

Law on Child Protection, Care and Education

Children represent happiness for families, the future of the country and the heir to the cause of national construction and the heir to the cause of national construction and defence. To heighten awareness of their responsibilities among families, State authorities, schools, social organizations and citizens for child protection, care and education and with a view to bringing up to be good citizens of the country in accordance with the teaching of President Ho Chi Minh;

On the basis of Article 41, 64, and 83 of the Constitution of the Socialist Republic of Viet Nam;

This law sets out the basic rights and obligations of the child, and the work of child protection, care and education.

CHAPTER 1 – GENERAL PROVISIONS

Article 1

Children shall be defined in this law as Vietnamese citizens under 16 years of age.

Article 2

Children, regardless of sex, whether born within or out of wedlock, natural or adopted children born of common parents or another mother or father, irrespective of ethnic origins, religious belief, social class, position, or political ideology of parents or guardian, shall be given protection, care and education, enjoy certain rights in accordance with legal provisions.

Article 3

Child protection, care and education shall be the responsibility of families, schools, State authorities, social organizations and citizens. The State shall encourage and create the necessary conditions for organizations and individuals both within the country and abroad to contribute to the cause of child protection, care and education.

Article 4

The rights of children shall be respected and implemented. All acts violating the rights of children or detrimental to their normal development shall be severely punished.

CHAPTER II – BASIC RIGHTS AND OBLIGATIONS OF CHILDREN

Article 5

1. Children shall have the right to registration of birth and to a nationality.
2. Children whose father or mother is unknown shall, if they request, be assisted by the responsible authorities in identifying their father or mother.

Article 6

1. Children shall have the right to be cared for and nurtured in their physical, mental and moral development.

2. Children of ethnic minorities, living in mountainous areas, on islands or in remote regions shall be provided by the State with the necessary conditions for their protection, care and education.

3. Handicapped and invalid children shall be assisted by State and society in the provision of medical treatment and rehabilitation in order to integrate into society, they shall be accepted into special schools and classes.

4. Children without support shall be cared for and brought up by State and social organizations.

Article 7

Children shall have the right to live with their parents. Nobody shall have the right to separate children from their parents, except where this is in the child's interest.

The handing over and receiving of children into adoption shall be in accordance with legal provisions, ensuring that they shall receive a good upbringing, care and education.

In all cases, the transfer of children to or back from another country shall be carried out in accordance with legal provisions.

Article 8

1. Children shall be the object of respect and protection as to life body, dignity and honour; they shall be entitled to express their views and aspiration concerning issues related to them.

2. Maltreating, humiliating, abusing or swapping children into committing acts violating the law or detrimental to their normal development; shall be strictly prohibited.

Article 9

1. Children shall receive health care and health protection. Children under six years of age shall receive primary health care, medical examinations and treatment free of charge at State medical units in accordance with provisions set out by the Council of Ministers.

2. State medical authorities shall be responsible for monitoring, guiding and organizing the implementation of disease prevention activities and health examinations for children at regular intervals.

3. The use of child labour counter legal provisions and detrimental to the normal development of children shall be strictly prohibited.

Article 10

1. Children shall have the right to study and the obligation to complete the programmes of universal education. Children undertaking primary education in State schools and classes shall be exempted from tuition fees.

2. Parents and guardians shall have the responsibility to provide conditions for their children's studies.

3. The State shall draw up policies ensuring children's right to study, encouraging children to study well and creating conditions for them to develop natural gifts.

Article 11

1. Children shall have the right to enjoy wholesome entertainment, cultural, artistic, sporting and travel activities appropriate to their ages.

2. The State shall encourage and sponsor the construction, maintenance and effective use of infrastructure and facilities in the service of children's studies, daily lives and leisure activities.

3. The use for other purpose of public infrastructure and facilities reserved for children's studies and leisure activities shall be strictly prohibited.

Article 12

Children shall enjoy the right to property and inheritance and to benefit from insurance policies in accordance with legal provisions. Parents and guardians or authorities and organizations concerned shall maintain and manage children's property and return such property to them when they reach adulthood.

Article 13

Children shall have the following obligations:

1. To show love, respect and piety towards grandparents and parents, politeness towards the adults, affection towards younger ones and solidarity with friend; to render assistance to the elderly, weak, and invalid and to their families in accordance with their physical abilities;

2. To study with diligence, do physical exercises, and abide by school regulations;

3. To respect the law; to live a civilized lifestyle, respect public order and traffic safety regulations; to respect public property of others;

4. To love their native districts and country, to love their fellow-countrymen, and to be conscious of the construction and defence of the Socialist Republic of Viet Nam.

Article 14

1. Children shall not indulge in gambling, alcohol, smoking or the use of other stimulants detrimental to their health.

2. The coercing of children into gambling, drinking, smoking or using stimulants detrimental to their health shall be strictly prohibited.

3. The enticing or initiation of children of prostitution, the sale or offer of obscene material, and toys and games detrimental to their normal development shall be strictly prohibited.

Article 15

Investigation of administrative, civil or criminal liability with regard to children shall be carried out in accordance with legal provisions concerning minors.

CHAPTER III - RESPONSIBILITIES OF FAMILIES, THE STATE AND SOCIETY**Article 16**

1. Parents or guardians shall be the first to bear responsibilities for the child protection, care and education, and shall provide the best conditions of the development of children.

2. Parents, other senior family members or guardians shall set a good example in every respect for children to follow; when meeting with difficulties that can not be resolved, they may request the authorities or organizations concerned to provide assistance to them in order to fulfil their obligations.

3. In the case of divorce or other circumstances where the father or mother cannot directly bring up minor, they shall have an obligation to contribute to the upbringing and education of the child; they shall have the right and obligation to visit and care for the child in accordance with legal provisions.

Acts encouraging children to hate their parents, families or guardians shall be strictly prohibited.

Article 17

Parents and guardians shall bear administrative, civil and criminal liability for damage caused by children under their care.

Article 18

1. Kindergartens, maternal hoods and general education school shall provided with the necessary conditions to ensure quality in the upbringing and education of children, in order to attain State objectives in education.

2. Kindergartens nurses, teachers and people in position of responsibility at Pioneers organization shall be trained and have technical and professional qualifications, be in good health, possess good morals and virtues and love their profession and children, ensuring the fulfilment of their obligations.

Article 19

1. The State shall allocate an appropriate amount from its budget in annual plans for the work of child protection, care and education.

2. Ministries, State Committees and other authorities under the Council of Ministers, People Councils and people's Committees at all levels, depending on their function and capacity shall be responsible for the implementation or co-ordination of the implementation of measures to protect children's rights and interests, prevent acts by children violating the law, educating badly-behaved children and reforming juvenile delinquents.

Article 20

The Committee for Child protection and care shall have an obligation to assist the Council of Ministers and People's Committee at corresponding levels in guiding, monitoring, accelerating and overseeing plans in the area of child protection, care and education; shall organize co-ordination between related State authorities, social and economic organisations concerned in the area of child protection, care and education.

Article 21

1. The Vietnam Fatherland Front, its member organizations and the mass media shall have the following obligations:

a) to disseminate information and educate their members and the people in general to observe the laws relating to children;

b) to encourage families effectively to carry out the work of child care and education;

c) to care for and protect children's interests, monitor observance of the laws relating to children, make necessary proposals to State authorities concerned with a view to fulfilling those obligations; to prevent acts and protest against decisions running counter to children's rights and interests.

2. The Vietnam Women Union, apart from obligations set out in Paragraph 1 of this Article, shall be responsible for coordinating actions with authorities and organizations concerned in organizing and guiding the work of bringing up children to be healthy and well behaved.

3. The Ho Chi Minh Communist Youth Union, apart from the obligations set out in Class 1 of this Article, shall be responsible for the Ho Chi Minh Pioneers' Organization, and for the organizing and guiding of children's activities.

Article 22

1. The State shall sponsor scientific and technological projects, literary and artistic works, and all initiatives and actions promoting the cause of child protection, care and education, encourage economic organization from all sectors to devote a part of their welfare fund or profits to child protection, care and education.

2. Child-sponsorship fund shall be established with contributions from State authorities, people's organizations, economic, cultural, charity and humanitarian organization and other social organizations as well as individuals within the country and abroad and foreign donors, towards the cause of child protection, care and education.

3. The use for other purpose of the child-sponsorship fund and other financial resources reserved for child protection, care and education shall be strictly prohibited.

CHAPTER IV – REWARDS AND SANCTIONS

Article 23

Authorities, organizations, families and individuals credited with outstanding achievements in the area of child protection, care and education shall be commended in accordance with State regulations.

Article 24

Those persons infringing upon the rights of children maltreating, humiliating, abusing or abandoning children, encouraging, coercing or forcing children into committing acts violating the law, lacking an awareness of their responsibilities in fulfilment of their obligations in child protection, care and education, causing detriment to the normal development of children, or violating other provisions of this law, shall, depending on the seriousness of their offence, be subject to disciplinary action, administrative penalties or prosecuted for criminal liability.

CHAPTER V – FINAL PROVISIONS

Article 25

All prior provisions in conflict with the provisions set out in this law shall be repealed.

Article 26

The Council of Ministers shall determine details of the implementation of this law.

This law was passed by the National Assembly of the Socialist Republic of Viet Nam, 8th legislature, 9th session, on august 12, 1991.

The President of the National Assembly

LE QUANG DAO

Mis on-line le 26.03.02