

Child Sexual Assault in Vietnam: A Legislative Approach and Comparison

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Abstract

Children are the future owners of the country, also the object of protection, nurture, education in the best conditions by family, school and society. Viet Nam has always paid special attention to children, with the view that human beings are both the target and the driving force behind the development of a socialist-oriented country. Although children are important to be protected by society, the reality is that in recent times more cases have been committed to the lives and health of children and particularly with child sexual assaults. In recent times, many cases of child sexual abuse with harmful consequences and delicate and dangerous nature have been discovered that show the alarming level of this crime. According to the General Department of Police (GDP) of Ministry of Public Security of Vietnam, in the past five years (2013 - 2017), an average of 1,600 to 1,800 cases of child abuse were detected. In 2017 alone, 1,592 cases were detected. In the first 6 months of 2018, more than 700 cases were reported, with the majority being girls, accounting for 80%. Actual numbers of undetected child sex abuse may be even higher. This crime also appears in most of the provinces and cities across the country of Vietnam. This situation is due to many objective and subjective reasons requiring timely study, supplementing and perfecting the theory, summing up the practical work, from which to organize preventive and preventive measures. To find solutions to improve the efficiency of this crime prevention effectively, minimizing the possible consequences for society. The main aims of this paper focus on reviewing and analysing the regulation in criminal law of Viet Nam to regulate these types of crime.

Keywords: Child sexual abuse; Criminal code; law enforcement; Vietnam

Caring, Educating and Protecting Child in Vietnam Context

Children are preschool and future of the country, of the nation, is the successor of the revolutionary cause. Within the scope of traditional culture and informal thoughts of Vietnamese, caring, educating and protecting child is considered as one of the most important issues of Vietnam in human resource's strategies. Instilling the above teachings, the Communist Party of Vietnam (CPV), Government of Vietnam (GOV) and the State of Vietnam (SOV) have always invested special attention to children, considering the protection, care and education of children that is a special top priority. Since the birth of Democratic Republic of Vietnam in August 1945, alongside the strategies to developing economic countries and building national infrastructure after French War, fostering new generations has been set up in the main milestones to enhance the quality of life. In which, children are the source of the happiness of the family, the future of the nation, the successor of the nation. Accordingly, the Directive 197/CT-TW of 19th March 1960 of the Party Central Committee's Secretariat clearly states: "Concerned teenagers and children are interested in training and fostering a new class of people not only serving for the current socialist cause but also the cause of building communism later." This leading viewpoint has been continuing to maintain and improve in the variety of pathways in order to take care and develop children as effective and qualitative as possible between American War (1975) and the period of Open Door (1986). After the Cold War, Vietnam was the first country in Asia and the second nation in the world to sign and ratify the United Nations Convention on the Rights of the Child in 20th February 1990. As the top countries to prioritize the look after children and its related concerns, Vietnam re-emphasised the important role of State to keep the safety of child as regulated at the Article 34 of the Convention on the Rights of the Child ("United Nations," 1989):

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a. The inducement or coercion of a child to engage in any unlawful sexual activity;
- b. The exploitative use of children in prostitution or other unlawful sexual practices;
- c. The exploitative use of children in pornographic performances and material.

To ensure the implementation of this Convention, on 16th August 1991, the SOV promulgated the Law on Protection, Care and Education of Children. In addition, Vietnam has issued many legal documents to institutionalize the protection and care of children such as the law on universal education and primary education and law on marriage and family. To date, in the National Action Plan for Implementation of the 2030 Agenda for Sustainable Development of Government of Vietnam (2018), which reported and shared Vietnam's voluntary national review on the implementation of the sustainable development goals, has continued to reiterate that

educating and investing on children and youth generation are considered as the most important pillars in the long-term strategies of Vietnam.

Since the development of the market economy, Vietnam has achieved many positive aspects such as economic development, social order, public health and people's living increasingly (Government of Vietnam, 2012; Government of Vietnam & World Bank, 2017). Besides the positive side, we cannot deny the negative aspects of the market economy such as unemployment. Even, the excessive life of a part of the population also creates to a corrupt lifestyle, seeking unhealthy pleasures, the development of information technology, the pursuit of money, forgetting family which led to an increase in the types of crimes in which there are crimes of child sexual abuse. The situation of HIV/AIDS cases tends to develop, increasing and causing great harm to society. According to the latest annual statistics of the General Department of Police Crime Prevention of Vietnam (2017), the number of children raped has become increasingly in the recent years, in which almost of the cases happened in rural areas. There includes the variety of reasons, including difficult economic conditions, parents often focus on daily work, so they have less time to care about their children (General Department of Police Crime Prevention of Vietnam, 2015; Kapoor & Johnson, 2014). In many cases, the perpetrators often take advantage of this loopholes to commit debauchery and even, the number of victims being increasingly affected as young as possible, particularly in the case of several months old (General Department of Police Crime Prevention of Vietnam, 2017; Vietnam Association for Protection of Child's Rights & ECPAT Int, 2018). Both official statements of authorities and media sources of non-government organizations in terms of this field in Vietnam record that the perpetrators are often acquaintances, relatives, neighbours and even, many of the culprits are her stepfather and uncle (General Department of Police Crime Prevention of Vietnam, 2016, 2017; T. N. Huong, 2012). The cases are very diverse but most of them are subjectively subjected by adults, especially the mother, who accidentally pushes them to become victims of (ECPAT, 2016; General Department of Police Crime Prevention of Vietnam, 2016, 2017; Vietnam Association for Protection of Child's Rights & ECPAT Int, 2018). It is also worth mentioning that there are many cases because of shame, guilt, want to quietly talk a lot of families have come to negotiate, reconcile and compensate without denouncing the law (ECPAT, 2016). This inadvertently makes child sexual abuse continue to grow and rage because the offender is not severely punished to warn, deter others (T. N. Huong, 2012; T. T. V. Huong, 2016). It is interesting to note that the nature of the child abuse cases is increasingly serious with the occurrence of child abuse cases under the age of five (Dodds et al., 2011). This is a dangerous crime that greatly affects the normal development of the physiological psychology of children, the invasion of the inviolability of human dignity, the honour and health of people in general and children in particular (Dodds et al., 2011; T. T. V. Huong, 2016; Vietnam Association for Protection of Child's Rights & ECPAT Int, 2018).

To prevent child sexual assault in Vietnam needs collaboration and coordination among of the multiple bodies, including government, anti-child sexual enforcement agencies and non-government organizations. To do this, the basic framework and its related regulation in criminal code's articles is considered as the one of the most significant requirements to deal with this concern. Therefore, the main aim of this paper is to focus on reviewing and analysing the criminal law's policies of Vietnam to tackle child sexual abuse. Based on the regulations and legislations of Vietnam, the paper introduces the cross of national policies to regulate child sexual offenses from ancient to present.

The period from the August Revolution 1945 to Criminal Code of Vietnam Penal 1985

From the ancient Vietnamese law more or less have been concerned about the protection of children before the crime of infringement sexually explicit and also has severe penalties for offenders (Cam, 1999a, 1999b; Le, 1960). Under King Le Thanh Tong (1428-1788), Vietnam has the first written law is the National Court of Law, known as Le Statute Court, in which the Article 404 stipulates that porn with a girl 12 years old or younger, even if the girl agrees to do the same as rape... and rape has a death penalty; in other words, if a woman dies, the offender will pay the dead (Anh, 1933; Le, 1960; Vuong & Tan, 1972). In the Nguyen Dynasty (1815-1945) King Gia Long ascended the throne in 1802, in 1815 he issued the law Gia Long also known as Hoang Viet law (Cam, 1999a, 1999b). There are provisions in the strict punishment for behavioral therapy, in which the Article 330 of the this law states that violence of a girl under the age of 10 shall be punished by exiling thousand of distances (Anh, 1933; Le, 1960; Vuong & Tan, 1972). When the French colonialists invaded Viet Nam divided into three regions, namely northern, middle, and southern area and accordingly, each region uses different legal provisions. In the North, on 2nd December 1921, the Sarraut Authority issued a decree applying the Penal Code in the North, including 328 articles, in which Articles 198 to 205 stipulate and severely punish for any offenders to commit a sex assault (Le, 1960; Vuong & Tan, 1972). In the Central, on 3rd July 1933, the Emperor Bao Dai, the emperor's guardian, enacted the rule of law on the basis of the succession of the Vietnamese law of 328 articles, in which there are 9 articles from Article 300 to Article 308 regulated directly on sexual assault's offences (Anh, 1933; Le, 1960; Vuong & Tan, 1972). For example, the Article 303 stipulates that "with girls less than 15 years old, imprisonment of 5 to 10 years". We find that from the past the ruling class, more or less, has

paid attention to children, by having regulations to protect children from intercourse and punishing criminals.

Until the Democratic Republic of Vietnam was established by the declaration of independence on 2nd September 1945. From 1945 to 1954, as the country built up the government in the north and struggled against the French colonial rule in the South, we used the old law. In 1955 when the whole old law no longer apply, the courts adjudicate in accordance with the case law, according to the policy of the state. In 1960 the Supreme People's Court issued Directive No. 1024 of 15 June 1960 guiding the handling of rape in order to overcome the tendency to take lightly the seriousness of this crime, especially the tendency to dismiss the offender (Hoa, 2001; Uc, 2000). But the content of the guide is not enough. In the summary report of the following years from 1961 to 1966, the Supreme People's Court on the one hand experience the experience of rape, on the other hand guiding the handling of some new forms of crime that the old law has not yet such as rape, sexual offenses (Hoa, 2001; Uc, 2000). On the basis of the experience that has been practiced in the above-mentioned years, in 1967 the Supreme People's Court passed a review and guidance on 16 racial and sexual offenses. sex. Directive No. 329/HS2 of 11/05/1967 covers four criminal offenses: rape, rape, sexual intercourse with people under the age of 16, and sexual offenders under 16 with the penalty for this behavior can be from 3 months to 2 years in prison (Hoa, 2001; Uc, 2000). This document officially replaced Directive 1024 of 1960 and sections of the annual review report from 1961 to 1966 on this issue. The summary report of the Supreme People's Court of 1968 promptly added a new form of libel that violated the customary customs and security order to be punished as lustful consensual, plus or a large number of participants (Hoa, 2001; Uc, 2000). After the liberation of the South, on 15th March 1976, the Provisional Revolutionary Government Council of the Republic of South Vietnam issued Decree No. 03/SL stipulating the crime of infringement bodies and dignity of citizens (Article 5). In April 1976, the Ministry of Justice promulgated Circular 03 / BTP, which specifies sexual assaults including rape, rape and sexual exploitation of minors. As a result, these two legal documents become legal documents for the whole country (Hoa, 2001; Uc, 2000).

The period since the Criminal Code of Vietnam was enacted in 1985 until 1999

The Criminal Code of Vietnam 1985 (CCV) was adopted on June 27, 1985 and took effect on 1st January 1986. The law contains three rules for the protection of children before sexual intercourse, including rape (Article 112), crimes against rape (Article 113), sexual intercourse with people under 16 years of age (Article 114). From the time of its birth to the time before the CCV 1999, the CCV 1985 was amended four times in 1989, 1991, 1992 and 1997. In the Fourth Amendment and Supplement to the CCV 1985, Article of the PC. It amended 4 articles and added 2 articles, specifically adendment 17 to change rape (Article 112), child prostitution (Article 112a); Forcible sexual intercourse (Article 113) and child sexual abuse (Article 113a) are provided for in Chapter II. Additionally, supplementing juvenile sex offenders (Article 202a), juvenile offenses against children (Article 202b), which are provided for in Chapter VIII of the Crimes of Infringement on Public Safety and Public Order.

Between Criminal Code 1999 and prior of 2015

When the socio-economic conditions change, the crime situation and the number of crimes also change. Many new criminals appear, the dangerous nature of many criminals increases simultaneously the dangers of many criminals also no longer. As a consequence, criminal law's regulations must also be changed to accommodate the criminal situation in a changing country environment (Hoa, 2001; Uc, 2000). The CCV 1999 was adopted by the National Assembly on 21st December 1999 to replace CCV 1985 and came into effect on 1st July 2000. Some circumstances that aggravate the aggravation of some of the old laws are separated into the basic components of the new sin. For example, crimes of child sexual abuse (Article 114 of the Penal Code) are separated from juvenile delinquency (Article 113a of the Penal Code 1985), based on the age of the child. This change is consistent with the actual situation and demonstrates our government's greater interest in protecting children. Rape, under Article 111 of the CCV1999, compared to the CCV 1985 has relied on many facts ... and additionally signs in the composition include 'threatening to use force or exploiting the insecurity of 18 victims' (Hoa, 2001; Uc, 2000). Moreover, additional provisions of the new framework, which is "to the person to whom the offender is responsible for the care, to many people, to the health of the victim, the infirmity rate from 31% 60% (Item 2), causing harm to the victim's health with an infirmity rate of 61% or higher, knowing that he or she is still HIV positive (Item 3) (Hoa, 2001; Uc, 2000). Meanwhile, the Article 115 quits the episode "there are many episodes ...", adding a number of circumstances defining the penalty frame, in paragraph 2 more "for many people" circumstances and instead of "serious damage to health of Victims "by circumstances" harm the victim's health with an infirmity rate of 31% to 60%; clause 3 adds 'knowing that he/she is infected with HIV and still commits crimes and causes harm to the victim's health with an infirmity rate of 61% or more' (Hoa, 2001; Uc, 2000). For sex offenses against children (Article 116) quit the 'many incidents...' in lieu of additional circumstances set forth in paragraph 3 are "causing particularly serious consequences" and additional clause 4 stipulates additional penalties (Hoa, 2001; Uc, 2000). And if in the CCV 1985 for juvenile offenses against children is defined in Chapter VIII of the Crimes of infringing upon public safety or public order, the CCV 1999

for crimes against children is transferred to Chapter XII of infringing crimes life, health, dignity, human honor (Hoa, 2001; Tiep, 2003; Uc, 2000, 2003). The act of obscenity for a child who has violated the human person, the subject of the act, considers man as the means to unquestionably satisfy his sexual needs (Tiep, 2003; Uc, 2003). A crime may directly infringe upon many social relationships, but not all infringing social relationships are considered direct objects. In cases where many social relations are jointly damaged or threatened to cause harms, social relations shall be regarded as direct relations with social relations, which cause damage to such social relations when bases in all aspects, such as the importance of social relations, the extent of the damage, the subjective purpose of the offender, and so on, reflecting the socially dangerous nature of the offense (Tiep, 2003; Uc, 2003). This change is necessary and appropriate because the act of obscenity with children is a highly dangerous behavior for children. It is a violation of the normal development of the psycho-physiology of children, which violates the right to protection of the dignity of the children (Tiep, 2003; Uc, 2000). Social changes continue with many new criminals appear in the field of information technology, environment, securities and as a result, many regulations are no longer suitable for today's life such as death penalty in some laws, fine levels. Therefore the CCV1999 has been amended and added to take effect on 1st January 2010. However, within the scope of this thesis, this amendment does not affect the content of the laws governing child sexual abuse crimes, so the author is still relying on the provisions of CCV 1999.

The current Penal Code with its specific regulations for child sexual assault: The Criminal Code of Vietnam 2015

According to the 1999 CCV, compulsory factors to prove in some crimes such as rape or rape are "sexual intercourse" with the victim. However, in practice today there are non-traditional sexual behavior. Accordingly, in accordance with the CCV 2015, sexual intercourse is no longer the only act that commits offenses of sexual assault but also regulates sexual acts. These are behaviors that have been recognized in the practice of social life and in the process of combating sex crimes. They are also encountered but can not be dealt with due to lack of regulation and still need specific guidance.

Expanding on subject matter and victims

Previously, subjects who committed offenses in rape at the former CCV were interpreted as men. Females can not become the subject of ordinary rape by going against the nature of sexual behavior. Females can only become subject to rape in the case of an accomplice as a helper. However, with the CCV in 2015, due to the recognition of other sexual acts, the subject of rape can be either male or female. In addition to extending the subject of the act, the widening of the victim victim is also due to the current practice of combating crime, as well as the need for judicial reform and prevention. Crime. It is also to ensure that human sexual freedom is not restricted to women's sexual freedom as in the past.

Change the name of some laws by age of victim, concretize some concepts

Specifically the following offenses, including child rape (Art. 112 CCV 1999) into crimes of rape under 16 years (Article 142 CCV 2015); forcible sexual intercourse against children (Article 114 of the CCV 1999) into crimes of sexual intercourse between full 13 and under 16 years (Article 144 CCV 2015); having sexual intercourse with children (Article 115 CCV 1999) or having sexual intercourse with another person aged between full 13 and under 16 years (Article 145 CCV 2015); child molestation (Article 116 CCV 1999) as sex offenses against persons under 16 years of age (Article 146 CCV 2015). Lawmakers have specifically identified victims of this crime group, particularly the age of the victim (Hang, 2018; Hoa, 2018). In addition, the CCV 2015 specifies a number of other concepts such as "Adolescent" is replaced by "person 18 years and over"; "Many" are replaced by "two or more persons"; "Many times" is replaced with "02 or more times"; "Harm to the health of the victim whose disability." Was replaced by "causing injury or harm to the victim's health with disability ..." (Hang, 2018; Hoa, 2018). Besides that, the term "child rape" is replaced by "using force, threatening to use force or taking advantage of the victim's inability to defend himself or other means of interrupting or performing other sexual acts (Hang, 2018; Hoa, 2018). Persons aged between full 13 and under 16 who are against their will or "having sex or having sex with another person under the age of 13" (Hang, 2018; Hoa, 2018). Accordingly, the concept of "child rape," "child sexual intercourse", "child sex" is also conceptually specific to ensure consistency in understanding and application of the mechanism. competent authority (Hang, 2018; Hoa, 2018). Such adjustment is a step forward in concretizing and unifying the application of the law, limiting the cumbersome guidelines (Hang, 2018; Hoa, 2018).

To adjust and supplement a number of frameworks

Inheriting progressive ideology in concretizing the law, the CCV in 2015 abolished the very general frame-work of "serious", "very serious", "very serious"; Instead, it provides for more specific circumstances such as "suicide victims" or "psychiatric disorders and victims' behavior," "Committing offenses against persons under the age of 10" (Hang, 2018; Hoa, 2018). At the same time, the circumstances "Committing two or more offenses" in some of the offenses were adjusted from the circumstances specified in Clause 3 to Clause 2 (Hang, 2018; Hoa, 2018). In this paper, the author focuses on analysing and commenting each sex offender law is amended as follows:

First, rape (Article 141): Clause 1 of the Code adds another sexual act against the will of the victim; concretize the crime "many times", "for many people" into "two or more offenses", "for two or more people"; To replace the phrase "injury" with the phrase "bodily injury" and add "wounding" to Point h, Clause 2, Point a, Clause 3 (Hang, 2018; Hoa, 2018). Modification and supplementation of aggravation aggravating factors "causing psychological and behavioral disturbances of the victim with a bodily injury rate of 31% to 60%" in paragraph 2 and "mental and behavioral disorders of the victim with a bodily injury rate of 61% or more "in paragraph 3".

Second, rape of persons under the age of 16 (Article 142) is regulated under the first paragraph of this article which specifies acts of rape of persons under 16 (children), including 2 types of acts. The first one is to threaten use force or abuse the victim's insecurity or other means of sexual intercourse or engage in other sexual acts with persons aged between full 13 and under 16 years in contravention of their will; meanwhile, the second one is having sex or having sex with another person under 13 years of age.

Concretize the "sin many times", "for many people" to "commit two or more offenses", "for two or more people"; The word "injury" shall be replaced with the term "bodily injury" and the additional "wounding" circumstance shall be added to Point c, Clause 2, Point d of Clause 3. Additional aggravating circumstances "causing psychiatric disorders. and the behavior of the victim with a bodily injury rate of between 31% and 60% "in paragraph 2 and" causing mental disorder and behavior of the victim with a bodily injury rate of 61% or more "in paragraph 3; The "offense against a person under 10" clause 3.

Third, forcible sexual intercourse (Article 143): Clause 1 of the Act adds the "or reluctant to commit another sexual act"; concurrently "rape multiple times", "rape of many people" into "rape 02 times or more", "rape 02 people or more"; the word "injury" is replaced with "bodily injury" and the additional "injury" to Point f, Clause 2, Point a, Clause 3; Adding aggravating circumstances to mental disorder and behavior of the victim with a bodily injury rate of 31% to 60% "in Clause 2 and" causing mental disorder and behavior of the victim. with 61% or more bodily injury "in paragraph 3. Regarding penalties: Clause 1 of the law has raised the minimum imprisonment penalty to one year; Clause 3 increases the minimum penalty to 10 years.

Fourth, forcible sexual intercourse between the ages of 13 and under 16. (Article 144): Clause 1 of the law provides for specific and detailed acts of child sexual abuse as Between the ages of 13 and under 16 years, who are in their dependency or in the state of emergency, they must reluctantly intercede or reluctantly commit other sexual acts. "Conciliation for many times", "for many people" to "commit two or more offenses", "for two or more people", replace the phrase "injury" with the phrase "hurt body" and add "wounding" to Point c, Clause 2, Point b of Clause 3; Adding aggravating circumstances to "injuring, damaging or damaging the mental and behavior of the victim with a bodily injury rate of between 31% and 60%" in paragraphs 2 and "Mental disorders and behavior of victims with a 61% or more bodily injury "in paragraph 3".

Fifth, having sexual intercourse or performing sexual acts other than people aged between full 13 and under 16 (Article 145): To change the name of the crime to "Convict or engage in acts of sexual intercourse Other than those who are between the ages of 13 and under 16, at the same time, additional signs of" committing sexual acts other than those aged between full 13 and under 16 constitute criminal offenses under 16. Specifying the "forcible sexual intercourse", "forcible sexual intercourse with more than one person", "forcible sexual intercourse with two or more persons" or "forcible sexual intercourse with two or more persons"; Change the word "injury" with the phrase "bodily injury". Adding the circumstances to frame "causing injury" to Point e of Clause 2, Point a of Clause 3; To supplement the aggravating circumstances of aggravating offenders with regard to persons for whom the offenders have the responsibility to provide care, education and medical care under Clause 2.

Additional provisions on additional penalties in Clause 4 are "offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years."

Sixth, crimes against persons under 16 years of age (Article 146), which amended the name of the crime into "sex offenses against persons under 16 years of age"; concurrently specify the concept of "adult" and clarify the conduct in paragraph 1 "any person 18 years of age or older who commits sexual acts against a person under 16 years of age not intended for sexual intercourse or purpose For other acts of sexual relations, the offenders shall be sentenced to between six months and three years of imprisonment. "Specific details of" multiple offenses "and" committing offenses against many children "shall be punished twice. up ", " for 02 people or more ". Removal of unclear framing facts causing "serious", "very serious" or "particularly serious" consequences; Instead of adding specific framing facts such as "organized crime", "mental disorder and behavior of victims ranging from 11% to 45% (item 2) or 46% or more (paragraph 3), "suicide victim".

Seventh, using of persons under the age of 16 for pornographic purposes (Article 147). Currently, forms of pornography are increasing. In particular, the phenomenon of using children, people under 16 years of age for the purpose of pornography. This behavior has serious consequences for victims, families and society. Therefore, the CCV in 2015 has added this charge to the subject of crime must be people aged 18 years and over (Hang, 2018; Hoa, 2018). The law is designed to consist of four paragraphs, including the Clause 1 defines the basic

constituent of the offense, including “inducing, seducing or coercing people under the age of 16 to perform pornographic or direct observation erotic show in any form”. The Clause 2 provides an aggravating framework with seven frameworks: (1) organized crime; (2) commits offenses twice or more; (3) commits offenses against two or more persons; (4) commits offenses against the person for whom the offender is responsible for providing care, education or medical treatment; (5) for commercial purposes; (6) Causing mental disorder and behavior of the victim with a bodily injury rate of 31% to 60%; (7) dangerous recidivism. The Clause 3 sets out a special aggravation framework with two framing factors: (1) causing psychological and behavioral problems of victims with a 61% or more injury rate; (2) victim of suicide.” The Clause 4 provides for additional penalties. Regarding penalties: Represents a strict criminal policy against this crime, which provides for imprisonment. Clause 1 provides for imprisonment of between six months and three years, Clause 2 provides for imprisonment of between 3 and 7 years; Clause 3 provides for imprisonment of between seven and twelve years; Clause 4 stipulates additional penalties for banning certain positions, practicing certain occupations or doing certain jobs for one to five years.

Conclusion

Children under the Vietnam’s law are people under the age of 16, this is a special object of social concern, care and protection. All acts of infringing upon the lives, health, honor and dignity of children are strictly punished by law. To date, there are a number of potential child’s victims of sexual assault that could be not updated timely in the law, and therefore, in order to better protect children under the infringement, the Penal Code of 2015 (PC) supplemented and amended the specific articles in order to ensure the legal frameworks to prevent and combat these offences. The paper showed that there is also a completely new offense during more than 15 years in Vietnam, compared to the CCV 1999 and 2014, for protecting children from criminal offenses at all levels. In the past, the CCV 1999 stipulated child sex offenses. However, this crime does not include the use of children for sexual purposes. Therefore, the addition of this crime to the CCV 2015 is perfectly appropriate, ensuring the legal basis for the strict handling and prevention of all child sex offenses.

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