
The Implementation of International Standards in the Treatment of Juvenile Offenders in Vietnam

Pham Thi Thanh Nga

Department of Criminal Review, the Supreme Court, Hanoi, Vietnam

Email address

thanhngapt165@gmail.com

Citation

Pham Thi Thanh Nga. The Implementation of International Standards in the Treatment of Juvenile Offenders in Vietnam. *Journal of Social Sciences and Humanities*. Vol. 1, No. 4, 2018, pp. 125-136.

Received: November 13, 2018; **Accepted:** December 21, 2018; **Published:** January 19, 2019

Abstract: This article surveys how international standards for the treatment of juvenile offenders are being implemented in Vietnam. By using a combination of research methods, the author critically analyzes and evaluates legal documents, reports, statistics, surveys and court cases. Research indicates that Vietnam approaches international standards concerning the age of criminal responsibility, the purpose of juvenile justice, and the fair conduct of trials. Nevertheless, the most important criminal law documents, remained significant shortcomings, having no clear statements on fundamental principles of juvenile justice. Penalties and alternative measures applicable to juvenile criminals are limited, lacking various possible options for the court's disposition. Termed imprisonment is the one penalty possible for offenders aged 14–15 years old. Hearing juvenile offenders in mobile trials completely conflicts with international standards. The implementation of the law concerning judicial staff and defense counsels showed problems. In the new laws, the Penal Code of 2015 (amended in 2017) and Criminal Procedure Code of 2015 – came into force on 01 January 2018 somehow address shortcomings of the Penal Code of 1999 and Criminal Procedure Code of 2003. It also requires more effort of authority to enhance the actual ability of the judicial system.

Keywords: Criminal Law, Child Protection, Juvenile Justice, Juvenile Offender, Vietnam

1. Introduction

The implementation of international standards in the treatment of juvenile offenders is an important task in each country and in the international community. At the global level, the treatment of juvenile offenders should be compliant with international treaties on criminal justice and human rights, especially the Convention on the Rights of the Child (CRC) and other instruments which are often regarded as defining international standards for juvenile justice.

Vietnam fully ratified the CRC in 1990, known as the first country in Asia and the second in the world to accept the CRC [1]. Under this Convention, Vietnam has legal binding obligations to undertake all appropriate measures to realize the rights of the child in its jurisdiction, including the rights of juvenile offenders. In this country, international law, including conventions officially accepted by the State, often has no direct effect. Their provisions need to be converted into domestic laws before coming into force as required by the Law on the Conclusion, Accession to and Implementation of Treaties Therefore, the implementation of international juvenile justice standards requires Vietnam to revise its law

to fully recognize juvenile offenders' rights as set forth in the CRC and relevant instruments, and then have effective mechanisms for application to realise these provisions in practice.

In Vietnam, juveniles or people below 18 years old comprise about 34 per cent of the national population which was more than 90 million by 2013 [2, 3]. Each year, around 15,000 juveniles are recorded as breaking the penal law. Thirty per cent are treated as juvenile offenders under the criminal procedures while others are dealt with under administrative procedures or a combination of administrative and judicial measures.

Whether juvenile offenders in Vietnam are treated in the compliance with international standards in juvenile justice is a substantial question for Vietnam in the context of implementing its obligations under the CRC. Vietnam has also been undertaking judicial reforms, including the re-structure of the system of judicial bodies, particular the court system and the introduction of Penal Code and Criminal Procedure Code to be applied on 1 July 2016. In this article I

consider Vietnam's regulations and practices concerning the treatment of juvenile offenders compared with international juvenile justice standards, and propose practical recommendations and suggestions for improvement.

2. International Standards in the Treatment of Juvenile Offenders

The CRC was adopted by the United Nation (UN) in 1989. It is regarded as the most important international human rights treaty for children. Its members are almost all countries in the world, 196 states parties, except for only the United State of American [1]. These members have legally-binding responsibilities to conduct all appropriate measures to realize children's rights enshrined in the Convention. Researchers and practitioners also recognize the CRC as the international standard in the protection of children, including children breaking the penal law or juvenile offenders [4, 5, 6, 7, 8]. The treatment of juvenile offenders should abide by principles set out in articles 37 and 40 of the CRC.

The treatment should also comply with regulations and guidelines in instruments concerning civil and political rights, the administration of criminal justice, punishment, diversion and restorative justice – which were given by the UN or its unities. The most notable documents are child-specific instruments concerning juvenile justice. These include the Standard Minimum Rules for the Administration of Juvenile Justice of 1985 or Beijing Rules; the Rules for the Protection of Juveniles Deprived of their Liberty of 1990 or Havana Rules; Guidelines for Action on Children in the Criminal Justice System of 1997; General Comment No 10 on Children's Rights in Juvenile Justice (General Comment 10) and General Comment No 12 on the Rights of the Child to be Heard (General Comment 12). The CRC and relevant documents together generate international standards in the treatment of juvenile offenders, aimed at serving the best interests of children as well as the common benefits of the whole society. In general, this treatment should adhere to the fundamental principles of the CRC (arts 2, 3, 6 and 12): non-discrimination, the best interests of the child, the right to life and development, and the right to be heard. It also needs to comply with the basic tenets of criminal justice and the goals of juvenile justice indicated in articles 37 (a) and 40 (1) of the CRC, including: no punishment without law; no torture or inhuman treatment; treatment that is consistent with the child's sense of dignity and worth; that reinforces the child's respect for the human rights and freedom of others; that takes into account the child's age; and promotes the child's reintegration and the child's assuming a constructive role in society. These principles are reconfirmed and more detailed in most instruments concerning juvenile justice.

The system of international legal provisions is various, complicated and interdependent. The CRC plays the central role, having a globally binding effect on the 196 States parties. Other documents provide practical guidelines for the protection of juvenile offenders. The international standards

are briefly summarized below.

2.1. The Age of Criminal Responsibility

The minimum age of criminal responsibility is the lowest age at which an individual may have criminal liability for infringing the penal law. It is required to be set with due consideration of the physical and mental maturity of the child. Children under the minimum age of criminal responsibility are presumed not to have the capacity to infringe the penal law. According to the Committee on the Rights of the Child, the minimum age of criminal responsibility should not be lower than 12 years; and the age of 14 or 16 is the expected level (General Comment 10: pars 32–33).

The fundamental rules of juvenile justice, both procedural rules and rules for diversion and specifically applicable measures, should be applied for all juvenile offenders who have not yet reached 18 years old at the time of committing crimes (General Comment 10: par 38). Or, the jurisdiction of juvenile justice should cover all offenders below 18 years.

2.2. Procedural Rights of Juvenile Offenders

Every juvenile offender should have at least the guarantees listed in Article 40 (2)(b) of the CRC, including no retroactive justice, the presumption of innocence, freedom from self-incrimination, presence and examination of witnesses, the assistance of an interpreter free of charge, effective participation in the proceedings with the involvement of parents, prompt and direct information on the charge, legal and appropriate assistance, decision without delay, appeal to a higher authority, and full respect of privacy. These guarantees cover the fundamental rights of any offender as recognized in human rights treaties and also rights particular to the child in the recognition of the child's physical and mental immaturity. Special rights that could be misunderstood and incorrectly implemented are elucidated in guidelines Beijing Rules and General Comment 10.

Parents or legal guardians should be present at the proceedings to assist the child's psychological and emotional wellbeing, but this does not mean they can act in the defense of juvenile offenders.

Juveniles deprived of their liberty shall be separated from adults unless it is considered in the child's best interest not to do so. They have the right to adequately communicate with the outside world, to receive care and all necessary individual assistance – social, educational, vocational, psychological, medical and physical assistance and preparation for their return to society. Juvenile offenders should be placed in facilities as close as possible to their family's residence to facilitate visits by their family.

Time limits of judicial processes for dealing with juvenile offenders should be much shorter than those set for adults. The proceedings should be conducted in an atmosphere of understanding to enable juvenile offenders to participate and to express themselves freely.

No information that can lead to the identification of

juvenile offenders should be published.

2.3. Punishment and Alternative Measures

Punishment and measures are salient issues of juvenile justice. The CRC, Beijing Rules, Havana Rules and General Comment 10 all recognize or reconfirm that:

Neither capital punishment nor life imprisonment without the possibility of release shall be imposed on offences committed by persons below 18 years old.

The deprivation of a juvenile's liberty is only used as the last resort for the shortest period of time. A variety of dispositions, such as care, guidance and supervision orders; probation; foster care; and other alternatives to institutional care shall be available to ensure that juvenile offenders are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Alternative measures for dealing with juvenile offenders without resorting to judicial proceedings, such as diversion and restorative justice, should be fully respected.

2.4. Organizations and Personnel Relevant to Juvenile Justice

Specialized units for juvenile justice should be established within the police, the judiciary, the court systems, and the prosecutor's office (CRC: art 40; General Comment 10: par 91–95). Professionals covering judicial staff, defense counsels, social workers and other General Comment 10 personnel who work with juvenile offenders particularly trained are necessary for a comprehensive juvenile justice system (General Comment 10).

3. Regulations and Practical Treatment in Vietnam

In Vietnam, all crimes and criminal penalties must be prescribed in the Penal Code of 1999 amended of 2009 (PC), decided by the court (PC: arts 2, 26); and the handling of crimes shall be pursuant to the Criminal Procedure Code of 2003 or CPC (art 1). These codes are specified and elaborated on by a number of other legal normative documents, including Joint Circular 01/2011/TTLT-VKSTC-TANDTC-BCA-BTP-BLDTBXHG issued by the Supreme People's Procuracy, Supreme People's Court, Ministry of

Public Security, Ministry, and Ministry of Labour, Invalids and Social Affairs on Guiding a Number of Provisions of the Criminal Procedure Code on Juvenile Procedure Participants (JC 01/2011/TTLT-VKSTC-TANDTC-BCA-BTP-BLDTBXHG). All the documents generally called the criminal law are the legal basis for dealing with all crimes and criminals including juvenile offenders. Vietnam's criminal law recognizes almost all of the fundamental principles of international criminal law, such as no punishment without law, equality or non-discrimination, no torture, coercion or cruel treatment, the presumption of innocence, and the requirements of a fair trial.

In Vietnam, crime is defined as socially dangerous acts prescribed in the Penal Code, committed by persons having the capacity for criminal responsibility (CP: art 8). Based on the maximum penalty prescribed in the penal code for particular crimes, criminal acts are classified into four groups: less serious crimes (corresponding to the maximum penalty of up to three-year imprisonment), serious crimes (between three and seven-year imprisonment), very serious crimes (between seven and fifteen-year imprisonment) and extremely serious crimes (over fifteen years of imprisonment, life imprisonment or capital punishment).

Below, the treatment of juvenile offenders in Vietnam is examined based on particular legal provisions, relevant statistics, reports and research findings. Case studies of 10 court cases dealing with 19 offenders including 15 juveniles provide practical examples of law implementation.

3.1. The Age of Criminal Responsibility and the Jurisdiction of Juvenile Justice

The PC (art 12) prescribes that persons aged 16 years or older have to bear criminal liability for all crimes they commit; and persons aged from 14 to below 16 years have to bear criminal liability for very serious crimes committed intentionally, and for extremely serious crimes. This means that the minimum age of criminal responsibility is 14 years old. Persons below 14 years old shall not be the subject of criminal sanctions. As for those who are 12 to 14 years old have committed particular serious or very serious crimes with intent shall be sentenced to education in a commune or to reformatory school as administrative-judicial measures under the Law on the Handling of Administrative Violations.

Table 1. Crimes and Ages of Responsibility.

Crimes and Ages of Responsibility			
Category of crime	Description of crime	Maximum penalty bracket	Age of criminal Liability (years old)
Less serious	Cause no great harm to society	3 years of imprisonment	≥ 16
Serious	Cause great harm to society	(3- 7] years of imprisonment	
Very serious	Cause very great harm to society	(7-15] years of imprisonment	≥16
		- (15-20] years of imprisonment	[14-16] if intentionally committed
Particularly serious	Cause exceptionally great harm to society	- Life imprisonment - Capital punishment	≥ 14

In cases of criminal liability, juvenile offenders shall be treated under not only common articles but also provisions

specifically applicable to people below 18 years old. Therein, the punishment shall be lighter than that imposed on adults

committing a similar crime; and the death penalty and life imprisonment shall not be applied (PC: arts 68–77).

The procedures for dealing with juveniles are different from adults. Juvenile justice procedures are applicable to any person below 18 years old at the time when the proceedings are undertaken. Persons aged 18 or older are the subject of adult criminal procedures, regardless of whether they were juvenile when they committed the criminal act. Therefore, Vietnam's law on the age of criminal responsibility and the jurisdiction of juvenile justice is mostly compliant with international standards.

As for the implementation of the law, the Supreme Court has issued several guidelines for determining an offender's age in cases where offenders have no records of their exact date of birth (JC 01/2011/TTLT-VKSTC-TANDTC-BCA-BTP-BLDTBXHG: art 6). In practice, recently, an appeal court has overturned a first-instance judgment for re-investigation with the reason that the defendant had not reached the age of criminal responsibility when committing

the crime; or a sentence of capital punishment was revoked for a re-trial because the offender had not reached 18 years old when he committed the crime [9]. The problems in these court cases were that the birth certificates and related documents reflecting the age of offenders were unclear and conflicted.

3.2. Procedures and the Rights of Juvenile Offenders

3.2.1. Procedures

Figure 1 illustrates the situation of juveniles aged 12 or older in conflict with the law between 2005 and 2013. Depending on their age and offence, they were dealt with under criminal or administrative proceedings. About half of them were treated in criminal proceedings. The number of juvenile offenders reduces over the successive stages of investigation, prosecution and trial.

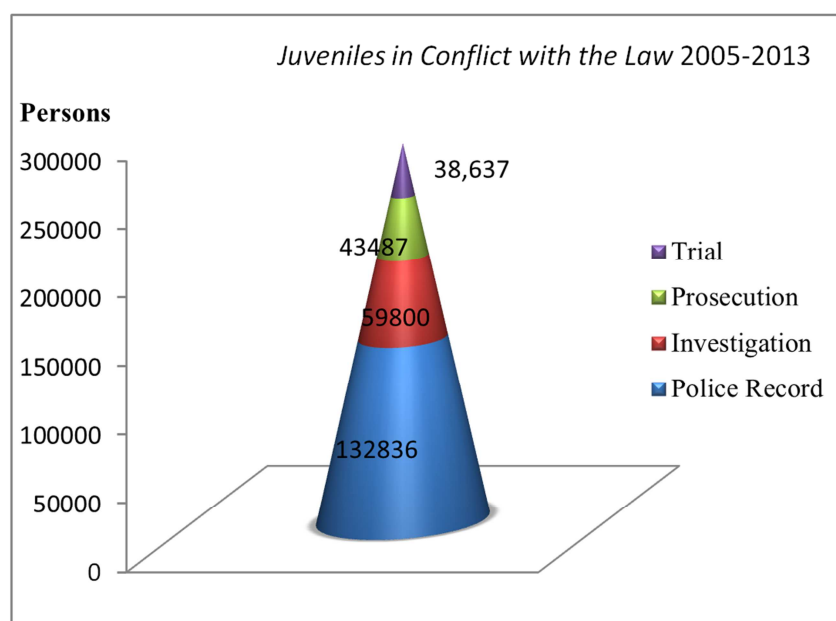


Figure 1. Juveniles in Conflict with the Law 2005-2013.

The full process of criminal proceedings includes stages: investigation, prosecution, trial and the implementation of sentences. In practice, not all offenders are dealt with under the criminal procedures; offenders can be exempt from criminal responsibility during the course of proceedings.

Generally, processing time depends on the seriousness of the crime. From instituting the case to the first-instance trial, time limits are respectively no longer than 125, 170, 225 or 255 days for less serious, serious, very serious or extremely serious crimes. If a case is complicated, the limits can be extended to 195, 300, 420 or 660 days respectively. When the case is returned for additional investigation or re-investigation, the duration is longer or recalculated. These time limits are applied to either adult or juvenile cases, with no distinction relating to the age of offenders.

During criminal proceedings, the procedural bodies may

apply six deterrent measures to offenders. These are arrest, custody, temporary detention, banning from travel outside the local area, guidance and supervision, and bail. Conditions and the duration of deterrent measures are almost the same for adults and juvenile offenders. The only clear difference is that there is no imposition of arrest, custody and temporary detention on offenders aged from 16 to below 18 years if their offence is a less serious crime or a serious crime without intent (CPC: art 303). The law has no regulations on shorter time for addressing juvenile cases or the use of pre-trial detention as the measure of last resort as required in the international standards (CPC: arts 80-88, 120, 303).

The national criminal statistics include no data on the actual duration for processing criminal cases. Relevant studies and statistics reveal that almost all offenders are sentenced to deterrent measures. As adapted from the

Supreme Procuracy's statistics, around 35 per cent of juvenile offenders were detained before trial. This rate is much lower than the average of total offenders, about 85 per cent [10].

In the ten case studies examined, the time from the initiation of criminal proceedings to the first-instance trial varied between 63 and 222 days. Except for one case which lasted 222 days, including an extension and return for additional investigation; the nine others involving either very serious, serious or less serious crimes took no longer than 125 days, the limit for solving less serious crimes. However, it should be noted that these cases were not complicated. Almost all offenders were arrested red-handed or clearly identified by the victims. All of these offenders confessed their guilt, incriminating themselves when being questioned by the authorities.

As for deterrent measures, 12 offenders were detained and the others were subject to guidance and supervision, or banned from travel outside the local area. Two juvenile offenders in different cases were detained without legal grounds. Their offences were less serious and should not have been the subject of such measures. It is of concern that these mistakes were not recognized during the proceedings by the judicial staff, offender or defense counsel.

The longest pre-trial detention lasted 100 days through to proceedings happened to a 17-year-old girl, who was caught red-handed stealing a mobile phone, a less serious crime. Then the girl was sentenced to six months imprisonment by the court. Such long pre-trial detention and punishment are too heavy for the offence and for the offender's circumstances. The main reason for such procedural decisions, perhaps, is because the offender had no place of permanent residence and no one would commit to her supervision. If the offender had had a stable residence and had guardians for supervision the girl would not have been detained for so long.

3.2.2. The Procedural Rights of Juvenile Offenders

Under criminal procedures, offenders are referred to by different terms, and have corresponding procedural rights in accordance with each stage of proceedings. As mentioned above, Vietnam's law observes almost all the principles of the international standards for criminal justice. Such principles are also specified in various particular rights of offenders. In general, every one being dealt with under criminal proceedings has the right to receive all decisions and reasons concerning their offence; to present their statements, evidence and requirements; to defend themselves or ask other persons to defend them; and to appeal the court's judgment (CPC: arts 48–50).

Additionally, for juvenile cases, there are specific rights concerning the participation of defense counsel, and closed-door or mobile trials.

The procedural bodies have to appoint defense counsels for juvenile offenders when offenders and their representatives do not seek defense counsels and do not

refuse to have counsel appointed (CPC: arts 57/2/b, 305).

If necessary, the court may decide to conduct the trial of juvenile defendants behind closed doors. Mobile trials should not be carried out, except in cases of where it is necessary for law education and dissemination and crime prevention (CPC: art 307; JC 01/2011/TTLT-VKSTC-TANDTC-BCA-BTP-BLDTBXHG: art 11/2).

The first provision above is compliant with international standards concerning legal assistance for juvenile offenders; but the second one is in conflict with the protection of juvenile offenders' privacy. In Vietnamese law there is no compulsory statement on trial behind closed doors or the prohibition of the identification of juvenile offenders.

In practice, almost no juvenile case is tried behind closed doors, while mass media and social networks update the news every day almost without making exceptions for juvenile offenders. It is easy to find identifiable information and photographs of juvenile offenders. As generalized by the Deputy Prosecutor-General of the Supreme Procuracy, actual adjudication in Vietnam is almost always public – including even in those rape cases where both offenders and victims are juveniles. People are free to attend and publish articles and reports about court cases [11]. Further, mobile trials conducted at the scene of crime or the offender's residence is organized quite regularly. They are considered to be a good way of promoting public awareness and crime prevention [12]. The public and the media are strongly encouraged to attend. About 300 juvenile offenders equaling seven per cent of total juvenile cases were heard in such mobile trials per year between 2005 and 2013. These mobile hearings, however, could lead to stigmatization, negatively affecting the juvenile offenders' psychology and recovery.

As for defense, between 2005 and 2013, about 4000 juvenile defendants were heard in 3000 juvenile cases per year — counted from the Supreme Court's annual statistics, but the information about their defense is scant. The Ministry of Justice report of 2012 shows that 100 per cent of mandatory cases, including juvenile offenders or adults charged with offences punishable by death, had the participation of lawyers [13]. At the same time, as drawn from the Supreme Court's statistics, statistics reveal that only 9.22 per cent of criminal trials were conducted with the participation of counsel. Both the report and statistics provide no detailed data on the defense of juveniles, such as the numbers of juvenile offenders relinquishing the right to have appointed counsel; or defended by lawyers of offenders' choice; or by the procedural bodies' request.

As for the practicalities of defense, relevant surveys recorded complaints that lawyers selected by offenders were often not welcomed by the procedural bodies. Many lawyers experienced difficulties while requesting certification, contacting offenders held in custody or copying documents in case files, or complained that lawyers' views and recommendations were not adequately evaluated by procedural bodies and judges [14–17]. By contrast, lawyers appointed pursuant to procedural bodies' requests were treated more favorably [18]. This may be explained by the

fact that in these cases, procedural bodies need lawyers' attendance as required by law.

For juvenile cases, most defense counsels are appointed because of requests from procedural bodies. However, researchers claimed that there was a very high risk of procedural bodies recommending offenders and their families to relinquish defense counsel [19]. Or the investigating bodies conducted their duties in requesting defense counsels to participate in the interrogation of juvenile offenders formalistically, even ignore [20-21]. At the same time, relevant surveys pointed that in many cases appointed counsels do not endeavor to collect the best evidence to defend the offenders [22] or sometimes they have not the necessary experience and knowledge to address the issue or making worst situation for the offenders at the trials [12] [23].

In the ten case studies, offenders hardly ever raised any self-defense. They just answered the questions of investigators, procurators and judges. However, questions from investigators were sometimes too challenging for a juvenile; sometimes seemed to direct the offenders to plead guilty or to stress their actions as a clearly criminal violation. In several minutes of interrogation, it appears that juvenile offenders emphasized their faults rather than the nature of the problem. This situation may result from juveniles' ignorance of the law, lack of general social knowledge, and psychological fear during the interrogation. It also reflects that if juvenile offenders do not freely express their views, then the right to self-defense becomes worthless. This raises a doubt about the process of investigation, interrogation and the role of the defense counsel in those proceedings. Hence, one of the principle of the CRC that the "child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child" (CRC: art 12) has failed to be practically observed in Vietnam.

Among 19 offenders, eight juveniles in seven cases were defended by seven counsels. These counsels included two lawyers selected by the offender's family, and four lawyers and one people's advocate — who are not a lawyer but appointed by procedural bodies to defend the offender in the court. In the other cases, where six juvenile offenders and their representatives refused appointed counsel, the defense was carried out by the juvenile offender's parents.

From close reading of the cases, it can be seen that the appointed counsels seemed passive in carrying out their role. It is hard to find attempts to plead the offender's additional circumstances or personal difficulties so that judicial bodies could consider a lighter sanction. They participated in interrogations without any questions or making suggestions to clarify relevant issues, or to support juvenile offenders. Two offenders in two cases had wrongly-imposed arrest and pre-trial detention by the procedure-conducting bodies, but no counsel recognized or mentioned this mis-application during the proceedings.

For the six cases where offenders and their parents refused appointed counsel, it raises questions about the reality behind

their refusal. These parents, who stated they would conduct the defense for their children, were farmers and had not completed high school. They had neither legal knowledge nor the experience and skills to ensure an effective defense. As the case files recorded, their participation was just answering the few simple questions that judicial staff asked as the law required. This practice of offenders' parents acting in the role of counsel conflicts with the international regulations on legal assistance for juvenile offenders.

3.3. Punishment and Alternative Measures

Vietnam's system of criminal penalties includes seven principal penalties and seven additional penalties. Capital punishment and life imprisonment are the two principal penalties. In principle, for each offence, the offender shall be subject to one principal penalty and may be subject to one or more additional penalties.

According to Chapter X of the Penal Code, the punishment applicable to juvenile as below:

Capital punishment, life imprisonment and additional penalties should not be applied. The treatment of juvenile offenders is mainly to educate them to become useful citizens. Juvenile offenders may be exempt from criminal liability if they commit less serious crimes or serious crimes if their families or organizations agree to supervise and educate them. The examination of criminal liability and the imposition of penalties on juvenile offenders should be carefully considered. If it is deemed unnecessary to impose penalties on juvenile offenders, the court should apply one of two judicial measures, education at the commune or sending the child to reformatory school. Punishments imposed on juvenile offenders should be lighter than those imposed on adults committing similar crimes. The judgment imposed on juvenile offenders aged below 16 years should not be taken into account for determining recidivism or dangerous recidivism.

The particular penalties applicable to juvenile offenders are: a warning, a fine, non-custodial reform, and termed imprisonment (PC: art 71). General applicable requirements of penalties indicate that warnings and fines are for less serious crimes; non-custodial reform is for less serious or serious crimes; and termed imprisonment can be applied to all four kinds of crimes (PC: arts 29-33). Therefore, warnings, fines and non-custodial reform cannot be applied to juvenile offenders aged from 14 to below 16 years, who shall not bear criminal responsibility for less serious and serious crimes. Hence, the only penalty applicable for juvenile offenders aged from 14 to below 16 years old is termed imprisonment.

Termed imprisonment shall be imposed on juvenile offenders according to the following regulations.

For persons aged between full 16 and under 18 when they committed the crime, if the applicable legal provisions stipulate life imprisonment or the death sentence, the highest applicable penalty shall not exceed 18 years of imprisonment; if it is termed imprisonment, the highest applicable penalty shall not exceed three quarters of the

prison term prescribed by the provisions of the law;

For persons aged from 14 to below 16 when committing crimes, if the applicable provisions stipulate life imprisonment or the death sentence, the highest applicable penalty shall not exceed 12 years of imprisonment; if it is termed imprisonment, the highest applicable penalty shall not exceed half of the prison term prescribed by the law (PC: art 74).

For fines and non-custodial sentences, the amount of money and duration of non-custodial sentences applied to juvenile offenders shall not exceed a half of that regulated in the provision on particular crimes (PC: arts 72–73).

As for judicial measures, if it is deemed unnecessary to impose a penalty on juvenile offenders, the court shall apply one of two judicial measures for a period from one to two years: education at a commune or transfer to a reformatory school (PC: art 70). Of these, the first measure can be only applied to juvenile offenders who committed less serious or serious crimes (PC: art 70/2), meaning that offenders aged from 14 to below 16 years are not subject to these penalties. The second measure is not appropriate to offenders aged 17 years old because the time period of this measure is between one and two years (PC: art 70/3). Hence, technically, both measures seem to be hardly applied, as the scope of juvenile offenders who meet relevant requirements is limited.

Comparing the above regulations to the international standards, it can be seen that the penalties and alternative measures in Vietnamese law are quite close to the international standards in terms of principles, and the purpose of punishment. The penalties applicable to juveniles are lighter than those of adults. However, this system is

inadequate in providing various options for the court to select. Termed imprisonment is almost the only punishment for offenders aged between 14 and 16 years old. Perhaps this shortcoming in penalties applicable to juvenile offenders is the main reason for UNICEF's comment that Vietnamese law is more punitive than other countries in the region [24].

With regard to the situation of juveniles in conflict with the law, statistics reveal that from 2005 to 2013, the number of juveniles infringing the penal law fluctuated between 12,878 and 16,444 per year, accounting for about 20 per cent of the total numbers of people breaking the law. About 30 per cent of them were dealt with under criminal procedures, and almost juvenile offenders were males (96 per cent) and aged 16 to below 18 years (93 per cent).

Table 2 provides the statistics on investigation, prosecution and trial from 2005 to 2013. There is a fluctuation in the total numbers of offenders as well as juvenile offenders infringing the penal law and dealt with under criminal justice procedures. The average numbers of juveniles investigated, prosecuted and tried for criminal acts were 6644, 4832 and 4293 persons respectively per year. There was a dramatic decrease in the numbers of juvenile offenders and their proportion of the total in the year 2009. The numbers of juveniles dealt with under formal proceedings in 2009 were all under 60 per cent in comparison with 2008 while the total offenders handled in all three stages of criminal procedures increased noticeably. This situation can be related to the amendment of the Penal Code in 2009. The amended law of 2009 decriminalizes a number of formerly criminal acts concerning property, which are the crimes that juveniles committed the most frequently.

Table 2. Criminal Statistics on Investigation, Prosecution and Trial, 2005-2013.

Criminal Statistics on Investigation, Prosecution and Trial, 2005-2013									
YEARS	INVESTIGATION			PROSECUTION			TRIAL		
	Total	Juvenile	Juv/Tot	Total	Juvenile	Juv/Tot	Total	Juvenile	Juv/Tot
	persons	persons	%	persons	persons	%	persons	persons	%
2005	87,606	6420	7.33	81,425	4172	5.12	77,772	3404	4.38
2006	97,836	7818	7.99	92,560	5700	6.16	90,781	5171	5.7
2007	99,051	8394	8.47	98,341	5884	5.98	95,074	5247	5.52
2008	108,816	8821	8.11	104,015	6353	6.11	100,970	5828	5.77
2009	134,474	5271	3.92	109,445	3645	3.33	118,511	3262	2.75
2010	123,743	6429	5.20	98,657	3900	3.95	104,801	3371	3.22
2011	111,948	6559	5.86	106,494	4198	3.94	102,081	3803	3.73
2012	120,232	5388	4.48	120,150	5119	4.26	117,100	4657	3.98
2013	121,597	4700	3.87	121,133	4516	3.73	117,401	3894	3.32
Sum	1,005,303	59,800	#	932,220	43,487	#	924,491	38,637	#
Average	111,700	6644	6.14	103,580	4832	4.73	102,721	4293	4.26

Adapted from the Supreme Procuracy's statistics

Considering the number of offenders treated by the criminal justice system in relation to population statistics, it can be seen that the criminal rate in the juvenile group is significantly lower than in the adult group. Juveniles aged from 14 years to below 18 years old constitute 10.30 per cent of the total population at the age of criminal responsibility, while the rates of juveniles among this group through the three stages of investigation, prosecution and trial were 6.14; 4.73 and 4.26 per cent respectively. The reduction in the

percentage of juvenile offenders through these stages signifies that the rate of juvenile offenders being exempt from criminal liability in the course of proceedings was higher than adults.

According to the Supreme Court's statistics, there were 29,435 juvenile defendants heard before the court in first-instance trials between 2007 and 2013. Sixteen of these were found not guilty. The numbers of juveniles who were exempt from criminal liability, imposed the judicial measure of

education at the commune, and sent to reformatory school were 15, 63 and 31 respectively. The other juvenile offenders had one penalty imposed for each criminal offence.

As indicated above, the penalties applicable to juvenile offenders embrace warnings, fines, non-custodial reform, and termed imprisonment. The most severe punishment that can be imposed for offences committed by juveniles aged 14 or 15 is 12 years imprisonment, and for offences committed by juveniles aged 16 or 17 is 18 years imprisonment. From 2007 to 2013, the numbers of juveniles who were condemned to a warning, fine, and non-custodial sentence were 69, 55, and 1230. Together these convictions accounted for 4.25 per cent of the total penalties imposed for juvenile offences. This means that most juvenile offenders were sentenced to termed imprisonment. However, not all of them had to go to jail or be deprived of liberty. More than 30 per cent of sentenced

juveniles were given suspended sentences with supervision from one to five years.

Figure 2 illustrates the percentage of penalties (grouped in to six categories) imposed on juvenile offenders by first instance trial courts throughout all jurisdictions in the last nine years, 2005 to 2013. The most common punishment was termed imprisonment for a period from three months to three years, with 13,701 persons, accounting for 46.75 per cent of the total convictions. The second group had a similar punishment but with suspended sentences, more than 30 per cent. The punishment of three-year imprisonment and longer equaled 18.47 per cent, including three groups: between 3 and 7 years, 7 and 15 years, and from 15 to 18 year sentences imposed on 4018; 1198; and 198 juvenile defendants respectively.

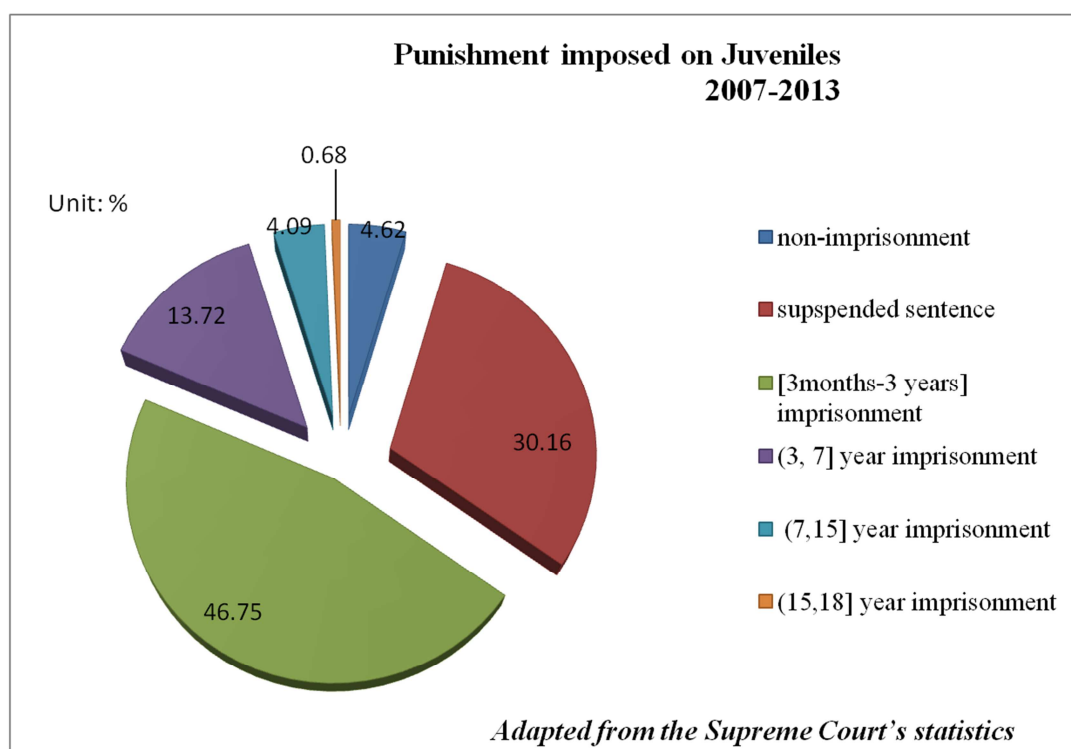


Figure 2. Punishment imposed on Juveniles 2007-2013.

Considering penalties imposed on juveniles, it can be drawn on some relevant national criminal statistics. First, juvenile defendants equaled 4.06 per cent of total defendants, embracing 0.29 per cent in the group of 14 years old or 15 years old, and 2.77 per cent in the group of 16 years old or 17 years old. Second, juveniles who were given a warning, non-custodial sentence, or suspended sentence accounted for 6.78, 6.50 and 5.18 per cent corresponding to the total of such penalties issued by the court. Third, around 65.22 per cent of juvenile defendants were sentenced to imprisonment, while the common rate of all defendants was 70.27 per cent, consisting of termed imprisonment from three months to 20 years, life imprisonment and the death penalty. These data show that the penalties imposed on juvenile offenders in practice were significantly softer than on adults.

3.4. Organizations and Personnel Relevant to Juvenile Justice

As mentioned above, the legal basis for determining and solving crimes in Vietnam are the PC and CPC. Judicial bodies including investigating bodies, procuracies and courts are mainly responsible for addressing criminal issues. In the systems of these bodies, authority and jurisdiction are prescribed pursuant to the locality and the seriousness of crimes, which do not concern the age of criminals. Vietnam has no juvenile code or specialized organizations for dealing with juvenile offenders as encouraged in the international standards.

Although there is no specialized unit responsible for juvenile cases, Vietnam's legislation recognizes procedures

and personnel specifically applicable to dealing with juvenile offenders. Regarding procedures, besides requiring appointed counsels, the law has particular requirements as assisting juvenile offenders in terms of their psychology during the proceedings.

Representatives of juvenile offenders' families and organizations where offenders study, work and reside shall participate in the proceedings under the procedural bodies' decisions (CPC: art 305/1; JC 01/2011/TTLT-VKSTC-TANDTC-BCA-BTP-BLDTBXHG).

The questioning and interrogation of offenders aged from 14 years old to below 16 years old must be witnessed by their family's representatives, except for cases where their family's representatives are deliberately absent. The family representatives can ask the offender if the investigators so agree; have the right to show evidential documents, make requests or complaints, read the case files, and appeal the courts' judgments (CPC: art. 305/2-3; JC 01/2011/TTLT-VKSTC-TANDTC-BCA-BTP-BLDTBXHG: art. 10/4).

Investigators, procurators and judges working with juvenile offenders must possess the necessary knowledge about juvenile psychology and education and juvenile crime prevention (CPC: art 302).

The composition of the jury panel hearing juvenile offenders shall include a juror who is a teacher or youth union cadre (CPC: art. 307). This article is based on the idea that teachers and Youth Union cadres have knowledge and experience working with children, and can support juvenile offenders in the course of trial, where a first-instance trial panel includes one judge and two jurors, or two judge and three jurors.

These provisions have not, however, been successfully implemented. Relevant surveys reveal that:

[t]he vast majority of juveniles interviewed did not have a parent, guardian, or other support person present with them when they were being interrogated by the police. Some had a parent, but not at all of the interrogations. Even where parents had accompanied juveniles to the police station or visited the police station during the period of the child's arrest, they were not permitted to be present during the interrogation. Some guardians signed the interrogation record, even though they were not actually present during the interrogation. None of the children had a teacher or representative from the mass organizations present during the interrogation [25].

As for judicial staff, Vietnam currently has no specialist police, prosecutors or judges who are specially trained to deal with juvenile offenders [25]. Within the court system, across the country there is no professional judicial staff specially for hearing juvenile cases; no single judge is specializing in juvenile trials [26]. Professor Tran [27], Deputy Chief of the Supreme Court, admits that there is no distinction in the procedures of court sessions between juvenile cases and adult cases. He also said that in actuality it is not practical to have a teacher or youth union cadre to sit on the trial panel.

Recently, with the support of international organizations in crime prevention or child protection, particularly UNICEF

through the project on Friendly Justice System for Minors, a few police stations and courts have piloted child-friendly interviews [28, 29]. However this pilot is small, just seven interview rooms compared with thousands of police stations and courts, which all probably deal with child victims and witnesses while functioning. This project was planned to 2016 and so far no report on the effectiveness of conducting child-friendly procedures has been issued.

In short, Vietnamese law contains special requirements for people working with juvenile offenders, and has procedures specifically applicable to juvenile cases. However, the judicial staff do not in practice meet the legal requirements for specialized knowledge and skills, meaning that the application of special procedures is somewhat formalistic. In other words, Vietnam so far has not met the international standards concerning legislation and regulations specifying personnel and procedures particularly applicable to juvenile justice.

4. Conclusion

The above analysis of the law and its practical implementation show that the treatment of juvenile offenders in Vietnam has complied with a number of the international standards. Vietnam's regulations are close to the international standards in terms of principles, the age of criminal responsibility, the purpose and jurisdiction of juvenile justice, lighter punishment for minors, no death penalty and no life imprisonment, most procedural rights of offenders, and fair and just trials. Nevertheless, the penalties and alternative measures applicable to juvenile criminals are limited, lacking various possible options for the court's disposition. Termed imprisonment is the one penalty liable for offences committed by offenders aged 14 or 15 years old. The alternative measures are not workable for application to juvenile offenders in terms of requirements and duration. Further, the criminal procedure law significantly lacks provisions specifically applicable to juvenile offenders. Neither the statement on only using pre-trial detention as the measure of last resort, nor the regulation on shortening the processing time for dealing with juvenile cases is clearly and specifically monitored or regulated. In addition, there is no appropriate measure for the protection of juvenile offenders' privacy, for preventing undue publicity and the process of negative labeling. Hearing juvenile offenders in mobile trials for the purpose of crime prevention is conflict with the international standards. Moreover, there are noticeable problems in the implementation of provisions specifically applicable to juvenile offenders. The implementation of the law on defending juvenile offenders and judicial staff having special knowledge in child psychology seems to be inefficient and formalistic. Juvenile offenders and their legal representatives do not appear to understand the meaning of the right to have an appointed defense counsel. The procedure-conducting bodies seem to abuse the right, and are less enthusiastic in implementing the provisions of the law to ensure that the right to defense is actually applied in

particular criminal cases. The appointed lawyers seem not to conduct their roles and responsibilities well.

The above shortcomings in Vietnam's juvenile justice are serious, particular in the global trend of child protection and human rights. That requires Vietnam to revise its regulations and heighten the law enforcement.

Vietnam has just revised its criminal law, including the PC and CPC. The new Penal Code of 2015 amended 2017 (new PC) and Criminal Procedure Code of 2015 (new CPC) came into force in early 2018.¹ In these new codes, all fundamental principles of international juvenile justice are mentioned as the principles of Vietnam's policy in dealing with juvenile offenders (new PC: art. 414). It is stated that the criminal procedure is friendly; ensures "the best interests of the child", "the right to be heard", "the right to privacy" and "using the arrest, detention and imprisonment as a measure of last resort"... The new PC also provides two new alternative measures, which procedure-conducting bodies can apply when dealing with juvenile offenders, Reprimand and Community Conciliation (new PC: arts 92–94). However, there are not enough detailed provisions to enable to realize principles in new PC and new alternative measures in new CPC. In addition, the new 4-tier judicial system, particular the new court system – which is stated in the 2014 Organization of the People's Courts— so far has not completed its re-organization as required by the law, including the organization, professional staff and mechanism. In order to work as required by the new PC and new CPC in terms of juvenile justice, judicial bodies have to complete to many tasks, including the below:

The principle of protecting juvenile offenders' privacy should be detailed in specific provisions. The law should prohibit the hearing of juvenile cases in mobile trials and publishing identifiable information about juvenile offenders.

It needs specific clauses on shortening time limits for dealing with juvenile offenders. These limits should be no longer than two thirds of those for addressing adult cases.

As stated in the Law on the Organization of the People's Courts 2014 (arts 30, 38), the family and juvenile court is a unit in two levels of the court system, the provincial court and high court. At the lowest level, the district court, a unit for juvenile cases may be established if the Supreme Court's Chief judge believes it is necessary (Law on the Organization of the People's Courts 2014: art. 45). In practice, the specialized family and juvenile court established as a component within just two provincial courts, Ho Chi Minh city and Dong Thap province [30]. So far, there is no a clear structure for this unit as well as its professionals. Hence, a clear mechanism for these specialized units responsible for dealing with juvenile offenders should be decided and its staff should be trained as soon as possible.

And again, from the current problems of Vietnam's juvenile justice, it requires Vietnam to enhance the dissemination of relevant information on the law in order to raise public awareness on the right to defense, and to have a mechanism for supervision and evaluation of law enforcement. The judicial staff working with juvenile offenders, not only judge but also other professionals should be specialized and trained in skills as the law requires. Further, to improve the quality of counsel, specialized counsels and their conduct should be seriously considered. To avoid false prosecution or conviction relating to the age of criminal responsibility, birth registration needs better management.

Appendix

Vietnamese Legislation

Available at: www.luatvietnam.vn.

Criminal Procedure Code of 2003, 2015

Joint Circular 01/2010/TTLT-VKSNDTC-BCA-TANDTC on Guiding the Implementation of Provisions of the Criminal Procedure Code on Returning the Files for Additional Investigation].

Joint Circular 01/2011/TTLT-VKSTC-TANDTC-BCA-BTP-BLDTBXH about Guiding the Implementation of Several Provisions of the Criminal Procedure Code for Juveniles Involved in Legal Proceedings

Law on Lawyers of 2006

Law on Organization of the People's Courts of 2014

Law on the Handling of Administrative Violations of 2012

Official Dispatch No 45/C16 (P6) dated 26 January 2007, issued by the Investigation Police Office of the Ministry of Public Security

Official Dispatches No 26/KHXX dated 28 February 2007, issued by the Supreme People's Court

Plan No 380/C45-P6 dated 22 March 2012, issued by the General Police Department for Preventing and Combating Crime on the Prevention of Juveniles Committing Serious Crimes

Penal Code of 1999 (amended 2009), 2015

International Instruments

Available at: www2.ohchr.org

Convention on the Rights of the Child of 1989

Covenant on Civil and Political Rights of 1966

General Comment No 10: Children's Rights in Juvenile Justice, 2007, CRC Committee

General Comment No 12: The Rights of the Child to be Heard, 2009, CRC Committee

Guidelines for Action on Children in the Criminal Justice System, 1999, Economic and Social Council

UN Rules for the Protection of Juveniles Deprived of their Liberty of 1990

UN Standard Minimum Rules for the Administration of Juvenile Justice of 1985 (Beijing Rules)

¹ When passed by the National Assembly, the codes were intended to be enacted from 1 July 2016. However, the new Penal Code has been recognized as big mistakes. Then they cannot come into effect to be revised first. Finally, the Penal Code was revised in 2017 and both new Code have taken effect since 01 January 2018

References

- [1] United Nations treaty collection, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtds_g_no=IV-11&chapter=4&lang=en.
- [2] Central Population and Housing Census Steering Committee (2010) *The 2009 Vietnam Population and Housing Census: Completed Results*, Hanoi: Statistical Publishing House.
- [3] General Office for Population and Family Planning. (2014) *Tong Ket Cong Tac Dan So - Ke Hoach Hoa Gia Dinh nam 2013, Trien Khai Nhiem Vu nam 2014* [Reviewing the Tasks of Population and Family Planning in 2013, and Implementing Tasks in 2014]. Hanoi: Ministry of Health.
- [4] Reid K (2007) Some Reflections on Children's Rights. *Pastoral Care in Education* 25: 46-48.
- [5] Grover SC (2007) *Children's Human Rights: Challenging Global Barriers to the Child Liberation Movement*, Melbourne, Vic: Sandstone Academic Press.
- [6] Raman S, Woolfenden S, Williams K, et al. (2007) Human Rights and Child Health. *Journal of Paediatrics and Child Health* 43: 581- 586.
- [7] Handley G (2009) Children's Right to Participation. In: Waller T (ed) *An Introduction to Early Childhood: A Multidisciplinary Approach*. London: Sage.
- [8] Howe RB and Covell K (2010) Miseducating Children about their Rights. *Education, Citizenship and Social Justice* 5: 91-102.
- [9] Le Nga (2013) Thoat An Tu sau Hai Lan bi Tuyen Tu Hinh [Escaped Death from Two Death Sentences]. *Thanh Nien*. online.
- [10] Tran VD (2012a) Hoan Thien cac Quy Dinh cua Bo Luat To Tung Hinh Su ve Bien Phap Tam Giam [Improving Provisions of the Criminal Procedure Code on Temporary Detention]. *Kiem Sat*: 10.
- [11] Le HT (2012) Su Can Thiet va nhung Van De dat ra ve Thanh Lap Toa An Ngươi Chua Thanh Nien truoc Yeu Cau Cai Cach Tu Phap [The Need and Issues Raised about the Establishment of Juvenile Courts under Requirements for Judicial Reform] In: Toa An Nhan Dan Toi Cao and UNICEF Vietnam (eds) *Bao Cao Tong Quan ve Co so Ly Luan va Thuc Tien cua Su Can Thiet Thanh Lap Toa An Chuyen Trach doi voi Ngươi Chua Thanh Nien o Viet Nam* [General Report on the Theoretical and Practical Rationale for Establishing Specialised Courts for Juveniles in Vietnam]. Hanoi: Thanh Nien, 145-151.
- [12] Tong cuc Canh sat Phong-Chong toi pham (2012) Ke Hoach 380/C45-P6 ngay 22/3/2012 cua Tong Cuc Canh Sat Phong, Chong Toi Pham ve Phong, Chong Toi Pham trong Lua Tuoi Chua Thanh Nien Gay An Nghiem Trong [Plan 380/C45-P6 dated 22 March 2012, issued by the General Police Department on the Prevention of Juveniles Committing Serious Crimes]. *Tong cuc Canh sat Phong-Chong toi pham* [The General Police Department for Preventing and Combating Crime], Hanoi.
- [13] Bo Tu Phap (2012) Bao Cao Tong Ket 5 Nam Thi Hanh Luat Luat Su [Summary Report about the Five-year Implementation of the Law on Lawyers]. Hanoi: Ministry of Justice.
- [14] Inter-Agency Steering Committee for Vietnam's Legal System Development Needs Assessment. (2002) Report on the Comprehensive Needs Assessment for the Development of Vietnam's Legal System to the Years 2010. Hanoi: UNDP Vietnam.
- [15] Lien Doan Luat Su Viet Nam (2012) Bao Cao Tong Ket Cong Tac nam 2011 va Phuong Huong Hoat Dong nam 2012 cua Lien Doan Luat Su Viet Nam [Summary Report on Implementing the Tasks in 2011 and Direction in 2012 of the Vietnam Bar Federation]. Hanoi.
- [16] Lien Doan Luat Su Viet Nam (2013) Bao Cao ve Thuc Trang Hanh Nghe Luat Su trong Hoat Dong To Tung Hinh Su [Report on the Current Situation of the Lawyer Professional Performance in the Criminal Proceedings]. Hanoi.
- [17] Phan TH (2006) Thuc Trang va Dinh Huong Hoan Thien Phap Luat nham Bao Dam QUYEN cua Luat Su Tham Gia Tranh Tung trong Vu An Hinh Su [The Current Situation and Orientation to Improve the Law on Ensuring Lawyers' Rights in Criminal Proceedings]. *Quyền Con Người trong To tung Hinh Su Viet Nam* [Human Rights in Vietnam's Criminal Justice]. Ho Chi Minh city: 15-18 June, pp. 206-217.
- [18] UNDP (2012) Report on the Right to Counsel in Criminal Law and Practice in Vietnam. Hanoi: UNDP Vietnam.
- [19] Children's Legal Centre (2010) Bao Cao Danh Gia cac Quy Dinh cua Bo Luat To Tung Hinh Su lien quan den Ngươi Chua Thanh Nien va Thuc Tien Thi Hanh' [An Assessment Report about the Provisions concerning Juveniles in the Criminal Procedure Code and Practical Application] *Phap Luat To Tung Hinh Su ve Ngươi Chua Thanh Nien* [Criminal Procedural Law concerning Juveniles]. Hanoi: Supreme People's Procuracy.
- [20] Booth N (2012) Implementing Human Rights in Practice: Some Observations. *1st Legal Policy Dialogue in 2012: Improvement of Law on Human Rights*. Hanoi: Government of Vietnam-United Nation Development Programs, 31-35.
- [21] Phan TTM (2012) Mot so Y Kien ve viec Thanh Lap Toa An Gia Dinh va Ngươi Chua Thanh Nien o Viet Nam [Comments on the Establishment of the Juvenile and Family Court in Vietnam]. In: Toa An Nhan Dan Toi Cao and UNICEF Vietnam (eds) *Bao Cao Tong Quan ve Co so Ly Luan va Thuc Tien cua Su Can Thiet Thanh Lap Toa An Chuyen Trach doi voi Ngươi Chua Thanh Nien o Viet Nam* [General Report on the Theoretical and Practical Rationale for Establishing Specialised Courts for Juveniles in Vietnam]. Ha Noi: Thanh Nien, 173-182.
- [22] UNDP and Hoi Luat Gia Viet Nam (2012) Appointed Counsels in Vietnamese Criminal Law and Practice Hanoi: UNDP Vietnam.
- [23] Dai Hoc Luat Ha Noi, 'Hoan Thien Phap Luat To Tung Hinh Su nham Nang Cao Hieu Qua Hoat Dong Bao Chua cua Luat Su' [The Amendment of Criminal Procedural Law in order to Improve the Effectiveness of Lawyer Professionals] (LH 2013-17/DHL-HN, Hanoi Law University, 2013).
- [24] UNICEF (2011) An Analysis of the Situation of Children in Viet Nam 2010. Hanoi.
- [25] Supreme People's Court and UNICEF Vietnam, *Investigation and Court Proceedings Involving Children and Juveniles: An Assessment of Child-sensitive Procedures* (Thanh Nien, 2007).

- [26] Toa An Nhan Dan Toi Cao and UNICEF Vietnam (2012) *Bao Cao Tong Quan ve Co so Ly Luan va Thuc Tien cua Su Can Thiet Thanh Lap Toa An Chuyen Trach doi voi Ngươi Chua Thanh Nien o Viet Nam [General Report on the Theoretical and Practical Rationale for Establishing Specialised Courts for Juveniles in Vietnam]*, Hanoi: Thanh Nien.
- [27] Tran VD (2012b) Nghien Cuu Thanh Lap Toa An Ngươi Chua Thanh Nien o Viet Nam [Research on the Establishment of Juvenile Courts in Vietnam]. In: Toa An Nhan Dan Toi Cao and UNICEF Vietnam (eds) *Bao Cao Tong Quan ve Co so Ly Luan va Thuc Tien cua Su Can Thiet Thanh Lap Toa An Chuyen Trach doi voi Ngươi Chua Thanh Nien o Viet Nam [General Report on the Theoretical and Practical Rationale for Establishing Specialised Courts for Juveniles in Vietnam]*. Hanoi: Thanh Nien, 119-126.
- [28] UNICEF and Ministry of Justice (2012) Detailed Project Outline: Friendly Justice System for Minors Project 2012 – 2016. Hanoi: Ministry of Justice.
- [29] Vien Kiem Sat Nhan Dan Toi Cao and UNICEF Vietnam (2012) *Danh Gia Tinh Tuong Thich cac Dieu Khoan cua Bo Luat To Tung Hinh Su ve Ngươi Vi Pham Phap Luat Hinh Su, Ngươi Bi Hai, Ngươi Lam Chung la Ngươi Chua Thanh Nien voi cac Chuan Muc Quoc Te [An Assessment of Provisions concerning Juvenile Offenders, Victims and Witnesses of Crime in the Criminal Procedure Code in Comparison with International Standards]*, Hanoi: Tu Phap.
- [30] Xuan Anh (2018) Dong Thap ra mat Toa gia dinh va ngươi chua thanh nien [Dong Thap introduces the Family and Juvenile Court] <<http://www.nhandan.com.vn/xahoi/item/36777702-dong-thap-ra-mat-toa-gia-dinh-va-ngươi-chua-thanh-nien.html>>.