

Unofficial translation

Socialist Republic of Vietnam

**Updated Report on the
implementation of the Convention
on the rights of the child
Period 1998 - 2002**

December 2002

Foreword

In accordance with the guidance of the Committee on the Rights of the Child (the Committee), because Vietnam presented its first periodic 5-year Report for the period 1993 - 1998 on the implementation of the Convention on the Rights of the Child (the Convention) at same time as the second report was due, Vietnam will combine its second report with the third one and submit it to the Committee in 2007. Therefore, together with the answers to questions raised by the Committee before its session (in January 2003), this updated Report on the implementation of the Convention on the Rights of the Child is aimed at facilitating the Committee's further understanding about the implementation of the Convention by Vietnam in the period 1998 - 2002.

Owing to time constraints, this Report is just about to update information on Vietnam's legislation, policies, and implementation of the Convention in the period 1998 - 2002.

I. Socio- economic situation of Vietnam in the period 1998 - 2002

In the beginning of 2002, the population of Vietnam was nearly 80 million, of which women comprised nearly 51 percent, urban dwellers 24 percent, children under sixteen years of age 34 percent.

Over the years, Vietnam has ensured the continued political stability, thus creating impetus for socio-economic development.

In two years 1998 - 1999, affected by impacts of the regional financial-monetary crisis and heavy aftermaths of natural disasters, Vietnam's economic growth rate decreased, to the lowest level in 1999 (which was only half of that in 1995). In 2000, Vietnam succeeded in curbing the declining trends and uplifting the economic growth rate to 6.7 percent. Entering the year 2001, although Vietnam enjoyed the impetus of economic recovery in 2000 and other remarkable achievements gained during the renovation process, it had to cope with great difficulties and newly-emerged, complicated developments: the world's economy tended to go further into stagnation and recession after the September 11 events in the United States; Vietnam's export markets were narrowed. When losses caused by natural disasters in 2000 have not yet been fully overcome, storms and floods raged in the Mekong Delta and some central provinces, causing further losses of properties and lives. In 2002, Vietnam has still been faced with many difficulties and natural disasters in many places, which caused great losses for the production and people's daily life, difficulties in exports, and low export prices.

However, thanks to its political stability, sound and appropriate socio-economic development strategies, Vietnam still recorded great and important socio-economic achievements, despite unpredicted difficulties and adverse developments it had encountered.

Vietnam's economy continues to enjoy stability and fast development with remarkable achievements: GDP's average increase of some 7 percent annually; new progress in the alteration of agricultural structure; important developments in fishery; high growth rates in industrial production; faster growth in service; even growth rates among regions. It is noteworthy that the mountainous areas in the North and the Central HighLand record growth rates higher than the average of the country. In the 1998 - 2000 period, huge sources of development capital, particularly those from the private sector, have been mobilized; the total development capital of the whole society is on the increase (accounted for about 30 - 31 percent of the GDP). Inflation is checked. Given the regional economic crisis, the increase of annual GDP is an encouraging result.

In spite of its economic difficulties, Vietnam has managed to allocate national budget funds and mobilize resources from people and various economic sectors for the cause of education and training, scientific and technology development, culture, health care, environmental conservation, and settlement of social issues. In the 1998 - 2002 period, there have been encouraging developments in these areas, commensurate with the economic growth. There have also been many positive developments in the social and education areas, such as the nation-wide accomplishment of primary education universalization and illiteracy eradication, successes in secondary education universalization

by 8 provinces by the end of 2001, annual creation of about new 1.4 million jobs. The ratio of poor households had been reduced to 16 percent; the population growth rate declined to 1.36 percent in 2001. Greater attention has been paid to the protection and care for children. Especially, programs on education and training, poverty alleviation, employment, population and family planning for mountainous districts, regions inhabited by ethnic minorities, remote and poor areas have been given top priorities in terms of both attention and investment. These efforts have yielded outstanding results. Cultural and material life of people in all regions has been improved. Those achievements have made important contributions to the maintenance of socio-political stability, and thus creating impetus for sustainable development.

Strengthened defence and security have firmly protected the independence, sovereignty of the country, and maintained social order. External relations have been promoted, creating favourable international conditions for Vietnam's national development and ever-increasing prestige and stature in the international arena.

The above-mentioned achievements are ascribed to great efforts by the Party, State and people of Vietnam. They not only are built upon but also promote the achievements gained during previous years; they are the fruits of efforts to overcome difficulties and seize opportunities.

However, Vietnam's economy still has many weaknesses: low competitiveness and efficiency, slow shift in economic structure. Cultural and social development has not yet reached the needed level: urgent social problems still remain;

unemployment rate remains high; social evils and crimes have not yet been rolled back; traffic accidents are on the rise.

For further socio-economic development in the 2002 - 2007 period, Vietnam fully realizes that it need to continue to fulfill the key task of economic development, promoting industrialization and modernization in combination with cultural development and the realization of a progressive and just society.

II. Implementation of the Convention on the Rights of the Child

Over the past four years, the Government of Vietnam has unceasingly shown its strong commitments to the implementation of the Convention on the Rights of the Child and the Law on the Protection, Care, and Education for Children by accelerating the implementation of policies and measures at all levels for the highest-possible realization of children's rights in the context of Vietnam's conditions and situation.

The State of Vietnam has made further efforts to harmonize the Convention with its national legislation. It has amended and supplemented laws and codes related to the rights of the child. The spirit of the Convention have been imbued in the drafting, amending and supplementing process of such fundamental laws as the Penal Code, the Criminal Procedure Code, the Labour Law, the Law on Marriage and Family, the Law on Vietnamese Citizenship, and many other legal instruments in the form of ordinances, decrees, directives, circulars which altogether create an increasingly strong and specific legal framework for the protection and promotion of children's rights.

Apart from revising and supplementing the legal documents, the State has adopted many policies, approved many programs and projects, and given timely instruction to local authorities to ensure the accomplishment of all goals set forth in the 1991 - 2000 National Programme of Action for Children, and to build and implement the next Programme of Action for Children. In February 2001, the Government organized a national Conference with the participation of leaders of the State, Government, Ministries, provinces and children's representatives in order to review and evaluate the implementation of the goals of the 1991 - 2000 National Programme of Action for Children (which are also the goals put forth in the World Summit for Children in 1990), and to mobilize the whole country to implement the 2001 - 2010 National Programme of Action. In 2002, the Government organized another national Conference to review the 3-year implementation of the Programme of Action to Protect children with special difficult circumstances (which aimed at supporting such kinds of children as homeless children, sexually-abused or trafficked children, child addicts, and children who violate the law). Many local authorities have undertaken strong measures to address in the main the issue of children with special difficult circumstances in their areas; many successful models and typical examples are commended and applied to other regions in the country. The Government plans to continue this Programme of Action up to the year 2010 with more specific objectives. Vietnam has been successful in its poverty alleviation programs, in which children are given major priorities. To attract greater resources to meet the demand and ensure the rights of children, apart from the national budget, the State has mobilized the whole society's

participation in and contribution to many child programs and projects. The system of Children Protection Funds and other funds are in active operations and mobilize a remarkable resource for projects for children, especially the *Operation Smile* programme, which has addressed fundamentally the problem of harelip and cleft palate children in the whole country; the program *For the Glow of Children's eyes*, which has brought the light to the lives of thousands of children. The set of 84 child rights indicators has been initially implemented in all ministries and sectors in a concerted manner, thus enabling a better monitoring of the children's situation and the formulation of policies that are in tune with the reality.

Public information and mobilization for the implementation of the rights of children have been promoted at both central and grass-root levels. The dissemination and education on the Convention culminated in the preparation for the review of the implementation of children's goals at both grass-root and central levels, and for the General Assembly's Special Session on Children. All localities and branches actively participated in the "Say Yes to children" movement. A number of forums with the focus on children have been organized in many regions throughout the country in preparation for the National Forum of Children. Leaders of the State and Government attended the Forum to listen to children's ideas contributing to the National Programme of Action for Children. Through the dissemination and education on the Convention, the awareness of people, especially that of local authorities, have been improved. Consequently, local authorities have been paying greater attention to the rights of children, which can be clearly seen through the ever-increasing attention and efforts they have lent to child-

related areas. It is of significant importance because given the tight budget and strong demand for investment in economic sectors, the local authorities must have profound awareness about the rights of children when allocating their local budget funds for programs and projects relating to children.

The Government of Vietnam has taken initiatives in cooperating with other countries and international organizations to provide more resources for the realization of the goals for children. To assist in the implementation of the goals set forth in the National Programme of Action for Children, the Government and the United Nations Children's Fund (UNICEF) have formulated and implemented the 2001 - 2005 Vietnam - UNICEF Cooperation Agreement. A majority of more than 400 foreign non-governmental organizations in Vietnam now have projects with the focus on children. Many foreign governments have also provided official development aid (ODA) in such fields as child healthcare, education, and protection. International support and assistance have made no small contributions to the successful realization of the goals for children in Vietnam.

A. General principles.

Non-discrimination (Art. 2)

Legal context

The Law on Marriage and Family of 2000, Article 34, stipulates that "Parents is obligated to ensure that there is not discriminatory treatment among their children".

The Education Law of 1998.

The Penal Code of 1999.

Government Decree No. 78/2002/ND-CP of 2002 defines the application of the Law on Marriage and Family on ethnic minorities.

Prime Minister's Decision No. 1232/1999/QD-TTg dated December 14, 1999 on approval of the list of communes with special circumstances and borderline communes within the socio-economic development programmes for mountainous and remote communes with special circumstances

Prime Minister's Decision No. 647/2000/QD-TTg dated July 12, 2000 on addition of communes to the List communes with special circumstances and bordering communes within the socio-economic development programmes for mountainous and remote communes with special circumstances.

Prime Minister's Decision No. 42/2001/QD-TTg dated March 26, 2001 on addition of communes to the List communes with special circumstances and bordering communes within the socio-economic development programmes for mountainous and remote communes with special circumstances.

Implementation

The principle of non-discrimination has always been promoted in all activities of the State, social and political organizations, enterprises, communities and families with a view to ensuring non-discrimination against children. Apart from general priority policies in effect, the State has issued many policies with priorities given to the social, economic development of communes with special circumstances in remote and mountainous areas. The ethnic people and their children continue to receive free health care services in state-run medical institutions, subsidized textbooks, and

exemption from school contributions and fees. All these efforts by the State which aim to promote social-economic development in these disadvantaged areas, to reduce development gaps among geographic regions and communities, to gradually create equality and opportunity for people in these areas, place primacy on children.

Important progress has been made in promoting gender awareness among people; chauvinism has been gradually eliminated. Many families have decided not have more children even though they just have one child or two girl children.

The best interests of the child (Art. 3)

Legal context

The Labour Code (revised and amended in 2002): Articles 119, 120, 121, 122, and 125.

Prime Minister's Decision No. 23/2001/QĐ-TTg dated February 26, 2001 on the 2001 - 2010 National Programme of Action for Children.

The overall objective of "the 2001 - 2010 National Programme of Action for Children" is to create the best conditions to meet children's demand and ensure their basic rights, prevent and fight all threats against children, establish safe and healthy environment for the Vietnamese children to enjoy protection, care, education, comprehensive development in all aspects, and an ever-better life. The Programme of Action also defines specific goals on nutrition health, primary education, clean water and environment, culture, leisure and recreation for children, and child protection.

National Assembly's Resolution No. 40/2000/NQ-QH dated December 9, 2000 on the curricular reform of primary education

National Assembly's Decree No. 41/2000/NQ-QH on the universalization of secondary education.

The Vietnam - France Child Adoption Agreement.

Government Decree No. 70/2001/ND-CP dated October 3, 2001 on implementation of the Marriage and Family Law

Government Decree No. 68/2002/ND-CP dated Jul 10, 2002 on implementation of provisions of the Marriage and Family on marriage between Vietnamese and foreigners

Prime Minister's Decision No. 19/2002/QĐ-TTg of 2002 on the National Strategy for the Advancement of women up to the year 2010.

Prime Minister's Decision No. 143/2001/QĐ-TTg on the target Program on poverty elimination and employment for the period 2001 - 2005.

Prime Minister's Decision No. 190/2001/QĐ-TTg on the National Target Program on prevention and protection of dangerous social and epidemic diseases and HIV/AIDS in the period 2001 - 2005.

Prime Minister's Decision No. 72/2001/QĐ-TTg dated May 4, 2001 on the Vietnam's Family Day.

The Family Day is celebrated every year to mobilized people to build better-off and happy families because the family is the unit of the society, the cradle and important environment for

the personality of children to be forged and developed.

Circular No. 07/2001/TT-BVCSTE of the Viet Nam Committee for the Protection, Care, and Education of Children on guidance of the implementation of Prime Minister's Decision 72/2001/QD-TTg dated May 4, 2001 on the Viet Nam Family Day

Circular No. 21/1999/TT-BLDTBXH dated November 9, 1999 by the Ministry of Labour, Invalids and Social Affairs on the list of occupations, works, and conditions for the admission to work of children under 15 years of age

Implementation

The 2001 national review conference on the implementation of the 1991 - 2000 National Programme of Action for Children and the 2002 review conference of 10-year implementation of the Law on the Protection, Care, and Education of Children have affirmed paramount efforts and attempts by the Government and people of Vietnam in ensuring the best interests for children, in the conditions and circumstances of Vietnam. Vietnam has accomplished almost all targets set forth in the National Programme of Action for Children. In 2001, Vietnam officially launched campaigns for the implementation of the 2001 - 2010 National Programme of Action for Children in the spirit of "A world fit for children". Strong commitments of the State to the realization of children's rights have been proved by continued reforms of the legislation in conformity with the Convention's spirit and the adoption of policies facilitating the implementation of children's rights.

Right to life, survival and development (Art. 6)

Legal context

See above the sections

Implementation

By 2000, Vietnam had reached the end-decade goals for children:

In child healthcare:

- ❖ The under-five mortality rate reduced to 42/1000 against the target of 50/1000.
- ❖ 93.3 percent of children from 1 to 6 years of age have been immunized against 6 basic diseases, against the target of 90 percent.
- ❖ 94 percent of children suffering from diarrhea have access to water-supplemented solution, against the target of 80 percent.
- ❖ 100 percent of diseases related to vitamin A insufficiency have been eliminated.
- ❖ The malnutrition rate reduced from 51.5 percent in 1990 to 33.1 percent in 2000.
- ❖ In 2000, the poliomyelitis was thoroughly eradicated.

In education for children:

- ❖ In 2000, 100 percent of provinces and cities succeeded in illiteracy eradication and primary education universalization.
- ❖ 94 percent of children under 14 years of age have finished the 3rd grade, exceeding the target of 90 percent.
- ❖ Boarding schools for ethnic minority children have been established in all of Vietnam's mountainous districts.
- ❖ 93 percent of children at 6 years of age go to school, against the target of 90percent.

Care for children with special difficult circumstances

- ❖ 70 percent of orphans without care-givers were taken care in their community
- ❖ Over 80 percent of harelip and cleft palate children have been cured through operations
- ❖ After their rescue, most of the trafficked children have been taken care and facilitated their rehabilitation.

In 1999, the Government adopted the Programme of Action on the Care and Support to children with special difficult circumstances, and mobilized people to take care and support those children. To this end, many activities have been organized. Especially, the Ho Chi Minh Communist Youth Union did denominate the year 2001 the voluntary year for children with special difficult circumstances. Many exemplar models in this movement have been forged and multiplied.

In cultural, leisure and recreation activities of children

- ❖ 50.8 percent of Vietnam's districts have built cultural and recreation centers for children (in comparison with the target of 50 percent).
- ❖ Publications for children are accounted to 15 percent of the total publications.

Despite such achievements, Vietnam are still faced with many challenges as follows:

- ❖ The malnutrition rate of children in Vietnam remains rather high as compared to those of other countries in the region. This requires greater efforts from the Government.
- ❖ Although the Government has mapped out priority policies for the ethnic minorities and given priority to even development among regions and areas, there still are difficulties in meeting all the development needs of the people in

general and of children in particular belonging to the minority groups or living in the remote areas.

- ❖ The market economy does not simply bring about economic growth, but also creates new challenges. Among those is the emergence of social evils that impede the development of the nation and children.

Respect for the view of the child (Art. 12)

Legal context

The Law on Marriage and Family of 2000, article 34, paragraph 1 stipulates "Parents have the obligation to ... respect their children's opinions".

Government Decision No. 67/1999/2002 in 2002 on petition and denunciation.

Implementation

Much progress has been made over the past time in information and education to all people and the society, including authorities at different levels, on the realization of children's right of respect to their opinion. Children have directly taken part in reviewing the implementation of the National Programme of Action for children 1991 - 2000 and in drafting the 2001 - 2010 Programme of Action. They have also participated in the re-evaluation of the implementation of the Law on the Protection, Care and Education of Children through discussion at local, regional and national levels. Local authorities are giving greater attention to children's opinions on projects and programs relating to children. For example, a hamlet Chief in Bac Giang province allocated a hectare of land to build a football field to meet children's wish.

C. Civil Rights and Freedoms

Name (Art.7)

Legal context

Government Decree No. 83/1998/ND-CP dated October 10, 1998 on residence registration and **Circular No. 12/1999/TT-BTP** dated June 25, 1999 by the Ministry of Justice instructing the implementation of the above-said Decree

These documents stipulate provisions facilitating the birth registration of all newborn children: The birth registration needs to be done at the people's committee of the commune, district, or district town where the mother is registered for permanent residence.

If the mother has not yet had a permanent residence permit, but has a temporary residence permit in conformity with regulations on residence registration, the birth registration for the child can be filed at the commune people's committee where the mother has registered for such temporary residence.

If the mother is unable to show up at the place where she has registered for permanent stay, the birth registration can be done at the people's committee of the commune where the child was born. In this case, the mother should make an application justifying the reason why she cannot take the registration at her permanent residence place.

Children die after 24 hours of existence must also be registered. If the persons responsible for such children's birth registration fail to undertake this duty, the officials responsible for legal and residence affairs must fulfill the registration at those persons' house. If there is no demand for

such paper, no birth certificate is issued. In the birth registry, it must be clearly stated that the child is "neonatal dead" in order to facilitate statistic collection.

As regards birth registration for abandoned children, if the children were filed for abandonment in a place different from where they were abandoned, the commune people's committee which expedite the abandonment registration and the people's committee of the commune where the children were abandoned must work together to check the consistency of the case with provisions of Article 21, Government Decree No. 83/1998/ND-CP dated October 10, 1998 on residence registration, and carry out the registration if there is no conflict with the law.

Implementation

Remarkable progress has been made in the implementation of children's right to birth registration. In 1996, just only 60 percent of children were registered within the time frame stipulated by the law (30 days after their birth). However, in 2002, this figure mounted up to 87 percent. The year 2000 has been named "the Year of birth registration for children". Provincial authorities have spent great efforts on reviewing and taking strong measures to handle the remaining number of unregistered children. For example, in Quang Nam province, after the review, all 23.416 such children have been registered. At the city of Hai phong, the ratio of birth registration within the time frame increased from 74.4 percent in 1999 to 94.9 percent in 2000. This achievement is attributed to the Government's determined and close guidance, strict implementation of children's rights by line agencies and local authorities, harmonious coordination and efforts by state

agencies and mass organizations; they have sent officials to every single hamlet or village in remote areas to ensure the birth registration for children.

Despite such achievements, birth registration (especially, timely registration) remains a challenge for Vietnam, requiring further efforts in promoting the awareness of parents about the right to birth registration and timely registration of children. This work is especially important for ethnic minority people and rural immigrants to cities.

Preservation of personal identity (Art. 8)

See the first 5-year periodical report.

Freedom of expression (Art. 13)

Legal context

The revised and amended Law on the Press (No. 12/1999/QH10 dated 12 June 1999) was enacted to guarantee the citizens' freedoms of the press, freedom of expression on the press in conformity with the interests of the nation and people, including children.

Implementation

Over the past years, progress has been made in ensuring the freedom of expression for children. There have been different channels for children to express their opinions at schools or regional, national, and international levels. Many forums have been organized for children to raise their voice and express their view to local authorities and state leaders. At the 2001 national forum, children throughout the country are encouraged to

express their desires to the State about the implementation of the 2001 - 2010 national programme of action for children. At this forum, children also elected their representatives to the East Asia - Pacific Children and Young People's Regional Forum, the regional Ministerial Consultative Conference, and the world Children's Forum organized on the threshold of the Special Session on Children of the General Assembly. 12,988 "Young Bamboo Shoots" Communication Teams have been organized, with the participation of nearly 200,000 children, to facilitate the direct engagement of children to community activities for children. 654 Child Rights Clubs have been established throughout the country and a number of Young Journalist Clubs have gone into operation to enable children express their view towards the school, family, and community.

Freedom of thought, conscience and religion (Art. 14)

Legal context

See the first 5-year periodical report

Implementation

The Government of Vietnam has always respected the freedom of religion and belief of every citizen, including children.

Freedom of association and peaceful assembly (Art. 15)

See the first 5-year periodical report.

Protection of privacy (Art. 16)

Legal context

No change as compared with the previous report.

Implementation

Thanks to public information and education on the Convention, the right to privacy of children has received ever-greater respect in the school and family.

Access to appropriate information (Art. 17)

Legal context

See the first 5-year periodical report

Implementation

In most of 635 newspapers and magazines in Vietnam, there are columns for children and child protection and care. Especially, there have been 15 newspapers for child readers only. All local and central televisions and radios have separate sections for child programs, which are broadcast in colorful and diversified contents and forms. At present, there are 4 central and 93 provincial television programs, 4 central and 96 provincial radio programs specifically for children. There have also been radio programs in ethnic languages for ethnic people, including children. It has been surveyed that 76 percent of children watch television programs daily. Currently, 50 provincial libraries allocate separate sections for children.

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

Legal context

The 1999 Penal Code:

Article 110: The crime of cruel treatment of other persons

Article 121: The crime of rape

Article 123: The crime of illegal arrest or detention

Article 151: The crime of cruel treatment or persecuting their grand parents, parents, husband or wife, children, grand children, care-givers.

Article 298: The crime of torture

Article 299: The crime of forced interrogation.

The Criminal Procedure Code (revised and amended in 2000), article 5 stipulates prohibitions to all forms of persecution or corporal punishment.

Government Decree No. 59/2000/ND-CP on the implementation of education measures towards juvenile offenders in the commune and district

The aim of this measure is stated at Article 1 of the Decree: "Education measures in the commune, ward, or district town decided by the Court towards juvenile offenders are aimed at enabling them with work and education at the community and proving their remorse in the normal social environment under the supervision and support of the People's committee of the commune, ward, or district town, social organizations and the family".

Article 2 of the Decree stipulates that if juvenile offenders have already served one half of the education term in the commune, ward or district town, and made good progress, the Court may decide the termination of the education period at the commune, ward or district town as stipulated in the Penal Code, Article 70, paragraph 4.

Implementation

Laws and regulations in force have been seriously observed in order to eliminate all forms of torture and cruel treatment against children. The State has promoted legal information and education on the

Convention to people, first and foremost on the prohibition of violations and tortures against children in family. All cases of maltreatment against children are severely punished. The State also exerts its best efforts in promoting inspection of the implementation of child rights and, particularly, speeding up the settlement of petitions and denunciations against violations of child rights and inspection at childcare centers and education schools. Training courses on the Convention and national legislation relating to children's rights have been organized for judges, prosecutors, law enforcement officers, and correction officers from education centers in order to ensure children's right not to be subjected to torture or cruel treatment. Vietnam is now planning to establish the Court on Marriage and Family (where juvenile offenders will be tried). Vietnam is also cooperating with international organizations to organize training classes for social workers for children.

d. Family environment and alternative care

(Articles 5, 18, 19, 20, 5, 27 and 39)

Parental guidance (Art.5)

Legal context

The Law on Marriage and Family of 2000: Articles 34, 35 and 38.

Implementation

Thanks to regular information and education on the Convention and national legislation, parents are now more and more aware of their responsibilities to guide and care for their children. To promote the role of the family and parents for children, the Government has organized the Family Day on the 28 June every year. After two years, a national-wide movement has been launched to support this

effort. 74 child consultative centers are now in operation to assist parents in fulfilling their obligations toward children. Experts in these centers are enthusiastic to assist and consult parents on legal issues, child psycho-physiology in order to help parents making correct guidance to children and avoiding discord in the family.

Parental responsibilities (Art. 18, paras. 1 and 2)

Legal Context

The Law on Marriage and Family of 2000: articles 34, 36, 37, 38, and 40.

Article 34: Obligations and rights of parents

Article 36: Obligations and rights to care for and support

Article 37: Obligations and rights to educate children

Article 38: Obligations and rights of stepfathers, stepmothers and stepchildren

Implementation

Apart from revising and amending the Law on Marriage and Family with a view to clearly defining obligations of parents toward their children and reinforcing that initial and important protection shield and care for children, Vietnam is now paying ever-greater attention to family's role in protecting and caring for children. In 2001, the Government decided to name the 28 June the Family Day in an effort to promote the participation of the whole society in improving the family's capacity and Vietnam's family values, and facilitating better protection and care for children by the family. In 2002, the National

Assembly 11th Tenure decided to establish the Committee for Population, Family and Children, a ministerial agency, to strengthen State management in the fields of population, family and children. Vietnam is now formulating its family strategy for the coming years in order to improve and protect Vietnam's family values so as Vietnam's family will serve as the best environment for the protection, care and development of Vietnamese children.

Separation from parents (Art. 9)

Legal context

The 2000 Law on Marriage and Family: Articles 92 and 93

Article 92: The nursing, care for, education and raising of children after the divorce

Article 93: Change of the person directly raising children after divorce

Implementation

Such new provisions have been adopted in order to ensure, through resolute measures, the rights of children separated from parents after divorce, especially the support to children after divorce, and to overcome previous shortcomings, like the father's dereliction of duty to support children living with the mother. There are also policies and mechanisms of assisting and protecting street children, informing, educating and assisting family and children with a view to bringing street children back to family and school.

Family reunification (Art. 10)

Legal context

See the first periodical report

Implementation

As mentioned above, not only has the State supported street children to help them reunify with the family, it has also cooperated with international organizations to return scores of children illicitly trafficked abroad to their family.

Illicit transfer and non-return (Art. 11)

Legal context

The 1999 Penal Code:

Article 120: crimes of sale, fraudulent exchange or abduction of children.

Article 275: organizing for or forcing other persons to escape to a foreign country or stay abroad illegally.

Government Decree 68/2002/ND-CP dated Jul 10, 2002 on implementation of provisions of the Marriage and Family on marriage between Vietnamese and foreigners.

Implementation

Over the past years, agencies concerned have actively implemented the Prime Minister's Directive No. 766/CT-TTg of 1997 assigning responsibilities in the prevention of the illicit transfer of women and children abroad. Furthermore, a national project on the prevention of child sexual abuse and trafficking has been in operation since 1999. Besides, Vietnam also takes part in many projects on the prevention of child trafficking in the Mekong region, of which UNDP and ILO play as the focal points. Many localities, benefited from the projects, have been able to stop child trafficking. Public Information and education, particularly for

poor families, about the dangers of child trafficking and deceptions of child traffickers have been promoted. These efforts have attributed to the recent decline of child trafficking. Detection and enforcement activities against child trafficking gangs have been accelerated. Child traffickers are sentenced with severe punishments. Vietnam also actively participated in the second World Congress against the commercial sexual exploitation of children in Yokohama, Japan, and implemented the Congress's follow-up activities.

Great importance is attached to preventive measures against child trafficking, not least raising the awareness of family about this danger, enhancing economic capacity of the family for the protection and care of children, improving the awareness of children. The fact speaks for itself that child trafficking is reduced dramatically in regions where preventive measures are implemented.

In the fight against cross-border trafficking of women and children, it has been proved that there should be concerted efforts by not just a single country, but all countries, especially those sharing the same borderline.

Recovery of maintenance for the child
(Art. 27, para. 4)

Legal context

The 1999 Penal Code, articles 152, stipulates punishments for refusing or evading the obligation to provide financial support:

Those who have the obligation to provide financial support and have the actual capability to provide the financial support for the persons they are obliged to do so according to the provisions of law

but deliberately refuse or evade the obligation to provide financial support, thus causing serious consequences or who have already been administratively sanctioned for such acts but repeat their violations, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

Government Decree 87/2001/ND-CP dated November 21, 2001 on administrative measures in the fields of marriage and family, article 12, on violations of obligation to support, stipulates that "Warning or fine from 50,000 to 200,000 VND will be sentenced to those who refuse or evade the obligation to provide financial support to parents, or to children after divorce as stipulated by the law".

Implementation

Great efforts have been made to translate these regulations into reality with a view to addressing the problem of evading obligation to provide financial support to parents or to children after divorce.

Children deprived of a family environment (Art. 20)

Legal context

Government Decree No. 25/CP dated May 31, 2001 on the Statute of the Establishment and Operation of social and care centers.

Circular No. 10/2002/TT-BLDTBXH dated June 12, 2002 by the Ministry of Labour, War Invalids and Social Affairs on the implementation of the statute of the Establishment and Operation of social and care centers, attached to Government Decree No. 25/CP dated May 31, 2001.

Implementation

In order to strengthen support for those who are deprived of a family environment, the State has adopted policies to ensure and mobilize broad participation of social organizations and private philanthropic organizations in the operation of care and support centers. These policies have lived up to the practical demands for care and protection of children deprived of a family environment.

Adoption (Art.21)

Legal context:

The Law on Family and Marriage of 2000, chapter VIII.

Government Decree No. 32/2002/ND-CP dated March 27, 2002 on the application of the Law on Marriage and Family for the ethnic minorities.

The Vietnam-France Child Adoption Agreement in 2000.

The Agreement focuses on cooperative measures to ensure the adoption of children in a signatory country by permanent residents in another signatory country is conducted on the basis of respect for fundamental principles and values of each signatory, the United Nations Convention on the Rights of the Child, especially regulations on the best interests of the child, the fundamental rights of the child. The Agreement is also aimed at preventing child trafficking, child abduction, and illegal gains from these activities. With provisions stipulating the conditions of adoptive parents (art. 10) and assuring the adopted children's right to enjoy the protection and the

best interests (art 18), this Agreement constitutes an important legal instrument guaranteeing the adopted children's full enjoyment of their fundamental civil rights.

Government Decree No. 68/2002/ND-CP dated July 10, 2002 on the implementation of articles involving foreign elements in the Law on Marriage and Family.

Implementation

Those above-mentioned legal instruments are aimed at creating favourable conditions for in-country adoptions, especially for the adoption of ethnic minority children.

Much progress has been made in restoring order to international adoptions that has emerged as a burning issue in recent years as some people have made use of loopholes in the law to make illegal profits in their brokerage. To this end, international adoptions can now only be undertaken by nationals of countries which have signed an adoption agreement with Vietnam. Over the past years, with resolute policies and guidance implemented, the number of those making use of international adoption for self-seeking purposes has been dramatically reduced; violators severely punished.

Periodic review of placement (Art.25)

Legal context:

See the first 5-year periodical report.

Implementation

The capacity of care centers has been strengthened in order to ensure their appropriate material and

spiritual care and protection for children under their support.

E. Basic health and welfare

Children with disabilities (Art. 23)

Legal context:

The Ordinance No. 06/1998/PI-UBTVQH of the National Assembly's Standing Committee dated July 30, 1998 on people with disabilities.

Implementation

The Ordinance of 1998 on people with disabilities constitutes a legal instrument meeting the vital demands of a country fraught with lasting and heavy consequences of wars, especially on children and women. This ordinance has laid the foundation for the State to support people with disabilities in general and disabled children in particular.

In Vietnam, there are now in Vietnam dozens of thousand of disabled children of parents intoxicated by Agent Orange and dozens of thousand of children victims of bombs and mines left from the previous foreign wars of aggression against Vietnam. The State has adopted concrete policies to combine Vietnam's resources with resources of foreign organizations to directly assist the recovery and re-integration of the above-mentioned children.

Greater investment are needed to assist the rehabilitation and re-integration of over 1 million children with disabilities, but Vietnam's resources are still limited.

Health and Health services (Art. 24)

Legal context:

Government Decree No. 74/2000/ND-CP dated December 6, 2000 on trading and use of breast milk substitutes in support of breastfeeding.

Prime Minister's Decision No. 224/1998/CT-TTg dated November 17, 1998 on addition to the Goal of Malnutrition Control to the National Programme on the elimination of infectious and dangerous epidemic diseases.

Prime Minister's Directive No. 17/2001/CT-TTg dated July 20, 2001 on the implementation of "the National Vaccination Programme against Measles: second injection" for children from 9 months to 10 years of age in 2002-2003.

Inter-Ministerial Circular No. 04/2001/TTLT/YT-TM-VHTT-UBBVCSTEVN dated March 14, 2001 by the Ministry of Health, the Ministry of Trade, the Ministry of Culture and Information and Vietnam's Committee for the Protection, Care, and Education of Children on the implementation of Government Decree No. 74/2000/ND-CP dated December 6, 2000 on trading and use of breast milk substitutes in support of breastfeeding.

Inter-Ministerial Circular No. 12/TTLT-BYT-BGDDT dated June 7, 2001 by the Ministry of Health, the Ministry of Education and Training on coordinated implementation of the expanded programme on immunization in nursery and primary establishments.

Inter-Ministerial Circular No. 40/TTLT-BYT-BGDDT dated July 18, 1998 by the Ministry of Health and the Ministry of Education and Training on the guidance of the implementation of pupils' health insurance.

Implementation

In the late 1990s, Vietnam made tireless efforts to attain the end-of-the-decade goals for children, including the goals of health care for children. Fruitful results of the realization of healthcare goals and challenges have been mentioned in the section "the best interests of the child". In order to accomplish the goals we are yet to accomplish, and improve already-achieved goals, the National Programme of Action for Children 2001-2010 set out 15 objectives, including 5 healthcare objectives. Under this Programme, relevant agencies have strived to accomplish the objectives, which they failed to reach in the previous decade, such as lowered malnutrition and mortality rates of children under 1 year of age.

For comprehensive prevention and eradication of the measles by the year 2010 in accordance with the WHO strategy of measles prevention, the Prime Minister has decided to implement, throughout the country in 2002 - 2003, the "National Vaccination Programme for measles control: second injection" for children from 9 months to 10 years of age. This programme was implemented concurrently in 31 provinces and cities in the first quarter of the year 2002 and will be carried out simultaneously in remaining 30 provinces and cities in the first quarter of the year 2003.

Many successful measures have been undertaken in the last decade such as the promotion of breastfeeding and the expanded programme on immunization against 6 basic diseases, and introduction of four new vaccines to prevent Japanese encephalitis, viral hepatitis B, typhoid fever and cholera, have been maintained and promoted. This will help maintain the elimination of poliomyelitis, reduce the infection/mortality

rates of the above-said diseases, and eradicate the measles by the year 2010.

The child immunization measures are aimed at:

- ❖ Eliminating neonatal tetanus in all districts, reducing neonatal tetanus rate by 0.14 per 100,000 people.
- ❖ Achieving the goal of over 90 percent children under 1 year of age fully immunized with 7 vaccines against tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and viral hepatitis B.
- ❖ Reducing measles to less than 5 per 100,000 people
- ❖ Reducing diphtheria to less than 0.05 per 100,000 people.
- ❖ Reducing pertussis to less than 0.5 per 100,000 people.
- ❖ Achieving the goal of over 80 percent of target people immunized with vaccines against cholera, typhoid fever and Japanese encephalitis in areas specified in the Programme of Expanded Immunization.

Health insurance and health insurance for pupils in particular are considered a social policy of the State and Party, serving humanitarian and community purposes, not commercial motives. The State decides that all pupils and students from primary education upward, who are studying in institutions in the form of public school, semi-boarding school, private school, or regular education center should buy health insurance, except for those belonging to the target groups under priority policies or those

already granted health insurance by the State. The health insurance for pupils consists of primary health care at schools, medical checks and treatment, and support in case of death.

Social security and childcare services and facilities (Art. 26, para.3)

Legal context

Government Resolution No. 09/1998/NQ-CP dated July 31, 1998 on the promotion of activities against crimes.

Prime Minister's Directive No. 06/1998/CT-TTg dated January 31, 1998 on the protection of children, prevention and settlement of the issue of street children and child labour exploitation.

Implementation

The Government has implemented many policies and measures to fight and prevent crimes, especially those that mobilize the participation of the entire population. They also promote the awareness and participation of Government's agencies, mass and social organizations, and people from all walks of life in preventing and repressing crimes and social evils. Efforts have been focused on preventing and suppressing corruption, smuggling, organized crimes, professional and cruel criminals, deceivers deluding juveniles into illegal use of narcotics, child abuses, and trafficking of children and women.

The number of street children who are also children with special circumstances, increased in the late 1990s. They are extremely vulnerable to social evils. Implementing the Prime Minister's Directive, in the first quarter of 1999, the Ministry of

Labour, Invalids and Social Affairs (MOLISA) drafted and submitted the Degree on guidance of the implementation of some articles of the Labour Law on child labour. The MOLISA in coordination with the Vietnam Committee for the Protection, Care, and Education of Children and relevant agencies has set up a project to prevent and solve the issue of street children and the exploitation of child labour. This project was submitted to the Prime Minister in the early of 1999. The inspection over the implementation of labour law related to juvenile labour and over the sanctions on violations has been enhanced. The Ministry of Education and Training, the Ministry of Finance, and relevant agencies have cooperated to study how to adjust school fees for children, to formulate policies facilitating education for poor children in remote, mountainous areas, on islands and disadvantaged socio-economic areas, and to create appropriate forms of education with a view to attracting school-age children to schools. Together with relevant agencies, The Ministry of Health has made great efforts for the best healthcare of children, not least for those in remote, mountainous and disadvantaged socio-economic areas, on islands and at the borders. In all localities, there have also been healthcare consultative centers for mothers and children, particularly pregnant women. In-school insurance have been implemented in schools, particularly in primary and secondary schools. All localities have set up health counselling centers for mothers and children, especially pregnant mothers. the in-school health insurance is in place, especially at the primary and junior secondary levels.

Standard of living (Art.27, paras. 1-3)

Legal context

See the first 5-year periodical report.

Implementation

Thanks to the economic growth and social priority policies, the living standard of Vietnamese people in general and children in particular have been improved remarkably. As the new hunger eradication and poverty reeducation programme gives priorities to children, the living standard of children will definitely be enhanced in the years to come. The State attaches importance to not only the material life, but also the spiritual and cultural life of children.

F. Leisure, recreation, and cultural activities (Art. 28, 29, and 31)

Education (Art. 28, 29)

Legal context

The Education Law of 1998

National Assembly's Resolution No. 40/2000/NQ-QH of 2000 on the renewal of universal education programme.

National Assembly's Resolution No. 41/2000/NQ-QH of 2000 on the implementation of universalization of secondary education.

Government Decree No. 79/1999/ND-CP of 1999 on the encouragement of socialized education, culture, health and sports.

Directive No. 15/1999/CT-BGDDT dated July 7, 2001 by the Minister of Education and Training on further renewing methods of teaching and learning in pedagogy schools.

Directive No.29/2001/CT-BGDDT dated July 30, 2001 by the Minister of Education and Training on the promotion of teaching, training quality and application of information technology in the education system in 2001-2005.

Implementation

To magnify educational achievements recorded over the past decade, especially achievements of illiteracy eradication and primary education universalization registered in 2000, Vietnam has taken strong measures focusing on improving education quality in order to hit the target of secondary education universalization by the year 2010.

The socialization of educational, health, cultural and sport activities includes the mobilization of nation-wide support and participation of the people and the whole society with the view gradually improving people's access to these services. Besides public institutions, the State it also encourages the development of non-profit private establishments in conformity with the State's plans in the fields of education, healthcare, culture and sports.

The State is making great efforts for the realization of the goal of junior secondary education universalization in the period of 2001 - 2010. More specifically, these efforts are aimed at ensuring that those children who have completed primary education will be able to learn and finish junior secondary education before 18, meeting the need to raise the intellectual level of the people, developing the human resources and fostering the human resources essential to the cause of modernization and industrialization of the

country. The specific targets for junior secondary education universalization are: 95 percent those who have completed primary schools and over 80 percent for those who have completed primary schools in the most disadvantaged socio-economic communes would go on to junior secondary schools, improving education quality in junior secondary schools, reducing the rate of drop-outs and class-repetitions, ensuring over 90 percent of pupils throughout the country and 75 percent for those who live in the most disadvantaged socio-economic communes graduate from junior secondary schools annually. Junior secondary education universalization is the responsibility of all citizens, families, organizations and the State.

Leisure, recreation, and cultural activities (Art. 31)

Legal context

Prime Minister's Directive No. 03/2000/CT-TTg dated January 24, 2000 on the promotion of leisure, recreation, and cultural activities for children.

Implementation

To enforce the Law on the Protection, Care and Education of Children, the Law on Primary Education Universalization and the National Programme of Action for Children 1991-2000, the Education Law, and to address the shortage of facilities and equipment, especially in remote and mountainous areas for leisure and recreation and cultural activities for children, the Government has directed all local authorities to build leisure and recreation establishments for children. In compliance with this Directive, many local authorities have increased investment and hit this target of leisure and recreation for children. Therefore, Vietnam has accomplished this goal as

set forth in the National Programme of Action for Children 1991-2000. Besides, the Government has also mapped out policies encouraging the production of children's toys, at the same time resolutely banning the trade of toys of violence detrimental to the development of the morality and personality of children.

G. Special protection measures for Children in especially difficult circumstances (art. 22, 23, 38, 39, 40, 37, 32, 34, 35, 36)

The Penal Code (amended and revised in 1999)

Prime Minister's Decision No. 134/1999/QĐ-TTg dated May 31, 1999 on the ratification of the National Programme of Action for Protection of Children in special difficult circumstances 1999-2002.

Children in situations of emergency

Refugee children (art. 22)

Legal context

See the first 5-year periodical report.

Implementation

In the past years, there have been no refugee children in Vietnam.

Children in armed conflicts (art. 38)

Legal context

Vietnam has ratified the Optional Protocol (of the Convention on the Rights of the Child) on the involvement of children in armed conflicts in 2000.

Implementation

There have been no armed conflicts in Vietnam.

Administration of juvenile justice (Art. 37)

Legal context

The Penal Code of 1999 (Chapter X)

Government Decree No. 59/2000/ND-CP of 2000 on the application of education measures at communes, wards or towns for juvenile delinquents.

Government Decree No. 52/2001/ND-CP on judicial measures applied in reformatory schools.

Implementation

Over the past years, Vietnam has made great efforts to reform the juvenile justice system and taken active measures to gradually improve the national legislation, particularly the revision of the 1999 Penal Code in line with the Convention, the Riyadh guidelines, and the Beijing rules. Vietnam has also organized training workshops for prosecutors, policemen, judges, correction officers and other law enforcement officers on the Convention and national legislation on juvenile justice. Important efforts have been made to improve detention conditions and allocate separate detention areas for juvenile delinquents. The new legal instruments place primacy on education and prevention of

juvenile delinquency. According to the annual statistics, juvenile offenders account for approximately 13 percent of criminal crimes. However, just about 1.5 percent of juvenile offenders are prosecuted. Vietnam has implemented the project "Prevention of juvenile crimes", and consequently reduced the rate of juvenile offenders by 1.5 percent annually.

Drug abuse (art. 33)

Legal context

The Penal Code of 1999: Article 197, 198, 200

Article 197: Organizing the illegal use of narcotics

Article 198: Harboring the illegal use of narcotics

Article 200: Forcing, inducing other persons into illegal use of narcotics.

The Law on narcotics drugs prevention and suppression of 2000.

Government Decree No. 34/2002/ND-CP dated March 28, 2002 on the procedures and regime for drug addicts sent to compulsory detoxification centers

Government Decree No. 56/2002/ND-CP dated May 15, 2002 on drug detoxification at home and community.

Implementation

Drug prevention and control, especially for children, are always the top priority of the Government. A part from the National Programme for Drug Prevention and Control, there has been a national project on prevention and control of drug abuse among children to solve the issue of drug

addiction, as described in the 1993-1998 report. The 2002 review of this project shows the cease of drug addiction among the youth, especially in major cities. This project will be continued up to the year 2010. Legal instruments have created basis for arresting and strictly punishing drug traffickers, and the detoxification and treatment for addicted children. Public education on the dangers caused by drug abuse and HIV/AIDS epidemic has been promoted in the community, family, and school. Consequently, public awareness on the danger of drug to children has been increased.

Sexual exploitation and sexual abuse (Art. 34)

Legal context

The Penal Code of 1999: Articles 111, 112, 114, 115, and 116.

Article 112: Rape against children

Article 114: Forcible sexual intercourse with children

Article 115: Having sexual intercourse with children

Article 116: Obscenity against children

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography ratified in 2000.

Circular No. 02/1999/TTLT/BVCSTE-HLHPNVN dated July 7, 1999 by the Committee for the Protection, Education, and Care of Children and the Vietnam Women Central Association on strengthened coordination of building happy families, bringing

up well children and preventing acts against children particularly girls.

Implementation

The provisions of the revised 1999 Penal Code have proved Vietnam's resolute determination in eliminating all forms of child sexual abuses. This also reveals Vietnam's determination to implement the declarations and the plans of action of the World Congresses against Commercial Sexual Exploitation of Children (in Stockholm and Yokohama). In the National Programme of Action for Protection of Children in Especially Difficult Circumstances, there is also a project of prevention and control of child sexual abuses. Furthermore, Vietnam has actively participated in projects in the Mekong sub-region with a view to achieving concerted actions in the region. In the 3-year review of the national project on the prevention of sexual abuses against children, many local authorities have drawn lessons and present typical models. The State not only imposes severe punishments against offenders, but also promotes public education to enhance the awareness of this danger of the community and family, especially of children. Therefore, the number of sexual abuses against children has been reduced, particularly in areas where sexual abuses against children were once usually seen.

Sale, trafficking and abduction (Art. 35)

Legal context

The Penal Code of 1999, Article 120 on the sale, fraudulent exchange or abduction of children.

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography ratified in 2000.

Implementation

Under Prime Minister's Directive No. 766/CT-TTg of 1997 and in the spirit of the declarations and the plans of action of the World Congresses against Commercial Sexual Exploitation of Children (in Stockholm and Yokohama), the Government has implemented resolute measures to prevent cross-border women and children trafficking. The prevention has not only been undertaken by law enforcement bodies, but also by mass and social organizations and political and social organizations. Top priorities are given to preventive measures, especially the enhancement of awareness and capacity of the community and family. Vietnam has also actively participated in various regional initiatives to combat trafficking in children and women (see the section "illicit transfer and non-return). Vietnam will continue to cooperate with other countries for the successful combat against children and women trafficking.

Conclusion

During the 1998 - 2002 covered by this report, in spite of difficulties facing us in economic and social development, the State and Government of Vietnam, to fully realize their commitments to the rights of the child and for the future of the country, have made tireless efforts to ensure the best conditions possible for the exercise of children's rights. Achievements in the realization of end-of-the-decade goals for children are attributed to such efforts. These end-of-the-decade

achievements are of greater significance given the backdrop that Vietnam is a less developed economy and continue to face poverty, and difficulties in balancing its economic and social objectives.

Given achievements recorded, the full realization of children's rights, as the State and people are longing for, remains a challenge at present and in the future. The Government will still continue to address conflicting interests occurred in its transformation to the market economy for national development. That is to accomplish the socio-economic development strategy to bridge the development gap among geographical regions and population groups to ensure that all people, especially children, can enjoy achievements of economic growth and better access to basic social services. The Government of Vietnam will take further actions to realize of children's rights in the spirit of the Declaration and the Plan of Action of the United Nations General Assembly's Special Session on Children to build a *World Fit for Children*.

The Vietnamese Government wishes to further cooperate closely with the United Nations Committee on the Rights of the Child, other governments and international organizations in various fields and programmes to support the realization of the rights of the child.