



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixtieth session

### Summary record of the 1703rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 31 May 2012, at 3 p.m.

*Chairperson:* Mr. Zermatten

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Consideration of reports of States parties (*continued*)

*Combined third and fourth periodic reports of Viet Nam (continued)*

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** (continued)

*Combined third and fourth periodic reports of Viet Nam* (continued)  
(CRC/C/VNM/3-4; CRC/C/VNM/Q/3-4; and CRC/C/VNM/Q/3-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Viet Nam took places at the Committee table.*
2. **Mr. Pollar** enquired about the measures taken to combat the illicit transfer and non-return of children abroad, under article 11 of the Convention. He also enquired about the measures taken to establish agreements with neighbouring countries in the case of child abduction by a family member in compliance with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
3. **Ms. Varmah** enquired about the measures taken by the State party to combat discrimination and stigmatization of children infected with HIV/AIDS and especially to prevent them dropping out of school; measures to offer children psychosocial support; any structures for catering to children whose parents had died from AIDS; and methods adopted to prevent mother-to-child transmission.
4. **Ms. Wijemanne** requested information on obstetric care and medical monitoring of infants and children. Given that the infant and child mortality rate remained relatively high, what measures were taken to prevent diarrhoea and respiratory conditions in children? She would also like information on vaccination rates and measures taken to combat child malnutrition and undernourishment. The delegation might also elaborate on measures to promote maternal breastfeeding and combat the spread of breast-milk substitutes. Lastly, what measures were in place to raise young people's awareness of HIV/AIDS?
5. **Mr. Gastaud**, noting that there were various Government-edited newspapers and reviews, asked whether there were any independent publications. If indeed the State party had various associations, managed by the State bodies, it would also be useful to know the conditions for the establishment of an association.
6. **Mr. Kotrane** asked whether children had access to foreign newspapers to give them a view of the outside world. Recalling the Committee's concluding observations following its consideration of the State party's initial report, submitted under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/VNM/CO/1), he wondered what measures had been taken to protect all children from prostitution, especially those aged 16 to 18. He would like to know whether the next review of the Criminal Code would take the Committee's recommendations into account, making all infractions under the Optional Protocol criminal offences.
7. **Mr. Dang Duc San** (Viet Nam) said that the law did not expressly define the notions of abuse and neglect but that it did clearly establish the parent's protection role and anyone charged with abuse would incur administrative sanctions. The need to incorporate a clear definition of abuse had been established at the time of the review of the 2004 Child Protection, Care and Education Act. Many efforts had been made to apply the provisions to the 2010 Gender Equality Act, notably through extensive campaigns to raise awareness of sexist domestic violence. Furthermore, curricula as well as training for prospective teachers addressed gender-based violence, in order to raise the younger generations' awareness of the issue.
8. **The Chairperson** asked whether the State party planned to explicitly ban corporal punishment, which was still practised in the country.

9. **Mr. Dang Duc San** (Viet Nam) said that corporal punishment was banned by the Constitution and other laws, such as the Prevention of Domestic Violence Act and Children (protection and education) Act. Parents and teachers who inflicted corporal punishment faced criminal sanctions proportional to the nature and seriousness of the offence. Child protection inspectors were also authorized to report cases of abuse, and an emergency helpline had been set up. There was a national network of counselling centres where families could seek advice from social workers. An initiative to render schools more secure had also been launched. In 2011, the National Assembly Commission on Young People and Children had prepared a report for the Government, recommending it to study the issue of gender-based violence and the promotion of gender equality among children. A revised Child Protection, Care and Education Act should provide a precise definition of corporal punishment.

10. **The Chairperson** enquired about the scope of measures taken so far to end corporal punishment. He would like to know whether there were plans to launch serious prevention campaigns and expressly ban all forms of corporal punishment by law.

11. **Mr. Doan Mau Diep** (Viet Nam) recognized that, traditionally, the State did not intervene in family affairs. Even so in recent years several cases of child abuse had been reported and some complaints had led to criminal sanctions, including prison sentences. Campaigns for the prevention of violence towards children had been organized within the framework of the national child protection programme. Furthermore, children who were victims of abuse, as well as the witnesses to such acts, could call the confidential emergency line put in place by the Ministry of Labour, Invalids and Social Affairs.

12. **Mr. Dang Duc San** (Viet Nam) said that, during the extension of the programme of collaboration between Viet Nam and the United Nations Children's Fund (UNICEF), established for 2006–2010, the State was currently working on the creation of courts that respected children ensuring that prosecutors and judges were trained in the principles of child-friendly proceedings. As Viet Nam was yet to have a juvenile justice system, studies had been carried out for the future creation of family courts and children's courts and would be submitted to the Commission on Constitutional Reform which would review them in 2014. Bilingual training manuals on investigation techniques for cases of sexual exploitation of children had been prepared for social workers, law enforcement services and other actors concerned with child protection. Psychological and social support programmes were in place in Hai Phong for children in conflict with the law and six special interview rooms had been set up in various cities in the country. As part of the reform of the judicial system, there were also plans to establish courtrooms with recording and video transmission equipment in Hanoi and Ho Chi Minh City.

13. **Mr. Cardona Llorens** (Country Rapporteur) asked whether the juvenile courts were already functional and, if not, whether children from the age of 14 were tried under the same procedure as adults.

14. **Mr. Dang Duc San** (Viet Nam) pointed out that, for the moment, only the interview rooms adapted to children had been put in place, but steps had been taken to renovate certain courtrooms and to adapt them to children's needs. On the whole, the procedure for children was different from that for adults and the legal provisions currently in place provided special accommodation for taking statements from children. For example, judges spoke to the children face to face in order to make the proceedings less intimidating (for the child).

15. **The Chairperson** said that in the light of the rather worrying statistics of murders committed by minors, the State party might usefully opt for a reintegration-based approach and alternative measures that replaced detention and were not punitive or remedial. It

would also be beneficial to train all those involved in the chain of activity, and not just judges, social workers, police officers and psychologists.

16. **Mr. Dang Duc San** (Viet Nam) said that children's needs had been taken into account at all levels of the judicial proceedings, and that the police, lawyers and social workers received special training. Social workers helped child offenders to refrain from relapsing into criminal behaviour and to reintegrate into society.

17. In 2010 and 2011 Viet Nam had signed bilateral agreements on adoption with nine other countries. In September 2011, 27 organizations had the right to work in the country, and not 68 as stated in the report. The adoption procedure was very strict, in order to avoid abuses committed in the past. Each adoption had to be approved by the Ministry of Justice. A mechanism put in place under the bilateral agreements made it possible to monitor a child's situation abroad, after his or her adoption, notably through diplomatic representation.

18. **The Chairperson** requested details regarding direct adoptions, which would not have to go through the central authorities.

19. **Ms. Maurás Pérez** said that she wished to know more about that matter, since the figure provided to the Committee — some 1,000 intercountry adoptions per year — was very high compared with the size of the population.

20. **Mr. Doan Mau Diep** (Viet Nam) said that 44 children had been adopted abroad in 2011. International adoption was strictly regulated: for example, under Viet Nam's agreement with France, prospective adoptive parents had to produce a report from the social services with detailed reasons for wishing to adopt a Vietnamese child, as well as a certificate attesting to their physical and mental state of health and financial situation. Those documents must be certified by the French International Adoption Agency of the French Ministry of Foreign Affairs, and priority was given to parents of Vietnamese origin.

21. **Ms. Wijemanne** asked whether police and the justice system had the necessary capabilities to detect and prosecute persons involved in child trafficking for adoption purposes. She would like further information on the measures put in place to prevent document forgery.

22. **Mr. Doan Mau Diep** (Viet Nam) said that the capabilities of the police and the justice system could certainly be strengthened. An annual programme for reviewing the laws and their enforcement was carried out in Viet Nam in order to spot the flaws in the system.

23. Priority was accorded to national adoption. Adoptive families received support from the Government, notably in the form of monthly allowances. A support programme for the communities, in cooperation with International SOS, aimed to keep adoptable children within their community.

24. **The Chairperson** requested additional information on the adoptions as he was surprised that the number of international adoptions (over 1,000 per year) between 2006 and 2009 had dropped to 44 in 2011. He would like to know the number of domestic adoptions.

25. **Mr. Doan Mau Diep** (Viet Nam) said that the number of international adoptions had fallen because of the Vietnamese Government's policy to encourage domestic adoption.

26. **Mr. Dang Duc San** (Viet Nam) said that child labour was a complex issue, to which the Vietnamese Government devoted great attention. The National Assembly of Viet Nam was about to adopt a revised Labour Code which would contain a chapter on child labour, drawn up with ILO and UNICEF help. The chapter provided for the prohibition of the worst forms of child labour, a list of which would be drawn up by the Government. It

obliged any person who employed children in the sectors authorized by the law to ensure their access to education, failing which sanctions would be imposed.

27. Child labour did not exist in the formal sector. It was to be found only in the informal economy and in remote or mountain areas where there were gaps in law enforcement. The authorities continued to take measures to guarantee enforcement of the law by raising awareness among employers and parents and by dispatching labour inspectors charged with detecting offences and imposing sanctions.

28. **Mr. Madi** asked what the current minimum age for admission to employment in Viet Nam was and whether there were any plans to change it.

29. **Mr. Dang Duc San** (Viet Nam) said that the Labour Code set the minimum working age at 15.

30. The substance addiction centres received very few addicted children, who were usually looked after by their families or communities. Only those who had relapsed were cared for in substance addiction centres, equipped with areas strictly reserved for children. The work done by the children in those centres was part of their treatment and aimed to speed up the recovery process.

31. **Mr. Cardona Llorens** requested further details regarding the number of children placed in those centres and the average duration of their stay. He would also like to know from what age children could be sent to those centres and what sanctions they faced if they did not do the work required.

32. **Ms. Sandberg** (Country Rapporteur) asked for clarification on the children's living conditions in those centres.

33. **Mr. Doan Mau Diep** (Viet Nam) said that Viet Nam had put in place a benefit scheme for poor families, having taken the idea from other countries, in order to encourage families to educate their children and so combat child labour.

34. Labour was not considered to be a punishment in the substance addiction centres. Children were admitted into the centres from the age of 12 and received psychological support, health care, education and vocational training. However, the current Government preferred addicted children to be cared for by their families and communities, with the support of social workers. No new centres would be opened.

35. **The Chairperson**, recalling that Viet Nam had agreed to the ILO Convention concerning Minimum Age for Admission to Employment (No. 138) and to the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), noted that the ILO Committee of Experts on the Application of Conventions and Recommendations had found that the minimum age for light work in Viet Nam was 12. That age should be raised to conform with the State's international obligations.

36. **Mr. Dang Duc San** (Viet Nam) said that independent associations could be created in the conditions established by the Act of 21 April 2010 and its enabling decrees.

37. **Mr. Nguyen Trong An** (Viet Nam), referring to the long-standing preference of the Vietnamese for male children, which led to abortions, said that legislative measures had been taken to change attitudes to the issue. Viet Nam had passed a law banning identification of the sex of an unborn child and had provided sanctions for offenders. In addition to legislative measures, communication campaigns in recent years helped improve the situation regarding the preference for males.

38. While it would be a good idea to create a specialized body responsible for collecting data on children, such a body would be difficult to set up because the various State organizations each individually managed such data.

39. Although all children in Viet Nam had a legal right to recreational activities, unfortunately it had to be said that the places where children victims of Agent Orange could engage in such activities were few.

*The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.*

40. **Mr. Nguyen Trong An** (Viet Nam) noted that some progress had been made in the field of primary education, notably among children under the age of 5. There were few noticeable differences between public and private schools, except in some large cities, where private schools offered a higher standard of education for higher fees. School attendance was compulsory from the age of 5.

41. It was worth noting that the Convention and the Child Protection, Care and Education Act had been translated into eight languages, because there were no written languages specific to the 54 ethnic minorities in Viet Nam, only spoken languages.

42. **Mr. Cardona Llorens** asked if those eight languages were the most common in the State party.

43. **Mr. Nguyen Trong An** (Viet Nam) replied that they were the key languages of the country's eight regions. Viet Nam had put in place bilingual programmes for children belonging to ethnic minorities, allowing them to be taught in Vietnamese and in their native language.

44. **Ms. Lee** asked who established the school curricula in boarding schools for children belonging to ethnic minorities and whether those schools provide education in relevant human rights instruments, including the Convention.

45. **Ms. Sandberg** asked how many bilingual programmes the State party had implemented and how many ethnic minorities were involved. Also, whether Viet Nam intended to extend those programmes to other ethnic minorities.

46. The Committee having been informed that children of the Khmer minority were not allowed to write with their left hand, she wished to know whether the delegation was aware of that practice and whether it could comment on children's need to attend school in turns owing to the shortage of classroom space.

47. It would be interesting to know what the State party thought about the fact that some ethnic minorities had a much lower standard of living than the rest of the Vietnamese population.

48. **Mr. Doan Mau Diep** (Viet Nam) said that the bilingual programmes were implemented in the framework of a joint Ministry of Education-UNICEF pilot project and that the authorities awaited the project evaluation results with a view to extending them to new beneficiaries.

49. The delegation did not believe that children belonging to the Khmer minority were forced to write with their right hand. They might have been encouraged to do so in certain schools. Nor did the delegation believe that children belonging to ethnic minorities were constrained to rotate school attendance because of a lack of classroom space.

50. Viet Nam had implemented a large number of programmes to improve the ethnic minorities' living standards. It had established a programme to meet the population's basic needs in the 62 poorest districts of the country. Other programmes provided residents with the means of agricultural production to help them increase their own income. Viet Nam had thus managed to reduce the number of poor families by 2 per cent annually, and poverty

was decreasing more rapidly in the above-mentioned 62 districts, compared with other districts.

51. **Mr. Cardona Llorens** asked whether the schools attended by children from ethnic minorities employed teachers from the same ethnic minorities and whether they had teaching materials in their own language.

52. Pointing out that children from certain ethnic minorities suffered more from malnutrition, he requested more information on that matter.

53. **Ms. Lee** asked whether the boarding schools for children from ethnic minorities and substance addiction centres had access to a mechanism whereby they could report any violations of their rights.

54. **Ms. Aidoo** asked whether the State party was endeavouring to improve the possibilities of early childhood development offered to the different ethnic minorities by implementing community programmes, the planning and follow-up of which could be carried out by the families themselves.

55. **Mr. Doan Mau Diep** (Viet Nam) pointed out that most teachers working in regions with minority communities belonged to those same minorities. To encourage education for children from ethnic minorities, Viet Nam had implemented various measures, including free education and financial assistance for parents of industrious pupils. Children who achieved good grades at school could apply for grants.

56. **Ms. Wijemanne**, in the belief that almost half of the homes in rural areas were not connected to sewerage and drinking water systems, asked whether the State party, whose economy was booming, intended to focus on access to drinking water and sanitation.

57. **Ms. Aidoo**, noting that preschool education and early childhood development programmes were available only to children under 5 years old, asked whether the State party intended to focus globally on nutrition, intellectual stimulation and language skills for the under-fives.

58. **Mr. Doan Mau Diep** (Viet Nam) said that 86 per cent of the population had access to sanitation and drinking water; nevertheless, major inequalities were to be found from region to region.

59. In various regions, including mountainous regions lacking in infrastructure, all children were encouraged to attend preschool before being admitted to primary school. For that reason, the Government had implemented, inter alia, a milk distribution programme to encourage families to send their children to school.

60. The mortality rate from diarrhoea had decreased and the main causes of infant mortality were now drowning and road accidents. The authorities had taken various prevention measures, including raising parents' awareness of the risks faced by children under the age of 4, providing a safer environment in which children could develop, including housing, schools, community infrastructures in general and teaching children to swim. Policies had also been implemented to make road and navigation conditions safer.

61. It had to be said that there were disparities between mountainous and urban regions regarding the quality of health service offered to the population, which translated into a significant difference in maternal and infant mortality. There were vaccination campaigns to contain the spread of poliomyelitis and since 2000 sanitation and drinking water programmes had been implemented in six pilot provinces, with the cooperation of UNICEF; 99 per cent of schools were now equipped with toilets.

62. Currently, only 19 per cent of women breastfed up to the sixth month. It had been decided that six months was the duration of maternity leave, as opposed to the current four months. Advertising breast-milk substitutes was banned by law.

63. Discrimination against HIV-positive children in the field of education had been on the wane in Hanoi and Ho Chi Minh City since the passing of a law imposing more severe administrative sanctions on bodies engaging in such activities, and campaigns to raise awareness of the daily life of HIV-positive children. The Vietnamese Government had recently approved a national programme for HIV-positive children, who received treatment and psychological support from the moment their seropositivity had been established. There were also local programmes to help children who had the virus. Following targeted awareness campaigns, the incidence of mother-to-child transmission of the HIV virus had also considerably decreased.

64. **Ms. Sandberg** asked what steps the State party had taken to reduce the number of HIV-positive children placed in specialized institutions.

65. **Mr. Nguyen Trong An** (Viet Nam) said that children living with HIV/AIDS were placed in social welfare centres or taken care of by charitable or religious organizations, mainly Catholic. Since 2011, UNICEF had been supporting initiatives to implement the Prime Minister's decision to reintegrate HIV-positive and street children into society and ensure that they were taken in by families.

66. **Mr. Cardona Llorens**, while commending on behalf of the Vietnamese delegation's active participation, regretted that certain issues had not been addressed owing to the lack of time. The Committee would be sure to draw up specific concluding observations intended to help the State party better respect the provisions of the Conventions.

67. **Ms. Sandberg** commended the Vietnamese Government's determination to improve the future of children in the State party, and hoped that in the light of the country's size, the measures taken at the central level would be implemented locally, especially in rural and remote areas and small villages. She hoped that the State party would set up a national mechanism to receive complaints from child victims of human rights violations under the Convention.

68. **Mr. Nguyen Trong An** (Viet Nam) said that Viet Nam did have a telephone line for receiving complaints of that sort. He noted with satisfaction the constructive dialogue with the Committee, in which the delegation had been able to point out the main advances achieved by Viet Nam and to the obstacles yet to be overcome, mostly regarding the situation of children from minorities and the implementation of equality of opportunity for all. The Vietnamese Government will spare no effort to that end.

69. **The Chairperson** thanked the Vietnamese delegation and hoped that the dialogue would enable the State party to make progress with its reflection and lead to amendment of the 2004 Child Protection, Care and Education Act with a view to making it fully compatible with the principles and provisions of the Convention on the Rights of the Child, and that the State party would be able to report the National Assembly's adoption of the new law when it presented its next periodic report.

*The meeting rose at 5.50 p.m.*