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**Committee on the Rights of the Child**

**Concluding observations on the combined fifth and sixth  
reports of Viet Nam\***

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\* Adopted by the Committee at its ninety-first session (29 August – 23 September 2022).

## I. Introduction

1. The Committee considered the combined fifth to sixth periodic reports of Viet Nam<sup>1</sup> at its 2650th and 2651st meetings,<sup>2</sup> held on 12 and 13 September 2022, and adopted the present concluding observations at its 2668th meeting, held on 23 September 2022.

2. The Committee welcomes the submission of the combined fifth to sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level delegation of the State party.

## II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures to implement the Convention, including the adoption of the 2016 law on children and amendments to the law on education, the labour code and the law on statistics. It notes with appreciation the ratification of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment in 2015 and the Convention on the Rights of Persons with Disabilities in 2015.

## III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 17), violence against children (para. 30), children deprived of a family environment (para. 34), education (para. 44), economic exploitation, including child labour (para. 48) and child justice (para. 52).

**5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to integrate the Sustainable Development Goals into socio-economic development plans at national, sectoral and subnational levels, and to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

### A. General measures of implementation (arts. 4, 42 and 44 (6))

#### Legislation

6. **The Committee recommends that the State party:**

(a) **Conduct a review of all its legislation, including the penal code and criminal procedure code, to fully align it with the Convention;**

(b) **Develop child-rights impact assessment procedures for national and subnational legislation and policies relevant for children.**

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<sup>1</sup> CRC/C/VNM/5-6.

<sup>2</sup> See CRC/C/SR.2650 and CRC/C/SR.2651.

<sup>3</sup> CRC/C/VNM/Q/5-6.

### Comprehensive policy and strategy

7. The Committee welcomes the adoption of the national action programme for children 2021-2030 and recommends that the State party allocate sufficient human, technical and financial resources for its implementation, ensure that the programme is integrated into national and local planning processes, and develop a mechanism for monitoring and evaluation.

### Coordination

8. The Committee recommends that the State party strengthen the authority of the National Committee for Children and ensure that it has adequate human, technical and financial resources for the effective monitoring and coordination of all activities related to the implementation of the Convention across all sectors, at the national and sub-national levels.

### Allocation of resources

9. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee reiterates its previous recommendations<sup>4</sup> and urges the State party to:

(a) Increase allocations of financial, human and technical resources for the implementation of all legislative measures, policies, plans and programmes for children, including for child protection services, education, health and social protection, and for qualified social workers and other child protection professionals;

(b) Amend the State budget law to introduce a system for tracking and ensuring the efficient use of budgetary allocations for the realization of children's rights;

(c) Conduct regular assessments of the distributional impact of government investments in sectors supporting the realization of children's rights and identifying measures to address any gender disparities, with particular attention to children with disabilities, children belonging to ethnic or religious minority or indigenous groups and children living in poverty;

(d) Develop mechanisms for ensuring transparent and inclusive budgeting allowing children, civil society and the public to participate in all stages of the budgetary process, including formulation, implementation, monitoring and evaluation.

### Data collection

10. The Committee notes with appreciation the expansion of the national list of indicators in 2021, but is concerned that several indicators relevant for children, including in the areas of child labour, early childhood development, access to water and sanitation and education, are not aligned with international standards. The Committee recommends that the State party:

(a) Ensure that national indicators relevant for children are in line with international standards, integrate a comprehensive set of child rights indicators into the national statistical system and ensure that data collected include all children who are 16 and 17 years of age;

(b) Ensure that data collected on children's rights covers all areas of the Convention and its Optional Protocols, disaggregated by age, sex, disability, nationality, geographic location, ethnic origin and socioeconomic background, in order to facilitate analysis on the situation of all children;

(c) Ensure that data and indicators on children's rights are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

<sup>4</sup> CRC/C/VNM/CO/3-4, para. 18.

#### **Independent monitoring**

11. Recalling its previous recommendations,<sup>5</sup> the Committee urges the State party to expeditiously establish an independent mechanism for monitoring children's rights that is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to receive, investigate and address complaints by children in a child-friendly manner.

#### **Dissemination, awareness-raising and training**

12. The Committee welcomes the incorporation of children's rights in the school curriculum and recommends that the State party:

(a) Expand teaching on children's rights to early childhood and all grades in school, including in languages of ethnic minority or indigenous groups;

(b) Promote the active involvement of children in public outreach activities and strengthen its awareness-raising programmes, in cooperation with civil society organizations and through greater media and social media engagement, to ensure that the Convention is widely known by children, parents and the general public;

(c) Ensure systematic training on children's rights, the Convention and the Optional Protocols for all stakeholders working for and with children.

#### **Cooperation with civil society**

13. Noting with deep concern the restrictive environment for independent civil society organizations and human rights defenders, including child human rights defenders, and the chilling effect of Article 109 of the 2015 Penal Code on their work in promoting children's rights, the Committee urges the State party to:

(a) Ensure that civil society organizations and human rights defenders, including child human rights defenders, are able to promote children's rights and exercise their right to freedom of expression and opinion without being subjected to harassment;

(b) Establish mechanisms for ensuring the systematic and meaningful involvement of all children's groups and non-governmental organizations working for children in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children;

(c) Promptly and thoroughly investigate all allegations of intimidation and threats directed at human rights defenders, including child human rights defenders, and their families, and ensure that they have adequate access to justice and are protected from harassment, intimidation, retaliation and violence.

#### **Children's rights and the business sector**

14. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:

(a) Ensure that the National Action Plan on Responsible Business Practice sufficiently integrates children's rights;

(b) Establish, implement and effectively monitor regulations, with appropriate sanctions for perpetrators and remedies for child victims, to ensure that the business sector, in particular the agriculture, manufacturing and tourism industries, complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights;

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<sup>5</sup> Ibid., para. 16; CRC/C/15/Add.200, para. 12.

(c) **Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and children’s rights impacts of their business activities and their plans to address such impacts.**

## **B. Definition of the child (art. 1)**

15. **Noting with concern that laws concerning children, including the law of children adopted in 2016, define a child as a person under 16 years of age, the Committee recalls its previous recommendations<sup>6</sup> and urges the State party to harmonize the definition of the term “child” in all national legislation in line with the Convention, and ensure that the definition of the child, including in the law of children, includes all persons under the age of 18.**

## **C. General principles (arts. 2–3, 6 and 12)**

### **Non-discrimination**

16. The Committee notes the adoption of the strategy for ethnic affairs 2021-2030 but remains deeply concerned about the persistence of disparities in the enjoyment of rights among children in vulnerable situations, including with regard to access to household registration, health services, education and social protection; and discriminatory gender stereotypes, as reflected in the unequal sex ratio at birth and high rates of school dropout and child marriages among girls.

17. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee reiterates its previous recommendations<sup>7</sup> and urges the State party to:**

(a) **Address disparities in access to all public services by girls, children in remote areas, children with disabilities, LGBT children, children living in poverty, children belonging to ethnic or religious minority or indigenous groups including Mong and Khmer children, and migrant children, and regularly evaluate the enjoyment by these children of their rights;**

(b) **Ensure that all children, including children belonging to ethnic or religious minority or indigenous groups and migrant children, have access to household registration;**

(c) **Conduct comprehensive awareness-raising activities aimed at eliminating gender stereotypes and discrimination against girls.**

### **Best interests of the child**

18. **The Committee is concerned about the insufficient application of the principle of the best interests of the child by professionals working with and for children. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Ensure that the principle of the best interests of the child is consistently applied in programmes and legislative, administrative and judicial proceedings;**

(b) **Provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration.**

### **Right to life, survival and development**

19. **In view of the high rate of deaths and injuries among children due to traffic and drowning accidents, as well as suicides and self-harm incidents among children, the**

<sup>6</sup> CRC/C/VNM/CO/3-4, para. 18.

<sup>7</sup> Ibid., para. 30.

Committee recommends that the State party strengthen measures to prevent suicide and traffic and drowning accidents among children, and undertake public campaigns to increase traffic awareness among children, parents, teachers and the public in general.

#### **Respect for the views of the child**

20. The Committee recommends that the State party:

(a) Promote the meaningful participation of children, in particular children in disadvantaged situations and young children, in the family, community and schools, including by developing toolkits for consulting children on national policy issues and conducting awareness-raising activities to combat negative societal attitudes which hinder children's right to be heard;

(b) Develop operational procedures or protocols for professionals working with and for children, particularly in judicial and administrative proceedings, on ensuring child-friendly proceedings and that due weight is given to the views of children in those proceedings, and strengthen related training to such professionals.

### **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration and nationality**

21. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen its efforts to achieve universal registration, including through public awareness-raising on the importance of birth registration, and ensure that all children, including children belonging to ethnic or religious minority or indigenous groups, have access to birth registration and identity documents irrespective of their ethnicity or religion;

(b) Develop a procedure to determine the stateless status of children in order to properly identify and protect stateless children, and consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

#### **Right to identity**

22. The Committee notes with appreciation the 2021 law on religion and folk belief. Recalling its previous recommendations,<sup>8</sup> the Committee urges the State party to ensure full respect or the preservation of identity for all children and take effective measures to ensure that children belonging to ethnic or religious minority or indigenous groups are able to preserve their identity, including their names, languages and culture.

#### **Freedom of expression**

23. Deeply concerned about legislation, including the Penal Code and the cybersecurity law, and the decree on handling of administrative violations, that restrict children's right to freedom of expression, including on social media, the Committee urges the State party to:

(a) Guarantee the freedom of expression for all children, as provided under the Constitution and the Convention, including by amending its legislation to guarantee offline and online freedom of expression;

(b) Create an environment conducive to the exercise of the right to freedom of expression and protect human rights defenders, including child human rights defenders, from violence or intimidation against them for exercising their right to freedom of expression.

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<sup>8</sup> Ibid., para. 40.

**Freedom of thought, conscience and religion**

24. The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion, and ensure to every child the right to practice freely his or her religion or belief.

**Freedom of association and peaceful assembly**

25. Noting with deep concern the arbitrary restrictions on public gatherings and for gatherings of more than five persons and meetings on human rights, as well as requirements for associations to receive prior permission to receive foreign funding, the Committee recommends that the State party:

(a) Ensure full respect for the right of all children to freedom of association and peaceful assembly as guaranteed by the Convention;

(b) Adopt regulations governing the establishment of child-led associations, ensuring that they safeguard the best interests of children;

(c) Ensure that children are supported and encouraged to form their own associations and initiatives and to participate in public gatherings.

**Right to privacy and access to appropriate information**

26. Noting with concern that several provisions of the law on cybersecurity may interfere with a child's right to privacy, the Committee recalls its general comment No. 25 (2021) on children's rights in relation to the digital environment and recommends that the State party:

(a) Amend the law on cybersecurity to prevent the unlawful and arbitrary interference with children's privacy, and to ensure that any interference upholds the principle of data minimization and is proportionate and in line with the Convention;

(b) Develop regulations and safeguarding policies to protect the rights, privacy and safety of children in the digital environment, and ensure that they are protected from harmful content and materials and online risks, and provide for mechanisms to prosecute violations;

(c) Strengthen programmes to enhance the digital literacy and skills of children, parents, teachers and social workers.

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)****Torture and other cruel, inhuman or degrading treatment or punishment**

27. Drawing attention to target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure that allegations of cruel, inhuman or degrading treatment or punishment of children in detention, including in drug detoxification centres, are duly investigated, perpetrators are punished with penalties commensurate with the gravity of their acts and child victims receive adequate remedies;

(b) Ensure that children have access to confidential, child-friendly complaints mechanisms for reporting of cases in detention facilities, drug detoxification centres or police custody.

**Corporal punishment**

28. Noting with deep concern that corporal punishment remains socially acceptable and widespread, particularly in the home and in schools, the Committee recommends that the State party:

(a) Explicitly prohibit in law, as a matter of priority, corporal punishment in all settings, including in the home, alternative care settings and daycare;

(b) **Enforce the prohibition of corporal punishment in schools, and provide children with a complaint mechanism in schools to safely and confidentially report teachers and others who use corporal punishment;**

(c) **Strengthen awareness-raising programmes for parents and professionals working with and for children to promote attitudinal change concerning corporal punishment within the family, schools and communities, and to promote positive, non-violent and participatory forms of child-rearing.**

#### **Violence against children, including sexual exploitation and abuse**

29. The Committee notes with appreciation the adoption of the 2016 law on children which prohibits child abuse, neglect, abandonment and exploitation, but remains deeply concerned about the following:

(a) The high level of sexual exploitation and abuse of children, including through online sexual abuse material and in the context of prostitution, and the significant underreporting and investigation of such cases;

(b) That grooming is not explicitly prohibited and children who are 16 and 17 years of age are not protected under legislation criminalizing violence against children and guaranteeing support for victims;

(c) Insufficient professional capacity, including a shortage of professional social workers and child protection officers, and lack of a multidisciplinary and child-sensitive approach to the provision of support to children who are victims of violence.

30. **Taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Amend the relevant articles of the Penal Code, the Criminal Procedure Code and other relevant legislation to explicitly criminalize online grooming and to protect all boys and girls, including those who are 16 and 17 years of age, from all forms of violence including sexual abuse and exploitation, trafficking and child sexual abuse material;**

(b) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting and inter-sectoral, child-sensitive intervention in cases of violence against children, including support for child victims to reunite with their families;**

(c) **Ensure that children have access to confidential, child-friendly complaint mechanisms for the reporting of all forms of violence and abuse, and encourage children to make use of them;**

(d) **Strengthen the capacities of and increase funding for child protection mechanisms and services, including through the deployment of professionally trained social workers and child protection officers at the commune, district and provincial levels, to identify victims and adequately respond to cases of violence with child-friendly, coordinated and comprehensive support;**

(e) **Ensure that all cases of violence, including sexual exploitation and abuse of children in and outside the home and in the digital environment, are effectively investigated, applying a child-friendly and multisectoral approach to prevent secondary victimization of the child;**

(f) **Ensure that perpetrators are prosecuted and punished with penalties commensurate with the gravity of their acts and that comprehensive support and reparations are provided to child victims;**

(g) **Increase awareness of the public on sexual exploitation and abuse and combat the stigmatization of child victims.**

### Harmful practices

31. Recalling joint general recommendation No. 31 of CEDAW/general comment No. 18 of CRC (2019) on harmful practices, the Committee recommends that the State party:

(a) Take all measures to eliminate child marriage, including forced marriage, also by designating a government agency to take the lead in preventing and addressing child marriages, in cooperation with relevant ministries, agencies, civil society organizations and children;

(b) Increase public awareness of the harmful effects of child and forced marriage on children, particularly among indigenous, minority and rural communities.

### Helplines

32. The Committee recommends that the State party allocate sufficient resources for the national helpline for children, and ensure capacity-building of helpline personnel on handling complaints and providing confidential, child-friendly assistance.

## F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

### Children deprived of a family environment

33. While welcoming the measures to provide support for families in vulnerable situations, the Committee is deeply concerned about the large number of children living in residential care, the lack of systematic monitoring of alternative care facilities, the separation of children from their families due to poverty or disability, and the large number of children who have lost their parents to COVID-19.

34. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee urges the State party to:

(a) Adopt, without delay, a national strategy and action plan for deinstitutionalization, with specific timelines, budget and staff allocations, and measures, including legal reform, for: (i) supporting and prioritizing family-based care for children, including for children with disabilities; (ii) strengthening the foster care system for children who cannot stay with their families; and (iii) strengthening support to families in vulnerable situations through child-sensitive social protection policies and services;

(b) Guarantee coordinated and quality alternative care by developing an effective case management process for the referral of children deprived of a family environment, ensuring periodic review of children in alternative care, and ensuring that poverty or disability are never the sole justification for family separation;

(c) Ensure that such facilities are used only on a temporary basis and, when appropriate, are transformed into small-group settings as close as possible to a family situation;

(d) Finalise and adopt the national guidelines on minimum standards of care and ensure the regular monitoring of all alternative care facilities, including boarding schools, social assistance centres and other community-based care facilities; provide training for all care staff; and provide accessible channels for reporting and responding to maltreatment of children;

(e) Increase the number of social workers in all provinces of the State party, and provide continuous capacity-building to ensure the appropriate referral of child protection cases.

### **Adoption**

35. The Committee recommends that the State party provide training to professionals involved in adoption procedures to ensure the paramount consideration of the best interests of the child and subsidiarity in the assessment of all adoption processes, in particular for intercountry adoptions, in line with the Convention and the law on adoption, and to support any requests from adopted children to have access to information on their origins.

### **Children of incarcerated parents**

36. The Committee recommends that the State party:

(a) Ensure that the best interests of the child are taken as a primary consideration in the implementation of the Penal Code to defer or suspend imprisonment sentences for pregnant women and mothers with children under 36 months of age and that living conditions of children in prison with their mothers are sufficiently adequate for their development, including by guaranteeing their access to health-care and early childhood development services;

(b) Ensure personal relations between children and their incarcerated parents, including through regular visits in child-friendly meeting premises, while parents are in prison.

## **G. Children with disabilities (art. 23)**

37. Noting with deep concern the discrimination faced by children with disabilities, the Committee recalls its general comment No. 9 (2006) on the rights of children with disabilities and recommends that the State party:

(a) Adopt a human rights-based approach to disability and set up a comprehensive and inclusive strategy for children with disabilities, including by revising the law on persons with disabilities to bring it in line with the Convention and the Convention on the Rights of Persons with Disabilities;

(b) Establish monitoring mechanisms to enforce laws, regulations and policies that protect the rights of children with disabilities, including from discrimination;

(c) Develop an efficient system for early detection, intervention and support for children with disabilities, including those with psychosocial disabilities;

(d) Strengthen awareness-raising campaigns targeted at government officials, families and the general public in order to combat stigmatization and discrimination against children, including girls, with disabilities, and to promote a positive image of children with disabilities as rights holders.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

38. The Committee welcomes the progress in reducing the infant and under-5 mortality rates, but remains concerned about ethnic and regional disparities in mortality rates and access to health services. The Committee recommends that the State party:

(a) Prioritize measures to improve access to quality health services, including by scaling up community-based health services, in particular in rural areas and for children with disabilities and children belonging to ethnic or religious minority or indigenous groups;

(b) Strengthen measures to reduce infant mortality rates and to prevent and treat HIV/AIDS, tuberculosis and leprosy among children, in particular in the Central

Highlands, Northern Midlands and mountainous areas and among ethnic or religious minority or indigenous groups;

(c) Strengthen coordination across relevant Ministries to address child malnutrition, stunting and obesity, and raise public awareness on these issues;

(d) Promote breastfeeding and monitor the implementation of the International Code of Marketing of Breast-milk Substitutes;

(e) Strengthen measures to prevent mother-to-child transmission of HIV, combat the stigmatization of children with HIV/AIDS and enable children affected and infected by HIV/AIDS to remain in their family environments.

#### **Mental health**

39. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Develop a mental health programme dedicated to children that includes community-based mental health services and counselling in schools, homes and alternative care facilities;

(b) Undertake a study on mental health disorders among children, including available facilities, and develop a national strategy to address the issues of suicide and self-harm, in cooperation with civil society and taking into account the views of children.

#### **Adolescent health**

40. Recalling its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.3, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Integrate comprehensive sexual and reproductive education, aimed at preventing early pregnancy, sexually transmitted infections and HIV/AIDS, into mandatory school curricula and in teacher training;

(b) Ensure that free, confidential and child-friendly sexual and reproductive health information and services, are available in schools, and that children in rural areas and children belonging to ethnic or religious minority or indigenous groups have access to such services and information;

(c) Ensure adolescent girls' access to family planning services, affordable contraceptives and safe abortion and post-abortion care services;

(d) Strengthen measures to address the incidence of tobacco, drug and alcohol abuse among children, and to provide children with accurate and objective information on preventing substance abuse, including of tobacco and alcohol;

(e) Explicitly prohibit the deprivation of liberty of children with drug addictions in compulsory detoxification centres, including by revising the relevant legislation;

(f) Develop accessible, child-friendly and community-based drug dependence treatment and harm reduction services for adolescents, with a view to eliminating the practice of placing children in compulsory drug detoxification centres.

#### **Impact of climate change on the rights of the child**

41. Noting with concern the harmful effects of air pollution and climate change-induced natural disasters, leading to drought and water shortages, the Committee takes note of targets 13.2 and 13.3 of the Sustainable Development Goals and recommends that the State party:

(a) Take urgent measures to reduce air pollution levels that impact on children's health;

(b) Ensure that children's special vulnerabilities and views are taken into account in developing policies and programmes and decision-making concerning climate change mitigation and adaptation, including the 2022 National Climate Change Strategy;

(c) Increase children's awareness of climate change and natural disasters by incorporating environmental education into the school curriculum.

#### **Standard of living**

42. Noting with deep concern reports of forced evictions of children belonging to ethnic or religious minority or indigenous groups and their families, the Committee takes note of target 1.2 of the Sustainable Development Goals and recommends that the State party:

(a) Prevent evictions and displacement of children of ethnic or religious minority or indigenous groups and their families, and provide redress to those families and children evicted from their homes;

(b) Strengthen its policies to ensure that all children have an adequate standard of living, including through increased resources for the Master Plan on Social Assistance Reform and Development 2017-2025 and Vision to 2030 and by providing social benefits to pregnant women and children under 3 years of age;

(c) Prioritize access to water, sanitation and hygiene, particularly in rural areas and among ethnic or religious minority or indigenous groups.

### **I. Education, leisure and cultural activities (arts. 28–31)**

#### **Education, including vocational training and guidance**

43. The Committee is deeply concerned about the poor quality of education and disparities in educational outcomes among regions and ethnic minority groups; the limited access to quality inclusive education for children with disabilities, children living in poverty, children belonging to ethnic or religious minority or indigenous groups and migrant children; the closure of satellite schools, forcing children, particularly those belonging to ethnic or religious minority or indigenous groups, to enrol in boarding or semi-boarding schools; and violence and bullying at schools.

44. Taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen measures to guarantee access to inclusive education and increase school enrolment and completion rates for all children, especially at the early childhood and secondary levels, including by: (i) expanding its multilingual education programmes, and ensuring that they are adequately resourced and are culturally sensitive; (ii) addressing the school dropout rate, including among girls, children belonging to ethnic or religious minority or indigenous groups and migrant children; and (iii) ensuring the availability of quality satellite schools in remote areas, with a view to phasing out boarding and semi-boarding schools;

(b) Improve the quality of education at all levels, especially in remote areas, including by ensuring appropriate levels of training for teachers and equipping schools with adequate educational infrastructure, technology and sanitation;

(c) Ensure the right of all children with disabilities to inclusive education in mainstream schools with individual support by specialized staff and reasonable accommodation for their educational needs, and replace the exemption of some subjects for students with disabilities with educational requirements adapted to their abilities, potential and preferences;

(d) Combat violence, including bullying and cyberbullying, in schools, especially of children in disadvantaged socioeconomic situations, children belonging to ethnic or religious minority or indigenous groups, children with disabilities, and LGBT

children, and ensure that such measures encompass prevention, early detection mechanisms, the empowerment of children and intervention protocols;

(e) Strengthen the quality of vocational training and facilitate equal access to it, particularly for children with disabilities, migrant children, children belonging to ethnic or religious minority or indigenous groups and early school-leavers.

#### Rest, leisure, recreation, and cultural and artistic activities

45. Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party strengthen measures to guarantee the right of children to rest and leisure; to engage in age-appropriate and accessible recreational activities, sports, cultural life and the arts; and to have access to safe and accessible playground spaces.

### J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

#### Children belonging to ethnic or religious minority or indigenous groups

46. The Committee urges the State party to combat discrimination and violence against children belonging to ethnic or religious minority or indigenous groups, and ensure their enjoyment of all rights under the Convention including with regard to full and equal access to household registration, health care, adequate housing, education and right to identity.

#### Economic exploitation, including child labour

47. The Committee notes that the Labour Code was revised in 2019, but remains concerned about the large number of children still involved in child labour, including hazardous work.

48. Taking note of target 8.7 of the Sustainable Development Goals, the Committee reiterates its previous recommendations<sup>9</sup> and urges the State party to:

(a) Explicitly prohibit the employment of all children under 18 years of age in harmful, hazardous, overtime and overnight work; and review, update and adjust the list of hazardous work prohibited for children in line with international standards;

(b) Increase the human, technical and financial resources allocated to labour inspections in order to effectively implement the laws and policies on child labour, prosecute any perpetrators of violations relating to child labour and increase sanctions;

(c) Provide continuous capacity-building for law enforcement officials, labour inspectors and other relevant professionals;

(d) Conduct awareness-raising activities among businesses and within the travel and tourism industry on the prevention of the exploitation of children, including child labour, and the implementation of the revised Labour Code;

(e) Develop legal provisions for the protection of children in informal work, including domestic work, and consider ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

#### Children in street situations

49. Noting with concern reports of LGBT children, children with disabilities, child victims of trafficking and other children in disadvantaged situations living on the street, the Committee recalls its general comment No. 21 (2017) on children in street situations and recommends that the State party:

<sup>9</sup> Ibid., para. 70.

(a) **Conduct a study on the number of children in street situations and on the root causes of their situations, and develop a strategy and programmes to provide protection for the rights of children in street situations;**

(b) **Develop programmes that facilitate reunification of children in street situations with their families when possible, taking into account the best interests of the child, and support their long-term education and developmental needs, including through the provision of psychological support.**

#### **Trafficking**

50. **Noting with appreciation the anti-trafficking programme for the period 2016-2020, which focuses on providing support to child victims, the Committee draws attention to target 8.7 of the Sustainable Development Goals and recommends that the State party:**

(a) **Amend the article 151 of the Penal Code to extend the offence of trafficking in accordance with the definition of article 3 (c) of the Palermo Protocol to include child victims who are 16 and 17 years of age;**

(b) **Strengthen the identification and referral of child victims of trafficking to appropriate child-friendly services;**

(c) **Conduct training for the judiciary on victim-centred and child-friendly proceedings; investigate all cases of trafficking of children, using intersectoral and child-friendly proceedings; and bring perpetrators to justice;**

(d) **Conduct awareness-raising activities on the dangers of trafficking for parents, the community and children.**

#### **Administration of child justice**

51. **The Committee welcomes the measures taken to reform its child justice system, including the establishment of specialized children's courts, known as Family and Juvenile Courts, and the introduction of non-judicial measures, child-friendly court procedures and minimum standards of treatment of children in the child justice system. Nonetheless, the Committee is concerned about:**

(a) **The lack of specialized judges or use of child-friendly court in districts where Family and Juvenile Courts have not yet been established;**

(b) **The limited use of non-judicial measures, including diversion;**

(c) **The limited access of children in the justice system to support services, including for social reintegration.**

52. **With reference to its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and to:**

(a) **Consider developing and adopting a comprehensive child justice law that provides a legal framework for its child justice system;**

(b) **Expedite the establishment of Family and Juvenile Courts in all districts and, until this is achieved, designate specialized judges and prosecutors for children, providing them with special training in all courts on child-friendly court procedures;**

(c) **Actively promote non-judicial measures, and, wherever possible, the use of non-custodial measures for children, as stipulated in the Penal Code, including through training for judges, prosecutors, police officers and other professionals on relevant legislation, children's rights, the Convention and the Committee's general comment No. 24 (2019);**

(d) **Avoid the use and limit the duration of pretrial detention by ensuring that children arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of deprivation of liberty or its continuation, and ensure that pretrial detention is regularly and judicially reviewed;**

(e) Effectively implement the Penal Code to ensure that deprivation of liberty is used as a measure of last resort only, and for the shortest period of time, and that it is reviewed on a regular basis with a view to its withdrawal;

(f) Ensure that, in cases where detention is unavoidable, children are not detained together with adults and that detention conditions comply with international standards, including with regard to access to food, education and health services;

(g) Strengthen measures aimed at providing psychological counselling and community-based social reintegration services for children in the justice system, such as by assigning trained social workers to such children to support their rehabilitation, in collaboration with relevant agencies and organizations.

## **K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Optional Protocol on the sale of children, child prostitution and child pornography**

53. With reference to its 2019 guidelines regarding the implementation of the Optional Protocol,<sup>10</sup> the Committee recalls its previous recommendations<sup>11</sup> and recommends that the State party:

(a) Amend the Penal Code to align it with articles 2 and 3 of the Optional Protocol, particularly with regards to: (i) explicitly defining and criminalizing all forms of the sale of children, including for the purposes of sexual exploitation, forced labour and transfer of organs, as a crime that is distinct from the crime of trafficking; (ii) explicitly criminalizing the acts of producing, disseminating, offering, selling or possessing child sexual abuse material; (iii) clearly defining sexual exploitation of children in prostitution to encompass all sexual activities including touching; (iv) ensuring that the legislation applies to offences committed against children who are 16 and 17 years of age; and (v) ensuring that offences under the Optional Protocol are punishable by appropriate penalties commensurate with the gravity of the offences;

(b) Ensure that child victims of sexual exploitation, child sexual abuse material and prostitution are treated as victims, receive adequate protection under the law and have access to remedies;

(c) Adopt a national action plan to combat all offences under the Optional Protocol, including the sexual exploitation of children in travel and tourism and in prostitution;

(d) Take all necessary measures to prevent, prosecute and eliminate the exploitation of children online and in travel and tourism, including by: (i) developing a code of conduct with the tourism industry; (ii) undertaking awareness-raising campaigns for prevention with the tourism industry, information and communications technology (ICT) companies and the public at large; and (iii) ensuring that Internet service providers filter, block, promptly remove and report online sexual abuse material;

(e) Establish extraterritorial jurisdiction for all crimes under the Optional Protocol.

### **Optional Protocol on children in armed conflict**

54. The Committee notes that the recruitment of children in armed conflict is prohibited under the 2015 law on military service, but is concerned about the State party's declaration to the Optional Protocol regarding the participation of children in

<sup>10</sup> CRC/C/156.

<sup>11</sup> CRC/C/OPSC/VNM/CO/1.

hostilities if “there is an urgent need.” Recalling its previous recommendations,<sup>12</sup> the Committee recommends that the State party:

(a) Revise its declaration to the Optional Protocol to prohibit the participation of children in hostilities even in exceptional situations;

(b) Establish a mechanism for the early identification of refugee, asylum-seeking and migrant children who may have been recruited or used in hostilities abroad;

(c) Provide child victims of violations of the Optional Protocol with assistance for their full physical and psychological recovery and social reintegration.

#### **L. Ratification of the Optional Protocol on a communications procedure**

55. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, accede to the Optional Protocol to the Convention on a communications procedure.

#### **M. Ratification of international human rights instruments**

56. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, consider ratifying the Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

#### **N. Cooperation with regional bodies**

57. The Committee recommends that the State party cooperate with, among others, the Association of Southeast Asian Nations Commission on the Promotion and Protection of the Rights of Women and Children.

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

58. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including the ones in the most disadvantaged situations. The Committee also recommends that the combined fifth to sixth periodic reports and the present concluding observations be made widely available in the languages of the country.

#### **B. National mechanism for reporting and follow-up**

59. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by

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<sup>12</sup> CRC/C/OPAC/VNM/CO/1.

dedicated staff and should have the capacity to consult systematically with the national human rights institution, when established, and civil society.

### C. Next report

60. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 1 September 2027 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>13</sup> and should not exceed 21,200 words.<sup>14</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

61. The Committee also invites the State party to submit a common core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>15</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>13</sup> [CRC/C/58/Rev.3](#).

<sup>14</sup> General Assembly resolution 68/268, para. 16.

<sup>15</sup> [HRI/GEN/2/Rev.6](#), chap. I.