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GOVERNMENTAL ADMINISTRATION ON

CHILD RIGHTS IN VIETNAM

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ABSTRACT ON DOCTORAL DISSERTATION OF PUBLIC MANAGEMENT

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PREFACE

1. Reason to choose this subject

Protecting, caring for and educating children are responsibilities of families, schools, the Government, the society and all citizens. In every activity of offices, organizations, families, individuals relating to children, the child's benefits should be at top priority. Investment into children is the first thing to do, very important to develop the human resource, for the future sustainable development of the country.

From that position, the Article 37 of the Viet Nam 2013 Constitution stipulates that "Children shall be protected, cared for and educated by the State, family and society; children may participate in child-related issues. Harassing, persecuting, maltreating, abandoning or abusing children, exploiting child labor or other acts that violate children's rights are prohibited." Legal documents relating to children are showing the consistent position of the Party and State on the responsibily of the family, society and the State in protecting, caring for and educating children.

Viet Nam is one of the first countries to ratify the United Nations Convention on the Rights of the Child in 1990; ratified ILO Convention 182 calls for the prohibition and the elimination of the worst forms of child labor, as a matter of urgency; ILO Convention 138 concerning Minimum Age for Admission to Employment; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, commited to implement the Declaration named 'A World Fit for Children' in 2002. The ratification of the above documents set out the legal responsibilities of our country to the international community on implementing basic rights, especially the right to be protected against all forms of violent, both physical and mental, injury or abuse, abandon or neglect. To implement fully the Convention on the Rights of the Child without any articled reserved, Viet Nam is continuously improveing the legal system and policies in which every article related to children is fit with the Convention's principle of bringing the best benefit to children.

In these recent years, our economy grown constantly, the rate of children can access to education, healthcare, clean water and social benefits was increasingly, their life quality was significantly improved. However, together with benefits brought by the developed economy, there is the dark side of market economy which is affecting children. That is the unequal on the oppotunity of reaching social services between different groups of children. The situation of neglecting, mistreating, sexual abuse, violent, traffick, prostitute, using child pornography is more and more; children are used in hard, harmful, dangerous working environment; child and juvenile early mariage is not effectively prevented and stopped, causing upset in the society. The fact of nomad children, drug addicted children, HIV infected children, law beaking children happens in many places with dangerous development and getting more complicated nature. The living environment has latent risks causing harm which are not yet eliminated, so annualy there are many children fall in difficult circumstances.

Beside that, during the progress of implementing the Convention and international law on children, eventhough Viet Nam's law has stipulated children's rights and guaranteed the implementation of those rights, but it is only the principle, no specific interpretation and lack of actual implementing measures, leading to the implementation of

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child rights is not really meet the demand of State administration as well as children's need.

The system of governmental administration organization on child rights protection keeps changing so frequently that makes it unstable in organizing as well as personnel staffing. Some staff persons or officials with specific trained skills and experiences has been transferred to other missions, which caused a major affect to the quality of governmental administration on child rights protection. For these reasons, it is very necessary to study the way of improving the governmental administration on child rights protection in Viet Nam, therefore it is the chosen subject of the doctoral student.

2. Objective, tasks of the study

2.1. Objective

Base on researching theory and the fact of governmental administration on child rights protection, the study proposes opinions and solutions to improve the governmental administration on child rights protection in Viet Nam.

2.2. Tasks of the study

- Overview of the study on governmental administration on child rights protection.

- Systematize basic theories and experiences related to governmental administrative on child rights protection.

- Analyze, evaluate the current actual situations of governmental administration on child rights protection in Viet Nam.

- Prpose opinions and solutions to improve the governmental administration on child rights protection in Viet Nam.

3. Target and area of the study

3.1. Target of the study

Theories and reality contents of governmental administration on child rights protection.

3.2. Area of the study

- Content: the thesis focusing on study contents of actual situations of governmental administration on child rights protection.

- Dimension: studying the actual situations of governmental administration on child rights protection.

- Time: focus on evaluating the actual situations of governmental administration on child rights protection from 2009 to date, deeper analyzing the governmental administration on implementing the group of child protected rights and orienting the improvement of governmental administration on child rights protection period 2016 - 2025

4. Discourse on Method and Methodology of the study

The thesis is based on the basic discourse of the materialistic dialectics and Ho Chi Minh Ideology connected to the Vietnamese Communist Party's concepts of on children and child protection.

Besides that, the thesis also uses some other methodologies such as studying secondary documents, sociology surveying.

5. New contributions from the thesis

5.1. Theory Contribution

- Generalize researches on child rights protection from domestic and international authors to clarify researched contents related to the subject of the thesis, to be the basic of inheriting expresioners in the world, having lesson learnts in governmental administration on child rights protection in Viet Nam. - Determine the content of governmental administration on child rights protection to be the scientific basis of argumentation to improve the governmental administration on child rights protection in Viet Nam.

- Systematize and provide additional rationales of governmental administration on child rights protection.

5.2. Reality Contribution

- Through consulting and inheriting scientific document resources and realities, determine specific objective and tasks of the study, the new main aspect of the thesis is systematize and overall study, analyze, evaluate to determine the cause of limitations in the governmental administration on child rights protection; analyze the dialectical relationship and the objective necessary of governmental administration on child rights protection in Viet Nam now.

- Propose opinions and solutions to improve the governmental administration on child rights protection. Details as follows: (i) Set up and implement the united and overall plan, stratergy, program on child rights protection; (ii) Improve and conduct the implementation of laws and policies on child rights protection seriously; (iii) Strengthen the organization of the system and improve the capacity of the personnels, including staffs and officials; (iv) Allocate and legitimately use financial resources, and widen international cooperation to mobilize supportation on child rights protection; (v) Finalize the machenism of intersectoral collaboration towards specifically assign responsibilities in child rights protection activities; (vi) Regularly inspect, check and tackle strict and clear all violations of child rights.

6. Study questionaires and hypothesis

7. Structure of the subject

CHAPTER 1 OVERVIEW ON SITUATION OF STUDYING RELATED TO THE THESIS SUBJECT

1.1. Study on children, child rights and child rights protection

There are many studies on child rights, child rights protection in the world. Some typical works are UNICEF report "*The state of the world's children 2012 – Children in an Urban World*"; "*Progress for Children: A report card on adolescents*", UNICEF (2012); Euro Committee's research "*Child and youth participation in Finland*" (2011).

In Viet Nam, related to this group of matters, there are some works such as "Youth of Viet Nam Online _ An Exploratory Study of the Vietnamese Landscape by UNICEF"," Child abuse in Viet Nam : summary report on the concept, nature and extent of child abuse in Viet Nam" by UNICEF in 2004, the book "Children, Family and Society" by Mai Quynh Nam (chief editor) 2004; the book "Women and child rights in international and Vietnamese legal documents", Center of Library Information and Scientific Study - National Assembly Office UNICEF (2004); the article "Children's Rights of Participation in Decision Making" – Dang Nam, Child Protection and Care Department website; the research "Education or Abuse – Study on child body and spiritual punishment in Viet Nam", Institute for Population, Family and Children (2006); "The transition of ethnic minority girls from primary to secondary education", MoET, UNICEF, UNESCO, UNGEI

1.2. Study the governmental administration on child rights protection

Related to studying governmental administration on child rights protection, there are some works as follows: the book "Macroeconomic policies and children's rights", author Stefan De Vyldrer, 2001; report "Analysis of the situation of children in Viet Nam 2010" from UNICEF; the book "Governmental adminstration on children protection and care" by AsPr.Dr. Võ Kim Son (2002); the book "Children protection, care for and education in the new era some matters of theories and realities" by Dr. Trần Thi Thanh Thanh (Chief Editor); the book "Children in the socio-economic development stratergy of our Party and Government" published by Ho Chi Minh National Academy of Politics and Public Administration - Children Protection and Care Committee 1999; report on the research of "Roles of Social Organizations in the Law on Marriage and Family relating to child rights protection" of Child Rights Protection Association (2014); the article "Implementing children rights: from legal perspective" by author Phan Ngoc Minh; report "Creating a protective environment for children in Viet Nam: an ssessment of child protection laws and policies, especially children in special circumstances in Viet Nam" MOLISA- UNICEF (2009); report "Synthesis, analysis of most important Vietnamese legal documents related to child protection and prevention from abuse"- Plan (2005); summary record of the seminar "Child sexual abuse prevention – from theory to reality" – Center for Health Research and Development (2007); "Report on child labor situation in 8 provinces and cities of Viet Nam", The Institute of Labor Science and Social Affairs (2009); the article "Experiences of some

countries on the child protection system" - Dr. Nguyễn Hải Hữu, Child Protection and Care Department website.

1.3. Comments on results of the general study and issues raised for the thesis subject

1.3.1. Comments on results of the general study

Results from studies agreed that the reality of governmental administration on child rights protection in Viet Nam is still insufficient and having shortcomings. These works also provided opinions, theories on child rights and roles of the Government in implementing child rights. Some of them gave specific recommendations on child rights protection as well as improving legal system and policies.

1.3.2. Issues raised for the thesis subject

Although there were some studies of governmental administration on chid rights, there is no study go further and more systematize, overall on child rights and governmental administration on child rights.

Conclusion of Chapter 1

CHAPTER 2

SCIENTIFIC BASIS OF GOVERNMENTAL ADMINISTRATION ON CHILD RIGHTS PROTECTION

2.1. Basic concepts related to the thesis

2.1.1. Child

A child is an unmature human being both physically and mentally, need special protection and care from family, community and society and under the age of 16.

2.1.2. Child rights

Child rights are specific human rights only for children, who are not yet mature both physically and mentally, must be recognized by the Government in the Constitution and the national legal system, guarranted to be implemented and protected when violation occurs.

2.1.3. Child rights protection

Child rights protection is the Government, by stipulating in its legal system and policies special regulations and institutions agaisnt every child abuse at all ages, level of mature and individual need should be protected as regulated in law, to ensure that children can live in safety and healthy environment, no violent nor exloitation, not to be abused or maltreated so they can grown fully in physic, mental and spritual, ethic, personality an become useful for the society.

2.1.4. Governmental administration on child rights protection

Governmental administration on child rights protection is the way the Government through its legal system, policies and administration organizations to conduct and tackle on the managment objects to ensure and protect rights and legitimate interests of children, to make sure children comprehensively develop in a safety and healthy environment, become high quality human resource of the country in the future.

2.2. Contents of governmental administration on child rights protection

- Setting up and implement stratergy, program of child rights protection

- Setting up and implement law on child rights protection

- Setting up and implement child rights protection policies

- Setting up and strengthen the government administration apparatus on child rights protection

- Setting up and developn the government administration group to implement the child rights protection works

- Supporting and attracting resources to implement the action target of child rights protection

- Inspect, checking the child rights protection activities

- Summarize, evaluate the result of child rights protection activities.

2.3. Roles of government administration in child rights protection

- Orienting goals, targets of child rights protection: the Government institution alizes opinions, policies of the leaders into legal documents to minitor the implementation of child rights to achive set out goals, targets.

- Adjusting child rights protection activities in the society: the Government creates legal framework to organize and implement governmental administration on child rights protection; set up and implement the system of legal policies with specific regulations on child rights protection.

- Assisting and creating favouable conditions to implement goals of child rights protection. The Government has roles of providing basic social benefit services such as healthcare, education, clean water, environmental hygien to ensure all children is equal to access social benefit services.

2.4. International experiences and lesson learnt for Viet Nam in governmental administration of child rights protection

2.4.1. International experiences on child rights protection

Finishing the legal system on child rights protection, organize the structure of social works for children, training and improving the human resource on children social works, monitoring child labor according to the law, setting up and implementing a policy on nomad children, strengthening the socialization of chid rights protection activities.

2.4.2. Lesson learnt for Viet Nam on governmental administration of child rights protection

Stipulate the responsibility of office, organization, individual in implementing, using actuate measures to ensure child rights, especially children in special circumstances; Clearly identify job position and criteria for person who working on child rights develop the social works on children as a professional career; focus to set up and develop a network of child protection service establishments; governmental administration on child rights protection should connect to community development and is a process where the best interest of children placed firstly for policy making and carring them out at reality; establish a database on population, set up when a child is born, provides numeric code and barcode to each child to monitor children and implement child rights protection systematically.

Conclusion of Chapter 2

CHAPTER 3

REALITY OF GOVERNMENT ADMINISTRATION ON CHILD RIGHTS PROTECTION IN VIET NAM

3.1. Reality of children and child rights protection in Viet Nam *3.1.1. Reality of children in Viet Nam*

- Number of children in the population

Up to 2014, the total number of children are 25,630,000, taking 28.3% of the total population. In the next 10 years, this rate can be 30% by 2020.

 Table 3.1. Number of children during period 2009 - 2014

 Unit: 1 000 per

Year	2009	2012	2014	
Population	87.500	89.380	90.511	
Children	24.100	24.942	25.630	
Rtae %	27.4	27.9	28.3	

Source: Index of children in Viet Nam - MOLISA

- Number of children in special circumstances

By the end of 2014, the number of children in special circumstances are 1,462,836, taking 1.7% of the population and 5% of population in the child age, including 10 groups as stipulated in the Law on Children.

Table 3.2. Children in special circumstances during period 2009 - 2014

Unit:person

No.	Groups of Objectives	Year 2009	Year 2012	Year 2014
	Total	1.537.178	1.470.806	1.462.836
1	Orphanage children,	129.578	157.170	170.187
	abandoned children			
2	Children with	1.316.227	1.223.178	1.223.156
	disabilities			
3	Agent orange victims	18.795	19.649	13.349
4	Nomad children	22.947	16.000	7.308
5	Children with	2.381	4.700	5.301

	HIV/AIDS			
6	Children working in	25.823	30.853	21.081
	hard and dangerous			
	conditions			
7	Drug addicted children	1.067	1.594	1.105
8	Sexual abused victims	833	1.209	1.544
9	Children work far from	3.997	15.414	13.341
	families			
10	Law violating children	15.530	11.675	6.464

Source: Index of children in Viet Nam - MOLISA

3.1.2. Reality of the child rights protection in Viet Nam

3.1.2.1. Protect the child right of having healthcare and nutrition:

The rate of underweight malnutrition among children under 5 years old reduce annually from 18.9% in 2009 to 14.5% in 2014. Stunting malnutrition reduce very slowly, currently still at a high rate of 24.9% in 2014.

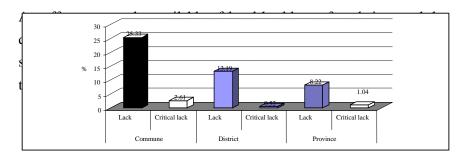
Table 3.3. Reality of children healthcare and nutrition in period 2009- 2014

Unit: %

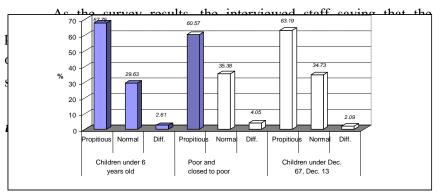
	Year	2009	2012	2014
1	Rate of vaccination for children under 1 year old	96,3	96,9	97,1
2	Nutrition			
	Rate of underweight malnutrition of children under 5 years old.(weight/age)	18,9	16,2	14,5

Rate of	stunting	31,9	26,7	24,9
malnutrition of	children			
under 5 yea	ers old			
(height/age)				

Source: Index of children in Viet Nam - MOLISA



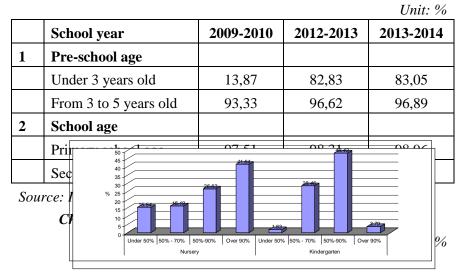
Source: Survey result from the doctoral student



Source: Survey result from the doctoral student 3.1.2.2. Protect the child right of education.

The rate of children from 3 to 5 years old go to education system is stable at over 90%, and increasing annually from 93.33% (school year 2009-2010) to 96.62% (school year 2013-2014)

Table 3.4. Reality of childen go to school during period 2009 - 2014



Source: Survey result from the doctoral student

According to the survey results, 41,64% of the staff evaluated that the rate of children go to kindergarten is at 90% upward. The local authorities really care and encourage children go to kindergarten at their age.

3.1.2.3. Protect the right of children in special circumstances

Evaluating on the intervention and dealing with abandoned or neglected children, 19.1% of interviewed staff commented that the local authorities had dealt very good, 50.4% saying good.

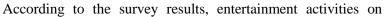
Table 3.5. Evaluation of the local intervention on child right violation

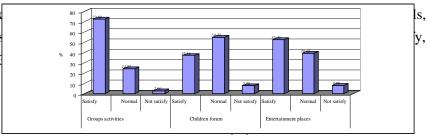
Unit:	%
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	Level of local intervention				
	Very	Good	Normal	Poor	Very
Group of children	good				poor
Abandoned, neglected	19.10	50.40	28.09	2.09	0.32
Maltreatment, insulted	13.58	50.74	30.44	4.26	0.98
Threaten of					
violent/Violent	16.07	52.95	27.54	2.79	0.66
Sexual abuse	24.70	51.79	21.12	1.53	0.85
Child labor	16.36	49.09	30.08	3.80	0.66
Law breaking	16.61	56.31	24.09	2.33	0.66

Source: Survey result from the doctoral student

3.1.2.4. Protect the child right of having entertainment, relaxing, participating in sport activities





Source: Survey result from the doctoral student

To ensure the right of child participatory, local authorities had organized many different kind of activities.

Table 3.6. Difficulties in local organizaing activities with the childparticipatory

Unit: %

Ν			Main difficults			
0.			Sort of	Sort of	Children	
	Activities	Overa	financial,	collaborati	are not	
	Acuvities	1	infrastructu	on	active to	
			re	machenis	participa	
				m	te	
1	Pioneer youth team					
	action plan	100.00	80.47	11.09	8.44	
2	Children clubs, group					
	action plan	100.00	64.11	24.54	11.35	
3	Games, excursion,					
	camping	100.00	83.15	9.80	7.04	
4	Children forums	100.00	66.32	21.88	11.81	
5	Child related matters					
	in the community	100.00	45.69	37.41	11.72	
6	Social activities	100.00	65.69	24.14	10.17	

Source: Survey result from the doctoral student

3.2. Analyzing the reality of governmental administration on child rights protection in Viet Nam

3.2.1. Setting up and implement the stratergy of child rights protection in Viet Nam

In recent years, Viet Nam has implemented a serial of programs to assist the implementation of CRC and protect child rights, reduce the gaps between areas, social groups and children in special circumstances. *3.2.2. Setting up and implement the law on child rights protection in Viet Nam*

Children Law and other related legal documents is the important foundation for implementing CRC and harmonize priciples and standards of CRC to the nation law.

3.2.3. Setting up and implement policies on child rights protection in Viet Nam

In the period of 2004 -2015, the Government had promulgated many policies and national target program such as poverty reduction, preventing social disease, dangerous plagues and HIV/AIDS; education, improving cultural and entertainment for children.

3.2.4. Strengthen the organization structure, improving capacity for the staff of governmentant administration on child rights protection

At the central level, the function of protection and care for children is at the Ministry of Labors, Invalid and Social Affairs (MOLISA). At the provincial level, the DeLISA set up the Child Protection and Care Office. At the district level, the District Department of Labor has one or two persons specialize in child protection and care affairs. At the commune level, one person is assisgned to in charge of child protection and care affairs.

Other ministries also bearing responsibilities to implement child rights protections including Ministry of Justice, Ministry of Heath, Ministry of Education and Training, Ministry of Public Seciruty. These ministries collaborate with MOLISA in the implementation.

3.2.5. Assusting and attracting other resources to implement the action target of child rights protection

State Budget is the most important resource for the implementation of the child rights in Viet Nam. Other resources inluding contributions from families, private sectors, social organizations and international organizations which is helping Viet Nam to implement CRC effectively.

3.3. Evaluating the reality of governmental administration on child rights protection

3.3.1. Achivements of governmental administration on child rights protection

The system of law and policies on children is being completed; the systemof child protection had been operated, meeting the need of child protection works; organizations providing child protection services initially meet the basic demands of child protection works; local authorithies pay attention to children in special circumstances; the work of helping children in special circumstances rehabilitate and intergrate with the community is implemented.

3.3.2. Limitations in the governmental administration on child rights protection in Viet Nam

One, the law on child rights protection is not yet particular, many gaps remaining; the implementation of law and policieson child rights protection is not yet strict and clear.

Two, the collaboration between offices in child rights protection is not at the right concern

Three, the investment resource is low, and not intergrated well with other for the governmental administration on child rights protection works

Four, the staff and official in child rights protection are not specialized, having limitation in specific knowledges and experiences.

Five, the communication, education and social mobilization is not cover all area and objectives

Six, the government inspection and checking is not a regular activity

3.3.3. Causes of limitations in the governmental administration on child rights protection in Viet Nam

First, the mechanism of supervision on law implementation is not strict *Second*, leader's knowledges about governmental administration on child rights protection are not the same, without the mastermind of the Party and Government's positions on this matter

Third, the financial resource from state budget for the child rights protection is low

Forth, a major obstacle in providing child protection services is the limited knowledge of the staff working on the child rights protection

Fifth, lack of forms and and communication contents suitable to people.

Conclusion of chapter 3

CHAPTER 4

OPINIONS AND SOLUTIONS TO IMPROVE THE GOVERNMENT ADMINISTRATION ON CHILD RIGHTS PROTECTION IN VIET NAM

4.1. Opinions and Orientation of child rights protection in Viet Nam *4.1.1. Opinions on children and child rights protection*

- Institutionalize the Party and Government's policies on children nad child rights protection.

- Create equal development oppotunities for every child.

- Respect the principal of no discrimination when dealing with children.

- International intergration, harmonize priciples and standards of CRC and other relating international treaties.

4.1.2. Orientation of Child Rights Protections in Viet Nam

One, review, amend, supplement and finalize the legal system, policies on child rights protection

Two, setting up and implement effectively annual and 5 year programs on child rights protection

Three, strengthen, consolidate the staff personnels of the child rights protection works at all levels.

Four, increasing the propaganda, education and mobilization so the local governments at all levels and every poeple could see the urgent and important of child rights protection works

Five, implement well the United Nations Convention on the Rights of the Child and other international conventions and treaties

4.2. Solution to improve the content of governmental administration on child rights protection in Viet Nam.

- Setting up and implement united and comprehensive plan, strategy, action program on child rights protection

- Improve and implement strictly law and policies on child rights protection

- Strengthen the staff personnels, improve their capacity of staffs and officials working in child rights protection

- Logically allocating and using financial resources, widen the international cooperation to mobilize supports for child rights protection

- Finishing the mechanism of intersectoral collaboration towards specifically assign responsibilities in child rights protection activities

- Regularly inspect, check and tackle strict and clear all violations of child rights

4.4. Recommendations on conditions to implement the solution

4.4.1. For the National Assembly and People's Councils at all levels: Increase the supervision of implementing child rights, review and consider matters related to children in draft of laws, regulations.

4.4.2. *For the Government:* Directing ministries, offices to organize, collaborate the inspections, checking, solving complains and denounces, settle violations of laws on children at the jurisdiction.

4.4.3. For the Pople's Committee at all levels: Directing, organizing the implementation of child rights protection as regulated by the law, fit with the local specifications

Conclusion of chapter 4

CONCLUSION

Protect, care for and educate chidren in one of the best traditions of Vietnamese people. That tradition is maintained, respected and upheld. The care for children is more clearly showing when Viet Nam ratify the United Nations Convention on the Rights of the Child in 1990, it was the strong commiment from the Viet Nam Government in guarrantying that all child are equally treated so every children can enjoy their basic rights and fulfill their responsibilities.

Nowadays, Rights of the Child is a political topical issue, of which the whole world is corncerning about in the global agenda as well

as a consideration for countries want to join international and regional trade organizations. Because of that, governmental administration on child rights protection is implemented by our Government in many measures, forms with binding responsibilities among different factors. Through analyze, evaluate the current reality of governmental administration on child rights protection in our country, the urgent matter is renew the activities of government offices,, social organizations, the legal system and policies in content, layout and implementation methods to protect child rights.

In the thesis, the author has interpreted and made clear concepts on children, characteristics of children, rights of children, child rights protection and governmental administration on child rights protection.

Based on reviewing other studies on current child rights in Viet Nam, the author determined the task of this thesis is study the theory basis, reality basis of governmental administration on child rights protection in Viet Nam, from that propose opinions and solutions to improve the governmental administration on child rights protection in Viet Nam.

The thesis has overal analyzed the study situation of author both inside and outside the country on child rights, child rights protection and governmental administration on child rights protection. From that ground the author gave comments and raised matters need to study for the thesis. The thesis had systematically analyzed basis theories of governmental administration on child rights protection, made clear the contents of governmental administration in child rights protection.

Analyze and make clear tool concepts and classify groups of child rights according to international laws, to see that child rights in Viet Nam present almost every areas of the society. Analyze and evaluate the current reality of governmental administration on child rights protection in Viet Nam.

Based on analyzing theories and reality, proposing opinions and solutions about governmental administration on child rights protection in Viet Nam. Propose to change each content of governmental administration on child rights protection following the mastermization of the Party's direction on children and child rights protection, harmonize the country's laws with international laws that Viet Nam has ratified and signed, for the best benefits to the children.

The new point of this thesis is systematic and overal research on governmental administration on child rights protection; propose specific solutions to comprehense the legal system, strengthen the organization and structure, improving the capacity of the staff persons working in child rights protection, mobilize and allocate financial resources and finanlize the intersector collaboration machenism.

Finishing this thesis, the doctoral student hope to contribute to help managers, policy makers, officials working with children with reference document which can apply to the actual works, contribute to the children protection, care for and education works./.

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