



EXECUTIVE SUMMARY Vietnam*



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Introduction

Although social and economic achievements have improved the lives of many Vietnamese people, poverty, income disparities and the shift to a market economy have combined with the lack of comprehensive child protection laws and poor law enforcement to contribute to the vulnerability of Vietnamese children to abuse and sexual exploitation.¹

Child prostitution in Vietnam is seen as a taboo subject therefore there are no reliable and updated statistics on child prostitution. However, estimates for the percentage of all prostitution in Vietnam involving children are as high as 15%.²

Vietnam is both a source and a destination country for **trafficking of children**, which involves a large number of victims.³ The country also faces serious problems with

internal migration from rural to urban areas with children in search of a better quality of life. However, the high living costs in the cities make children vulnerable to trafficking. The trafficking of women and girls is often orchestrated through false promises of jobs or marriage.⁴

The extent of the **child pornography** problem in Vietnam is not well documented yet; although some tourists have been arrested in possession of child pornography, some self-produced.⁵ Internet cafes in some cities are reported to sell pornographic games.⁶

Vietnam is a destination for **child sex tourism**,⁷ especially in tourist areas where there are large numbers of children living or working on the streets (especially boys), making them highly vulnerable to CSEC.⁸

National Plan of Action

Vietnam lacks an NPA that comprehensively addresses CSEC and the needs of child victims. However, the Action Program on Prevention and Struggle against Crimes of Trafficking in Women and Children 2004-2010 does address prevention, protection, and support for victims, though a number of gaps remain. In 2001 the National Program of Action for Children (*Decision No. 23/2001/QĐ-TTg*) was adopted for the period 2001 to 2010, setting specific goals in relation to health, nutrition, education,

and the protection of children in general.⁹ Finally, the National Program arising from "*Decision No. 19/2004/QĐ-TTg of February 12, 2004*" targets prevention of, and solution to, the situation of street children, sexually abused children and children subjected to heavy labour. The Government identified child sexual abuse and child prostitution as a priority issue under this programme.¹⁰ The government extended the NPA from 2011 to 2015.

Coordination and Cooperation

Although Vietnamese authorities have made significant progress with regard to the development of multi-sector coordination and cooperation initiatives to combat trafficking in human beings, including trafficking in children for sexual purposes, efforts are still lacking with regard to other forms of CSEC. Through a Ministerial focal point for anti-trafficking activities, the government cooperates with as many as 500, mostly international, NGOs.¹¹ These cooperative efforts focus on victim support services, development of victim identification guidelines, and improvement of border checkpoints. However, a lack of specialised staff and poor data collection remain problems.

At the regional and international level, Vietnam is involved in ASEAN anti-trafficking activities, including reforming national frameworks, development of an ASEAN-

wide training curriculum on trafficking for law enforcement, and victim identification and support services. In 2007 the ASEAN Senior Officials Meeting on Transnational Crimes (SOMTC) also endorsed the ASEAN Practitioner Guidelines on Trafficking in Persons, which provide criminal justice practitioners with detailed recommendations for international legal/judicial cooperation in trafficking in persons cases.¹² Vietnam is also a part of the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) and has signed several bilateral agreements with neighbouring governments and UN agencies to provide services to victims of trafficking, more effective legal penalties against the offenders and vocational and educational programs to address trafficking and prostitution issues, including CSEC.¹³ However, efforts with regard to CSEC issues other than trafficking remain limited.

Prevention

The Government of Vietnam has undertaken several awareness raising activities related to child prostitution and child trafficking, including child protection columns in newspapers and journals, television programmes, workshops, seminars, law learning contests, reporting contests, club activities, artistic performances, talks, group meetings and the distribution of various materials throughout the country. Some materials have been distributed directly to hotels, restaurants, entertainment venues and other places where prostitution and human trafficking are likely to occur. Some were also translated into

ethnic minority languages.¹⁴ Vietnam has drafted guidelines for a Community-Based Child Protection Network and for Child Maltreatment Risk Assessment.¹⁵ In an effort to engage relevant private sector actors to prevent child sex tourism, Vietnam (along with other Southeast Asian countries), has participated in a series of training programmes for tourism authorities and tourism industry representatives, organised by Child Wise (ECPAT in Australia), as part of a larger educational campaign against child sex tourism undertaken jointly with ASEAN governments.¹⁶

Protection

Vietnam has ratified most CSEC-related international treaties, with the exception of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children (Trafficking Protocol). At the regional level, Vietnam has ratified the ASEAN Declaration against Trafficking in Persons, Particularly in Women and Children. Vietnam's

criminal code was amended in 1997 and 1999, introducing new offences and more severe penalties for crimes related to the commercial sexual exploitation of children.¹⁷

Vietnam's penal code contains provisions that criminalise engaging in sexual activities with children; however, these provisions are not compliant with the OPSC, particularly because child victims are not exempted from administrative liability for their own exploitation and are often detained and treated as offenders. What constitutes '**child prostitution**' is also still not clearly defined.

Vietnam lacks adequate laws to punish the **trafficking of children for sexual purposes**. In addition, Though article 120 of Penal Code criminalises "trading" in children, this vague provision does not cover the range of offences captured in the Trafficking Protocol.

Vietnam does not have any laws defining or prohibiting **child pornography**, creating a major gap in the protection of children from CSEC and lack of compliance with its obligations under the OPSC. Though the Criminal Code (Article 253), Internet Regulations (Decree No 31/2001) and the 2003 Ordinance on the Prevention of Prostitution can be used as a basis to regulate child pornography, it is never defined or specifically mentioned.

Vietnamese law does not contain provisions defining or expressly criminalising child sex tourism. However, Article 5 of the Penal Code states that foreigners not entitled to diplomatic immunities or consular privileges and immunities who have committed offences in Vietnam can be prosecuted under Vietnamese laws. With regard to extraterritorial legislation, Vietnamese citizens can be prosecuted in Vietnam even though their offences were committed abroad. Though there are bilateral extradition agreements with some countries, Vietnam is not obliged to extradite child sex tourism offenders to other countries due to its reservation status to Article 5 of the OPSC.

Though there is a specialised anti-trafficking unit in the General Police Department and some effort to implement child friendly justice procedures, a lack of guidelines and training have rendered these developments insufficiently effective. However, it appears the government is making efforts to improve these systems.

In order to provide social services to victims of CSEC, a number of psychological and physical rehabilitation centres have been built to support sexually abused children in major cities. The Women's Union also plays a role in providing counselling and advice to child victims and supporting them to enroll in classes or vocational training programmes. The State's Social Protection Centers provide shelter for some homeless children and victims of prostitution.

Child and Youth Participation

The right of a child to access information, express his or her views and opinions and to participate in social activities is set out in Article 20 of the Law on Child Protection, Care and Education of 2004. Many forums have been organised for children to raise their voices and express their views to local authorities and state leaders, including inputting into the drafting of the National

Plan of Action for Children 2001-2010.¹⁸ Similarly, other forums have been organised for children to contribute to the draft reports on the implementation of the CRC and the drafted revised Law on Child Protection, Care and Education of 2004.¹⁹ Child representatives also joined government delegations during the review of the 3rd and 4th Country Reports by UN CRC members in 2008.

Priority Actions Required

National Plan of Action and policies on children and CSEC

A comprehensive national plan must be adopted to properly address all forms of commercial sexual exploitation of children, developed in collaboration with relevant civil society groups and other stakeholders.

Coordination and cooperation

Vietnam must improve its data collection procedures in order to ensure that records are regularly updated.

Vietnam must seek to improve cooperation procedures with other countries to ensure smoother repatriation of trafficking victims, as well as effective investigation of offenders.

Prevention

Vietnam should seek to involve the private sector in the fight against CSEC. For example, regulations should be imposed on Internet cafés to prevent children from accessing pornography or other illegal content.

Stronger deterrence measures are required to alter the behaviour of child sex offenders, such as publicising a hotline for reporting child sexual abuse. There should also be prevention initiatives that address the 'demand' for sexual services from children, especially targeting men, parents and children themselves.

Protection

Vietnam must ratify the Trafficking Protocol and harmonise its national legislation. It is also imperative that Vietnam enact legislation defining child pornography and prohibiting its production, dissemination, sale, mere possession, access and intentional viewing. Vietnamese legislation should also take steps to criminalise 'grooming' of children in compliance with the OPSC.

The Government must also work to strengthen the identification of victims of human trafficking and sexual exploitation, especially child victims, as well refrain from criminalising victims. Training workshops should be provided to relevant stakeholders (such as law enforcement, judiciary officials and social workers) on implementing child-friendly procedures and understanding children's rights.

Child and youth participation

Although there is a relatively high degree of awareness surrounding children's participation, there should be a much greater focus on strengthening partnerships with civil society organisations, as well as children's organisations and groups, to employ concrete and evidence-based strategies to promote children's participation against CSEC and child protection overall.

Endnotes

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