to juvenile justice;

- Continuing to strengthen the capacity of investigators on juvenile justice and skills in child-friendly investigation, prosecution and trial; enhancing capacity for officers in justice, labor, war invalids and social affairs, and lawyers on juvenile justice through training activities. Mainstreaming child-and-juvenile-friendly investigation into the training programme of the People's Police Institute;
- Strengthening the services for juvenile delinquents and child victims through pilot projects on to social psychology and reintegration support for juvenile delinquents and legal aid for children.

**Reply to the issues raised in part I, paragraph 15, of the list of issues.**

114. Viet Nam has adopted many policies and measures to ensure drug treatment and health care for drug users in general and children in treatment units in particular. The State of Viet Nam encourages voluntary drug treatment by drug users themselves, organizes and assists family and community-based drug treatment<sup>20</sup>. Compulsory treatment at drug treatment units is only applicable to over-18 drug users who have gone through family- and community-based treatment or repeated commune- or district-based education without positive outcome or drug users without specific residence. Drug users from 12 to 18 years of age who have gone through family- and community-based treatment, or repeated commune- or district-based education without positive outcome or those without specific residence shall join compulsory drug treatment centres specially established for them (art. 18, the Law on the prevention and combat of drugs) and this is considered as administrative sanction. The number of juveniles in compulsory drug treatment units is not high due to the overwhelming application of family- and community-based treatment. In case a juvenile in compulsory treatment units, under the law of Viet Nam<sup>21</sup>, separate accommodation should be provided for and in accordance with age, gender, and the nature and seriousness of violation.

115. Juveniles in treatment units ("students") are monitored, educated and offered facilities to enjoy their rights under the Convention and entitled to special policies for juvenile students, such as:

- The Units have regulations on monitoring their students, operational principles and 24-hour duty officers to ensure students' security, order and safety;
- As regards accommodation and daily activities, juvenile students are provided with private areas and have accommodation suitable for their age, gender, education level, characteristic and level of drug use. Accommodation must provide comfort in both summer and winter, and environmental sanitation;
- As regards medical service, a clinic is available for students' health care. Students admitted to the units shall be provided with treatment of detoxification and medical examination every six months;
- As regards education, students who have not completed primary education are entitled to education in accordance with the programme of the Ministry of Education and Training. The organization of education for other students will depend on their individual levels of education and is in accordance with the concrete capacity and conditions;

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<sup>20</sup> Decree No. 94 of 9 September 2010 on family- and community-based drug treatment.

<sup>21</sup> Decree No. 135/2004/NĐ-CP of 10 June 2004 provides for the application compulsory treatment under the Ordinance on Administrative violations and the regime for minors and people volunteering to join treatment centres.

- As regards work and vocational training, apart from treatment and study time, juvenile drug users take part in therapeutic labor with job appropriate to their age and health to ensure normal development of their physical, intellectual and psychological health (working time of juvenile drug users must be less than that of studying and treatment; the total time for working and studying must not exceed seven hours per day). The treatment units, in association with vocational training facilities, organize vocational training for students, thus helping them find suitable employment after graduation;
- As regards recreational activities, students participate in cultural sport and other recreational activities. Facilities such as TV, bookshelves, library and reading room and fitness centres are provided;
- As regards study, treatment and food costs, students are sponsored in tuition fee, treatment, vocational training and other costs during their stay at the centres;
- Different levels of State's organs on children affairs regularly carry out inspection and monitoring activities, with the participation of parents or guardians, to ensure the full implementation of the rights of the child;
- Inspections showed that all units fully comply with regulations and rights of the child are respected and implemented.

**Reply to the issues raised in part I, paragraph 16, of the list of issues**

116. The Vietnamese law strictly prohibits the use of child labour. Results of labour inspection show that child labor use exists in private sectors.

117. The Government of Viet Nam has taken those following measures to inspect and monitor child labor in both formal and informal sectors:

- Develop and improve a set of documents on inspection procedures to verify whether children participate in heavy, hazardous and dangerous work;
- Organize training workshop and implement inspection procedures for inspectors of the departments of labor, war invalids and social affairs of all provinces and cities;
- Timely detect and strictly handle the illegal use of child and juvenile labor;
- Conduct information campaigns on law and policies on labor;
- A part from special inspectors of labour was invalids and social affairs, inspectors of other sectors, upon discovering signs of violation, shall act promptly according to their respective competence or recommend relevant competent inspectors to do so in accordance with the law. In addition, campaigns on crime denunciation are strongly encouraged contributing to the effective monitoring of child labour abuse.

118. Challenges still remain in child labor inspection as follows:

- Labour, war invalids and social affairs inspectors is limited in quantity and quality, and child protection skills, thus unable to fully meet inspection goal of ensuring the rights of the child;
- Some private facilities use illegal child labour;
- Children and their parents are not aware fully of child labour consequences. As such, no preventive care is taken to protect children from child labour use;

- Local agencies for labor, war invalids and social affairs have great difficulty in producing accurate statistics of child labor and the situation child labor in their areas;
- Some private businesses and manufacturing and commercial facilities are not fully aware of regulations and consequences of child labour use, thus reluctant to disclose child labor use.

119. Viet Nam will continue to amend and improve its legal system, in accordance with the Convention. In addition, Viet Nam will enhance the inspection and verification of the implementation of law concerning child labour use, strengthen education and information campaigns to raise social awareness of abolishing child labour use in tough conditions and provide training for employers and children themselves on legislation regarding juvenile labor use.

## **Part II**

### **Reply to the issues raised in part II of the list of issues**

#### **(a) Newly adopted policies and legal documents**

##### *New legal documents adopted since 2008*

120. Since 2008, the legal and policy framework on children has been improved, continuing to gradually incorporating international legal principles and standards into domestic law, ensuring harmony and suitability with Viet Nam's specific socio-economic conditions, namely:

##### **The Corporate Tax Law of 2008**

121. This law regulates income tax exemption cases, including income from goods and services provision of an enterprise solely reserved for workers who are persons with disabilities, former drug users, and people living with HIV. The Government regulates the criteria, conditions an enterprise must meet to be an enterprise solely reserved for workers who are persons with disabilities, former drug addicts, people living with HIV; or income from special vocational training activities for ethnic minorities, persons with disabilities, children living in particularly difficult situations (art. 4).

##### **The Law amending, supplementing the Law on Drug Prevention and Control of 2008**

122. This law specifies State's regulations concerning drug treatment: treatment forms for drug users, encouraging drug users to opt for voluntary treatment; establishing compulsory drug treatment centres; encouraging individuals, families, agencies, organizations to organize voluntary treatment for drug users, facilitate drug treatment, aftercare, and relapse control and prevention; researching, producing, applying new treatment drugs and methodologies; funding support for drug treatment, aftercare and relapse control and prevention; domestic and foreign organizations, individuals assisting, investing in drug treatment, aftercare and relapse control and prevention are entitled to State preferential policies in accordance with the law; encouraging, supporting and managing family-based, community-based drug treatment under the guidance, supervision of health workers and the People's Committee at the commune level; monitoring, preventing illegal use of drugs and disruption of public order by drugs users.

##### **The 2008 Nationality Law**

123. New regulations ensuring the right to nationality in general and the right to assured nationality, the protection of the rights of the child: All children born within Vietnamese

territory are entitled to Vietnamese nationality. This law provides for children born in Vietnamese territory to have a nationality and stateless persons permanently residing in Vietnam to acquire Vietnamese nationality. A child born inside or outside the Vietnamese territory whose parents, at the time of his/her birth, are both Vietnamese citizens, has Vietnamese nationality. A child born inside or outside the Vietnamese territory either of whose parents is a Vietnamese citizen and the other is a stateless person at the time of his/her birth or whose mother, at the time of his/her birth, is a Vietnamese citizen and whose father is unknown, has Vietnamese nationality. A child either of whose parents is a Vietnamese citizen at the time of his/her birth and the other is a foreign national has the Vietnamese nationality if so agreed in writing by his/her parents at the time of birth registration. In case where a child is born in the Vietnamese territory but his/her parents fail to reach an agreement on the selection of his/her nationality, the child has Vietnamese nationality. A child born in the Vietnamese territory whose parents, at the time of his/her birth, are both stateless persons with a permanent residence in Vietnam has Vietnamese nationality. A child born in the Vietnamese territory, whose mother, at the time of his/her birth is a stateless person with a permanent residence in Vietnam and whose father is unknown, has Vietnamese nationality. Abandoned newborns and children found in the Vietnamese territory whose parents are unknown, have Vietnamese nationality. The marriage, divorce or annulment of unlawful marriage between a Vietnamese citizen and a foreigner does not alter Vietnamese nationality of the involved parties as well as their minor children (if any). The fact that a husband or wife acquires, restores or loses his/her Vietnamese nationality does not alter the nationality of his/her spouse (arts. 9, 10 of the 2008 Nationality Law).

#### **Ordinance Amending article 10 of the 2008 Population Ordinance**

124. This Law regulates the rights and duties of husbands and wives, individuals in the implementation of the campaign on population and family planning, and care for reproductive health namely: the right to decide the time of and spacing between childbirth; have one to two children to safeguard family health, take measures to prevent reproductive infections, sexually transmitted diseases, HIV/AIDS and other obligations related to reproductive health.

#### **The 2008 Health Insurance Law**

125. This Law regulates medical insurance policies, including the insured, rates, liabilities, and methods of payment of health insurance premiums; health insurance cards; scope of health insurance benefits; organization of medical care for the insured; payment of costs of health insurance-covered medical care; health insurance fund; rights and responsibilities of parties involved in health insurance. This law provides for children under six years of age to receive 100 per cent free medical check-ups and treatment and children of people under entitlement policies such as those who have made great contributions or sacrifices to the cause of the State, members of the army, police, poor households; children covered by social welfare assistance receive free health insurance cards.

#### **The Law on the Red Cross activities of 2008**

126. This Law regulates issues related to Red Cross' humanitarian activities for many beneficiaries, including orphans, such as providing assistance in cash, tools, labor force, financing for vocational training, creating jobs, financing medical examination and treatment.

#### **The Law amending, supplementing the 2009 Penal Code**

127. This law contains regulations directly related to penal policies for juveniles, reaffirming that: "Life imprisonment or capital punishment shall not be imposed on juvenile offenders. When imposing penalties on juvenile offenders, it is necessary to restrict

the application of imprisonment. When imposing termed imprisonment on juvenile offenders, courts shall give penalties lighter than those applicable to adults for similar offenses. Monetary fines are not imposed on juvenile offenders from full 14 to under 16 years old. Additional penalties shall not be imposed on juvenile offenders.” It also amended article 119 on the crime of trafficking in women and children to human trafficking.

#### **The Law amending, supplementing the Education Law of 2009**

128. Preschool education for five-year-old children, primary education and lower secondary education shall be made universal. The State shall decide on educational universalization plans and assure conditions for the universalization of education nationwide (art. 11). Investment in education is development investment; investment in education is a particular type of subcategory of conditional investment and is entitled to investment incentives. The State prioritizes investment in education, encourages domestic organizations and individuals, overseas Vietnamese and foreign organizations and individuals to invest in education and protects their legitimate rights and interests. The State budget must play the key role in the total resources invested in education (art. 13).

#### **The Law on medical examination and treatment of 2009**

129. This law stipulates the principles for medical practice which are equality, fairness, non-stigmatization and non-discrimination against patients; respect patients' rights; protect confidentiality of information on the health status and privacy of patients recorded in dossiers; give priority to the medical examination and treatment for cases of emergency, under-6 children, persons with serious disabilities, people of 80 years of age or older, entitlement persons, and pregnant women. In case of juvenile patients aged between full 6 years and under full 18 years, their lawful representatives shall decide on their medical examination and treatment; prioritize budget to meet people's basic needs for medical examination and treatment; allocate budget to health care for entitlement persons, children, poor people, farmers, ethnic minority people and inhabitants in areas faced with socio-economic difficulties or extreme socio-economic difficulties; further develop human resources for the health sector, especially in areas faced with socio-economic difficulties or extreme socioeconomic difficulties.

#### **The Law on Adoption of 2010**

130. In accordance with Hague Convention on the protection of children and cooperation in respect of inter-country adoption, this new law provides for, inter alia: The adoption shall respect the right of children to live in the family of origin. Adoption must ensure the legitimate rights and interests of adoptees and adopters, based on free consent, equality, non-discrimination between male and female and non-violation of law and social morality. Adoption by a foreigner is allowed only when no domestic substitute family can be found. Only when appropriate in-country solutions have been exhausted and no homes for the child can be found, will the possibility of adoption by a foreign be considered, and this must be done in the best interest of the child. Ensured right of the child to know his or her origin; clear, transparent requirements, procedures, and competence for giving and receiving adoptees. The interests of the child must be given the highest priority.

#### **The Law on Persons with Disabilities of 2010**

131. This law aims to create a legal environment, equal and unobstructed opportunities for people with disabilities; regulates clearly the responsibilities of the State, family, and society in eliminating obstacles to and ensure conditions for persons with disabilities to integrate into society on the same basis as others. The law also stipulates social support policies and provides monthly allowance for persons with exceptionally serious disabilities, families of persons with exceptionally serious disabilities that are directly nurturing and taking care of these persons, persons who undertake to nurture and take care of persons



with exceptionally serious disabilities, persons with disabilities who are pregnant or nursing children under 36 months old, persons with disabilities who are children or elderly are entitled to allowances higher than others of the same degree of disability.

#### **The 2010 Law on the Enforcement of Criminal Sentences**

132. This law affirms that the execution of judgments towards minor offenders mainly aims to educate and help them correct their wrongful acts, healthily develop and become useful to society. Aside from regulations designed to best protect the interests of juveniles, this Law also contains regulations concerning prisoners who are juveniles, regulations about re-education activities at the commune, ward, township for juveniles; regulations on placing juvenile in correction centres.

#### **The 2011 Law on combating human trafficking**

133. This law regulates the prevention, discovery of and dealing with acts of human trafficking and other illegal acts violating the law this matter; provides for the reception, verification, protection and assistance of victims; international cooperation on combating human trafficking; the responsibilities of the Government, Ministries, agencies and localities in this field. Pertaining to international cooperation, it includes basic principles and concrete activities, including rescue and repatriation of victims, as well as legal assistance in this area.

#### **The Law amending, supplementing the Civil Procedure Code of 2011**

134. This law contains new regulations protecting the rights of juveniles such as:

- The People's Procuracies shall participate in first-instance court sessions for civil matters; and first-instance court hearings for cases with evidence collected by courts or disputed objects being public assets, public interests or land or house use rights or an involved party being a minor or a person with physical or mental disabilities (art. 21).

- Assurance of the right to presenting arguments in civil procedures: In the course of settling civil cases, the courts shall assure that the involved parties and defense counsels of their rights and legitimate interests can exercise their right to present arguments to protect these rights and legitimate interests (art. 23a).

- Territorial jurisdiction of courts: The courts of the localities where illegal marriages are registered have jurisdiction to settle requests for the annulment of such illegal marriages; the court of the locality where one of the parties to a voluntary divorce, child nurturing or property division resides or works has jurisdiction to settle the request for recognition of the voluntary divorce, child nurturing, property division upon divorce; the court of the locality where one of the parties that requests the court to recognize their agreement on change of post-divorce child nurturing person resides or works has jurisdiction to settle that request; the court of the locality where one parent of a minor child resides or works has jurisdiction to settle a request to restrict the rights of the father or mother toward the minor child or his) her right to visit the child after the divorce; the court of the locality where an adoptive parent or adopted child resides or works has jurisdiction to settle a request to terminate the child adoption (art. 35).

- Jurisdiction of courts selected by plaintiffs or requesters: If disputes arise from the operations of a branch of an organization, the plaintiffs may ask the court of the locality where the organization's head office is located or where its branch is located to settle them; if defendants have no place of residence, workplace or head office in Viet Nam or the cases are related to disputes over alimony, the plaintiffs may ask the courts of the localities where they reside or work to resolve the cases; for requests for restriction of the rights of fathers or mothers toward their minor children or their right to visit the children

after the divorce, the requesters may ask the courts of the localities where the children reside to settle them (art. 36).

- Return of lawsuit petitions and its consequences: The matter has been resolved under a legally effective judgment or decision of a court or an effective decision of a competent State agency, except cases in which the court has rejected the application for divorce, for change in child adoption, change of alimony or compensation level, or application for change of property or heritance manager or claim back of property, leased or lent property or a house or land use rights leased, lent or offered for other people's free stay, which has not been accepted by the court due to the lack of lawsuit conditions; application for divorce, for change in child adoption, change of alimony or compensation level, or application for change of property or heritance manager or claim back of property, leased or lent property or a house or land use rights leased, lent or offered for other people's free stay, which has not been accepted by the court due to the lack of lawsuit conditions (art. 168).

**(b) New institutions (and their mandates) or institutional reforms since 2008**

135. Since July 2007, the State management function on child protection and care was transferred from the Committee for Population – Family and Children to the Ministry of Labors, War Invalids and Social Affairs; from the Committee for Population - Families and Children at provincial level to the Department of Labor - Invalids and Social Affairs and the Unit of Labor - Invalids and Social Affairs (of People's Committee at district level).

*Social organizations operating for children*

136. Over 20 NGOs have been established nationwide; the Vietnam's Association for the Protection of Children's Rights was established in 2008. The VACPR is a social organization established to unite passionate individuals, organizations in Viet Nam to volunteer to work for the goal of helping children enjoy basic rights; take part in activities to prevent all types of behaviours which infringe upon the rights of the child as stipulated in national law and the Convention on the Rights of the Child.

**(c) Recently introduced policies, programmes and action plans and their scope and financing**

137. The recently introduced policies, programmes and action plans are set out below:

- The National Target Program on education and training to 2010 (Decision No. 07/2008/QĐ-TTg dated 10 January 2008 of the Prime Minister);
- The Proposal to concretize schools, classes, and public service housing for teachers during the period of 2008-2012 (Decision No. 20/2008/QĐ-TTg dated 1 February 2008 of the Prime Minister);
- Master Plan to develop network of medical check-ups, treatment establishment to 2010 and vision to 2020 (Decision No. 30/2008/QĐ-TTg dated 22 February 2008 of the Prime Minister);
- Legal policies education, communication programme 2008-2012 (Decision No. 37/2008/QĐ-TTg dated 12 March 2008 of the Prime Minister);
- Policies to assist ethnic minorities, policy households, poor households, near-poverty households and fishermen (Decision No. 289/QĐ-TTg dated 18 March 2008 of the Prime Minister);
- Investment Proposal to construct, repair, upgrade district general hospitals and inter-district general hospitals using Government bonds and other legal capital

- sources during the period of 2008 – 2010 (Decision No. 47/2008/QĐ-TTg dated 2 April 2008 of the Prime Minister);
- Proposal on Planning of a network of State Legal Assistance Centres and branches during the period of 2008-2010, with orientations to 2015 (Decision No. 792/QĐ-TTg dated 23 June 2008 of the Prime Minister);
  - Viet Nam Learning Day (Decision No. 1271/QĐ-TTg dated 16 September 2008 of the Prime Minister);
  - Policies to assist ethnic minorities, policy households, poor households, near-poverty households and fishermen (Decision No. 1366/QĐ-TTg dated 25 September 2008 on amending, supplementing Decision No. 289/QĐ-TTg dated 18 March 2008 of the Prime Minister);
  - Proposal on Foreign Languages Teaching and Learning within the National Educational System during the period of 2008-2020 (Decision No. 1400/QĐ-TTg dated 30 September 2008 of the Prime Minister).
  - National Survey Statistics (Decision No. 144/2008/QĐ-TTg dated 29 October 2008 of the Prime Minister);
  - The Plan on implementation of Directive No. 21/CT-TW on enhancing leadership, guidance in drug prevention and combat in the new situation (Decision No. 165/QĐ-TTg dated 11 December 2008 of the Prime Minister);
  - Policies on accommodations assistance for poor households (Decision No. 167/2008/QĐ-TTg dated 12 December 2008 of the Prime Minister);
  - The National Target Program on Prevention and Control of a number of Social Diseases, Dangerous Diseases and Epidemics and HIV/AIDS during the period of 2006-2010 (Decision No. 172/2008/QĐ-TTg dated 19 December 2008 on supplementing Decision No. 108/2007/QĐ-TTg of the Prime Minister);
  - Programme on prevention and combat of diseases and disabilities in educational institutions within the national educational system (Decision No. 401/QĐ-TTg dated 27 March 2009 of the Prime Minister);
  - Proposal on Control of population in sea, island and coastal areas during the period of 2009 – 2020 (Decision No. 52/2009/QĐ-TTg dated 9 April 2009 of the Prime Minister);
  - National Survey Statistics System on New Rural Areas (Decision No. 491/QĐ-TTg dated 16 April 2009 of the Prime Minister);
  - Proposal to communicate and disseminate legal information for people living in rural areas and ethnic minorities from 2009 to 2012 (Decision No. 554/QĐ-TTg dated 4 May 2009 of the Prime Minister);
  - The Cultural Development Strategy to 2020 (Decision No. 581/QĐ-TTg dated 6 May 2009 of the Prime Minister);
  - The National Action Plan for children affected by HIV/AIDS to 2010 and vision to 2020 (Decision No. 84/2009/QĐ-TTg dated 4 June 2009 of the Prime Minister);
  - Investment Proposal to construct, repair, upgrade hospitals specializing in tuberculosis, mental health treatment, oncology, and paediatrics and a number of district-level general hospitals in mountainous regions, regions with difficult situations using Government bonds and other legal capital sources during the

- period of 2009-2013” (Decision No. 930/QĐ-TTg dated 30 June 2009 of the Prime Minister);
- The Implementation Plan of the Framework Convention on Tobacco Control (Decision No. 1315/QĐ-TTg dated 21 August 2009 of the Prime Minister);
  - Management, operation regulations concerning the implementation of National Target Programs (Decision No. 135/2009/QĐ-TTg dated 4 November 2009 of the Prime Minister);
  - Proposal “Improving the quality of legal information dissemination, education in schools” (Decision No. 1928/QĐ-TTg dated 20 November 2009 of the Prime Minister);
  - Proposal “Universalization of Kindergarten education for 5-year-old children” during the period of 2010-2015 (Decision No. 239/QĐ-TTg dated 9 February 2010 of the Prime Minister);
  - Proposal “Comprehensive Upgrade of the National Statistics Benchmarks System” (Decision No. 312/QĐ-TTg dated 2 March 2010 of the Prime Minister);
  - Proposal “Social work” as a career (Decision No. 32/2010/QĐ-TTg dated 25 March 2010 of the Prime Minister);
  - Regulation on child-friendly communes and wards (Decision No. 37/2010/QĐ-TTg dated 22 April 2010 of the Prime Minister);
  - Proposal to educate 5 million mothers good child-rearing for the period of 2010-2015 (Decision No. 704/QĐ-TTg dated 19 May 2010 of the Prime Minister);
  - Passing the National Statistics Benchmarks System (Decision No. 43/2010/QĐ-TTg dated 2 June 2010 of the Prime Minister);
  - Proposal on educational development for minorities with very small population during the period of 2010-2015 (Decision No. 2123/QĐ-TTg dated 22 October 2010 of the Prime Minister);
  - Proposal to strengthen legal information dissemination, education efforts to raise legal awareness for teenagers during the period of 2011-2015 (Decision No. 2160/QĐ-TTg dated 26 November 2010 of the Prime Minister);
  - National Action Month for Population Issues (Decision No. 2161/QĐ-TTg dated 26 November 2010 of the Prime Minister);
  - A number of policies to assist boarding students and boarding schools for ethnic minorities (Decision No. 85/2010/QĐ-TTg dated 21 December 2010 of the Prime Minister);
  - The National Strategy on gender equality during the period of 2011-2020 (Decision No. 2351/QĐ-TTg dated 24 December 2010 of the Prime Minister);
  - Adoption of the poverty line, near-poverty line for the period of 2011-2015 (Decision No. 09/2011/QĐ-TTg dated 20 January 2011 of the Prime Minister);
  - The National Program on Children Protection during the period of 2011-2015 (Decision No. 267/QĐ-TTg dated 22 February 2011 of the Prime Minister);
  - The Plan on implementation of the Politburo’s Directive No. 48/CT-TW of 22 October 2010, on enhancing the Party’s leadership in crime prevention and combat under new circumstances (Decision No. 282/QĐ-TTg dated 24 February 2011 of the Prime Minister);

- Proposal on the Comprehensive Development of Vietnamese physical strength and build during the period of 2011-2030 (Decision No. 641/QĐ-TTg dated 28 April 2011 of the Prime Minister);
- The Action Plan against Prostitution during the period of 2011-2015 (Decision No. 679/QĐ-TTg dated 10 May 2011 of the Prime Minister);
- Legal assistance development strategy in Viet Nam to 2020, with orientations to 2030 (Decision No. 78/QĐ-TTg dated 10 May 2011 of the Prime Minister);
- The National Program on gender equality during the period of 2011-2015 (Decision No. 1241/QĐ-TTg dated 22 July 2011 of the Prime Minister);
- The Action Plan against human trafficking during the period of 2011-2015 (Decision No. 1427/QĐ-TTg dated 18 August 2011 of the Prime Minister);
- The National Survey Statistics on Gender Development (Decision No. 56/2011/QĐ-TTg dated 14 October 2011 of the Prime Minister);
- A number of early childhood education development policies during the period of 2011-2015 (Decision No. 60/2011/QĐ-TTg dated 26 October 2011 of the Prime Minister);
- Viet Nam Population and Reproductive Health Strategy during the period of 2011-2020 (Decision No. 2013/QĐ-TTg dated 14 November 2011 of the Prime Minister);
- The National Strategy on Food Safety during the period of 2011 - 2020 and with vision to 2030 (Decision No. 20/QĐ-TTg dated 4 January 2012 of the Prime Minister);
- The National Strategy on Nutrition during the period of 2011 - 2020 and vision to 2030 (Decision No. 226/QĐ-TTg dated 22 February 2012 of the Prime Minister).

**(d) Recent ratifications of human rights instruments**

138. Since 2008, Viet Nam has become a signatory to the following Human Rights Conventions:

- On 7 December /2010, Viet Nam signed the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;
- On 3 October 2007, Viet Nam signed the Convention on the Rights of Persons with Disabilities. Viet Nam is currently finalizing the dossier to present the President to ratify the Convention on the Rights of Persons with Disabilities;
- Viet Nam has cooperated with many countries over the world, particularly countries in Southeast Asia, countries with borders with Viet Nam (Laos, Cambodia, and China), Viet Nam signed two bilateral agreements with Cambodia and China in cooperation in anti-human trafficking.

**Part III**

**Reply to the issues raised in part III, paragraph 1, of the list of issues**

139. The number of children with disabilities in Viet Nam in 2007 was: 12,915,000 students. This number has increased in 2009 to: 13,162,000 students (see appendix I, table 6 (children with special conditions by target groups)).

140. The percentage of students with disabilities within the general education system in Viet Nam is as follows:

- At primary school: 2008-2009 school year was 81,568 students; 2009-2010 school year was: 69,288 and the 2010-2011 school year was: 61,533 students;
- At secondary school: 2008-2009 school year was 17,002 students; 2009-2010 school year: 11,682; and the 2010-2011 school year was: 14,185 students;
- At high school: 2008-2009 school year was 3,922 students; 2009-2010 school year was: 3,935 students and the 2010-2011 school year was: 3,802 students (see appendix I, table 7 (number of students with disabilities going to school)).

**Reply to the issues raised in part III, paragraph 2, of the list of issues**

**(a) Poor households in Viet Nam**

**Poor household rate**

141. The total number of poor households nationwide was nearly 2.6 million households, over 1.5 million near-poverty households. This rate in Viet Nam has decreased from 22 per cent in 2005 down to 9.45 per cent in 2010 and 12 per cent in 2011 according to the 2011-2015 standard.

142. In 2010, the Northwestern mountainous region has the highest rates with over 33 per cent; followed by the Northeastern mountainous region with over 21 per cent; Tây Nguyên nearly 19 per cent; Central Northern region over 18 per cent; Central Coastal region over 14 per cent; Mekong River Delta over 11 per cent; Red River Delta 6.5 per cent and Southeastern region nearly 2 per cent.

**(b) Malnutrition and breastfeeding**

143. The percentage of children suffering from malnutrition in Viet Nam over the years is as follows:

- Under-5 Underweight children: in 2009 was 18.9 per cent; in 2010 was 17.5 per cent, and in 2011 was 17.3 per cent;
- Under-5 Stunting: in 2009 was 31.9 per cent, and in 2010 was 29.3 per cent;
- Under-5 Wasting: in 2009 was 6.9 per cent, and in 2010 was 7.1 per cent (see appendix I, table 8 (under-five malnutrition rate);

**Breastfeeding rate**

144. In 2010, early initiation of breastfeeding (within 1 hour of birth) reached 61.6 per cent,<sup>22</sup> with the highest rates in mountainous regions (70 per cent), in urban areas was only 30 per cent; children born in commune health-care clinics has higher breastfeeding rates (70 per cent) compared to children born in hospitals and private health-care establishments (40 per cent).

**(c) Access to water**

145. In 2010, 83 per cent of people living in rural areas had access to hygienic water sources, of which 45 per cent was up to the Health Ministry standards. For both urban and rural areas, if water sources such as: basin taps, drilled and dug wells, rain water are considered hygienic, then according to the results of a survey on the living standards of households by the General Bureau of Statistics in 2008, up to 89.4 per cent of the

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<sup>22</sup> Source: Institute of Nutrition-2010.

population has access to clean water. However, if dug wells were not considered, the ratio drops down to only 63.2 per cent;

146. In urban areas, in 2010 up to 90 per cent of the population had access to hygienic water (see appendix I, table 2 (clean water and environmental sanitation criteria)).

**(d) Maternal and infant mortality rate**

147. The maternal and infant mortality rate is set out below:

- Maternal mortality per 100,000 live births has decreased significantly: in 2005 was 80 and in 2010, 69 (see appendix I, table 9 (maternal mortality rate)).
- Under five infant mortality rate per 1000 live births: in 2005, was 27.5; in 2010, 23.8 and in 2011, 24;
- Under one infant mortality rate per 1000 live births in 2005 was 26; in 2010, 15.8 and in 2011, 15.5 (see appendix I, table 10 (infant mortality rate)).

**(e) Unmet needs, especially with regard to children and pregnant women with HIV**

148. During the period of 2010-2011, the percentage of women who have heard of AIDS for all age groups did not differ significantly, highest was 97.3 in the 45-49 age group; lowest at 94.7 in the 30-34 age group. The percentage of women with comprehensive correct information about HIV was lowest at 38.3 in the 30-34 age group; while for the 45-49 age group the rate was 53.5 (see appendix I, table 11 (percentage of women from 15 to 49 knowing the major ways to prevent HIV transmission, rejecting the most common local misconceptions about HIV transmission and knowing that a healthy-looking person can transmit HIV and equipped with comprehensive correct information about HIV infection 2010-2011, 2010-2011)).

**(f) Enrolment, repetition and dropout at all levels of education**

149. The enrolment rates are set out below:

- At primary school: 2008-2009 school year, the number of students was 6,745,016 increasing during the 2010-2011 school year to 7,048,493 students;
- At secondary school: 2008-2009 school year, the number of students was 5,515,123 decreasing during the 2010-2011 school year to 4,968,302 students;
- At high school: 2008-2009 school year, the number of students was 2,951,889 decreasing during the 2010-2011 school year to 2,835,025 students.

150. The repetition rates are as follows:

- At primary school: 2008-2009 school year, the number of students was 128,348 decreasing during the 2010-2011 school year to 96,624 students;
- At secondary school: 2008-2009 school year, the number of students was 116,915 decreasing during the 2010-2011 school year to 67,813 students;
- At high school: 2008-2009 school year, the number of students was 67,263 decreasing during the 2010-2011 school year to 45,259 students.

151. Student dropout rates are set out below:

- At primary school: 2008-2009 school year, the number of students was 29,638 decreasing during the 2010-2011 school year to 21,127 students;
- At secondary school: 2008-2009 school year, the number of students was 127,463 decreasing during the 2010-2011 school year to 105,586 students;

- At high school: 2008-2009 school year, the number of students was 97,540 decreasing during the 2010-2011 school year to 86,587 students.

## V. Conclusion

152. With over twenty years as a signatory to the Convention on the Rights of the Child, Viet Nam has carried out its international commitments well. Currently, Viet Nam's legal framework is relatively complete and comprehensive, in line with the principles and regulations of the Convention on the Rights of the Child. The State of Viet Nam has and continue to issue legal documents related to the protection, care and education of children and approve many programmes, projects, national targets related to children in nutrition, community health care, poverty reduction, job creation, vocational training for rural labourers, population and family planning, clean water and environmental sanitation, prevention and control of social diseases, HIV/AIDS, cultural development, education and training; Viet Nam family building strategy... namely, National Program on Protection of Children and National Program on Gender Equality 2011-2015, National Strategy on Nutrition 2011-2020; Strategy on Population and Reproductive Health 2011-2020, National Program on Culture development toward 2020, National Strategy on Gender Equality toward 2020, National Action Program for Children toward 2020, National Strategy on Family Development toward 2020, Strategy on Education Development 2011-2020, Strategy on Protecting, Caring and Promoting People's Health toward 2020 and other National Target Programs in the period of 2011-2015.

153. Beside recorded achievements in protection of children's rights, there are many challenges on the road ahead, which are related to the realization of the Convention on the Rights of the Child due to Viet Nam being a developing country with limited resources and many difficulties.

154. Viet Nam is step-by-step amending, supplementing, specifying, and domesticizing its legal framework to better improve it, to ensure conformity, harmony with international law, remedy existing weaknesses. The State of Viet Nam has mobilized the resources of the whole political system, of NGOs to take part in children's rights protection efforts, striving to fully realize its international commitments in realization of the Convention on the Rights of the Child, as well as other human rights conventions which Viet Nam has signed, ratified.

155. Attached to this report is an appendix of statistics and list of legal documents adopted during the 2008-2012 period.

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