

## I. Summary

There are all kinds of people in Dong Dau Center, including students and soldiers, and anyone who is picked up sleeping in parks or on the street late at night. There were 10 people in my room. The oldest was fifty, and the youngest was 16. I saw a mother and son—the son was three or four years old. The guard sent his mother away somewhere, I don't know where, and put the child into my room. He was crying so much. The guards asked us to keep the child. He cried all night. This happened after I had been there for one week. He was still there when I left.

—17-year-old boy working as a shoe shiner in Hanoi, September 2004

When children return from detention they are often pale, thin, and suffering from skin problems, such as scabies. At least half of the time, the kids have visible bruises from beatings. They are often more withdrawn and “numb” than before their detention.

—Social worker in Hanoi, January 2006

In 1990, the Socialist Republic of Vietnam became the first country in Asia, and the second country in the world, to ratify the Convention on the Rights of the Child. Since the early 1990s the government has taken positive steps to enact legislation and policies to protect the rights of children, especially those deemed vulnerable.

But for street children in Hanoi—and likely other major cities as well—Vietnam is falling far short of its obligations under Vietnamese and international law, including the Convention on the Rights of the Child.

Between 2003 and 2006, Human Rights Watch received credible reports of serious abuses of street children in Hanoi. Primarily poor children from the countryside who go to Hanoi to find work, street children are routinely and arbitrarily rounded up by police in periodic sweeps. They are sent to two compulsory state “rehabilitation” centers on

the outskirts of town, Dong Dau and Ba Vi social protection centers, where they may be detained for periods ranging from two weeks to as much as six months.

Social Protection Centers (*Trung Tam Bao Tro Xa Hoi* in Vietnamese), also known as Social Charity Establishments, Social Support Centers, Social Relief Centers, or Transit Centers, are closed institutions for beggars, homeless adults and children, sex workers, drug addicts, orphans, disabled and elderly people without family support, and street children. In theory, the centers are operated and administered by the Department of Labor, Invalids and Social Affairs (DOLISA) together with local People's Committees. In fact, the Ministry of Public Security plays a significant role in their operation.

The centers operate as part of the Vietnamese administrative—rather than criminal justice—system. This means that, according to Vietnamese law, court orders are not required in order for children and others to be rounded up and detained at the centers, and the normal criminal law safeguards do not apply. Under Vietnam's international legal obligations, however, the classification of the centers as administrative holding facilities rather than criminal detention centers does not alter the rights of the children not to be arbitrarily detained, to due process, and to appropriate conditions of detention.

The treatment of street children in detention, particularly at Dong Dau, is harsh. They are locked up for 20-three hours a day in filthy, overcrowded cells, sometimes together with adults, with only a bucket for excrement. The lights remain on night and day. They are released for two half-hour periods a day to wash and to eat. At Dong Dau they are offered no rehabilitation or educational and recreational activities, and no medical or psychological treatment.

Even more alarming are reports that children detained at Dong Dau are subject to routine beatings, verbal abuse, and mistreatment by staff or other detainees, sometimes with staff acquiescence. Children reported that Dong Dau staff members slap, punch, and beat children with rubber truncheons for violations of rules, which sometimes have not been clarified with the children. Children reported being beaten for benign behavior such as being slow to respond to questions or not knowing how to

queue, as well as for attempting to escape. Afterwards, they rarely receive medical treatment for their injuries, nor are staff persons who carry out the beatings disciplined.

Rather than serving as rehabilitation center, Dong Dau is in fact a detention facility; upon release, many of the children are battered, bruised, and less equipped for basic survival.

While children interviewed by Human Rights Watch report that conditions at Ba Vi are slightly better than at Dong Dau—they say there are fewer beatings, they are given better food, and living conditions are cleaner and less crowded—questions remain as to whether it meets the standards set out in government policies or the Convention on the Rights of the Child. In this report, however, we focus largely on Dong Dau, where the bulk of our information is from.

Officially, the government's policy is to round up street children for the purpose of reuniting them with their families.<sup>1</sup> In practice, staff members at the state centers, particularly Dong Dau, rarely make an effort to link children with their families or even notify the families about their children's whereabouts, nor are children detained at Dong Dau allowed to communicate with their families.

None of the children we spoke to were told the grounds on which they were being rounded up or what rights they had while in detention. They had no way to challenge their detention, and there is no practicable system of redress for abuses inflicted on them.

The children said that at the end of their detention no efforts were made to take them home or reunite them with their families. Instead, the children we talked with said they were deposited at the gates of the centers—which are more than 20 miles from Hanoi—and expected to find their way. Most did not go back to their homes in the countryside, but returned to Hanoi with no new alternatives.

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<sup>1</sup> See Prime Minister's Directive No. 06/1998/CT-TTg, "On the Strengthening of the Task of Protecting Children, Preventing and Tackling the Problem of Street Children and Child Labor Abuse," (January 23, 1998); Prime Minister's Decision No. 134/1999/QĐ-TTg, "Ratification of the Program of Action for Protection of Children with Special Circumstances in the 1999-2002 Period" (May 1999); and Decree No. 07/2000/ND-CP "On Social Relief Policies" (March 2000).

Roundup campaigns directed by government authorities are often launched in advance of national holidays, international meetings, and prominent state visits in order to remove street children, beggars, and vagrants from the street and out of view of international visitors. One such crackdown on homeless adults and children in Hanoi took place in 2003 before the South East Asian (SEA) Games and another in October 2004 before the meeting of the Asia-Europe Summit Meeting (ASEM).

At this writing, there were reports that arrests of street children were intensifying in the lead up to the Asia Pacific Economic Cooperation (APEC) meeting of world leaders, scheduled for November 17-19, 2006, in Hanoi, to be attended by US President Bush.

The round-up campaigns in Hanoi have cleared some of the city's high-profile districts of street people, including children who make their living on the street. Particularly since 2003, many street children, fearing arrest and detention, now work the streets in less prominent parts of Hanoi, where they solicit business from Vietnamese, rather than foreigners.

Sweeps of children from central areas of Hanoi have caused some observers—including tourists, journalists, official visitors, officials, and donors—to think the problem has disappeared and the numbers of street children are decreasing. However organizations working with street children say the problem remains serious but often goes undetected because of the street children's "invisibility, mobility, and seasonality."<sup>2</sup>

"They are still here but much more difficult to find," a social worker told us. "The problem has been pushed underground."<sup>3</sup>

## Key Recommendations

Although Vietnamese law outlines policies and programs to assist street children, lack of implementation endangers children and makes them vulnerable to abuse. In

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<sup>2</sup> Duong Kim Hong and Kenichi Ohno, "Street Children in Vietnam: Interactions of Old and New Causes in a Growing Economy," Vietnam Development Forum, 2005, p.6.

<sup>3</sup> Human Rights Watch interview with social worker in Hanoi, December 2005.

fact, our research finds that government authorities are often doing the opposite of what is called for in Vietnamese and international law.

Human Rights Watch calls on the Vietnamese government, international donors, and non-governmental organizations (NGOs) to:

- call for an independent investigation of conditions and practices at Dong Dau Social Protection Center and for development of a plan of action to halt abuses there;
- ensure the halt of the practice of ordering systematic round ups of persons, including street children, particularly in advance of public and international events;
- ensure that Vietnam's treatment of street children fully complies with the country's national and international human rights obligations, in particular its obligations to ensure children's rights to liberty and protection from abuse;
- ensure that centers for street children meet international standards, promote rehabilitation and family reunification (when appropriate), and provide adequate education and health care;
- ensure that the abuses against street children detailed in this report are fully investigated;
- hold to account those responsible for violating the rights of street children.

## **Methods and scope**

Because the Vietnamese government does not allow international human rights organizations to conduct independent research in Vietnam, information about human rights violations, such as conditions or abuses that may occur in Social Protection Centers, is highly difficult to obtain. No UN or non-governmental staff, diplomats, or journalists with whom Human Rights Watch met had ever visited Dong Dau, and, in fact, most had never heard of it. Some had visited Ba Vi, but on government-guided tours where they were allowed to see only certain sections. Nonetheless, through interviews with people who had been detained in the centers, Human Rights Watch is confident that it has been able to compile credible documentation of the treatment of street children in Social Protection Centers in Hanoi, with primary focus on conditions in Dong Dau.

Human Rights Watch uses the term “street children” to refer to anyone under the age of 18 who spends most of their time on the street or other public areas such as parks and markets without adult protection or supervision, and who regularly earns money through casual, street-based work.<sup>4</sup>

Most of the children we spoke with do not usually sleep on the street, but in low-cost boarding houses or dormitory rooms that they share with friends.<sup>5</sup> Like most of Hanoi’s street children, the ones we spoke with have families, usually in provinces outside of Hanoi, with whom they may be in periodic touch and to whom they send part of their income.

This report is based on interviews with street children in Hanoi conducted by Human Rights Watch between 2003 and 2006. We focus on the arbitrary detention and abuse of street children in Hanoi and their treatment at one of the Social Protection Centers to which they are sent, Dong Dau. The scope of this report is not exhaustive, nor does it evaluate the situation in other institutions or in other parts of the country. This report does not attempt to offer an in-depth analysis of the complex social, economic, historical, and political factors which have resulted in the social phenomenon of street children in Vietnam.

Research included interviews with 18 street children and seven young adults working on the street, many of whom had done so since they were children. We conducted in-depth interviews individually with 11 children, out of earshot and view of others. Several children were interviewed immediately after their release from Dong Dau, before they had had a chance to interact very much with other street children. About

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<sup>4</sup> The Convention on the Rights of the Child defines as a child “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.” Vietnam’s 2004 Law on Child Protection, Care and Education (Law on Child Protection) defines children as under 16 years of age, while Vietnam’s Civil Code (article 20) defines a child as anyone under 18. Vietnam’s Penal Code of 1997 (revised in 1999) defines the age of criminal responsibility to be 14 (for criminal offenses) but 12 for administrative offenses. Vietnam’s Labor Law sets the minimum age for employment at 18; however, children as young as 15 can be employed under certain circumstances. Vietnam’s Law on Child Protection states in article 2 that for cases where national laws differ from international agreements Vietnam has signed, international law take precedence.

<sup>5</sup> Duong and Ohno identify several different categories of street children in Vietnam: children who have run away from home or who have no home, and who sleep on the street; children who sleep on the street with their family or guardian; children who have a family or guardian and who usually sleep at home, but work on the streets; economic migrants who rent rooms with other working children; and bonded laborers. Duong Kim Hong and Kenichi Ohno, “Street Children in Vietnam: Interactions of Old and New Causes in a Growing Economy,” Vietnam Development Forum, 2005, p. 6.

two-thirds of the interviews were conducted by English-language interviewers with Vietnamese translation, three were conducted in English with children who spoke English, and the rest were conducted in Vietnamese. We received additional information corroborating the scale of detention from a larger pool of street children, former street children, and staff from non-government organizations (NGOs) and businesses in Hanoi.

To protect the privacy and safety of the children interviewed for this report, their names have been withheld. We have used pseudonyms for them, which do not reflect real names. Almost all of the other individuals and NGO representatives who were interviewed requested anonymity for themselves and their organizations, particularly when speaking on issues of police abuse of street children. A summary of our findings and recommendations was sent to the Vietnamese Embassy in Washington, D.C.

We also consulted secondary sources, such as reports by non-governmental organizations, UNICEF, and independent researchers and journalists, as well as reports in the Vietnamese state media and Vietnamese laws and policies.

This is the latest in a series of reports by Human Rights Watch on street children, juvenile justice, and the conditions of confinement for children. Human Rights Watch has documented police violence against children in the Democratic Republic of Congo, Brazil, Bulgaria, Colombia, Egypt, Guatemala, India, Jamaica, Kenya, Northern Ireland, Pakistan, Papua New Guinea, Russia, Sudan, and Turkey. Human Rights Watch has investigated and reported on conditions of detention in several of these countries and the US states of Colorado, Georgia, Louisiana, and Maryland.