Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

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National Report

14. The Government pays special attention to vulnerable groups such as women, children, ethnic minorities and people with disabilities, including victims of war, and people living with HIV/AIDS. For each group, the Government has put in place concrete priority policies to protect support and provide them with development opportunities and facilitate their social integration. The 2006 Law on HIV/AIDS Prevention and Control, the 2006 Law on Gender Equality and the 2007 Law on the Prevention and Control of Domestic Violence are illustrations of the country’s efforts in this area. The Government is currently working on a draft law on people with disabilities.

15. Viet Nam is a party to almost all core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. Viet Nam is the second country in the world and the first in Asia to sign the Convention on the Rights of the Child. The country has also ratified 17 conventions of the International Labour Organisation. Viet Nam signed the Convention on the Rights of Persons with Disabilities on 22 October 2007 and is seriously considering signing the Convention against Torture. Domestic legal documents are promulgated or amended to incorporate Viet Nam’s obligations under international treaties to which it is a party and not to hinder their implementation (Articles 3 and 82 of the 2008 Law on the Promulgation of Legal Normative Documents).

34. Viet Nam sees investment in education and training as investment for development. Budget allocation for education has increased annually and now accounts for 20 per cent of State budget expenditures. More schools have been built throughout the country. Viet Nam completed the universalisation of primary education in 2000, 15 years prior to the MDG deadline. Universalisation of lower secondary education is being carried out. By the end of 2007, 42 of the country’s 63 cities and provinces have met national targets on universalisation of lower secondary education. At present, Viet Nam is ranked 64th among 127 countries on education development by UNESCO.

35. Viet Nam creates the necessary conditions for the people to enjoy their right to health care, with priority given to women, children and ethnic minority people. Strategic programmes and policies on vaccination for children, health insurance assistance, free-of-charge medical treatment and examination for the poor and children under 6, prevention and control of tuberculosis and HIV/AIDS have proven to be effective. Under-5 mortality rate has been reduced from 58 deaths per 1000 live births in 1990 to 25.9 in 2007 while under-1 mortality rate has been cut from 31 deaths per 1000 live births in 2001 to 16 in 2007. Child malnutrition rate has decreased to 21.2 per cent in 2007. Maternal mortality rate has been reduced from 233 per 100,000 live births in 1990 to 75 in 2007. Almost all ethnic minority communes with difficulties have health clinics while community-based health services are available in most villages, contributing importantly to the prevention and control of many fatal diseases and improvement of the people’s health and quality of life.

39. Viet Nam is committed to protecting children’s rights and interests and facilitating their exercise of those rights, first and foremost through the provisions of the Constitution (Article 65) and several legal documents, including the Civil Code, Penal Code, Labour Code, Education Law, Land Law, Law on HIV/AIDS Prevention and Control, Law on Gender Equality, Law on Legal Aid, Law on Cinema, Law on the Prevention of Domestic Violence Prevention and Law on Mutual Judicial Assistance. In particular, the amended 2004 Law on the Protection, Care and Education of Children has incorporated the fundamental principles of the Convention on the Rights of the Child to which Viet Nam is a party, with emphasis on the principle of non-discrimination and ensuring that best interest of children is a primary consideration. The law gives children more rights, from passive rights of being cared for, nurtured and protected to more active rights like the right to freedom of expression and participation in social activities.
40. Agencies and organisations involved in the protection of children’s rights include the Ministry of Labour, Invalids and Social Affairs, Viet Nam Association for the Protection of Children’s Rights, Viet Nam Relief Association for Handicapped Children and Viet Nam Association for Disabled People and Orphans. They operate at all levels nation-wide.

41. Viet Nam has recorded encouraging achievements in guaranteeing children’s rights and interests. Apart from the 2001-2010 National Plan of Action for Vietnamese Children, the protection and promotion of the children’s rights have been incorporated into economic and social development strategies and plans, thus enabling children to enjoy their rights to a fuller extent. Free-of-charge medical examination and treatment programmes and measures to reduce infant mortality rate and the rate child malnutrition children have been effectively implemented. About 8.4 million children accounting for over 90 per cent of children under 6 have received free-of-charge healthcare cards. Right-age enrolment rate has seen a steady increase, with primary education enrolment standing at 95.04 per cent in 2005-2006 and lower secondary education at 80.3 per cent. Meanwhile, drop-out rate has been on decline. Preferential policies have been put in place to better assist poor children, migrant children and ethnic minority children. Safe and healthy recreation services are provided for children. 40 per cent of communes and wards and 80.3 per cent of districts have recreation facilities for children. 100 per cent of provincial libraries and 30 per cent of district libraries have sections dedicated to children. Children are enabled to express their opinions and participate in cultural and social activities at school and in the community through national and international forums, Teenage Association and Junior Reporters’ Club.

42. However, there remain shortcomings in the protection and promotion of the children’s rights due to challenges posed by international economic integration, poor infrastructure and limited capacity of relevant institutions in developing and implementing policies on education, protection of and care for children.

**Compilation of UN information**

2. CEDAW and the Committee on the Rights of the Child (CRC) in 2006, urged the State to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime.10

3. In 2003, CRC recommended that Viet Nam ratify the Hague Convention of 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption.11 In 2006 it recommended that Viet Nam ratify the Additional Protocol II to the Geneva Conventions relating to the protection of victims of non-international armed conflicts and encouraged it to become a party to the Rome Statute as soon as possible.12

4. In 2006 CRC welcomed the information that the reservation to article 5 of OP-CRC-SC made upon ratification had become unnecessary and would be withdrawn13 and consequently CRC recommended that Viet Nam speedily complete the withdrawal of the reservation to article 5 and use it, when necessary, as a legal basis for extradition in respect of all the offences covered by the Optional Protocol.14

5. CRC was concerned that, according to the State’s declaration made upon ratification of OP-CRC-AC, those who are under the age of 18 shall not be directly involved in military battles (hostilities) “unless there is an urgent need for safeguarding national independence, sovereignty, unity and territorial integrity”.15 CRC recommended that the State set a minimum age for voluntary recruitment of children in accordance with article 3, paragraph 2, of OP-CRC-AC and prevent the active participation of children in hostilities even in the presence of these exceptional situations.16

7. CRC welcomed the amendment of the Vietnamese Criminal Code in 1997 and 1999 introducing new offences and more severe penalties for crimes related to the commercial sexual exploitation of children and other efforts to bring the legislation in line with OP-CRC-SC. CRC was concerned that some provisions in the Penal Code refer to children as those below the age of 16 only.21 Similarly, UNCT noted that domestic legislation still considers the child to be a person under the age of 16 years, rather than 18 years, as stipulated in the Convention on the Rights of the Child.22

8. CRC was concerned that there are no provisions explicitly defining and sufficiently criminalizing child pornography in line with article 2 (c) and 3 (1) (c), of OP-CRC-SC,23 and recommended amending the Penal Code and - where appropriate - other laws, in order to explicitly criminalize all acts listed in article 3 of OP-CRC-SC when committed against all persons below 18.24

9. CRC also expressed concern about a legal vacuum in the legislation in the area of adoption which would impede the prosecution and punishment of persons acting as intermediary for the adoption of a child in violation of applicable international legal instruments, in accordance with article 3, paragraph 1 (a) (ii), of OP-CRC-SC.25

12. CRC noted the existence of a system of inspection as part of the National Committee on Population, Family and Children, and recommended that the State consider initiating a pilot project establishing an Ombudsman for Children.29

13. CRC was concerned that programmes aimed at victim protection, by the Ministry of Labour, Invalids and Social Affairs, the Women’s Union, the Youth Union and the Committee for the Population, Family and Children, lack adequate financial resources.30

14. CEDAW commended the State for the adoption of its National Strategy for the Advancement of Women for 2001-2010, which was drawn up in accordance with the Beijing Platform for Action.31 CEDAW welcomed the Action Plan for the Prevention and Suppression of Trafficking in Women and Girls.32

15. In 2008, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted that the National Programme of Action for the Prevention and Elimination of Street Children, Child Victims of Sexual Abuse and Children in Hazardous and Dangerous Work aims to reduce the worst forms of child
16. CRC also welcomed the National Programme of Action for Children 2001-2010, the 2004-2010 National Plan of Action Against Trafficking in Women and Children, the 2006-2010 programme on the prevention of prostitution and the national programme on prevention and settlement of street children, sexually abused children and children working under hazardous and dangerous conditions, 2004-2010.34

17. CRC welcomed the “Programme on hunger elimination, poverty reduction and job creation” and the attention given by the State to children in the implementation of socio-economic policies and programmes.35 CRC encouraged the State to continue giving adequate importance, including at the financial level, to poverty reduction strategies.36

23. CRC noted with concern that domestic legislation does not specifically prohibit discrimination based on all the grounds listed under article 2 of the Convention. In particular, discrimination against children with disabilities is not explicitly prohibited, and the lower level of development indicators for ethnic minorities appears to indicate the existence of some level of discrimination, specifically regarding to their access to health and education.49 CRC recommended, inter alia, that Viet Nam amend its domestic legislation to ensure that it corresponds fully with all the provisions of article 2 of the Convention.50

28. CRC was concerned that children are subject to various forms of violence and ill-treatment and corporal punishment,60 and recommended, inter alia, that the State take all appropriate measures to establish a national system for receiving, monitoring, and investigating complaints of child abuse and neglect, and, when necessary, prosecuting cases in a child-sensitive manner.61

30. In 2003, CRC noted with concern that a significant proportion of sex workers are under the age of 18,65 and recommended, inter alia, that Viet Nam continue to strengthen national and sub-regional strategies and programmes on the prevention of sexual exploitation and trafficking.66 In 2006, CRC expressed concern at the information that child prostitution and sex tourism are an increasing problem in the country and recommended that the State increase its efforts to combat child prostitution.67

33. CRC was concerned that the juvenile justice system is unable to cope effectively with increasing youth crime and that rehabilitation and reintegration services for young offenders are insufficient.71

50. CRC was concerned at the poor environmental health conditions, in particular the low percentage of the population with access to safe drinking water and sanitation facilities, in particular in rural and mountainous areas, as well as the after-effects of Agent Orange and other chemical defoliants,98 and made recommendations in this connection.99

53. CRC was very concerned at the high proportion of children with disabilities who do not attend school, do not have access to vocational training and have limited access to rehabilitation services, particularly in rural areas.102 While noting efforts to achieve universal enrolment at primary school level, CRC was also concerned that there are significant gaps in access to and quality of education between urban and rural or mountainous regions, and that the school system still suffers from a shortage of well-trained teachers and educational materials.103

58. CRC noted with concern that the lower level of development indicators for ethnic minorities appears to indicate the existence of some level of societal and institutional discrimination, specifically with regard to their access to health and education.110

60. UNCT considered that the Government had done reasonably well in making health services available at central, provincial, district and community levels; health care for children under 6 years and for the poor is free of charge. Still, large geographical disparities exist between regions with inadequate distribution of health workers and medical equipment, and considerable variations in quality.114 While welcoming the State’s many efforts in this regard, CRC recommended that Viet Nam continue and strengthen efforts to secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.115

63. CRC was concerned that a large part of Vietnamese territory is still affected by unexploded ordnances (UXO) and landmines from the past conflicts, causing serious danger for the population,119 and recommended, inter alia, that Viet Nam continue its landmine and UXO clearance and risk education activities.120

64. CRC was also concerned that HIV/AIDS is spreading and increasingly affects children, either because they have been infected or because they may have lost parents to the disease.121

68. CRC recommended that the State continue its landmine and UXO clearance and risk education activities seeking the necessary technical and financial support within a framework of international cooperation, including from United Nations agencies.126

69. CRC recommended that the State request technical assistance from, inter alia, OHCHR and other members of the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice in relation to the ability of the juvenile justice system to cope effectively with increasing youth crime and the inadequacy of rehabilitation and reintegration services.127

**Summary of Stakeholder compilation**

17. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children is lawful in the home in Viet Nam. Various laws protect children’s dignity, honour and integrity – including the Law on the Protection, Care and Education of Children – but there is no evidence that these are interpreted as prohibiting all forms of corporal punishment of children inflicted by parents in the name of “discipline”. In schools, laws protect children’s honour and dignity and prohibit physical harm, but there is no clear statement that this means corporal punishment is prohibited and such punishment continues to be used. GIEACPC further noted a research of 2005 into the experiences of 300 children and 300 adults, showing that 94 per cent of the children reported experiencing physical and emotional punishment at home and 93 per cent at school; 82 per cent reported being physically punished on
all parts of their bodies. The majority of children felt that being caned was the worst punishment and this was very common at school and at home. Other punishments included being hung from a tree and caned, being electrocuted, having limbs broken and being burned with cigarettes. In the penal system, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions. Corporal punishment is lawful in alternative care settings.

42. INDIG supported the recommendations of the Committee on the Rights of Child, especially training of teachers. INDIG noted that the monks in the traditional temples have provided education in inter alia, the mother tongue of Khmer Krom children. More must be done to create a program to ensure education.

43. KKF noted that the current teaching of the Khmer language in public school does actually not allow Khmer Krom children to learn their mother-tongue. Some of the public schools provide two to three hours per week for teaching of Khmer language only. Khmer is not recognized as an official language in Kampuchea Krom and there are no books written in Khmer. All applications including forms, signs and legal documents should be written in both Khmer and Vietnamese. The education gap between the majority people (Vietnamese) and minorities, especially Khmer-Kroms, is particularly significant in higher education especially. Outside efforts to support Khmer Krom advancement in education are blocked because the Government ties these efforts to political motives.

Final Report

18. The percentage of poor ethnic minority households has been reduced by 3 to 5 per cent per year; 90 to 95 per cent of school-age children are enrolled and all districts have secondary schools. Thirty ethnic minority groups have their own languages and scripts and ethnic minority languages are used in primary and secondary-level textbooks and television and radio programmes for ethnic minorities.

39. Singapore noted that Viet Nam has come a long way in rebuilding after decades of war. Concerning poverty eradication, the proportion of people below the national poverty line has been cut from over 60 per cent in 1990 to 13.8 per cent in 2008. Regarding the rights of the child, Viet Nam was the first in Asia and second in the world to sign CRC. Singapore commended Viet Nam’s achievements and recommended that it continue to improve in the following areas: poverty eradication, rights of the child, women’s rights and rights of persons with disabilities.

43. The Islamic Republic of Iran recommended (a) taking concrete measures for further promotion and protection of economic, social and cultural rights, including the right to development for better realization of the MDGs; (b) continuing judicial reform towards a healthy, strong, democratic and efficient judicial system, which is necessary as an enabling condition for the promotion and protection of human rights; (c) cooperating with the international community and neighbouring countries particularly in the fight against transborder organized crime, and fight against trafficking in women and children; (d) strengthening efforts in fighting against corruption, which negatively affects the enjoyment of human rights of everyone.

54. Japan noted that it has for many years assisted Viet Nam in developing the legal system and expressed its intention to continue to assist. Japan recommended that Viet Nam (a) continue to make further efforts to advance the human rights of socially vulnerable people, including ethnic minorities, persons with disabilities, women, children, persons with HIV/AIDS and victims of human trafficking; (b) develop its domestic legal system and ensure the appropriate execution of the law towards the implementation of the international human rights instruments to which it is party.

64. Germany noted the concerns of the Committee on the Rights of the Child about the increasing level of child prostitution and sex tourism and asked about measures taken. Germany recommended (a) strengthening cooperation with United Nations human rights mechanisms; (b) inviting and facilitating the visit of the Special Rapporteur on freedom of religion and belief; (c) establishing a national human rights institution in accordance with the Paris Principles; (d) taking all necessary measures to end restrictions on the rights to freedom of expression and peaceful assembly. It also recommended (e) publishing all information about the imposition and use of the death penalty, including information on executions carried out and (f) reducing the number of offences liable for the death penalty.

68. India noted that the Committee on the Rights of the Child welcomed national action plans on children and trafficking in women and children, and it appreciated acknowledgments of challenges including the rich-poor gap and urban-rural disparity. It recommended that the Government (a) continue to pay special attention to disadvantaged sections of the society, in particular the ethnic minorities and persons with disabilities, so as to ensure their fuller participation in the socio-political life of the country. It also recommended that the Government (b) continue its efforts to preserve the language and culture of the country’s ethnic minorities.

Conclusion and Recommendations

29. Continue to make further efforts to advance the human rights of socially vulnerable people, including persons with disabilities (Democratic People’s Republic of Korea) (Japan) ethnic minorities, women, children, persons with HIV/AIDS and victims of human trafficking (Japan)

37. Continue national efforts aimed at combating forced labour and taking necessary measures to prevent, suppress and punish trafficking in persons, particularly women and children (Morocco)

73. Continue to improve in the following areas: poverty eradication, rights of the child, women’s rights and rights of persons with disabilities (Singapore)

74. Continue its efforts in poverty reduction paying particular attention, inter alia, to vulnerable groups such as children, women, persons with disabilities and ethnic minorities (Azerbaijan)

78. Further increase the use of ethnic languages in schools and the mass media (Philippines)
79. Take supplementary measures to support access of minority children to education by helping them maintain and develop their traditions and languages (Morocco)

82. Continue the reforms under way, notably the attention to the promotion of the rights of women and children, providing for the necessary protection and their personal development (Tunisia)