



Policy Brief

Children's Rights in the Tourism Industry in Vietnam

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1. What are the issues?

As a member of the UN Convention on the Rights of the Child, the Vietnamese legal framework, in the past years, has been modified and amended in accordance with the Convention. However, the children rights protection mechanism in general is still weak, while the awareness of protecting children's right in tourism is very superficial. There are many risks that caused the violations of children's rights in tourism activities; however, the current laws and institutions are not strong enough to address them.

2. Why is this important?

Vietnam is a rapidly emerging tourist destination in Southeast Asia. The government considers tourism a priority industry for economic growth¹. While tourism has significantly contributed to social and economic development of Vietnam, its negative impact is often undermined. A human rights approach to protect vulnerable groups such as children is an effective way for the government to develop tourism while fulfilling its obligation to protect children's rights, and for businesses to promote business ethics and sustainability, to manage risk, and to increase their comparative advantage.

3. Policy recommendations

- The Legal framework needs to be amended:
 - Legal system and policies on child protection and care should be further improved in line with the provisions of the CRC and Conventions 138 and 182. Particular attention should be paid to regulations on the prevention and elimination of child labor. Legislations should clarify differences in regulations on child labor and children's participation in economic activity.
 - Stronger administrative and criminal sanctions against violations of the law on child labor should be established in both administrative and criminal laws.
 - Amend the Penal Code to define a child as a person below the age of 18 in concordance with the CRC definition. The Criminal Code should remove, in case of sexual exploitation offences, the 'margin of judgement' available to authorities to refuse extradition to a foreign country when a crime is committed. As such, Vietnam should include legal provisions defining 'child prostitution' and 'child pornography' in compliance with the Optional Protocol on Child Prostitution and Child Pornography.

¹ Shih, W. and Ninh, T.H.D. (2016) Impact of Tourism on Long-Run Economic Growth of Vietnam, *Modern Economy*, 7, 371-376

- Build a specific legal text on ethnic minorities living in tourism areas, especially within heritage areas. The rights of ethnic minorities associated with their traditional living areas and practices should be guaranteed. They should have also the rights to participate and the right to share benefits from tourism.

- Awareness program

- The role of the family in the prevention and elimination of child labor should be promoted through appropriate legal propaganda, education and dissemination measures. Change the thinking of people about the benefits of learning and the harm of children leaving school and working.

- It is necessary to raise the awareness of households on the mobilization of children in production and business activities, and to develop packages of conditional education support for households to send their children to school.

- Enhance international cooperation, which includes efforts to raise awareness on the sexual exploitation of children by designing and implementing public awareness-raising programs among children, families and groups of professional working with and for children.

- Raising awareness of the heritage and community-specific heritage, building more programs and models that motivate children to participate in the creation and preservation of culture in both factors: creators and beneficiaries, etc.

- Strengthen awareness of travel and tourism business sector on their collective and individual responsibilities to respect child rights. Encouraging tourism businesses of all sizes to become champions for the respect of children's rights. Advocating for them to develop a human rights/child rights policy or integrate this into in their code of conduct or business strategy.

- Raise awareness and sensitize police, magistrates, communities and others as to the dangers and illegality of child labor and child sex tourism, and develop their capacity on how to recognize and act when transgressions are discovered.

- Ensure greater awareness among tourists and guides of issues relating to the law and child prostitution, child labor and child protection and encourage action to discourage behaviour that may not be illegal, but which leads to negative impacts; for example, with respect to orphanage tourism and the giving of presents to children begging at tourist sites, even imposing an administrative monetary penalty with visitors who give money or buy goods for children.

- Monitoring mechanism

Child labor monitoring mechanisms, including the statistical system, to monitor child labor incidents, especially the worst forms of child labor in both formal and informal sectors should be improved. An independent institution of human rights or child rights should be built to monitor the human rights/children rights issues.