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STATEMENT

**BY MADAME MINISTER LE THI THU
CHAIRPERSON OF THE VIETNAM COMMITTEE FOR POPULATION,
FAMILY AND CHILDREN
HEAD OF THE DELEGATION
OF THE SOCIALIST REPUBLIC OF VIETNAM
ON THE IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO
THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE
OF CHILDREN, CHILD PROSTITUTION AND CHILD
PORNOGRAPHY
AND THE OPTIONAL PROTOCOL ON CHILD INVOLVEMENT IN
ARMED CONFLICTS**

(43rd Session, Committee on the Rights of the Child, Geneva, September 22, 2006)

*Mr. Chairman,
Esteemed members of the Committee,
Ladies and gentlemen,*

At the outset, I have the great honour to act on behalf of the Vietnamese delegation to convey to you and other members of the Committee on the Rights of the Child the best congratulations and wishes for your good health, happiness and success. We strongly believe that you would always reap great successes in carrying out your noble mission in guaranteeing that the Convention on the Rights of the Child and the two Optional Protocols are fully implemented in the interest of our children, the future of all peoples on this planet.

Before moving on with the briefing, I would like to introduce the composition of our delegation to this dialogue:

- Mr. Le Do Ngoc, Director General of the Family Department, Vietnam Committee for Population, Family and Children (VCPFC);
- Mrs. Ninh Thi Hong, Chief Inspector, VCPFC;

- Mr. Vu Quang Anh, Deputy Director General, International Organisations Department, Ministry of Foreign Affairs;
- Mr. Vu Xuan Thanh, Deputy Director General, Socio-cultural Affairs Department, Ministry of Planning and Investment;
- Mr. Nguyen Cong Hong, Deputy Director General, Department of Administrative and Criminal Laws, Ministry of Justice;
- Mr. Nguyen Ngoc Anh, Deputy Director General, Legal Affairs Department, Ministry of Public Security;
- Mr. Le Thanh Trung, Deputy Director General, Legal Affairs Department, Ministry of National Defence;
- Mrs. Cao Thi Thanh Thuy, Deputy Director General, Department of International Cooperation, CPFC;
- Mr. Dang Hoa Nam, Deputy Director General, Department of Children, VCPFC;
- Mr. Nguyen Huy Dzung, Deputy Head of Division, Ministry of Foreign Affairs.

Also attending this dialogue are members of the Permanent Mission of the Socialist Republic of Vietnam to the United Nations and other International Organisations in Geneva:

- H.E. Ambassador Ngo Quang Xuan, Permanent Representative of the Socialist Republic of Vietnam to the United Nations Office and other International Organisations in Geneva;
- Mr. Pham Quoc Tru, Minister Counsellor;
- Mr. Vu Van Mien, First Secretary.

*Mr. Chairman,
Esteemed Committee members,*

Due to the large time gap between the dates of the Report and this dialogue, apart from responding to the questions put by the Committee, Vietnam has prepared the Updated Report to the Committee on the Implementation of the two Optional Protocol for the period of 2004-2006 and I would now like to update the situation on implementation from 2004 to date.

In the past years, thanks to our political stability and the correct and appropriate socio-economic development policies, Vietnam continues to make significant socio-economic achievements despite certain difficulties and challenges.

The Vietnamese economy stays on stable and develops at high rate. In 2001, GDP growth was 6.89% while the figures for 2003, 2004 and 2005 were 7.26%, 7.5% and 8.4% respectively. In 2005, per capita income reached US\$ 640, making a year-on-year increase of 12.1%.

Along with her economic growth, Vietnam has been trying to allocate resources from the State Budget while at the same time mobilising those from other economic sectors and communities for social development. As such, positive changes have taken

place in a number of social areas. In the last over 10 years, Vietnam has been able to reduce the number of poor households by 60%, thus meeting the Millennium Development Goals on poverty reduction 10 years in advance. Every year, we have also been able to create 1.5 million new employments. The average life expectancy of Vietnamese has been increased from 68 in 1999 to 71.3 in 2005. In particular, our Human Development Index (HDI) has been significantly improved from 0.688 in 2001 to 0.704 in 2003 (ranking 108 of 177 countries). These achievements on socio-economic development and life improvement, job creation and poverty reduction have indeed provided much better physical conditions to ensure and promote the furtherance of human rights including those of the child.

Our national defence and security have been strengthened, thus helping us firmly protect the country's independence and sovereignty and social order. Our foreign relations are strongly boosted, thus securing the favourable international environment for the country's development.

In parallel with pursuing socio-economic development, the Vietnamese State is also accelerating the development of the rule of law in the country through the perfection of our legal system in order to better respect and ensure the people's rights.

However, despite these significant achievements, the socio-economic situation in Vietnam still shows signs of certain difficulties and challenges. Our economic development level and the living standards of the Vietnamese people continue to be lower than many countries in the region. The economy's competitiveness remains limited. Socio-economic infrastructure is yet to meet the developmental demands. Socio-cultural development is yet to be up to the desired level and experiences certain thrusting matters. Besides, Vietnam is still on the way to having the rule of law.

*Mr. Chairman,
Esteemed Committee members,*

In the last five years or more, the Vietnamese State has further confirmed its strong commitments to and determination for the best implementation of the Convention on the Rights of the Child and the two Optional Protocols by stepping up the implementation of the policies and measures for the realisation of the rights of the child at all levels. In the process, Vietnam always pays attention to the harmonisation of international and domestic laws. It should be noted that the rights of the child are better confirmed in the Vietnamese law by the day, reflected in the amendments existing laws as well as the issuance of new ones relating to the protection, care and education of children in the form of law, ordinance, resolution, decree, directive or circular. Meanwhile, Vietnam has also stipulated quite a few concrete policies, guidelines and programmes on the protection and development of children. Thanks to these efforts, Vietnam has been able to make considerable achievements in ensuring children's rights as well as their protection.

Healthcare for children is being improved day by day. The regime of free medical check-up and treatment for children under 6 is in operation. The ratio of malnourished children under 5 has been reduced from 33.4% in 2000 to below 25% in 2005. Mortality rate of children under 1 also shrinks from 36.7% in 1999 to 17.8% in 2005. Maternal mortality is reduced from 95/100,000 alive newborns in 2000 to 80/100,000 in 2005. The birth crude rate goes down from 19% in 2002 to 18.6% in

2005. The rate of access to clean water among the rural communities increases from 54% in 2003 to 62% in 2005.

Education for children has seen significant progress. The pre-school educational network is rather diversified with the participation of public, private and community-based establishments. Vietnam has fulfilled the task of universalisation of primary education and illiteracy eradication in the year 2000. The rate of school-goers among children of the corresponding age in primary education is 97.5%. By the end of 2005, 31 of 64 provinces and cities met the target of universalisation of junior secondary education. At present, all communes in the ethnic minority areas have primary schools and many villages have their own classes. 100% of the mountainous districts have boarding schools. Investment in education and training increases considerably. In 2005, the total expenditure for education and training occupies 18% of the State Budget while many other sources of capital have also been mobilised for education development through the issuance of education bonds and the contributions of the communities, businesses and external sources.

The protection of and care for children are moving toward meeting the fundamental rights of the child while at the same time paying due attention to the prevention of violence, abuse and exploitation against children, thus protecting them from these threats with a deepening participation of children. The number of orphans cared for by the communities and State occupies 55.3% of total orphans in the country. About 25% of children with disabilities and deformities in general and 75% of children with heavy disabilities and deformities are receiving different forms of care. 100% orphans and children with disabilities and deformities are exempted from tuition fees and other forms of contribution. The relevant agencies are dealing with and settling the issue of children working in hazardous and heavy conditions, abused, violated and trafficked children.

*Mr. Chair,
Esteemed Committee Members,*

In expediting the implementation of the rights of the child, Vietnam always pays attention to the protection of children, preventing trafficking in children, child prostitution and child pornography. We also make sure that juveniles do not participate in the armed forces. The Government of Vietnam has considered seriously the recommendations of the Committee on the Rights of the Child after reviewing the 2nd National Report on the implementation of the Convention in 2003 and brought the spirit of these recommendations into the process of constructing and amending domestic laws. We have also deployed an inter-disciplinary coordination mechanism, designed and implemented national plans of action to combat trafficking in women and children, stepping up the implementation of the Plan of Action against prostitution including child prostitution. Budgetary resources have been allocated while responsibilities have been assigned to relevant ministries, agencies and social organisations for the implementation of these national projects. We are also actively taking part in various projects in the Mekong sub-region in the joint combat against trafficking in persons.

As you might be aware, in the course of developing our market economy and integrating ourselves into and interacting with the region and the world, apart from the advantages, we also face disadvantageous factors that negatively affecting the protection and implementation of the rights of the child, including trafficked children, child prostitution and child pornography. We all know that trafficking in persons is a global

problem that sees a worrying trend of increase in many places despite current efforts made by countries and the international community because it is bringing about huge profit to criminal organisations. The combat against trafficking in persons today is not confined within the boundary of a single country or region but is rather a joint effort actively pursued by the entire world. In Vietnam, trafficking in persons, particularly in children and women as well as child prostitution, though being a new phenomenon, is a complicated in nature and its grave consequences on the victims and their families and the entire society becomes the talk of the day drawing much concern of the State and all communities. The Government of Vietnam has been applying many measures to prevent and combat this crime.

In the field of law making, the State of Vietnam pays special attention to the creation of the legal framework to combat and prevent this crime, shown by the adoption of laws and other legal documents to protect human rights in general and those of the child in particular. At the same time, we are also improving our laws to deal with all acts of child abuse and violation. The 1992 Constitution of Vietnam and other legal related documents such as the 2004 Law on Protection, Care and Education of Children or the 2005 Law on the Youth, etc. give concrete provisions on the fundamental rights of people and rights of the child, firmly prohibiting all acts of violation to the dignity and body of the child. The 1999 Penal Code, the 2003 Law on Penal Procedures, the 2005 Civil Code, the 2003 Ordinance on Prevention of Prostitution, the 2002 Ordinance on Punishment of Administrative Violations and many other legal documents issued in the form of decrees, circulars and directives, etc. specifically provide for the criminalisation and civil or administrative punishments against acts of trafficking in children, child prostitution and child pornography in a tighter and more serious way. At the same time, the Vietnamese law also provides for the protection of the victims' rights and interests in general and child victims in particular including the protection of the body, dignity, respect of victims and witnesses, protection of their privacy, compensation and damage recovery, ensuring their participation in the penal process and procedures, legal consultation and assistance, etc.

Along with amending and improving our laws, the Government of Vietnam has issued many policies, programmes and projects to further protect children, preventing trafficking in children, child prostitution and child pornography such as the Action Plan to combat trafficking in women and children for the period 2004-2010 generally aimed at creating a strong change in awareness and action throughout the ranks and agencies, organisations and the entire society in the prevention of and combat against trafficking in women and children so that by the year 2010 the crime could be fundamentally prevented and reduced. To carry out this plan, its steering committee has been set up and headed by a Deputy Prime Minister with the Vice Chairman being a leader of the Ministry of Public Security and representatives of the Ministry of Justice, Ministry of Labour-War Invalid-Social Affairs, Central Women's Confederation, VCPFC, Ministry of Planning and Investment, Ministry of Finance and Ministry of Foreign Affairs as its members. The Ministry of Public Security serves as the permanent office of the Steering Committee and has the responsibility to assist the Government in the implementation. At the localities, local managing bodies with similar composition are also set up. Meanwhile, the Prime Minister in 2005 endorsed the plan's 4 projects on community education and propaganda on prevention of trafficking in women and children, reception of and assistance to trafficked women and children from abroad, combating trafficking in women and children and drafting and improving the system of legal documents relating to the prevention of and combat against trafficking in women and children. In 2006, the Prime Minister further endorsed the Inter-disciplinary Programme on the

prevention of prostitution for 2006-2010 aiming at the eradication of child prostitution and the prevention of prostitution among school-goers and college students, preventing and reducing organised prostitution, enhancing medical treatment and rehabilitation into community for sex workers. The programme on prevention and settlement of street children, sexually violated children and children having to work in hazardous and heavy conditions for the period of 2004-2010 is also furthered.

The programmes, plans and projects have been actively and synchronously carried out by the relevant ministries, localities and agencies in close link with educational and socio-economic measures to pursue and prosecuted cases of trafficking in children, child prostitution and child pornography.

Propaganda and the improvement of awareness on the prevention of trafficking in children, child prostitution and child pornography have been further improved in all ranks, ministries and communities. The Vietnamese mass media has allocated a large amount of broadcast time and print area to run articles on child protection issues on the central and local newspapers, radios and televisions, bringing to the public cases of child abuse and trafficking. Many media campaigns have also been conducted on the prevention of child abuse and trafficking in children at national scale. Models of awareness enhancement in community have been promoted through the distribution of leaflets and the establishment of tip-off inbox to unearth criminals, strengthening of people's security teams and propaganda units. Besides, activities to combat trafficking in persons in general have been integrated in school curricula. Quite a few short and long term training courses have been conducted for thousands of cadres working for the fight against trafficking in children and child prostitution. These people work for the public security force, judicial agencies, courts, social agencies, the labour-war invalid-social affairs branch and VCPFCs. Children themselves have also participated more actively in the propagation, mobilisation and awareness enhancement campaigns to protect themselves through the children's forums on trafficking in children and the activities of children's propaganda teams or Little Correspondents' Clubs. In August 2006, a Child Forum between Vietnam and China has been held in Hanoi on the issue of prevention of trafficking in women and children. In preparation for this dialogue, agencies of the Vietnamese Government have worked together to come up with the answers to Committee's requirements and update Vietnam's implementation of the two Optional Protocols for the period of 2004-2006. We also shared with other international organisations and non-governmental organisations at home and abroad our understanding and assessments on this issue in the past time. These organisations have expressed their appreciation over the achievements made by Vietnam based on our strong political commitments and concern about the challenges that Vietnam is to deal with in the time to come.

The Government of Vietnam is applying diversified socio-economic measures like the enhancement of poverty reduction policies, economic development, preferential loans for employment creation to vulnerable targets including their families and child victims of trafficking, etc. to help them out of poverty and attain a more stable life, thus enabling them to protect their children from being re-trafficked. This is a fundamental measure to prevent the recurrence of trafficking in persons in general and in children in particular.

The State managerial measures to prevent and curb crime in general as well as trafficking in women and children in particular have been further strengthened. The

control and management of restaurants, hotels, karaoke venues, residents, immigration, foreign-related marriages and adoption have been renewed to suit the reality.

In the recent years, Vietnamese relevant agencies have actively worked to detect and investigate criminals on trafficking in women and children to seriously put them to trial. Many criminal rings relating to trafficking in women and children to foreign countries have been unearthed and destroyed by the authorities. From 1998 to 2005, the authorities have investigated and prosecuted 1,622 cases involving 2,765 people relating to trafficking in women and children. In 2005 and the first 6 months of 2006 alone, the People's Courts of various levels have tried 161 cases involving 289 defendants of whom 6 received sentences from 20-30 years of imprisonment, 31 others got 15-20 years of imprisonment, 83 from 7-15 years of imprisonment, 149 got imprisonment sentences below 7 years and 20 others got non-custodial sentences. On the occasion of this year's National Day on September 2nd 2006, no prisoners charged with trafficking in women and children are granted amnesty/clemency. In the recent years, thousands of returned trafficked women and children have been received, assisted and helped integrate into their communities by the local authorities, branches, organisations and social groups, thus allowing them to stabilise their life.

Assistance to victims is an important part of the law and policies on prevention of trafficking in persons in general and trafficking in children in particular. Returned children are considered as victims and are received back and given medical treatment, rehabilitated and given vocational training and provided with employment according to their skills and age. There are reception points at the border gates along the border between Vietnam - China and Vietnam - Cambodia. There are also consultation and reception centres for trafficked or sexually violated women and children, consultation bureaus for the protection of women and children as well as social sponsoring facilities and open roofs, etc. Vulnerable subjects and child victims could also get legal assistance and consultation through the legal assistance centres, consultation offices and free hotlines. The procedures for receiving and rehabilitating female and child victims of trafficking are being designed for early adoption. Besides, victims of trafficking in women and children are also protected in the process of legal procedures and have the right to seek compensation for the damages caused according to the Civil Procedure Law.

In the past years, information regarding child violation, trafficking in women and children in Vietnam have been collected by the Public Security forces, Courts, Procurators' Offices, VCPFCs, Women's Associations and Labour-War Invalid-Social Affairs Departments, etc. in 2004 in particular, there were quite a few efforts made to assess the situation of trafficking in women and children, child prostitution and child pornography. Among them, one could cite the annually published Child Rights Indexes providing figures on violated children and the trials of child violation, the General Review on Trafficking in Women and Children for the period 1998-2005, Indicators for the assessment of progress in the combat against child sexual exploitation for commercial purposes in the East Asia-Pacific region, etc. At the same time, we have conducted a general review of the state of trafficking in women and children from 1998 to 2005. In 2004 in particular, many efforts were made to monitor, oversight and assess the situation on sale of children, child prostitution and child pornography.

The Government of Vietnam has always attached special importance to the enhancement of coordination and cooperation with other countries and international organisations. By May 2006, Vietnam has signed Legal Assistance Agreements with

countries in the ASEAN and 15 other countries to combat crime. Vietnam is working closely with other nations in the region to implement the plan of action on the prevention of trafficking in persons in the Mekong sub-region for the period of 2005-2007. Vietnam has also signed 12 agreements on adoption with other countries and territories. At the same time, Vietnam has signed bilateral extradition agreements with the Republic of Korea and 13 legal assistance agreements with other countries that have articles and stipulations on extradition.

Vietnam is an active member of various international forums on the prevention of trafficking in persons and trans-national crime and the prevention of sexual abuse of children for commercial purposes. In the recent years, Vietnam has received great cooperation, assistance and support from other countries and international organisations in the combat against trafficking in persons in general and trafficking in women and children in particular. Vietnam welcomes and deeply appreciates the assistance from the UNICEF, IOM, ILO, APEC, UNODC, other organisations like the Radda Barnen, British Children's Fund, ActionAid Vietnam, Care International, World Vision and Plan International, etc. in the enhancement of awareness about trafficking in persons in general and in women and children in particular as well as prevention measures, assistance for the victims' reintegration in communities, job creation and income generation for vulnerable groups, etc.

Thanks to the above said efforts, activities in the prevention of trafficking in children, child prostitution and child pornography have reached achievements of particular significance. The awareness of the agencies, ranks and people has been enhanced by the day, thus creating a positive change in the prevention and improving the effectiveness of the suppression and punishment of crimes relating to trafficking in children, child prostitution and child pornography.

However, despite these fundamental achievements and just like many developing countries, Vietnam is still facing many difficulties in the overall prevention of this crime and the prevention of trafficking in children, child prostitution and child pornography in particular. Propagation and education works, though accelerated in the key areas, are yet to make the desired impacts. Monitoring, oversight and data and information collection remains limited and scattered among the agencies with the absence of a uniformed criteria and independent database for this field. The coordination mechanism between relevant agencies and border and inland localities, though established, needs further improvement for more effective performance. Policies on reception, repatriation and reintegration of child victims of trafficking are on the way to completion and require much international assistance. The system of laws and legal assistance agreements also need further improvement to create the legal corridor for information sharing, investigation, detection and rescue of victims as well as the prosecution of the criminals. Training and capacity building in this particular area are yet to meet the demand of reality despite the higher priority and attention given.

*Mr. Chairman,
Esteemed Committee members,*

The combat against the sale of children, child prostitution and child pornography is a very complicated and tough one, particularly for such developing countries like Vietnam. However, our determination in the fight remains the same. We will continue to make efforts to first of all curb and mitigate the basic causes of this crime. Secondly, it is necessary to timely detect and investigate as well as sternly punish the criminals.

Thirdly, it is also required that the legal and policy system is able to serve as the foundation for the effective prevention and combat against the crime.

In order to materialise this determination, in the time to come, apart from keeping on implementing at best such socio-economic policies like poverty reduction, hunger eradication, job creation and social workers training, Vietnam shall mobilise all resources to effectively carry out the related programmes and projects including the inter-disciplinary programme on combating prostitution for 2006-2010, the programme on prevention and settlement of street children/sexually abused children/children working in hazardous, heavy and toxic conditions for the period 2004-2010, the National Plan of Action for the Vietnamese Child for 2001-2010, the National Programme on Crime Prevention, the Action Plan for the Prevention of Trafficking in Women and Children for 2004-2010. Among them, priority shall be given to the investment in the 4 projects on propaganda and education in community on prevention of trafficking in women and children, combating the sale of women and children, receiving and assisting returned trafficked women and children from abroad and constructing and improving related legal documents on prevention of and combat against trafficking in women and children.

At the same time, Vietnam is also trying its best to increase bilateral, regional and international cooperation in this field. These efforts include making necessary arrangements to join the UN Convention on Trans-national Organised Crime (TOC) and the Additional Protocol on prevention, suppression and punishment of trafficking in persons, particularly women and children by the end of 2006; considering the roadmap to implement the Hague Convention on International Adoption in order to accede to the Convention by 2007. Vietnam is also actively considering the possibility to withdraw its reservations made over Item 1, 2, 3 and 4 on extradition in Article 5 of the Additional Protocol in the time to come.

*Mr. Chair,
Esteemed Committee Members,*

In the past decades, there has been no armed conflict in Vietnam. Vietnamese children are enjoying peace without the fear of being employed in armed forces. However, Vietnam continues to shoulder the heavy consequences of the prolonged and devastating wars. Thousands of children are suffering from deformities and after-effects on their physical and mental health because of their parents' exposure to toxins, especially the Agent Orange, and the danger posed by unexploded and undetonated mines and bombs. It is our request that the United Nations, other international organisations and countries continue to assist Vietnam in the recovery of the war consequences, particularly those on children. Vietnam again reaffirms its commitments to implement the provisions of the Optional Protocol on the involvement of children in armed conflicts.

Being the victims of the wars, we do share and sympathise with nations that are bearing the loss and pains of the armed conflicts in which children suffer most.

Our delegation takes this opportunity to thank the Committee on the Rights of the Child for facilitating us to join this dialogue. We believe that this is an excellent opportunity for us to learn more experience in the protection of children's rights and a rare chance to help you understand our works in the implementation of the Convention and the Optional Protocols as well as the pros and cons for Vietnam.

The Government of Vietnam hopes that we could further cooperate effectively with the UN Committee on the Rights of the Child, other Governments and international organisations in the pursuit of the rights of the child in Vietnam.

Thank you very much./.