

LAW ON CHILDREN

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Law on Children.*

Chapter I

GENERAL PROVISIONS

Article 1. Children

A child is a person below the age of sixteen.

Article 2. Scope of regulation

This Law prescribes the rights and duties of children; the principles and measures to guarantee children's rights; and the responsibilities of agencies, organizations, educational institutions, families and individuals in realizing children's rights and duties.

Article 3. Subjects of application

Vietnamese state agencies, political organizations, socio-political organizations, socio-politico-professional organizations, social organizations, socio-professional organizations, economic organizations, non-business units, people's armed force units, educational institutions, families and citizens; international agencies and organizations, and foreign organizations operating in the Vietnamese territory, foreigners residing in Vietnam (below referred collectively to as agencies, organizations, educational institutions, families and individuals).

Article 4. Interpretation of terms

In this Law, the terms below are construed as follows:

1. Child protection means the application of appropriate measures to ensure that children live safely and healthily; to prevent, stop and handle acts of child abuse; and to support disadvantaged children.

2. All-sided development of a child means the simultaneous development of the physical strength, intelligence, spirit, morality and social relations of a child.

3. Alternative care means the care and nurture given by an organization, a family or an individual to an orphan, a child who is disallowed or unable to live

with his/her biological parents, or a child who is affected by a natural disaster, a catastrophe or armed conflicts in order to ensure his/her safety and best interests.

4. A child's caregiver means a person who performs the task of taking care of a child. A child's caregiver may be his/her guardian, an alternative caregiver or another person assigned to assist, take care of and protect a child together with his/her parents.

5. Child abuse means acts that cause harm to the physical strength, emotion, psychology, honor and dignity of a child in form of violence, exploitation, sexual abuse, trafficking, abandonment, neglect or other harmful forms.

6. Child violence means acts of persecuting, maltreating, beating; infringing upon the body and health; insulting or hurting the honor or dignity; isolating, driving away and other intentional acts that cause physical and mental harms to a child.

7. Child exploitation means acts of forcing a child to work in contravention of the labor law; demonstrating or manufacturing pornographic products; organizing or supporting tourist activities for the purpose of child sexual abuse; giving, receiving or supplying children for prostitution activities and other acts of employing children for self-seeking purposes.

8. Child sexual abuse means the use of violence, threat to use violence, coercion, dragging, or enticement of a child into sex-related acts, including raping, coercive intercourse, sexual intercourse, debauchery with a child or employing a child for prostitution or pornographic purposes in any form.

9. Child abandonment or neglect means the failure to perform or fulfill the obligations and responsibilities to take care of, and nurture a child by his/her parents or caregivers.

10. Disadvantaged children are those who have not enough conditions to exercise their rights to live, to be protected, to be taken care of and nurtured, and to learn, and need the support and special intervention from the State, families and the society for their safety and integration into their families and communities.

11. Supervision of the exercise of children's rights according to their opinions and aspirations means the examination and assessment of activities of agencies, organizations and individuals related to the responsibility to ensure the exercise of children's rights and the settlement of children's opinions and recommendations in their best interests.

Article 5. Principles of guaranteeing the realization of children's rights and duties

1. Guaranty for children to fully exercise their rights and perform their duties.

2. Non-discrimination against children.
3. Guaranty of children's best interests in decisions related to children.
4. Respect for, listening to, consideration of, and response to, children's opinions and aspirations.
5. In the course of making policies and laws that affect children, opinions of children and related agencies and organizations shall be taken into account; children-related objectives and targets shall be incorporated into national, sectoral and local socio-economic development master plans and plans.

Article 6. Prohibited acts

1. Depriving children of the right to live.
2. Abandoning, neglecting, trafficking, kidnapping, fraudulently exchanging or appropriating children.
3. Sexually infringing upon, committing violence against, abusing or exploiting children.
4. Organizing, supporting, inciting and coercing underage marriages.
5. Employing, enticing, inciting, provoking, taking advantage of, dragging, seducing and forcing children to commit illegal acts or hurt the honor or dignity of other people.
6. Obstructing children from exercising their rights and performing their duties.
7. Declining to provide, or covering up, hindering the provision of, information on children being abused or children at risk of exploitation or violence to their families, educational institutions, agencies or competent persons.
8. Committing bias or discrimination against children due to their personal characteristics, family circumstances, gender, ethnicity, nationality, belief and religion.
9. Selling to children or letting children use alcohol, beer, cigarettes and other habit-forming substances or stimulants and food that is unsafe and harmful to children.
10. Providing Internet and other services; producing, duplicating, circulating, operating, spreading, owning, transporting, storing and trading in publications, toys, games and other products serving children which contain contents affecting their healthy development.
11. Announcing or disclosing information on personal lives or secrets of children without the consent of children who have reached full 7 years of age and of their parents or guardians.

12. Abusing the alternative care to harm children; taking advantage of regimes and policies of the State or of the support and assistance of organizations and individuals for children for self-seeking purposes.

13. Locating service establishments, production establishments or goods storehouses which cause environmental pollution or hazards or are prone to fire and explosion near child protection service establishments, educational institutions, medical or cultural establishments, or play and recreation centers for children, or vice versa.

14. Occupying or using infrastructure facilities reserved for children's learning, play and recreation activities or child protection services for improper purposes or in contravention of law.

15. Refusing to provide, failing to provide or inadequately and untimely providing assistance, intervention and treatment for children who are at risk or in danger of suffering bodily, honor and dignity harms.

Article 7. Resources for ensuring the exercise of children's rights and protection of children

1. The State shall allocate resources for the achievement of children-related objectives and targets in national, sectorial and local socio-economic development master plans and plans; prioritize the allocation of resources for the protection of children and assurance of the exercise of children's rights.

2. Financial sources for the exercise of children's rights include state budget; donations from domestic and foreign agencies, organizations, families and individuals; revenues from the provision of services; international aid and other lawful revenues.

3. The State shall adopt human resource solutions and facilitate the exercise of children's rights; develop the network of child protection officers at all levels, giving priority to the arrangement of child protection officers at the commune level, and mobilize resources for the development of the network of child protection collaborators in rural and mountainous villages and urban street groups and quarters.

Article 8. Contents of state management of children

1. Submitting to competent state agencies for promulgation or promulgating according to competence legal documents on child protection, and directing and organizing the implementation thereof.

2. Formulating, and organizing the implementation of, national strategies, policies and targets on children.

3. Providing guidance for agencies, organizations, educational institutions, families and individuals on measures, processes and criteria to ensure the exercise of children's rights in accordance with law.

4. Disseminating and educating about the law on children; communicating and disseminating knowledge and skills on the exercise of children's rights and mobilizing the society to realize children's rights.

5. Building up, training and retraining the contingent of officials, civil servants, public employees and persons assigned to perform child protection work, caregivers of children and child protection collaborators for the exercise of children's rights.

6. Inspecting and examining the implementation of the law on children; settling complaints and denunciations and handling violations of the law on children; settling, and pressing for the settlement of, opinions and petitions of children, their guardians and organizations representing children's voices and aspirations.

7. Performing the work of statistics, information and reporting on children and on the implementation of the law on children to competent state agencies.

8. Implementing international cooperation on exercise of children's rights.

Article 9. Responsibility to coordinate in the realization of children's rights and duties

1. Ministries, ministerial-level agencies and government-attached agencies shall coordinate with state management agencies in charge of children and related agencies and organizations in carrying out inspections and examinations, settling proposals, complaints and denunciations, and handling violations of the law on children.

2. Agencies, organizations, educational institutions, families and individuals shall ensure the realization of children's rights and duties; support and create conditions for children to exercise their rights and perform their duties as prescribed by law; and coordinate and exchange information with one another in the course of implementation.

3. Socio-political organizations and social organizations shall coordinate with state management agencies in charge of children in the course of performing children-related tasks.

Article 10. Disadvantaged children

1. Disadvantaged children are classified into the following categories:

a/ Orphans;

b/ Abandoned children;

c/ Children who have no one to rely on;

d/ Children with disabilities;

dd/ HIV/AIDS-infected children;

e/ Juvenile delinquents;

g/ Narcotic-addicted children;

h/ Children who dropped out of school for livelihood before completing lower secondary education;

i/ Children suffering serious physical and mental harms due to violence;

k/ Exploited children;

l/ Sexually abused children;

m/ Trafficked children;

n/ Children of poor or near-poor households who suffer a dangerous disease or a disease requiring long-term treatment;

o/ Migrant and refugee children whose parents have not yet been identified or who are unaccompanied.

2. The Government shall detail categories of disadvantaged children and appropriate support policies for every category of disadvantaged children.

Article 11. Month of Action for Children

1. June shall be taken as the Month of Action for Children every year in order to promote the all-people child care, education and protection movement; to disseminate policies, programs, plans and projects on construction of facilities for children and mobilize agencies, organizations, educational institutions, families and individuals to implement them and to mobilize resources for children.

2. The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with related agencies and organizations in, directing, organizing and guiding the implementation of the Month of Action for Children.

Chapter II

RIGHTS AND DUTIES OF CHILDREN

Section 1

RIGHTS OF CHILDREN

Article 12. Right to life

The child has the right to have his/her life protected and to be guaranteed with best conditions for his/her survival and development.

Article 13. Right to have birth registered and have citizenship

The child has the right to birth registration and death certification, to a family name and a given name, and to acquire a citizenship; and to have his/her parents, nationality and gender identified in accordance with law.

Article 14. Right to healthcare

The child has the right to best healthcare and to priority in the access to and use of disease prevention and examination and treatment services.

Article 15. Right to be taken care of and nurtured

The child has the right to be taken care of and nurtured for all-sided development

Article 16. Right to education, learning and talent development

1. The child has the right to education and learning for all-sided development and promotion of his/her personal potential to the utmost.

2. All children are equal in learning and education opportunities; have the right to develop their talent, aptitude, creativity and innovation.

Article 17. Right to play and recreation

The child has the right to play and recreation; to equality in opportunities to participate in cultural, artistic, physical training, sports and tourist activities suitable to his/her age.

Article 18. Right to preserve and promote identity

1. The child has the right to respect for his/her personal characteristics and values suitable to his/her age and ethnic culture; to have his/her family ties recognized.

2. The child has the right to use the spoken and written language and to preserve and bring into play the fine cultural traditions, customs and practices of his/her ethnicity.

Article 19. Right to freedom of belief and religion

The child has the right to freedom of belief and religion, to follow or not follow any religion and to safety in his/her best interests.

Article 20. Property rights

The child has the right to property ownership and inheritance and other property-related rights prescribed by law.

Article 21. Right to privacy

1. The child has the inviolable rights to privacy, personal secrets and family secrets in his/her best interests.

2. The child has his/her honor, dignity, reputation, mail, telephone, telegraph secrets and other forms of exchange of private information protected by law; has his/her private information protected against unlawful intervention.

Article 22. Right to live with parents

The child has to right to live with his/her parents; to be protected, taken care of and educated by both parents, except the case of separation from parents as prescribed by law or for the child's best interests.

When being separated from his/her parents, the child shall be assisted in maintaining his/her relations and contacts with his/her parents and family, except cases where it is not in his/her best interests.

Article 23. Right to reunion, relations and contacts with parents

The child has the right to know his/her biological parents, except cases where it could affect his/her best interests; to maintain relations and contacts with both parents when the child and his/her parents reside in different countries or are detained or deported; to be provided with favorable immigration conditions for reunion with his/her parents; to be protected from being illegally transferred abroad; to be supplied with information upon the missing of their parents.

Article 24. Right to alternative care and adoption

1. The child is entitled to alternative care when he/she loses his/her parents; is disallowed or unable to live with his/her biological parents; is affected by a natural disaster, a catastrophe, or armed conflicts, for the sake of his/her safety and best interests.

2. The child may be adopted in accordance with the adoption law.

Article 25. Right to be protected from sexual abuse

The child has the right to be protected in all forms from sexual abuse.

Article 26. Right to be protected from labor exploitation

The child has the right to be protected in all forms from labor exploitation; from underage labor, overtime work or heavy, hazardous or dangerous work as prescribed by law; from performing work or working in a workplace that could adversely affect his/her personality and all-sided development.

Article 27. Right to be protected from violence, abandonment and neglect

The child has the right to be protected in all forms from violence, abandonment and neglect, which are prejudicial to his/her all-sided development.

Article 28. Right to be protected from trafficking, kidnapping, fraudulent exchange and appropriation

The child has the right to be protected in all forms from trafficking, kidnapping, fraudulent exchange or appropriation.

Article 29. Right to be protected from narcotics

The child has the right to be protected in all forms from the unlawful use, production, transportation, purchase, sale and storage of narcotics.

Article 30. Right to be protected in legal proceedings and administrative handling

The child has the right to be protected in legal proceedings and during the course of administrative handling; has his/her right to defense and self-defense guaranteed, to protection of lawful rights and interests; to legal aid; to present his/her opinions; not to be unlawfully deprived of his/her liberty; not to be subject to torture, coercion, corporal punishment, honor and dignity hurt, body infringement, psychological stress and other forms of infringement.

Article 31. Right to be protected when facing a natural disaster, a catastrophe environmental pollution, and armed conflicts

The child has the priority right to be protected and assisted in all forms so as to get free from impacts of a natural disaster, a catastrophe, environmental pollution and armed conflicts.

Article 32. Right to be guaranteed with social welfare

The child being a Vietnamese citizen shall be guaranteed in accordance with law with social welfare suitable to the socio-economic conditions of the locality where he/she lives and the conditions of his/her parents or caregivers.

Article 33. Rights to access information and participate in social activities

The child has the right to full, timely and suitable access to information; the right to seek and receive information in all forms as prescribed by law, and to participate in social activities suitable to his/her age, maturity, needs and capacity.

Article 34. Right to express opinions and to association

The child has the right to express his/her own opinions and aspirations on all matters affecting the child; to freedom of association as prescribed by law, suitable to his/her age, maturity and development; and to have his/her opinions and legitimate aspirations listened to, accepted and responded by agencies, organizations, educational institutions, families and individuals.

Article 35. Rights of a child with disabilities

A child with disabilities enjoys all children's rights and the rights of people with disabilities as prescribed by law; and is entitled to special support, care and education for functional rehabilitation, self-reliance development and social integration.

Article 36. Rights of a stateless child and a refugee child

A stateless child residing in Vietnam or a child fleeing from danger or taking refuge shall be accorded protection and humanitarian assistance and is entitled to trace his/her parents and family members in accordance with Vietnamese laws and treaties to which the Socialist Republic of Vietnam is a contracting party.

Section 2

DUTIES OF CHILDREN

Article 37. Duties toward the family

1. To respect, be polite and dutiful to his/her grandparents and parents; to love, show concern for, and share feelings and aspirations with his/her parents and other members of his/her family and other relatives.

2. To learn, train himself/herself in and preserve the family customs and practices, to assist his/her parents and other family members in work suitable to his/her age, gender and development.

Article 38. Duties toward the school, social relief establishment or another educational institution

1. To respect teachers, officers and employees of the school, social relief establishment or another educational institution.

2. To show love for, unite and share difficulties with, respect and help friends.

3. To train himself/herself in morality, sense of self-learning, perform learning and training tasks according to educational programs and plans of the school or another educational institution.

4. To preserve and protect the property and observe all the internal rules and regulations of the school, social relief establishment or another educational institution.

Article 39. Duties toward the community and society

1. To respect and be polite to the elder; to show concern for and help the aged people, people with disabilities, pregnant women, younger children, and disadvantaged people according to his/her capacity, health and age.

2. To respect the rights, honor and dignity of other people; to observe regulations on traffic safety and social order and safety; to protect, preserve and use property and natural resources and to protect the environment according to his/her capacity and age.

3. To detect, report on, and denounce unlawful acts.

Article 40. Duties toward the native place and country

1. To love his/her native place, country and compatriots, to have a sense of national building and defense; to respect the national historical traditions; to preserve the national identity, to bring into play the fine customs, practices, traditions and culture of his/her native place and country.

2. To observe and implement the law; to unite, cooperate and participate in exchanges with international friends and children suitable to his/her age and development stage.

Article 41. Duties toward himself/herself

1. To be responsible to himself/herself; not to ruin his/her body, honor, dignity and property.
2. To live honestly and modestly; to keep hygiene and practice physical exercise.
3. To learn diligently, not to drop out of school without permission, not to leave his/her family for a street life.
4. To refrain from gambling; to refrain from buying, selling and using alcohol, beer, cigarettes, habit-forming substances and other stimulants.
5. To refrain from using and exchanging products with violent and debauched contents; to refrain from using toys or playing games harmful to his/her healthy development.

Chapter VIII

CHILD CARE AND EDUCATION

Article 42. Assurance of care for and nurture of children

1. The State shall adopt subsidy and assistance policies and promulgate standards and criteria for the care and nurture of children according to their age groups and of disadvantaged children.
2. The State shall encourage agencies, organizations, families and individuals to provide assistance to and care for children and disadvantaged children; provide land, tax and credit supports for organizations and individuals that provide child care and nurture services in accordance with law.

Article 43. Assurance of healthcare for children

1. The State shall adopt policies suitable to socio-economic development conditions in each period in order to assist children, ensuring that all children have access to healthcare, giving priority to disadvantaged children, children of poor or near-poor households, ethnic minority children, and children living in border and mountainous communes, on islands and in communes with extremely difficult socio-economic conditions.
2. The State shall ensure the application of various measures for regular medical examination of pregnant women and children according to their age groups; to provide nutritious care, primary healthcare and vaccinations for children; to prevent and control children' accidents and injuries; to provide children with advice and assistance on reproductive healthcare and sexual health suitable to their age groups as prescribed by law.
3. To prioritize health and nutrition counseling, protection and care for pregnant women, mothers nursing children under 36 months old, and children, especially children under 36 months old and abused children, suitable to socio-economic development conditions in each period.

4. The State shall adopt policies and measures to provide prenatal and neonatal counseling, screening, diagnosis and treatment; to reduce the mortality rate among children, especially newborns; and to get rid of ill customs and practices detrimental to children's health.

5. The State shall pay, or support the payment of, health insurance premiums for children as prescribed by the law on health insurance according to their age groups, categories and suitable to socio-economic development conditions in each period.

6. The State shall adopt policies and measures for children to have access to hygienic water and basic sanitation conditions, and food safety as prescribed by law.

7. The State shall encourage agencies, organizations, families and individuals to support and invest resources for child protection and healthcare, giving priority to disadvantaged children.

Article 44. Assurance of education for children

1. The State shall adopt supporting policies to ensure that all children can go to school, minimizing the drop-out rates; adopt policies to support disadvantaged children, children of poor or near-poor households, ethnic minority children, children living in border and mountainous communes, on islands or in communes with extremely difficult socio-economic conditions to have access to general education, integration education, vocational training and placement into jobs suitable to their age groups and in accordance with the labor law.

2. The State shall prioritize investment in education and ensure equality in opportunities to access education for all children; integration education for children with disabilities; and adopt policies on school fee exemption and reduction for each group of children suitable to socio-economic development conditions in each period.

3. Education programs and contents must be suitable to each age group and each group of children, ensuring quality, meeting the requirements of all-sided development and integration requirements; must attach importance to education in historical traditions and national culture, development of the personality, life skills, talent and aptitude of children; and to gender and reproductive health education for children.

4. The State shall provide a safe, healthy and friendly education environment, prevent and control school violence.

5. The State shall adopt appropriate policies for universalization of preschool education among five-year children and supporting policies for children of eligible age to have preschool education, suitable to socio-economic development conditions in each period; and encourage and attract other investment sources for education and training development.

Article 45. Assurance of conditions for children’s play, recreational, cultural, artistic, sports and tourist activities

1. The State shall adopt policies to support activities of creating cultural and art works; develop the system of grassroots cultural and sports institutions for children; adopt policies of prioritizing children when they use play, recreation, sports and tourist services and visit relics and scenic places.

2. The People’s Committees at all levels shall formulate master plans and plans on land use and allocation and investment for the construction of centers for children’s play, recreational, cultural, artistic and sports activities; ensure conditions, time and appropriate hours for children to participate in activities at grassroots cultural and sports institutions.

3. The State shall create conditions for children to preserve and bring into play the fine national traits and culture and to use the languages of their own ethnicities.

4. The State shall encourage organizations, families and individuals to support and invest in the construction of facilities for children’s play and recreation activities; encourage the creation and production of children’s toys and games that are safe and healthy and bear the national cultural traits.

Article 46. Assurance of information and communications for children

1. The State shall ensure that children can have access to information, express their opinions and aspirations, and seek, learn and exchange knowledge via appropriate information and communication channels.

2. Information and publishing agencies shall reserve appropriate proportions of radio and television contents, broadcasting time and amounts of time and publications for children. For information, toys, games, radio and television programs, art programs and movies with contents unsuitable to children, the age of children who may not view or use them shall be announced or displayed.

3. The State shall encourage the development of information and communications suitable to the all-sided development of children; and the production and publication of contents and information with amounts of time suitable to ethnic minority children.

Chapter IV

CHILD PROTECTION

Section 1

CHILD PROTECTION LEVELS AND IMPLEMENTATION RESPONSIBILITY

Article 47. Child protection requirements

1. Child protection shall be effected at three levels below:

- a/ Prevention;
- b/ Assistance;
- c/ Intervention.

2. Child protection must be systematic and continuous. All levels and sectors shall be closely and effectively coordinate with one another in the formulation and implementation of policies and laws on child protection and the provision of child protection services.

3. Agencies, organizations, educational institutions, families and individuals shall protect children. Child protection must comply with provisions of law, processes and standards promulgated by competent state agencies.

4. Protection of a child at his/her family or alternative care family shall be prioritized. Sending a child to a social relief establishment is only a temporary measure when his/her care at his/her family or alternative care family cannot be implemented or it is for his/her best interests.

5. Parents, caregivers and children shall be provided with information and entitled to contribute their opinions to competent agencies and persons in deciding on intervention or assistance to protect children.

6. Importance shall be attached to the preclusion and prevention of risks of injury to children; timely intervention and settlement shall be carried out in order to minimize consequences; and active assistance shall be rendered for rehabilitation and community re-integration for disadvantaged children.

Article 48. Prevention level

1. The prevention level consists of protective measures applicable to communities, families and all children, which aim to raise the awareness and provide knowledge about child protection, to build a safe and healthy living environment for children, minimizing the risk of abuse or falling into a disadvantaged circumstance.

2. Child protection measures at the prevention level include:

a/ Disseminating to communities, families and children knowledge about the dangers and consequences of factors and acts of harming or abusing children; the responsibility to detect and notify cases of children being abused or at risk of violence, exploitation or abandonment;

b/ Providing information and furnishing knowledge for parents, teachers, caregivers and persons working in child protection service establishments on the responsibility to protect children and skills to prevent and detect factors and acts of harming or abusing children;

c/ Furnishing parental knowledge and skills to ensure children's safety;

d/ Educating in and giving advice on self-protection knowledge and skills for children;

dd/ Building a safe and suitable living environment for children.

Article 49. Assistance level

1. The assistance level consisting of protective measures applicable to children at risk of violence, exploitation, abandonment or to disadvantaged children in order to promptly detect, minimize or get rid of the risks of harm to children.

2. Child protection measures at the assistance level include:

a/ Warning the risks of child abuse; counseling on knowledge, skills and intervention measures to eliminate or minimize the risks of child abuse for parents, teachers, caregivers, persons working in child protection service establishments and children with a view to creating a safe living environment for children at risk of abuse;

b/ Receiving information, assessing the level of danger, applying necessary measures to assist children at risk of violence, exploitation or abandonment so as to eliminate or minimize the risks of violence, exploitation or abandonment for children;

c/ Assisting disadvantaged children in accordance with this Law;

d/ Assisting disadvantaged children and their families in having access to social relief policies and other supporting sources in order to improve the children's living conditions.

Article 50. Intervention level

1. The intervention level consists of protective measures applicable to abused children and their families, aiming to stop acts of abuse; and to support rehabilitation and community reintegration for disadvantaged children.

2. Child protection measures at the intervention level include:

a/ Medical care, psychological therapy and physical and mental rehabilitation for abused children or disadvantaged children who need intervention;

b/ Arranging safe accommodations, separating children from the environment and those who threaten to commit or are committing acts of violence against or exploitation of children;

c/ Arranging provisional or long-term alternative care for children prescribed in Clause 2, Article 62 of this Law;

d/ Organizing family reunion and school and community integration for children suffering violence, exploited or abandoned children;

dd/ Providing parents, caregivers and family members of disadvantaged children with advice and knowledge about the responsibility for and skills of protection, care and integration education for children of this group;

e/ Providing advice, legal knowledge and legal aid for parents and caregivers of disadvantaged children and for these children;

g/ The measures to assist abused children and their families prescribed in Clause 1, Article 43; Clause 1, Article 44, and at Point d, Clause 2, Article 49, of this Law;

h/ Monitoring and assessing the safety of abused children or children at risk of abuse.

Article 51. Responsibility to supply and process information and reports on denunciations of acts of child abuse

1. Agencies, organizations, educational institutions, families and individuals shall inform, report or denounce acts of child abuse and cases of children being abused or at risk of violence, exploitation or abandonment to competent agencies.

2. The Labor, War Invalids and Social Affairs and Public Security agencies at all levels and commune-level People's Committees shall receive and process information, reports and denunciations; and coordinate in the verification, assessment and investigation of acts of abuse and the state of unsafety or harm and the level of risk of harm to children.

3. The Government shall establish a standing national telephone exchange to receive and process information, reports and denunciations on risks and acts of child abuse; and establish the process of receiving and processing information, reports and denunciations on acts of child abuse.

Article 52. Assistance or intervention plans

1. An assistance or intervention plan shall be made for the application of one or many measures at the assistance or intervention level prescribed in Articles 49 and 50 of this Law to every child being abused or at risk of violence, exploitation or abandonment or in a disadvantaged circumstance.

2. Commune-level People's Committees in localities where children reside shall assume the prime responsibility for, and coordinate with agencies, organizations and individuals in charge of child protection in, making, approving and implementing assistance or intervention plans; arrange resources, and assign individuals and organizations to implement, coordinate in the implementation of, and inspect the implementation of, the plans.

3. For children who are abused or at risk of violence, exploitation or abandonment by their parents or caregivers and children who are abused but their parents or caregivers decline to implement assistance or intervention plans, commune-level People's Committee chairpersons or district-level Labor, War Invalids and Social Affairs agencies shall propose a competent court to issue a decision to restrict the rights of the parents or caregivers or temporarily separate the children from their parents or caregivers and apply the alternative care measure.

4. The Government shall detail this Article.

Article 53. Responsibilities of a commune-level child protection officer

1. To assess risks and identify the needs of children to be protected.

2. To participate in the process of making and implementing assistance or intervention plans for disadvantaged children, abused children or children at risk of violence, exploitation or abandonment.

3. To provide counseling, information and guidance for children and their parents, or caregivers to access child protection, social, medical, educational and legal assistance services and other sources of assistance.

4. To provide child protection knowledge and skills for children and their parents, caregivers, family members and communities.

5. To propose the alternative care measure and monitor the implementation thereof.

6. To support juvenile delinquents, juvenile victims and juvenile witnesses in the course of legal proceedings, handling of administrative violations, rehabilitation and community reintegration as prescribed in Article 72 of this Law.

Article 54. Responsibility to protect children in the Internet environment

1. Related agencies and organizations shall persuade, educate and protect children when they participate in the Internet environment in all forms; parents, teachers and caregivers shall provide knowledge and skills for children to protect themselves when participating in the Internet environment.

2. Agencies, organizations and individuals that manage and provide information and communications products and services and organize activities in the Internet environment shall apply measures to ensure safety and privacy for children as prescribed by law.

3. The Government shall detail this Article.

Section 2

CHILD PROTECTION SERVICE ESTABLISHMENTS

Article 55. Types of child protection service establishments

1. A child protection service establishment is an establishment set up by an agency, organization or individual in accordance with law, having the functions and tasks of implementing or coordinating in or supporting, the implementation of, one or several child protection measures according to the prevention, assistance and intervention levels as prescribed in Articles 48, 49 and 50 of this Law.

2. A child protection service establishment shall be organized as a public establishment or a non-public establishment.

3. Child protection service establishments include:

- a/ Establishments that provide child protection services as their sole function and task;
- b/ Establishments that provide child protection services as part of their functions and tasks.

Article 56. Conditions on setting up and operation registration of a child protection service establishment

A child protection service establishment may be set up and registered for operation when the following conditions are fully met:

1. Having its guiding principles and purposes of operation for the best interests of children;
2. Having the contents of operation aiming to implement one or several child protection measures defined in Articles 48, 49 and 50 of this Law;
3. Having its representative being a Vietnamese citizen who has full civil act capacity, good moral quality, knowledge about children and child protection, is neither examined for penal liability nor handled for administrative violations related to child abuse;
4. Having physical foundations, equipment and facilities, financial sources and staff that meet its operation objectives, requirements and scope according to regulations of competent state agencies.

Article 57. Competence to set up and register the operation of, a child protection service establishment

1. Ministries, ministerial-level agencies and government-attached agencies may, within the ambit of their tasks and powers, set up public child protection service establishments under their respective management and grant operation registration for other child protection service establishments that operate in many provinces; shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, promulgating or submitting to competent agencies for promulgation, and guiding the implementation of, master plans and plans on development of child protection service establishments; develop processes and standards for the provision of child protection services in the fields under their respective management, and examine, inspect and handle violations in accordance with law.

2. Provincial-level People's Committees may set up public child protection service establishments and grant operation registration for other child protection service establishments to operate within their respective provinces; assume the prime responsibility for, and coordinate with related agencies in, making and directing the implementation of, general plans on different types of child protection service establishments in their respective localities in conformity with practical demands.

3. District-level People's Committees may set up public child protection service establishments and grant operation registration for other child protection service establishments operating within their respective districts.

Article 58. Operation of a child protection service establishment

1. A child protection service establishment shall operate in accordance with the registered contents and must meet the following requirements:

a/ The requirements prescribed in Article 47 of this Law;

b/ Complying with the child protection service provision process and standards promulgated by competent state agencies;

c/ Conducting the receipt and handover of children, providing child protection services and transferring the results thereof among child protection service establishments for the sake of safety and best interests of children.

d/ Submitting to the professional guidance, inspection and examination of competent state agencies;

dd/ Keeping confidential information relating to abused children, except for cases where the provision of information is requested by competent agencies or persons.

2. A child protection service establishment may receive financial and material assistance from domestic and foreign agencies and individuals in accordance with law for the implementation of child protection measures.

Article 59. Suspension and termination of operation of a child protection service establishment

1. A child protection service establishment that commits one of the following violations will have its operation wholly or partially suspended or terminated, depending on the nature and severity of its violation:

a/ Failing to meet the conditions defined in Article 56 of this Law or prescribed by the law governing the field in which it operates;

b/ Seriously violating children's rights;

c/ Using its operation funds or physical foundations for improper purposes.

2. A child protection service establishment will have its operation wholly or partially terminated if after the expiry of the suspension duration it still fails to address the cause and consequences of its violation resulting in its operation suspension.

3. A state agency competent to set up and grant operation registration for a child protection service establishment has competence to suspend or terminate the operation of such child protection service establishment.

Section 3

ALTERNATIVE CARE

Article 60. Requirements on the implementation of alternative care

1. To be based on the needs, circumstances, gender, ethnicity, religion and language of a child and ensure his/her rights.

2. To ensure the safety for a child, ensure the stability, continuity and connection between a child and his/her caregivers.

3. To take into account the opinions, aspirations, feelings and attitudes of a child according to his/her age and maturity; if a child has reached 7 years or older, his/her opinion shall be collected.

4. To make priority that a child receives alternative care by his/her relative. If a child has a sibling, they shall be given priority to live together with.

5. To maintain contacts and reunions between a child and his/her parents and other members of his/her family when conditions permit, except where such contacts and reunions fail to ensure safety or serve the best interests of the child.

Article 61. Forms of alternative care

1. Alternative care by a relative.

2. Alternative care by an individual or a family other than relatives.

3. Alternative care in the form of adoption.

The child adoption must comply with the law on adoption.

4. Alternative care at a social relief establishment.

Article 62. Cases where a child needs alternative care

1. An orphan, an abandoned child, and a child who has no one to rely on.

2. A child who cannot live together with his/her parents for the sake of his/her safety; his/her parents are unable to protect and nurture their child or themselves abuse the child.

3. A child who is affected by a natural disaster, a catastrophe or armed conflicts, who needs to be protected with priority.

4. A refugee child whose parents are unidentified.

Article 63. Conditions on alternative care

1. The decision on assignment of a child for alternative care must satisfy the requirements defined in Article 60 of this Law and meet the following conditions:

a/ With the written consent of his/her guardian, for cases defined in Clause 1, Article 62 of this Law;

b/ The giving and receipt for alternative care of a child whose both parents or only parent are or is still alive but unable to protect and nurture him/her shall be consented in writing by his/her both parents or only parent, except where a child is eligible for the application of intervention measures as prescribed at

Points b and c, Clause 2, Article 50, and in Clause 3, Article 52, of this Law, or when his/her parents have their rights restricted in accordance with the Law on Marriage and Family.

2. An individual or a family that takes alternative care must satisfy the following conditions:

a/ An individual or a family's representative resides in Vietnam; has a good health and full civil act capacity; good moral quality; is neither restricted in a number of parental rights for minor children, nor examined for penal liability, nor handled for administrative violations for acts of child abuse, nor sentenced for a crime of intentionally infringing upon the life, health, dignity or honor of another person, ill-treating his/her grandparents, parents, spouse, children, grandchildren or nurturers, enticing or coercing children to commit a violation of law or harboring juvenile delinquents, or buying, selling or fraudulently exchanging children;

b/ Having a place of residence and appropriate economic conditions to ensure the care for, nurture and education of a child;

c/ Voluntarily receiving a child for alternative care; obtaining the consensus among family members on the alternative care of a child; family members are neither examined for penal liability nor handled for administrative violations for acts of child abuse;

d/ A relative who receives a child for alternative care must be an adult; for other cases, the caregivers must be 20 years or more older than the child.

3. The State shall encourage agencies, organizations, families and individuals to provide spiritual and material assistance for alternative care for children.

Article 64. Responsibilities and rights of an alternative caregiver

1. An alternative caregiver has the following responsibilities:

a/ To ensure conditions for a child to live safely and to realize the rights and duties of the child in conformity with his/her conditions;

b/ To notify the commune-level People's Committees in his/her place of residence of the child's physical and spiritual strength and integration 6 months after taking the alternative care and annually; and promptly report all arising urgent matters.

2. An alternative caregiver has the following rights:

a/ To be given priority in borrowing capital, vocational training and job placement in order to stabilize his/her livelihood, to be given health care when having difficulty;

b/ To receiving financial support for child care and nurture in accordance with law and to receive assistance from agencies, organizations, families and individuals for performing the alternative care.

Article 65. Registration for alternative care

1. An individual or a family that wishes and is fully qualified to receive a child for alternative care under Clause 2, Article 63 of this Law shall make registration with the commune-level People's Committee in his/her/its place of residence.

2. The commune-level People's Committee shall make a list of fully qualified individuals and families registering for alternative care and send it to the district-level Labor, War Invalids and Social Affairs agency.

3. The district-level Labor, War Invalids and Social Affairs agency shall coordinate with the commune-level People's Committees in managing the lists and coordinating the selection of alternative caregivers in its locality when there are children in need of alternative care.

4. A child's relative, when taking alternative care, does not have to register as prescribed in Clause 1 of this Article but shall notify such alternative care to the commune-level People's Committee of his/her place of residence for issuing a decision to assign the alternative care.

5. The Government shall detail the registration order and procedures, the listing, and the coordination of the selection of alternative caregivers.

Article 66. Competence to decide on alternative care

1. The commune-level People's Committee chairperson shall decide on assignment of a child to an alternative caregivers on the basis of examination of the conditions prescribed in Clauses 1 and 2, Article 63 of this Law.

In case a child received for alternative care does not have a natural guardian in accordance with law and the alternative caregivers agrees, the commune-level People's Committee chairperson shall decide to appoint the alternative caregivers to simultaneously act as the guardian for the child.

2. The district-level People's Committee chairperson shall decide on the assignment of a child to a social relief establishment under the district's management for alternative care.

3. The director of a provincial-level Department of Labor, War Invalids and Social Affairs shall decide on the assignment of a child to a social relief establishment under the province's management for alternative care.

4. The district-level People's Court shall decide on alternative care for a child defined in Clause 2, Article 62 of this Law at the proposal of an agency, organization or individual in charge of child protection as prescribed by law.

Article 67. Sending a child to a social relief establishment

1. The chairperson of a district-level People's Committee of the place where a child resides or where a child is abused shall compile a dossier of proposal for the sending of a child to a social relief establishment in the following cases:

a/ During the course of carrying out alternative care procedures for a child;

b/ It is unable to select an individual or a family qualified for alternative care;

c/ The measure prescribed at Point b, Clause 2, Article 50 of this Law is applied.

2. A social relief establishment shall regularly consider cases of children being under alternative care at the establishment in order to propose the change of the form of alternative care.

3. The Government shall detail the order and procedures for receipt and change of the form of alternative care.

Article 68. Monitoring and evaluation of children under alternative care

1. The provincial- and district- level Labor, War Invalid and Social Affairs agencies have the following responsibilities:

a/ To provide counseling and guidance on the implementation of policies and measures in support of alternative caregivers and children under alternative care;

b/ To biannually scrutinize lists of children at social relief establishments; to receive proposals from social relief establishments for consideration and decision or proposal to competent agencies or organizations to change forms of alternative care for children as appropriate;

c/ To inspect and examine the alternative care at families and social relief establishments; to handle according to their competence cases of child abuse or violation of child care standards.

2. Commune-level People's Committees shall biannually evaluate the conformity of every case of family-based alternative care in the areas under their respective management and report it to district-level Labor, War Invalids and Social Affairs agencies for application of appropriate assistance and intervention measures.

Article 69. Termination of alternative care

1. Alternative care shall be terminated in the following cases:

a/ The individual or family performing the alternative care is no longer qualified for caring a child as prescribed in Clause 2, Article 63 of this Law;

b/ The individual or family performing the alternative care violates the provisions of Article 6 of this Law, thus causing harms to the child under alternative care;

c/ The individual or family performing the alternative care proposes the termination of the alternative care;

d/ The child being under alternative care commits an intentional act of seriously infringing upon the life, health, dignity and honor of the alternative care-taking individual or a member of the family performing the alternative care.

dd/ The child reunites with his/her family and his/her family can ensure safety for the child and have adequate conditions for the exercise of children's rights.

2. In case an individual or a member of a family performing the alternative care abuses a child, such child shall be immediately moved from such individual or family and child protection measures shall be applied as prescribed in Article 50 of this Law.

3. In case a child wishes to terminate the alternative care, competent agencies and persons and the alternative care giver shall consider his/her wish in order to decide on the termination of the alternative care for the best interests of the child.

4. The person who decides on the alternative care is competent to terminate the alternative care.

Section 4

MEASURES FOR PROTECTION OF CHILDREN IN THE COURSE OF LEGAL PROCEEDINGS, HANDLING OF ADMINISTRATIVE VIOLATIONS, REHABILITATION AND COMMUNITY RE-INTEGRATION

Article 70. Requirements on protection of children in the course of legal proceedings, handling of administrative violations, rehabilitation and community re-integration

1. To ensure that a child is fairly and equally treated and respected according to his/her age and maturity.

2. To prioritize the quick settlement of a case or matter involving a child in order to minimize physical and mental harms to the child,

3. To ensure the assistance of the parents, the guardian or other lawful representatives for a child throughout the course of legal proceedings or handling of administrative violations in order to protect the lawful rights and interests of the child.

4. Persons conducting legal proceedings or persons competent to handle administrative violations, lawyers and legal aid officers must have necessary knowledge about psychology and educational sciences concerning children; and shall use friendly and easy-to-understand languages with children.

5. To ensure the right to defense and legal aid for children.

6. To proactively prevent and stop children's law offenses and recidivism through timely assistance and intervention to settle the causes and conditions for law offenses; to assist children in rehabilitation and community reintegration.

7. To ensure timely supply of prevention, assistance and intervention measures, which are safe, continuous, adequate, flexible and suitable to the needs, circumstances, age, psychological and physiological characteristics of children, on the basis of taking into account and respecting the opinions, aspirations, emotions and attitudes of children.

8. To ensure the close and timely connections between agencies, organizations, child protection service establishments, families and educational institutions and procedural agencies or administrative violation-handling agencies.

9. To prioritize the application of prevention, assistance and intervention measures or the measure of education at a commune, ward or township, and measures that replace the administrative handling against juvenile delinquents. Coercive and liberty-restricting measures may be applied only after other preventive and educative measures prove unsuitable.

10. To keep secret the privacy of children; to apply necessary measures in order to limit children's public appearance in the course of legal proceedings.

Article 71. Measures to protect juvenile delinquents, juvenile victims and juvenile witnesses

1. A juvenile delinquent who has been subjected to education at a commune, ward or township or an administrative handling-replacing measure as prescribed by the Law on Handling of Administrative Violations; to reprimand or conciliation at community, or education at a commune, ward or township after enjoying exemption from penal liability; to non-custody reform; or to a suspended sentence under the Penal Code; a child who has completely executed the measure of sending to a reformatory or has served a term imprisonment, shall be applied the following protective measures for addressing the causes and conditions of law offense, and for rehabilitation and prevention of recidivism:

a/ The child protection measures at the assistance level prescribed at Points c and d, Clause 2, Article 49 of this Law;

b/ Protective measures at the intervention level prescribed at Points a and e, Clause 2, Article 50 of this Law;

c/ Seeking for family reunion, for a child who has no stable place of residence;

d/ The measure of alternative care prescribed by this Law in case a child has lost his/her parents or his/her parents cannot be identified; is unable to live together with his/her parents; it is impossible to identify his/her place of residence for execution of a decision of a competent state on his/her education at

a commune, ward or township or on the application of a measure that replaces the administrative handling;

dd/ Assisting his/her family in supervising, managing and educating the child;

e/ Other protective measures prescribed in Articles 48, 49 and 50 of this Law when deeming it appropriate.

2. A juvenile victim or witness suffering from physical and spiritual harms shall be applied protective measures at the assistance level prescribed at Points c and d of Clause 2, Article 49, and protective measures at the intervention level prescribed in Article 50 of this Law.

3. A juvenile witness shall have his/her life, health, dignity, honor and privacy protected; the forced escort of and placement of psychological pressure on the child shall be minimized.

Article 72. Responsibility of commune-level child protection officers in the process of legal proceedings, handling of administrative violations, rehabilitation and community reintegration for children

1. To provide counseling, information and guidance for children and their parents as well as caregivers to access the services of child protection, legal aid and social assistance, health care, education and other sources of assistance.

2. To seek and supply information on children's personal and family circumstances for persons competent to conduct legal proceedings and persons competent to handle administrative violations in order to apply handling and educative measures and to issue other appropriate decisions.

3. To participate in the legal proceedings and the handling of administrative violations which are related to children in accordance with law or at the request of persons competent to conduct the legal proceedings or persons competent to handle administrative violations; to participate in meetings of the advisory councils for application of the administrative violation handling measure of education at a commune, ward or township and in the course of review at the court for application of the measure of sending a child to a reformatory.

4. To monitor and support the execution of the measure of education at a commune, ward or township and the measure that replaces the administrative handling, and community reintegration for juvenile delinquents; to propose the application of appropriate protective measures for juvenile delinquents as prescribed in Clause 1, Article 71 of this Law.

5. To participate in making children supporting and intervention plans and monitor the implementation thereof; to connect services and support the rehabilitation and community reintegration for children.

Article 73. Rehabilitation and community reintegration for juvenile delinquents

1. Detention camps and reformatories shall coordinate with commune-level People's Committees in the localities where children reside in applying the following measures in order to prepare for and promote the community reintegration for juvenile delinquents:

a/ Maintaining the relations between children and their families;

b/ Organizing general education, vocational training and life skills classes for children;

c/ Considering and assessing the observance by children of learning and training regulations at detention camps or reformatories in order to propose competent agencies to reduce the imprisonment terms or terminate the measure of education at a reformatory as prescribed by law.

2. At least two months before a child completely serves his/her imprisonment, or one month before a child completely serves the measure of education at a reformatory, the detention camp or reformatory where the child is serving his/her imprisonment or the measure of education at a reformatory shall notify and supply relevant information for the commune-level People's Committee of the place where the child will return to reside, in order to prepare for reception and community reintegration for the child.

3. The chairperson of the commune-level People's Committee of the place where a child resides shall direct the making and implementation of intervention and assistance plans and the application of protective measures for juvenile delinquents in the cases prescribed in Clause 1, Article 71 of this Law.

4. The Labor, War Invalids and Social Affairs, Justice and Public Security agencies, Ho Chi Minh Communist Youth Union organizations and Vietnam Women's Union organizations at the district level shall coordinate with related agencies and organizations in guiding and assisting the commune-level People's Committees in the implementation of assistance and intervention plans and the application of other proper protective measures for children.

Chapter V

CHILDREN'S PARTICIPATION IN MATTERS ON CHILDREN

Article 74. Scope and form of children's participation in matters on children

1. The following matters on children or related to children must involve the participation of children or organizations representing their voices and aspirations, depending on the age groups of children:

a/ The formulation and implementation of programs, policies, legal documents, master plans and plans on socio-economic development;

b/ The formulation and implementation of decisions, programs, activities of socio-political organizations, social organizations and socio-professional organizations;

c/ Decisions and activities of schools, other educational institutions, and child protection service establishments;

d/ The application of measures and ways of childcare, nurture, education and protection at families.

2. Children may participate in matters on children in the following forms:

a/ Forums, conferences, seminars, talks, competitions, events;

b/ Via organizations which represent children's voices and aspirations; activities of the Ho Chi Minh Young Pioneer Organization, Ho Chi Minh Communist Youth Union; social organizations and socio-professional organizations operating for the interests of children;

c/ Activities of clubs, teams and groups of children, which are set up in accordance with law;

d/ Consultations and polls on children's opinions;

dd/ Expressing opinions and aspirations directly or through the mass media, social media and other forms of communication.

Article 75. Assurance of children's participation in families

Parents and other members of a family have the following responsibilities:

1. To respect, listen to, consider, respond to, and give explanations to the opinions and aspirations of a child suitable to his/her age, maturity and the family's conditions and circumstances.

2. To create conditions for, and guide a child to access safe information sources suitable to his/her age, gender and all-sided development.

3. To create conditions for a child to express his/her opinions and aspirations on the family's decisions and issues related to the child.

4. Not to prevent a child from participating in appropriate social activities, except where it is for the best interests of the child.

Article 76. Assurance of children's participation in schools and other educational institutions

A school or another educational institution has the following responsibilities:

1. To organize and create conditions for children to participate in activities of the Ho Chi Minh Young Pioneers' Brigade, Ho Chi Minh Communist Youth Union, clubs, teams and groups of children in the school or educational institution; in extra-curricular activities and social activities;

2. To supply information on education policies, laws and regulations which are related to students; to make public information on learning and training plans, nurturing regimes and contributions according to regulations;

3. To create conditions for children to make proposals, express opinions and aspirations on teaching and learning quality; on the rights and legitimate interests of children in the educational environment and matters of their concern;

4. To receive opinions, proposals and aspirations of children, settle them according to assigned responsibilities or forward them to competent agencies and organizations for consideration and settlement and notify settlement results to children.

Article 77. Organization representing the voice and aspirations of children

1. The Ho Chi Minh Communist Youth Union Central Committee is the organization representing the voice and aspirations of children and supervising the exercise of the rights of children according to their opinions and aspirations.

2. The organization that represent children's voice and aspirations has the following tasks:

a/ To organize the collection of children's opinions and proposals; to organize children's contacts with National Assembly deputies and People's Council deputies;

b/ To regularly listen to, receive and summarize opinions and proposals of children;

c/ To send children's opinions and proposals to competent agencies for settlement;

d/ To monitor the settlement of their opinions and proposals and notify children the settlement results;

dd/ To assume the prime responsibility for, and coordinate with related agencies and organizations in, supervising the exercise of children's rights according to their opinions and aspirations;

e/ To annually report to the National Assembly Committee for Culture, Education, Youths, Adolescents and Children and the Ministry of Labor, War Invalids and Social Affairs on the performance of responsibilities of related agencies and organizations in considering and settling the opinions and proposals of children.

Article 78. Assurance of children's participation in matters on children

1. Agencies, organizations, educational establishments, families and individuals shall allow children to participate in matters on children as prescribed in Article 74 of this Law and ensure the following requirements:

a/ To create a safe, friendly and equal environment for children's participation;

b/ To supply adequate information on matters related to children and matters of their concern with suitable contents, forms and measures;

c/ To encourage children's participation; not to retaliate or discriminate children when they express their opinions and aspirations;

d/ To ensure that children's participation is voluntary, proactive, and suitable to their age, gender and development;

dd/ Opinions and aspirations of children as well as opinions of the organization representing children's voices and aspirations shall be listened to, received, considered, settled and responded to in an adequate, timely, objective and honest manner.

2. Annually, the People's Councils at all levels shall assume the prime responsibility for, and coordinate with related agencies and organizations in, organizing meetings and dialogues to listen to the opinions and aspirations of children on matters of their concern.

3. The Government shall detail the responsibilities of agencies, organizations, educational institutions, families and individuals to ensure children's participation in matters related to them.

Chapter VI

RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS, EDUCATIONAL INSTITUTIONS, FAMILIES AND INDIVIDUALS IN THE MATERIALIZATION OF CHILDREN'S RIGHTS AND DUTIES

Section 1

RESPONSIBILITIES OF AGENCIES AND ORGANIZATIONS

Article 79. The National Assembly and People's Councils at all levels

1. The National Assembly and People's Councils of provincial and district levels shall decide on socio-economic development objectives, targets, policies, programs and plans according to their competence to ensure the exercise of children's rights; supervise the exercise of children's rights as prescribed by law; and allocate annual budgets for the exercise of children's rights.

2. The Ethnic Council and Committees of the National Assembly shall coordinate with the National Assembly's Committee for Culture, Education, Youths, Adolescents and Children in considering and assessing issues related to children in draft laws, ordinances and resolutions of the National Assembly and the National Assembly Standing Committee and the incorporation of objectives and targets on the exercise of children's rights into national socio-economic development master plans and plans during the verification thereof; and oversee the implementation of policies and laws concerning children and the exercise of children's rights.

3. The People's Councils at all levels shall pass resolutions for implementation and supervision of the implementation of children-related policies and laws in their localities according to their assigned tasks and powers.

4. National Assembly deputies and People's Council deputies at all levels shall regularly and periodically meet with children or their representatives; receive and forward children-related proposals to related agencies and organizations, and monitor and supervise their settlement thereof.

Article 80. The Government

1. To perform the unified state management of children; to promulgate according to its competence, and organize the implementation of, policies, laws and programs on children; to ensure mechanisms and measures for coordination among ministries, ministerial-level agencies, government-attached agencies and localities in the exercise of children's rights and settlement of issues related to children.

2. To identify and materialize the children-related objectives and targets in long-term, medium-term and annual socio-economic development plans of the country, sectors and localities according to regulations.

3. To direct ministries, ministerial-level agencies and government-attached agencies to assume the prime responsibility for, and coordinate in, the inspection, examination and settlement of proposals, complaints, denunciations and in the handling of violation of the law on children according to their competence.

4. To ensure conditions for the organization representing children's voices and aspirations to perform the tasks defined in Clause 2, Article 77 of this Law, and direct and assign ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees to coordinate with this organization during the performance of its tasks.

5. To annually or extraordinarily report to the National Assembly on the results of exercise of children's rights and performance of children-related tasks by ministries, ministerial-level agencies, government-attached agencies and localities.

Article 81. The People's Courts and People's Procuracies

1. The People's Courts at different levels shall apply the principles of guaranteeing the implementation of children's rights and duties and judicial requirements and measures applicable to children to conduct trials of acts of violating children's rights, juvenile delinquents and to issue judicial decisions on children or related to children.

2. The Supreme People's Court shall guide the People's Courts at different levels to conduct trials of and issue judicial decisions on children or related to children for the best interests of children.

3. The People's Procuracies at different levels shall apply the principles of guaranteeing the implementation of children's rights and duties and judicial requirements and measures applicable to children to exercise the right to

prosecution and supervision of judicial activities for children or related to children.

4. The Supreme People's Procuracy shall guide the People's Procuracies at different levels to exercise the right to prosecution and supervision of judicial activities for children or related to children for the best interests of children.

5. To provide training and retraining in children's rights and psychology and education related to children for judges, people's assessors and procurators who conduct legal proceedings for cases related to children.

Article 82. The Ministry of Labor, War Invalids and Social Affairs

1. To be responsible to the Government for performance of the state management of children; to coordinate the exercise of children's rights; to ensure the exercise of children's rights as assigned or authorized by the Government.

2. To contribute written comments on issues related to children and send them to the committees that draft laws, ordinances or resolutions of the National Assembly or the National Assembly Standing Committee and other legal documents; to propose the incorporation of children-related objectives and targets when formulating national, sectoral or local socio-economic development master plans and plans.

3. To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, government-attached agencies, localities and the organization representing children's voices and aspirations so as to assist the Government in preparing annual or irregular reports to the National Assembly on the results of exercise of children's rights and the performance of children-related tasks by ministries, ministerial-level agencies, government-attached agencies and localities.

4. To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, government-attached agencies and localities in preparing national reports on implementation of the United Nation Convention on the Rights of the Child.

5. To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, government-attached agencies and localities in, formulating, guiding and organizing the implementation of, policies and laws on child protection and children's participation in matters on children.

6. To assume the prime responsibility for, and coordinate with related agencies and organizations in, guiding and organizing the prevention and control of children's accidents and injuries and the care for and nurture of disadvantaged children.

Article 83. The Ministry of Justice

1. To assume the prime responsibility for, and coordinate with the Supreme People's Court, the Supreme People's Procuracy and related ministries, ministerial-level agencies and government-attached agencies in, ensuring the protection of children in the course of handling administrative violations.

2. To assume the prime responsibility for and guide the registration of births, settle matters on citizenship of children and identification of parents for children.

3. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and government-attached agencies in, performing the state management of child adoption.

4. To manage and guide the provision of legal aid for children and their parents and caregivers as prescribed by law.

Article 84. The Ministry of Health

1. To ensure children's access to quality healthcare services and equality in medical examination and treatment establishments as prescribed by law.

2. To guide the compilation of records for health monitoring and regular medical examinations according to age groups; to provide health care and health and nutrition counseling for pregnant women and children; to provide counseling, screening, diagnosis, prenatal and postnatal treatment; to give advice to and support children on reproductive healthcare suitable to their age.

3. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and government-attached agencies in, guiding the provision of healthcare for children with disabilities, injured children and other categories of disadvantaged children.

4. To coordinate with the Ministry of Education and Training in guiding and organizing the implementation of school healthcare activities, ensuring healthcare for children in educational institutions; to coordinate with the Ministry of Labor, War Invalids and Social Affairs in the prevention and control of accidents and injuries for children.

5. To assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, providing guidance for parents and caregivers on child care knowledge and skills, nutrition, hygiene and disease prevention for pregnant women and children, especially children under 36 months old.

Article 85. The Ministry of Education and Training

1. To ensure the materialization of children's rights and duties at schools and other educational institutions; to develop educational programs and contents suitable to children of every age group and ensure their quality up to the requirements for all-sided development of children; to ensure children's

completion of general education programs and create conditions for their study at higher levels.

2. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and government-attached agencies in, establishing school standards, building a safe, healthy and friendly educational environment; preventing and controlling school violence, and submit them to the Government for detailing Clause 4, Article 44 of this Law.

3. To organize the dissemination of and education in knowledge on children's rights and duties for students, teachers and educational administrators, and life skills education for students.

4. To organize the implementation of policies and laws and apply education support measures suitable to disadvantaged children and ethnic minority children; to provide integration education for children with disabilities.

5. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and government-attached agencies in, guiding and organizing school healthcare activities, ensuring healthcare for children in schools and other educational institutions, for education and all-sided development of children in the educational system; preventing and controlling accidents and injuries for children in schools and other educational institutions.

6. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and government-attached agencies in, formulating policies on education and training, aptitude and talent fostering for children; to mobilize families and the society to detect, assist and foster aptitudes or talented children.

7. To guide children's participation in schools or other educational institutions as prescribed in Article 76 of this Law.

8. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and government-attached agencies in, educating and guiding children to preserve and promote the national cultural identity; to inform and guide parents and caregivers on knowledge and skills for child care and education, especially for children in kindergartens.

9. To manage and guide the use of equipment and toys in schools and other educational institutions under its management.

Article 86. The Ministry of Culture, Sports and Tourism

1. To ensure children's play, recreation, cultural, artistic, physical and sports and tourist activities.

2. To assume the prime responsibility for, and coordinate with the Ho Chi Minh Communist Youth Union Central Committee in, guiding the development of cultural and sports institutions reserved exclusively for children or open for children's participation.

3. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, government-attached agencies and the Ho Chi Minh Communist Youth Union Central Committee in, managing and guiding the development of cultural and art programs, items and products; literary and artistic creation; to coordinate in organizing cultural, artistic, sports and tourist events for children and related to children.

4. To assume the prime responsibility for, and coordinate with the Ministry of Education and Training, the Ministry of Information and Communications, and the Ministry of Labor, War Invalids and Social Affairs in, guiding families to materialize children's rights and duties; educating children in the conservation, preservation and development of the national cultural identity and family tradition values; creating conditions for children to use the languages of their own ethnicities.

5. To assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, guiding the assurance of children's participation in families as prescribed in Article 75 of this Law.

Article 87. The Ministry of Information and Communications

1. To ensure children's access to information on various information and communication channels; protection of images and information on their privacy and personal secrets in mail and telecommunications and other forms of personal information exchange and storage.

2. To manage and guide the assistance for children in seeking, receiving and imparting information and expressing opinions and aspirations via information and communications channels in accordance with law, suitable to their age, maturity, needs and capacity.

3. To manage and guide the regulations and standards on the press, publication, telecommunications, Internet, radio, television and other form of information provision and dissemination exclusive for children, involving children or related to children; to protect children in the environment of the Internet, computer networks, telecommunication networks, electronic media and other media of communication.

4. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, government-attached agencies, the Ho Chi Minh Communist Youth Union Central Committee and Vietnam Journalists Association in, developing the press, information and publications exclusively for children and with children's participation; to apply the informing and communication measures to provide families and society with knowledge and skills to ensure the materialization of children's rights and duties; to determine the proportions of content, time, and amounts of time of radio and television broadcasting, and of publications for children as prescribed in Clause 2, Article 46 of this Law.

Article 88. The Ministry of Public Security

1. To assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs, the Ho Chi Minh Communist Youth Union Central Committee, the Vietnam Women's Union Central Committee and law enforcement agencies in, guiding and organizing the application of measures to prevent and stop acts of violence, exploitation, sexual abuse and trafficking of children and crimes related to children.

2. To guide and organize the implementation of the principles of guaranteeing the exercise of children's rights and child protection requirements and measures in the process of legal proceedings and administrative-violation handling for juvenile delinquents, juvenile victims and witnesses; to train and retrain in children's rights, psychology and educational science for policemen, reformatory staffs and investigators of cases related to children.

3. To assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and government-attached agencies in, preventing, stopping, managing and educating juvenile delinquents.

Article 89. Ministries, ministerial-level agencies and government-attached agencies

1. To perform the tasks and exercise the powers related to children as prescribed by law.

2. To send annual or irregular reports on the exercise of children's rights under their respective tasks and powers to the Ministry of Labor, War Invalids and Social Affairs for reporting to the Government.

Article 90. The People's Committees at different levels

1. To perform the state management of children according to their competence; to organize the implementation of policies, laws, plans, target programs and targets on children; to promulgate according to their competence policies and laws to ensure the exercise of children's rights in conformity with local characteristics and conditions.

2. To direct and organize the exercise of children's rights; to allocate and mobilize resources, ensuring the exercise of children's rights and child protection as prescribed by this Law; to organize and manage activities of child protection service establishments according to their competence; to appoint child protection officers in localities; to perform the tasks defined in Clause 2, Article 45 of this Law.

3. To annually report to the People's Councils of the same level on the exercise of children's rights and the settlement of matters related to children in localities.

4. Commune-level People's Committees shall assign specific tasks related to the exercise of children's rights and appoint child protection officers among, commune-level civil servants or part-time officers under their management.

Article 91. The Vietnam Fatherland Front and its member organizations

1. To supervise, give criticisms and advice and make proposals to state agencies in the formulation and implementation of guidelines, policies and laws and the allocation of resources to satisfy children's rights as prescribed by law.

2. To persuade and mobilize their members and the entire society to support and participate in the implementation of policies, programs, plans and services to satisfy children's rights, to prevent violations of children's rights.

3. To implement programs and plans and to provide services satisfying the children's rights under the authorization and with assistance of the Government, ministries, ministerial-level agencies and government-attached agencies; to submit to inspections and examinations as prescribed by law.

4. In addition to complying with the provisions of Clauses 1, 2 and 3 of this Article, the Ho Chi Minh Communist Youth Union Central Committee has the following responsibilities:

a/ To assume the prime responsibility for, and coordinate with related agencies and organizations in, performing the tasks of an organization representing children's voices and aspirations as prescribed in Clause 2, Article 77 of this Law;

b/ To propose to the Government the conditions for fulfillment of its tasks of representing children's voices and aspirations and supervise the exercise of children's rights according to children's opinions and aspirations;

c/ To coordinate with the Ministry of Labor, War Invalids and Social Affairs, related agencies and organizations and provincial-level People's Committees in guiding the assurance of children's participation in matters on children.

5. In addition to complying with the provisions of Clauses 1, 2 and 3 of this Article, the Vietnam Women's Union Central Committee shall coordinate with the organization representing children's voices and aspirations in supervising the assurance of children's rights and interests.

Article 92. Social organizations

1. To mobilize their members to support and participate in the formulation and implementation of policies, laws, programs, plans and services satisfying children's rights, and prevention of violations of children's rights.

2. To implement policies and laws to satisfy children's rights in accordance with their respective guiding principles, purposes, tasks and powers prescribed by law; to receive and collect information from their members and the society in

order to report, propose and advise agencies, organizations, educational institutions and individuals on the implementation of policies and laws.

3. To organize the provision of services satisfying children's rights under the authorization and with the assistance of the Government, administrations at different levels, and state management agencies; to submit to inspection and examination during the course of implementation as prescribed by law.

4. The Vietnam Society for Protection of Children's Rights shall, in addition to implementing the provisions of this Article, organize the connection, collection of information and proposals of social organizations as well as children and send them to state agencies for comment and advice on the formulation and implementation of policies and laws related to children's rights; participate in the supervision of the exercise of children's rights; to present its opinions and petitions to related state agencies concerning matters on children and violations of the law on children.

Article 93. Economic organizations

1. In the course of their production and business, to strictly comply with the processes and standards in order to ensure the supply of products and services which are safe and friendly to children, are not harmful to children and do not violate children's rights under the regulations and guidance of competent agencies.

2. Employers shall create conditions for employees to fulfill the responsibilities of parents or caregivers of children as prescribed by law.

3. Employers shall create conditions for children to learn jobs and to be employed in accordance with children's capacity and age and the economic organizations' conditions and in accordance with law.

4. To contribute and mobilize resources for the exercise of children's rights in conformity of their respective capabilities, conditions and development level.

Article 94. Inter-sectoral coordination organizations for children

1. The Prime Minister shall set up an inter-sector coordination organization for children to assist the Government and the Prime Minister in the study, direction, coordination, urging and moderation among ministries, ministerial-level agencies, government-attached agencies; in the coordination between the Government and National Assembly agencies, the Supreme People's Court, the Supreme People's Procuracy, the Vietnam Fatherland Front and its member organizations, social organizations and socio-professional organizations; and in the coordination among localities in settling matters on children and the exercise of children's rights.

2. Based on practical requirements and conditions of their localities, chairpersons of the People's Committees at different levels shall set up inter-sector coordination organizations for children to assist the People's Committees and People's Committee chairpersons of the same level in coordinating, urging

and moderating the settlement of matters on children and the exercise of children's rights in localities.

Article 95. The Children Relief Fund

1. The Children Relief Fund shall be set up for the purpose of mobilizing voluntary contributions from agencies, organizations and individuals at home and abroad, and international aid and state budget support in case of necessity, to achieve the children-related targets prioritized by the State.

2. The mobilization for, the management and use of, the Children Relief Fund must comply with the set purposes and the provisions of law.

Section 2

RESPONSIBILITIES OF FAMILIES, INDIVIDUALS AND EDUCATIONAL INSTITUTIONS

Article 96. Guaranty for children to live with parents

1. Parents, care givers and family members shall ensure conditions for children to live with their parents.

2. Parents, care givers and family members shall observe the laws and decisions of competent agencies or persons on restriction of parental rights; separation of children from parents to ensure the safety and best interests of children.

Article 97. Birth registration for children

Parents and caregivers shall register births for children within the time limit prescribed by law.

Article 98. Child care, nurture and education

1. Parents, caregivers and family members shall take care of, nurture, manage and educate children; spare the best conditions according to their capabilities for the continuous and all-sided development of children, especially children under 36 months old; to regularly contact responsible agencies, organizations and individuals for guidance and assistance in the course of performing the responsibility to take care of, nurture and educate children.

2. Parents and caregivers shall ensure the nutritious regime suitable to the physical and spiritual development of children according to their age groups.

3. Parents and caregivers shall implement primary health care and disease prevention for children.

4. Pregnant women shall access health services for counseling on screening and prevention of inborn diseases for their children.

5. Parents, guardians, caregivers and family members shall build up abundant, equal, progressive and happy families; foster their child care, nurture

and education knowledge and skills, create a healthy environment for the all-sided development of children.

Article 99. Assurance of children's rights to learning, aptitude development, play, recreation, cultural, sports and tourist activities

1. Parents, teachers, caregivers and family members shall set examples in all aspects for children to follow; to self-study for acquiring knowledge and skills for education of children in morality, personality and children's rights and duties; create a healthy environment for children's all-sided development.

2. Parents, teachers and caregivers shall ensure that children can exercise their rights to study, complete the universal education program in accordance with law, and create conditions for children to continue their study at higher levels.

3. Parents, teachers and caregivers shall detect, encourage, foster and develop children's talent and aptitude.

4. Parents, teachers and caregivers shall create conditions for children to participate in play, recreation, cultural, sports and tourist activities suitable to their age.

Article 100. Protection of children's lives, bodies, dignity, honor and privacy

1. Parents, teachers, caregivers and family members have the following responsibilities:

a/ To foster their knowledge and skills for education of children in morality, personality, children's rights and duties; to create a safe environment, preventing accidents and injuries for children; to prevent children from falling into special circumstances and being at risk of abuse or being abused;

b/ To observe decisions, measures and regulations of competent agencies or persons in order to ensure the safety and to protect the lives, bodies, dignity, honor and privacy of children;

c/ To provide guaranty for children to exercise their rights to privacy, except where it is necessary to protect children and for the best interests of children.

2. Parents, teachers, caregivers and medical examination and treatment practitioners shall detect, denounce and notify acts of child abuse and children who are at risk of abuse or are being abused in and outside their families to competent agencies or persons.

3. Parents and guardians of children shall select defense counsels for or defend by themselves children in the course of legal proceedings as prescribed by law.

Article 101. Assurance of children's civil rights

1. Parents and guardians of children and family members shall protect the lawful rights and interests of children; represent children in civil transactions as prescribed by law; and take responsibility in cases where children perform illegal civil transactions.

2. Parents and guardians of children shall keep and manage children's property and hand over the property to them in accordance with law.

3. If a child causes damage to another person, his/her parents or guardian shall pay compensations for the damage caused by his/her acts as prescribed by law.

Article 102. Management and education of children to enable them to exercise their rights and perform their duties

1. Parents, teachers, caregivers and family members shall assume responsibility in the management, education and assistance so that children understand and exercise their rights and perform their duties prescribed in Chapter II of this Law.

2. Parents, teachers, caregivers and family members shall closely coordinate in the management, education and assistance so that children fully understand and perceive and exercise their rights and perform their duties prescribed in Chapter II of this Law.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 103. Effect

1. This Law takes effect on June 1, 2017.

2. Law No. 25/2004/QH11 on Child Protection, Care and Education ceases to be effective on the effective date of this Law.

Article 104. Transitional provisions

Child protection service establishments already set up by competent state agencies or granted operation registrations before this Law takes effect shall not be required to carry out establishment or re-registration procedures.

Article 105. Handling of violations

Violators of the provisions of this Law shall be disciplined, administratively sanctioned or examined for penal liability in accordance with law, depending on the nature and severity of their violations.

Article 106. Provision on detailing

The Government shall detail the articles and clauses as assigned in this Law.

This Law was passed on April 5, 2016, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 11th session.-

Chairperson of the National Assembly
NGUYEN THI KIM NGAN