

LAW

ON CHILD PROTECTION, CARE AND EDUCATION

(No. 25/2004/QH11 of June 15, 2004)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the Xth National Assembly, the 10th session;

This Law provides for child protection, care and education.

Chapter I

GENERAL PROVISIONS

Article 1. Children

Children prescribed in this Law are Vietnamese citizens aged under 16 years.

Article 2. Scope of regulation and subjects of application

1. This Law prescribes the fundamental rights and duties of children; responsibilities of the family, State and society in child protection, care and education.

2. This Law applies to the Vietnamese State's agencies, political organizations, socio-political organizations, political-social-professional organizations, social organizations, socio-professional organizations, economic organizations, non-business units, people's armed force units, families and citizens (hereinafter referred to collectively as agencies, organizations, families and individuals); foreign organizations operating in the Vietnamese territory, foreigners residing in Vietnam. In cases where international agreements which the Socialist Republic of Vietnam has signed or acceded to contain different provisions the provisions of such international agreements shall apply.

Article 3. Interpretation of terms

In this Law, the following terms and phrases shall be construed as follows:

1. Disadvantaged children mean children with physically or mentally abnormal conditions, who are unable to exercise their fundamental rights and integrate with the family and community.

2. Street children mean children, who leave their families and earn a living by themselves with

unfixed places of livelihood and residence; children wandering with their families.

3. Surrogate families mean the families or individuals that undertake to care for and bring up disadvantaged children.

4. Child-support establishments mean organizations set up to protect, care for and educate disadvantaged children.

Article 4. Non-discrimination against children

Children, whether female or male, in or out of wedlock, biological or adopted, born to one party or both parties to a marriage; irrespective of their nationality, belief, religion, social background and position as well as political opinions of their parents or guardians, are all protected, cared for and educated, and enjoy rights prescribed by law.

Article 5. Responsibilities for child protection, care and education

1. The child protection, care and education rest with the families, schools, State, society and citizens. In all children-related activities of agencies, organizations, families or individuals, the interests of children must be of primary concern.

2. The State encourages and creates conditions for agencies, organizations, families and individuals at home and abroad to contribute to the cause of child protection, care and education.

Article 6. Exercise of children's rights

1. Children's rights must be respected and exercised.

2. All acts of infringing upon children's rights, causing harms to the normal development of children shall be severely punished by law.

Article 7. Prohibited acts

The following acts are strictly prohibited:

1. Abandoning children by their parents or guardians;

2. Seducing, enticing children to live a street life; abusing street children to seek personal benefits;

3. Seducing, deceiving, forcing children to illegally buy, sell, transport, store and/or use drugs; enticing children to gamble; selling to children or letting them use liquors, beers, cigarettes or other stimulants harmful to their health;

4. Seducing, deceiving, leading, harboring or forcing children into prostitution; sexually abusing

children;

5. Abusing, seducing or forcing children to buy, sell or use violence-provoking or depraved cultural products; making, duplicating, circulating, transporting or storing pornographic cultural products; producing, trading in toys or games harmful to the healthy development of children;

6. Torturing, maltreating, affronting, appropriating, kidnapping, trafficking in or fraudulently exchanging children; abusing children for personal benefits; inciting children to hate their parents or guardians or to infringe upon the life, body, dignity or honor of others;

7. Abusing child labor, employing children for heavy or dangerous jobs, jobs in exposure to noxious substances or other jobs in contravention with the provisions of the labor legislation;

8. Obstructing children's study;

9. Applying measures that offend or lower the honor or dignity of, or applying corporal punishments to, juvenile offenders;

10. Locating establishments for the production or storage of pesticides, toxic chemicals, inflammables and/or explosives near child-rearing establishments or educational, medical, cultural and recreation establishments for children.

Article 8. State management responsibilities for child protection, care and education

1. The Government shall exercise the uniform State management over child protection, care and education.

2. The Population, Family and Child Committee shall assist the Government in exercising the uniform State management over child protection, care and education according to its functions, tasks and powers; assume the prime responsibility for, and coordinate with the ministries, the ministerial-level agencies, the agencies attached to the Government, Vietnam Fatherland Front and its member organizations in, child protection, care and education.

3. The Ministry of Education and Training, the Ministry of Health, the Ministry of Culture and Information, the Physical Training and Sports Committee, the Ministry of Labor, War Invalids and Social Affairs and the concerned ministries and branches shall exercise the function of State management over child protection, care and education under the Government's assignment

4. The People's Committees at all levels shall exercise the State management over child protection, care and education in localities under the Government's decentralization.

Article 9. Financial sources for the work of child protection, care and education

Financial sources for the work of child protection, care and education include the State budget, international aids, supports from domestic and foreign agencies, organizations and individuals,

and other lawful sources.

Article 10. International cooperation on child protection, care and education

1. The State shall adopt policies to expand international cooperation on child protection, care and education with other countries and international organizations on the basis of equality, respect for national sovereignty and conformity with the laws of each country as well as international practices.

2. Contents of international cooperation include:

a/ Elaborating and implementing programs and projects, and conducting activities for child protection, care and education;

b/ Joining in international organizations; signing and acceding to international agreements in child protection, care and education;

c/ Researching into, applying sciences to, and transferring modern technologies in service of, the work of child protection, care and education;

d/ Training and fostering human resources; exchanging information and experiences on child protection, care and education.

3. The State encourages and creates conditions for overseas Vietnamese as well as foreign organizations and individuals to take part in the work of child protection, care and education.

4. Overseas international organizations involved in child protection, care and education may operate on the Vietnamese territory under the provisions of Vietnamese laws.

Chapter II

BASIC RIGHTS AND DUTIES OF CHILDREN

Article 11. Right to have birth registered and acquire nationality

1. Children have the right to birth registration and to acquire a nationality.

2. Children whose parents are not yet identified, if having request, shall be assisted by the competent agencies to identify their parents according to law provisions.

Article 12. Right to be cared for and brought up

Children have the right to be cared for and brought up to develop physically, intellectually, mentally and ethically.

Article 13. Right to live with parents

Children have the right to live with their parents.

No one has the right to force children to separate from their parents, except cases for children's interests.

Article 14. Right to be respected and have their life, body, dignity and honor protected

Children have their life, body, dignity and honor protected by their respective families, the State and society.

Article 15. Right to health care

1. Children have the right to health care and protection.
2. Children under 6 years old are entitled to primary health care and free medical examination and treatment at public medical establishments.

Article 16. Right to study

1. Children have the right to study.
2. Children studying at the primary education level in public education establishments don't have to pay school fees.

Article 17. Right to join in recreational, entertainment, cultural, art, physical, sport and tourist activities

Children have the right to join in healthy recreational, entertainment, cultural, art, physical, sport and tourist activities suitable to their age groups.

Article 18. Right to develop aptitudes

Children have the right to develop their aptitudes. Any aptitude of children is encouraged and given favorable conditions for development.

Article 19. Right to have assets

Children have the right to possess assets and to inheritance under law provisions

Article 20. Right to access information, express opinions and participate in social activities

1. Children have the right to access information suitable to their development, express their

opinions and aspirations on the matters of their concern.

2. Children may take part in social activities suitable to their demands and capabilities.

Article 21. Children's duties

Children have the following duties:

1. To love, respect and be dutiful to grandparents and parents; respect teachers; be polite to adults, love the minors and unite with their friends; help the elderly, the defective and disabled people and people with difficulties, according to their capabilities;

2. To study diligently, to keep hygiene, do physical exercises, observe public order and traffic safety, protect public properties, respect the properties of other people and protect the environment;

3. To love labor and help their families do jobs suitable to their health;

4. To be modest, honest and ethical; respect laws; observe the school's rules; live a civilized lifestyle and build cultured families; respect and preserve the national cultural identities;

5. To love their homeland, the country and fellow-countrymen; have sense of building and defending the Fatherland of the Socialist Republic of Vietnam, and international solidarity.

Article 22. Things which must not be done by children

Children must not do the following:

1. Dropping out of school or leaving their families to lead a wandering life at their own will;

2. Infringing upon the life, body, dignity, honor or assets of others; disturbing the public order;

3. Gambling, using alcohols, beers, cigarettes or other stimulants harmful to their health;

4. Exchanging, using violence-provoking or depraved cultural products; playing toys or games harmful to their healthy development.

Chapter III

RESPONSIBILITIES FOR CHILD PROTECTION, CARE AND EDUCATION

Article 23. Responsibility for birth registration

1. Parents or guardians have the responsibility to make timely birth registration for children.

2. The People's Committees of communes, wards and townships (hereafter referred to

collectively as commune-level People's Committees) have the responsibility to effect birth registration for children; and mobilize parents or guardians to make timely birth registration for their children.

3. Children of poor households are exempt from the birth registration fee.

Article 24. Responsibility for child care and nurture

1. Parents and guardians are the first persons responsible for the care and nurture of children, giving them the best conditions for development; when meeting with difficulties which cannot be overcome by themselves, they may ask for help from concerned agencies and/or organizations in order to fulfil their child-care and -nurture responsibility.

2. Parents, guardians and other adults in the families must set good examples for children in all aspects; have to build their respective families into wealthy, equal, progressive and happy ones, thus creating a healthy environment for comprehensive development of children.

3. Parents and guardians have the responsibility to care for a regime of nutrition suitable to children's physical and mental development according to their age groups.

4. In case of divorce or other cases, the fathers or mothers who do not directly bring up their minor children shall be obliged to contribute to the nurture of their children till they become mature, and have the responsibility to care for and educate their children according to law provisions.

Article 25. Responsibility to ensure that children live with their parents

1. Parents have the responsibility to ensure conditions for their children to live with them.

2. In cases where children are adopted, the hand-over and reception of children for adoption and the bringing of children abroad or from overseas into Vietnam must comply with law provisions.

3. In cases where children whose mothers and/or fathers are serving imprisonment sentences and who have no one to rely on, the People's Committees at all levels shall organize the care and nurture of those children at surrogate families or child-support establishments.

Article 26. Responsibility to protect children's life, body, dignity and honor

1. The family, State and society have the responsibility to protect children's life, body, dignity and honor; and take measures to prevent accidents for children.

2. All acts of infringing upon children's life, body, dignity and honor shall be handled in time and strictly according to law provisions.

Article 27. Responsibility to protect children's health

1. Parents and guardians have the responsibility to implement the regulations on health check, vaccination, medical examination and treatment for children.
2. Public medical establishments have the responsibility to guide and organize the primary health care, disease prevention and treatment for children.
3. The Ministry of Education and Training has the responsibility to organize school healthcare.

The Ministry of Health has the responsibility to coordinate with the Ministry of Education and Training in guiding the application of measures to prevent school diseases and other ailments for children.

4. The State shall adopt policies to develop the health cause, diversify medical examination and treatment services; exempt or reduce medical examination and treatment as well as function rehabilitation charges for children; and assure medical examination and treatment funding for children under 6 years old.

In the annual budget-balance plans of the Health Ministry and the People's Committees of the provinces and centrally-run cities (hereafter referred collectively to as the provincial-level People's Committees), the Government shall earmark a separate budget for free medical examination and treatment for under-6 children at the central and local public medical establishments.

5. The State encourages organizations and individuals involved in humanitarian and charity activities to contribute to medical treatment funding for children suffering serious diseases.

Article 28. Responsibility to ensure children's right to study

1. The family and State have the responsibility to ensure that children can exercise their right to study and finish the universal education program; and create conditions for them to study at higher levels.
2. The school and other educational establishments have the responsibility to provide the all-sided moral, intellectual, aesthetic, physical and vocational education for children; and take initiative in closely coordinating with the family and society in child protection, care and education.
3. Preschool education establishments and general education establishments must meet the necessary conditions on the contingent of teachers, material foundations and teaching facilities in order to ensure the education quality.
4. The people in charge of the Ho Chi Minh Young Pioneers' Brigades at schools must be professionally trained and fostered, have good health and moral qualities, love their jobs and children and be given conditions to fulfill their tasks.
5. The State shall adopt policies for preschool and general education development; policies for

school tuition fee exemption and reduction, granting of scholarships and social supports in order to realize social justice in education.

Article 29. Responsibility to ensure conditions for children's recreational, entertainment, cultural, artistic, physical training, sport and tourist activities

1. The family, school and society have the responsibility to create conditions for children to join in recreational, entertainment, cultural, artistic, physical training, sport and tourist activities suitable to their age groups.

2. The People's Committees at all levels have the responsibility to elaborate plannings for, and invest in the building of, recreational, entertainment, cultural, artistic, physical training, sport and tourist facilities for children in their respective localities.

The material foundations reserved for children's study, recreational and entertainment activities must not be used for other purposes affecting their interests.

3. The State shall adopt policies to encourage organizations and individuals to invest in, and build material foundations in service of children's recreational and entertainment activities.

4. Publications, toys, radio or television broadcasting programs, artistic or cinematographic programs, if having contents unsuitable to children, must bear warnings or indicate the age of children not allowed to use them.

Article 30. Responsibility to ensure the right to develop aptitudes

1. The family, school and society have the responsibility to find out, encourage, nurture and develop children's aptitudes.

2. The State encourages organizations and individuals to nurture and develop children's aptitudes; create conditions for children's cultural houses, schools, organizations and individuals to nurture and develop children's aptitudes.

Article 31. Responsibility to ensure the civil rights

1. Parents and guardians have the responsibility to protect children's legitimate rights and interests; and represent children in civil transactions under law provisions.

2. Parents, guardians or concerned agencies and organizations must preserve and manage children's properties and hand them back to children according to law provisions.

3. In cases where a child causes damage to other person(s), his/her parents or guardian must pay compensation therefore according to law provisions.

Article 32.- Responsibility to ensure the right to access information, express opinions and

participate in social activities

1. The family, State and society have the responsibility to create conditions for, and help children to access appropriate information, develop their creative thinking and express their aspirations; and listen to and meet children's legitimate aspirations.

2. The Ho Chi Minh Communist Youth Union and schools have the responsibility to organize children's participation in social and collective activities, suitable to children's demands and age groups.

Article 33. Responsibilities of agencies and organizations in the work of child protection, care and education

Within the ambit of their tasks and powers, agencies and organizations have the responsibility to:

1. Propagate, mobilize for, and educate in, child protection, care and education;

2. Develop social welfare for children, create favorable conditions for children to exercise their rights, perform their duties and develop physically, intellectually, mentally and ethically;

3. Provide child-care and -support services.

Article 34. Responsibilities of Vietnam Fatherland Front and its member organizations

1. Vietnam Fatherland Front and its member organizations have the responsibility to:

a/ Propagate among, and educate their members and individuals as well as people to well observe the legislation on children;

b/ Mobilize the family and society to well perform the work of child protection, care and education;

c/ Care for and protect children's interests, supervise the observance of the legislation on children, make necessary proposals to the concerned State agencies for performance of the above-mentioned tasks; and prevent acts of infringing upon children's legitimate rights and interests.

2. Vietnam Women's Union, apart from implementing the provisions in Clause 1 of this Article, have the responsibility to coordinate with the concerned agencies and organizations in organizing and guiding the nurture of children into healthy ones and teaching of children into good persons.

3. The Ho Chi Minh Communist Youth Union, apart from implementing the provisions in Clause 1 of this Article, has the responsibility to organize and guide activities of adolescents and children; and take charge of the Ho Chi Minh Young Pioneers' Brigade.

Article 35. Responsibilities of the communications and propaganda agencies

1. To propagate and disseminate the Party's undertakings and policies, and the State's laws on child protection, care and education.
2. To introduce typical progressive models, good people and good deeds in the work of child protection, care and education; detect and criticize acts of infringing upon children's rights and prohibited acts committed by children.

Article 36. Responsibilities of the law-defending bodies

1. To protect or coordinate with the concerned agencies and organizations in the protection of, children's legitimate rights and interests; to take initiative in preventing and promptly detecting, stopping and handling acts of violating the legislation on child protection, care and education.
2. To coordinate with the family, school and society in educating children who commit acts of law violation.
3. The handling of children committing acts of law violation is aimed mainly to educate and help those children to realize their wrong-doings, redress such wrong-doings and make progress.

Article 37. Responsibilities of the State

1. The State shall adopt policies to invest in, socialize and expand international cooperation for development of the cause of child protection, care and education.
2. The State shall adopt policies to create conditions for children of war invalids, martyrs and people with merits to the country, children of ethnic minorities and poor households, children residing in areas meeting with socio-economic difficulties or special socio-economic difficulties, to enjoy children's rights; and policies to render supports for families to perform child protection, care and education responsibilities.
3. The People's Committees at all levels have the responsibility to organize birth registration, study activities and health care for children of families without permanent residence registration, right at the places where their parents are working or living.
4. The People's Committees at all levels have the responsibility to develop networks of schools, medical establishments, cultural houses, sport establishments, recreational and entertainment spots for children; encourage organizations and individuals to set up establishments providing consultancy to children, parents, guardians and the population on child protection, care and education.

Article 38. Supporting activities for the cause of child protection, care and education

The State shall support scientific and technological works, literary and artistic works, all initiatives and jobs done for the benefit of the cause of child protection, care and education;

encourage organizations of all economic sectors to set aside part of their welfare funds or profits for the work of child protection, care and education.

Article 39. Child- support funds

1. Child-support funds are set up for the purpose of mobilizing voluntary contributions of domestic and foreign agencies, organizations and individuals, international aids and State budget supports for the cause of child protection, care and education.
2. Child-support funds must be mobilized, managed and used for the right purposes under the State's current financial regulations.

Chapter IV

PROTECTION, CARE AND EDUCATION OF DISADVANTAGED CHILDREN

Article 40. Disadvantaged children

Disadvantaged children include orphans having no one to rely on, abandoned children; defective and disabled children; children being victims of toxic chemicals; children infected with HIV/AIDS; children doing hard or hazardous jobs or contacting noxious substances; children working far from their families; street children; sexually-abused children; children addicted to narcotics and juvenile offenders.

Article 41. The work of protection, care and education of disadvantaged children

1. In the work of child protection, care and education, importance must be attached to preventing and stopping children from falling into disadvantaged circumstances; promptly handling and alleviating children's disadvantaged circumstances; constantly supporting disadvantaged children in health and mental restoration and moral education; detecting, preventing and promptly handling acts of letting children fall into disadvantaged circumstances.
2. The care for and nurture of disadvantaged children shall be carried out mainly at their families or surrogate families. The care for and nurture of disadvantaged children in child-support establishments shall only apply to those children who are not cared for, or brought up in their families or surrogate families.
3. To create conditions for disadvantaged children to study at schools or special education establishments.

Article 42. State's policies towards disadvantaged children

1. The State shall adopt policies to create conditions for disadvantaged children to enjoy children's rights; support individuals and families that undertake to care for and bring up children; encourage organizations and individuals to support children or set up child-support establishments in order to ensure that all disadvantaged children having no one to rely on be

cared for and brought up.

2. The People's Committees at all levels have the responsibility to organize the care for, and nurture of, disadvantaged children at their families, surrogate families or public/non-public child-support establishments.

3. The concerned ministries and branches have the responsibility to provide professional guidance for child-support establishments in handling and alleviating children's disadvantaged circumstances, restoring their health or mental conditions and providing moral education to them.

Article 43. Forms of support for disadvantaged children

Forms of support for disadvantaged children include:

1. Voluntary contributions in cash or kind;
2. Adopting, sponsoring or acting as surrogate families to take care of, and bring up, disadvantaged children;
3. Taking part in the care for, and nurture of, disadvantaged children;
4. Organizing activities to help children alleviate their disadvantaged circumstances, restore their health or mental conditions, and providing them moral education for them.

Article 44. Conditions for setting up child-support establishments

Agencies, organizations and individuals that wish to set up child-support establishments have to meet the following conditions:

1. Their material foundations and equipment are suitable to the contents of child support activities;
2. Their personnel have professional qualifications suitable to the contents of child-support activities;
3. Their financial sources are capable of covering expenses for child-support activities.

Article 45. Dossiers of application for setting up child-support establishments

1. Agencies, organizations and individuals that wish to set up child-support establishments must acquire operation licenses from competent State management agencies.
2. The dossier of application for setting up a child-support establishment includes:

- a/ The application for setting up the child-support establishment;
 - b/ The scheme on setting up the child-support establishment;
 - c/ The papers and documents proving that the applicant fully meets the conditions for setting up a child-support establishment as prescribed in Article 44 of this Law;
 - d/ The draft operation regulation of the child-support establishment;
 - e/ The curriculum vitae of the person in charge of setting up the child-support establishment;
 - f/ The consent of the commune-level People's Committee of the locality where the child-support establishment is headquartered.
3. When changing names, addresses, owners or operation contents of child-support establishments, the agencies, organizations or individuals that have set up such establishments must fill in the procedures for change of their operation licenses.

Article 46. Time limit for licensing the setting up of child-support establishments

- 1. Within 30 days as from the date of receiving dossiers of application for setting up child-support establishments, the competent State management agencies must process them. In case of refusal, the reasons therefore must be stated in writing.
- 2. Child-support establishments must operate strictly according to the contents in their operation licenses.

Article 47. Competence to set up, suspend operation and withdraw operation licenses of, child-support establishments

- 1. Competence to set up child-support establishments:
 - a/ The ministers, the heads of the ministerial-level agencies and the heads of the agencies attached to the Government shall decide to set up child-support establishments under their respective management;
 - b/ The presidents of the provincial-level People's Committees shall decide to set up child-support establishments under their management;
 - c/ The presidents of the People's Committees of rural districts, urban districts, provincial capital or towns shall decide to set up child-support establishments under their respective management.
- 2. Child-support establishments committing one of the following violations shall, depending on the nature and seriousness of their violations, have their operations suspended or operation licenses withdrawn:

- a/ Failing to maintain their conditions as at the time of application for setting up the establishments;
 - b/ Violating the approved operation regulations of their own establishments;
 - c/ Using operation funding of the establishments for purposes other than child supports;
 - d/ Infringing upon children's rights.
3. Agencies that have granted operation licenses for child-support establishments may suspend operation or withdraw operation licenses of such establishments.

Article 48. Tasks and powers of establishments supporting disadvantaged children

Establishments supporting disadvantaged children have the following tasks and powers:

1. To organize the realization of one or a number of the registered contents of supporting disadvantaged children such as providing consultancy, medical examination and treatment, detoxification; rehabilitating functions, health and mental conditions for children, providing moral education; providing integration education, specialized education and vocational training; providing employment services; organizing social, cultural, sport and recreational activities for children; organizing child care and nurture;
2. To ensure the provision of convenient, safe and quality services;
3. To ensure funding for operation for the right purposes;
4. To undertake professional management and fostering; to manage the finance, equipment, facilities and assets;
5. To receive financial supports and supports in kind from domestic and foreign agencies, organizations and individuals so as to organize activities in support of disadvantaged children.

Article 49. Operation funding of establishments supporting disadvantaged children

The operation funding of establishments supporting disadvantaged children includes:

1. The State budget allocations for public child-support establishments;
2. Self-procured sources of agencies, organizations or individuals setting up child-support establishments;
3. Supports from domestic and foreign agencies, organizations and individuals;
4. Contributions from families and relatives of disadvantaged children;

5. Other lawful revenue sources.

Article 50. Service activities of child-support establishments

1. Child-support establishments that provide on-demand services on function rehabilitation, drug detoxification, HIV/AIDS treatment or vocational training for juvenile offenders; upbringing of children addicted to narcotics or infected with HIV/AIDS, and other services on demand, may collect service charges according to regulations or contractual agreements reached with children's families or guardians.

2. Children of poor households that have a demand for the said services may be considered by the heads of child-support establishments for service charge exemption or reduction on a case-by-case basis.

The Government shall specify the service charge rates and subjects entitled to service charge exemption and reduction.

Article 51. Orphans having no one to rely on and abandoned children

1. Orphans having no one to rely on and abandoned children shall be assisted by the local People's Committees to have surrogate families or organizations to care for and bring them up at public or non-public child-support establishments.

2. The State encourages families and individuals to adopt children; agencies, organizations and individuals to sponsor children or take charge of the care for and nurture of, orphans with no one to rely on or abandoned children.

3. The State shall adopt policies to support families, individuals or non-public child-support establishments that care for and bring up orphans with no one to rely on or abandoned children.

Article 52. Defective children, disabled children and children being victims of toxic chemicals

Defective children, disabled children and children being victims of toxic chemicals are supported and cared for by their families, the State and society; given conditions for early detection and treatment of their diseases, for function rehabilitation; admitted into integration classes or exclusive classes for defective and disabled children; and assisted in general education, vocational training, and participation in social activities.

Article 53. Children infected with HIV/AIDS

Children infected with HIV/AIDS are not discriminated against but given conditions to be treated medically and brought up at their families or child-support establishments.

Article 54. Children doing heavy or dangerous jobs or jobs in exposure to toxic substances,

children working far from their families

1. The People's Committees at all levels have the responsibility to detect and settle in time the state of children doing heavy or dangerous jobs or jobs in exposure to toxic chemicals; create conditions for those children to learn or do jobs suitable to their health and age groups in their respective localities.
2. Parents and guardians have to maintain regular contact with children who have to work far from their families in order to help and educate them.
3. The commune-level People's Committees of the localities, where children work far from their families, have to create conditions for those children to live in a safe environment, be cared for and study, and temper themselves morally.

Article 55. Street children

1. The provincial-level People's Committees of the localities where street children live shall coordinate with the provincial-level People's Committees of the localities where street children come from, in organizing for and supporting those children to return to their families; street children with no one to rely on shall be cared for and brought up at surrogate families or child-support establishments; street children from poor households shall be given priority and support to eliminate hunger and alleviate poverty.
2. For street children wandering with their families, the provincial-level People's Committees of the localities where those children and their families live shall have to request and create conditions for them to settle down and stabilize their life and to ensure that children can enjoy their rights.
3. The People's Committees at all levels have to create conditions for street children to live in a safe environment, not affected by social evils.

Article 56. Sexually-abused children

1. Sexually-abused children are assisted by their families, the State and society through consultancy measures, physical and mental restoration, and given conditions to stabilize their life.
2. Agencies, organizations and individuals have the responsibility to undertake measures to educate, prevent, stop and denounce acts of sexually abusing children.

Article 57. Children addicted to narcotics

1. Agencies and organizations involved in drug prevention and combat activities have to organize detoxification for addicted children at home or detoxification establishments exclusively for addicted children according to the provisions of the Law on Drug Prevention and

Combat.

2. Detoxification establishments have the responsibility to create conditions for addicted children to take part in healthy and beneficial activities and make arrangement for them to stay in separate areas.

3. Addicted children being detoxified at compulsory detoxification establishments are not considered children subject to the handling of administrative violations.

Article 58. Juvenile offenders

1. Juvenile offenders are educated and assisted by their families, the schools and society to redress their wrong-doings, have a sense of law observance, respect the rules of the social life and be responsible for themselves, their families and the society. The organization of education of juvenile offenders shall be effected mainly at communities or reformatories.

2. The handling of administrative liabilities, civil liabilities or examination for penal liabilities, of juvenile offenders, must comply with law provisions applicable to juveniles.

3. Juvenile offenders who have been handled through administrative or penal measures, separated from their communities for a certain duration, when returning to their families, shall be given conditions and assisted by the commune-level People's Committees in coordination with concerned agencies and organizations to continue their schooling, to learn and seek jobs.

4. In cases where children have completed their education duration or completely severed their penalties but still have no one to rely on, the provincial-level People's Committees shall send them to establishments supporting disadvantaged children and create conditions for them to learn and seek jobs.

Chapter V

IMPLEMENTATION PROVISIONS

Article 59. Implementation effect

1. This Law takes effect as from January 1, 2005.

2. This Law replaces the 1991 Law on Child Protection, Care and Education.

Article 60. Guidance for implementation

The Government shall detail and guide the implementation of this Law.

This Law was passed on June 15, 2004 by the 11th National Assembly of the Socialist Republic of Vietnam at its 5th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)

Nguyen Van An