



Global Monitoring

status of action against commercial sexual exploitation of children

VIETNAM



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GLOSSARY OF TERMS AND ACRONYMS

- **ACWC**- ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
- **AICHR**- ASEAN Intergovernmental Commission on Human Rights
- **ASEAN**- Association of Southeast Asian Nations
- **CEFACOM**- Centre for Family Health and Community Development
- **CEOP**- The Child Exploitation and Online Protection Centre
- **COMMIT**- Coordinated Mekong Ministerial Initiative against Trafficking
- **CRC**- Convention on the Rights of the Child
- **CSEC**- commercial sexual exploitation of children
- **ECPAT**- End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
- **HCWF**- Ho Chi Minh City Child Welfare Foundation
- **ILO**- International Labour Organization
- **ILO-TICW**- International Labour Organization (ILO) on the Trafficking in Children and Women Project
- **IOM**- International Office for Migration
- **IT**- Internet technology
- **MOFA**- Ministry of Foreign Affairs
- **MOLISA**- Ministry of Labour, War Invalids and Social Affairs
- **NGO**- non-governmental organisation
- **OPSC**- Optional Protocol on the sale of children, child prostitution and child pornography
- **SOMTC**- ASEAN Senior Officials Meeting on Transnational Crime
- **UNIAP**- UN Inter-Agency Project on Human Trafficking
- **UNICEF**-The United Nations Children's Fund
- **USAID**- United States Agency for International Development
- **VND**- Vietnam dong (Vietnamese currency)
- **YPP**- Youth Partnership Project against the Commercial Sexual Exploitation of Children

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



VIETNAM

INTRODUCTION

After decades of war, tensions and conflicts with neighbouring countries (especially Cambodia and China) and internal repression¹, the political situation in Vietnam has remained stable over the last 20 years.

In 1986 the Vietnamese Government initiated major social and economic reforms. These reforms led to economic growth and poverty reduction achievements sufficient to make Vietnam “one of the most spectacular success stories in economic development.”² According to the World Bank, Vietnam “is one of the best performing economies in the world over the last decade.”³ Due to its economic growth, Vietnam was reclassified from a low-income economy (\$995 gross national income per capita) to a lower-middle-income economy (\$996 to \$3,945 gross national income per capita) based on its 2009 gross national income⁴.

In terms of human development, Vietnam ranks 116th out of 182 countries, which means that Vietnam is considered to be a medium human development country⁵. Vietnam has a higher human development index ranking than Cambodia, Laos and Myanmar, but a lower ranking than Thailand.

According to the Asian Development Bank, Vietnamese authorities have been able to reduce Vietnam’s poverty rate from 58.1% in 1993 to 16.0% in 2006⁶. Additionally, Vietnam has a very low rate of infant mortality (12 per 1,000 live births in 2008),⁷ and high percentage of children attending primary school (94 per cent of children (both boys and girls) attended in primary school between 2003 and 2008, according to UNICEF)⁸ and 88% of Vietnamese children under five had their births registered according to data gathered by UNICEF between 2000 and 2008⁹.

Although social and economic achievements have improved the lives of many Vietnamese people, there are remaining gaps between rich and poor. Poverty, income disparities and the shift to market economy have combined with the lack of comprehensive laws to protect children and poor law enforcement to contribute to the vulnerability of Vietnamese children to abuse and sexual exploitation¹⁰. According to the Ministry of Labour, War Invalids and Social Affairs (MOLISA), more than 2.6 million children in Vietnam are in need of special protection¹¹.

Child prostitution

There do not appear to be any recent reliable statistics on the extent of child prostitution in Vietnam. The lack of information is said to be partially attributable to the fact that child prostitution is a taboo subject in the country¹². In the 1990s it was estimated that 10.5% of all people in prostitution in Vietnam were children; by 2003 the percentage had increased to 15%¹³. More recently, in 2007, it was reported that border guards discovered 32 cases of child prostitution and rescued 100 victims¹⁴. Despite the lack of recent data on the extent of the problem, several sources indicate that child prostitution is on the rise in Vietnam¹⁵.

In terms of general prostitution (of adults and children), the two major southern cities of Hanoi and Ho Chi Minh City are said to be notorious for prostitution¹⁶. Additionally, the south-western and northern border areas of Vietnam are reported to be new hotspots for prostitution¹⁷. It is likely that these areas are also hotspots for child prostitution.

According to a 2007 report by Johns Hopkins University, both girls and boys are victimised through prostitution in Vietnam; however the latter are reported to be victimised to a much lesser extent¹⁸. Reports from children exploited in commercial sex confirm that customers are both local and foreign, and include state officials, private sector workers, young people from affluent families, military and police men, and Asian businessmen¹⁹. Boys exploited in commercial sex are reported to have more foreign customers than girls²⁰.

Research indicates that both boys and girls increasingly offer sex through the Internet. Children enter chat rooms with a view to contacting exploiters (including tourists) to meet them in internet cafés. It is said that due to a lack of awareness and understanding,²¹ these activities are not perceived as sexual exploitation by the children themselves or others²².

So-called 'voluntary' prostitution demands timely responses

The economic reforms of the 1980s have been blamed for exposing Vietnamese youth to materialism and consumerism, which may be driving them into commercial sex²³. In field research conducted by the Centre for Family Health and Community Development (CEFACOM), a Hanoi-based NGO, many children claimed that they "had decided" to resort to commercial sex to increase their income²⁴. Similar claims were made by 50% of children in the north and 84% of children in the south, interviewed in another study conducted by the International Labour Organization (ILO) in 2002²⁵. So-called 'voluntary' prostitution is an alarming trend happening in many parts of the world, caused by factors as diverse as social pressures related to consumerism, peer pressure, family breakdown, a decay in traditional values, and poverty. The affected children are blatantly unaware of the risks and long-term damages of prostitution, and may never recover from their ill-informed 'choice'. Such painful experiences cause many young girls to be highly traumatised and stigmatised, making them emotionally and financially vulnerable to further sexual exploitation.

Trafficking of children for sexual purposes

Vietnam is both a source and a destination country for human trafficking²⁶. Vietnamese women and children are trafficked to China, Cambodia, Thailand, the Republic of Korea, Malaysia, Indonesia, Taiwan and Macau for sexual exploitation²⁷. It is also reported that women and girls from the Hmong community have been trafficked to southern China and sold into marriage²⁸.

The World Human Rights Organization and UNICEF have estimated that a third of the prostitutes exploited in Cambodia are underage, and that most are Vietnamese²⁹. According to UNICEF and the Ministry of Justice of Vietnam, 400,000 women and children are thought to have been trafficked overseas since 1990³⁰. Vietnam also suffers from internal trafficking, usually from rural to urban areas³¹. Can Tho and nearby industrial zones have also been identified as destination areas³².

Between 1998 and 2007, over 150,000 Vietnamese women entered into marriages with foreign men from mainland China, Chinese Taipei and South Korea³³. Female children are reportedly easily lured with false promises of marriage or employment³⁴. Traffickers are said to prey on impoverished families with promises of high paying jobs³⁵. Especially vulnerable are the many families that migrate to cities in search of economic opportunities but struggle to meet the high cost of living³⁶. Traffickers are commonly hotel and brothel owners with foreign business contacts,³⁷ prostitutes and even family members of the victim³⁸.

It is reported that Vietnam is a destination country for children from Cambodia who are trafficked to urban areas for forced labour or commercial sexual exploitation.³⁹

Cases of child trafficking for sexual purposes

There is some indication that more and more women and children are being sold overseas. In 2007, three people were arrested in Vietnam for taking five children across the border to China.⁴⁰ One of the victims was a 10th grade student who had met one of the traffickers over the Internet.⁴¹ He raped her and then sold her to a Chinese man for 4,000 Yuan⁴². Once sold, she was forced to work as a prostitute, serving seven to eight men daily⁴³.

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**⁴⁴.

In the 2010 report, Vietnam was placed in **Tier 2** (watchlist)⁴⁵.

Child Pornography/Child abuse images

There is little research about the manifestation of child pornography in Vietnam. It is reported that in Ho Chi Minh internet cafes and shopping mall game areas, gamers can access pornographic games, such as those that display young girls that players' characters can have sexual relations with⁴⁶. In addition, many computer game shops sell pornographic game discs⁴⁷.

Several child sex tourists arrested for acts committed in Vietnam have been in possession of child pornography materials, some of them depicting the abuses they

perpetrated themselves. One foreign man, arrested in Cambodia in 2006 for sexually abusing minor Vietnamese girls, had several videos of his sex acts with children. Another foreign man, arrested in Cambodia in 2003 for having sex with Vietnamese and Cambodian girls aged between 12 and 18, was also in possession of pornographic videos of the abuses. A third man, an American, arrested in 2005 for sex crimes against seven to 15 year old children in Vietnam, Thailand, Cambodia and the Philippines, was found with child pornography depicting Asian girls⁴⁸.

Child sex tourism

Vietnam is reportedly a destination for child sex tourism, attracting offenders from Japan, the Republic of Korea, China, Taiwan, the UK, Australia, Europe and the US⁴⁹. However, disaggregated data identifying the offences committed specifically by child-sex tourists is not currently available⁵⁰.

According to a 2007 report by Johns Hopkins University, several arrests of child sex tourists made in 2005 and 2006 point to an alarming upward trend in child sex tourism in Vietnam. This could be related to improved law enforcement in Thailand and Cambodia, which may have caused child abusers to shift to neighbouring Vietnam. The report also suggests that Vietnam is a significant destination for American child sex tourists. In 2006, CEFACOM conducted field research in three locations in Vietnam where there were indications that child sex tourism existed - Hanoi, Nha Trang and

Ho Chi Minh City. These popular tourist destinations have large numbers of children living or working on the streets that are highly vulnerable to sexual exploitation. Children selling things on the street or shining shoes are easily approached by foreigners, and street children interviewed in such locations reported that sex tourists usually ask for girls aged between 12 and 20. In Ho Chi Minh City, the problem is most visible in backpacker areas, especially in massage parlours, discotheques and cinemas. Prostitution of young males was found to take place in Ho Chi Minh City, the clients/exploiters being mostly foreign and domestic women. Male virginity was reportedly for sale. In Hanoi, child victims of prostitution can be found primarily in karaoke bars. Although pimps do play a large role in child prostitution, many children able to speak English reported that they negotiated directly with customers⁵¹.

Abuser escapes with lenient punishment

Several arrests of child sex tourists in Vietnam have been reported by the media in the last few years. One of the most publicised cases involved former rock star, Gary Glitter (Paul Francis Gadd). Glitter had already been convicted of possessing child pornography in the UK and permanently expelled from Cambodia for child abuse when he was arrested in Vietnam in 2005 for molesting two 11 and 12 year old girls.⁵² In March 2006 he was sentenced by a Vietnamese court to three years imprisonment (the minimum sentence), and to mandatory deportation at the end of his sentence.⁵³ He was also ordered to pay the victims' families a mere US\$420, as the court considered the US\$2,000 he had previously given them as compensation.⁵⁴ He served his sentence in Vietnam until his release in August 2008⁵⁵ (his sentence was reduced by three months as part of a nationwide Lunar New Year prison amnesty⁵⁶). Following his release, Vietnamese authorities put Glitter on a flight to the UK.

It should be noted that Glitter's arrest took place largely because of his fame, which caused British tabloids to track him across three continents to expose his activities⁵⁷. In 2008, in preparation for his release, the British Child Exploitation and Online Protection Centre (CEOP) began sending reports on him to foreign embassies in London, prompting the Philippines to ban his entry into the country for life⁵⁸.

Following the 1996 Stockholm and the 2001 Yokohama global forums on commercial sexual exploitation of children (CSEC), Vietnam reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitments

and galvanized international resolve to combat sexual exploitation of children and adolescents. In total, more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society, as well as 300 children and adolescents from around the world.

NATIONAL PLAN OF ACTION

Vietnam does not have a national plan of action that comprehensively addresses all forms of commercial sexual exploitation of children, and the special needs of children who are sexually exploited are not adequately considered in the existing national plans.

Vietnam's Action Program on Prevention and Struggle against Crimes of Trafficking in Women and Children (Decision No. 130/2004/QĐ-TTg), for the period 2004 to 2010,⁵⁹ addresses prevention, protection and support for trafficking victims⁶⁰. As part of the programme's implementation, in March 2008, training was provided in border areas

for local representatives of the Sub-Steering Committees on Trafficking.⁶¹ However, more training is needed to increase the knowledge and expertise of the individuals charged with preventing human trafficking, including child trafficking for sexual purposes⁶². Improved monitoring systems are also needed (such as a database for child victims of trafficking) to ensure proper reintegration and adequate support of child victims as a preventive measure against re-trafficking. Stigmatisation also plays a significant part in this regard. Some trafficked children are discriminated against in their villages, and migrate in search of better conditions or find themselves in

vulnerable situations again. As such, there is a need to reinforce safety nets and improve coordination among concerned actors so as to better detect child victims of trafficking and support their reintegration⁶³.

In 2001 the *National Program of Action for Children* (Decision No. 23/2001/QĐ-TTg) was adopted for the period 2001 to 2010, setting specific goals in relation to health, nutrition, education, clean water, environmental hygiene, cultural activities and the protection of children in general⁶⁴. Additionally, a national goal on the care and protection of children in need of special protection was integrated into the *Social Economic Development Plan* (2006 to 2010)⁶⁵.

Decision No. 19/2004/QĐ-TTg of February 12, 2004, ratified the 2004-2010 National Program on prevention of, and solution to, the situation of street children, sexually abused children and children subjected to heavy labor or working under noxious and hazardous conditions. This programme aimed to increase awareness throughout society of child protection, to prevent and gradually reduce the number of such children by the year 2010, and to facilitate these children's access to protection, care, education, comprehensive development and a better life. The Government identified child sexual abuse and child prostitution as a priority issue under this programme. It also called for a 90% reduction in the number of street children, of whom 70% would be supported to reintegrate with their families⁶⁶.

The report of MOLISA dated 15 March 2011 on the review of the implementation of the Decision No. 19/2004/QĐ-TTg showed that efforts in carrying out the decision's resolutions had brought about improvement in the situation of street children, sexually abused children and children subjected to heavy labor or working under noxious and hazardous conditions whose cases identified mostly received interventions and supports. In 7 years, 28,746 street children were

reportedly reintegrated with their families; 3,798 victims of child sexual abuses received interventions and support under various forms (accounting for 87% cases identified) and 4,308 children at risk to sexual abuse were helped. However, the report acknowledged failure in reaching the target of 90% reduction in the number of street children and that there had been no decrease in child sexual abuse⁶⁷.

On 22 February 2011, the Prime Minister approved Viet Nam's first comprehensive National Programme on Child Protection for the period 2011-2015 (Decision 267/QĐ-TTg). The Programme gives direction to activities in the next five years, which will contribute to the creation of a safe and friendly environment for children, preventing and eliminating risks that cause harm to children. The Programme will aim to provide timely support, recovery and reintegration services for children in special circumstances, including abused and exploited children. Government line ministries, departments and local authorities will develop concrete plans to implement the Programme.

The National Programme targets all children, especially children in special circumstances, abused and exploited children, children and minors (aged 16 to 18) in conflict with the law, and at-risk children. The Programme aims to: (1) reduce the percentage of children in special circumstances to less than 5.5% (from the current rate of 6%); (2) provide care, recovery and reintegration support to 80% of children in special circumstances; (3) identify and provide early interventions to 70% of at-risk children; and (4) establish child protection service systems in 50% of all provinces and cities across the country by 2015. With total budget of 1,755.5 billion dong (equivalent to 90 million US dollars), the Programme will be implemented across the country, focusing more on areas with high numbers of children in need and children at risk, as well as on ethnic minority and disadvantaged areas⁶⁸.

The 2001-2005 National Programme of Action for Prostitution Control and Prevention (Decision No.151/2000/QĐ-TTg) has been renewed. The 2006-2010 National Programme of Action for Prostitution Control and Prevention was approved by the Prime Minister in the decision No. 52/2006/QĐ-TTg dated 8 March 2006, on the approval of joint program among inter – sectors for preventing and counteracting prostitution in the period of 2006 – 2010. The National Plan called for measures to provide all sex workers with health treatment at health treatment centres or in communities; vocational training, job creation and integration into communities; and to reduce the relapse rate to 30%. It includes plans to improve procedures of integration of sex workers already treated at health treatment centres into communities with supervision and support of local authorities; to improve the capacity of social workers and upgrade facilities of centres in order to improve the quality of services, management, education, vocational training for sex workers; and to mobilize mass organizations and institutions, particularly Women's Unions, to take part in consulting, educating and supporting former female sex workers. One of the specific Objectives of the National Programme was to eliminate child prostitution among pupils and students.

However, the assessment from MOLISA showed that after 5 years of implementation of the Plan, child and adolescent prostitution still existed⁶⁹.

The National Programmes of Action against Prostitution, 2011-2015, was approved by the Prime Minister on 10 May 2011 in the decision No. 679/QĐ-TTg. The Action Programme was set to reduce prostitution hotspots by 40%. The VND 629 billion program looks to free communes and towns from prostitution and minimize harms of this social issue on society. Other targets of the program deal with interdisciplinary investigations, punishments, anti-prostitution tasks in socio-economic development plans and funding as well as vocational training for former sex workers to help them reintegrate into society. The mass media is asked to assist in disseminating information about the fight against prostitution, HIV prevention, and sexually transmitted diseases in 100% of towns and communes in order to raise public awareness of the issue. The recent National Programme puts an emphasis on supporting activities for women and children involved in prostitution to access social services in their community.

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm *Declaration and Agenda for Action*, close interaction and cooperation between government and non-governmental sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

Although Vietnamese authorities made significant progress with regard to the development of multisector coordination and cooperation initiatives to combat trafficking in human beings including trafficking in children for sexual purposes, efforts still need to be made with regard to other forms of CSEC.

Vietnam has made some progress in addressing trafficking of children for sexual exploitation. A ministerial focal point has been assigned to coordinate the country's efforts in related aspects, but the country does not yet have a focal point to coordinate national efforts against commercial sexual exploitation of children other than child sex trafficking. In addition to designating such a focal point, the development of a centralised national database for CSEC information would also be very useful in facilitating investigations and the provision of assistance to victims⁷⁰.

According to its 2005 report to the Committee on the Rights of the Child, the Government of Vietnam collaborates with as many as 500 NGOs, particularly on trafficking issues⁷¹. Much of this collaboration, however, is undertaken with international, rather than local, NGOs.

The Ministry of Public Security, together with the Ministry of Labour, Invalids and Social Affairs (MOLISA), are the agencies responsible for combating trafficking. They also collaborate with the Ministry of Justice, border guards and the Vietnam Women's Union. The Inspectorate for MOLISA liaises with appropriate agencies and supervises the handling of complaints made by children and other information and reports from child helplines⁷².

Since 2001, the Government has been working with the International Labour Organization (ILO) on the Trafficking in Children and Women Project (ILO-TICW). Work on the ILO-TICW project involves collaboration between MOLISA, the Vietnam Women's Union, Save the Children UK, the UN Inter-Agency Project on Human Trafficking (UNIAP), the International Office for Migration (IOM) and other organisations⁷³. The Government has also worked with IOM and other organisations to provide shelter, medical aid, education, credit, counselling and rehabilitation services to returned trafficking victims⁷⁴. In order to increase the protection and provision of services provided to trafficked victims in shelters, since

October 2009, UNIAP and USAID have been working jointly with shelter managers nationwide to improve shelter facilities, referral systems and case management⁷⁵. The project initially involved bringing shelter and reception centre managers from the North and the South together and dividing them into teams to conduct shelter assessments, participate in peer-to-peer discussions, make recommendations for improvements and share good practices⁷⁶. It is not clear whether this project addresses the specific protection needs of child victims of trafficking.

IOM and UNIAP also provided support to representatives from the Ministry of Public Security; the Ministry of Labour, Invalids and Social Affairs (MOLISA); the Ministry of Foreign Affairs (MOFA) and border guards under the Ministry of Defence as they worked together to revise the inter-ministerial guidelines on family tracing and victim identification⁷⁷. In 2008, these ministries issued Circular No. 03/2008 on Guidelines on *Victim Identification and Reception (of trafficked victims from abroad)*. Training to enable relevant officers in the northern and southern parts of the country to effectively implement the guidelines was also provided⁷⁸.

According to the Vietnamese Government, the Ministry of Trade and the General Department of Tourism have also taken action, strengthening control over tourist services, immigration and emigration in order to better detect and prevent trafficking of women and children⁷⁹.

In March 2007, Vietnam organised a national conference on review and evaluation of five years' implementation of the UN document *A World Fit for Children*. Participants included the Deputy Prime Minister and leaders of various committees under the National Assembly, ministries, provincial/city people's committees, representatives of social organisations, diplomatic missions, international organisations under the UN, representatives of some countries in the region, representatives of some non-governmental organisations and children's representatives⁸⁰.

Despite these efforts, it appears that improvement is needed in coordination mechanisms with regard to trafficking. In particular, the Government itself reports that cooperation between the ministries, branches and localities, internally, and at

border areas are inadequate due to a shortage of specialised staff from the central to local levels⁸¹.

With regard to data collection, Vietnam's agencies have reportedly collaborated with UNICEF to formulate 84 national indicators on child rights. Each year, the national child rights indicators are used to collect periodic statistics from related ministries and sectors. Within the set of indicators on child protection there are said to be 27 indicators on the prevention of child commercial sexual exploitation⁸². The Vietnamese Government appears to acknowledge that improvements to the data collection procedures are required. It has said that current data must be developed into a child database that is regularly updated, with MOLISA as the focal point in collaboration with other related ministries and sectors⁸³.

Regional and international levels

In addition to having signed most key human rights treaties, Vietnam has been active in collaborating within its region to address cross-border human trafficking.

Vietnam is a member of the Association of Southeast Asian Nations (ASEAN), a regional organisation of 10 Southeast Asian countries.^a This organisation, which was created in 1967, aims to accelerate economic growth and social progress, to promote the rule of law, peace and stability within in the region and to develop cooperation between member states on matters in the economic, social, cultural, technical, scientific and administrative fields.

In October 2009, pursuant to Article 14 of the ASEAN Charter⁸⁴, the ASEAN

Intergovernmental Commission on Human Rights (AICHR), mandated to promote the enforcement and the protection of human rights in the region⁸⁵ was launched at the ASEAN Summit in Cha-am, Thailand⁸⁶. "The majority of the Commission members are diplomats, lawyers, and senior politicians in member countries while an academic and human activist represent Thailand and Indonesia"⁸⁷. AICHR's high priority programmes and activities (2010–2011) were approved during the 43rd ASEAN Ministerial Meeting (AMM) in July 2010, though its five-year workplan still needs

^a Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam

to be finalised⁸⁸. Following the meeting of AICHR, and in the preparation for the 16th ASEAN Summit, “Towards the ASEAN Community: From Vision to Action” (held 8-9 April 2010 in Hanoi, Vietnam), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) was formally established on 7 April 2010⁸⁹.

In addition, the Vietnamese Government, together with other ASEAN member states, has signed the regional *Treaty on Mutual Legal Assistance in Criminal Matters* in order to facilitate the exchange of information, material evidence, testimonies, etc., which are needed to prosecute nationals or residents alleged to have committed sexual crimes against children abroad⁹⁰. To date, Vietnam has signed more than 20 additional agreements with other countries on mutual legal assistance aimed at preventing crime and providing for extradition of offenders.

With regard to cross-border cooperation and collaboration to combat human trafficking specifically, in 2004, ASEAN member states also signed the *ASEAN Declaration Against Trafficking in Persons Particularly Women and Children*, and in 2007, the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) established a regional focal network (the Working Group on Trafficking in Persons), and endorsed the *2007-2009 Work Plan to Implement the ASEAN Declaration*⁹¹. This work plan contained key measures to give a regional dimension to the fight against trafficking in persons (reform of national frameworks; development of an ASEAN-wide training curricula on trafficking in persons for front line law enforcers; development of agreed upon quality standards, procedures and protocols for (1) rapid and accurate identification of victims of trafficking, (2) protection and support of victims of trafficking and (3) protection; etc.)⁹². Thus far, no one has reported on the progress of the work plan or assessed its implementation. Moreover,

the *ASEAN Declaration against Trafficking in Persons Particularly Women and Children* is not legally binding.

In 2007 the SOMCT also endorsed the *ASEAN Practitioner Guidelines on Trafficking in Persons*, which provide criminal justice practitioners with detailed recommendations for international legal/judicial cooperation in trafficking in persons cases⁹³.

Vietnam is also a part of the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT). COMMIT was established in 2004 and includes the six governments of the Greater Mekong Sub-region (Cambodia, China, Laos, Myanmar, Thailand and Vietnam). These members have signed a *Memorandum of Understanding against Trafficking in Persons*.

Under the COMMIT framework, Vietnam began drafting a domestic human trafficking law in 2007. The process of drafting the new law has been coordinated by a government working group.

In order to support the drafting of this new law, UNIAP is facilitating a study visit of the working group to Thailand in May 2010. The group will meet with relevant Thai Government and law enforcement officials, UN agencies and civil society groups to study Thailand's *Anti-Trafficking in Persons Act*. Furthermore, in June 2010, Vietnam will host a regional human trafficking workshop where legal experts from the region will be invited to discuss successes and challenges in drafting and implementing an effective anti-trafficking law.⁹⁴

In 2005 Vietnam and Cambodia signed a *Bilateral Cooperation Agreement on Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking*⁹⁵. The agreement provides for cooperation in providing services to trafficking victims, establishing mechanisms to decrease trafficking, prosecuting traffickers and taking

preventive actions such as implementing vocational and educational programmes. A similar agreement was signed with Thailand in 2008. That agreement creates a joint task force to ensure coordination and monitor implementation⁹⁶. Preparations are taking place for Vietnam to enter into similar agreements with China and Laos⁹⁷.

Vietnam is an active member of multilateral forums that seek to address international human trafficking and commercial sexual exploitation of children⁹⁸. In 2006, the country's National Assembly, together with UNICEF and the Inter-Parliamentary

Union, held a regional seminar for legislators of the Asia-Pacific region to address child protection issues, particularly child trafficking and violence against children⁹⁹.

According to Vietnam's state report on the implementation of the *Convention on the Rights of the Child (CRC)* for the period 2002 to 2007, some of the challenges that the country faces in combating human trafficking are difficulty exchanging information, victim identification, cross border prosecution and repatriation of trafficked victims¹⁰⁰.

PREVENTION

Preventative programmes to address child pornography and the sexual exploitation of girls and boys through online communications are urgently required. Moreover, actions to prevent child sex tourism need to be strengthened to enable more effective responses. *The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*, for example, has not been adopted and implemented in Vietnam, even though it has proved to be an effective tool for engaging the tourism sector in combating child sex tourism. In fact, these phenomena seem to be increasingly linked, as children are often contacted by child sex tourists through the Internet, and child sex tourists have been found to produce child pornographic materials. Thus, engagement of the private sector – businesses in the tourism sector, internet café owners, internet service providers – is essential to prevent further escalation of these crimes against children.

The Government has undertaken several awareness raising activities related to child prostitution and child trafficking, including child protection columns in newspapers and journals, television programmes, workshops, seminars, law learning contests, reporting contests, club activities, artistic performances, talks, group meetings and the distribution of various materials throughout the country. Some materials have been distributed directly to hotels, restaurants, entertainment venues and other places where prostitution and human trafficking are likely to occur. Some were also translated into ethnic minority languages. Awareness raising in Vietnam is carried out by the 72 information, education

and advisory centres of the Committee on Population, Family and Children, the Judiciary's mobile legal assistance teams and the consultation centres of the Vietnam Women's Union¹⁰¹.

Vietnam appears to carry out extensive awareness raising campaigns on the issue of child trafficking. Communication campaigns related to the prevention of child abuse and trafficking are said to be carried out on special occasions, such as national holidays. In 2007, the Government reported that 120,000 communication campaigns had taken place, reaching more than three million people with messages about preventing

trafficking of women and children. In addition, there were cultural exchanges, art performances and short dramas on trafficking prevention; women's clubs organised talks and discussions; and crimes of child trafficking were publicised in the mass media¹⁰².

for Family Health and Community Development (CEFACOM) has been conducting its Child Sexual Abuse Prevention Programme since 2001¹¹¹. This programme provides direct support to vulnerable children and contributes to community development through health and sanitation services¹¹². CEFACOM also

The importance of awareness raising

Focus group discussions with women's groups, youth groups and provincial and commune-level steering committees in the Thanh Hoa province have revealed that information and education activities carried out by local women and children have been critical to drastically reducing trafficking in their villages¹⁰³. According to a 2005 news report, one 19-year-old student from Saigon asked about human trafficking responded that "not everyone is going to end up as a prostitute or badly treated by her husband. I know this one girl who came back wealthy. It is true, she is one of the lucky ones, but still, it is a better chance than staying home."¹⁰⁴ These misguided perceptions must be combated with ongoing strategic sensitisation programmes¹⁰⁵.

The Government and NGOs have worked together on numerous trafficking prevention programmes¹⁰⁶. For example, the Ho Chi Minh City Child Welfare Foundation (HCWF) conducts activities in Ho Chi Minh City, An Giang Province and Thanh Hoa Province, including awareness raising activities, skills training, the provision of basic services to women and children, encouraging the engagement of women and children in matters affecting their lives, advocacy for improved policies and reintegration of trafficking victims¹⁰⁷. The Asia Foundation has established community monitoring and support groups in the An Giang, Quang Ninh and Can Tho provinces¹⁰⁸. It has also worked with the Vietnam Women's Union and the Centre for Education, Promotion and Empowerment for Women to provide vocational training, job placement and micro loans to victims of trafficking, as well as those at risk¹⁰⁹. Additionally, in 2008, World Vision worked with the Department of Education to conduct trafficking workshops for school children in the Trieu Phong District¹¹⁰.

Other programmes focus on preventing sexual abuse of children. The Centre

provides personal safety training for school children and has established a child sexual abuse reporting system that is credited with raising reporting rates¹¹³. Under this system, reports are followed-up with case management, including legal support and counselling¹¹⁴. CEFACOM also works with international schools to screen teachers who may be seeking access to children in order to abuse them¹¹⁵.

Plan International is also involved in reporting. It supports a hotline that receives general complaints related to violations of children's rights. Unfortunately, an evaluation of the hotline indicated that providing assistance in more complicated cases is sometimes not possible due to a lack of adequate support services and the absence of an effective referral system¹¹⁶.

Vietnam has drafted guidelines for Community-Based Child Protection Network and for Child Maltreatment Risk Assessment¹¹⁷. Nevertheless, effective implementation requires close collaboration with local civil society groups. Success also requires that the necessary structures at

the grassroots level be in place – such as trained social workers, health professionals, community leaders, educators, etc. Furthermore, information, education and outreach programmes need to be directed at those engaging in the commercial sexual exploitation of children (e.g., users of children forced into prostitution) to promote changes in social norms and behaviour and reduce the demand for child victims of CSEC.

In an effort to engage relevant private sector actors to prevent child sex tourism, Vietnam, together with Cambodia, Indonesia, Laos, Myanmar, the Philippines and Thailand, have participated in a series of training programmes for tourism authorities and tourism industry representatives, organised by Child Wise (ECPAT Australia), as part of a larger educational campaign against child sex tourism undertaken jointly with ASEAN governments¹¹⁸.

With regard to the use of information and communication technologies, internet service providers and cybercafés are required to install monitoring software issued by the Ministry of Posts and Telematics in July 2006, which records the identity and behaviour of internet users, and to store the information on their server for one year¹¹⁹. Such measures could be very useful as a tool to track the identity of people accessing and viewing child abuse images. However, the

weak legal framework with regard to child pornography/child sexual abuse materials has hindered the ability of this tool to contribute to the prosecution of child pornography consumers.

Communication and education on the prevention of prostitution have been frequently implemented in various mass media forms such as: child-protection and child-care columns in newspapers and journals, on four national television programs and 93 provincial television. Child-friendly workshops and seminars, law learning contests, drawing campaign-poster contests are organized together with traditional campaigns in high-risk districts and cities on occasions such as “Action Month for the Children” and “Vietnam’s family day”. Moreover, the mass media have also paid attention to the reporting of news on cases of child prostitution and pornography¹²⁰.

In addition to these initiatives, the Vietnamese Government is said to be speeding up the implementation of socio-economic measures, including poverty reduction programmes and giving loans at preferential interest rates to help farmers and labourers in disadvantaged areas. These measures aim to support job creation and, in turn, poverty reduction, which will hopefully create conditions that enable families to offer more protection to their children¹²¹.

PROTECTION

Vietnam has ratified the principal international treaties relating to child rights, including the Convention on the Rights of the Child (CRC), the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and the Convention on the Worst Forms of Child

Labour. However, it has not signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol). At the regional level, Vietnam has ratified the ASEAN Declaration against Trafficking in Persons, Particularly in Women

and Children. It is also involved in the Coordinated Mekong Ministerial Initiative against Trafficking.

The regional measures taken by Vietnam to prevent the commercial sexual exploitation of children focus mainly on the issue of trafficking. Vietnam is part of the COMMIT process, which aims to develop close

cooperation among the six governments of the Greater Mekong Sub-region (Cambodia, China, Laos, Myanmar, Thailand and Vietnam) to combat human trafficking in all forms. Annual reports are compiled that aim to monitor the progress made by each of the countries in relation to the COMMIT *Sub-regional Plan of Action*.

International instruments		
Human rights bodies related to child rights	Comments	
Charter-based bodies		
Working Group of the Universal Periodic Review – Human Rights Council	Vietnam was reviewed on 8 May 2009. Key recommendations: • Sign the Trafficking Protocol. • Intensify efforts to combat child prostitution.	
	No visit so far.	
	No visit so far.	
Treaty-based bodies		
Committee on the Rights of the Child	Main conclusions from 2007 relating to the OPSC: • Raise awareness of CSEC issues and implement more efficient data collection procedures.	
Children's rights instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child - 1989	Ratified 28 February 1990	2009 – 3rd-4th periodic report submitted. 2002 – 2 nd periodic report submitted. 1992– initial report submitted.
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	Ratified 20 December 2001	2007 – Concluding observations of the committee. 2005 – Initial report submitted.
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	Ratified 11 December 2000	2009 – Report requested.
UN Convention against Transnational Organized Crime – 2000	Signed, but not ratified	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	Not yet ratified	
Regional instruments		
ASEAN Declaration against Trafficking in Persons Particularly in Women and Children	Signed 25 October 2005	

Legislation

Vietnam's criminal code was amended in 1997 and 1999, introducing new offences and more severe penalties for crimes related to the commercial sexual exploitation of children¹²². Nevertheless, Vietnamese law still requires strengthening to meet international standards. For example, it does not clearly define and prohibit child pornography in

accordance with the OPSC. Also, Vietnam has not signed the *Trafficking Protocol* and has failed to enact provisions that adequately define and prohibit trafficking in children for sexual purposes. Furthermore, law enforcement efforts against child sex tourists must be strengthened.

CHILD PROSTITUTION

Vietnam's penal code contains provisions that address child prostitution by imposing penalties on those who engage in sexual activities with victims of child prostitution, as well as those who facilitate child prostitution. However, the definition of prostitution may be too narrow to adequately protect children as required under the OSPC, and it does not explicitly state that victims are exempt from punishment under the law.

Under the Vietnamese law, children who are engaged in prostitution are not treated as criminals; however, they may be subject to administrative sanctions. Article 23 of the Ordinance on Prevention and Fight against Prostitution stipulates that prostitutes, depending on the nature and extent of violations, will be administratively fined, educated at the community, or placed in a rehabilitation institution. Children detected by the police as involved in commercial sex work may be arrested and detained in police stations for up to 24 hours while the administrative violation is being investigated. Decree 178/2004/NĐ-CP dated Oct 15th, 2004 on guidelines for the execution of a number of regulations in the Ordinance on Prostitution Prevention states that children who have permanent shelters and are regular sex-workers from 14 years old upwards will receive education and rehabilitative measures at their own localities; children

who are regular sex-sellers from 16 years old upwards and have already received education and rehabilitation measures or do not have permanent shelters will be sent to rehabilitation centres for between three to eighteen months¹²³.

While Vietnamese law penalises those who engage in and facilitate child prostitution, the law does not provide a clear definition of child prostitution and does not define which specific acts are included. Therefore, it is not clear whether courts would interpret prostitution to include "the use of a child in sexual activities for remuneration or any form of consideration", as required by the OPSC. References in Article 256 of the penal code to "paid sexual intercourse" and in Article 112 to "sexual intercourse" suggest that offences against children would be narrowly construed to include only penetrative sex. Furthermore, it is not explicitly stated that the consideration offered in exchange for sexual services from a child may take a variety of forms, that the consent of a child is irrelevant or that a child will not be sanctioned for his or her involvement in prostitution.

Under the Article 112 of the penal code, all cases of sexual intercourse with children under 13 years of age are deemed to be rape. Offenders are subject to imprisonment for

12 to 20 years, life imprisonment or capital punishment, as well as a ban on holding certain posts for one to five years.

Article 256 provides that those who have paid for sexual intercourse with a child between 16 and 18 years of age face imprisonment for one to five years. Where the victim is between 13 and 16 years of age, the term of imprisonment is three to eight years. Offenders are also subject to a fine of one to ten million Dong.

Article 255 of the penal code prohibits enticing or procuring prostitution. Offenders face imprisonment for three to 10 years where the victim is between 16 and 18 years of age. The prison term is increased to seven to 15 years where the victim is between 13 and 16 years of age. Offenders also face a fine of one to ten million Dong. According to Article 254 of the penal code, harbouring a prostitute will result in imprisonment for one to seven years. The term of imprisonment is increased to five to 15 years if the victim

is between 16 and 18 years of age, or if the victim has been coerced into prostitution. The term of imprisonment is increased to 12 to 20 years where the victim is a child between 13 and 16 years of age. Under this provision, offenders may also be subject to a fine of between five and one-hundred million Dong, confiscation of part or all of their property and/or probation for one to five years.

In a case where sexual services not involving penetration are purchased from a child, Article 116 of the penal code, which prohibits obscene acts against children, may be relied upon. Offences under this section are punishable by six months to three years of imprisonment and a possible ban from holding certain occupations. It is unsatisfactory, however, to rely upon this section, rather than a comprehensive definition of child prostitution, as the penalties for obscene acts against children are very low. Additionally, it is not clear that those who facilitate such child prostitution would be punishable under this section.

TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

Vietnam has not yet signed the *Trafficking Protocol* and does not have adequate national laws to combat trafficking in children for commercial sexual purposes. In addition, Vietnam has not yet adopted a specific legal framework to address human trafficking, which is currently prosecuted under the penal code¹²⁴. Vietnam began drafting a trafficking law in 2007¹²⁵. Following a public comment period scheduled for the middle of 2010, the final draft was expected to be presented to the Vietnamese Government in July 2010. The draft was submitted to the Vietnam National Assembly for review during November 2010 and then passed during the National Assembly Session on 29th March 2011 as law No. 66/2011/QH12¹²⁶.

Under Article 120 of the Penal Code, those who trade in, fraudulently exchange or appropriate children in any way shall be sentenced to between three and 10 years of imprisonment. The term of imprisonment increases to between 10 and 20 years where there are aggravating circumstances, such as where the child is used for prostitution, the offence is committed in an organised manner or the purpose is to send the child abroad.

It is clear that this provision does not cover the range of activities that occur in the process of trafficking, defined in Article 3 of the *Trafficking Protocol* as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

It is reported that during the 12th National Assembly meeting, a proposal for drafting a law on human trafficking was adopted, and a report was submitted to consider ratification of the *Trafficking Protocol*¹²⁷.

It is recommended that Vietnam enact anti-trafficking legislation based on the definition provided in the *Trafficking Protocol*. In particular, the law should explicitly state that where children are concerned, the acts of harbouring, recruiting, transferring and transporting for an exploitative purpose will be considered as trafficking regardless of the use of any deceptive or forceful means, and regardless of whether the child consents.

CHILD PORNOGRAPHY

CHILD ABUSE IMAGES

Vietnam does not have any laws defining or prohibiting child pornography. This is a major gap in the protection of children from CSEC and in compliance with its obligations under the *OPSC*.

The Vietnamese Government has indicated that, in practice, child pornography is recognised and international laws fill any gaps or discrepancies in national law. During the last review on implementation of the *OPSC*, the Committee on the Rights of the Child stressed the importance of enacting legislation containing a specific definition of child pornography, together with appropriate sanctions for production, dissemination, offering and possession. The Vietnamese Government has indicated that the criminal code will be amended in accordance with those recommendations,¹²⁸ at the time of writing, however, this does not appear to have taken place.

Therefore, the existing laws do not criminalise traditional depictions of child abuse (visual, audio or electronic support), nor do they criminalise virtual child abuse imagery (including computer generated images, drawings or cartoons that depict children in a sexually abusive way).

The only activity relating to child abuse imagery that is criminalised under the criminal code is the dissemination of “pornography or other products related to children” under Article 253. While this could potentially apply to child pornography, it falls short of international standards. The 2003 *Ordinance on the Prevention of Prostitution* prohibits the production, distribution, transportation, storage, purchase, sale, export, import or publicising of pornographic materials,¹²⁹ but it fails to specifically mention or define child pornography.

Pornography is also addressed through internet regulations, such as Decrees No. 31/2001/ND-CP on Administrative Penalties on Infringements in the Field and No 55/2001/ND-CP on the Management, Provision and Use of Internet Services¹³⁰. Their stipulations revolve around blocking inappropriate sites, monitoring emails, requiring all websites hosted in the country to obtain government permission and requiring internet cafés to maintain a record of users and the sites they visit¹³¹.

Article 116 of the penal code prohibits obscene acts against children, but it is unclear

if this will be interpreted to cover child pornography.

At present, Vietnamese law does not punish mere possession of child abuse images, nor does it punish procuring, knowingly accessing or viewing child abuse images online. It is recommended that such provisions be included when the laws addressing child pornography are being amended. The Vietnamese legal framework should also contain provisions criminalising the solicitation of children for

sexual purposes ('grooming'). 'Grooming' is very much connected to child pornography, as abusers often use child abuse images to desensitise or blackmail the children that they solicit online for sexual purposes.

The current legal framework does not contain reporting obligations for individuals who may be exposed to child abuse images because the nature of their work, such as IT technicians, internet service providers and financial companies.

EXTRATERRITORIAL LEGISLATION WITH REGARD TO CHILD SEX TOURISM RELATED OFFENCES

Although Vietnam is becoming a destination for foreign child sex tourists, Vietnamese law does not contain provisions defining or expressly criminalising child sex tourism. Under Article 5 of the penal code, however, foreigners not entitled to diplomatic immunities or consular privileges and immunities who have committed offenses in Vietnam can be prosecuted under Vietnamese laws. This provision may apply to foreign child sex tourists that have committed offenses in Vietnam.

Vietnam's legal framework establishes the principle of extraterritoriality in Article 6-1 of the penal code. Under extraterritorial legislation, Vietnamese citizens can be prosecuted in Vietnam even though their offenses were committed abroad. This provision may include Vietnamese child sex tourists who commit offenses abroad and try to escape prosecution by returning to their country of origin. Vietnam's extraterritoriality provision also applies to stateless persons permanently residing in the country. Unfortunately, due to several weaknesses in domestic legislation addressing cases of CSEC, the scope of the Vietnamese extraterritorial legislation is not in line with the requirements of Article 4 of the OPSC.

As Vietnam has territorial jurisdiction over all crimes committed in its territory, regardless of the suspect or victim's nationality, Vietnamese authorities should

be able to prosecute and convict any person who has committed an offense in Vietnam. Some suspects, however, may escape legal proceedings in Vietnam by going back to their country of origin. In order to ensure that they can prosecute and convict such persons, Vietnamese authorities have developed extradition legislation (Chapters 37 and 38 of the criminal procedure code).

By 2008, Vietnam had signed more than 20 agreements on mutual legal assistance in preventing and extraditing criminal offences with other countries. Vietnam has also signed bilateral agreements on the prevention and control of women and child trafficking with the Republic of Korea, Cambodia and Thailand and signed a Memorandum of Understanding on the prevention and control of women and child trafficking with China in order to reach a consensus on the exchanging of information, investigation, identification, victim rescuing and offender arresting¹³².

Under these bilateral treaties, Vietnamese authorities can request that other countries surrender fugitive offenders to be prosecuted and convicted, or to serve their sentence in Vietnam. However, this is only possible for acts that are recognised in both countries as offenses, and for offenses that are extraditable.

Until recently, Vietnam had a reservation to Article 5 of the OPSC, which provides that

each of the offences contained in Article 3 are to be extraditable offences. Under this reservation, crimes relating to child sexual exploitation were not considered to be extraditable offenses. Therefore, even though Vietnamese authorities had signed extradition treaties with other countries, they were not bound to surrender persons that had committed sexual crimes abroad to the requesting country. In accordance with recommendations made by the Committee on the Rights of the Child, Vietnam has now withdrawn this reservation¹³³. Under Article 5 of the OPSC, if Vietnamese authorities receive a request for extradition from another

state party with which it has no extradition treaty, they may consider the OPSC as a legal basis for extradition in respect of offenses relating to CSEC.

In order to avoid the practical obstacles involved in investigating and prosecuting suspects of CSEC offences committed across borders (e.g., gathering material evidence and testimonies from the foreign countries where the offenses were committed), the Government of Vietnam has signed the regional *Treaty on Mutual Legal Assistance in Criminal Matters* with other members of ASEAN.

Child protection units

Vietnam does not have a centralised child protection unit to address crimes against children, including CSEC crimes. Rather, in some regions, a few police officers have been trained to deal with such crimes.

The former Committee for Population, Family and Children (now MOLISA) has responsibility for state administration of child protection and is responsible for coordinating the implementation of programs and plans for children. However, there is no one national lead or focal agency responsible for all aspects of child protection. Implementing responsibility for various aspects of child protection has been designated to different Ministries and Sectors in line with their own functions as well as the classification of children¹³⁴.

In 2003 the Ministry of Public Security established a separate office to address trafficking crimes¹³⁵. As a result, a special anti-trafficking unit has been established within the General Police Department¹³⁶.

Furthermore, a central police unit was created in 2008 to deal with child abuse

cases, following efforts made to improve the skills of investigators working on child abuse and with child victims of commercial sexual exploitation¹³⁷.

The 2000 Criminal Procedure Code requires that criminal justice personnel that are involved in proceedings concerning minor offenders must be knowledgeable about the psychology and education of minors, and the prevention of juvenile crimes¹³⁸.

However, a recent study on child-sensitive investigative and trial proceedings revealed the following shortcomings in the current laws and practices¹³⁹:

- Lack of guidelines or directives on child sensitive interrogation environment and investigative techniques for police, prosecutors, and judges. Child victims were often subjected to numerous, lengthy interrogations by the police, and in many

- instances children were interviewed without a parent or guardian present.
- There is no requirement that persons conducting legal proceedings in cases involving child victims or witnesses must have necessary knowledge about child psychology and interview techniques for children.
 - Police, prosecutors and judges are not sufficiently trained on appropriate child questioning techniques. Social workers or other child specialists are not requested to be present during interrogations or to assist in the questioning of children.
 - Lack of clear referral or coordination mechanism to ensure that all child victims reported to the police are referred to appropriate support services to promote their recovery and reintegration.
 - Lack of witness support programs, legal representation and advice for most child victims and their parents during criminal proceedings.
 - The Court environment is very intimidating for children, and there is a lack of alternative arrangements for giving testimony such as screens, videotape and closed circuit television.
 - Not all proceedings involving child victims are closed to the public, and sometimes information about children has been published in the media.
 - While a compensation order is generally issued by the court, it is difficult to enforce against the perpetrator. There is no State compensation fund to support victims.
 - Many child victims suffer significant trauma and distress, but the necessary

counselling or other support is not available.

A 2010 UNICEF report notes that the Government is developing guidance documents and supporting training on child-friendly investigation and trial procedures, including integrating such training into the Police Academy curriculum. Some child-friendly investigation rooms for child and women victims of trafficking have already been set up¹⁴⁰.

Child/adolescent friendly investigation rooms, which are guided and equipped by the Criminal Investigation Police Department and UNICEF Vietnam, are presently being piloted in Hanoi, Hai Phong, Lao Cai, Dong Thap, Ho Chi Minh City.

In 2006, the Committee on the Rights of the Child recommended that Vietnam: (a) allow the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected; (b) use child-sensitive procedures, including interview rooms designed for children and audio and video recording of the declarations of child victims; (c) ensure that trials take place as soon as is practical, unless delays are in the child's best interests; and (d) set up special teams to investigate crimes covered by the OPSC, and systematically train police, prosecutors, judges and other concerned professionals in the areas covered by it¹⁴¹.

Support services for children

A number of psychological and physical rehabilitation centres have been built to support sexually abused children in major cities, particularly in Ho Chi Minh City. Counselling centres have been established in several provinces to provide child victims

with legal, psychological and physiological advice and help in reintegration. The Women's Union plays a role in providing counselling and advice to child victims and supporting them to enroll in classes or vocational training programmes. However,

there is currently no professionalized system in place to ensure that all sexual abuse victims are systematically assessed by a trained social worker and referred to appropriate services to promote their recovery and reintegration.

formal education and vocational training. Some centres reportedly lack appropriately trained staff (counsellors, social workers, vocational trainers) and the conditions and care provided to juveniles do not meet international standards¹⁴².

There are 72 Social Protection Centres throughout the country offering psychological, medical and legal services to children, but there have been reports that such centres may not always follow proper standards of care¹⁴³. Furthermore, although Vietnam has sought to establish a social work profession in the country, the still limited number of professional social workers is a significant gap in the effectiveness of the mentioned services¹⁴⁴. The Government itself, in its 2005 report to the Committee on the Rights of the Child, recognised that individuals working with children lack proper rehabilitation and reintegration skills¹⁴⁵.

The minimum conditions for child victims of sexual exploitation in rehabilitation centres are governed by Decree No 135/2004/ND-CP dated June 10th 2004. The Decree states that juveniles in the centres shall be provided accommodation suitable to their age, “nature and seriousness of their offences” and their gender (Article 40); shall be provided education in conformity with the curriculum set by the Ministry of Education and Training (Article 43); must participate in therapeutic labour, which must not constitute hard, harmful and dangerous works (Article 44); and must receive regular medical examination every six months (Article 46). Children in Rehabilitation Centres shall be provided with financial supports to cover the fees of education, vocational training, treatment, food, personal living necessities and other expenses. Currently, children under the age of 18 who are sent to rehabilitation centres are accommodated in the same centres as adults, though in some centres they are physically separated. The children are detained by the authorities in these centres and are not allowed to leave. The centres follow a strict routine, and the girls are locked up for several hours per day. Rehabilitation programs consist mostly of lectures on the danger of drug use, prostitution, and morality, as well as non-

On 25th March 2010, the Prime Minister approved the National Program on Development of Social Work as a Profession until 2020 in the decision 32/2010/QĐ-TTg. The National Program is a major development in the process of strengthening social work in Vietnam¹⁴⁶.

In Ho Chi Minh City, there are approximately 40 shelters for street children and sexually abused children, supported by organisations such as the Ho Chi Minh City Child Welfare Foundation (HCWF), Save the Children Vietnam, AFESIP International and the Vietnam Women’s Union¹⁴⁷. Shelters are also found in Hanoi, which is home to an interesting recovery and reintegration programme: the Koto Training Centre offers training in cooking and hospitality to vulnerable children, who are then given the opportunity to work at the Koto restaurant¹⁴⁸.

Vietnam has also established several psychological and physical rehabilitation centres and counselling centres, which provide child victims in big cities with legal and psychological advice, and assist them to participate in charity classes or vocational training courses, aimed at helping them to reintegrate into the community. The Vietnam

Women's Union is one of key players in this field¹⁴⁹.

Legal services for trafficking victims are provided in the Quang Ninh, An Giang and Can Tho provinces by the Asia Foundation and the National Legal Aid Agency of the Vietnamese Ministry of Justice¹⁵⁰.

Between 2005 and 2006, IOM, Oxfam-Quebec and the Vietnam Women's Union implemented an 18-month project in the Quang Ninh province on the border with China, providing social services to women and children victims of trafficking, including vocational training¹⁵¹.

In 2007 the UN Special Rapporteur on the sale of children, child prostitution and child pornography reported on complaints regarding the mistreatment of street children in Hanoi. It was alleged that children could be rounded up and detained without the application of normal criminal law safeguards, and that the State's Social Protection Centres sheltered vulnerable groups such as homeless children and prostitutes under harsh conditions and outside of the criminal justice system. Also, it appeared that once released, these children were simply left at the gates of the centres, rather than properly reunited with their family. This placed them at a high risk of sexual exploitation. The Government denied most of the allegations, and stated that children are usually reintegrated into their families after staying at Social Protection Centres¹⁵².

Children who have been trafficked are reportedly entitled to medical treatment (including counselling), rehabilitation and other support, including vocational training

and jobs in line with their ages. There are said to be appropriate facilities for rehabilitation close to the borders with China and Cambodia. Furthermore, woman and children victims of trafficking are reportedly protected while they are involved in police investigations, and have the right to make claims for losses caused by their traffickers under the criminal procedure code¹⁵³.

Trafficked children are given priority to receive the State's support for family reunification. Many counselling and reintegration models for trafficked victims are said to have been developed. However, the families of trafficked children still reportedly face many difficulties, which are said to be due to poor policies, and decentralised authority. In particular, due to inconsistencies in procedures for identification and limited financial support, the repatriations of some trafficked children and women have been delayed¹⁵⁴. It is hoped that adoption of the *Inter-Ministries Guidelines on Victim Identification and Reception* in 2008 (as mentioned in an earlier section of this report) will strengthen the State's support to child victims and their families.

Reintegration into communities at the end of the rehabilitation period is a significant challenge, and relapse rates can be high. When a child is released from an 05/06 Centre, the centre contacts the child's home commune, which then works in cooperation with the Women's Union to integrate the child into the community. In some areas, the Women's Union have "after care" clubs". However, an evaluation of prostitution prevention programmes recently concluded that the quality of education, health treatment and vocational training opportunity is poor¹⁵⁵.

Training law enforcement personnel

The Government reports that it has enhanced training courses for the police force on developing child-friendly interview skills, and five adolescent-friendly investigation rooms are in operation. A large number of short and long-term training courses are said to have been provided to thousands of officers involved in preventing and fighting child trafficking and child prostitution, including police officers, justice officers, court officers, social workers and officers in the Department of Labour, Invalids and Social Affairs¹⁵⁶.

The Child Exploitation and Online Protection Centre (CEOP), based in the UK, was established in 2009 as an advisory panel in Vietnam¹⁵⁷ (as well as in Cambodia (2008) and Thailand (2009)), in order to build the capacities of key stakeholders working on child protection and strengthen cooperation between Vietnamese law enforcement agencies, local children's rights NGOs and British law enforcement to better protect children against sexual offenders.

CHILD AND YOUTH PARTICIPATION

The right of a child to access information, express his or her views and opinions and to participate in social activities is set out in Article 20 of the *Law on Child Protection, Care and Education* of 2004.

In recent years, progress has been made in ensuring freedom of expression for children. There have been different channels for children to express their opinions at schools and at regional, national and international levels¹⁵⁸. Many forums have been organised for children to raise their voices and express their views to local authorities and state leaders. National children's forums have been organised for children to input into the drafting of the *National Plan of Action for Children 2001–2010*¹⁵⁹. Similarly, other forums have been organised for children to contribute to the draft reports on the implementation of the CRC and the drafted revised *Law on Child Protection, Care and Education* of 2004¹⁶⁰. During these forums,

children have the opportunity to voice their opinions and to create dialogue with leaders of the State and various agencies (such as the National Assembly and the People's Councils) about issues relating to children. Some children were elected to be official members of the government delegation participating in international conferences, and to join the dialogues with the Committee on the Rights of the Child¹⁶¹. Children's Forums, Young Reporters Clubs and Child Rights Clubs have been organised in many places, especially in localities that give children opportunities to voice their opinions and aspirations, and to learn more about their responsibilities, rights and obligations¹⁶².

Another encouraging development is a youth-led initiative to strengthen child protection: the Youth Partnership Project against the Commercial Sexual Exploitation of Children (YPP), which is being

implemented in partnership with ECPAT International and CEFACOM. The main objective of the YPP is to have children themselves become increasingly involved in disseminating and raising awareness on how

to protect themselves, through forums on preventing and fighting child trafficking, and through peer to peer activities.

The Youth Partnership Project against Commercial Sexual Exploitation of Children and Youth

Since 2010, ECPAT International has been implementing the YPP in partnership with the CEFACOM and the Body Shop. YPP is an innovative project that aims to make a positive change in the lives of child survivors of commercial sexual exploitation and at-risk children and youth from vulnerable communities. Recognising that young people can play an important role in the fight against CSEC; YPP reaches out to and actively engages these marginalised children by building their capacities and skills to establish peer support programmes against sexual exploitation and trafficking within schools and shelter homes in high-risk areas. Through this peer-to-peer approach, young people mobilise wider groups of young people to raise awareness about CSEC and trafficking of children, and discuss ways they can protect themselves and their peers from being exploited. YPP children and youth design and implement various youth-led activities to raise awareness among communities and at-risk children, run advocacy campaigns and lobby their governments for better protection of children's rights from sexual exploitation. More information about YPP can be accessed at http://www.ecpat.net/ypp_global//index.php.



PRIORITY ACTIONS REQUIRED

National Plan for Action and Policies on Children and CSEC

- One single national plan must be adopted to comprehensively address all forms of commercial sexual exploitation of children, developed in collaboration with relevant civil society groups and other stakeholders.

Coordination and Cooperation

- Child protection services need to be made more professional by the creation of a Child Protection Department and the appointment of child protection officer(s) at all levels. These officers should be provided basic social work training, and should be primarily responsible for identifying, assessing and supporting children in special circumstances.
- Vietnam must improve its data collection procedures in order to ensure that records are regularly updated.
- Vietnam must seek to improve cooperation procedures with other countries to ensure smoother repatriation of trafficking victims, as well as effective investigation of offenders.

Prevention

- In line with the *Rio Declaration and Call for Action*, Vietnam should seek to involve the private sector in the fight against CSEC. For example, regulations should be imposed on internet cafés to prevent children from accessing pornography or other illegal content.
- Stronger deterrence measures are required to alter the behaviour of child sex offenders, such as publicising a hotline for reporting child sexual abuse.
- Vietnam must conduct an evaluation of current prevention initiatives to see if they are effective and reaching the most vulnerable and at-risk groups. There should also be prevention initiatives that addresses the 'demand' for sexual services from children especially targeting men, parents and children themselves.

Protection

- Vietnam must ratify the *Trafficking Protocol* and harmonise its national legislation.
- Vietnam must amend its legislation to provide a definition for child prostitution, in line with the *OPSC*.
- The Government must also work to strengthen the identification of victims of human trafficking, especially child victims, as well refrain from criminalising victims.
- It is imperative that Vietnam enact legislation defining child pornography and prohibiting its production, dissemination, sale, mere possession, access and intentional viewing. Vietnamese legislation should also take steps to criminalise 'grooming' of children.
- Training workshops should be provided to relevant stakeholders (such as law enforcement, judiciary officials and social workers) on implementing child-friendly procedures and understanding children's rights.

Participation

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

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
 - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
 - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
 - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
 - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
 - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
 - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
 - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
 - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

Endnotes

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