**BRIEFING FROM GLOBAL INITIATIVE**

**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**PRE-SESSIONAL WORKING GROUP – October 2011**

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**VIET NAM (third/fourth report – CRC/C/VNM/3-4)**

**Corporal punishment in the home**

Corporal punishment is lawful in the home. Provisions against violence and abuse in the Law on the Protection, Care and Education of Children (1991), the Penal Code (1999), the Law on Marriage and the Family, the Constitution (1980), the Civil Code (2005) and the Law on Domestic Violence Prevention and Control are not interpreted as prohibiting all corporal punishment in childrearing.

**Corporal punishment outside the home**

With regard to **schools**, there are a number of legal provisions concerning protection of students’ honour and dignity, including Decree No. 163/2003/ND-CP regulating education in commune, ward and town, the Primary Universal Education Law, and Decree 338-HDBT 26/10/1991 on the implementation of the Primary Universal Education Law, but there is no explicit prohibition of all forms of corporal punishment in schools.

In the **penal system**, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions under the Law on the Protection, Care and Education of Children (article 7), the Penal Code (article 298), the Code of Criminal Procedure (article 6) and Decree No.114/2006/ND-CP on punishment of administrative violations on population and children (article 21). Ordinance No.33/CP (1997) on residential schools, which accommodate children in conflict with the law, provides for children’s honour and dignity but does not explicitly prohibit corporal punishment as a disciplinary measure.

There is no explicit prohibition of corporal punishment in **alternative care settings**.

A major national study on child abuse in Vietnam found that 70% of the 178 children and young people (aged 8-25) who participated reported having been spanked with an open hand during their childhood and over half hit with an implement; among participants living in reform schools and social protection centres, 80% had been hit with a hand and 75% with an implement.[[1]](#footnote-1) A statistical review by UNICEF found that 94% of 2-14 year olds experienced physical punishment and/or psychological aggression in 2005-2006; 63% experienced physical punishment, 10% severe physical punishment.[[2]](#footnote-2)

**In 2003, following examination of the state party’s second report, the Committee on the Rights of the Child recommended explicit prohibition of corporal punishment in the home, schools and all other institutions (CRC/C/15/Add.200, paras. 33 and 34).**

**In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will again raise the issue in its List of Issues for Viet Nam, in particular asking what steps have been taken to ensure that children are protected in law from all forms of corporal punishment in all settings, including the home. We hope the Committee will subsequently recommend that corporal punishment is explicitly prohibited in the home, schools and all other settings as a matter of priority and that relevant awareness raising and public education campaigns are carried out.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*

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1. UNICEF Viet Nam (2006), *Child Abuse in Viet Nam: Final Report into the Concept, Nature and Extent of Child Abuse in Viet Nam* [↑](#footnote-ref-1)
2. UNICEF (2010), *Child Disciplinary Practices in the Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF [↑](#footnote-ref-2)