

Project Childhood (Protection Pillar) workshop

**“SURVEY FINDINGS ON THE IMPLEMENTATION OF THE PENAL CODE
PROVISIONS ON SEXUAL EXPLOITATION OF CHILDREN”**

Ha Noi, 18 October 2012

Welcome remarks

**Ms. Zhuldyz Akisheva
Country Manager UNODC Viet Nam office**

Dear Doctor Hoang The Lien, Vice Minister of Justice
To the organisers of this workshop,
To the representatives from the Ministry of Justice

To representatives from government ministries, the international community, the donor community, international and non-governmental organizations, on behalf of UNODC, I would like to welcome you to the Project Childhood (Protection Pillar) workshop on the survey findings related to the implementation of the Penal Code provisions on sexual exploitation of children. My name is Zhuldyz Akisheva and I am the Country Manager, UNODC Viet Nam office.

I would especially like to welcome the Donor for Project Childhood – AusAID, represented here today by Ms. Le Thi Anh Nga. We are delighted by your attendance at this very important and significant meeting.

As you may know, Project Childhood is a four year (2010 – 2014) AusAID funded initiative to combat the sexual exploitation of children in the travel and tourism sectors. It builds on Australia's long-term support for programmes that protect children and prevent their abuse. Project Childhood (Protection Pillar) aims at enhancing law enforcement capacity to identify, arrest and prosecute travelling child sex offenders in the Mekong.

A number of factors in Viet Nam have contributed to the boom of so-called ‘sex-tourism’ involving minors in the region. These include extreme poverty, lack of sustainable livelihoods, gender inequality. Child sexual exploitation has been

closely linked to the ever-growing tourism industry which draws large numbers of foreign, regional, and local travelers to its cities, beach resorts, and historic sites each year.

The Vietnamese Government has promulgated many programs and policies on child protection and on prevention and combating crimes, especially child abuse, including child sexual abuse in travel and tourism.

On 22 February 2011, the Prime Minister of Viet Nam promulgated Decision No. 267/QD-TTg which approved the Child Protection Program from 2011-2015. The Program aims to create a safe and healthy environment where all children are protected, to prevent and eliminate risks of harm for children and to mitigate the number of children in abusive and violent circumstances; to support those who have suffered from abuse and violence and to create an opportunity for them to be re-integrated.

In December 2011 the Vietnamese Government ratified the United Nation's Convention against Transnational Organized Crimes and acceded the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

On 29 February 2012 the Prime Minister of Viet Nam approved the implementation of Project Childhood (Protection Pillar) under decision No. 252/TTg-QHQT. The Project's endorsement was completed in April 2012 by UNODC signatory, Mr. Gary Lewis, Regional Representative for East Asia and the Pacific.

A key project activity under the Protection Pillar was a desk review of the legal framework related to sexual exploitation of children by travelling child sex offenders. The UNODC Legal report has a number of recommendations aimed at strengthening the legislative framework to better address the fight against travelling child sex offenders in the Mekong and in Viet Nam. The recommendations included revisions to some of the Vietnamese Penal Code provisions on child prostitution, sexual abuse against children, child pornography, and child trafficking. In February 2012, the findings of the UNODC legal analysis report were presented at a two day national legal consultation workshop "*A legal framework for combating child sex tourism*", which was jointly organized by the

Ministry of Justice and UNODC.

The Viet Nam Penal Code 1999 was passed by the National Assembly on 21 December 1999 and entered into force on 01 July 2000. After 11 years of implementation, the Penal Code has many gaps and limitations in addressing sexual abuse by offenders, particularly in a climate where crime rates in Viet Nam has risen. The amendment of the Penal Code has therefore become necessary to overcome the gaps and limitations in the protection of children and to make it suitable in meeting international standards. The amendment and supplements of the Penal Code is now part of the Laws and Ordinances Making Program and Agenda of the National Assembly¹.

As part of the 2012 project activity plan, a survey in 9 provinces, to assess the impact of the implementation of the Penal Code since its implementation 11 years ago was conducted by a group of government officers from relevant government agencies appointed by the Penal Code Drafting Committee. The assessment will provide information on the limitations and difficulties during implementation of the Penal Code and will inform Ministry of Justice on what revisions would be needed for the amendment of the Penal Code. In meeting the proposed 2012 activity plan, 2 legal experts selected by the Ministry of Justice and UNODC accompanied 2 other legal experts to conduct a survey assessing the impact of the implementation of Penal Code provisions relating child sexual abuse.

The results of the survey will be presented here today.

The main objectives of the workshop are to:

1. Provide an update on the Project Childhood activities
2. Share the survey report and findings
3. Discuss recommendation for improving legislation on child sexual abuse, especially in travel and tourism
4. Agree on next steps for legal amendment and the drafting process

The workshop is an important Project Childhood activity, from which we hope will continue our efforts to collaborate with the Ministry of Justice and law enforcement agencies to work towards the protection of children sexually

¹ The preparation Program, Resolution No.07/2011/QH13 on laws and ordinances making program in 2012

exploited and abused in Vietnam and the Greater Mekong Sub-region at large. Project Childhood focuses on combatting the sexual exploitation of children and we feel that legislation must become an important element in halting and reversing the trend of abuse.

For that reason, we would like to thank the Ministry of Justice for helping to make this event possible.

I would like to conclude by thanking Doctor Hoang The Lien, Vice Minister of Justice for his opening speech and agreeing to chair this workshop. And to the attendees of the workshop, thank you for your participation and we look forward to what we hope will be an engaging and stimulating day of discussions.

Thank you.