



Global Initiative to
**End All Corporal Punishment
of Children**

VIET NAM

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 5th session, 2008

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Viet Nam, despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight with concern this disregard for the Committee's recommendations, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.

1 Legality of corporal punishment in Viet Nam

1.1 Corporal punishment of children is lawful in the **home**. Various laws protect children's dignity, honour and integrity – including the Law on the Protection, Care and Education of Children – but there is no evidence that these are interpreted as prohibiting all forms of corporal punishment of children inflicted by parents in the name of “discipline”.

1.2 In **schools**, laws protect children's honour and dignity and prohibit physical harm (e.g. the Education Law, Decree No. 49/2005/NDD-CP and Decree No. 163/2003), but there is no clear statement that this means corporal punishment is prohibited and such punishment continues to be used.

1.3 In research in 2005 into the experiences of 500 children and 300 adults, 94% of the children reported experiencing physical and emotional punishment at home and 93% at school; 82% reported being physically punished on all parts of their bodies. The majority of children felt that being caned was the worst punishment and this was very common at school and at home. Other punishments included being hung from a tree and caned, being electrocuted, having limbs broken and being burned with cigarettes.¹ Other studies have found a high prevalence and wide range of corporal punishment of children in the home and at school.²

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions.

1.5 Corporal punishment is lawful in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 In 2003, following examination of the state party's second report, the **Committee on the Rights of the Child** expressed concern at corporal punishment of children in the State party and recommended explicit prohibition in the home, schools and all other institutions (CRC/C/15/Add.200, para. 34).

¹ Enkhtor, Dulamdary et al. (2006), *Educating or Abusing? Physical and Emotional Punishment of Children in Vietnam*, Save the Children Sweden, Plan in Vietnam, UNICEF

² UNICEF (2007), *Progress for Children: A World Fit for Children – Statistical Review, Number 6, December 2007*; Beazley, H., S. Bessell, et al. (2006), *What Children Say: Results of comparative research on the physical and emotional punishment of children in Southeast Asia and Pacific, 2005*, Stockholm, Save the Children Sweden