

NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Law No.: 102/2016/QH13

Hanoi, April 05, 2016

CHILDREN LAW

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Children Law.

Chapter I

GENERAL PROVISIONS

Article 1. Children

A child is a human being below the age of 16.

Article 2. Scope

This Law provides for children's rights and responsibilities; rules and methods of ensuring children's rights; duties of agencies, organization, education facilities, families and individuals to exercise children's rights and responsibilities.

Article 3. Regulated entities

State agencies, political organizations, socio-political organizations, political-social-professional organizations, social organizations, socio-professional organizations, economic organizations, non-business units, people's armed force units, educational establishments, families and Vietnamese citizens; international organizations and bodies, and foreign organizations that operate in the territory of Vietnam, and foreigners residing in Vietnam (hereinafter referred to as agencies, organizations, educational establishments, families and individuals).

Article 4. Interpretation of terms

In this Law, these terms are construed as follows:

1. *Child protection* refers to the implementation of appropriate measures for ensuring safe and healthy life for children, the prevention and response to child abuse and the support for disadvantaged children.

2. *Children's comprehensive development* refers to the development in all terms of physical, intellectual, mental and ethical aspects and social relations of children.
3. *Surrogate care* refers to the fact that an organization, family or individual undertakes to take care of an orphan, a child who is not permitted to or cannot live with natural parents or a child who is affected by natural disasters and calamities or armed conflict for the purpose of ensuring the safety and best interests of such child.
4. *Child caregiver* is the one who undertakes to take care of a child. Such caregiver can be the child's guardian or the one who performs the surrogate care or is assigned to support, take care of or protect the child together with such child's parent.
5. *Child abuse* refers to any act that results in harm to the body, emotion, psychology, honor or human dignity of such child through violence against the child, child exploitation, sexual abuse, neglect and abandonment, and other forms of causing harm to the child.
6. *Violence against the child* refers to acts of maltreating, persecuting or beating a child; taking physical abuse or causing harm to the child's health; reviling or offending honor or dignity of the child; segregating, driving the child away and other deliberate acts that cause physical and mental harm to the child.
7. *Child exploitation* refers to the act of forcing the child to work against the law on labor, perform or produce pornographic products; organizing or supporting for tourist activities for the purpose of child sexual abuse; offering, adopting or supplying the child for prostitution and other acts of using the child for profiteering purpose.
8. *Child sexual abuse* refers to the act of using violence, threatening to use violence, forcing, persuading or seducing a child to engage in sexual acts. The child sexual abuse includes rape, aggravated rape, sexual intercourse or molestation with children and use of children for prostitution or pornography in any form.
9. *Child neglect and abandonment* refers to the child parent's or the child caregiver's failure to perform or inadequate performance of their duties to take care of the child.
10. *Disadvantaged children* refer to those who are unable to exercise their rights to life, protection, nurture and education, and need a special assistance and intervention of the Government, families and society so that they can live safely and fall in line with their families and the community.
11. *Supervision of the exercise of the children's rights upon the children's proposal and expectation* refers to the evaluation of activities carried out by relevant agencies, organizations and individuals for ensuring the children's rights and response to children's proposals for the purpose of protecting children's best interests.

Article 5. Rules for ensuring the exercise of children's rights and responsibilities

1. Facilitate children in exercising their rights and responsibilities in adequate manner.
2. Do not discriminate against children.
3. Ensuring children's best interests while making decisions relating children.
4. Respect, listen, consider and respond to children's proposals and expectations.
5. Consider ideas of children and those of relevant agencies and organizations while establishing policies and laws affecting children; combine goals or objectives regarding children in national, sector and local socio-economic development plans.

Article 6. Prohibited acts

1. Deprive children of right to life.
2. Neglect, abandon or engage in children trafficking, kidnap, swap and appropriate children.
3. Involve in child sexual abuse, use violence against children, abuse or exploit children.
4. Organize, support, incite or force the child to engage in child marriage.
5. Use, persuade, incite, excite, entice or force children to commit violations against the law, or offend honor or dignity of other person.
6. Prevent children from exercising their rights and responsibilities.
7. Fails to provide or conceal or preclude the provision of information concerning children who are abused or threatened to be exploited or suffered violence to their families, educational establishments or competent agencies and officials.
8. Discriminate against children on the grounds of their personal characters, family background, sex, race, nationality, belief or religion.
9. Sell or facilitate children in drinking alcohol or beer, smoking and using addictive substances or other stimulants, and unsafe foods which may cause harm to children.
10. Provide internet service and other services; produce, reproduce, release, operate, disseminate, possess, transport, store and trade in publications, toys, games and other products whose contents cause adverse influence on children's healthy development.
11. Announce or disclose information about the privacy or secret of the child without the consent of the child who is enough 07 years old or older, or the consent of the child's parent or guardian.

12. Make corrupt use of the child surrogate care to harm such child; take advantage of state policies and aid granted by organizations or individuals to seek private profit.

13. Build service facilities, production establishments or warehouses storing goods that cause environmental pollution, toxic chemicals or inflammables near facilities providing children protection services, educational establishments, health establishments, cultural establishments, children's entertainment and amusement centers or vice versa.

14. Encroach or use facilities that serve children's study, entertainment and other children protection services for purposes other than those regulated or illegal purposes.

15. Refuse, fail to perform or perform in insufficient untimely manner the support, intervention or treatment for children who are threatened to be or in peril, and whose body, honor or dignity are harmed.

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

1. The Government shall guarantee the resources for fulfilling goals and objectives concerning children in national, sector and local socio-economic development plans; prioritize the arrangement of resources for protecting children and ensuring the exercise of children's rights.

2. Financial sources for exercising children's rights includes funding from state budget, aids granted by domestic and foreign agencies, organizations, families and individuals, earnings from provided services, international aids and other lawful sources of income.

3. The Government shall provide human resource solutions and facilitate the exercise of children's rights; develop networks of individuals who are charged with protecting children's rights at all levels, prioritize the arrangement of individuals in charge of child protection affairs at communal level and mobilize resources for developing networks of freelancers in charge of protecting children at hamlets, villages, highland villages, mountainous villages, residential groups and quarters.

Article 8. Contents of state management of children affairs

1. Request competent state agencies to promulgate or promulgate, within their competence, legislative documents concerning children and direct or organize the implementation of those legislative documents.

2. Establish and organize the implementation of national strategies, policies and goals concerning children.

3. Provide guidance on measures, procedures and standards of protecting children's rights to agencies, organizations, education facilities, families and individuals as regulated by laws.

4. Propagate and disseminate legislations on children; employ the mass media to disseminate knowledge and skills, and mobilize the society to exercise children's rights.
5. Construct, train and improve knowledge and skills of officials, public employees and individuals in charge of protecting children, caregivers and networks of freelancers engaging in children protection for exercising children's rights.
6. Inspect the implementation of the children law; respond to complaints and denunciations, and handle actions in violation of the children law; respond to or expedite the response to proposals submitted by children, guardians and Organization representing the voice of children.
7. Carry out the statistics and reports on children's status and the implementation of the children law for competent state agencies.
8. Carry out international cooperation in exercising the children's rights.

Article 9. Cooperation in exercising children's rights and responsibilities

1. Ministries, ministerial-level agencies and the government-affiliated agencies shall coordinate with agencies in charge of state management of children affairs and relevant agencies and organizations to carry out the inspection and response to complaints and denunciations, and handle acts in violation of the children law.
2. Agencies, organizations, educational establishments, families and individuals shall ensure the exercise of children's rights and responsibilities; support and facilitate children in exercising their rights and discharging their responsibilities as regulated by law; coordinate and exchange information together during their implementation.
3. Socio-political organizations and social organizations shall coordinate with agencies in charge of state management of children affairs during their performance of duties relating to children.

Article 10. Disadvantaged children

1. Disadvantaged children include the following groups:
 - a) Double orphans;
 - b) Abandoned children;
 - c) Homeless children;
 - d) Children with disabilities;
 - dd) Children affected by HIV/AIDS;

- e) Children committed illegal acts;
- g) Children who are drug addicts;
- h) Children who must give up their studies to earn their living and fail to complete the universalization of secondary education;
- i) Children who suffered seriously physical and mental harm due to violence;
- k) Exploited children;
- l) Sexually abused children;
- m) Trafficked children;
- n) Children who have fatal disease or disease requiring long-term treatment and are children of poor or near poor households;
- o) Immigrant and refugee children whose parents are not yet identified or those who have no caring person.

2. The Government shall promulgate regulations detailing groups of disadvantaged children and appropriate support policies for each group.

Article 11. Month of action for children

1. The Month of Action for Children is annually organized in June to promote the “All people take care of, educate and protect children” movement; propagate, disseminate and mobilize agencies, organizations, educational establishments, families and individuals to implement policies, programs, plans and projects on children affairs, build works for children and mobilize resources for engaging in children affairs.

2. Ministry of Labour - Invalids and Social Affairs shall take the prime responsibility and coordinate with relevant agencies and organizations to direct and guide the implementation of the Month of Action for Children.

Chapter II

CHILDREN’S RIGHTS AND RESPONSIBILITIES

Section 1. CHILDREN’S RIGHTS

Article 12. Right to life

Children have the right to protection of their life and are entitled to enjoy best conditions for living and development.

Article 13. Right to birth registration and nationality

Children have the right to be registered for birth or death, have the right to a legally registered full name and a nationality. Children also have the right to have their parents, ethnic groups and sex defined as regulated by laws.

Article 14. Right to healthcare

Children have the right to best healthcare services, are prioritized to access and use medical prevention, examination and treatment services.

Article 15. Right to be cared for and nurtured

Children have the right to be cared for and nurtured to develop comprehensively.

Article 16. Right to education, study and development of talent

1. Children have the right to education and study so that they can have a comprehensive development and promote their ability in the best way.
2. Children are granted with equal opportunities for study and education, and developing their talent, creation and invention.

Article 17. Right to engage in play and recreational activities

Children have the right to engage in play and recreational activities, are granted with equal opportunities for joining in cultural, arts, sports and tourist activities in conformity with their age.

Article 18. Right to preserve and promote characters

1. Children are entitled to have their personal characteristics and value respected in conformity with their age and the national culture. They are also entitled to have their family relationship acknowledged.
2. Children have the right to use the national language and script, preserve the national characters and promote the national cultural traditions, manners and customs.

Article 19. Right to freedom of belief or religion

Children have the right to freedom of belief or religion. They may follow or reject to follow a given religion and their safety and interests thereof must be ensured and protected in the best way.

Article 20. Right to assets

Children have the right to asset ownership, inheritance and other rights to assets as regulated by the law.

Article 21. Right to privacy

1. Children have the imprescriptible right to privacy and keep personal and family secrets, all are for the best interests of children.
2. Children have their honor, dignity, personal prestige, mail, telephone and telegram security and other personal information exchange types protected by the law. They are protected from and may resist illegal interventions against personal information.

Article 22. Right to live with their parent(s)

Children have the right to live with their parent(s) and are provided with the protection, caring for and education of both parents, unless they must be separated from their parent as regulated by the law or for protecting their best interests.

In case of separation from parent(s), children must be assisted to stay in contact with their parent(s) and family, unless this might cause adverse influence on their best interests.

Article 23. Right to be reunited and stay in contact with parent(s)

Children have the right to know their natural parents, unless this might cause adverse influence on their best interests. They are entitled to stay in touch or contact with both parents when they or their parent(s) resides (reside) in different countries or are detained or expelled. They also have their immigration facilitated to be united with their parent(s). In addition, children are protected from illegal transport to the outside of the territory of Vietnam and provided with information when their parent(s) is (are) missing.

Article 24. Right to receive surrogate care and to be adopted

1. Children can receive the surrogate care when their parents are dead or they cannot live with their natural parent or they are affected by natural disasters and calamities or armed conflict in order that their safety and interests are ensured and protected in the best manner.
2. Children are adopted as regulated by laws on adoption.

Article 25. Right to be protected from sexual abuse

Children have the right to be protected, in any form, from sexual abuse.

Article 26. Right to be protected from labor exploitation

Children have the right to be protected, in any form, from the labor exploitation. They must not work when they are under the working age and they must not work overtime or do arduous, harmful or dangerous works as regulated by the law. They are protected from forcing to do jobs or arranging in working places where cause adverse influence on their personality and comprehensive development.

Article 27. Right to be protected against violence, neglect or abandonment

Children have the right to be protected, in any form, from violence, neglect or abandonment which harms their comprehensive development.

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

Children have the right to be protected, in any form, from trafficking, kidnapping, swap and appropriation.

Article 29. Right to protection from narcotic substances

Children have the right to be protected from any form of illegal use, manufacturing, transport, sale, purchase and storage of narcotic substances.

Article 30. Right to be protected in the course of proceedings and taking of actions against administrative violations

Children have the right to be protected during proceedings and the taking of actions against administrative violations. They are entitled to defend themselves or be defended and have their lawful rights and interests protected. They are also entitled to legal aid, state their opinions and protected from illegal deprivation of the right to freedom. In addition, they are protected from torture, extortion of deposition, corporal punishment, defamation of the honor and dignity, acts violating their body, psychological pressure and other violations.

Article 31. Right to be protected while suffering from natural disasters and calamities, environmental pollution or armed conflict

Children have the right to all forms of special assistance and protection from impacts of natural disasters and calamities, environmental pollution and armed conflict.

Article 32. Right to social security

Children who are Vietnamese citizens shall have their social security benefits ensured as regulated by the law and in conformity with socio-economic conditions of regions where they are living and capacity of their parent(s) or caregivers.

Article 33. Right to access to information and social activities

Children are entitled to access to information in a sufficient, timely and appropriate manner. They have the right to retrieve and obtain information in all forms as regulated by the law and engage in social activities in conformity with their age level, maturity level, demands and capacity.

Article 34. Right to state opinions and attend meeting

Children have the right to state their opinions and expectations about children issues. They are entitled to attend meetings as regulated by the law in conformity with their age level, maturity level and development. They also have their opinions and legitimate expectations received, considered and responded by agencies, organizations, educational establishments, families and individuals.

Article 35. Rights of children with disabilities

Children with disabilities have all children's rights and rights of the disabled as regulated by the law. They are entitled to special assistance, caring and education so that they can receive rehabilitation, develop their self-reliance and get social inclusion.

Article 36. Rights of stateless children and refugee children

Stateless children residing in the territory of Vietnam and refugee children are protected and entitled to receive humanitarian assistance and search for their parents and families as regulated by the law of Vietnam and the international agreements to which the Socialist Republic of Vietnam is a signatory.

Section 2. CHILDREN'S RESPONSIBILITIES

Article 37. Children's responsibilities towards their families

1. Respect, be polite and dutiful to grandparents and parents; love, show interest in and share their feeling and desires with their parents and kindred.
2. Study, train and keep family order and disciplines; assist their parents and members of family members in works conformable to their age level, sex and development.

Article 38. Children's responsibilities towards their schools, social support establishments and other educational establishments

1. Respect teachers, officials and employees of their schools, social support establishments and other educational establishments.
2. Love, show solidarity, share difficulties, respect and help classmates and friends.

3. Take moral training, train for self-study awareness, fulfill learning tasks and take training according to educational programs and plans of their schools or other educational establishments.

4. Preserve and protect assets and fully comply with internal regulations and rules of schools, social support establishments and other educational establishments.

Article 39. Children's responsibilities towards community and society

1. Respect and be polite with the elderly; care for and help the elderly, the disabled, pregnant women, younger kids and people with difficulties in conformity with their capacity, health and age level.

2. Respect rights, honor and dignity of other people; comply with regulations on traffic safety, social order and security; protect, preserve and use property, natural resources and protect environment in conformity with the children's capacity and age level.

3. Discover, notify, provide and denounce acts in violation of the laws.

Article 40. Children's responsibilities towards hometown and nation

1. Love hometown and nation, love fellow-citizens, show a good sense of building and protecting the Fatherland; preserve the national character and promote national and local customs, practices, traditions and culture.

2. Comply with and abide by the laws; unite, cooperate and exchange with international friends and children in conformity with the children's age level and each period of development.

Article 41. Children's responsibilities towards themselves

1. Assume responsibilities towards themselves; do not cause harm to their own body, honor, dignity and property.

2. Live honestly and modestly; keep personal hygiene and take physical exercise.

3. Study hard and do not leave school or families to live as the homeless.

4. Do not engage in gambling; do not buy, sell and use alcohol, beer, tobaccos, additive substances and other stimulants.

5. Do not use or exchange products whose contents incite violence or which have depraved contents; do not use toys or games harming their own healthy development.

Chapter III

EDUCATION AND CARE OF CHILDREN

Article 42. Guarantee of the care of children

1. The Government shall implement support and assistance policies, and promulgates standards and regulations on the care of children according to the age level and those for disadvantaged children.

2. The Government encourages agencies, organizations, families and individuals to support and take care of children and disadvantaged children. Organizations and individuals that provide care services to children shall be enjoyed support policies on land, taxes and credits.

Article 43. Guarantee of children's healthcare

1. The Government shall implement policies in conformity with socio-economic conditions at each period to support and ensure that all children are provided with healthcare services, especially disadvantaged children, children of poor and near-poor households, ethnic minority children and children who are living at border regions, mountainous regions, islands and regions with extremely difficult socio-economic conditions.

2. The Government shall ensure the implementation of measures for carrying periodical examination for pregnant women and children according to age level; providing children with nutrition-related care, initial health care and vaccination; childproofing and preventing child accidents and injuries; providing children advice and assistance in reproductive sexual health care in conformity with their age as regulated by the laws.

3. The provision of consultancy, protection and taking care of health and nutrition of pregnant women, mothers who have to bring up babies below 36 months of age and children, especially children under 36 months of age and abused children shall be prioritized in conformity with socio-economic development conditions at each period.

4. The Government shall implement policies and methods of consultancy, screening, diagnosis and treatment before birth and after birth; reducing child mortality rate, especially infant mortality rate; abolishing customs and practices that cause harm or adverse influence on children's health.

5. The Government shall pay or assist children to pay health insurance premium as regulated by the law on health insurance in conformity with age level, groups of children and socio-economic development conditions at each period.

6. The Government shall implement policies and measures for ensuring that children may use hygienic source of water and basic sanitary conditions, and ensuring foods safety as regulated by the laws.

7. The Government encourages agencies, organizations, families and individuals to support and invest in resources for protecting children and taking care of children's health, especially disadvantaged children.

Article 44. Guarantee of child education

1. The Government shall formulate assistance policies for ensuring that all children can go to school and minimizing the number of children giving up their studies; policies for supporting disadvantaged children, children of poor and near-poor households, ethnic minority children and children who are living at border regions, mountainous regions, islands and regions with extremely difficult socio-economic conditions to access to the educational universalization and inclusive education, attend vocational training classes and receive job recommendation in conformity with age level and the law on labor.

2. The Government shall give priority investment in education for ensuring that all children may get equal opportunities to access to education; practice inclusive education for children with disabilities; formulate policies on tuition exemption and reduction for each group of children in conformity with socio-economic development conditions at each period.

3. Educational programs and contents must be in conformity with age level and each group of children for ensuring educational quality and meeting comprehensive development and integration requirements; the education about Vietnam's history and cultural traditions, development of children's dignity, living skills, talent, sex education and reproductive health education shall be given with the special importance.

4. The Government promulgates regulations on safe, healthy and friendly educational environment, and school violence prevention and intervention.

5. The Government shall establish proper policies on the universalization of preschool education for children at 05 years old and policies for supporting preschool-aged children in conformity with socio-economic development conditions at each period; encourage and attract other sources of investment for developing education and training.

Article 45. Guarantee of play and recreational activities, cultural, arts, sports and tourist activities for children

1. The Government shall establish policies for supporting the creation of cultural and arts works; developing a system of cultural and sports facilities for children; establish priority policies for children while they use play, recreation, sports and tourism services and visit monuments and relics.

2. People's committees at all levels shall make plans on land use, allocation of land funds and investment in play and recreation areas, cultural, arts and sports activities for children; ensure appropriate conditions, period and time for children to participate in activities at cultural and sports facilities.

3. The Government shall facilitate children in preserving and promoting the national character and culture, and using their ethnic languages.
4. The Government encourages organizations, families and individuals to participate in aid, investment and construction of facilities serving children's play and recreational activities; encourages the creation and manufacturing of children's safe and healthy toys and games which promote the national character and culture.

Article 46. Guarantee of children's information and communications activities

1. The Government ensures the children's right of access to information and right to state their opinions and expectations, find out, learn and exchange their knowledge via appropriate information and communication channels.
2. Information agencies and publishing houses must arrange an appropriate proportion of contents, period and broadcasting volume of radio and television programs, and publications for children. Information, toys, games, radio and television programs, arts works and movies whose contents are not suitable for children must contain warning or specify the age of children who are not allowed to use.
3. The Government encourages the development of information and communications affairs in conformity with the comprehensive development of children; the manufacturing and publishing of contents and information with an amount of time conformable to ethnic minority children.

Chapter IV

CHILD PROTECTION

Section 1. LEVELS OF CHILD PROTECTION AND RESPONSIBILITY FOR IMPLEMENTATION

Article 47. Requirements on child protection

1. The child protection is implemented in according to the following three levels:
 - a) Prevention;
 - b) Support;
 - c) Intervention.
2. The implementation of the child protection must ensure the systematization, continuity, close and effective cooperation between competent authorities and sector managing agencies in the construction and implementation of policies and laws and the provision of child protective services.

3. Agencies, organizations, educational establishments, families and individuals assume child protection duties. The child protection must comply with the laws, processes and standards promulgated by competent state authorities.
4. The child protection at children's families and families that perform the surrogate care is prioritized. The sending of children to social support establishments is only a temporary method when the care of children at their families or families performing the surrogate care is unsuccessful or for the best interests of children.
5. Parents, caregivers and children must provide information and state their opinions with competent authorities and individuals in making decisions on child protection intervention or support.
6. It should attach a special importance to the prevention of the risk of harm to children; make timely intervention for minimizing bad consequences; actively assist disadvantaged children with functional rehabilitation and social inclusion.

Article 48. Prevention level

1. The prevention level includes many child protective measures which are applicable to community, families and children for the purpose of raising awareness and improving knowledge of child protection, creating a safe and healthy living environment for children and minimizing the risk of cases where children who may be abused or face disadvantaged conditions.
2. Child protective measures at prevention level consist of:
 - a) Propagate and disseminate the danger and consequences of factors and acts harming and abusing children; responsibility for discovering and reporting cases where children are abused or in danger of violence, exploitation or abandonment to community, families and children;
 - b) Provide information and equip parents, teachers, caregivers and people working in child protective service providers with knowledge of child protection duties and skills for preventing and discovering factors and acts harming or abusing children;
 - c) Equip with knowledge and parenting skills for ensuring children's safety;
 - d) Educate and give advice on knowledge and self-protection skills to children;
 - dd) Establish a safe and suitable living environment for children.

Article 49. Support level

1. The support level includes child protective measures which are applicable to children in danger of violence, exploitation or abandonment or disadvantaged children for the

purpose of discovering, reducing or abolishing risks of harm to children in a timely manner.

2. Child protective measures at the support level consist of:

- a) Warn about risk factors for child abuse; give advice on intervention measures, knowledge and skills for abolishing or reducing the risk of child abuse to parents, teachers, caregivers, people working in child protective service providers and children for the purpose of re-establishing a safe living environment for children in danger of child abuse;
- b) Receive information, evaluate the level of harm and apply necessary measures for supporting children in danger of violence, exploitation or abandonment for the purpose of eliminating or minimizing such dangers;
- c) Give assistance to disadvantaged children as regulated in this Law;
- d) Assist disadvantaged children and their families to access to social support policies and other supporting sources for improving living conditions for children.

Article 50. Intervention level

1. The intervention level includes child protective measures that are applicable to abused children and their families for preventing acts that result in harm to children and assisting disadvantaged children with functional rehabilitation and social inclusion.

2. Child protective measures at the intervention level consist of:

- a) Give health care, psychological treatment, physical and mental health rehabilitation to abused children and disadvantaged children who require the intervention;
- b) Arrange a safe temporary residence for children and separate them from the environment or individuals that make threats or have acts of violence or child exploitation.
- c) Arrange temporary or long-term surrogate care for children of groups defined in Clause 2 Article 62 of this Law;
- d) Assist children suffered violence, exploited and abandoned children in family reunion, school integration and social integration.
- dd) Give advice and provide parents, caregivers and family members of disadvantaged children with knowledge of duties and skills of protecting, taking care of and practicing inclusive education to this group of children.

- e) Give advice and provide knowledge of legislation and legal assistance to parents, caregivers and disadvantaged children;
- g) Measures for assisting abused children and their children prescribed in Clause 1 Article 43, Clause 1 Article 44 and Point d Clause 2 Article 49 of this Law;
- h) Monitor and evaluate the safety of abused children or those in danger of child abuse.

Article 51. Responsibilities for provision and response to information, report or denunciation of child abuse

1. Agencies, organizations, educational establishments, families and individuals shall assume responsibility for providing information, reporting and denouncing acts of harming children in cases where children are abused or in danger of violence, exploitation or abandonment to competent authorities.
2. Agencies of labour - invalids and social affairs, police agencies at all levels and communal people's committees are responsible for receiving and responding to information, reports and denunciations; cooperating to verify, appraise and investigate acts of harming children, conditions leading to the unsafety or harm to children and the level of risk of harm to children.
3. The Government establishes an active national telephone exchange system for receiving and responding to information, reports and denunciations of risks and acts of child abuse; promulgates procedures for receipt and response thereof.

Article 52. Support and intervention plans

1. The support and intervention plan is established for implementing one or certain child protective measures at the support or intervention level as regulated in Article 49 and Article 50 of this Law and applicable to each case of abused children or children threatened with violence, exploitation or abandonment and disadvantaged children.
2. People's committees of communes where children resides shall take the prime responsibility and coordinate with agencies, organizations and individuals in charge of child protection to establish, approve and implement support and intervention plans; arrange resources and individuals and/or organizations to implement or cooperate to implement and inspect the implementation of such support and intervention plans.
3. With regard to children who are abused or might suffer violence, might be exploited or abandoned by their parents or caregivers and abused children whose parents or caregivers refuse to implement support and intervention plans, chairpersons of communal people's committees, district agencies of labour - invalids and social affairs shall request competent courts to make decisions on limiting rights of children's parents or caregivers or temporarily separate such children from their parents or caregivers and apply surrogate care method.

4. This Article is detailed by the Government.

Article 53. Responsibilities of individuals in charge of child protection affairs at communal level

1. Assess risks and determine demands of children who need the protection.
2. Participate in the establishment and implementation of support and intervention plans for disadvantaged children, abused children or children in danger of violence, exploitation or abandonment.
3. Give advice and provide information and guidance to children and their parents and caregivers on the access to child protection, social support, health, education and legal assistance services and other supporting sources.
4. Give advice on child protection knowledge and skills to children, their parents, caregivers and family members and community.
5. Propose surrogate care method and follow the implementation thereof.
6. Assist children who committed illegal acts, are crime victims or testifiers in the course of proceeding, taking of actions against administrative violations, rehabilitation/ recovery and social inclusion as regulated in Article 72 of this Law.

Article 54. Responsibilities for child protection on the network environment

1. Relevant agencies and organizations shall propagate, educate and protect children while they participate into the network environment in all forms. Parents, teachers and caregivers of children shall provide education about knowledge and guidance on skills to children in order that they can know how to protect themselves on the network environment.
2. Agencies, organizations and individuals that manage or provide information and communications products or services and organize activities on the network environment must apply measures for ensuring the safety and personal secrets for children as regulated by the laws.
3. This Article is detailed by the Government.

Section 2. CHILD PROTECTIVE SERVICE PROVIDERS

Article 55. Types of child protective service providers

1. Child protective service providers are established by agencies, organizations and individuals as regulated by the laws. Their functions and tasks are to implement or cooperate and support for the implementation of one or certain child protective measures

at prevention, support and intervention levels as prescribed in Article 48, Article 49 and Article 50 of this Law.

2. Types of child protective service providers include public and private child protective service providers.

3. Child protective service providers consist of:

a) Child protective service providers whose functions and tasks specialize in the provision of child protective services;

b) Child protective service providers which only have a part of their functions and tasks specializing in the provision of child protective services.

Article 56. Requirements on the establishment and operation registration of child protective service providers

The establishment and operation registration of child protective service providers are carried out if the following requirements have been satisfied:

1. Their operational principles and objectives are for the best interests of children;
2. Their operating contents aim to implement one or several child protective measures regulated in Article 48, Article 49 and Article 50 of this Law;
3. Representatives of child protective service providers must be Vietnamese citizens who are capable of civil acts, have good virtuous character and knowledge of children and child protection affairs, and do not face criminal prosecution or administrative penalties for acts of child abuse;
4. Their facilities, equipment, financial sources and human resources must satisfy their objectives, requirements and scope of operation as regulated by competent state agencies.

Article 57. Authority to establish and grant operation registration certificates to child protective service providers

1. Ministries, ministerial-level agencies and the government-affiliated agencies shall, within the ambit of their tasks and powers, establish public child protective service providers under their authority and grant operation registration certificates to other child protective service providers whose operations are carried out in many provinces; take the prime responsibility and coordinate with the Ministry of Labour - Invalids and Social Affairs to promulgate or propose competent authorities to promulgate development plans for child protective service providers and guide the implementation thereof; establish procedures and standards of child protective service provision under their authority, inspect and take actions against violations as regulated by the laws.

2. The provincial people's committee shall establish public child protective service providers and grant operation registration certificates to other child protective service providers whose operations are carried in such province; take the prime responsibility and coordinate with relevant agencies to establish and direct the implementation of the general planning for types of child protective service providers in such province in conformity with actual demands.

3. The district people's committee shall establish public child protective service providers and grant operation registration certificates to other child protective service providers whose operations are carried in such district.

Article 58. Activities of child protective service providers

1. Child protective service providers shall carry out registered activities and satisfy the following requirements:

- a) Requirements regulated in Article 47 of this Law;
- b) Comply with procedures and standards of child protection service provision promulgated by competent state authorities;
- c) Conduct the receipt and provision of child protective services, and transfer of children and results of child service provision between child protective service providers for the safety and best interests of children;
- d) Follow the guidance and bear the inspection of specialized operations by competent state authorities;
- dd) Keep secret of information concerning abused children, except for the cases where the provision of information is requested by competent agencies or officials.

2. Child protective service providers can receive financial support or support in kinds granted by domestic and foreign agencies, organizations and individuals as regulated by the laws for implementing child protective measures.

Article 59. Suspension or termination of activities of child protective service providers

1. If child protective service providers commit any of the following contents, their activities or a part of their activities shall be suspended or terminated depending on the nature and degree of the violations:

- a) Fail to satisfy requirements stated in Article 56 of this Law or fail to comply with laws relating to their operating sectors;
- b) Commit serious violations against the children's rights;

c) Use their operating expenditure and facilities not for regulated purposes.

2. Ending the period of suspension, if child protective service providers fail to rectify issues that lead to such suspension, their activities or a part of their activities shall be terminated.

3. Competent state agencies have the right to suspend or terminate activities of child protective service providers that they established or granted operation registration certificates.

Section 3. SURROGATE CARE

Article 60. Requirements on the implementation of surrogate care

1. Base on demands, background, sex, race, religion and language of children, and ensure children's rights.

2. Ensure the children's safety as well as the stability, continuity and attachment between children and their caregivers.

3. Consider opinions, expectations, feeling and attitude of children according to their age and maturity level. With regard to children from enough 07 years of age and older, their opinions must be considered carefully.

4. The surrogate care taken by children's kindred is prioritized. If children have siblings, they might live together with their siblings.

5. Ensure the contact or reunion between children and their parents and other family members, if possible, except for the cases where the contact or reunion is unsafe for children or not for children's best interests.

Article 61. Types of surrogate care

1. The surrogate care taken by children's kindred.

2. The surrogate care taken by individual or family that is not children's kindred.

3. The surrogate care is carried out in the form of adoption.

The child adoption must comply with laws on adoption.

4. The surrogate care is made at social support establishments.

Article 62. Cases where children need the surrogate care

1. Double-orphans, abandoned children, and homeless children.

2. Children who cannot live with their natural parents for protecting children's safety; children whose parents are unable to protect or nurture them or are child abusers.
3. The protection of children who are affected by natural disasters and calamities or armed conflict is prioritized.
4. Refugee children whose parents are not yet identified.

Article 63. Conditions of the surrogate care

1. The making of decisions on the surrogate care must satisfy requirements stated in Article 60 of this law and the following conditions:
 - a) The surrogate care must be consented in writing by the children's guardians in cases regulated in Clause 1 Article 62 of this Law;
 - b) The approval or performance of the surrogate care for children whose parent(s) is (are) alive but they are unable to protect and take care of them must be carried out with the written content of their parent(s), except for the cases where intervention measures are taken to protect children as regulated in Point b and Point c Clause 2 Article 50 and Clause 3 Article 52 of this Law or the cases where parental rights are limited as regulated by the Law on marriage and family.
2. Individuals and families that perform the surrogate care must ensure the following conditions:
 - a) Individuals or family representatives must reside in the territory of Vietnam. They must be healthy, capable of civil acts and have good virtuous character. They do not have their rights to juvenile children limited. They also do not face criminal prosecution or administrative penalties for acts of child abuse. In addition, they must not be convicted of deliberate infliction of harm to human life, health, or dignity of the others, or maltreatment or abuse of one's grandparent, parent, spouse, child, grandchild, or caregiver, or persuading, forcing a minor to commit an offence, or harboring a minor committed an offence, or trafficking, or swapping, or appropriation of children;
 - b) They must have suitable residence and economic conditions to ensure the nurture and education of children;
 - c) They must voluntarily perform the surrogate care. All family members must agree with the receipt of surrogate care, and no one of family members must face the criminal prosecution or administrative penalties for acts of child abuse;
 - d) Kindred who perform the surrogate care must be adults. In other cases, individuals who perform the surrogate care must be at least 20 years older than children.

3. The Government encourages agencies, organizations, families and individuals to give support, in both mental and physical terms, for the surrogate care.

Article 64. Rights and responsibilities of surrogate caregivers

1. Surrogate caregivers shall assume the following responsibilities:

- a) Ensure safe living conditions for children so that they can exercise their rights and responsibilities in conformity with conditions of surrogate caregivers;
- b) Submit reports, after 06 months from the date on which they started their performance of the surrogate care or on annual basis, to people's committees of communes where they reside on physical and mental health, and the integration of children. In cases where unexpected matters occur, unscheduled reports must be submitted on a timely manner.

2. Surrogate caregivers shall have the following rights:

- a) Surrogate caregivers are entitled to priority loans, vocational training and employment support and healthcare while they get into difficulties;
- b) They are supported with expenditure for nurturing children as regulated by the law and are entitled to receive support from agencies, organizations, families and individuals to perform the surrogate care.

Article 65. Surrogate care registration

1. Individuals and families who wish to perform the surrogate care and are qualified for performing the surrogate care as regulated in Clause 2 Article 63 of this Law shall register with people's committees of communes where they reside.
2. Communal people's committees shall prepare and submit the list of individuals and families that have registered and are qualified for performing the surrogate care to district agencies of labour - invalids and social affairs.
3. District agencies of labour - invalids and social affairs shall coordinate with commune people's committees to manage the list and appoint qualified individual or family to perform the surrogate care within their authority in cases where children needs the surrogate care.
4. When kindred of children perform the surrogate care, they must not carry out registration procedures as regulated in Clause 1 of this Article but they must report to communal people's committees to make decisions on approval for the surrogate care.
5. The Government shall promulgate regulations detailing registration procedures, preparing the list and selecting individuals and families to perform the surrogate care.

Article 66. Authority to make decision on the surrogate care

1. Chairpersons of communal people's committees shall make decisions on sending children to individuals or families that register for the performance of surrogate care on the basis of requirements stated in Clause 1 and Clause 2 Article 63 of this Law.

If children who receive the surrogate care have no natural guardian as regulated by the laws, chairpersons of communal people's committees might, with the consent of surrogate caregivers, appoint surrogate caregivers to act as children's guardians.

2. Chairpersons of district people's committees shall decide to appoint social support establishments within their authority to perform the surrogate care.

3. Directors of departments of labour - invalids and social affairs shall decide to appoint social support establishments under provincial management to perform the surrogate care.

4. District people's committees shall make decisions on the surrogate care for groups of children regulated in Clause 2 Article 62 of this Law at the request of agencies, organizations and individuals in charge of child protection as regulated by the laws.

Article 67. Placement of children into social support establishments

1. Chairpersons of people's committees of communes where children reside or acts of child abuse occur shall carry out procedures for taking children into social support establishments in the following cases:

- a) While procedures for the surrogate care are carried out;
- b) There is unable to select an individual or family qualified for performing the surrogate care;
- c) Where measures stated in Point b Clause 2 Article 50 of this Law apply.

2. Social support establishments shall, on a regular basis, consider cases of surrogate care at their establishments and request for change of type of surrogate care.

3. The Government shall promulgate regulations on procedures for handling surrogate care documents and changing type of surrogate care.

Article 68. Supervision and assessment of status of children who receive the surrogate care

1. Provincial and district agencies of labour - invalids and social affairs shall discharge the following duties:

- a) Give advice and guide the implementation of policies and methods of supporting surrogate caregivers and children receiving the surrogate care;
- b) Verify the list of children at social support establishments for a periodical basis of every 06 months; receive, consider and respond to proposals of social support

establishments or request competent agencies or organizations to change types of surrogate care;

c) Inspect the surrogate care performed at families and social support establishments; take actions, within their competence, against child abuse or acts in violation of care of children standards.

2. Communal people's committees shall, on a periodical basis of 06 months, evaluate cases of children receiving surrogate care at families under their management and report to district agencies of labour - invalids and social affairs to impose suitable support and intervention measures.

Article 69. Termination of the surrogate care

1. The surrogate care shall be terminated in the following cases:

a) Individuals or families who perform the surrogate care are unable to ensure conditions for taking care of children as regulated in Clause 2 Article 63 of this Law;

b) Individuals or families who perform the surrogate care commit any of prohibited acts regulated in Article 6 of this Law and cause harm to children receiving the surrogate care;

c) The surrogate care is terminated as requested by individuals or families who perform the surrogate care;

d) Children under the surrogate care deliberately inflict serious harm to human life, health, dignity, or honor of individuals or members of families that perform the surrogate care;

dd) Children reunite with their families if their families ensure the safety of such children and have qualified conditions for exercising the children's rights.

2. If the individual or a member of the family that performs the surrogate care causes harm to the child, such child must be immediately separated from the individual or family performs the surrogate care and child protective measures may apply as regulated in Article 50 of this Law.

3. In case children wish to terminate the surrogate care, competent agencies or individuals and surrogate caregivers shall consider and decide the termination of surrogate care for the best interests of children.

4. Makers of decisions on surrogate care may decide the termination of surrogate care.

Section 4. MEASURES FOR PROTECTING CHILDREN IN THE COURSE OF PROCEEDING, TAKING OF ACTIONS AGAINST ADMINISTRATIVE VIOLATIONS, REHABILITATION/ RECOVERY AND SOCIAL INCLUSION

Article 70. Requirements on protection of children in the course of proceeding, taking of actions against administrative violations, rehabilitation/ recovery and social inclusion

1. Children must be respected and treated in a fair and equal manner in conformity with their age and maturity level.
2. Cases relating to children affairs shall be promptly handled for minimizing mental and physical harm to children.
3. Ensure the assistance of parents, guardians and other legal representatives for children in the course of proceeding and taking of actions against administrative violations for protecting children's lawful rights and interests.
4. Presiding officers, competent individuals for taking actions against administrative violations, lawyer and legal assistants must have necessary knowledge of child psychology and educational science. Their language must be friendly and understandable to children.
5. Ensure the children's rights to defense and legal assistance.
6. Actively prevent children's illegal acts and recidivism by means of giving timely support and intervention to correct justifications and factors for their illegal acts, and assisting children with rehabilitation/recovery and social inclusion.
7. Provide safe, continuous, sufficient and flexible prevention, support and intervention measures in a timely manner and in conformity with demands, background, age level and psychological and physiological features of each child on the basis of careful consideration and respect for opinions, expectations, feeling and attitude of that child.
8. Ensure the close and timely connection between agencies, organizations, child protective service providers, families, educational establishments and presiding authorities and competent authorities for taking actions against administrative violations.
9. Prioritize the imposition of prevention, support and intervention measures, or edification at the commune, ward or town, or measures substituting administrative penalties on children violating the laws. Coercive actions and limitations on freedom are only taken when other prevention and education measures are not appropriate.
10. Ensure children's privacy and apply necessary measures for limiting the children's appearance in the public during the proceeding.

Article 71. Measures for protecting children, who committed illegal acts, are crime victims or testifiers

1. Children committed illegal acts must undergo the edification at the commune, ward or town, or receive measures substituting administrative penalties as regulated by the Law on handling of administrative violations. Children who committed illegal acts and are exempt from criminal liabilities shall receive the reprimand, community conciliation or edification at the commune, ward or town. They must face the non-custodial sentence or

suspended sentence as regulated by the Criminal Code. The following protective measures shall be imposed on children who have served the compulsory education in a reform school or the imprisonment for correcting justifications and factors for illegal acts, recovering and avoiding recidivism:

- a) Child protective measures at the support level regulated in Point c Clause 2 Article 49 of this Law;
- b) Child protective measures at the intervention level regulated in Point a and Point e Clause 2 Article 50 of this Law;
- c) Seeking children's relatives for family reunion if children do not have stable residence;
- d) The surrogate care regulated in this Law shall be imposed on double-orphans, or children whose parents are not identifiable; children who are unable to live with their parents; children whose residence could not be identified during their implementation of decisions on the edification at the commune, ward or town, or measures substituting administrative penalties granted by competent authorities;
- dd) Assist families to supervise, manage and educate children;
- e) Other protective measures as regulated in Article 48, Article 49 and Article 50 of this Law, if possible.

2. Child protective measures at the support level regulated in Point c and Point d Clause 2 Article 49 and child protective measures at the intervention level regulated in Article 50 of this Law shall be imposed on children who are crime victims or testifiers and suffered mental or physical harm.

3. Human life, health, dignity, honor and privacy of children who are testifiers shall be protected. The forced escort or placing children who are testifiers under the psychological pressure should be minimized.

Article 72. Responsibilities of individuals in charge of child protection affairs at communal level in the course of proceeding, taking of actions against administrative violations, rehabilitation/ recovery and social inclusion

- 1. Give advice and provide information and guidance to children, their parents and caregivers on the access to child protection, legal assistance, social support, health, education support services and other supporting sources.
- 2. Find and provide information about children's background and family to authorized procedural persons and competent individuals for taking actions against administrative violations in order that they can impose legitimate measures for handling illegal acts, the edification measure and make other suitable decisions.

3. Participate in the proceeding and the handling of administrative violations in connection with children as regulated by the laws or as requested by authorized procedural persons or competent individuals for taking actions against administrative violations; attend the meeting of the advisory board for the application of the edification at the commune, ward or town for handling administrative violations, and the consideration made at the Court for sending children to reform schools for education.

4. Follow and assist the imposition of the edification at the commune, ward or town, measures substituting administrative penalties, or social inclusion on children who violate the law; propose suitable measures for protecting children who committed illegal acts as regulated in Clause 1 Article 71 of this Law.

5. Participate in the establishment of support and intervention plans and follow the implementation thereof; contact and assist children with rehabilitation/recovery and social inclusion services.

Article 73. Support for rehabilitation/recovery and social inclusion of children who committed illegal acts

1. Detention facilities and reform schools must coordinate with people's committees of communes where children reside to implement the following measures for the purpose of preparing and enhancing the social inclusion of children violating the law:

a) Maintain the contact between children and their family;

b) Organize educational classes, vocational training classes and skill training classes for children;

c) Consider and evaluate the compliance with the children's compulsory study and training at detention facilities and reform schools, and request competent authorities to reduce the period of serving the sentence or terminate the compulsory education at reform schools as regulated by the law.

2. The detention facility or the reform school where the child is serving his sentence or the compulsory education must, within 02 months before the child completes his sentence or 01 month before the child finishes the compulsory education at the reform school, inform and provide relevant information to the people's committee of commune where the child will return to live to prepare the receipt and support for the social inclusion of that child.

3. Chairpersons of people's committees of communes where children reside shall direct the establishment and implementation of support and intervention plans and the application of measures for protecting children who committed illegal acts as regulated in Clause 1 Article 71 of this Law.

4. Agencies of labour - invalids and social affairs, judicial agencies, police agencies, organizations of the Communist Youth Union of Ho Chi Minh City, and agencies of Vietnam Women's Youth Union at district level shall coordinate with relevant agencies and organizations to guide and assist communal people's committees with the implementation of support and intervention plans, and the imposition of other suitable protective measures on children.

Chapter V

CHILDREN'S PARTICIPATION IN ISSUES INVOLVING CHILDREN

Article 74. Scope and types of children's participation in issues involving children

1. The participation by children or Organization representing the voice of children, depending on the age level of children, is required in the following issues involving children directly or indirectly:

- a) The establishment and implementation of programs, policies and legislative documents and socio-economic development plans;
- b) The establishment and implementation of decisions, programs and activities of socio-political organizations, social organizations and social-professional organizations;
- c) Decisions and activities of schools, other educational establishments and child protective service providers;
- d) The application of measures for nurturing, educating and protecting children by their families.

2. Children may participate in issues involving children via one of the following forms:

- a) Forums, meetings, seminars, talks, contests or events;
- b) Through the Organization representing the voice of children; activities of Ho Chi Minh Young Pioneer Organization and the Communist Youth Union of Ho Chi Minh City; socio-professional organizations that operate for children's interests;
- c) Activities of children's clubs, teams and groups which are established under the laws;
- d) Consultation, survey and taking of children's opinions;
- dd) Expression of children's opinions and expectations in direct manner or via channels of the mass media, social media and other means of communications.

Article 75. Guarantee of children's participation in family issues

Parents and family members shall discharge the following duties:

1. Respect, listen, consider and respond to children's opinions and expectations in a manner in conformity with children's age level and development, and their family's conditions and background.
2. Facilitate and provide guidance to children on the access to sources of information in a safe manner conformable to children's age level and comprehensive development.
3. Facilitate children in stating their opinions and expectations about family's decisions and issues relating to children.
4. Do not obstruct the children's participation in suitable social activities, except for the cases where the obstruction is made for the children's best interests.

Article 76. Guarantee of children's participation in schools and educational establishments

Schools and educational establishments shall discharge the following duties:

1. Organize and facilitate children in participating in activities of Ho Chi Minh Young Pioneer Organization, the Communist Youth Union of Ho Chi Minh City, children's clubs, teams and groups in schools and other educational establishments; extra-curricular activities and social activities;
2. Provide information about policies, laws and regulations on education in connection with pupils; announce the information about educational and training plans, policies on the nurture and contributions as regulated;
3. Facilitate children in proposing and stating their opinions and expectations about teaching and learning quality; legitimate rights and interests of children in education and issues of their concern;
4. Receive opinions, proposals and expectations of children, and respond to those within their competence or submit them to competent agencies or organizations for consideration and inform children of results thereof.

Article 77. Organization representing the voice of children

1. The Communist Youth Union of Ho Chi Minh City's Central Committee is the organization representing the voice of children and functioned to supervise the exercise of children's rights on the basis of children's opinions and expectations.
2. The organization representing the voice of children shall discharge the following duties:

- a) Get opinions and expectations of children; facilitate children in contacting deputies of the National Assembly and People's Councils;
- b) Receive and summarize children's opinions and expectations in a regular basis;
- c) Send children's opinions and expectations to competent authorities for handling;
- d) Follow the handling of children's opinions and expectations and inform children of results thereof;
- dd) Take the prime responsibility and coordinate with relevant agencies and organizations to supervise the exercises of children's rights on the basis of children's opinions and expectations;
- e) Submit annual reports to the National Assembly's Committee for Culture, Education, Youth, Adolescents and Children and the Ministry of Labour - Invalids and Social Affairs on the performance of responsibilities for handling of children's opinions and proposals by agencies and organizations.

Article 78. Guarantee of children's participation in issues involving children

1. Agencies, organizations, educational establishments, families and individuals shall ensure the children's participation in issues involving children regulated in Article 74 of this Law and guarantee the following requirements:

- a) Create a safe, friendly and fair environment for children;
- b) Provide sufficient information with suitable contents about issues involving children and issues of children's concern in appropriate forms and methods;
- c) Encourage the children's participation; do not victimize or discriminate against children while they state their opinions and expectations;
- d) Ensure that the children's participation is voluntary and active in conformity with their age level, sex and development.
- dd) Receive and respond to children's opinions and expectations, and those stated by the organization representing the voice of children in a sufficient, timely, objective and honest manner.

2. People's committees at all levels shall take the prime responsibility and coordinate with relevant agencies and organizations to organize annual talks for getting children's opinions and expectations about issues of their concern.

3. The Government shall promulgate regulations on responsibilities of agencies, organizations, educational establishments, families and individuals for the guarantee of children's participation in issues involving children.

Chapter VI

DUTIES OF AGENCIES, ORGANIZATIONS, EDUCATION ESTABLISHMENTS, FAMILIES AND INDIVIDUALS TO THE EXERCISE OF CHILDREN'S RIGHTS AND RESPONSIBILITIES

Section 1. DUTIES OF AGENCIES AND ORGANIZATIONS

Article 79. Duties of the National Assembly and people's councils at all levels

1. The National Assembly and people's councils of provinces and districts shall, within their authority, make decisions on socio-economic development plans, objectives, targets, policies and programs for exercising the children's rights; supervise the exercise of the children's rights as regulated by the law; allocate annual state budget for ensuring the exercises of the children's rights.

2. The Ethnic Council, the Committees of the National Assembly shall coordinate with the National Assembly's Committee for Culture, Education, Youth, Adolescents and Children to consider and evaluate issues involving children in bills, draft ordinances and resolutions of the National Assembly and the Standing Committee of the National Assembly, and the combination of objectives and targets of the exercise of the children's rights and the national socio-economic development plans; supervise the implementation of policies and laws relating to children and the exercise of the children's rights.

3. People's councils at all levels shall, within the ambit of their tasks and powers, promulgate resolutions on the implementation of policies and laws on children and supervise the implementation thereof.

4. Deputies of the National Assembly and people's councils at all levels shall, on a regular and periodical basis, contact children or their representatives; receive, deliver and supervise the handling of proposals relating to children submitted by agencies or organizations.

Article 80. The Government

1. Carry out the consistent state management of children; promulgate, within its authority, and organize the implementation of policies, laws and programs involving children; ensure policies and measures for cooperation between ministries, ministerial-level agencies, the government-affiliated agencies and local government in the exercise of children's rights and the handling of issues involving children.

2. Ensure the establishment and implementation of objectives and targets involving children in the national, sector and local long-term, medium-term and annual socio-economic development plans as regulated.
3. Direct ministries, ministerial-level agencies and the government-affiliated agencies to take the prime responsibility and cooperate, within their authority, in the inspection, handling of proposals, complaints and denunciations, and taking of actions against acts in violation of the children law.
4. Facilitate the organization representing the voice of children in its performance of duties regulated in Clause 2 Article 77 of this Law, and direct and appoint ministries, ministerial-level agencies, the government-affiliated agencies and provincial people's committees to coordinate with this organization during the performance of its duties.
5. Submit annual or unscheduled reports to the National Assembly on the results of the exercise of the children's rights and the performance of duties to children by ministries, ministerial-level agencies, the government-affiliated agencies and local government.

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

1. People's courts at all levels shall always ensure the exercise of the children's rights and responsibilities, the consideration of children's requests and the application of judicial measures for handling acts in violation of the children's rights, taking actions against children violating the law and pronouncing ruling for children or other judicial decisions involving children.
2. The Supreme People's Court shall provide guidance to people's courts at all levels on the adjudication or the pronouncement of ruling for children or other judicial decisions involving children, all for the best interests of children.
3. People's procuracies at all levels shall always ensure the exercise of the children's rights and responsibilities, the consideration of children's requests and the application of judicial measures for exercising the right to prosecution and supervising judicial activities for children or those involving children.
4. The Supreme People's Procurary shall provide guidance to the people's procuracies on the exercise of the right to prosecution and supervision of judicial activities for children or those involving children which must ensure the best interests of children.
5. Provide training courses in children's rights, psychology and educational science relating to children to judges, people's jurors and procurators who institutes legal proceedings on cases involving children.

Article 82. Ministry of Labor - Invalids and Social Affairs

1. Assume responsibility before the Government for the execution of the state management of children affairs; organize the exercise of children's rights; ensure the exercise of children's rights as assigned or authorized by the Government.
2. Submit written opinions about issues involving children to the drafting board for bills, draft ordinances and resolutions of the National Assembly and the Standing Committee of the National Assembly and other legislative documents; propose the combination of objectives and targets involving children in the national, sector and local socio-economic development plans.
3. Take the prime responsibility and coordinate with ministries, ministerial-level agencies, the government-affiliated agencies, local government and the organization representing the voice of children to prepare and submit annual or unscheduled reports to the National Assembly on the exercise of children's rights and the performance of duties involving children by ministries, ministerial-level agencies, the government-affiliated agencies and local government.
4. Take the prime responsibility and coordinate with ministries, ministerial-level agencies, the government-affiliated agencies and local government to prepare the national report on the implementation of the United Nations Convention on the Rights of the Child (or UNCRC).
5. Take the prime responsibility and coordinate with ministries, ministerial-level agencies, the government-affiliated agencies and local government to establish, guide and organize the implementation of policies and laws on child protection and the children's participation in issues involving children.
6. Take the prime responsibility and coordinate with relevant agencies and organizations to guide and organize the performance of the protection of children from accidents and injuries, and the nurture of disadvantaged children.

Article 83. Ministry of Justice

1. Take the prime responsibility and coordinate with the Supreme People's Court, the Supreme People's Procuracy, and relevant ministries, ministerial-level agencies and the government-affiliated agencies to protect children during the handling of administrative violations.
2. Take the prime responsibility and provide guidance on the birth registration, and respond to issues involving children's nationality and determination of children's parents.
3. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies and government-affiliated agencies to execute the state management of adoption.

4. Manage and guide the performance of legal assistance for children, and their parents and caregivers as regulated by the laws.

Article 84. Ministry of Health

1. Ensure the children's access to high-quality healthcare services in medical facilities in a fair manner as regulated by the laws.

2. Provide guidance on the preparation of age-based regular check-up records; take care of and give advice on health and nutrition to pregnant women and children; carry out the consultancy, screening, diagnosis and treatment before birth and after birth; give advice and assistance to children to take care of their reproductive health in conformity with their age.

3. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies and government-affiliated agencies to provide healthcare services to children with disabilities or injuries due to accidents and other disadvantaged children.

4. Cooperate with Ministry of Education and Training to guide and organize the execution of school healthcare for protecting the health of children at educational establishments; cooperate with Ministry of Labour - Invalids and Social Affairs and Ministry of Education and Training to protect children from accidents and injuries.

5. Take the prime responsibility and coordinate with Ministry of Labour - Invalids and Social Affairs to provide guidance to children's parents and caregivers on knowledge and skills in healthcare, nutrition, hygiene and prevention of diseases for pregnant women and children, especially children under 36 months of age.

Article 85. Ministry of Education and Training

1. Ensure the exercise of children's rights and responsibilities in schools and other educational establishments; formulate educational programs in conformity with each age level of children, and ensure that such educational programs must meet requirements on the comprehensive development of children; ensure that children must complete the universalized education program and facilitate children in attending training courses at higher levels.

2. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies and government-affiliated agencies to formulate school's standards for establishing a safe, health and friendly educational environment and regulations on school violence prevention and intervention, and submit them to the Government for promulgating detailed regulations as stated in Clause 4 Article 44 of this Law.

3. Educate and disseminate knowledge about children's rights and responsibilities to pupils, teachers and educational managers, and provide skills training for pupils.

4. Organize the implementation of policies and laws, and apply suitable educational support measures to disadvantaged children, ethnic minority children; practice inclusive education for children with disabilities.
5. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies and government-affiliated agencies to guide and organize the performance of school healthcare for ensuring the child healthcare in schools and other educational establishments, the education and comprehensive development of children in the educational system; impose measures for preventing children from accidents and injuries in schools and other educational establishments.
6. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies and government-affiliated agencies to establish policies on training and improvement in talent for children; mobilize families and the society to discover and assist children to develop their talent.
7. Provide guidance on the children's participation in schools and other educational establishments as regulated in Article 76 of this Law.
8. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies and government-affiliated agencies to provide education and guidance to children on the preservation and promotion of the national character and culture; provide information and guidance to children's parents and caregivers on the knowledge and skills in the child nurture and education, especially kindergarteners.
9. Manage and instruct the use of equipment and toys in schools and other educational establishments within their authority.

Article 86. Ministry of Culture, Sports and Tourism

1. Ensure play and recreational activities, cultural, arts, sports and tourist activities for children.
2. Take the prime responsibility and coordinate with the Communist Youth Union of Ho Chi Minh City's Central Committee to guide the development of sports and cultural facilities reserved exclusively or made available for children.
3. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies, government-affiliated agencies and the Communist Youth Union of Ho Chi Minh City's Central Committee to manage and guide the establishment of cultural and arts programs, acts and products, and the composition of literary and arts works; organize cultural, arts, sports and tourist events for children and those involving children.
4. Take the prime responsibility and coordinate with Ministry of Education and Training, Ministry of Information and Communications, and Ministry of Labour - Invalids and Social Affairs to provide guidance to children's families on the exercise of children's

rights and responsibilities; provide education to children in the preservation and promotion of the national character and culture, and familial traditional values; facilitate children in using their ethnic languages.

5. Take the prime responsibility and coordinate with Ministry of Labour - Invalids and Social Affairs to guide the guarantee of children's participation in familial issues as regulated in Article 75 of this Law.

Article 87. Ministry of Information and Communications

1. Ensure that children may access to information via information and communications channels; children's images and information about their privacy and personal secrecy on mails, communications channels and other personal information exchange and storage forms shall be protected.

2. Manage and provide guidance on giving assistance to children to retrieve, obtain and disseminate information, state their opinions and expectations on information and communications channels as regulated by the law and in conformity with their age level, maturity level, demands and capacity.

3. Manage and give guidance on regulations on press, publishing, telecommunications, Internet, radio and television broadcasting and other forms of information provision and dissemination exclusive for children, those with the children's participation, and those involving children; protect children on the Internet environment, computer network, telecommunications network, electronic devices and other means of communications.

4. Take the prime responsibility and cooperate with relevant ministries, ministerial-level agencies and government-affiliated agencies, the Communist Youth Union of Ho Chi Minh City's Central Committee and Vietnam Journalists Association to develop press activities, information and publications exclusive for children and those with children's participation; carry out measures for providing and disseminating information about knowledge and skills in ensuring the exercise of children's rights and responsibilities to children's families; provide for proportion of contents, time, amount of time of radio and television broadcasting, and publications for children as regulated in Clause 2 Article 46 of this Law.

Article 88. Ministry of Public Security

1. Take the prime responsibility and cooperate with Ministry of Labour - Invalids and Social Affairs, the Communist Youth Union of Ho Chi Minh City's Central Committee, Vietnam Women's Youth Union's Central Committee and law enforcement agencies to guide and organize the implementation of measures for preventing violence against children, child exploitation, sexual abuse and trafficking, and crime relating to children.

2. Guide and organize the application of the principle of ensuring the exercise of children's rights, children's requests and child protective measures in the course of

proceedings and handling of administrative violations to children who committed illegal acts, are crime victims and testifiers; provide training courses in children's rights, psychology and educational science to police officers, officials of reform schools and investigators who institute legal proceedings on cases involving children.

3. Take the prime responsibility and coordinate with relevant ministries, ministerial-level agencies and government-affiliated agencies to prevent, manage and educate children violating the law.

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

1. Perform their powers and duties relating to children as regulated by prevailing laws.

2. Submit annual or unscheduled reports on the exercise of children's rights, within the ambit of their powers and duties, to Ministry of Labour - Invalids and Social Affairs for summarizing and reporting to the Government.

Article 90. People's committees at all levels

1. Carry out the state management of children within their authority; organize the implementation of policies, laws, plans and programs involving children; promulgate, within their authority, policies and laws on the guarantee of the exercise of children's rights in conformity with local characteristics and conditions.

2. Direct and organize the exercise of children's rights; arrange and mobilize resources for ensuring the exercise of children's rights and protecting children as regulated in this Law; organize and manage activities of child protective service providers within their authority; appoint individuals in charge of child protection in their authority areas; fulfill their duties as regulated in Clause 2 Article 45 of this Law.

3. Submit annual reports to people's councils at same level on the exercise of children's rights and handling of issues involving children in their authority areas.

4. Communal people's committees assign specific duties to the exercise of children's rights, and appoint communal officials or non-specialized individuals to be in charge of child protection affairs.

Article 91. The Vietnamese Fatherland Front and its affiliated agencies

1. Supervise, criticize, and give advice and proposals to state authorities to establish and implement policies and laws relating to children, and allocate resources for ensuring the children's rights as regulated by the laws.

2. Propagate and mobilize members and trade-unionists in their agencies and the whole community to support and participate in the implementation of policies, programs, plans

and services for exercising children's rights, and prevent acts infringing the children's rights.

3. Implement policies, programs, plans and services for exercising children's rights upon the authorization and support granted by the Government, ministries, ministerial-level agencies and government-affiliated agencies; bear the inspection as regulated by the laws.

4. Apart from duties stated in Clause 1, 2 and 3 of this Article, the Communist Youth Union of Ho Chi Minh City's Central Committee also discharge the following duties:

a) Take the prime responsibility and coordinate with relevant agencies and organizations to perform duties of the organization representing the voice of children as regulated in Clause 2 Article 77 of this Law;

b) Submit proposals to the Government about conditions for fulfilling duties of the organization representing the voice of children and supervising the exercise of children's rights according to children's opinions and expectations;

c) Coordinate with Ministry of Labour - Invalids and Social Affairs, relevant agencies and organizations, and provincial people's committees to guide the children's participation in issues involving children.

5. Apart from duties stated in Clause 1, 2 and 3 of this Article, the Vietnam Women's Youth Union's Central Committee must coordinate with the organization representing the voice of children to supervise the guarantee of children's rights and interests.

Article 92. Social organizations

1. Mobilize their members and the community to assist and participate in the establishment and implementation of policies, laws, programs, plans and services for exercising children's rights, and prevent acts infringing the children's rights.

2. Implement policies and laws, and exercise the children's rights in conformity with their principle, objectives, duties and powers as regulated by the laws; receive and collect information from their members and the community to respond, in a timely manner, or suggest, or give advice to agencies, organizations, educational establishments and individuals on the implementation of policies and laws.

3. Organize the provision of services for exercising children's rights upon the authorization and support granted by the Government, local governments and regulatory bodies; bear the inspection of their operation as regulated by the laws.

4. Apart from the implementation of regulations in this Article, Vietnam Association for Protection of Children's Rights shall also contact and collect information and proposals from social organizations and those of children for giving advice on the establishment and implementation of policies and laws on children's rights; participate in the

supervision of the exercise of children's rights; give its opinions and proposals to relevant agencies on issues involving children and the violation of children law.

Article 93. Economic organizations

1. During their production and business, they must carry out processes and standards for providing safe and friendly products and services which shall not cause harm to children, and must not infringe the children's rights as regulated and guided by competent state authorities.
2. Employers must facilitate their employees in fulfilling duties of children's parents and caregivers as regulated by the law.
3. Employers must facilitate children in practicing as apprentices, and arrange works for children in conformity with their capacity and age, the employer's conditions and regulations of the laws.
4. Make contribution to and mobilize resources for exercising the children's rights in conformity with the capacity, conditions and development of economic organizations.

Article 94. Intersectoral collaboration on children

1. Prime Minister shall establish an organization conducting the intersectoral collaboration on children in order to assist the Government and Prime Minister with study, direction, cooperation, speeding up and regulation between ministries, ministerial-level agencies and government-affiliated agencies; the coordination between the Government and agencies of the National Assembly, the Supreme People's Court, the Supreme People's Procuracy, Vietnamese Fatherland Front and its affiliated agencies, social organizations, socio-professional organizations; the coordination between local governments during the handling of issues involving children and the exercise of children's rights.
2. Chairpersons of people's committees at all levels shall, depending on actual demands and conditions in their authority areas, establish organizations conducting intersectoral collaboration on children in order to assist people's committees and chairpersons of people's committees at same level in cooperating, expediting and regulating the handling of issues involving children, and exercising children's rights in their authority areas.

Article 95. Children's support funds

1. Children's support funds are established to mobilize the voluntary contributions of domestic and foreign agencies, organizations and individuals, international aids and funding from state budget for performing children-related objectives which are prioritized by the Government.

2. Children's support funds must mobilize, manage and use mobilized amount for legitimate purposes as regulated by the laws.

Section 2: RESPONSIBILITIES OF FAMILIES, INDIVIDUALS AND EDUCATIONAL ESTABLISHMENTS

Article 96. Guarantee of children's right to live with their parent(s)

1. Parents, caregivers and family members must facilitate children in living with their parent(s).
2. Parents, caregivers and family members must comply with the laws and decisions made by competent agencies and individuals on limitations on parental rights; separation of children from their parent(s) for protecting children's safety and achieving best interests for children.

Article 97. Birth registration

Parents and caregivers must carry out birth registration procedures for children on schedule as regulated by the laws.

Article 98. Education and care of children

1. Parents, caregivers and family members must take care of, nurture, manage and educate children; create optimum conditions, depending on their capacity, for the continuous and comprehensive development of children, especially children under 36 years of age; contact and ask for guidance or support from relevant agencies, organization and individuals during the performance of their duties to the education and care of children.
2. Parents and caregivers must ensure the best nutrition in conformity with children's mental and physical development at each age level.
3. Parents and caregivers must carry out initial health care and prevention of diseases for children.
4. Pregnant women must get access to health-care services in order to seek advice on screening and prevention of children from congenital anomalies.
5. Parents, guardians, caregivers and family members must build comfortable, equal, progressive and happy family; improve knowledge and skills in nurturing, caring and educating children, and create a health environment for the comprehensive development of children.

Article 99. Guarantee of children's rights to study, talent development, play and recreational activities, cultural, arts, sports and tourist activities

1. Parents, teachers, caregivers and family members must be examples for children; improve knowledge and skills in educating children on morals, dignity, children's rights and responsibilities; create a healthy environment for the comprehensive development of children.
2. Parents, teachers and caregivers must guarantee the children's rights to study, and facilitate children in completing universalized education programs as regulated by the laws and attending training course at higher level.
3. Parents, teachers and caregivers discover, encourage, improve and develop children's talent.
4. Parents, teachers and caregivers must facilitate children in participating in play and recreational activities, cultural, arts, sports and tourist activities suitable for children's age.

Article 100. Protection of human life, body, dignity, honor and privacy of children

1. Parents, teachers, caregivers and family members shall discharge the following duties:
 - a) Improve knowledge and skills in educating children on morals, dignity, children's rights and responsibilities, create a safe environment for children and prevent children from accidents and injuries; prevent children from falling into disadvantaged circumstances, being abuse or prone to child abuse;
 - b) Comply with decisions, measures and regulations made by competent agencies and individuals to ensure the safety and protect human life, body, dignity, honor and privacy of children;
 - c) Ensure the children's exercise of children's right to keep privacy and personal secrecy, except for the cases where actions are made for protecting children and for the best interests of children.
2. Parents, teachers, caregivers and individuals practicing medical examination and treatment shall be responsible for discovering, denouncing and reporting to competent agencies and individuals of acts harming children, cases where children are abused or threatened to be abused inside and outside children's families.
3. Parents and guardians of children must themselves or hire defense counsels to defense for children during the proceeding as regulated by the laws.

Article 101. Guarantee of children's civil rights

1. Parents, guardians and family members are responsible for protecting lawful rights and interests of children; acting as children's representatives in civil transactions as regulated by the laws; and shall be liable for illegal civil transactions carried out by children.

2. Parents and guardians must preserve and manage property of children, and hand over such property to children as regulated by the laws.
3. Child's parent(s) or guardian must compensate for damage caused by acts of such child to other persons as regulated by the laws.

Article 102. Management and education of children on the exercise of children's rights and responsibilities

1. Parents, teachers, caregivers and family members must manage, educate and assist children to understand and exercise children's rights and responsibilities regulated in Chapter II of this Law.
2. Parents, teachers, caregivers and family members must get close cooperation in managing, educating and assisting children with full awareness and exercise of children's rights and responsibilities regulated in Chapter II of this Law.

Chapter VII

IMPLEMENTATION

Article 103. Effect

1. This Law comes into force from June 01, 2017.
2. The Law on child protection, care and education No. 25/2004/QH11 shall be null and voids from the effective date of this Law.

Article 104. Transitional provision

Child protective service providers which have been established or whose operation registration certificates have been issued by competent state authorities before the effective date of this Law must not carry out establishment or re-registration procedures.

Article 105. Taking action against violations

Agencies, organizations and individuals violating the regulations of this Law shall, subject to the nature and level of their violations, be disciplined, face administrative penalties or criminal prosecution as regulated by the laws.

Article 106. Elaboration

The Government shall elaborate assigned articles and clauses in this Law.

This Law is ratified by the 13th National Assembly of the Socialist Republic of Vietnam during the 11th session dated April 05, 2016.

**PRESIDENT OF THE NATIONAL
ASSEMBLY**

Nguyen Thi Kim Ngan

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