

# **Complementary report of civil society organizations on the implementation of the United Nations Convention on the Rights of the Child in Vietnam 2012-2017 with partial update to 2019**

Child Rights Working Group

Report	Complimentary report of civil society organizations on the implementation of the United Nations Convention on the Rights of the Child in Vietnam 2012-2017 with partial update to 2019
Nation	Viet Nam
Reporting group	Child Rights Working Group
Contact	<p>Co-Chairpersons:</p> <p>1. Hoang Thi Tay Ninh, Save the Children International</p> <p>Phone number: +84 2435735050</p> <p>Email: <a href="mailto:hoangthitay.ninh@savethechildren.org">hoangthitay.ninh@savethechildren.org</a></p> <p>2. Nguyen Thu Ha, Vietnam Association for Protection of Children Rights (VACR)</p> <p>Phone number: +84 988779668</p> <p>Email: ha.nguyenthuh.nhn@gmail.com</p>
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## Preamble

This report concerns the results of the United Nations Convention on the Rights of the Child (UNCRC) as enacted in Vietnam in the period of 2012 to 2017 with partial update to 2019 by local and international civil society organizations operating in Vietnam.

Furthermore, this report proposes recommendations to the Government to ensure the child rights stated in the UNCRC ratified by the Government of Vietnam, will be fully realized within the country.

This report was prepared by the Child Rights Working Group (CRWG) based on the organizations' knowledge and practical work experience accrued while promoting the rights of the child.

Therefore, this report does not cover all areas related to the rights of the child but instead focuses on the following topics:

- The rights of expression and participation
- The rights of the child to be protected from violence and abuse
- The rights of children with disabilities
- The rights of LGBT children
- The right of the child to the enjoyment of the highest attainable standard of health (focusing on nutrition)
- The rights to education

CWRG also consulted 804 children including boys, girls, and other gender identities, ethnic minorities, children with disabilities in 16 cities and provinces (Hanoi, Ha Giang, Lai Chau, Lao Cai, Dien Bien, Bac Kan, Hoa Binh, Cao Bang, Thanh Hoa, Nghe An, Quang Binh, Quang Tri, Da Nang, Kontum, Ho Chi Minh City and Can Tho) to act as a sample group representative of children throughout Vietnam.

The following are the names of the organizations involved in compiling and consulting on this report:

No.	<i>Names of Organizations (in alphabetical order)</i>	No.	<i>Names of Organizations (in alphabetical order)</i>
1	CBM	7	Ô Xinh (Pretty Umbrella)
2	ChildFund Vietnam	8	Plan International Vietnam
3	HealthBridge Foundation of Canada, Vietnam Office	9	Save the Children International in Vietnam
4	Hagar International	10	SOS children's village Vietnam
5	Institute for Studies of Society, Economy and Environment (iSEE)	11	Vietnam Association for Protection of Child's Rights
6	Management and Sustainable Development Institute (MSD)		

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## List of Abbreviations

CRWG	Child Rights Working Group
CRC	The Committee on the Rights of the Child
CSO	Civil society organizations
LGBT	Lesbian, gay, bisexual, transgender
NGO	Non-governmental Organization
NIN	National Institute of Nutrition
NNS	National Nutrition Strategy
NPAC	National Plan of Action for Children
UNCRC	The United Nations Convention on the Rights of the Child

## Implementation Procedure and Method

Following the combined 3rd and 4th report submitted in 2012, the Child Rights Working Group (CRWG) has developed this complementary report for the period of 2012 to 2017 with partial update to 2019. To ensure the full realization of the rights of the child in Vietnam, this report offers an important opportunity for national and international CSOs working in the areas of child rights in Vietnam to recognize the Government's achievements from 2012 to 2017 and propose recommendation on implementation of children rights during the period 2012 to 2017 with partial update to 2019.

The process of preparing this report began 2016. Local and international CSOs and currently operating in Vietnam convened different rounds of regional consultation workshops to agree on the report's framework; data collection methods and sources of information. Based on those consultation inputs, CRWG collected information, analyzed the Government's report on UNCRC implementation from 2012 to 2017, conducted further data analysis and prepared a draft report. More than 106 members from 71 civil society organizations based in northern, central, and southern provinces in Vietnam were consulted on the draft report. In addition, the draft report was also sent to selected independent child rights experts for comments before finalization. More importantly, 804 children including boys, girls, children of other gender identities, children from ethnic minorities and children with disabilities representing 16 cities and provinces had opportunities to share their views on the child friendly draft report and proposed recommendations for further improvement of the report from their perspectives. Key findings of the report and recommendations were then shared with representatives from key ministries and national assembly agencies including Ministry of Labor, Invalids and Social Affairs, Ministry of Health, Ministry of Education and Training, National Assembly Committee for Culture, Education, Youth and Children on 19 February 2020.

The principles guiding the development of this complementary report are:

- Ensuring voluntary participation of local civil social organizations and international non-governmental organizations in Vietnam
- Ensuring genuine child participation and respecting children's perspectives
- Ensuring a transparent and inclusive process



Six key focus areas have been identified in this report:

- The rights of expression and participation
- The rights of the child to protection from violence and abuse
- The rights of children with disabilities
- The rights of LGBT Children
- The right of the child to the enjoyment of the highest attainable standard of health (focusing on nutrition)
- The rights to education

This report was endorsed by the CRWG members on 28 February 2020.

## **Limitations**

Although the CRWG has attempted to address all issues related to the exercise of the child rights, there are several relevant areas that were not addressed in the report due to unavailability of data and information as below:

- Children affected by HIV/AIDS
- Children affected by natural disasters and climate change
- Children in conflict with the law
- Alternative care for children
- Reproductive health services for adolescents

## General Situation and Emerging Issues Related to Children in Vietnam in the Period 2012–2017

Vietnam has achieved impressive development achievements in recent years. Since 2015, the gross domestic product (GDP) has grown by at least 6% each year, and the rate of poor households has decreased from 14.2% in 2010 to under 4.5% in 2015<sup>1</sup>.

Despite substantial progress in many areas at the national level and the achievement of several millennium goals by 2015<sup>2</sup>, Vietnam still faces socio-economic challenges. Firstly, there remains a considerable income gap between the urban and rural areas. There is a significant difference between majority (Kinh and Hoa people) and minority people living at the same region. The poverty rate of Kinh and Hoa people residing in rural areas is as low as 10.4 percent, while the figure is almost six times larger (57%%) for ethnic minorities<sup>3</sup>. These figures show the challenges of inequality and disparity, leading to growing concern about the negative effects on the child rights particularly the most vulnerable groups. According to MOLISA, the number of children in difficult circumstances (including children living in remote areas, children from ethnic minorities, children infected with and affected by HIV and AIDS, orphans, children with disabilities, children who have experienced violence and sexual abuse, street children, migrant children, children whose parents work away from home and trafficked children) was about 1.5 million in 2016<sup>4</sup>.

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1 Evaluation Report on the implementation of five-year socio-economic development plan in 2011-2015 and the Government's on five-year socio-economic development plan of 2016 – 2020

2 Country report: 15 years achieving the Vietnam Millennium Development Goals

3 Mekong Development Research Institute, 2019, Reducing rural poverty in Vietnam: issues, policies, challenges, <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/03/Reducing-rural-poverty-in-Vietnam-Issues-Policies-Challenges.pdf>

4 <http://laodongxahoi.net/ban-ve-nguyen-nhan-tre-em-roi-vao-hoan-can-h-dac-biet-1304370.html>.

The rate of internet connectivity and the usage of social networks have risen rapidly in Vietnam, especially among the younger age groups. In 2017, children made up 30% of internet users in Vietnam. A 2016 study of internet users between the ages of 10 and 18 in Vietnam stated that 14% of children in urban areas and 20% of children in rural areas had been "bullied, threatened or humiliated" online<sup>5</sup>, and a 2017 ChildFund study indicated that about 80% of the children surveyed said they had encountered or experienced "cyberbullying"<sup>6</sup>. However, child safety online has not been taught systematically in the public school system in Vietnam. Despite unavailability of a national report on child safety online, the 2019 survey report jointly prepared by MSD and Save the Children International, highlighted that children learned about online safety from their friends (29.9%) and from their parents (55.5%)<sup>7</sup>. Vietnam has not yet established a mechanism to prevent, detect and address cases of child abuse online. To prevent the negative impact of internet and social media, all children in Vietnam should be educated about the risks of online abuse and equipped with internet safety skills. In addition, an online child friendly reporting mechanism and online counseling service for parents and children should be developed. Equally important is the imperative to introduce and enforce legislation to effectively address the issue of online abuse and "cyberbullying".

Thirdly, the use of alcohol and tobacco among children and young people in Vietnam is a serious concern causing many consequences related to health, household economy and national economy. According to a global survey on tobacco use among adolescents in 2014<sup>8</sup>, 17.9% of young boy and 5.4% of young girl between the ages of 13 and 15 have used tobacco and of those 12.6% smoke before the age of 10. Recently, the trend of

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5 CCIHP, 2016. The status quo of minors' unwanted experiences in the cyber environment and recommendations for intervention, Presentation in the Workshop on Child Protection in the cyber environment.

6 ChildFund, 2017. "Youth Online: Internet Access and Social Media Use among Youth in Vietnam"

7 MSD & Save the Children, Young Voices survey in Vietnam, 2019

8 Ministry of Health, 2014, Global Tobacco Youth Survey.

teenagers using e-cigarettes and heated tobacco products has tended to increase while the Government has not issued legal regulations for governing these products. Furthermore, according to the 2013 school health survey<sup>9</sup>, 24.9% of teenagers aged 13-17 years currently use alcohol, of which 43.8% had their first drink of alcohol before the age of 14, and 22.5% of them reported that they had been drunk least once. To limit children and young people access to alcohol and tobacco, the Government of Vietnam should effectively implement the policies recommended by the World Health Organization, including: i) Strengthening enforcement of existing tobacco control law and alcohol control law; ii) A sharp increase in excise tax on alcohol and tobacco in the next revised Law on Excise Tax; and iii) Issuing a directive to ban the sales and distribution of e-cigarettes, and strictly regulating heated tobacco products in Vietnam.

## Implementation of Previous Concluding Observations from the Committee on the Rights of the Child

### I. General Measures of Implementation

#### Independent monitoring agency

According to Recommendation No. 16, (Concluding Observations in 2012), the Committee on the Rights of the Child (CRC) recommended that Vietnam establishes an independent monitoring body with sufficient human, financial and technical resources to ensure independence and effectiveness, as well as to demonstrate the role of independent human rights agencies in promoting and protecting the rights of the child. However, this content is not mentioned in the country report. The 2016 Law on Children (Clause 1 of article 91) and Resolution 92 of the Political Bureau assign the task of monitoring the implementation of laws, policies and resource allocation for child rights implementation to the Vietnam Fatherland Front<sup>10</sup> and its member organizations, including the Youth's Union and Women's Union. In addition, the 2016 Law on Children

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<sup>9</sup> Ministry of Health, 2013. School health survey.

<sup>10</sup> Referred to as an extended arm of the government to promote national solidarity and unity of mind in political and spiritual matters in Vietnam.

highlights the role of the Vietnam Association for Protection of Child's Rights to take part in child rights monitoring in coordination with other CSOs and children (as per clause 4 of Article 92). However, there is a concern that the role of CSOs to organize independent monitoring activities has not been officially recognized in current legislation. Only the Vietnam Association for Protection of Child's Rights is permitted to participate in monitoring activities initiated by the Vietnam Fatherland Front and its member organizations. This analysis shows that the independent nature of child rights monitoring has not yet been ensured in Vietnam.

**Recommendations:**

- Improve existing monitoring mechanisms by ensuring inclusive participation of CSOs and children in child rights monitoring activities.
- Specific regulations should be issued to clarify the definition of the monitoring roles of civil society organizations in promoting and protecting the rights of the child.
- Develop a roadmap toward the establishment of an independent monitoring agency in line with international standards.

## **Financial resource allocation**

Recommendation No 18 of the Committee stated that Vietnam should “Allocate more resources for social protection, policies and programs including for child protection and pay particularly attention to socially and economically disadvantaged and marginalized children living in remote areas, children with disabilities and children belonging to ethnic minorities; regulate the transparency for the investment in children and ensure participatory budgeting allocation processes for children with the involvement of children and stakeholders”.

Firstly, according to the 2015 Law on State Budget and Decree 63/2016/ND-CP Guiding the implementation of the 2015 Law on State Budget, the state budget at the central and local levels is allocated across sectors without specifying a budget line for child-related work, which has de-prioritized child welfare initiatives and resulted in a lack of funding for

child protection systems and capacity building activities. To address the legal gap in resource allocation for children, 2016 Law on Children specifies (under clause 1, article 7) the roles of the State to prioritize resources for child protection and ensure child rights implementation. However, in reality, this regulation has not yet been implemented properly. A 2017 analysis of government investment in child protection in five provinces (Hanoi, Ho Chi Minh City, Dien Bien, Cao Bang and Kon Tum) showed that localities in mountainous provinces (Dien Bien, Cao Bang and Kontum) only had the budget to fulfill basic staff salaries and a fraction of the administrative costs related to child protection system. Only two big cities in the survey, Hanoi and Ho Chi Minh City, had sufficient budgetary funds allocated for child protection services<sup>11</sup>. Therefore, there seems to be a significant funding gap in child protection system including capacity building interventions.

Secondly, in compliance with the State Budget Law 2015, the Ministry of Finance has been posting the Draft Budget Estimate of the Government on their website to collect citizens' feedbacks each year since 2018 before submitting it to the National Assembly for approval. However, there is limited effort to promote public awareness about this communications channel. Therefore, participatory budgeting processes though public dialogue is not fully implemented. CSOs, people and children particularly those living in remote areas have not participated in this process to provide feedback to the budget allocation. This issue was underscored in a 2018 report on global budget transparency, where Vietnam ranked 107<sup>th</sup> out 200 countries surveyed<sup>12</sup>.

**Recommendations:**

- Ensure all policies and programs for social protection, especially child protection, are implemented with adequate budget allocation.

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11 Research report "Costing Analysis of Child Protection System in Vietnam" conducted by UNICEF, ChildFund and MOLISA in December 2017.

12 Global Budget Transparency Ranking Survey, International Budget Partnership (IBP), 2018 <https://theleader.vn/chi-so-cong-khai-ngan-sach-cua-viet-nam-duoi-muc-trung-binh-toan-cau-20180329093534395.htm>

- Information on state budget allocations and spending should also be made accessible by the general public including children, and a mechanism should be established to facilitate the dialogues with CSOs, children and their caregivers and to address comments and concerns regarding the state budget.

### Cooperation with CSOs (Recommendation No. 26)

In its Concluding Observations, the Committee on Child Rights recommended that Viet Nam strengthens cooperation with CSOs including those working in the field of promoting the rights of the child. During the reporting period 2012 - 2017 and up to 2019, there has been significant improvement in cooperation and collaboration between the Government and CSOs in child rights implementation. The Government has been more open to share information and to consult with CSOs on child rights implementation, and the revision of laws and policies. CSOs were also invited to give feedbacks on the draft state report on the implementation of the rights of the child. However, since the Law on Associations has not yet been enacted, there is no legal basis to formalize this cooperation mechanism.

In Vietnam, registered CSOs are eligible to receive funds from overseas to implement their activities, and these funds must be approved by the competent authorities. However, many community-based organizations cannot receive overseas funding because they are not formally registered with the government. The current CSO registration process is cumbersome and features financial requirements that are difficult to meet for small scale CSOs and community-based organizations including CSOs working on children related issues. In addition, even with registered CSOs, the regulations on applying for overseas fund also require a considerable volume of paperwork which is often associated with a time-consuming approval process and sometimes leading to potential project cancellation.

**Recommendations:**

- The State should create an enabling environment for CSOs development by reviewing and revising relevant legislations such as Decree 93, Decree 12, and Decree 45.
- An institutionalized mechanism should be established between government agencies and CSOs to facilitate the cooperation and dialogues on child rights implementation.

### Definition of the child

Recommendation 28 of the Committee on Child Rights urged the Government of Vietnam to revise national laws to raise the legal age of a child to age of 18, in accordance with the definition given by the Convention. However, the 2016 Law on Children still defines a child as being “under the age of 16”. This means that persons between the ages of 16 and 18 are not entitled to preferential policies in the fields of health care, education, social welfare, child protection and justice. Victims of sexual abuse aged 16 to 18 are also not entitled to the speedy investigation of their cases as those below 16 years old.

#### Recommendations:

- The Government of Vietnam should define a child as a person under 18 to ensure that the rights and interests of minors aged 16 to 18 are protected.

### Coordination and National Action Plan (Recommendation 12)

In response to Recommendation 12 of the Committee on Child Rights to strengthen coordination among the national, provincial, district and communal levels to implement child-rights policies in a comprehensive, consistent, systematic manner from the central to the local administrative levels, the Government established the National Committee for Children, chaired by the Deputy Prime Minister, in 2017. The Committee functions as a national coordination mechanism to promote coordinated and coherent implementation of the laws and policies relating to children. The Committee is responsible for providing



direction and promoting collaboration and coordination among line ministries, sectors and provinces and following up with them on unsolved child-related issues and ensuring "no child is left behind" in maintaining progress towards achieving sustainable development goals. The coordination practice at the sub-national level, however, is diverse. Following the guidance on implementation of the national child protection program, some provinces have established a provincial steering committee on child protection. Others have set up a provincial committee on children. It has been observed that there is no official documentation widely published on the establishment and operation of those coordination mechanisms at provincial and lower levels. Consequently, it is difficult for CSOs to admit the effectiveness of those coordinating committees. In addition, at the community level, services and programs for children are being implemented with limited coordination amongst related sectors and other stakeholders, resulting in a waste of resources and the overlapping of efforts.

**Recommendations:**

- The National Committee on Children should prioritize issuance of guidance on establishment and operation of the committee on child rights at provincial and lower levels to ensure the consistent roles and responsibilities on child rights coordination at all levels.
- The State should develop coordination mechanisms with CSOs and private sector entities on utilization of resources and technological capabilities in services of child rights implementation.

**National action program for children (Recommendation 14)**

The National Plan of Action for Children (NPAC) for the 2012-2020 period has been approved by the government with an overall goal of “Building a safe, friendly and healthy living environment for a better realization the rights of the child; gradually narrowing the living condition gap between different groups of children and children in various regions, improving quality of life and creating equal development opportunities for all children”. In reality, this NPAC has not been used as an effective tool to guide planning and resource allocation for children. State budget has also not been allocated properly for

implementing this NPAC because it was assumed that child-related targets are integrated into relevant sectors' plans and sector budget must have been allocated to reach those targets. At the local level, provincial plans of action for children have been developed with limitation in considering local priorities and issues. In addition, subsequent programs and projects have not been fully formulated to implement the Plan of Action for Children. Furthermore, the activities of disseminating child-related legal provisions in some areas with severe difficulties in socio-economic situation and areas with a high concentration of ethnic minority have not been effectively implemented.

**Recommendations:**

- Lessons learnt on implementation of the current NPAC 2012-2020 should be carefully reviewed to inform the formulation of new NPAC with adequate budget allocation and sufficient participation of all relevant stakeholders including CSOs and children.
- A mechanism for the routine monitoring and evaluation of NPAC should also be established.

### **Data collection about children (Recommendation 20)**

In response to the Recommendation 20 of the Committee on Child Rights, in 2014 the Government established a comprehensive computer database to fast-track administrative data collection at the local level and to inform decision making at respective levels. However, the information collection has not been comprehensive and data has not been categorized properly. Additionally, data has not been shared with relevant agencies and organizations for development of programs and policies to accelerate the implementation of the 2016 Law on Children and the UNCRC.

**Recommendations:**

- The Government should develop guidance on child related data collection to ensure consistency and accuracy across all levels and sectors.
- The Government should ensure child related database is accessible to all stakeholders including international organizations.

### Optional Protocol on the complaints mechanism

Because Vietnam has not yet ratified the Optional Protocol No 3 (OP3), children do not have the proper channels to submit complaints related to the violation of their rights to the Committee on the Rights of the Child.

#### Recommendations:

- The Government should accelerate ratification of the Optional Protocol No 3 and harmonize national laws in line with the protocol standards.

## II. General principles

### Non-discrimination (Recommendation 30)

CSOs greatly appreciate the Government's efforts to expand social services for marginalized children. However, children and youth who are identified themselves as LGBT reported that they are often discriminated against by adults, including parents, teachers, other members the community and by their peers as well. LGBT and other marginalized children are also at higher risk of suffering from sexual abuse, and they also have difficulty in accessing basic services<sup>13</sup>.

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13 Save the Children, 2017. Being LGBT Young people in Ho Chi Minh city

The 2016 Law on Children states that the obligations of children are to: “assist their parents and family members to perform household related tasks in accordance to their age, sex and developmental level”. This legal provision, however, has largely been misinterpreted. For example, it has been well perceived that girls should do housework chores while boys should do the works that require more physical health. Such misinterpretation allows for an inherent prejudice and gender discrimination against children.

**Recommendations:**

- It is recommended that children from low-income families be classified as children in special circumstances to ensure they have proper access to services.
- The provision of social services should be promoted and enhanced to ensure accessibility for all vulnerable children including LGBT children, children with disabilities, children living in areas with severe difficulties in socio-economic situation, areas with a high concentration of ethnic minority and other marginalized children.
- When 2016 Law on Children is revised, references to sex or gender from the legal definition of the responsibilities of the child should be removed, so that it states that children should: “assist their parents and members of family in conformable tasks to their age level and development” (without mentioning about their sex or gender).

**For the best interests of the child (Recommendation 32)**

Under the Decision 535 on following up the Concluding Observations of the UN Committee on Child Rights, the Prime Minister requested the Ministry of Labor, War Invalids and Social Affairs to coordinate with the relevant ministries and agencies to "disseminate to social welfare organizations, individuals, communities, courts, administrative agencies, and legal agencies on procedures, standards to determine the best interests of the child in each field" throughout the 2014-2020 period.

CRWG has witnessed the government efforts to further define the best interest of the child principle in the justice system which has resulted in establishment of juvenile and family court as well as specialized police units tasked with protecting the rights of the child being piloted in Ho Chi Minh City, Dong Thap, and Hanoi. However, the effectiveness of these institutions has not been evaluated, which has hindered the nationwide replication.

In addition, it has been observed that there is a limited understanding about the norms and standards of the best interest of the child amongst policy makers and other related stakeholders including children and their caregivers. Therefore, children's issues have not yet been adequately considered by local authorities and caregivers. For example, many school children in remote areas have been relocated from their homes to boarding and semi-boarding schools which aims to increase the school enrollment rate and to ensure quality and cost effectiveness of the education system in remote areas. In reality, such a decision contradicts with the best interest of the child principle. According to the UNCRC, children have the right to live with their parents in a family environment. Those living away from homes and lacking parental care may face a higher risk of abuse and maltreatment and they might lose their cultural identities.

**Recommendations:**

- The Government should develop detailed guidance on norms and standards of the best interest of the child principle in all sectors.
- The Government should evaluate the effectiveness of and replicate the pilot programs of family and juvenile courts on a national scale.
- The Government should conduct an independent review on the performance of boarding and semi-boarding schools in remote areas, and propose alternative solutions that allow school children to remain in a family environment while still can access to quality education.

### III. Priority issues

#### Child participation

CSOs acknowledge efforts of the Government of Viet Nam to create legal frameworks and practices to promote child participation during the recent years. For the first time, the Viet Nam 2013 Constitution (Article 37) stipulates that children have the right to participate in child-related issues. In addition, child participation was institutionalized in the 2016 Law on Children in a separate chapter defining the scopes and forms of the child's participation and the responsibilities of government agencies, organizations, families and individuals in promoting child participation. Additionally, sub-laws such as Decree 56 and Decision 1235 also provide detailed guidance on how to implement and promote this right<sup>14</sup>.

However, it has been observed by the CRWG that there are not any government documents mentioning about a capacity building plan for parents and citizens regarding the right to the participation of the child. According to a 2019 survey on child participation, 41.8% of the children surveyed said they had no chance to express their views on child-related issues, while 46.5% stated they had “very few” opportunities to express their views to relevant and competent authorities<sup>15</sup>. Only 11.7% of surveyed children responded that they had “many opportunities” to express their views. Among the 58.2% of respondents who had the opportunity to express their views, they were most likely to express their views at home (75.1%) and participate in recreational activities (29.4%). Only about 6% of children indicated they felt they were able to give comments in their neighborhoods or at forums for children. Children who attended school also said they had “very few” opportunities to share their views on school-related issues such as meals, breaks, and academic and homework assignments or other matters, as opposed to just 15% who affirmed that they “often” or “always” had the opportunity to do so.

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<sup>14</sup> Decision 1235/QĐ-TTg dated August 3, 2015 on approving a program on promoting children's involvement in child-related issues in the 2016-2020 period

<sup>15</sup> MSD and Save the Children, Young Voices survey in Vietnam, 2019

Having limited opportunities for children to express their views on child related issues can result in delivery of services (such as education, health care and other public services) that do not meet children's needs and expectations.

Additionally, the state report on the implementation of children's rights in Viet Nam mentioned that the Children's Forum is a model to create opportunities for children to express their views on child-related issues to relevant Government agencies, policy makers, and organizations. The Children's Forum has been conducted for several years, but it has not been perceived effectively. Firstly, many children in Viet Nam have not been equipped with necessary skills to participate and have not been provided with adequate information. Thus, they cannot represent other children in their province to voice up. Secondly, there have been limited opportunities for children with disability, children living in remote areas and marginalized children to attend the Children's Forum. The guidance from Children Bureau (a government agency in charge of children's issues) has clearly mentioned criteria for children to select their representative, particularly priority these groups of children, to participate in the Children's Forum. However, the process of selecting children to participate in the Children's Forum is not transparent. Many children participating in the Children's Forum have been selected by staff from Provincial Department of Labor, War Invalids and Social Affairs and they do not necessarily represent other children in their provinces. Thirdly, according to Decision 1235, Children's Forums are organized at the district and provincial levels every year. However, not every province organizes Children's Forums on an annual basis due to financial constraints, insufficient capacity to organize the forum or a lack of attention of local government leaders. Fourthly, the notion of child participation in these forums has not been well perceived as genuine participation because representatives of government agencies still avoid or not directly answering children's questions. There have been limited efforts to request Government agencies to follow up on what they promised with children at the Children's Forums.

In addition to Children's Forum, the model of Children's Council is also specified in Decision 1235 as another mean of promoting child participation. However, the council has only recently been established in a few provinces and districts with approximately 25 to 55 child members involved. As of December 2019, only ten provincial Children's

Councils and two district Children's Councils have been established operational in Viet Nam.

Moreover, for children to make decisions on issues related to them, they need to be equipped with appropriate information and knowledge related to their rights. However, access to this knowledge has been challenging for many children in Viet Nam, and particularly for children with disabilities, who cannot find this information available in Braille as well as sign language translators to communicate this information to them. Ethnic minority children face similar difficulties, as the information has not been translated into their languages.

Some children with disabilities are mistreated or marginalized by adults and their peers, and this can result in them being afraid to express their opinions<sup>16</sup>. A survey on the implementation of the rights of children with disabilities, carried in three provinces in 2016, indicated that most children with disabilities are not encouraged to share their points of views at home, at school or in community<sup>17</sup>. The survey also shows that local officials and adults in the community generally do not understand about child participation. According to them, attendance of children with disabilities in events is child participation. This statement is also in line with findings of the consultation workshops with children with disability on CRPD implementation organized in Ha Noi and Vinh Long province in 2017<sup>18</sup>

**Recommendations:**

- The Government should enhance efforts to disseminate laws and policies on the rights of the child to be heard; to set up and operationalize different institutional platforms to promote child participation at all levels and in all

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16 Consultation report with children with disabilities, ACDC – CBM (2017)

17 Report on the implementation of the Rights of the Child with Disabilities, UNICEF – Vietnam Federation of Disability, 2017

18 Report on consultation with children with disability, ACDC and CBM, 2017.



settings; to build capacity for children and other stakeholders on child participation.

- The Government should undertake a comprehensive review on implementation of different child participation models to draw out lessons learnt for nationwide replication.
- The Government must also ensure that leaders, law enforcement officials and the staff to be equipped with necessary knowledge and skills to promote child participation.
- Further enhance communication and awareness raising for families, schools and communities on child participation so they can overcome barriers on child participation;
- Create opportunities for marginalized children, such as children with disabilities to exercise their rights of participation.
- Clear deadlines need to be set for Government agencies responsible for receiving and responding to children's recommendations and preparing reports based on this information, and the reports should then be periodically published on mass media outlets.

## Child violence and abuse

Viet Nam has made significant progress in improving its legal system and mechanisms to strengthen the implementation of the rights of the child to be protected. Specifically, the 2016 Law on Children includes a separate chapter on child protection and Decree No. 56 provides detailed guidance on implementation of numerous articles of the Law on Children. Resolution 06/2019 issued by the Judges Council, Supreme Court in 2019 provides guidance on implementing Articles 141, 142, 143, 144, 145, 146, 147 of the Penal Code and handling the cases of sexual abuse of persons under the age of 18. With a detailed definition of various forms of sexual abuse and using more child friendly and gender sensitive prosecution, the Resolution has created a more robust legal basis that allows for the protection children from sexual abuse and resolved many difficulties and obstacles in the process of handling cases of child sexual abuse. The resolution also stipulates multiple measures that make the trial process more sensitive and better suited to meet the special needs of minors in accordance with the UNCRC. However, gaps in the legal system still exist, creating barriers to eliminating child violence and abuse,

including: (i) limited mechanisms for monitoring and managing the quality of child protection services; an incomplete national database system on child violence and abuse; (ii) a lack of specific guidance on budget allocation for child protection services and other support services.

There is a high rate of domestic violence against children in Vietnam. A 2014 report from the General Statistics Office reported that 68.4% of children aged 1-14 surveyed said they had been subjected to corporal punishments within the previous month<sup>19</sup>. A general perception is that punishment applied by adults upon children's mistakes are quite common. 37.8% of children between the ages of 12 and 18 reported that they had recently been scolded, spanked, or been subjected to another forms of physical and humiliating punishments at home. Children also face forms of emotional abuse: 65.3% of students surveyed (70.5% of boys and 60.2% of girls) reported had been emotionally abused at school by a teacher, school staff member, or another student within the last six months.

Students also face physical violence at school. According to the report of the Ministry of Education and Training and the Ministry of Public Security, between 2011 and 2018 there were more than 10,000 individual cases of physical and sexual assault recorded at schools in Vietnam. In the 2017-2018 school year alone, there were more than 1,000 violent incidents. Another report from 2015 stated that 59% of 8-year-old children said that they had been punished physically by teachers during the week before the survey<sup>20</sup>. The same report found that urban children were physically "punished" more frequently than rural children (29% to 18%, respectively), and children in private schools were punished more often than children in state-owned schools (33% to 18%, respectively)<sup>21</sup>.

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19 General Statistics Office, 2014. Viet Nam Multiple Indicator Cluster Survey 2014. Monitoring the situation of children and women

20 Young Lives Preliminary Country Report: Vietnam, 2015. Longitudinal study, Innocenti's Presentation February 2015

21 UNICEF Research

The Law on Children and other guiding Decrees, regulations, and policies enacted to protect children from physical and emotional abuse have proven inadequate. The word “violence” is commonly used in legislation, yet it is not clearly defined, resulting in multiple interpretations and continued instances of abuse. Many Vietnamese citizens believe that physical and humiliating punishments at homes and in schools is necessary to “educate” children, and is therefore not considered to be “violence” or abuse.

The situation of child sexual abuse in Vietnam is of a particular concern. According to the Ministry of Public Security, there were more than 4,100 reported cases of child sexual abuse reported between 2014 and 2016<sup>22</sup>. A survey in 14 provinces by World Vision International in Vietnam indicated that 26.5% of survey children between the ages of 12 and 18 years old reported having experienced sexual abuse in the past 12 months<sup>23</sup>. In a 2014 survey of Hanoi schools, 10.9% of lower secondary school and high school students said they had experienced some forms of sexual abuse at school<sup>24</sup>. Children in boarding schools for ethnic minorities also face the risk of sexual abuse. In 2016, at a boarding school in Lao Cai, 23 girls between the ages of 7 and 10 were sexually assaulted by security guards<sup>25</sup>. LGBT children, especially transgender children, also face sexual abuse; a 2015 report surveyed a group of LGBT children and adolescents aged from 15 to 24, and 91% of them reported they had been sexually abused, with 38.2% stating they had been forced to engage in sex<sup>26</sup>.

Many cases of child sexual abuse in Vietnam are not reported, and cases that are reported are routinely not investigated fully and promptly. Parents and relatives of the victims of sexual abuse often do not report cases in which the perpetrators are relatives or acquaintances, due to concerns about social prejudice toward victims of sexual abuse. In addition, prosecuting child sexual abuse and harassment cases requires specific

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22 Workshop report "Communication to prevent and combat sexual abuse crime" organized by the Ministry of Public Security and the Women's Union on July 28, 2017 in Ho Chi Minh City

23 World Vision International in Vietnam, Baseline survey, 2017

24 Plan International, A survey of 3,000 adolescents in Hanoi 2014

25 MOLISA, Department of Children, Press release, March 24, 2016

26 Save the Children International, Being LGBT young people in Vietnam: Life through the Streets and Life, 2015

evidence, and sufficient evidence is often not collected. In addition, the lack of an investigation and trial process that is considerate of the rights of the child has also been a challenge. Furthermore, as of June 2018, only 2 out of 63 provinces in Vietnam had family and juvenile courts which enable the child friendly court to child abuse case.

Comprehensive support services for victims of violence and abuse have been limited in quality and quantity. The Government has replaced the Child Helpline 1800 1567 with the easy digitals to remember National Hotline for Child Protection 111, and pilot social work center has been established in all provinces. However, Vietnam still lacks a quick-response support system that provides psychosocial support services and safe shelters for victims. The capacity of child support services to engage with victims of abuse and violence of is weak; only 5% of communes nationwide have full-time child protection workers<sup>27</sup>. There is a limited effort to track domestic and foreign criminal records related to child sexual abuse. There have been several recent cases of foreign nationals, who had been convicted of child sexual abuse in their home countries, and were the granted entrance into Vietnam and had inappropriate contacts with Vietnamese children.

**Recommendations:**

- The Government should issue further guidance on child sexual abuses and harassments and guidance on mental health injury assessments.
- A mechanism should be developed to monitor the implementation of child protection procedures at the commune level.
- Specific legal guidelines for budget allocations to child protection services and role of local CSOs in providing support to victims should be developed and implemented.
- Child-friendly, accesible and condidential reporting mechanism should be established at communities to enable children, caregivers to report cases of child abuses.

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27 Report of the Prime Minister's online briefing on child protection, August 2018

- Child-friendly procedures should be strictly applied during the process of investigation of child abuse cases, to ensure the safety and confidentiality of child victims and those who reported the cases.
- A child protection system should be developed, strengthened and integrated with a community-based child protection mechanism. The capacity of government officials and community workers should also be improved.
- Efforts should be made to raise awareness of the negative effects of mental and physical punishment on children and a culture of positive discipline and non-punishments among parents, teachers and members of the community should be promoted.
- Comprehensive sexual education classes should be added to the curriculum for schoolchildren of the appropriate age, and self-protection skills for all children.
- Basic minimum standards for the protection of children at alternative care centers, drug rehabilitation centers and boarding schools should be developed and adopted.
- Enhance inter-sectoral coordination in monitoring and responses to abuse cases.

### Child online abuse

The rate of internet connectivity and the usage of social networks have risen rapidly in Vietnam, especially among the younger age groups. In 2017, children made up 30% of internet users in Vietnam, and 96.7% of children surveyed from ages 12 to 16 years old said they used the internet.

A 2016 study of internet users between the ages of 10 and 18 in Vietnam stated that 14% of children in urban areas and 20% of children in rural areas had been "bullied, threatened or humiliated", and a 2017 ChildFund study indicated that about 80% of the

children surveyed said they had encountered or experienced “cyberbullying”<sup>28</sup>. Another study that World Vision International in Vietnam released in 2018 reported that 22% of surveyed children in the city of Danang had experienced the risk of encountering sexual abuse online by connecting with strangers on the internet (22 children), meeting with strangers (8 children) and engaging in communications of a sexual nature, including “sexting” (8 children)<sup>29</sup>. The survey also showed that only 9.9% of children, 32.5% of teachers and 8.6% of parents had been educated on the risks related to child online sexual abuse, as online safety is not taught in computer science courses in Vietnamese schools. According to the 2019 survey report by MSD and Save the Children, children reported that they instead learned about online safety from their friends (29.9%) or from their parents (55.5%)<sup>30</sup>. In the meanwhile, Vietnam has also not established a mechanism to prevent, detect and address cases of child abuse. The 2018 World Vision report stated that when children faced online harassment, most of them sought support from parents (49.9%), from their friends (21.4%) or their relatives (19.2%)<sup>31</sup>. A very small number of children stated that they sought help from social workers or police, and only 5 of 564 children (0.9%) were aware of the National Hotline for Child Protection 111.

**Recommendations:**

- The Government should make stronger efforts to raise public awareness on the impacts, potential risks and issues that children face online.
- There should be a comprehensive plan enacted by the Government to work with all stakeholders (CSOs, businesses, schools, parents and media) address the online safety of children.

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28 ChildFund, 2017. “Youth Online: Internet Access and Social Media Use among Youth in Vietnam”

29 World Vision International in Vietnam – Baseline survey TOCSE project in Da Nang, 2018

30 MSD & Save the Children, Young Voices survey in Vietnam 2019

31 World Vision International in Vietnam – Baseline survey TOCSE project in Da Nang, 2018

- The Government should introduce legislation that specifically addresses the issue of online sexual abuse and cyberbullying.
- An online reporting mechanism and online counseling service for parents and children should be developed.

## Child marriage

The Government has issued clear laws and regulations for the prevention of child marriage; the Law on Marriage and Family stipulates the legal age of marriage is 20 years or older for men and 18 years or older for women<sup>32</sup>. The 2016 Law on Children also prohibits acts of organizing, inciting and/or forcing children to enter into marriage<sup>33</sup>. Children of child-marriage couples are classified as children born into special circumstances<sup>34</sup>. The State also has launched a National Project to reduce child marriage and consanguineous marriage in ethnic minority areas<sup>35</sup>.

However, although the rate of early marriage and child marriage in Vietnam on the national level has dropped to 11% in recent years<sup>36</sup>, it is reported that this rate is much higher among ethnic minority groups in rural provinces. Specifically, the rate of early marriage before the age of 16 in the Hmong ethnic group is 50.7%, in the Giarai community it is 42%, and in the Khomu community it is 40.7%. The marriage rate of children aged between 12 and 18 in some communes in Ha Giang is 15.7%, and in Lai Chau the rate is 12%<sup>37</sup>.

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32 Law on Marriage and Family 2014

33 Law on Children 2016 - Clause 4, Article 6

34 Decree 56 ND/CP-2016

35 The Committee for Ethnic Affairs, Project 498 <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Quyét-dinh-498-QĐ-TTg-2015-Giam-cao-hon-hon-nhan-can-huyet-thong-vung-dan-toc-thieu-so-2015-2025-271746.aspx>, Retrieved on October 8, 2018

36 General Statistics Office, 2014. Vietnam Multiple Indicator Cluster Survey.

37 Plan international in Vietnam, 2016. Survey report results of project input

Employment and career development opportunities for ethnic minority youth in rural Vietnam are limited, which leads to a higher early marriage rate in these provinces. Additionally, comprehensive sexual education courses are not commonly taught in rural schools, and this results in a lack of knowledge about reproductive health. According to a UNFPA report, only 2.8% of surveyed minors could correctly answer questions regarding female fertility. Minors in rural communities also have inadequate access to local reproductive health care and consultancy services; the quality and accessibility of which is quite low.

The 2016 Law on Children stipulates that children of child marriage couples are designated as children born into special circumstances. Because early marriage couples often do not have a marriage certificate, they must either register their children as illegitimate children or wait until they reach the age of majority to receive their marriage certificate, and then acquire birth certificates for their children. This results in children of child marriage couples being unable to access government benefits and services because they have not been legally registered with their local governments.



**Recommendations:**

- Engage in ongoing action-based and solution-oriented dialogues and decision-making processes involving young people by soliciting their views in the formulation and enforcement of policies geared towards eliminating child marriage.
- Create an enabling and safe environment for youth to voice their concerns, recommend solutions and contribute to implementation of ending child marriage focused programs by facilitating and promoting youth activism and engagement through strengthening support from duty-bearers at all levels, including parents and caregivers, community leaders, and government representatives at all levels, including policy-makers.
- Minors and adolescents must be educated about the career and educational opportunities that are available for them to pursue as alternatives to early marriage.
- To minimize the harmful impacts of early marriage on children, especially girls, comprehensive sexual education and reproductive health courses must be made available for all children throughout Vietnam.

## Child Protection System

The child protection system in Vietnam has made remarkable progress in recent years. The 2016 Law on Children stipulates a three-level system of child protection, with priority given to the prevention level (Articles 47, 48, 49). The National Committee for Children was established and began operation in 2017, and the national 8-digit hotline for child protection (18001567) was replaced with a 3-digit hotline (111), and users can also now access the hotline via a mobile application. The Ministry of Labor Invalids and Social Affairs issued the Direction (Directive Document No 2805, dated 15/7/2019) to local authority to strengthen the child protection system. Additionally, national programs and projects to protect the rights of the child have been developed and implemented with the support of international NGOs, UN organizations and local social organizations.

However, the child protection system still has many shortcomings. In remote and rural areas, child protection initiatives still face many difficulties due to budget shortfalls and

insufficient staff capacity, making it difficult for child protection staff to detect and intervene in cases of child abuse. Additionally, the public has not been made aware of the availability of child and family counseling and mental health services in urban areas. Regulations related to the public funding of child protective services are not transparent. The National Hotline for Child Protection is a well-known channel for reporting child abuse cases, however, children with hearing impairments are not currently able to access this service.

**Recommendations:**

- An authorised team dedicated to protection of the rights of the child should be present in every community nationwide.
- Comprehensive and easily-accessible channels must be made nationally available for children, including those with disabilities, the guardians and community members to report child abuse cases.

## **Children with disabilities (Recommendation 55)**

### *The right to quality education for children with disabilities*

The Government has enacted several regulations and policies concerning the education of children with disabilities. However, the 2010 Law on Persons with Disabilities does not explicitly make provisions for children with learning disabilities and children with autistic spectrum disorder, so many provinces do not identify them as children with disabilities. It was not until the Circular 01/2019-BLDTBXH on determining the level of disability of the Ministry of Labor, Invalids and Social Affairs issued in 2019 that there were more specific

legal provisions for groups of people with neurological, mental, and learning disabilities and other disabilities including autism spectrum disorder<sup>38</sup>.

There is a pressing need to improve the quality of education for children with disabilities in Vietnam<sup>39</sup>. In the cities of Da Nang and Thua Thien Hue, only 9% of children with neurological, mental, and intellectual disabilities in one survey reported that they attended school, and 59% of children with disabilities eventually dropped out of school<sup>40</sup>. Despite guidance from the Ministry of Education and Training, incentive subsidies for teachers of children with special needs had not been implemented, and many schools which were attended by children with learning disabilities did not have the staff properly trained to educate these students<sup>41</sup>. In 2012, the General Statistics Office of Vietnam reported that only one out of every seven teachers in Vietnam were trained to teach children with disabilities<sup>42</sup>. Additionally, due to a lack of supervision by Provincial People's Committees, as of 2018 only 19 of the 63 provinces in Vietnam had support centers devoted to the education of children with disabilities<sup>43</sup>.

**Recommendations:**

- The Government of Vietnam should amend the Law on Persons with Disabilities to clearly outline the policies regarding people with different types

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38 Circular 01/2019-BLDTBXH on determining the level of disability of the Ministry of Labor, Invalids and Social Affairs Council

39 Nguyen Hien Phuong, 2017. Summary report on Persons with Disability.

40 ACDC-CBM (2017). Report on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to Persons with Neurological, Mental, and Intellectual Disabilities.

41 Ministry of Education and Training and the Ministry of Labor, War Invalids and Social Affairs, Joint Circular No. 59/2012/TTLT - BGDDT - BLDTBXH dated December 28, 2012 providing regulations on the conditions and procedures for establishment, operation, suspension, reorganization and dissolution of the Support Center for the Development of Inclusive Education

42 General Statistics Office, 2018. Vietnam National Survey on People with Disabilities 2016.

43 Ministry of Education and Training (2018). Report at education policy dialogue workshop for persons with disabilities.

of disabilities, including autism spectrum disorder, intellectual disabilities, and neurological disabilities.

- The Government should supervise the establishment and operation of Steering Committees for Education of children with disabilities in all provinces in order to undertake initiatives such as training teachers to work with children with disabilities and improving the quality of school facilities, and People's Committees at all levels must allocate the budget funds to support these activities.
- The National Committee for Persons with Disabilities must issue specific guidance to the Provincial People's Committees in all provinces to promote the establishment of support Centers for inclusive education.
- Communications initiatives should be undertaken to inform parents and community members about the rights of children with disabilities to attend school and receive a sufficient education.
- Inclusive education programs must add courses to their curricula that focus on career orientation and equipping children with disabilities with independent living skills.

### **Access to health services for children with disabilities**

According to the 2017 ACDC Consultative Report on Children with Disabilities, public health services at the district and provincial levels lack the staff and the medical equipment for early detection and diagnosis of mental, neurological and learning disabilities. Furthermore, parents of children with disabilities are often not provided with up-to-date knowledge about early detection of disabilities, which can cause a delay in treatment.

This report also indicates that there is a widespread absence of facilities and programs dedicated to the treatment and rehabilitation of children with disabilities, treatment and rehabilitation methods for children with disabilities are not commonly understood, which prevents children with disabilities and their families from receiving assistance.

The majority of children with disabilities in Vietnam have health insurance: 98.9 percent of children with disabilities under the age of 2 have health insurance, and 96.5 percent of children with disabilities aged from 2 to 17 are insured as well. Despite this, only 2% of children with disabilities aged from 2 to 15 are treated at rehabilitation centers for injuries and illnesses related to their disabilities. Only 16.5% of health clinics in the nation are equipped to treat people with disabilities, and on average only 1 out of 8 healthcare workers nationwide have been trained in rehabilitation for people with disabilities<sup>44</sup>. Additionally, many assistive items and devices for children with disabilities, such as eyeglasses, hearing aids, and artificial limbs are not covered by healthcare plans and must be paid for out-of-pocket, and this may not be possible for low-income families.

#### **Recommendations:**

- The Ministry of Health should add assistive items and devices for children with disabilities to the list of items covered by health insurance.
- With early detection and intervention programs within the current regulations of the state, it is necessary to ensure sufficient personnel, technology and equipment for early detection and intervention for children with autism spectrum disorder<sup>45</sup>.

### **The right to access of children with disabilities**

Children with disabilities in Vietnam face many difficulties related to mobility and building access. According to the Survey Report on the Implementation of Rights of Children with Disabilities in Vietnam in 2016, conducted by UNICEF and Vietnam Federation of Disability, most families with children with disabilities do not live in wheelchair-accessible

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44 General Statistics Office, 2018. Vietnam National Survey on People with Disabilities 2016.

45 Circular 46/2013 TT-BYT dated December 21, 2013 on regulations, functions, tasks and organizational structure of rehabilitation establishments and Decision 4039/QĐ-BYT dated October 6, 2014 approving National plan for rehabilitation service development for the 2014-2020 period.

homes. Additionally, most public restrooms in the nation are not wheelchair accessible, and children with disabilities who live in rural areas face significant challenges to travel and mobility.

As of 2017, according to the General Statistics Office, many primary and secondary schools, even if they were constructed recently, are not wheelchair-accessible. Hallways, entranceways and furniture in school buildings were not suitable for children with physical disabilities, and only 9.9% of schools had wheelchair-accessible restrooms<sup>46</sup>.

The overwhelming majority of mass media in Vietnam, including public radio and television broadcasts, are not accessible to children with visual and hearing impairments.

#### **Recommendations:**

- The Government should ensure the enforcement and monitoring of accessibility standards for people with disabilities in schools, hospitals and public facilities.
- The Ministry of Information and Communications should commission public entertainment and learning programs for children with visual and hearing impairments.

### **Right to protection of children with disabilities**

Children with disabilities are five times more likely to face abuse, especially sexual abuse, than children without disabilities<sup>47</sup>. The risk of sexual abuse is even higher for children

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<sup>46</sup> General Statistics Office, 2018. Vietnam National Survey on People with Disabilities 2016.

<sup>47</sup> Save the children, 2009. See me, hear me. A guide to using the UN Convention on the Rights of Persons with Disabilities to promote the rights of children.

with hearing impairments and children with intellectual disabilities<sup>48</sup>. A 2016 UNICEF-Vietnam Federation of Disability report also pointed out that children with disabilities suffer from discrimination at school to varying degrees, which often leads to low self-esteem and other forms of mental trauma. In addition, children with disabilities often face the risk of violence and other forms of abuse such as being enticed or forced to beg in public<sup>49</sup>.

The National Hotline for Child Protection receives hundreds of thousands of phone calls each year. However, due to communications barriers, children with hearing impairments and children with intellectual disabilities face difficulties in accessing support services such as protection for victims of abuse and violence. Child protection programs in Vietnam had not been developed and designed to ensure accessibility for children with disabilities, especially children with visual and hearing impairments, until the end of 2019 when the National Hotline for Child Protection launched a mobile smartphone application which could be used by children with hearing impairments to report child abuse cases, as well as receive information on child protection online. However, this application has only just been released, and many members of the public are not aware it is available.

### **Recommendations**

- The State should raise awareness about the rights of the child, especially the rights of children with disabilities, to children, parents, teachers, officials and citizens in all localities.
- Documents, communication programs and services on child protection should be diversified and accessible to children with different types of disabilities. The National Hotline for Child Protection needs to offer more consultative

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48 UNICEF (2007). Promoting the Rights of Children with Disabilities. [http://www.un.org/esa/socdev/unyin/documents/children\\_disability\\_rights.pdf](http://www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf)

49 UNICEF – VFD, Survey report on the implementation of the rights of children with disabilities in Vietnam, 2016.

services through web-based platforms and smartphone applications to ensure convenient access to the service for children with hearing impairments.

- There should be a mechanism to collect accurate information on violence and abuse against children with disabilities in order to have appropriate interventions into cases of abuse.

### The right to entertainment of children with disabilities

Currently, people including children with disabilities encounter difficulties in accessing and enjoying sports and entertainment activities, despite policies that call for their inclusion in these activities. Only 27 out of 63 provinces in Vietnam have organized sports activities for people with disabilities in general and children with disabilities in particular<sup>50</sup>. It is incumbent upon the adults and caregivers in the community to provide more sports and entertainment activities for children with disabilities<sup>51</sup>.

In addition, there are limited recreational and entertainment facilities that are accessible by people and children with disabilities. According to a report by the Ministry of Construction in 2016, suitable entertainment facilities in schools and communities for children with disabilities are limited. The Government also reported that 58.5% of wards and towns could not provide sufficient information on the level of participation of children with disabilities in activities at cultural and sport centers<sup>52</sup>.

#### Recommendations:

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50 Report on the Implementation of the United Nations Convention on the Rights of Persons with Disabilities by the Ministry of Culture, Sports and Tourism on December 13, 2016

51 UNICEF, 2018 (unpublished report): Legal gaps: Children with disabilities in Vietnam, Dr. Marianne Schulze,LL.M.

52 Government report on the implementation of the United Nations Convention on the Rights of the Child, 2018



- The State should enact a plan to improve or build additional entertainment and sports facilities, as well as provide recreational activities and sports equipment for children with disabilities.
- The state needs to invest in communications activities to raise the awareness among parents, caregivers and children themselves about the rights to and benefits of entertainment services for children with disabilities.

### Lesbian, Gay, Bisexual and Transgender (LGBT) children

The Civil Code 2015 reiterated the regulation of Decree 88/ND-CP/2008 on people who are born with intersex status<sup>53</sup>. However, medical interventions are still performed on intersex infants and small children upon requests from their parents or guardians without consent from that person, which creates the risk that their assigned gender might not match with their gender identity, and also cause short-term and long-term health problems<sup>54</sup>.

In 2016, the Ministry of Education and Training issued the 2016-2020 Action Plan on Gender Equality of the Education Sector with specific objectives to ensure that gender and gender equality issues were integrated into the general curriculum, teaching and learning materials<sup>55</sup>. In 2017, the Government issued a decree providing regulations on a

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53 The Civil Code 2015. Article 36. <http://hethongphapluatvietnam.net/law-no-91-2015-qh13-dated-november-24-2015-the-civil-code.html>, Retrieved on July 11, 2018.

54 For people under 9 years of age, a request for medical interventions and document changes is determined by their parents and guardians, without consent from that person. For a 9 to 18 year old, a medical intervention and a request for document change requires his or her consent. Refer to Form 08, TP/HT-2012-TKTD, CCHT in the appendix attached to Circular No. 05/2012/TT-BTP.

55 Decision Approving the Action Plan on Gender Equality of the Education Sector for the Period of 2016-2020, No. 4996 / QĐ-BGDDT of the Ministry of Education and Training, dated October 28, 2016, has now been implemented. Goal 3, Goal 4 and Goal 5, Retrieved from <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa->

safe, healthy and friendly education environment which prevents and stops school violence. This decree also requires that teaching documents and materials, teaching equipment as well as classrooms "shall not include prejudice or discrimination contents."<sup>56</sup>

However, issues related to LGBT children have not been specifically addressed in the National Report on the Implementation of the Rights of the Child, and LGBT children still face discrimination, especially in an educational environment. According to a 2016 UNESCO study, LGBT students are more likely to be victims of violence than non-LGBT students<sup>57</sup>. The report indicated that 71% of LGBT students said they been subjected to physical violence, 72.2% to verbal violence, 65.2% to psychosocial violence, 26% to sexual violence and 20% to technology-related violence, such as cyberbullying or online harassment. The perpetrators of these violent acts included classmates, schoolmates, teachers and school staff. These threats and violent behaviors have had a negative impact on LGBT students; only 72.7% of LGBT students consider their school to be a safe place. 31.9% of children were worried about being abused by their classmates and 11.4% were worried about being abused by teachers. 24.9% of LGBT students who had suffered from violent acts said they soon developed suicidal intent, of which 14.9% had intentionally self-injured or attempted suicide within the 12 months prior to the survey. Many students who have been subject to violence dropped out of school (31.1%), began using alcohol (25.8%) or suffered poor academic performance (6.1%)<sup>58</sup>.

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hoi/Quyét-dinh-4996-QĐ-BGDDT-Ke-hoach-hanh-dong-ve-binh-dang-gioi-cua-nganh-Giao-duc-2016-2020-331140.aspx, on May 19, 2018.

56 Decree No. 80/2017/ND-CP of the Government, dated July 17, 2017 on a safe, healthy and friendly education environment which prevents and stops school violence , effective from September 5, 2017 , Section II, Article 4, Retrieved from <http://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=128348>, on July 7, 2018.

57 UNESCO, 2015, "Towards a safe and inclusive school environment", page 30, paragraph 1, Retrieved from <http://unesdoc.unesco.org/images/0024/002469/246928E.pdf>, on October 9, 2018.

58 UNESCO, 2015, "Towards a safe and inclusive school environment", page 43, table 7, Retrieved from <http://unesdoc.unesco.org/images/0024/002469/246928E.pdf>, on October 9, 2018.

29.3% of victims and witnesses to school violence related to sexual orientation, gender identity and gender expression reported that they sought assistance from adults, while 18.7% did nothing or "kept silent and endured". LGBT students tended to be more reluctant to report violent behaviors to school staff than non-LGBT students (7.1%, as opposed to 17.7%, respectively) or teachers (5.4%, compared to 12.5% of non-LGBT students). Moreover, 95.4% of school staff said that their school had taken measures to deal with cases of violence, while 85.4% of students said that they had not received any help when suffering from violence. This shows that student support services are limited, and many LGBT students worry about being humiliated in public places or in non-private support locations<sup>59</sup>.

**Recommendations:**

- The Civil Code (Article 36) and Decree 88/ND-CP/2008 should be revisited, especially the regulation on medical intervention without consent of that person and medical necessity, in order to ensure the physical integrity and self-determination of young intersex people.
- Educational materials should be reviewed to meet the standards set forth in the UNCRC, in consultation with LGBT rights organizations to ensure gender diversity is included in sex education.
- Aspects of gender equality and gender diversity should be integrated into teacher training programs to raise awareness and change behaviors of staff at all levels who interact with LGBT students.
- Counseling support, accessibility and privacy should be fully integrated into the National Hotline 111 and school-level support mechanisms for students facing violence and discrimination based on sexual orientation, gender identity and gender expression.

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59 UNESCO, 2015, Towards a safe and inclusive school environment, "page 39, paragraph 2, and page 43, paragraph 1, Retrieved from <http://unesdoc.unesco.org/images/0024/002469/246928E.pdf> on October 9, 2018.

## The right of the child to the enjoyment of the highest attainable standard of health (focusing on nutrition)

Vietnam has made outstanding achievements in promoting child rearing. The Labor Code 2012 stipulates that female workers are entitled to 6 months of maternity leave, in compliance with the WHO recommendations for postnatal care and breastfeeding. Decree 100/ND-CP stipulates the use of nutritional products for infants, bottles and pacifiers and also contributes to tightening the regulations on advertisements for breast milk substitutes<sup>60</sup>. A report by the National Institute of Nutrition in Vietnam (NIN) showed that the rate of malnutrition among children under five had decreased between 2011 and 2016. Within the same time period, the percentage of underweight children decreased from 16.8% to 13.8%, and the proportion of stunted children decreased from 27.5% to 24.3%<sup>61</sup>. However, these rates are still above the thresholds for public health recommended by WHO.

The CRC recommended that Vietnam should “develop nutrition strategies, policies and legislation relating to positive infant and young-child feeding practices, aimed at reducing regional disparities relating to acute and chronic undernutrition.” The NIN’s annual Nutrition Monitoring Data 2015 indicated that ethnic minority children under the age of 5 were twice as likely to be malnourished (31.4% were stunting and 21% were underweight). 2012 study conducted by the Save the Children in a mountainous district of Thuong Xuan in Thanh Hoa province surveyed 286 children under 2 years of age and found that only 12% of infants under 6 months were exclusively breastfed, and only 29.6% of children were fed a diverse and adequate diet<sup>62</sup>. Six years later, a 2018 World Vision Vietnam survey report indicated that malnutrition rates among children in 25 rural areas were quite high; 31.9% of children under the age of 5 were stunted, and 19.2% were underweight<sup>63</sup>. One of the strategic goals of the National Nutrition Strategy (NNS) for

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60 Decree 100/ND-CP stipulates the use of nutritional products for infants, bottles and pacifiers

61 <http://chuyentrang.viendinhduong.vn/vi/so-lieu-thong-ke/so-lieu-thong-ke.html>

62 Save the Children, Baseline survey, Child Nutrition project in Thuong Xuan district, Thanh Hoa province, 2012

63 World Vision Vietnam, Baseline survey report on Nutrition Program, 2018

2011 – 2020 is to address the disparate rates of stunting and malnutrition in different regions across the country. However, there is no specific policy to support the implementation of this strategy other than general guidelines issued by the government that direct provinces to utilize local resources to develop their own interdisciplinary plan of action programs on nutrition. The Government has also not enacted a strict monitoring mechanism yet to oversee this process, leading to the lack of implementation of these action programs, especially in rural and mountainous areas where many ethnic minority groups live. This results in nutrition related indicators are recorded at very low level. For example, the General Statistics Office reported that, in 2014, only 24.3% of children under 6 months of age were exclusively breastfed, and only 21.8% of children under 2 years of age had been breastfed. The percentage of children aged 6–23 months who had consumed a minimum diet diversity and minimum meal frequency in the day before the survey was only 62.4%<sup>64</sup>.

The Government has not allocated adequate financial resources to implement the National Nutrition Strategy in a comprehensive and integrated manner, and it has not allocated budget funds toward researching and discovering solutions for stunting, and important nutritional interventions, such as the prevention of micronutrient deficiency have not been prioritized. A national survey conducted by the NIN in 2015 indicated that there was an acute micronutrient deficiency among women and children in Vietnam. Vitamin A, iron and zinc deficiency is still a significant problem of public health. The prevalence of anemia in children under 5 years of age was reported to be 27.8%, and the rate of anemia in pregnant women was 32.8%, while in non-pregnant women it was 25.5%. The prevalence of pre-clinical vitamin A deficiency in children under the age of 5 rural areas was 13.1%, and in urban areas it was 8.2%. Zinc deficiency among children under 5 years of age was very high (up to 69.4%), especially in mountainous areas

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64 General Statistics Office, 2014. Vietnam Multiple Indicator Cluster Survey 2014. Monitoring the situation of children and women

(80.8%), and it was particularly high among pregnant women nationwide (80.3%). The data shows that nearly one-third of children under the age of 5 were anemic, and more than two-thirds had zinc deficiency. It was also estimated that nearly 1 million Vietnamese children under the age of 5 had preclinical Vitamin A deficiency<sup>65</sup>. To address this situation, the Government has issued directives to specialized agencies and enterprises to promote food fortification with micronutrients. However, no action plan with specific technical guidance has yet been implemented to achieve this.

Factors that contribute to malnutrition include unhygienic water sources and latrines, unsanitary bathing practices, a lack of deworming medication. These factors are all present in remote areas, where many ethnic minority children live. A 2018 World Vision Vietnam survey of 25 districts in 11 mountainous provinces showed that only 46.5% of households used hygienic latrines and 63.7% of households had access to clean water sources<sup>66</sup>.

**Recommendations:**

- The Government should highlight the importance of nutritional care and intervention for ethnic minority children in the upcoming National Nutrition Strategy 2021 – 2030.
- The Government should invest in micronutrient deficiency prevention programs for pregnant women and children and ensure they are implemented effectively.
- The Government should issue policies and monitor the implementation of hygiene-related interventions, including clean water and sanitation projects in rural areas to reduce the rate of malnutrition in a sustainable way.
- The Government should develop a multisectoral nutrition action programs and ensure the allocation of state (financial and technical) resources for effective

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65 National micronutrient survey, National Institute of Nutrition, 2015

66 Initial survey report on Nutrition Program, World Vision Vietnam, 2018

implementation of this interdisciplinary plan, especially in localities with high concentration of ethnic minorities.

## The rights to Education (Recommendation 67)

### *Access to education for vulnerable children*

The Government has done fairly well in providing access to education for vulnerable children. The overall primary school enrollment rate of ethnic minority children is similar to that of children from larger ethnic groups such as Kinh, Chinese and Tay. However, there is a difference in enrollment rates at lower secondary level; 67% and 64.1% of Khmer and Hmong children, respectively, are enrolled in secondary school, compared to an enrollment rate of more than 90% for Kinh, Tay, and Chinese children. The gap in enrollment rates becomes more significant for upper secondary schools, less than 30% of ethnic minority children attending school, compared to approximately 78% of children from the larger ethnic groups<sup>67</sup>. Similarly, although the Government has adopted legal frameworks to facilitate the development and protection of people with disabilities, such as the Law on Persons with Disabilities (2010) and the ratification of the United Nations Convention on the Rights of Persons with Disabilities (February 2015), children with disabilities still face many difficulties in accessing education, and more than half of children with severe disabilities in Vietnam have never been to school<sup>68</sup>.

Besides ethnic minority children and children with disabilities, children from low-income families in urban areas and migrant children in industrial parks and export processing

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67 Ministry of Education and Training, 2016. Education Sector Analysis Report

68 Vietnam 2035, World Bank - Ministry of Planning and Investment, 2015

zones also have difficulty accessing education, especially the groups of children at the age to nursery school and kindergarten. There is a lack of comprehensive educational services for children aged from 0 to 8, and there is still a lack of home and community-based services to ensure educational support for very young children in the first years of life, especially for disadvantaged children. There are many children who still go to home-based care groups, not school (there are an estimated 48,515 of these groups in Vietnam)<sup>69</sup>. Only 16,9% of the industrial zones has day cares centers or preschools for the workers' children, of which 60.1% are home-based, non-public and most of them were organized spontaneously not authorized<sup>70</sup>, which has led to a lack of child protection and care in some cases. Many private schools and educational centers are poorly-run and do not have proper facilities and qualified teachers and caretakers, which has a negative impact on the safety of children and poor educational and care services. In addition, at the end of the 2015-2016 school year, the country still had 109 communes without preschools, and in other communes there is still a shortage of toilet facilities, clean water, and kitchen facilities in many schools<sup>71</sup>. Even before school year 2019-2020, there were still 89 communes without preschools or independent preschools, due to the integration of preschools into primary schools in some locations such as Cao Bang, Lang Son, Gia Lai, and Tien Giang<sup>72</sup>.

Over the past two years, some provinces including Ha Giang, Tuyen Quang, Lai Chau, Yen Bai and Lao Cai have experimented with removing satellite school sites and relocating the students to main school sites as a component of the “Project on rearranging education scale and network of educational institutions, period 2016-2020”. Although relocation is

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69 Annual report of school year 2017-2018, Early Childhood Education department, Ministry of Education.

70 Survey in 10 provinces that have many industrial zones, by Vietnam General Trade Union conducted in 2011.

71 Report of the Department of Early Childhood Education at the project summary conference “Readiness for school” of World Bank in June, 2017.

72 Report of the Department of Early Childhood Education, MOET, at sector review meeting 2019.



not mandatory and there are certain criteria for the rearrangement, it has restricted the access to education for ethnic minority children, especially for preschool children and early grade primary school students while they are facing many challenges in infrastructure condition, geographic distance and economic status. In addition, the implementation of the “Project on universalizing preschool education for 5-year-old children in the 2010-2015 period” led to a drop in preschool enrollment for children under 36 months, as preschools in many localities have limited their class sizes and prioritized 5 year-old children over other students<sup>73</sup>.

Parents and caregivers play a crucial role in promoting children’s right to education, however their knowledge and skills in child caring and comprehensive development, especially for children under 36 months, are limited. There are also very few community-based parenting programs that support caregivers in ensuring a healthy development of their children. The current parenting programs are still in small scale and not yet able to reach out to wider population<sup>74</sup>.

**Recommendations:**

- Access to quality education should be enhanced for ethnic minority children, children with disabilities and migrant children through retaining satellite school sites, promoting inclusive education, and granting licenses for more educational institutions and kindergartens in industrial parks and export processing zones.
- Strengthen the roles of caregivers in child caring and education at home, especially for preschool children and early grade primary school students.

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73 Vietnam Women's Union, 2013. Report on survey on the actual situation and demand for under-36-month-old child care of women who are workers in industrial zones and export processing zones

74 MOLISA, October 2018, The 2017- 2025 scheme on care for the comprehensive development of children in the early years of their family and community life.

## Improve the quality of education, especially for vulnerable children

There has been a significant effort by the Government to improve the quality of education at all levels, and there have been remarkable achievements in the education sector within the last 5 years. However, the academic performance of students, especially in ethnic minority groups, will require more attention. The results of standardized exams show that students at grades such as 5, 6, 19 and 11, on average, achieving the minimum standards of knowledge and skills more than 50% of the expected learning outcomes in every subject at school. There are large variations in examination results between provinces, which students in mountainous provinces scoring lower on exams than their peers in rural and urban areas<sup>75</sup>.

According to the MICS 2014 survey carried out by UNICEF, only 87.7% of ethnic minority children completed primary school, while 97.6% of Kinh/Chinese children did. The baseline results of an assessment on early development and early learning conducted by Save the Children in 2015 in Van Chan (Yen Bai) and Tay Giang (Quang Nam) showed that school readiness among preschool children in these locations were still very low, with only 21% of children having average score for emergent literacy skills and 38% having early math skills. Similarly, the assessment conducted by Plan International among preschool children in Lai Chau and Kon Tum showed that only 69.8% of the students had sufficient school readiness<sup>76</sup>.

For primary school students, according to different surveys conducted by INGOs, the learning outcomes of grade 2 or 3 students in rural and mountainous areas of Vietnam must be addressed and improved. A 2014 survey revealed that students in Van Chan and Dien Bien Dong had an average score of 4.28 on a 10-point scale for reading comprehension and the average score for math was also very low (4.3/10). The similar

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<sup>75</sup> Ministry of Education and Training, 2016. Education Sector Analysis Report

<sup>76</sup> Save the Children International and Plan International, baseline survey report of 2015 and 2017

survey of Plan International revealed that 28.7% of elementary students in the northwestern districts of Sin Ho and Konplong did not complete mathematics courses, and 31.94% of these students, for whom Vietnamese is not their first language, did not complete Vietnamese language courses. For older groups of students (12-16), an assessment on reading capacity of students in Thach An, Cao Bang revealed a number of gaps while the primary school graduation rate was very high (98.6% of male and 99% of female students graduate), only 63.8% of male students and 73.5% of female students were able to speak Vietnamese fluently<sup>77</sup>. These results show that the quality of education for ethnic minority children should be improved, and language barrier is still a key factor that impacting the learning outcomes of ethnic minority children.

Migrant children, especially children living in industrial zones, face many problems related to quality of education, especially in early childhood education. The teacher/class ratio is still low, especially in the mountainous regions in the north, where it is about about 1.32. The preschool enrollment rate of children under 3 years old is very low, especially in the Mekong Delta region. There are many children who attend home-based daycare groups instead of school (28,134 groups)<sup>78</sup>. Furthermore, the quality of education of many schools in industrial and export processing zones is poor and does not meet the standards of the Ministry of Education and Training<sup>79</sup>. The conclusions of the UNCRC in the previous reporting period indicated that many children with disabilities did not have access to quality education. This is due to a lack of teachers who have been properly trained how to teach children with disabilities, as well as the lack of a supporting system to oversee the improvement of learning quality for children with disabilities, which

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77 ChildFund, 2017. Survey report of Child Fund in Thach An, Cao Bang

78 Annual report of school year 2016-2017 and planning for 2017-2018, Early Childhood Education department, Ministry of Education.

79 Vietnam Women's Union, 2013. Report on survey on the actual situation and demand for under-36-month-old childcare of women who are workers in industrial zones and export processing zones.

has still not been nationally implemented despite guidance of the Ministry of Education and Training<sup>80</sup>. Additionally, due to a lack of supervision by Provincial People's Committees, as of 2018 only 19 of the 63 provinces in Vietnam had support centers devoted to the education of children with disabilities<sup>81</sup>. Policies that support teachers being trained on inclusive education have also not yet been implemented and the infrastructure and learning materials are limited and not yet appropriate<sup>82</sup>. Furthermore, children with severe disabilities haven't been able to access educational activities. Flexible methods of education, such as online education and homeschooling, have not yet been promoted by the current educational system<sup>83</sup>.

Educational content regarding gender equality is still inadequate. The Ministry of Education and Training, analyzed 76 textbooks from six subjects for students from grade 1 to grade 12 and found that out of a total of more than 8,000 characters who appeared in these textbooks, 69% of them were male, 24% were female, and only the remaining 7% were gender neutral. Educational content that reinforces gender stereotypes in textbooks and educational programs can reinforce gender stereotypes among children and hinder the process of achieving substantive gender equality<sup>84</sup>.

According to a 2018 report by the Ministry of Education and Training, 100% of provincial Departments of Education and Training had developed plans and programs to implement

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80 Ministry of Education and Training and the Ministry of Labor, War Invalids and Social Affairs, Joint Circular No. 59/2012/TTLT - BGDDT - BLDTBXH dated December 28, 2012 providing regulations on the conditions and procedures for establishment, operation, suspension, reorganization and dissolution of the Support Center for the Development of Inclusive Education

81 Ministry of Education and Training (2018). Report at education policy dialogue workshop for persons with disabilities.

82 UNICEF-ACDC (2017). Children consultancy report.

83 MOLISA (2016) *Government report on the implementation of PWD's rights*.

84 Report of the Workshop "Ensuring gender equality in general education programs" organized by Vietnam Women's Union.

civic education and life skills in schools in that year. The content of these programs is important for the reform of general education and one of the solutions to enrich the livelihood of students. However, life skills education in schools is still limited, and due to lack of funding, life skill education programs do not provide with students with sufficient activities and experiences where they can practice and apply these skills<sup>85</sup>.

Mismatched skills among job candidates presents a serious issue for the Vietnamese labor market. The current general education program is more biased towards formal education and achieving certificates and university degrees than non-formal education and vocational training, creating a mismatch between the skills of the workers and the needs of labor market. The number of unemployed graduates with bachelors degrees in the labor market is increasing. The Prime Minister recently approved the Project "Career orientation education and high-school student channeling for the period of 2018-2025." However, in the implementation plan, the proposed funding for this project is not specifically allocated separately, which may result in funding delays that directly affect the feasibility and effectiveness of the implementation of this project.

Furthermore, after consulting with 804 children from 16 provinces throughout Vietnam, we received many insights on children's perception of and expectations for quality education. 83% of them recognized the fact that more ethnic minority children dropped out of secondary school than larger ethnic group of children. The children surveyed also shared their views on different areas that need to be improved in order to strengthen the quality of their education, such as the family's involvement in their children's studies (70%), the lessening of academic pressure (46%), teacher capacity (34%) and the quality teaching and learning materials (31%). 66% of surveyed children agreed that many educational institutions still lack of proper infrastructure, and there were insufficient human resources devoted to the care and education of migrant children, especially those residing in industrial zones. Furthermore, 58% of surveyed children stated that the

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85 Report of the Workshop "The status quo and solutions to life skills education in schools" - Ministry of Education and Training, October 2018

content of their textbooks reinforced gender stereotypes, and 72% of them wanted their education curricula to be contextualized to fit their locations.

### **Recommendations**

- Monitoring and evaluation activities should be strengthened to ensure vulnerable children groups have access to quality education.
- Educational content that reinforces gender stereotypes in textbooks and educational programs should be removed to ensure gender mainstreaming and gender equality.
- Training and capacity building programs should be organized for educational officials, teachers and students so that they are able to use active, student-centered teaching methods in classrooms.
- The implementation of the "Project on Enhancing Vietnamese Language for preschool and elementary school students in ethnic minority areas for the period of 2016-2020, with a vision to 2025" should be enhanced through the adoption of teaching Vietnamese as a second language, in combination with multilingual and bilingual teaching methods based on their mother tongue, along with the use of ethnic minority people as teaching assistants to support the resolution of language barriers for ethnic minority children, especially for preschool children and first and second grade students.
- The role and participation of parents and caregivers should be enhanced in supporting and supervising the improvement of education quality, through the development of mechanisms for coordination, supervision and feedback of parents and children.
- Capacity building programs for teachers in inclusive education for children with special needs, including children with disabilities, should be implemented.
- The establishment and operation of support centers for the education of children with disabilities in the remaining provinces should be promoted with the guidance and supervision of the Provincial People's Committees.

- Life skills education programs need to be developed in a practical and systematic manner and made suitable for all students from preschool to high school, particularly vulnerable groups.
- The Government should clearly define the allocation of resources and technical assistance from relevant agencies for the implementation of the Project on Vocational Training in provinces. At the same time, an independent monitoring and evaluation mechanism should be developed and implemented to ensure that the Project objectives are substantially achieved.

## V. APPENDICES

### Appendix 1: Child Consultation Summary

This complementary report in the form of child friendly version was consulted with 804 children in 16 cities/ provinces in Vietnam in 2019.

Consulted Questions (6 main areas)	Answers	From Question 1 - 19: N = 804	Percentage
<b>1. The right to freedom of assembly, expression and access to information</b>			
1. Do you know that you have the right to express your opinions to your parents, family members, at school or at your place of residence?	Yes	779	97%
	No	24	3%
2. When you have an opinion, do your parents listen to and act upon?	Yes	716	89%
	No	82	10%
3. At school, have your teachers ever asked you to have opinions about student-related issues?	Yes	756	94%
	No	44	5%
4. In your opinion, do your parents know that children have the rights to express their opinion? Have they ever discussed that issue with you?	Yes	543	68%
	No	251	31%
5. The report stated that: Children with disabilities or ethnic minorities children have limited access or even do not know about children's right to participation, do you agree/disagree about this statement?	Yes	568	71%
	No	220	27%
6. What other groups of children do you think (other than disabled children and ethnic minority children) do not know or have limited information about children's right to participation?	Yes	559	70%
	No	210	26%
7. In 02 surveys, less than 20% of children said that they were allowed to express their opinions in the family, school and community. Do you agree or disagree with this result?	Yes	459	57%
	No	338	42%
8. Do you know about Children's Forum?	Yes	501	62%



	No	290	36%
9. Have you ever participated in Children Forum?	Never joined	415	52%
	Joined	384	48%
10. If you attended the Children's Forum, do you see adults responding to children's questions responsibly?	Yes	369	46%
	No	328	41%
11. The report stated that: Children's proposal about an issue related to children is often not taken seriously and there is no clear explanation about that. Do you agree with this?	Yes	524	65%
	No	255	32%
12. By reading the information above, do you think there is a need to take action so that children's voices are respected?	Yes	734	91%
	No	67	8%
<b>2. Right to Protection from Violence and Abuse</b>			
13. The percentage of children being suffered from domestic violence is significant (68%) in a research, do you agree or disagree?	Yes	626	78%
	No	174	22%
14. At school, there is bullying and teachers applying punishments. Do you think this is a correct statement?	Yes	594	74%
	No	207	26%
15. There are many children who experienced sexual abuse in several ways at school. Is this information realistic?	Yes	473	59%
	No	314	39%
16. There are many children who experienced cyberbullying, do you agree with this statement?	Yes	566	70%
	No	232	29%
17. In your opinion, do the media often reveal personal information such as children's names, schools, and home addresses when reporting about children who are victims of abuse and violence?	Yes	243	30%
	No	550	68%
	Yes	575	72%

18. When children need an address for sharing information or seeking for help, do they know to call the national hotline for child protection 111?	No	223	28%
19. Are you taught or shared by anyone the specific acts that are considered abusive or violent towards children?	Yes	633	79%
	No	166	21%
From question 20 - 46, N = 688			
3. Rights of Children with Disabilities			
20. Do you think the autism children should be included as disabled children?	Yes	332	48%
	No	317	46%
21. Do you see many parents of children with disabilities treating their children through traditional methods on detection and early intervention?	Yes	435	63%
	No	248	36%
22. Do you agree or disagree with the contents in page 21?	Yes	626	91%
	No	51	7%
23. "Children with disabilities are less likely to go to school and when going to school, they are more likely to drop out", do you agree with this statement?	Yes	451	66%
	No	233	34%
24. Many places such as schools, houses, public toilets, roads have not been designed to accommodate children with disabilities to use on their own.	Yes	546	79%
	No	136	20%
25. Do you think there is no sign language program special designed for children with disabilities?	Yes	382	56%
	No	292	42%
26. Do children with disabilities experience with discrimination and at higher risk of sexual abuse, violence, and seduction than other children?	Yes	541	79%
	No	141	20%
27. Do you think there is a need to build more entertainment programs suitable for children with disabilities?	Yes	633	92%
	No	53	8%
4. Rights of LGBT Children			

28. Do you think that most LGBT children suffer from verbal, physical and emotional violence?	Yes	543	79%
	No	134	19%
29. Do you think that LGBT children thinking of dropping out of school or even committing suicide when experienced physical or mental violence?	Yes	496	72%
	No	182	26%
30. Do you think that LGBT children often silently endure others' violence, very few of them dare to stand up to protest and resist?	Yes	548	80%
	No	135	20%
31. When asked, teachers often said they helped LGBT children very well, but many children said that teachers did not effectively handle children's requests, do you agree with that statement?	Yes	442	64%
	No	204	30%
32. Do you agree to revisit the regulation of allowing medical interventions for intersex children without consent and medical necessity?	Yes	298	43%
	No	340	49%
33. Do you support that intersex children have the right to make their own decisions about their bodies?	Yes	642	93%
	No	43	6%
34. Do you think it is necessary to have appropriate communication materials on gender identities to help children and adults understand this issue correctly?	Yes	656	95%
	No	28	4%
<b>5. Child Nutrition</b>			
35. Do you agree with the fact that there are a few new born babies breastfed for the first 6 months?	Yes	466	68%
	No	203	30%
36. Do you think that young children are often weaned before the age of 2?	Yes	535	78%
	No	106	15%

36. Do you agree that although children are under 2 years old, they still have to eat very simple food, not variety of food and rich in nutritional ingredients?	Yes	424	62%
	No	253	37%
37. Do you agree that ethnic minorities children often suffer from malnutrition in the form of stunting, low weight?	Yes	547	80%
	No	133	19%
38. Do you agree that currently, there are still many unhealthy issues for children such as lack of clean water, not washing hands with soap, unclean toilets, deworming, etc.?	Yes	576	84%
	No	111	16%
39. In your opinion, if ethnic minorities have better access to nutrition and sanitation, children's health will be improved?	Yes	660	96%
	No	26	4%
<b>6. Rights to Education</b>			
40. Do you think ethnic minority children and Kinh children have the same proportion when attending primary school but at secondary school, ethnic minority students drop out of school more than Kinh people?	Yes	570	83%
	No	112	16%
41. In your opinion, do children have difficulties in schools such as lack of classrooms, poor infrastructure, and poor school sanitation?	Yes	498	72%
	No	185	27%
42. Do you think what issues need improvement to make children's study better?	Achievement problems, academic pressure	316	46%
	Infrastructure, teaching materials	214	31%

	Content, textbook	217	32%
	Family care for children's study	481	70%
	Teachers	234	34%
43. Do you think that there are many private child care facilities that do not have adequate facilities and teachers and this affects the care and education of migrant children, children in industrial zone areas?	Yes	453	66%
	No	200	29%
44. Are the format and content of textbooks gender-biased?	Yes	266	39%
	No	401	58%
45. Do you think there is a need to adjust the educational program to suit each locality, teaching Vietnamese as a bilingual language besides ethnic languages in areas where there are ethnic children?	Yes	493	72%
	No	172	25%

## **Appendix 2: List of participating organizations in the workshop to give constructive comments for the report**

- A. Consultation workshop in Hue city, 31 participants from:
  - 1. Center for Nursing and Social Work in Thua Thien Hue
  - 2. Child Fund Central Vietnam
  - 3. Association for Protection of Child's Rights in Quang Nam
  - 4. Association for Protection of Child's Rights in Thua Thien Hue
  - 5. Charity Association and Association for Protection of Child's Rights in Da Nang
  - 6. The Association of Victims of Agent Orange / Dioxin in Thua Thien Hue
  - 7. Home of the hope Nguyet Bieu
  - 8. Duc Son Pagoda
  - 9. Blind Association of Thua Thien Hue Province
  - 10. Child sponsorship organization Xuan Phu
  - 11. SOS Children's Village in Thua Thien Hue
  - 12. Save the Children
  - 13. NGO Resource Center
  - 14. Thua Thien Hue Department of Education and Training
  - 15. The Association for the Support of people with Disabilities and Orphans in Thua Thien Hue
  - 16. Thua Thien Hue Study Promotion Association
  - 17. Uu Dam Center - Thua Thien Hue
  - 18. Codes
  - 19. Community-based football project in Vietnam
  - 20. Thua Thien Hue Friendship Union
  - 21. Center for Youth Activities
  - 22. VACR
  - 23. Association for Protection of Child's Rights in Quang Tri
- B. Consultation Workshop in Hanoi, 40 participants from:
  - 1. Association for Protection of Child's Rights in Thanh Hoa
  - 2. Vietnam Association for Protection of Child's Rights
  - 3. Management and Sustainable Development Institute (MSD Vietnam)
  - 4. Association for Protection of Child's Rights in Bac Giang
  - 5. Legal Aid Department - Ministry of Justice

6. Hanoi Association of Lawyers for Protection of Child's Rights
  7. Phung Nguyen Law Firm
  8. Tho Khang Law Office and Associates
  9. Chanh Phap Law Office
  10. Hanoi Law University
  11. Legal consultancy center for minors
  12. Bich Hao Law Office
  13. Levina Law Firm
  14. Faculty of Law – University of Commerce
  15. Hung Dong Law Firm
  16. Thanh Nien Law Firm
  17. Judicial Protection Association
  18. Legal Aid Center No. 2 of Sponsoring Association for the Poor
  19. Vietnam Women's Academy
  20. Association for Protection of Child's Rights in Ha Long
  21. Center for Women and Development
  22. Central Vietnam Women's Union
  23. Support Center for Families of Poor Children
  24. Center for Child Rights Research
  25. Save the Children
  26. Sao Mai Centre
  27. CRNET
  28. Central Committee of the Communist Party of HCM
  29. Association for Protection of Child's Rights in Lang Son
  30. World Vision International
  31. Vietnam Association for Education for All
  32. Center for Human Rights Research
  33. Center for Legal Consultancy on HIV/AIDS
  34. The Association for the Support of People with Disabilities and Orphans in Vietnam
  35. Home of Little Angels
- C. Consultation Workshop in Hochiminh City, 35 participants from:
1. Association for Protection of Child's Rights in HCMC
  2. Ky Quang II Buddhist Charity foundation

3. KEZ
4. Association for Protection of Child's Rights in Ben Tre
5. Hochiminh City Association of Lawyers for Protection of Child's Rights
6. Huynh Đe Nhu Nghia Blind Association
7. Tuong Lai Centre
8. Association for Protection of People with Disabilities and Child's Rights in Tay Ninh
9. Association for Protection of Child's Rights in Hochiminh City
10. Hochiminh City Law Newspaper
11. The Steering Committee for Women - Vietnam Women's Union
12. The Association of Victims of Agent Orange / Dioxin and Protection of Child's Rights in Ben Tre
13. Campus of Vietnam Women's Academy
14. Association for Protection of Child's Rights in Duc Hoa District - Long An Province