



**Convention on the Rights
of the Child**

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**WRITTEN REPLIES BY THE GOVERNMENT OF VIET NAM TO THE LIST OF
ISSUES (CRC/C/OPSC/VNM/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE INITIAL REPORT OF VIET NAM SUBMITTED UNDER
ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN,
CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/VNM/1)***

[Replies received on 28 August 2006]

*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.

ABBREVIATION

CPFC	Commission for Population, Family and Children
DOLISA	Department of Labour, War Invalids and Social Affairs
EU	European Union
ILO	International Labour Organization
IOM	International Organization of Migration
MOLISA	Ministry of Labour, War Invalids and Social Affairs
MOFA	Ministry of Foreign Affairs
MOJ	Ministry of Justice
MPI	Ministry of Planning and Investment
MPS	Ministry of Public Security
NGO	Non-government Organization
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund

Answers
To questions related to the implementation of the
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child
Pornography¹

Question 1. *Please provide statistics for 2003, 2004, 2005 (including sex, age, urban/rural areas) on:*

- (a) The number of children trafficked to and from Vietnam as well as trafficked within the country;
- (b) The number of reported cases on the sale of children, child prostitution, and child pornography with additional information on type of follow-up provided and the outcome of the cases including prosecution, withdrawals and sentence for perpetrators;
- (c) The number of child victims provided recovery assistance and compensation (if any) as stated in Articles 9.3 and 9.4 of the Protocol.

Answer:

(a) The number of children trafficked to and from Vietnam as well as within the country:

Statistics from the Revision Table on the Situation of Trafficking in Women and Children from 1998 to December 2005 prepared by the Ministry of Public Security report 4,527 cases of trafficking of women and children detected involving 3,862 women and children trafficked to and from foreign countries and 665 women and children trafficked within the country. Most of the victims suffer from difficult economic conditions (88%). Among them, children under 16 years of age represent 5% and those over 16 accounting for 95%². More specifically speaking, the numbers of children sold, abducted and traded in the statistics of abused children of 2003-2005 are as follows:

	<i>2003</i>	<i>2004</i>	<i>2005</i>
<i>Total number of children abused (sold, abducted or traded, raped or drawn into crime...) (number of persons)</i>	1,668	1,619	1,458
<i>Ratio of children sold, abducted and traded (%)</i>	3.25	1.77	2.28

Source: MPS, 2003, 2004, 2005

¹ According to the 2004 Law on Child Protection and Care, children are those under 16 years of age. And according to the 2005 Law on Youth, those from 16 to under 18 years of age will also be included in the implementation of CRC in Vietnam.

² MPS, 2005

Thanks to the implementation of the Plan of Action on Prevention and Control of Trafficking in Women and Children for 2004 - 2010, statistics show that in the first 6 months of 2006 there are 26 trafficked children and 4 Chinese children found and rescued from traffickers and route to Cambodia³.

The statistical figures showed that approximately 70% of trafficked women and children were sent to China and the rest to Cambodia. Recently, investigation campaigns against trafficking in women and children have detected a number of trafficking routes to the Czech Republic, Russia, Malaysia, Thailand, Macau, Hong Kong, Laos and the Republic of Korea⁴, etc. were detected.

In Quang Ninh, a province bordering China, reports record 92 under 18 years of age from 25 cities/provinces in the country trafficked to other countries, in addition to 7 Chinese children trafficked or having entered Vietnam illegally during 1997-2006⁵.

(b) The number of reported cases on the sale of children, child prostitution, and child pornography with additional information on type of follow-up provided and the outcome of the cases including prosecution, withdrawals and sentence for perpetrators.

b1. Please refer to answer 1.a in relation to the number of reported cases on trafficking in children.

b2. *Child prostitution*: By December 2005, there are approximately 13,000 registered prostitutes, 13.4 % are under 18 years old⁶. So far, no child trafficking and prostitution rings have been detected⁷.

b3. *Child pornography*: The circulation of child pornography (newspapers, magazines, films etc.) is not common in Vietnam⁸. However, a number of foreigners have been involved in child prostitution and have taken photographs of the child prostitutes⁹. At the same time, some debauched or pornographic movies and images have appeared in a number of karaoke or Internet shops easily accessible to children.

b4. *Measures for child victims of trafficking and prostitution*:

By and large, trafficked victims were detected and rescued through tracking campaigns. The children were considered as victims and received assistance from the Programme on Prevention of Trafficking in Women and Children for the period 2004-2010 as well as other activities integrated into socio-economic development programs, such as programs on hunger elimination and poverty reduction, prevention of prostitution, crime prevention, prevention and prevention of child sexual exploitation. More specifically, trafficked victims received assistance and counselling at temporary reception desks at installations at the Vietnam-China and Vietnam-Cambodia border gates, Women Union's centres in Ho Chi Minh City, Quang Ninh and Can Tho provinces have opened to facilitate and assist trafficked women and children. Counselling centres also operated by provincial CPFCs, social protection centres managed by DOLISAs and

³ MPS, 2006

⁴ MPS, 2006

⁵ CPFC, Quang Ninh province, 2006

⁶ MOLISA Report on Outcomes of the Prevention and Control Campaign against Prostitution for the period 2001-2005 and Measures and Targets for 206-2010, 16/1/2006.

⁷ Report on Pilot Information Collection on Child Exploitation for Commercial Purposes, CPFC and UNICEF, 3/2006.

⁸ Ibid.

⁹ Ibid.

compassion shelters such as the Little Rose Shelter run by the Ho Chi Minh City Association for Child Protection. Victims are provided with free health examinations, psychological counselling and treatment, and daily meals/accommodations during the time of temporary residence at border gates and temporary centres/shelters. Victims are also provided with re-education opportunities or vocational training suitable to their ages. For families of the returnees have make a commitment to local authorities that child victims will not be at risk trafficked again while at the same are entitled to a small credit grant for living.

At the same time, they are entitled to economic support. In addition, trafficked victims are also protected in judicial processes and can request compensation for the damages caused by the crime as provided for in the penal code.

b5. Addressing cases related to trafficking in children, child prostitution and child pornography

- By December 2005, the concerned authorities have detected and identified 23 trafficking routes and 105 hotspots relating to cross-border trafficking in women and children. They involve areas and occupation that are easily abused by traffickers including visiting relatives, tourism, guest worker contracting and adoption... Identification of these routes will make it easier to work out prevention measures. At the same time, the concerned agencies have also registered 1,262 people relating to trafficking of women and children for supervision, consolidating the files of 91 transnational criminal routes involving 245 members. These bodies have identified and pursued 20 routes, commencing investigation over 5 cases of trafficking in women and children to China, Macau, the Czech Republic and Cambodia.⁹

- Statistics on trials of violations of children's rights, including cases of trafficking in children/rapes etc.) for 2003 -2005 are shown in the following table:

	2003	2004	2005
<i>Total number of tried cases (sale of children, raping children, having sex with adolescents...)</i>	963	1065	1003
<i>Number of accused people on sale children</i>	58	47	63
<i>Number of accused people on raping children</i>	698	696	633
<i>Number of accused people on having sex with adolescents</i>	16	18	21

Source: People's Supreme Court, 2003, 2004, 2005

- In 2005 and the first 6 months of 2006 alone, 336 cases have been detected with 608 people arrested, suppressing 115 trafficking routes. The People's Courts at various levels have tried 161 cases and 289 offenders of whom 6 have been sentenced to 20-30 years, 31 from 15-20 years, 83 from 7-15 years and 149 under 7 years of imprisonment. Only 20 offenders received non-custodial sentence. In 2005, 707 offenders on charges of trafficking in women and children were serving their sentences. Cases of child sex buyers, including some government officials, have been sternly prosecuted. In 2006, the President has decided 'not to consider clemency for

those committing crimes of trafficking of women and children' in his Decision for the Amnesty on the occasion of the National Day of September 2, 2006.

- Combatting Child Pornography:

+ In 2003, 27,418 places that provide entertainment and cultural services places were inspected and 6,746 cases of violations were found. Warnings were given to 640 establishments while 94 were shut down. 15 establishments had their licenses suspended and 31 cases were prosecuted under the penal code. Three cases of illegal duplication of CDs were also detected. Among the seized objects were 196 players of various types, 78 gambling machines, 15 amplifiers, 8 receivers, 6 TVRO sets, 4 TVs, 5 blank CD boxes, 5 CD label boxes, 33 parcels of decal paper, film copies, record books, 6 packages of books and cartoon paper and 44 foreign cigarette cases. A total amount of 7,856,375,000 VND was collected in administrative fines.

+ In 2004, 31,673 entertainment and cultural service establishments were inspected and 7,281 cases of violation were found. Warnings were given to 241 establishments were given warnings, 170 were shut down and 31 prosecuted on criminal charges (Ho Chi Minh City alone had 18 cases). Among the seized objects were 810,391 illegal CDs and tapes of which 2,739 contained reactionary and pornographic contents, 21,722kg of books 1,034 players of various types and 163 gambling machines. About 1,700,000 CDs and tapes and 120 game CDs were destroyed. A total amount of 10,122,668,000 VND was collected in administrative fines.

+ In 2005, 21,277 entertainment and cultural service establishments were inspected and 11,808 violations were found, Warnings were given in 1,001 cases warned notice, 116 establishments were shut down, 25 suspended from operations and 22 prosecuted on criminal charges. Among the seized objects were 12,718,825 CDs and tapes, 391kg production materials, 75,007 books and publications, 11,273 superstitious titles, 1,961 pornographic pictures and photos. Administrative fines brought in more than 12 billion VND were levied.¹⁰ More than 89,399 CDs and tapes, 10,623 books and 20,514 publications were destroyed.

So far we don't have any specific figures on child pornography.

c. The number of child victims provided with recovery assistance and compensation (if any) as stated in Articles 9.3 and 9.4 of the Protocol.

In 2005, the border guard force in collaboration with the Central Association of Women's Unions, MOLISA and local authorities handled 444 cases of women and children trafficked to other countries. Quang Ninh province alone received and repatriated 210 people including women and children.

In the first 6 months of 2006, the border guard force has coordinated with the DOLISA and local administrations in receiving 372 women and children who had been victims of trafficking from overseas. The Mong Cai border gate (Quang Ninh province), a gate on the Vietnam-China border, received 91 people including 10 children.

To date, the administration, agencies, mass and social organizations have received, assisted and stabilized the lives of thousands of trafficked women and children. As mentioned

¹⁰ Source: Ministry of Culture and Information, 2005

above, trafficked victims are protected during the legal process and have the right to claim compensation for damages. However, there are no statistics on compensation for children.

d. In general, Vietnamese laws have many regulations on reporting, statistics and data collection relating to child's rights, particularly the statistics on trafficking in children, child prostitution and child pornography. Over the past years, data collection and information gathering on child abuse, exploitation and trafficking in women and children have been conducted by different agencies/sectors such as the Public Security Forces, Court, Procuracy, CPFC, Women Union, and MOLISA. However, it is difficult to collect sufficient, uniformed and accurate information. Data collection is not yet based on a nation-wide systematic network and receiving sufficient budgetary support is insufficient. Data relating to children have not been recorded along concrete parameters.

In the time to come, Vietnam should further enhance data collection relating to the prevention of trafficking in children, child prostitution and child pornography. At present, the Steering Committee for the Action Plan on Prevention of Trafficking in Women and Children (with its standing office being the Ministry of Public Security) is coordinating other offices to study and work out a system for data collection, thus establishing a national archive on the prevention of trafficking in women and children, including child-related data. MOLISA is also coordinating with other offices and international organizations in surveying the real state of affairs to come up with criteria for identifying victims and procedures for returnees for submission to the Prime Minister for approval. The Ministry of Justice is coordinating with other relevant agencies in developing the proposals to draft and amend legal documents relating to the prevention and combating trafficking of women and children, including the amendments, supplements and new legislations on returnees, processing of tip-offs, crime allegations and protection of victims and evidence. The CPFC with UNICEF assistance is coordinating other relevant agencies and localities in designing criteria on prevention of child sexual exploitation for commercial purposes and is conducting pilot projects in this regard in a number of key provinces.

Question 2. Please provide detailed information on budget allocations for the implementation of the Optional Protocol.

Answer:

In Vietnam, the prevention of trafficking of women and children in general including issues relating to the implementation of the Optional Protocol is the shared task and the regular work of ministries, relevant agencies and localities. As such, budget for this is drawn from the State budget as well as financial sources of communities at home and abroad. Annual budget allocations are based on the State budget and the economy's growth. In the recent years, this financial source is on the increase. The sources for this budget is allocated to programs, plans and projects as follows:

- The National Plan of Action on Prevention and Suppression of Trafficking in Women and Children from 2004 to 2010 comprises four main projects: (i) Community education and advocacy on prevention and suppression of trafficking in women and children; (ii) Combating trafficking in women and children; (iii) Providing appropriate support for trafficked victims in the repatriation process; (iv) Development and improvement of legal

framework relating to prevention and suppression of trafficking in women and children. The financial resources to implement the Plan have been allocated from central and local budgets as well as international assistance. The central and local state budget allocation for 2005 – 2010 is as follows:

	2005	2006	2007	2008	2009	2010
Budget allocation in VND billion*	15**	44	54	66	70	81

Source: MPS, 2006.

(*Exchange rate between Vietnamese dong and US dollar at point of response in August 2006: US\$ 1=VND15,600

**Since 2005 is the year of commencement of the Plan)

- National Program on Prevention and Settlement of street children, sexually abused children and children working under hazardous and dangerous conditions (2004-2010) is allocated with a state budget of VND 203 billion. In order to effectively implement the projects under this Program, particularly the project on prevention and settlement of child sexual abuse and settlement of street children, the CPFC in many provinces have decided to add in the money from their provincial budgets for example VND 5,13 billion over 5 years in Tien Giang; VND 252 billion over 5 years in Ba Ria-Vung Tau; 430 million over 5 years in Ha Nam; VND; VND 45 million over 5 years in Dak Lak;

+ Project on Prevention of Sexual Child Abuse: 6.350 billion VND.

+ Project on Communication, Advocacy and Capacity Enhancement for Program Management: 75.481 billion VND.

+ Project on Prevention of and Support for Street Children: 53.466 billion VND.

+ Project on Preventing Children from Working under Hazardous and Dangerous Conditions: 39.330 billion VND.

In addition, a considerable portion of budget has also been allocated from other programs/projects relating to child rights implementation in general and child protection in particular such as:

- National Action Program for Vietnamese Children for 2001 - 2010 aimed at creating the best conditions to meet demands and rights of every child, prevent and eliminate child abuse risks, create a safe and healthy environment for Vietnamese children to enjoy protection, care and education and to fully develop for a better life. Financial resources for the program are allocated from the annual budget of relevant ministries, sectors, and provinces. In addition, these relevant ministries, agencies and provinces also actively create favorable conditions to seek assistance from international organizations (UN agencies, INGOs, bilateral and multilateral donors) to implement the program, including activities to prevent child trafficking, child prostitution and child pornography. The national budget to assist the implementation of the activities was about VND 18,193 billion in 2001; 35,776 billion VND in 2005 and 81,362 billion VND in 2010.

- Moreover, there are other sources from the state budget allocated annually for National Targeted Programs (including hunger eradication and poverty reduction and employment, crimes prevention and prostitution prevention); and funds from international organizations, NGOs, bilateral and multilateral donors including: UNICEF, ILO, IOM, EU, Save Children UK and Plan International.

However, there is no budget line specified for the prevention of child trading, prostitution, and pornography. These activities are integrated into the above-mentioned programs.

Question 3. Please indicate whether there is a specific government body responsible for the coordination of the implementation of the Optional Protocol.

Answer:

According to Vietnamese laws, the Vietnam Commission on Population, Family and Children is a government agency that is responsible for the state management of issues relating to the population, family and children areas. At the same time, CPFC is the lead and coordinating agency to implement activities relating to this Optional Protocol. The Commission is comprised of members from relevant ministries and agencies such as Ministry of Health, Ministry for Labor, War Invalids and Social Affairs, Ministry of Education and Training, Ministry of Justice, Ministry of Public Security, Ministry of Defence, Ministry for Foreign Affairs, Youth Union, Women Union, Farmer's Association, Veteran's Association, and Vietnam Academy for Social Science and Humanity. The Commission is organized from the central to grassroots levels.

In addition, other ministries and agencies also have an important role to play. The Ministry of Public Security is the standing agency of the National Plan of action on prevention of women and children trafficking. MOLISA is the lead agency for the Program on Prevention of Sexual Child Abuse. The Ministry of Culture and Information is the focal point of child pornography prevention program.

Question 4. Please indicate whether the National Plan of Action on the Prevention of Trafficking of Women and Children has been adopted (para.241 of the SP report). Please also explain what are its activities and focus and whether there are specific budget allocations for its implementation.

1. The National Action Program on Prevention of Women and Children Trafficking 2004-2010 was approved by the Prime Minister on 14/7/2004 (Decision No.130/2004QD-TTg). The objectives of the Program are to improve awareness and action at all levels and in all agencies, mass organizations and the entire society for the prevention and substantial reduction of trafficking of women and children the year 2010. The Deputy Prime Minister is the Chairman; a leader from the Ministry of Public Security is the vice chairman of the Steering Committee, and MOFA, MOJ, MOLISA, Women's Union, CPFC, MOPI are the members. MPS is the standing agency of the Steering Committee responsible for assisting the Government in the implementation of the program. At provincial level, Steering Committees were established with a similar composition.

The Program focuses on following activities:

- Conducting basic investigations, analysis and forecasting of the situation of trafficking of women and children; developing a database on women and children trafficking crimes.
- Carrying out communication and education activities; launching public campaigns to detect, prevent and combat trafficking of women and children.
- Implementing preventive measures against women and children trafficking in families, communities, organizations, and agencies.
- Combating women and children trafficking and other related crimes, especially organized and transnational trafficking of women and children.
- Supporting education, vocational training, and community reintegration for trafficked women and children, investing in building repatriation centers for trafficked women and children when they return.
- Strengthening capacity for staff working for prevention of women and children trafficking.
- Developing and improving the legal documents relating to the prevention of women and children trafficking.
- Carrying out international cooperation in preventing and suppressing women and children trafficking, especially trafficking of women and children to other countries, in line with the national legal system and international law.

2. For the effective implementation of this program, on 30/11/2005, the Prime Minister approved 4 projects under this Program:

Project 1: The Women's Union is the focal point for public communication and education on prevention of trafficking of women and children. . The focus is on communication and education relating to policies and the legal framework to raise the awareness of the people on this matter.

Project 2: Combating trafficking of women and children trafficking with a focal point from MPS and Ministry of Defence (Border Guard Command). The focus is on prevention, detection, investigation, prosecution of offenders in trafficking of women and children. Implementation will concentrate on border areas.

Project 3: Receiving and supporting women and children victims coming back from other countries with a focal point from MOLISA. The focus is on the reception, repatriation and social reintegration for trafficked victims coming back from abroad.

Project 4: Developing and improving the legal system relating to the prevention of women and children with the focal point from MOJ. The focus is on studying, developing and strengthening the relevant legislation to the prevention and suppression of women and children trafficking.

3. Budget for implementation:

According to the decision by the Prime Minister, the Action Program on prevention and suppression of trafficking of women and children 2004 – 2010 is a routine task of relevant ministries, agencies and localities. The financial resources to implement the proposals under the program have been allocated from the state budget (central and local budgets) as well as from other domestic and foreign sources, contributions from the community and international bodies. The total central and local budget for 2005 -2010 is estimated at 330 billion VND.

Question 5. Please explain further the reasons behind the reservation to article 5 of the Optional Protocol and indicate whether there has been any concrete step towards its withdrawal (para. 118 of the State party's report).

Answer:

Paras 1,2,3,4 in Article 5 of the Optional Protocol relate to extradition. In the case that there is no extradition treaty exists between the two State Parties, this Protocol is considered the legal basis for extradition. Extradition shall be subject to the conditions provided by the law of the requested State. In 2001, para 5 was not in line with the Vietnamese law. At that time, apart from mutual judicial assistance agreements signed with some countries, Vietnamese legislation did not include any provisions on extradition and Vietnamese conditions were not sufficient to fully implement the extradition-related provisions as mentioned above.

However, in 2003, the National Assembly of Vietnam has adopted a revised Criminal Proceedings Code, with a separate chapter on extradition (chapter 37). These are new provisions included for the first time in this Code, and serve as a uniform basis for the extradition between Vietnam and other countries that have signed or have not signed the extradition treaties.

In accordance with Article 343 of the 2003 Criminal Proceedings Code and international treaties to which Vietnam is a party Vietnamese judicial agencies may request competent agencies from other countries to extradite offenders to Vietnam for prosecution; and indicted persons can be extradited from Vietnam to other countries for criminal prosecution or execution. The 2003 Criminal Proceedings Code also provides details on the refusal to extradite or the possibilities to refuse to extradition.

To date, Vietnam has signed bilateral agreements on extradition with one country (the Republic of Korea) and 13 mutual judicial assistance agreements with countries including Russia, Mongolia, Hungary, Bulgaria, Poland, Cuba, China, Laos, the Czech Republic and the Republic of Slovakia. In particular circumstances, Vietnam may carry out extradition at the request of a state with which Vietnam has not signed an agreement on mutual judicial assistance. At the same time, Vietnam has signed or become the signatory to many international conventions directly relating to the protection of the rights of the child, including the prevention and suppression of sales of children, child prostitution.

(For further information, please refer to the 2001 – 2003 State party's Report, Part III, Section B)

With this legal foundation, Vietnam is actively considering the withdrawal of the reservation of paras 1,2,3,4 of Article 5 in the Optional Protocol in the future. After coordinating with relevant agencies to study this issue, in August 2006, the Commission for Population, Family and Children submitted a report to the Government on considering the withdrawal of paras 1, 2,3,4,5 of Article 5 of the Optional Protocol.

Question 6. Please inform the Committee on measures taken to avoid illegal inter-country adoptions, including the steps taken towards ratification of the Hague Convention No.33 on Protection of Children and Co-operation in respect of Inter-country Adoption (para. 18 of the State party's report). Please also inform the Committee on the number of countries of destination of children adopted through inter-country adoptions.

Answer:

a. For information on the legal framework and measures to prevent and control of illegal international child adoption, please refer to the State party's report, for period 2001 – 2003, Part III, Section A, Item 2.4.

On 21/7/2006, the Government issued Decision No. 69/2006/ND-CP that revised and supplemented to the Government's decision No 68/2002/ND-CP on 10/7/2002. This is an implementation guideline for the Law on Marriage and Family concerning marital and family relations involving foreign elements, among which some of the provisions on international child adoption are revised to increase the prevention of illegal international child adoption. Decision No. 69/2006/ND-CP in particular strictly bans the introduction, approval and registration for illegal child adoption (Article 1, para 8). According to the decision, stricter regulations on applications of foreign adopters as well as of Vietnamese adoptees shall be met (Article 1, paras 9 and 12).

At the same time, the proposal on developing and perfecting the legal system concerning the prevention, suppression of women and children trafficking, within the Action program's framework, will also be implemented. The Ministry of Justice has conducted studies, assessment on the promulgation and implementation of the law on child adoption involving foreign elements, thus to map out the direction to improve the legal system on child adoptions involving foreign elements to prevent child trafficking.

The Ministry of Justice established the Department of International Adoption Management to manage child adoption involving foreign elements. Along with the operation of the Department of International Adoption Management under the Ministry of Justice, relevant agencies of Vietnam are also carrying out many measures to prevent illegal child adoption. Apart from improving the legal system and mechanisms to manage the adoption on the basis of the Hague Convention, in line with other countries' practices, Vietnam attaches great importance to the implementation of preventive measures against child adoption for illegal profit seeking. The supervision on child admission into protection centers is also enhanced to ensure that the adoption is carried out in accordance with the laws. In this regard, protection centers will be considered to introduce children for adoption. The inspection on operation of foreign child adoption organizations based in Vietnam is also improved. The identification and verification of the origin of adopted children when requested are strengthened.

To date, Vietnam has negotiated and signed 12 Cooperation Agreements on child adoption with other countries and territories (France, Denmark, Italy, Ireland, Sweden, three communities in Belgium, US, Canada, Quebec Canada, Switzerland and is completing the procedure for signing with Germany). The Vietnamese Government will soon consider the proposal to accede to The Hague Convention No.33 on Protection of Child and Inter-Country Adoption Cooperation. The implementation roadmap of this Convention has been elaborated: improving the national legal system, strengthening organizational structure, building capacity, enhancing international cooperation in the area of child adoption and encouraging the domestic adoption. For active preparation to implement the Hague Convention, it is expected that in 2007 Vietnam will submit the application to become a signatory of this convention. This will be one of the important legal bases for further cooperation on international adoptions.

b. The situation of international child adoption: during the past years, Vietnamese children have been adopted mainly in 19 states and territories: France, Denmark, Italy, Ireland, Sweden, US, Canada, England, Austria, Taiwan, Romania, Hungary, Czech Republic, the Netherlands, Spain, Norway, Singapore, Switzerland and Germany.

No.	Country	Year 2004	To 9/2005
1	France	360	512
2	Denmark	31	512
3	Italy	05	95
4	Ireland	43	55
5	Sweden	01	51
6	US	01	05
7	Germany	04	05
8	Canada	01	
9	England	01	01
10	Austria	01	01
11	Taiwan	01	01
12	Romania	01	
13	Hungary	02	03
14	Czech Republic	01	01
15	The Netherlands	01	
16	Spain		04
17	Norway		01
18	Singapore	01	
19	Switzerland	01	
	Total	456	792

Source: MOJ, 2005

Question 7. Please indicate whether the State party has taken any measures to establish its jurisdiction over the offences referred to in article 3 (1) of the Optional Protocol when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the basis of the nationality of the offender.

Answer:

As indicated in the 2001 - 2003 State party's Report (Part III – Section A), offences referred to in Article 3 of the Optional Protocol are identified in the 1999 Penal Code of Vietnam.

As such, the investigation, procuracy (prosecution) agencies and courts of the Socialist Republic of Vietnam will investigate, prosecute and try the case. Foreigners committing offences within the territory of the Socialist Republic of Vietnam, who are citizens of a party of the international conventions that Vietnam has signed or acceded to, shall be investigated, prosecuted and tried in accordance with international conventions. Cases involving foreigner offenders in the Vietnamese territory, who enjoy diplomatic and consular privileges and immunities under the Vietnamese law and international commitments that Vietnam signed or acceded to or in line with international practice, their cases will be settled through diplomatic channels. Foreigners committing offences outside the territory of Vietnam may still bear penal liabilities in accordance to the 1999 Penal Code of Vietnam in the cases defined in the international conventions that Vietnam is a signatory.

Question 8. Please inform the Committee on whether special training, particularly legal and psychological, is provided to those persons working on social reintegration and physical and psychological recovery of child victims

Answer:

At present, there is no specific regulation on training courses for investigators, lawyers, prosecutors, judges as well as for social and health workers in dealing with child victims' cases. However, the focus on developing counselling, consultation services, skills training for family and community for child protection purposes has been mentioned in national programs on protection and care for children. In 2004, the curriculum on social work for university level has been officially launched. By now, 11 universities and colleges have 4 or 5-year social work training programs.

In recent years, Vietnam has increasingly paid attention to capacity building for community and staff working with children in general and in social reintegration and psychological and physical rehabilitation for child victims through specified training courses for judicial staff and social workers such as investigators, prosecutors, lawyers, judges, police officers, social workers and health staff. From 2003 till now, thousands of staff in population, family and children, labor, invalid and social affairs, health, justice, court, procuracy, police, social work at central, district, commune levels and staff in the social protection institutions have been trained with the skills in protection, care and education of children, social work, international law and related national policy, child psychology and physical, skills to work with children under special circumstances etc. in the form of official long-term training, short courses of 2 months, 1 month, 2 weeks or 1

week. Recently, under the cooperation framework between the Government of Vietnam and UNICEF, the Ministry of Public Security has prepared a general curriculum on child/juvenile friendly surveys. Five training courses for more than 200 leaders from provincial and district investigation agencies were organized. These courses provide the investigators with basic knowledge on the development of children, international standards and domestic laws on the child's rights and child friendly surveys, good models in the world and of Vietnam as well as child-friendly investigation skills. This will be the foundation for staff working with children in general and staff working in the social reintegration and psychological and physical rehabilitation for child victims so that they can have the ability to understand and be sensitive to the needs of children, to provide appropriate support for children, help children overcome inferiority, complexes in their lives for the healthy development to their full social, moral, spiritual, physical and social psychology potential.

However, Vietnam's needs for capacity building for staff working with children in general and staff working for the social integration and psycho-physiological rehabilitation for child victims are still enormous. Vietnam needs the support from other countries and international organizations on this area.

Question 9. Please inform the Committee on the development of the negotiation between the State party and Cambodia aimed at strengthening bilateral cooperation to combat cross-border trafficking in women and children (para. 243 of the State party's report)

Answer:

Vietnam highly appreciates the cooperation with neighboring countries, especially with Cambodia, in preventing trafficking of women and children. Competent agencies in Vietnam and Cambodia have negotiated a bilateral Agreement between the two countries to eliminate the trafficking of women and children and to provide support to victims. The two Parties have also established a cooperation mechanism to fight against this offence. In April 2003, Vietnamese and Cambodian police cooperated to investigate and suppress some trafficking routes from Vietnam to Cambodia for prostitution purposes. One of the ring leaders has been arrested. On 10th October 2005, Vietnam and Cambodia signed and on 28th February 2006, the Prime Minister of Vietnam approved the bilateral cooperation agreement to eliminate the trafficking of women and children and to support the trafficked victims with focus on the following areas: measures for prevention and protection of trafficked children; and the cooperation for the suppression of trafficking of women and children. This is the important legal foundation for the cooperation between two countries.

The judicial agencies of Vietnam and Cambodia also work closely to protect the victims as well as to detect, investigate, prosecute the criminals. The Women 's Union of Vietnam and Cambodia also carry out bilateral cooperation on communication and other areas. At present, the bilateral cooperation plan aimed at implementing the bilateral agreement between the two countries is underway, with the assistance from UNICEF Country Offices of the two countries.

Question 10. *Please explain further to the Committee how child victims have access to procedures to seek compensation from those legally responsible for the acts prohibited under the Optional Protocol.*

Answer:

Article 604 of the 2005 Civil code defines anyone who intentionally or unintentionally offend the life, health, honor, dignity, prestige, property, rights, legal interests of another person, or offend the honor, prestige, property of another legal entity or person that cause losses will have to provide compensation. Therefore, those who offend the lives, health, honor, and dignity of others (including children) will be responsible for compensating the victims for physical, mental losses to property (Articles 608 – 612, 2005 Civil Code). Compensation to child victims can be done through negotiations, conciliation between victims and offenders. The legal representative, on behalf of child victims, may sue in the civil courts for compensation. In cases of actions constituting an offence, the determination of compensation for victims will normally take place at the same time of criminal trials. The court will decide the responsible person and the amount of compensation. If the offender does not voluntarily compensate, the child victim's legal representative has the rights send the claim to ask for compensation. Coercive measures can also be applied to force offenders to carry out their duties.

The 1999 Penal Code also provides details on disciplining those who do not obey court decisions on compensation for victims. The highest penalty for such crime is three-year imprisonment.

These are the provisions under the laws of Vietnam on the rights and mode for victims (including children) to approach to compensation process from person who are legally responsibility for the acts prohibited by the Optional Protocol. In general, the above-mentioned rights are implemented in accordance with the laws. However, sometimes, compensation for the victim has not yet been made due to inability to afford the compensation of the offender. And in Vietnam, presently there is no Victim Compensation Fund to support victims who are unable to obtain compensation from defendants.