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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 848th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 22 January 2003, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

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

Second periodic report of Viet Nam (CRC/C/65/Add.20; CRC/Q/VIE/2; CRC/C/RESP/25)

1. At the invitation of the Chairperson, Ms. Ha Thi Lan Anh, Mr. Le Do Ngoc, Ms. Le Thi Thu, Mr. Nguyen Cong Hong and Ms. Nguyen Thi Hoang Lan (Viet Nam) took places at the Committee table.
2. Ms. LE THI THU (Viet Nam) said that, as Viet Nam's second periodic report (CRC/C/65/Add.20) contained information dating back to 1998, a document had been circulated in the conference room containing more up-to-date information.
3. Since 1993 Viet Nam had undergone major political, economic and social change, creating favourable conditions for the implementation of the Convention. Under the *doi moi* renewal policy, the Government had focused on the three priority areas of socio-economic development, the promotion of democracy and improved international cooperation.
4. After a decline in economic growth in the late 1990s, Viet Nam's economy had started to recover in 2000, only to be jeopardized once again as a result of the economic downturn caused by the events of 11 September 2001 and a series of natural disasters. Nevertheless, Viet Nam's political stability and its sound development policy had resulted in considerable achievements between 1998 and 2002, including an average annual increase in gross domestic product (GDP) of 7 per cent, developments in the agriculture, fishing, export and services sectors, and regional development.
5. The State budget reflected the particular importance attached to education and training, science and technology, culture, health care, environmental protection and social issues. Primary education had become compulsory in 2000 and illiteracy had been eradicated. By 2001, junior secondary education had been made compulsory in eight provinces. Approximately 1.4 million jobs were being created annually and the percentage of poor households had decreased. The annual population growth rate had fallen to 1.36 per cent in 2001. Greater attention was paid to the protection and care of children, particularly in remote areas. Progress had also been made in national defence and security, and efforts had been made to improve external relations.
6. Unfortunately, the economy continued to have many weaknesses and was not very competitive or efficient. Furthermore, cultural and social development was slow and urgent social issues had not been fully addressed. Unemployment and crime rates remained high.
7. The Government was fully committed to the implementation of the Convention at all levels and to bringing national legislation into line with its provisions. Due attention had been given to the Committee's concluding observations following consideration of Viet Nam's initial report (CRC/C/15/Add.3), and they were reflected in newly adopted laws and policies. Efforts were being made to create a sound legal framework for the promotion of children's rights. The Committee on Population, Family and Children played an active role in the amendment of

legislation on children, and draft legislation had been publicized so that everyone, including children, could participate in the law-making process. Efforts were being made to raise public awareness of legislation and to provide child rights training for law enforcement officials.

8. The Government had instructed local authorities to meet all the goals in the National Programme of Action for Children 1991-2000. In February 2001 it had organized a national conference with the participation of high-level officials and children's representatives to review the implementation of those goals and to introduce the next national programme, which would continue until 2010. In 2002 another national conference had been held, focusing in particular on the protection of children in extremely difficult circumstances. Pursuant to the conference many local authorities had adopted measures to protect such children. The special session of the General Assembly on children, in May 2002, had presented an opportunity for the Government to review its work for children, raise public awareness and further intensify efforts to guarantee the rights of the child. The Government had also developed a poverty alleviation strategy, placing particular emphasis on children.

9. Efforts had been made to provide education and information on child rights and to disseminate the Convention at both the central and grass-roots levels. Knowledge of the Convention had improved, especially among local authorities, as illustrated by the fact that they were paying increasing attention to child-related issues. A national forum had been organized to permit national leaders to listen to children's ideas about their contribution to the National Programme of Action for Children.

10. In preparation for the dialogue with the Committee, various ministries and agencies had worked to provide answers to the questions in the list of issues (CRC/C/Q/VIE/2). They had sought advice from specialized agencies and non-governmental organizations (NGOs). Even though a set of 84 child rights indicators had been adopted, leading to improved monitoring of the situation of children and the formulation of new policies, data collection remained problematic, as the indicators were inadequate and resources were limited. Therefore the Government had been unable to provide the Committee with all the data it had requested.

11. The Government had taken various initiatives to improve international cooperation in a bid to increase resources for child-related issues. For example, it had signed a cooperation agreement with the United Nations Children's Fund (UNICEF) on assistance in achieving the goals set forth in the National Programme of Action for Children. Many of the 400 NGOs working in Viet Nam had implemented child-related projects and many foreign Governments had provided assistance for child health care and protection and for education. International support and assistance had significantly contributed to the successful realization of the goals for children.

12. Over the previous decade Viet Nam had attained a number of goals, often achieving better results than expected. For example, the mortality rate of children under 5 had been reduced; over 90 per cent of children under the age of 1 had been immunized against the six vaccine-preventable diseases; and the number of malnourished children had declined. However, despite those achievements, Viet Nam faced many challenges. The incidence of child malnutrition was still higher than the regional average, while maternal mortality had yet to reach the set target. Efforts to provide clean water and sanitation had not yet lived up to

expectations and the market economy had given rise to various social vices detrimental to the country's development. Nevertheless, the Government had constantly striven to provide the best possible climate for Vietnamese children, and realizing the rights of the child remained a priority.

13. Ms. HA THI LAN ANH (Viet Nam) said she was a twelfth-grade high school student representing the children of Viet Nam. While children in Viet Nam had traditionally been seen but not heard, the situation had changed in recent years. Efforts had been made to raise awareness of the Convention and other child-related issues, leading to a change in attitudes. Children were no longer considered to be a burden on society, but were seen to be an asset. Since the introduction of the National Programme of Action for Children in 1991, children had participated in many projects and conferences, including some attended by the Head of State.

14. Children welcomed the fact that they could approach the Committee on Population, Family and Children with their concerns. UNICEF had supported the establishment of a children's rights network, and a young journalists' group produced a fortnightly programme on children's issues, which was aired on national radio. However, many improvements could still be made; in her view, the Government should endeavour, as a priority, to improve access to water and sanitation, address malnutrition and provide children with greater protection from injuries, accidents and HIV/AIDS.

15. The CHAIRPERSON thanked the delegation for having provided a complete picture of the situation of Vietnamese children and for having outlined the impressive efforts made to implement the Convention and the challenges that lay ahead. He had particularly enjoyed learning about the role of children in Viet Nam.

16. He invited the members of the Committee to put questions to the delegation concerning general measures of implementation and the definition of the child.

17. Ms. AL-THANI said she welcomed the fact that Viet Nam had ratified the two Optional Protocols to the Convention, as well as the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182). She noted, however, that it had not ratified the ILO Minimum Age Convention, 1973 (No. 138) or the Hague Conventions on the Civil Aspects of International Child Abduction and on Protection of Children and Cooperation in respect of Intercountry Adoption. Although the report had been submitted late, it had, on the whole, been prepared in accordance with the Committee's guidelines and reflected the Government's awareness of its difficulties, as well as its future plans. It was clear that there was a strong political will to improve the situation of children. Given that Vietnamese children traditionally led very sheltered lives, it would be interesting to know how the Government intended to protect them from exposure to the social evils that might come hand in hand with the new "open-door policy".

18. With regard to data collection, she said she would like updated information about the database recently created by the Committee on Population, Family and Children. Data collection was an area that needed close attention, as statistics were lacking in many fields. She would particularly like to receive statistics on children with disabilities.

19. Although efforts had been made to disseminate the Convention, she expressed concern that the text had been translated into only four languages, given that there were approximately 50 ethnic minorities in Viet Nam. She was equally concerned that no abridged version had been published for children. How did children living in remote areas learn about the Convention? Lastly, she asked the children's representative whether Vietnamese children were aware of their rights.

20. Mr. AL-SHEDDI asked what body had been responsible for preparing the report, which government agencies were represented on it, and whether NGOs and children had been involved in the drafting. Which was the main body in charge of children's matters, the Committee for the Protection and Care of Children or the Committee on Population, Family and Children? He would like to know how the various children's agencies were coordinated.

21. According to the report (CRC/C/65/Add.20, para. 24), the Ministry of Justice had conducted a comparative analysis of the Convention and Vietnamese legislation concerning children. The delegation should inform the Committee whether or not it had been found that domestic legislation was in conformity with the Convention. He also enquired which body was responsible for monitoring complaints of violations of children's rights.

22. Ms. KHATTAB said that it was clear that Viet Nam had a national policy on children's rights and that great care was taken to involve children at many levels. The United Nations special session on children had afforded Viet Nam an excellent opportunity to highlight its interest in promoting children's rights.

23. In its concluding observations on Viet Nam's initial report (CRC/C/15/Add.3, para. 6), the Committee had expressed its concern about the negative effects of economic reforms on the situation of children. Viet Nam had made enormous strides in the economic sphere; the economy was growing at an annual rate of 7 per cent and poverty was declining, yet economic disparities were on the rise, particularly in rural areas. Regional, ethnic and gender-based disparities also persisted, and urban development had been promoted to the detriment of rural areas. She asked for information on efforts to offset that imbalance.

24. The delegation should explain whether the 7 per cent growth rate was reflected in spending on children. Commending the Government for introducing primary education for all and eradicating illiteracy, she asked how it ensured that every school-age child actually attended school, and how dropouts were encouraged to return to school.

25. She also enquired whether Viet Nam cooperated with UNICEF on upgrading its data collection system.

26. Mr. CITARELLA praised the report for its self-critical approach and for pointing to areas in which improvements could still be made.

27. He wondered how easy it was for people in rural areas, where 76 per cent of the population lived, to obtain information on the Convention and whether it had been possible to change traditional attitudes towards children, for example discrimination against girls. Were campaigns conducted in rural areas to ensure implementation of the Convention?

28. He asked the delegation to provide percentage figures for State spending on children's issues, in particular education and health, and to indicate whether spending was increasing or declining.

29. The Government acknowledged that the Penal Code, the Penal Procedure Code and the Law on Marriage and Family still needed to be amended to bring them into line with the Convention (para. 71). He asked whether any progress had been made.

30. Noting that some of the written replies contained statistics on children up to 16 years of age only, he asked whether 16 had special significance and whether there was any difference in the minimum age of marriage for boys and girls.

31. Ms. KARP said that, as she understood it, an earlier committee on children had merged with the Committee on Population, Family and Children, and she asked how it was ensured that children's issues remained a focal point and were not lost sight of in what was a much broader body. Were there special appropriations for children's issues? She also asked what the role of the Committee on Population, Family and Children was vis-à-vis other bodies. She observed that monitoring should be the work of an independent agency.

32. The written replies failed to provide details on the number and nature of complaints of violations of children's rights or on how complaints were dealt with. She asked the children's representative whether children knew that they could make such complaints, whether the complaints were considered in a child-sensitive manner, whether children's organizations dealt with them and whether she believed that the complaints mechanism was effective.

33. There had been a discussion in Viet Nam of setting up national and regional ombudsman's offices, and she asked whether it had been decided that such bodies were needed.

34. With regard to budgetary matters, the information available to the Committee did not make it clear whether there were specific appropriations for children with disabilities. She would like to know how the new plan of action for children with disabilities was funded.

35. It was unlikely that a policy which put the financial burden for education on parents was conducive to schooling for all: many families were unable to afford school fees.

36. Ms. OUEDRAOGO asked for further details of how NGOs had been involved in the preparation of the country report and how the Government worked with NGOs in addressing children's issues. She was concerned about disparities between urban and rural areas in the implementation of the Convention and wondered whether the Government had been able to resolve the logistical and structural problems involved. She also asked whether there was a prevention and protection system to prepare children for natural disasters.

37. The delegation had referred to a wide-ranging information and awareness-raising programme in the context of the United Nations special session on children, and she would like to know whether that effort had been continued. She also enquired what training was offered for specialists working with children and whether language classes were included in the school

syllabus. She commended Viet Nam on the progress made in the area of health care, and she asked the children's representative whether young people had discussed those questions in order to make their views known to the Government.

38. Ms. TIGERSTEDT-TÄHTELÄ, noting that the figures in the written replies on expenditure for children, and on health care did not accord with information from other sources, asked the delegation to comment on the disparity and explain how the calculations on expenditure had been produced. Expenditure on education had apparently increased by nearly 17 per cent since 1999, which was to be commended. She wondered whether the figures included assistance from international organizations and NGOs and how much such assistance amounted to in percentage terms. She asked whether foreign NGOs cooperated with the Government or with a non-governmental partner in Viet Nam and whether the Government funded projects in which foreign NGOs were involved.

39. She sought information on the role of the private sector in implementing the rights of the child and on whether both private sector and State industries were subject to taxation. She asked whether the regions had their own budgets and whether they levied taxes or whether they received funding under the national budget. She also enquired whether there was a system for transfers to poorer regions. Could the delegation provide information on Viet Nam's poverty alleviation strategy?

40. Ms. CHUTIKUL asked the children's representative how she had been selected, whether she had participated in drawing up the report or the written replies, what involvement she had had with the Convention, whether children were aware of the way political, social and economic changes taking place in the country affected their lives, whether she could cite priorities other than those to which she had already referred, and whether she had ever written to the Government with suggestions on behalf of young people.

41. She asked the delegation for the name of the ministry of which the head of the delegation was the minister and enquired whether the Committee on Population, Family, and Children reported to it. How did that ministry coordinate with other ministries, and what was its legal mandate?

42. She asked whether the National Programme of Action for Children 2001-2010 was still in effect and whether it was part of Viet Nam's socio-economic development plan. She wondered whether the programme had sufficient funding and who monitored it. What had become of the Programme of Protection of Children in Especially Difficult Circumstances 1999-2002, and had there been an evaluation of the programme? She would also like to know what indicators were being devised for the national programme of action against prostitution 2001-2005.

43. With regard to the pilot projects for the ombudsman's office, she asked whether that body could receive complaints.

44. She enquired whether the inspectors of the Committee for the Protection and Care of Children had a clear monitoring mandate, whether they had received training in children's rights and why both that body and the Committee on Population, Family and Children were apparently expected to monitor implementation of the Convention.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

45. Ms. LE THI THU (Viet Nam) said that the Committee for the Protection and Care of Children had been replaced by the Committee on Population, Family and Children in August 2002. The new Committee operated at ministerial level, directed the work of 10 separate departments, and managed a number of other institutions, including a research institute, a training centre and an information office. It was responsible for submitting bills, policy guidelines and action plans to the Government, implementing programmes and policies, and coordinating the activities of ministries and agencies involved in population, child and family affairs. It organized research activities and dealt with complaints concerning breaches of the laws on children and the family.

46. Ms. CHUTIKUL asked for details concerning the membership of the Committee on Population, Family and Children and the frequency of its meetings.

47. Mr. LE DO NGOC (Viet Nam) said that the Committee was equivalent to a ministry; it comprised representatives of various ministries, and sought to enhance coordination and promote an intersectoral approach. It met every six months in order to establish priorities and review work in progress.

48. Ms. KARP enquired whether the Committee had the final say when conflicts arose between various ministries.

49. Ms. TIGERSTEDT-TÄHTELÄ said it was unclear whether the Committee had its own budget, or whether it simply offered advice to ministries on how to allocate their resources.

50. Mr. LE DO NGOC (Viet Nam) said that the Committee adopted resolutions and submitted them to the Government for approval. Its decisions subsequently became binding on other ministries. It had its own budget and sole responsibility for deciding what to do with it.

51. Drawing attention to paragraphs 20 and 21 of the report, he said that the Committee for the Protection and Care of Children had established a working group to supervise the preparation of the report. It had convened a number of seminars to receive the input of experts, ministries, NGOs, UNICEF and other interested parties, including children themselves.

52. In reply to questions concerning the impact of the policy of *doi moi*, he said that the economic and political reforms were designed to facilitate the development of a market economy. At the same time, the Government was investing heavily in promoting sustainable development and social equality. It focused on providing assistance to the most disadvantaged population groups, for instance by offering them free medical insurance and hospital treatment.

53. Ms. KHATTAB said she would like to know whether the provision of medical insurance had increased overall spending on the health sector. The delegation should also comment on specific measures taken to ensure equal access to social services.
54. Mr. LE DO NGOC (Viet Nam) said that the “open-door policy” had led to the emergence of social problems previously unknown to Vietnamese society, such as growing numbers of street children, drug addicts, child traffickers and children in conflict with the law. The National Programme of Action for Children 1991-2000 had failed to anticipate the emergence of such problems and, consequently, the authorities had been forced to devise new protection mechanisms.
55. He acknowledged that children in remote, especially mountainous, areas had less access to social services than children in urban settings. It was three times more expensive to build a school in a mountainous area than to build one in the city. Children in remote areas sometimes had to travel up to 15 miles a day to get to school. However, the Government was increasing the number of boarding schools in mountainous regions in order to make such journeys unnecessary.
56. Mr. NGUYEN CONG HONG (Viet Nam) said that, gradually, national legislation was being brought into line with the provisions of the Convention. For example, the minimum age for marriage or for entry into the armed forces had been set at 18 years. Although certain laws containing lower age limits were still under review by the National Assembly, all children under the age of 18 years were entitled to enjoy the rights provided for in the Convention.
57. In reply to questions concerning monitoring, he said that the Committee on Population, Family and Children was one of several bodies authorized to receive and investigate complaints.
58. Another area in which the law had been strengthened was the forced adoption of children. Following the kidnapping of a child of a Japanese citizen, the penalty for such acts, under the 1999 revision of the Penal Code, had been increased to life imprisonment.
59. With regard to complaints by children, the Committee on Population, Family and Children, and its predecessor, the Committee for the Protection and Care of Children, had received 900-1,000 claims per year of violations of children’s rights, according to reports from various provinces, over the past few years. Action was frequently taken to meet claims that were made. For example, in response to her child’s request, a mother who had been imprisoned had been moved to a prison closer to her home.
60. Ms. NGUYEN THI HOANG LAN (Viet Nam) said that the 7 per cent annual growth in the economy over the past few years had been reflected in increased appropriations on children, especially poor children, those in extreme difficulty, those affected by HIV/AIDS, those living in remote areas, street children and child addicts. The share of the budget allocated to children had gone up from 11 per cent in 1995 to 12 per cent in 2000 and, under the National Programme of Action for Children 2001-2010, would increase to 15 per cent by 2005. Children also benefited from assistance given by international organizations.

61. Children were major beneficiaries of capital spending on infrastructure, including roads, schools and health centres, but the benefits could not be quantified. The same went for development investment, funded at both the national and local levels. In the regions, People's Councils decided on appropriations for children, depending on revenue. As for expenditure on children by families, no exact figures were available, but, in urban areas in particular, expenditure was traditionally devoted mostly to children and the elderly. Individuals and national and international NGOs also contributed extensively to funds to help children. In both 2001 and 2002 some US\$ 85 million had been received from international NGOs. The Viet Nam Child Protection Fund received about US\$ 20 million a year; other groups to benefit were the HIV/AIDS Fund and the Agent Orange Victims' Protection Fund. Education and training received 15 per cent of the national budget and health 12 per cent; as the economy improved, so too would those percentages.

62. There were no specific figures on resources allocated for children with disabilities, but such children came under the Ministry of Labour and Social Affairs, to which a large proportion of the national budget was devoted. As for spending on children's education, primary schooling was free, although families might contribute to infrastructure. In answer to another question, she said that private and State sector enterprises were treated equally with regard to the payment of taxes. Lastly, with regard to budget transfers, the arrangement was that a local authority's surplus revenue was returned to the central authorities and distributed among less privileged communities.

63. Ms. AL-THANI requested clarification as to the assertion by one source that, of total expenditure on children with disabilities, 20 per cent was provided by the Government and the rest by charities and NGOs.

64. Mr. CITARELLA asked what was meant by contributing to "infrastructure". He wondered, for example, whether it included buying textbooks.

65. The CHAIRPERSON asked whether such contributions were obligatory or voluntary.

66. Ms. KARP asked what proportion of the average wage such a contribution represented.

67. Ms. HA THI LAN ANH (Viet Nam) said that, in the event of their having complaints, children could apply to the Committee on Population, Family and Children. Children also benefited from special counselling centres. Because the situation of children was constantly evolving, however, there was a need for more social workers trained to work with children. As for children's contact with the Government, she said that she and nine others had attended the National Conference on the Protection and Care of Children, at which they had sponsored a resolution addressed to the Government. She also attended a leadership initiative group organized by NGOs, which included among its members the Vice-President of Viet Nam. Children had also participated in the preparation of the National Programme of Action for Children 2001-2010.

68. With regard to children's knowledge of their rights, she said that a radio programme was devoted to the Convention and the media were used in other ways. The United Nations Children's Fund provided literature on the topic for children. More important than knowledge of

the Convention, however, was knowledge of the rights themselves; and to that end her school, and others, had weekly discussion sessions, sometimes including drama and singing, whereby they sought to educate themselves, their parents and their peers. In addition, there were 12,988 “communication teams” and 654 child rights clubs, established by NGOs and UNICEF, in which some 200,000 children participated.

69. Social and economic changes in society offered young people greater opportunities but also challenges: they benefited from more information and better technology and it was easier for her generation to travel abroad. One problem, however, was that children in rural areas had far less access to new technology and found it harder to adapt. Children’s priorities and concerns included education, the key to the future; the environment, at risk from the country’s increasing prosperity; the introduction of new technologies, especially in deprived rural areas; and globalization, which presented many opportunities, but also many challenges.

70. The CHAIRPERSON invited the Committee to put questions relating to general principles, civil rights and freedoms, and family environment.

71. Ms. AL-THANI asked, with regard to non-discrimination, about the situation of children with disabilities: whereas the law prohibited discrimination on the grounds of sex or social and economic status, there seemed to be no such guarantee for children with disabilities. She was also concerned about the discrimination effectively suffered by children in rural areas owing to transport difficulties, for example.

72. With regard to the right to life, survival and development, she said that one weakness of the report was that it confused those rights with the right to health, whereas they related more to providing safety for children so that they could develop their full potential. She understood, for example, that the incidence of road accidents had skyrocketed, yet there seemed to be no national plan for road safety. Another cause for concern was the fact that as many as 40 per cent of cases of pregnancy among young girls ended in abortion. In that context, she requested clarification of table 1 in paragraph 118 of the report (CRC/C/65/Add.20), which seemed to draw a distinction between the rape of children and sexual intercourse with them. Nor could she understand why not all such cases had gone for trial. She further asked why, as stated in paragraph 119, there remained limitations on the dissemination of the national law and the Convention for law enforcement officials, with the result that child abuse cases still occurred. Lastly, she said that, although there might be a tradition of not respecting children’s views within the family, much could be done if the Government and national institutions - judges in the divorce court, for example - were seen to respect their views; in that way, public attitudes would be changed.

73. Ms. KHATTAB repeated her earlier question on the universality of enrolment in primary schools; dropouts from school provided, after all, the chief source of child labour. As for rights and freedoms, she noted that the European Union was Viet Nam’s second largest donor, but relations had become strained following criticism of the country’s record on religious freedom. The European Commissioner for External Affairs had stated in the European Parliament that progress had been made and she requested the delegation to confirm that; she also asked whether cooperation with the European Union had resumed. With regard to the family environment, she said that economic reforms often had a harmful effect on families and she wanted to know what measures the Government took to deal with family break-up, domestic violence and drug abuse,

and also with street children and the commercial or sexual exploitation of children. Lastly, she asked whether Viet Nam was taking action to clear the environment of Agent Orange and whether there was cooperation to that end with the United States of America.

74. Ms. TIGERSTEDT-TÄHTELÄ wondered whether there was any policy on enabling minorities to be educated in their own language. She also asked about freedom of religion: it was hard to assemble congregations in Viet Nam or to give children religious education, according to some sources. She requested clarification.

75. The CHAIRPERSON said, in relation to family environment, that as many as 70 per cent of households were headed by women and he wondered to what extent contact between divorced parents and their children was being lost. Similarly, he wished to know what action was being taken on the country's 155,000 orphans and abandoned children. The weakening of the traditional extended family limited the options open to such children. Lastly, although several thousand children were adopted by foreigners every year, Viet Nam was not party to the Hague Convention on Intercountry Adoption, which was crucial in preventing child abuse. He therefore asked how foreign adoption was regulated.

The meeting rose at 1.10 p.m.