

# Qualitative research into the root causes of child abandonment and child relinquishment in Viet Nam



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## Table of content

Authors.....	5
Acronyms used.....	5
Foreword.....	6
Acknowledgements.....	7
Chapter 1: Introduction .....	19
1.1 Viet Nam’s commitment to children’s rights .....	19
1.2 Context of current study .....	21
1.3 Specific particularities about timing of the study .....	21
1.4 Objectives of the present study .....	22
1.5 Methodology.....	23
1.5.1 Research method .....	23
1.5.2 Desk review .....	24
1.5.3 Research team .....	24
1.5.4 Group interviews and expert interviews with key stakeholders .....	25
1.5.5 Mixed method approach .....	25
1.5.6 Semi-structured interviews.....	26
1.5.7 Quantitative methods .....	26
1.5.8 Research locations .....	27
1.5.9 Structure of the report.....	27
1.5.10 Research limitations.....	28
Chapter 2: Unravelling the terminology .....	29
2.1 Complexities of the Vietnamese language .....	29
2.2 Child abandonment and abandoned children in Viet Nam .....	30
2.3 Child relinquishment and relinquished children in Viet Nam.....	30
2.4 Placement of children in institutions.....	30
2.5 Amalgam of terms and their consequences .....	31
Chapter 3: Scope of child abandonment, child relinquishment and children in institutions .....	33
3.1 Important qualifications .....	33
3.2 What do we know about the magnitude of abandoned and relinquished children? .....	33
3.3 What we know about children in institutions.....	35
3.4 What we do not know about abandoned and relinquished children and children in institutions...	36
Chapter 4: Child abandonment.....	38

4.1 What do we know about nature and root causes of child abandonment? .....	38
4.2 What do we know about the different actors involved when a child is abandoned? .....	39
4.3 What child protection measures are available when a child is abandoned? .....	40
4.4 What do we know about recent child abandonment trends from the research? .....	41
4.5 What potential risks do abandoned child face? .....	43
4.6 What key legal frameworks address child abandonment? .....	43
4.7 What key policies address child abandonment? .....	45
4.7a Past policies .....	45
4.7b Present and future policies .....	45
Chapter 5: Child Relinquishment .....	46
5.1 Introduction .....	47
5.2 What do we know about the single mothers and child relinquishment? .....	47
5.3 What do we know about the decision-makers in the relinquishment process? .....	48
5.4 What do we know about circumstances and motives regarding child relinquishment? .....	49
5.4a Case example 1: Trinh .....	50
5.4b Case example 2: Duc and Hien .....	51
5.4c Circumstances characterised by multiple problems can lead to relinquishment .....	53
5.4d Motivations of “a better future for my child” can lead to relinquishment .....	53
5.4e Being an unmarried mother may lead to relinquishment .....	54
5.4f Being a girl may be an additional factor leading to relinquishment .....	55
5.4g Money motivations may lead to relinquishment .....	56
5.5 What do we know about the consequences of child relinquishment? .....	57
5.5a Parents’ motives for relinquishment may be misunderstood .....	57
5.5b Children who are relinquished may be adopted without the consent of parents .....	58
5.5c Parents’ have acute emotional needs immediately after relinquishment .....	59
5.5d Parents’ have unaddressed expectations and needs well after relinquishment .....	59
5.6 What are the laws and policies that govern child relinquishment? .....	61
Chapter 6: Why institutional care is chosen for children from the mothers’/parents’ perspective .....	62
6.1 Introduction .....	62
6.2 What do we know about social protection centres? .....	63
6.3 Absence of infant day-care .....	64
6.3a Case example 3: Quynh .....	64
6.4 HIV-infected mothers and social stigma .....	66

6.4a Case example 4: Kim .....	67
6.5 Domestic violence .....	68
6.5a Case example 5: Twin sisters .....	68
6.6 Administrative maze .....	69
6.6a Case example 6: Huyen .....	69
6.7 Better future prospects.....	70
6.7a Case example 7: father and daughter .....	70
6.8 Mental illness .....	71
6.8a Case example 8: Thuy.....	72
6.9 Work-life balance in industrial zones.....	72
6.10 What laws govern social protection centres?.....	74
6.11 What policies and practices govern social protection centres? .....	75
Chapter 7: Causal analysis.....	76
7.1 Structural causes.....	76
7.2 Underlying causes .....	76
7.2a Poverty related factors.....	76
7.2b Cultural factors.....	76
7.2c Laws and regulations.....	77
7.2d Access to services.....	77
7.2e Demand.....	78
7.3 Immediate causes .....	78
Chapter 8: Recommendations .....	79
8.1 Policy framework .....	80
8.2 Coordination framework.....	80
8.3 Legal and regulatory system .....	82
8.4 Social welfare system.....	84
8.5 Social behaviour change system .....	87
Conclusion.....	88
Bibliographic References .....	89

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UNICEF initiated an institutional contract with International Social Service (ISS) in Geneva to conduct this study. The ISS team was composed of two specialist researchers who conducted the qualitative research - Pien Bos<sup>1</sup> and Fenneke Reysoo<sup>2</sup> - anthropologists specialising in research on decision-making processes with regard to child relinquishment. Mia Dambach<sup>3</sup> also worked on this project based on her background as a children's lawyer and child protection professional.

## Acronyms used

AFA	<i>Agence française de l'adoption</i> (Public-law French National Adoption Agency)
ASP	Adoption service provider
BU	Buddhist Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPR	Contraceptive prevalence rate
CRC	Convention on the Rights of the Child
CSC	Children in Special Circumstances
DIA	Directorate of International Adoption
DOLISA	Department of Labour, War Invalids and Social Affairs
DoJ	Department of Justice
ECAI	<i>Entidades colaboradoras de Adopción Internacional</i> (Spanish private-law accredited adoption bodies)
ECP	Emergency contraception prevalence
HC-93	Hague Convention of 29 May 1993 on the Protection of Children and Co-operation in Respect of ICA.
IHEID	<i>Institut de hautes études internationales et du développement</i> , Geneva
ICA	Intercountry adoption
IRC	International Reference Centre
ISS	International Social Service
IUD	Inter-uterine Device
MoH	Ministry of Health
MoJ	Ministry of Justice
MOLISA	Ministry of Labour, War Invalids and Social Affairs
MPS	Ministry of Public Security
OAA	<i>Organismes autorisés pour l'adoption</i> (French private-law accredited adoption bodies)
PC	People's Committee
SPC	Social Protection Centre
UNICEF	United Nations Children's Fund
WB	World Bank
WU	Women's Union
YU	Youth Union

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## Foreword

It is not by chance that the history of intercountry adoption and those of the Republic of Vietnam present very telling similarities. From the “Operation baby-lift” launched by the USA at the very end of the war in 1975 through to the Nineties where Vietnam has consistently ranked among the most popular countries of origin for adoption, with more than a 1’000 children being adopted worldwide yearly, today we can freely state that tens of thousands of Vietnamese children have been adopted by foreign families.

Just like many other countries of origin, Vietnam faced difficulties in coping with a constant demand for adoptable children, leading to increasing grey zones and bad practice all but fueled by unscrupulous middlemen.

Requesting receiving countries to sign bilateral agreements was a first attempt to better regulate intercountry adoption, but evidently that was far from sufficient; in 2009, the Department of adoption of the Vietnam Ministry of Justice, in cooperation with UNICEF and some foreign diplomatic representations, commissioned ISS to undertake a full assessment of adoption practices and procedures in the country. Owing to a determined political will to change things to the better, a great deal of the conclusions and recommendations of ISS report were implemented, especially by reforming the Vietnamese legal framework and ratifying the 1993 Hague Convention.

The present study is direct follow up of the 2009 report, which recommended that “the Vietnamese Government should undertake an assessment of the root causes of child abandonment, relinquishment and separation of the child from his/her family”. This project and its conclusions are of the utmost importance not only because they give voice to the biological families, which are too often the silent actor in adoption matters, but also because they shed light on some concrete reasons that could compel families to relinquish their child such as lack of access to information and services, remote working place, economic distress, etc.

Perhaps the most important feature that the study highlights is the fact that parents do love their children and that parents will do whatever they can to avoid an extreme and painful decision of abandonment. This message alone should change the views on adoption, and lead to a better support to families, in Vietnam but also in any other country.

Hervé Boéchat  
Former IRC Director  
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November 2015

## Acknowledgements

Our sincere thoughts of gratitude and respect go in first instance to the 35 mothers, fathers and grandmothers/fathers, as well as two children who had been relinquished who shared their stories with us during our field visit in Viet Nam. All had decided, at a particular moment in their lives, to send a child to an institution or to adoptive parents. Without exception, the stories were full of love for their children and as their narratives evolved tears ran from their eyes. The pain caused by the separation of parents from their children – still burning years after the event – shows the deep cultural meaning of the bond between children and family in Viet Nam.

We also are extremely grateful to all the professionals and experts in Vietnam from the Ministry of Labour, War Invalids and Social Affairs (MOLISA, Social Protection Department), the Ministry of Justice, the Ministry of Health and the Ministry of Public Security and their related Departments at Provincial level for having shared their experiences and insightful ideas with us. A list with names is added at the end of the report (Annex I). Short, but valuable meetings were held with members of mass organisations, as well as with officials from four western Embassies. Their expertise in the field of ICAs was extremely helpful. Two interagency meetings with foreign adoption service providers allowed us to sense the current transition in the professional field of ICAs due to the Government of Viet Nam's commitment to legal and policy reforms over the last two years. The implementation of the HC-93, that came into force in February 2012, is a real challenge for all professionals in the social, family welfare and child protection services system at all levels of governance (national, provincial, district and communal).

The present study would not have been launched without the engagement of the MOLISA (Social Protection Department), Mr Nguyen van Hoi, Deputy Director of the Social Protection Department; Mr To Duc, Head of the Social Work Unit of the Department, Mrs Tran Thi Lan, officer of the Department, Mrs Do Thi Thanh Huyen-Institute for Science and Social Labour; Chief of the Child Protection Section of UNICEF Viet Nam, Mrs Le Hong Loan, and Mrs Nguyen Thi Ha, child protection specialist.

They have constructively given us advice during our field visit and coordinated with the partners from MOLISA, Mrs Tran Thi Lan, Mrs Ha, Mrs Huyen, to make our field visits possible. Special thanks also go to the interpreters provided by UNICEF Viet Nam, Mrs Nguyen Lan Phuong and Mrs Le Thi Ngoc Han Ha. The high quality data collected during the intensive and emotional interviews would not have been possible without the scientific and communicational skills of our research assistants, Mrs Pham Kim Ngoc and Mrs Pham Huong Thao from the Research Centre for Gender, Family and Environment in Development (CGFED). They have carefully translated questions back and forth while respecting the flow of the narratives. Following our field visit, they were effective in transcribing the recordings of the interviews.

Last, we also want to thank the Director of International Social Services/International Reference Centre division Mr Hervé Boéchat, in Geneva who from the outset of the project has believed in the importance of gaining insights into the life stories of mothers who relinquish a child for adoption. We are grateful that he created the opportunity for us to embark on this research and together with the international Geneva-based consultant, Mr Nigel Cantwell, we could exchange and share our ideas. Without the commitment of Olga Myktyyn-Gazziero who went through the grey literature and the many archives at ISS the background to the study would not have been so well documented.

Pien Bos  
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Mia Dambach  
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## Terminology

Universally recognised terminology relating to abandoned and relinquished children as contained in international conventions and protocols does not exist. This study is therefore based on common understandings by expert agencies. In order to set the framework of this study, it is important to define key terminology at the beginning:

### Child abandonment

*Child “abandonment” in its common understanding in Viet Nam concerns a process and a situation in which children are anonymously left behind by their biological mothers or parents.*

In Viet Nam, abandoned children are said to be new-borns who are left in a public place (e.g.: market place, road-side, at the door-front of a Social Protection Centre, pagoda, a church etc.). Mothers and/or fathers who leave a child behind in such places probably expect that the child will be found and taken care of. It is thus different from infanticide or infanticide by neglect when the child is left in a hidden or dangerous place (litter van, isolated area). This behaviour is condemned and prohibited by law in Viet Nam due to the potential life-threatening risks for the child.

Anonymous abandonment is also different to desertion. Desertion applies to cases where a mother has left her child in a place, where she has been seen. For example when a woman goes to a hospital to deliver a baby and then runs away. Whilst the mother has been seen, at some point personnel of the maternity or other responsible actors decide that the mother will not return or cannot be located.

### Child relinquishment

*Child relinquishment refers to a process where a mother and/or father or sometimes relatives with parental authority decide not to raise their child. Child relinquishment is both a legal and a psychosocial process.*

By law parents have rights over their children and the obligation to protect them, with the corollary that the child has the right to grow up in his/her own family as stipulated by the Convention on the Rights of the Child (CRC), the HC-93 and in national laws such as the Vietnamese Law on the Protection, Care and Education of Children (article 13)<sup>4</sup>.

Whereas it is well-known that parents can be relieved from parental authority when they fail to comply with the obligations of good parenthood (see Hamilton et al. 2010), it is less well known that parents can initiate a legal procedure to surrender their parental authority. Regardless of the national legal system it almost always leads to an irrevocable legal severance of family ties between parents and their child<sup>5</sup>.

Child relinquishment is also a psycho-social process since the separation between a mother and/or father and their children have far reaching psychological and social consequences (Bos, 2008; Bos et al., 2011; Kelly, 2005 & 2009; Condon, 1986; O’Leary Wiley & Baden, 2005).

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<sup>4</sup> Article 13: “No one has the right to force children to separate from their parents, except cases for children's interests.”

<sup>5</sup> Some exceptions to the rules do however exist. In the Netherlands for example, an adoptee can reverse the parental authority of its adoptive parents at a very precise moment of its life (Bos et al. 2011). See also article 10 Law on Adoption in Viet Nam which allows for the revocation of an adoption.



### **Placement of children in an institution**

For various reasons mothers and/or fathers or other social actors may decide to no longer take care of a child in a family setting and to send him or her to an institution. Generally, such a placement does not affect the status of parental authority: they can visit the child in accordance with the rules of the institution, and in principle they can take back their child whenever they wish. Exceptions to the reversibility of the placement of children occur when actors of the child protection system assess that the child is better protected in an institutional environment, for example in cases of child abuse, when one of the parents is in prison or if they have lost their civic capacity. In Viet Nam a wide range of institutions take care of children, the majority of which provide care and education to specific categories of children: physically or mentally disabled, deaf, blind etc.

### **MOLISA/UNICEF 2009 lexicon**

The joint MOLISA/UNICEF lexicon on child protection terms in Viet Nam published in 2009 states at page 108 that “abandonment refers to when a parent/carer, either through an act of commission (deliberate decision) or an act of omission (not intended to) does not commence or continue to provide for a child’s six care needs. Abandonment can occur at immediate post-birth, where mothers leave the hospital without taking their child; where one or both parents or carer leave the home”. Embedded in this definition are some of the ambiguities outlined in Chapter 2. It is worth noting that the lexicon does not provide a definition of “relinquishment” reflecting some of the pervading difficulties with definitions likewise discussed in Chapter 2. The lexicon at page 176 defines institutional care as “group care of a child in a social protection centre, children’s home”

## Executive Summary

*No research has been conducted on the circumstances, motives and causes of the separation between birthmother and child. (ISS, 2009: 13)*

Child abandonment and relinquishment occurs in every country including Viet Nam. Understanding the root causes of child abandonment and relinquishment is necessary to avoid the grave consequences of this phenomenon.

For the child who is abandoned or relinquished, they are deprived of knowing and being cared for by his or her parents contrary to both international and Vietnamese law. Such children often have additional psycho-social difficulties, due to the impossibility of accessing information about their origins which can form part of their evolving identity. This lack of information can further hamper the possibility of preventative medical measures being implemented, for example in cases where children have genetic conditions. Furthermore, as most children who are abandoned or relinquished are cared for in an institutional setting at some point, it is worth noting the proven damaging effects of living in this environment (2006 UN study on violence against children).

For mothers, fathers and other family members who abandon or relinquish a child, there is frequently a perpetual sense of loss, guilt and shame. These feelings can be especially acute in Viet Nam given the cultural importance of the family and significance of ancestor worship. For Vietnamese society, there is a breakdown in the family, which is considered the fundamental unit of society. Moreover, in purely economic terms, institutional care is expensive and more so than investing in families at risk, to be able to care for their own children – subject of course on the amount of resources needed to help individual families. MOLISA's 2012 report on abandonment found that care for a child in a social protection centre is seven times more costly than providing care in a family based environment<sup>6</sup>.

Such weighty ramifications need urgent attention and this study is one step in the process of tackling the abandonment and relinquishment of children in Viet Nam.

## Objectives

The Ministry of Labour, War Invalids and Social Affairs (MOLISA) and UNICEF Viet Nam jointly initiated this study in 2011 to “to analyse the scope, nature and root causes of child abandonment and relinquishment in Viet Nam to provide a basis for the Government to develop policies and programmes to prevent and protect children from child abandonment and child relinquishment.” Within this forward looking framework, the study focuses on what can be done to support vulnerable families, building on the extensive array of legal protection, policy and assistance programmes already in place in Viet Nam as well as other proven examples from elsewhere.

## Methodology

The study applied multiple research methods to examine the situation of abandonment and relinquishment of children in Viet Nam involving a comprehensive desk review; conducting group

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<sup>6</sup> The results of the quantitative part of this research as well as latest figures were summarised in a document titled - “Study on the root causes of child abandonment and relinquishing parents in Viet Nam” dated June 2012 provided by MOLISA as a part of the study – (hereafter referred to as MOLISA 2012 report)

and expert interviews with key stakeholders from Government (national and foreign), UN Agencies, NGOs and private sector stakeholders in five provinces; conducting semi-structured interviews with mothers/fathers or family members and making ethnographic observations. Field assessments were carried out in five out of 63 provinces in Viet Nam; Binh Duong, Vung Tau, Ha Noi, Ho Chi Minh City and Lang Son. For different reasons, each province had particularly vulnerable groups at higher risk of child abandonment and relinquishment. Expert information was collected during interviews with 146 respondents with strong connections to issues of child abandonment and relinquishment. Importantly as part of this group, unique qualitative information was obtained in carefully organised face-to-face semi-structured interviews with 35 mothers/fathers or other family members who had relinquished a child or handed over the care to institutions. Even though the aim of the study was not to provide a precise number of children who are abandoned or relinquished—some quantitative data is available and provides useful insights into the nature, scope and trends. To this end, MOLISA and MoJ issued a quantitative survey to 30 Provincial Authorities requesting statistical information relating to abandoned and relinquished children in 2011 as part of the present research.<sup>4</sup> Given the difficulties in data collection in Viet Nam, the majority of information gathered as a result of the survey was rather inconsistent and therefore too inconclusive to be used in detail in this report. However, there are some sections that are particularly pertinent and these are referred to accordingly.

Reaching conclusions in this research is difficult due to a number of limitations such as the short period of time in which to conduct the research. This led to some constraints in identifying mothers to participate. The issue of child abandonment and relinquishment being very sensitive, a longer period to identify respondents would have been more effective. Moreover Viet Nam lacks a reliable data collection system on children in special circumstances including those who are abandoned and relinquished making it challenging for suitable comparisons. Lastly only five targeted locations were examined due to resource limitations, and therefore they are not intended to comprehensively represent the entire country.

## Key findings

- Terminology

Distinctions between child abandonment and relinquishment are essential for the comprehensive protection of the child given that depending on the term used - this may lead to mobilising specific legal frameworks and policy instruments, and thus drawing on different procedures and services. In practice, there is a lack of distinctions between these terms reflected in laws and policies. The term “abandoned” children commonly used in Viet Nam is an amalgam of children who are abandoned, relinquished and other groups of disadvantaged children. The term abandonment in its true sense of parents anonymity (Tre bi bo roi hoan toan) exists, but is considered so harsh that it is not used in legal texts and social analysis. As a result (tre bi bo roi) is used which captures various categories of children. In practice, imprecision in terminology means that existing databases do not make the semantic difference between child abandonment and relinquishment. This makes it difficult to initiate programmes and allocate resources, when the magnitude of the situation remains unknown. Moreover, understanding the precise origins of the child (i.e.: abandoned or relinquished) is essential for developing permanency plans, obtaining consents and establishing adoptability<sup>7</sup>.

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<sup>7</sup> MOLISA 2012 report, *op cit*

- Scope of child abandonment, child relinquishment and placement in an institution

It is impossible to collect valid data on the precise number of children who are abandoned or relinquished for varied reasons as discussed earlier. For example, existing databases collect information on “orphans and abandoned children” but not as individual categories. There are approximately 150’000 to 176’000 orphaned and abandoned children (tre bi bo roi). Likewise no database specifies relinquished children as a category apart. Existing databases indicate that in 2005, there were 14,000 children living in institutions, with this number increasing to 20,000 in 2011 and 21,000 in 2012. This number includes destitute orphans, children who are abandoned, children with disabilities as well as children with HIV/Aids<sup>8</sup>. There are approximately 402 public institutions of which approximately 100 institutions specifically care for children<sup>9</sup>.

- Child abandonment

Providing a truly conclusive analysis on the “real” nature and causes of abandonment is not achievable, as the main sources of information— being the parents – remain unidentifiable. Indications on the nature and root causes of child abandonment are therefore gleaned from the perspective of child protection professionals. Perceived groups of women at risk of abandoning children include, *inter alia*, teenage mothers, students with unexpected pregnancies, young women in industrial zones (supposedly in the South), women with health problems (including HIV+ and mental illnesses) and unmarried mothers (“single moms”) and women with economic difficulties (low incomes). Measures available for abandoned children include temporary care, social houses within the community, social protection centres (institutions), domestic and ICA. Numerous national laws and policies address the situation of abandoned children as part of the generic category “children in special circumstances.”

- Child relinquishment

Relinquishment usually happens when people are confronted with an accumulation of disruptive life events leading to a point of desperation (e.g.: loss of income, health problems, disability, an unexpected pregnancy, gendered constructions of daughters etc.). The research insightfully found that it was the combination of these negative events that were the tipping point for the decision, one explanation as to why all people living in poverty do not relinquish their children. The motive to provide a better future for the child goes hand in hand with sacrificing one’s own needs, especially the mothers. Child relinquishment sometimes occurs in order to escape dishonour and stigmatisation. From the parents’ perspective, the decision to bring a child to an institution is not at first instance an intention to permanently relinquish a child but an opportunity for better care with the hope of family re-integration when circumstances improve. From the institutional staff’s perspective the lack of contact by parents with the children in institutions is often interpreted as them being disinterested in the child akin to “*de facto*” consent for permanent relinquishment. Whereas the reality is that material and emotional obstacles frequently prevents parents from regularly visiting the child. In such a context of misunderstanding by institution staff, the child may be at risk of being declared adoptable without his or her parent’s consent for a definitive separation.

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<sup>8</sup> Report on assessment of policy implementations to help children in specially difficult circumstances for the period 2013 – 2020, presented at Workshop on the Findings of the Study on Root Causes of Child Abandonment and Relinquishment on 29 March 2013 in Hanoi. ( Department of Social Protection)

<sup>9</sup> Department of Social Protection, 2013

It is essential that the purpose of parents when leaving their child at an institution is clearly recorded to avoid children being adopted without the consent of their parents. Moreover systematic efforts should be made to ensure contact between the child and his or her family of origin and if possible re-integration measures implemented, all of which should also be noted in the child's file. By doing this, prior to any adoption being considered, competent authorities can be satisfied that the principle of subsidiarity has been respected and that adoption is truly in the best interest of the child.

- Placement in an institution

Push factors leading to a decision for institutional care included issues such as, economic deprivation, time poverty, gender inequality, absence of infant day-care services, mental illness of mother, seropositive status of mother, impossibility to combine work and family responsibilities. Pull factors leading to a decision for institutional care included the belief of better future prospects for children who can get education in institutions (boarding school principle). It is unclear which professional is responsible for identifying institutional care as the most suitable form of care for an individual child.

- Causal factors

Abandonment and relinquishment of children and placement of children in institutions cannot be explained through a single cause, given that each variable must be read in its own particular context. By focusing on discourse, this research reveals the power dynamics between the interpretation of various laws and multiple policy frames and how these function to make particular groups of women vulnerable to child abandonment and relinquishment. The processes that lead a child to be ultimately separated from his or her parents are multiple – although the narratives do present distinguishable patterns - being structural, underlying and immediate causes. Key structural causes are closely linked to factors which include economic hardship, gaps within regulatory frameworks, prevailing cultural values and limited access to services. Demand for “abandoned children” is perhaps another underlying factor requiring further examination. Whilst parents did not explicitly mention that the ICA system as a pull factor for the relinquishment of children - the idea that children would have a better future in a more affluent country was cited as a common belief among relinquishing parents and other officials.

Despite poverty being self-cited as the main reason for separation, the research in fact showed that it was only when one or more negative events impact a family already struggling to get by, that the family decided to relinquish their children. These immediate disruptive events included situations such as death in the family, loss of a job or unplanned pregnancies.

## Recommendations

Since 1990, when Viet Nam visibly led the regional and international community in promoting children's rights (see chapter 1), much progress has been made “in the lives of Viet Nam's children, particularly in the areas of education, health and poverty alleviation”<sup>10</sup>. Recent progress has been clearly shown in the reform of the adoption system – which was acknowledged by the CRC Committee in 2012<sup>11</sup> as well as ICA actors during discussions at the Special Meeting on the practical

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<sup>10</sup> Commercial Sexual Exploitation of Children Report, UNICEF Viet Nam, 2012 at 108.

<sup>11</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam

operation of HC-93 in 2010. However, despite many laws, policies and practices addressing child protection issues, families and their children continue to be separated. In order to prevent the abandonment or relinquishment of children, joint efforts are needed.

The accompanying recommendations seek to build on existing structures already present in Viet Nam, that are either little known in the community or require revisions to better address the needs of families at risk. To be truly effective, these must be accompanied by newer solutions. The priority recommendations listed below<sup>12</sup> propose serious action and intensified joint effort to strategically address abandoned and relinquished children in Viet Nam. These recommendations are based on the consolidated solutions presented by Government, UN Agencies, Embassies, NGOs and other stakeholders during the course of the research, comments on drafts as well as various suggestions as a result of a technical workshop in Hanoi in 2013. A comprehensive outline of the recommendations and where possible promising practices to implement the latter are available in chapter 8 of this report, with a brief summary provided below. To assist the Government with prioritising the 14 recommendations, they are categorised as short term, medium term and long term objectives.

#### Policy framework

- *Recommendation one: Develop a 5 year National Plan of Action targeting abandoned and relinquished children, complementing the current National Program on Child protection (medium term)*

MOLISA should take the lead in the inclusion of this target group in the above programmes in close collaboration with relevant Ministries, UNICEF, NGOs and other key stakeholders including children. Any policy or programme should address “identified gaps in existing programmes and policies and determine specific objectives, operational plans, designated actors, measurable targets, monitoring techniques and budgetary requirements which directly relate to abandoned and relinquished children.”<sup>13</sup>

#### Coordination framework

- *Recommendation two: establish child protection committees with a focus on abandoned and relinquished children (long term)*

Child protection committees with special competences in the field of children’s rights, child protection, social work, legal issues, police, civil society (e.g.: Buddhist union, farmer’s union, women’s union and red cross society etc.) - represented by actors at national, provincial, district and local levels - should be established to co-ordinate relevant laws, policies and practices (e.g.: identify emerging trends; share best-practice lessons; develop independent monitoring and evaluation of services; and promote sustainable actions etc.)

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[http://www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_VNM\\_CO\\_3-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf) at para 51

<sup>12</sup> Categories used as per UNICEF East Asia and the Pacific Regional Office (Jan 2009), *Child Protection Programme Strategy Toolkit*, Bangkok, Thailand, at 11-12.

<sup>13</sup> For issues to be covered in a NPA, see Commercial Sexual Exploitation of Children Report, UNICEF Viet Nam, 2012 at 111.

- *Recommendation three: draft and implement an inter-ministerial policy delineating responsibilities of different actors regarding abandoned and relinquished children (medium term).*

A clear policy on the responsibilities of different duty bearers working with abandoned and relinquished children is essential to ensure that there are no gaps in service provision. Ideally abandonment and relinquishment procedures should be streamlined at the provincial and local level. The role of “third parties” should also be regulated – so that the subtle processes of mediating in the communities influencing parents regarding institutional care in an unregulated manner.

- *Recommendation four: Strengthen capacity building of professionals working in alternative care (short term).*

Capacity building should involve training of staff and development of social work profession. Areas of training should ideally focus on early intervention and prevention mechanisms, maintaining contact with the family, family re-integration practices, as well as improving the vocational training of SPC staff to care for the individual needs of children. It may involve the identification and training of volunteers who would be able to assist families at risk, especially in more remote areas. The Government may also consider establishing community hubs as child friendly resource centres where families at risk can access information such as day care options, income generating activities, access to social benefits as well as training and counselling for parents.

- *Recommendation five: promote international co-operation to avoid ICA being a potential pull factor for abandonment and relinquishment of children (short term)*

Advocacy and awareness raising among all actors within and outside Viet Nam is necessary on adoption laws to ensure that ICA “must always be conceived as an exceptional measure and only for children whose care cannot be assured suitably within Viet Nam.”<sup>14</sup> In order to help fill the weaknesses in data collection, Governments and Central Authorities of receiving countries should provide disaggregated data on numbers of ICAs to help identify trends.

- *Recommendation six: promote the participation of children (medium to long term)*

Children, especially those from marginalised groups, should be included in the development of laws, policies and practices concerning abandonment and relinquishment<sup>15</sup>. As duly noted elsewhere, “meaningful child participation can be formalised through the use of youth advisory committees, community-based programmes and peer-to-peer initiatives. MOLISA, Mass Organisations, and grassroots NGOs are well-placed to select children from groups to contribute to the development of the NPA and participate in the National Taskforce.”<sup>16</sup>

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<sup>14</sup> Adoption from Viet Nam: Findings and recommendations of an assessment, ISS, 2009 at 73 - <http://www.issssi.org/2009/assets/files/publications/Final%20Report%20Inter%20Country%20Adoption%2023%20November%202009.pdf> (hereafter ISS, 2009)

<sup>15</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam , op cit at para 48c.

<sup>16</sup> Commercial Sexual Exploitation of Children Report, UNICEF Viet Nam, 2012 at 111.



## Legal and regulatory system

- *Recommendation seven: Strengthen existing legal framework (short to medium term)*

Viet Nam has adopted many laws to address children in difficult circumstances, covering abandoned and relinquished children. Nevertheless several weaknesses continue to exist (e.g.: definition of the child and clearer definitions of abandonment and relinquishment as separate categories) so that revisions should be considered by the relevant Ministries to ensure that national laws are in line with international standards. Laws covering early intervention, prevention and nonfinancial support for vulnerable families should be more comprehensive. Likewise, legal documents to mobilise the participation and contribution of the community in the care and support for children in special difficult circumstances should be developed. Additional issues should include, a specific clause stating that poverty alone should never be the sole justification for why a child is separated from his or her family as well as a provision on the child's right to know his or her origins.

- *Recommendation eight: establish a formal a data collection system on abandoned and relinquished children (short term)*

A centralised national database<sup>17</sup> should be established for all provinces and cities including information such as reasons why the child is in need of care, clear distinction between abandoned and relinquished children as well as disaggregated information. Information should be kept respecting "conditions of confidentiality and safety for the child, respecting his/her right to access information on his/her origins where appropriate and possible under the law of the State."<sup>18</sup> Guidelines to this effect should be established as to how information should be shared between different Government Ministries and other interested parties including families of origin. Relevant training should also be provided to professionals in charge of collecting data at the local, provincial and national levels. Official data collection should also be supported by UN Agencies, NGOs and other stakeholders (e.g.: private and religious institutions caring for children).

## Social welfare system

- *Recommendation nine: build on programmes that strengthen and support families at risk in order to prevent unnecessary separation, especially services of a punctual nature (short term)*

Parents and grandparents who relinquish parental authority often do so during periods of extreme pressure and stress. In such situations, the opportunity for respite care could be one means of providing temporary relief to avoid transferring a child to a setting outside the family of origin. The Government of Viet Nam may also consider the introduction of formally-recognised foster families, who would be in a position to provide temporary care (even long term) to children. Such foster families would need to be recruited, trained and provided with assistance. It has also been noted that limited counselling services are available for mothers considering relinquishing their children<sup>19</sup>. Comprehensive services would ideally cover information/advice about support programmes and alternative care options available as well as (legal) consequences of relinquishment.

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<sup>17</sup> CRC Committee Concluding Observation 2012 Viet Nam

<sup>18</sup> Paragraph 42 Guidelines on the Alternative Care of Children

<sup>19</sup> ISS, 2009, op cit at 15.

- Recommendation ten: Ensure poverty (i.e.: financial and lack of access to basic services) is not a factor leading to abandonment or relinquishment (short to medium term).*

According to Decree # 67/2007/ND-CP dated 13 April 2004 and Decree #13/2010/ND-CP dated 27/2/2010 on supporting policies for social protection beneficiaries, monthly cash allowances exist. For children 18 months old and older with severe disability or infected with HIV/AIDS an allowance of VND270,000/month is available. For children under 18 months old with severe disability or infected with HIV/AIDS VND360,000/month is available. However, many families at risk are not aware of this assistance. More awareness raising efforts in this regard is therefore required. The Government should further consider increasing these monthly allowances to better respond to the current living needs of vulnerable families. Likewise, the Government should contemplate providing similar level of support for the same groups of children living in institutions and in the community to promote community-based care. The development of more day care centres would in principle provide greater opportunities for working and to ensure that the family has an adequate standard of living.
- Recommendation eleven: Address discrimination against single and unmarried women as well as adolescent girls as a risk factor for abandonment or relinquishment<sup>20</sup> (short to medium term).*

Building on the work already being undertaken in Viet Nam to enhance the status of single mothers, it is essential to combat existing stigmatisation of this group. This would necessarily involve close collaboration with women's groups and civil society. In addition, these groups should carry out activities to implement "concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services."<sup>21</sup> Particular efforts should be undertaken to support single and adolescent mothers with home visits, pre and post natal assistance including assistance to continue their studies during and after the pregnancy.
- Recommendation twelve: Provide support to families with children with special needs as well as those living in a violent environment (medium term).*

The Government of Viet Nam should develop comprehensive measures to support families with children with special needs, especially those with disabilities. This can include respite care, such as small group homes mentioned above, but also the training of specific families to support children with special needs. The Government should further raise awareness about existing measures in place such as the hotline being widely known, to ensure that violence within domestic settings is not a factor leading to separation.
- Recommendation thirteen: Implement policies to promote family re-integration (short term).*

Family reunification programmes need to be developed and would entail identifying a suitable carer and providing support for a sustainable plan on how the child's basic needs would be met. Staff should be equipped to make home visits and identify whether, during "difficult" periods, the wider family or community may be in a position to help. The Government may also consider introducing short term subsidies for these situations.

<sup>20</sup> Consistent with UNCEDAW Committee Concluding observation 2007 on Viet Nam

<sup>21</sup> Consistent with UNCEDAW Committee Concluding observation 2007 on Viet Nam, op cit at para 25.

Solutions that are family and community based should be prioritised, as well as those in close proximity to the child's habitual place of residence, so that contact with the family is facilitated.

#### Social behaviour change system

- *Recommendation fourteen: implement awareness raising campaigns about abandonment and child relinquishment (long term).*

Communities need public awareness initiatives that are relevant, accessible and simple to understand. Behaviour change campaigns should be developed which target specific groups (ethnic minorities, children at risk and parents, especially fathers and teenagers). The campaign messages should address specificities of families at risk (including the different services that are available such as social assistance schemes and hotlines providing advice). A specific media campaign on the grave consequences of abandonment and relinquishment should be instigated as well as addressing the stigmatisation associated with being a single, teenage or unmarried mother should be developed.

#### Concluding comments

The present study was born out of a necessity to fill in a knowledge gap on the root causes of child abandonment and child relinquishment in Viet Nam. In Viet Nam children are highly valued and considered to belong to their families. Family ties are culturally so important that the separation of a child from its family is not only a painful event, but also an action that goes against ingrained conceptions of family affiliation. The idea that a mother and a child belong to each other and that a child belongs to its family was expressed in many interviews. The prominent place of the ancestor worship in each family alone is the tangible proof of the importance of family affiliation. At first sight the phenomenon of child abandonment and child relinquishment therefore seems to go against the grain of strongly cherished cultural values. Why are children separated from their families?

The qualitative research showed that when poverty is mixed with a culmination of intrafamilial and extra-familial factors it leads to the child's separation from his or her family. Whilst Vietnamese authorities and other actors have implemented numerous measures to tackle the abandonment and relinquishment of children, gaps in protection and service provision remain. As a matter of priority, this study emphasises the importance of implementing measures to support families at risk to prevent unnecessary separation as well as build on family integration programmes when separation has occurred. Moreover, when family re-integration is not possible nor in the best interests of the child, child protection initiatives should be built on the value of families in the Vietnamese culture – that is they should be family and community based – in line with international standards.

By looking forward, this study seeks to build on Viet Nam's proven commitment to children and the family in its laws, policies and practices, by providing recommendations on how to avoid the grave ramifications of abandonment, relinquishment and institutionalisation and support families to remain together.

## Chapter 1: Introduction

### 1.1 Viet Nam's commitment to children's rights

Children hold an important place in the culture and tradition of Viet Nam. The country was the first in Asia and second in the world to ratify the Convention on the Rights of the Child (CRC). The CRC sets the contours of a fundamental commitment to prevent children from being unnecessarily separated from their parents with the preamble stating "... the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding." More specifically article 7 states that "the child ... as far as possible has the right to know and be cared for by his or her parents." This right is replicated in Vietnam's Law on Child Protection, Care and Education 2004, where article 13 states "children have the right to live with their parents."

Most children seem to enjoy attentive care and support from other members of the family. The Vietnamese law<sup>22</sup> is clear about the parent's responsibilities towards their children. For example the Law on Marriage and the Family of 2000 states that parents have the obligation and rights to love, look after, rear, care for and protect the legitimate rights and interests of their children; respect their children's opinions; attend to the study and education of their children so as to ensure their healthy development in all physical, intellectual and moral aspects to become pious children of the family and useful citizens of the society (art. 34 §1)<sup>23</sup>. Moreover abandoned and other vulnerable children are entitled to a monthly allowance as legislated in Decree 67/2007/ND-CP and the amended Decree 13/2010/ND-CP on support policies for social protection beneficiaries. The recent decision 32 on the Approval for Proposal of Development of Social Work Profession for 2010-2020 also aims to provide build the capacity of social workers, some working in alternative care matters. Such policies are further supported by Decision 267 to approve National Child Protection Programme.

There are measurable indicators that children are benefiting from these legal protections, especially Decrees 67/2007/ND-CP dated 13/04/2007 and Decree 13/2010/ND-CP covering monthly allowances. To date, about 350,000 children with special circumstances have received monthly social allowances (ranging between the minimum rate of VND 180,000/month and maximum VND 360,000/month). Of this number, there are 125,000 children living in communities and 25,000 children are living in the social protection centre or other caring centre with the annual budget of 360 Billion VN Dong.

Likewise about 350,000 children have been granted health insurance card allowing for free treatment at public health centres under Decree No. 63/2005/ND-CP on the issuance of the Health Insurance Regulations dated 16/5/2005 of the Government<sup>24</sup>. Moreover, in the period 2005-2010,

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<sup>22</sup> While Vietnamese law recognises the primary role of parents in the care and upbringing of their children, it also makes provision for alternative care for children who lack parental care, or who cannot, in their best interest, be permitted to remain in their parents care. Existing forms of alternative care are: 1) kinship care; 2) guardianship; 3) adoption; 4) informal fostering; and 5) institutional care. No system of publicly regulated fostering exists as yet. (MOLISA/UNICEF, 2009: 31)

<sup>23</sup> This paragraph was taken from ISS/IRC country situation on Viet Nam.

<sup>24</sup> Report on implementation of project #65, Department of Social protection, MOLISA, 2013

MOLISA organised training courses for thousands of officers on issues such as social work and practice skills, methods to take care children in special difficult circumstances as well as care practices in social houses<sup>25</sup>. Furthermore in 2012 the CRC committee welcomed Viet Nam's progress "towards the deinstitutionalisation of care for children deprived of a family environment including the development of specific social assistance policies."<sup>26</sup> More specifically with respect to adoption, the CRC committee again welcomed "the approval of the Law on Adoption in 2010 in line with the key principles of the HC-93, as well as the establishment of the Inter-Country Adoption Department (DIA) under Decision No. 337/2003/QB-BTP in 2003."

Despite such laws and policies, the number of children in need of special protection has been on the increase in Viet Nam. Recent data from MOLISA indicate that the total number of orphans and abandoned children is around 170,000<sup>27</sup>. Numbers of children living in institutions is on the increase with approximately 14,000 children recorded living in SPCs in 2005, 20,000 in 2011 and 21,000 in 2012<sup>28</sup>. As discussed in further detail in chapters 4 to 6, recent statistics further show that extremely high percentages (80 to 90%) of Vietnamese children who are adopted abroad are labelled as being "abandoned". The most explicit proof of this tendency is provided by the Italian Central Adoption Authority<sup>29</sup>.

Family ties are culturally speaking very strong in Viet Nam and abandoning a child is said to be a morally condemnable act and, as in many other countries, is prohibited by law (see chapter 2.2). Why then do mothers and/or fathers abandon or relinquish their child? What situation(s) compel a mother or a father to abandon or relinquish their child?

In order to investigate the lack of knowledge on the circumstances in which and the motives why mothers and/or fathers decide to NOT raise their child(ren) at a particular moment of their lives, UNICEF Viet Nam together with the Ministry of Labour War Invalids and Social Affairs (MOLISA) commissioned the present study – the specific context is detailed below.

### *1.1a Importance of the study – moving forward, by identifying root causes in order to provide workable solutions to avoid the grave consequences of child abandonment and relinquishment*

It is only by identifying the root causes of abandonment and relinquishment, that feasible and sustainable solutions can be identified to avoid the alarming ramifications for the various actors involved. For the **child** who is abandoned or relinquished, they are deprived of knowing and being cared for by his or her parents. Moreover such children often have additional psycho-social difficulties, due to the impossibility of accessing information about their origins which can form part of their evolving identity. This lack of information can further hamper the possibility of preventive medical measures being implemented, for example in cases where children have genetic conditions. Furthermore, as most children who are abandoned or relinquished are cared for in an institutional

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<sup>25</sup> Report on implementation of project #65, Department of Social protection, MOLISA, 2013

<sup>26</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam

[http://www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_VNM\\_CO\\_3-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf) at para 49

<sup>27</sup> Speech by the UNICEF Deputy Representative, Mr. Jesper Moller at Workshop on the Findings of the Study on Root Causes of Child Abandonment and Relinquishment on 29 March 2013 in Hanoi.

<sup>28</sup> Mr To Duc, 2013, op cit and UNICEF internal briefing note on Alternative Care for Children without Adequate Parental Care dated 2012

<sup>29</sup> See Annual Statistics of Italian Central Adoption Authority  
<http://www.commissioneadozioni.it/media/73222/rapporto2010.pdf> at 38

setting at some point, it is worth noting the proven damaging effects of living in this environment (2006 UN study on violence against children).

For **mothers, fathers and other family members** who abandon or relinquish a child, there is almost always a perpetual sense of loss, guilt and shame. These feelings can be especially acute in Viet Nam given the cultural importance of the family and significance of ancestor worship.

For **Vietnamese society**, there is a breakdown in the family, which is considered the fundamental unit of society. Moreover, in purely economic terms, institutional care is expensive and more so than investing in families at risk, to be able to care for their own children – subject of course on the amount of resources needed to help individual families. MOLISA’s 2012 report on abandonment found that care for a child in a social protection centre is seven times more costly than providing care in a family based environment. Such grave consequences need urgent attention and this study is one step in the process of tackling abandonment and relinquishment of children in Viet Nam.

## 1.2 Context of current study

In 2009, UNICEF Viet Nam contracted International Social Service (ISS) to undertake an independent evaluation of its adoption system. Declarations of so-called “abandonment”, which is notoriously difficult to investigate, are intriguingly frequent, but with unexplained “peaks” and “troughs”.<sup>30</sup> Furthermore, “without a comprehensive verification process, children may be labelled abandoned when in fact their “abandonment” has been induced by third parties ... According to the US investigation, researchers ‘received multiple, credible reports from orphanage officials that facilitators are deliberately staging fraudulent desertions [abandonment] to conceal the identity of the birth parents’.”<sup>31</sup> Consequently, one of the recommendations from this report was that “the Vietnamese Government should undertake an assessment of the root causes of child abandonment, relinquishment and separation of the child from his/her family. The causes should then be addressed by effective policies that include, *inter alia*, family strengthening services, training for dealing with special needs children, support for single mothers, family counselling, opportunities for employment, income generation and where required, social assistance.”<sup>32</sup> More specifically, one targeted recommendation stated that “UNICEF should assist the Vietnamese Government to undertake an assessment of the root causes of child abandonment, relinquishment and separation of the child from his/her family, with particular emphasis on determining the extent to which ICA opportunities may have contributed to “abandonment”, especially of babies.”<sup>33</sup>

## 1.3 Specific particularities about timing of the study

Viet Nam took the concerns seriously by embarking on an overhaul of the adoption system – to a lesser extent the alternative care system. During the legal reform process (2009-2011), the Government of Viet Nam suspended all new cases of ICA from Viet Nam after September 1<sup>st</sup>, 2010<sup>34</sup>. As a result the Government of Viet Nam, its leading Ministries in ICA (Ministry of Justice)

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<sup>30</sup> ISS, 2009, op cit at 8

<sup>31</sup> ISS, 2009, op cit at 16

<sup>32</sup> ISS, 2009, op cit at 58

<sup>33</sup> ISS, 2009, op cit at 61

<sup>34</sup> The term “cases still in-the-pipeline” appears to be confusing, since no official lists of cases under way existed as of September 1<sup>st</sup>, 2010. It may be that in practice some new cases have been initiated. The most important effect, however, of this governmental decision is the significant decrease of the number of Vietnamese children adopted abroad.



and in the domain of child protection (MOLISA), in close co-operation with UNICEF effectively undertook numerous reforms resulting in:

- The Law of Adoption (Law 52/2010/QH12 passed on June 17<sup>th</sup>, 2010 and taken effect on January 1<sup>st</sup>, 2011).
- Decree 19 (19/2011/ND-CP) “Detailed regulations and guidelines for implementation of a number of articles of the Law on Adoption” that took effect on May 8<sup>th</sup>, 2011.
- The Hague Convention was signed on December 7<sup>th</sup>, 2010 (ratified on July 18<sup>th</sup>, 2011 and entered into force on February 1<sup>st</sup>, 2012) supplemented with:
- The Circular “On Management of ICA agencies in Viet Nam, 21/2011/TTBTP, of November 21<sup>st</sup>, 2011) and
- The National Project to support the implementation of the “Hague Convention of 29 May 1993 on the Protection of Children and Co-operation in respect of ICA” from 2012-2015 (signed in February 2012).

At the same time, USAID and the French National Committee for UNICEF allocated a grant to UNICEF in Viet Nam through the project “Strengthening Legislation and Monitoring Systems for Child Adoption” programme that will be implemented during 2011-2013. The French National Committee for UNICEF and USAID grant was to support, among other initiatives, a comprehensive assessment of the root causes of the abandonment and relinquishment children<sup>35</sup>.

The present study has to be located in this context. The implementation of the CRC, Hague Convention (HC-93) and the Law on Adoption has to go hand in hand with the implementation of the laws and policies related to the overall child protection system (as identified by Hamilton et al. 2010: 4), such as the Law on Child Protection, Care and Education, the Youth Law, the Marriage and Family Law, the Law on Domestic Violence Prevention and Control and the Penal Code<sup>36</sup>.

Hamilton et al. explicitly refer to the root causes of child “abandonment” in the following passage: *“In order to promote family preservation, under the UN guidelines (number 10), States are required to take several measures, including addressing root causes of ‘child abandonment, relinquishment and separation of the child from his/her family’”* (Hamilton et al. 2010: 17).

## 1.4 Objectives of the present study

*“No mother wants to give away her child” (member of the Women’s Union)*

MOLISA with UNICEF duly and committedly took on board the aforementioned recommendations, commissioning research “to analyse the scope, nature and root causes of child abandonment and relinquishment in Viet Nam to provide a basis for the Government to develop policies and programmes to prevent and protect children from child abandonment and child relinquishment.”

The main objectives of research articulated by MOLISA and UNICEF were to identify patterns of child abandonment, relinquishment and institutionalisation by answering the following questions:

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<sup>35</sup> [www.unicef.org/vietnam/media\\_15729.html](http://www.unicef.org/vietnam/media_15729.html) , retrieved January 17, 2012

<sup>36</sup> For an exhaustive overview and assessment of the child and family welfare and protection services system today, we refer to the exhaustive study by Hamilton et al. (2010) commissioned by MOLISA and UNICEF Viet Nam.



- What is **scope**, in other words magnitude of abandonment and relinquishment of children?
- What data exists regarding numbers of children living in institutional care and numbers in alternative care facilities in each Province?
- What is the **nature** of abandonment and relinquishment of children? What are the socioeconomic, educational and health conditions of the children, mothers and/or fathers and families at the moment of separation of a child from his or her family?
- What are the **root causes** of abandonment and relinquishment of children? What are the motives for why a child is eventually abandoned, relinquished or institutionalised by his or her mother and/or father?
- What is the legal and regulatory framework in place addressing the abandonment and relinquishment of children situation including with respect to international standards?
- What are procedures/process for identification, reporting and admission of abandoned and relinquished children into institutional care?
- Who are the key stakeholders undertaking programmes, policies and activities in relation to this issue?
- What measures are in place to support families and what alternative care options are available for children who are abandoned /relinquished?
- What are links, if any, between ICA and abandoned and relinquished children?
- What are the main challenges and opportunities in addressing the abandonment and relinquishment of children?
- What are key recommendations to improve prevention and development of alternative care services programmes?

**With this forward looking framework, the research aims to build the country’s progressive and proactive approach to alternative care and adoption to adequately protect Viet Nam’s children and improve practical efforts to uphold their rights.**

The originality of this research is that the main focus – as demanded – was to elicit the perspective of the mothers and/or fathers<sup>37</sup> on their socio-economic circumstances and the motives why they had decided to separate themselves from their child. Such perspectives provide valuable insights on how to better protect the rights of children and their families - those most involved and affected by the decision making process.

## 1.5 Methodology

### 1.5.1 Research method

The study applied multiple research methods to examine the situation of abandonment and relinquishment of children in Viet Nam involving:

- Undertaking a comprehensive Desk Review;
- Conducting group and expert interviews with key stakeholders from Government (national and foreign), UN Agencies, NGOs and private sector stakeholders in five provinces;
- Conducting semi-structured interviews with mothers/fathers or family members;

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<sup>37</sup> In this report we use the notion mother, father or parent for the people who are biologically related to abandoned or relinquished children. The parents who adopted a child are mentioned as adoptive parents.

- Qualitative analysis of the transcriptions of all the semi-structured interviews with the help of the Computer assisted qualitative data analysis software (CAQDAS) Kwalitan; and
- Making ethnographic observations.

### **1.5.2 Desk review**

The comprehensive desk review was based on published literature and unpublished grey literature on the thematic field of child protection, children's rights, adoption and women's reproductive health and rights in Viet Nam. The main findings of the literature review revealed the:

- dearth of research in Viet Nam on the root causes of child abandonment and relinquishment from the mothers' perspective;
- lack of capacity of the current child protection system to provide the necessary support services to families and prevent child abandonment and relinquishment;
- new Law on Adoption and the ratification of the HC-93 as being the logical outcome of Viet Nam's commitment to the CRC's principle that a child belongs to and has the right to grow up in his/her family;
- presumed push-factors that lead to child abandonment and relinquishment are poverty, internal migration and unclear residential status of new-borns, HIV/AIDS infected mothers and children, growing numbers of single mothers linked with a general increase in divorce rates and teenage pregnancies and
- potential pull-factor that leads to child abandonment and relinquishment are the global imbalances in the field of ICA, putting pressure on the system.

### **1.5.3 Research team**

The research team for the qualitative part of the study was cautiously chosen, based on criteria of competence (gender studies, qualitative methodology), sex (female) and research experiences (knowledgeable of children's and women's rights issues). The two international researchers had longstanding research experiences based on the aforementioned criteria, and had previously conducted and supervised research on the circumstances and motives of child relinquishment from the mothers' perspectives (India, the Ukraine, the Netherlands). The two Vietnamese research assistants were educated in gender and development studies and acquainted with qualitative methodology.

In the first week a tailor-made workshop was organised to brief the two Vietnamese research assistants on the issue area of child abandonment, relinquishment and adoption and to train "probing", the main technique in semi-structured interviewing. During the training key concepts were discussed with a view of getting them translated into Vietnamese. The research assistants participated in all the semi-structured interviews with mothers/fathers or family members and literally transcribed all the recordings into Vietnamese and then English. The two international researchers analysed the content of all the 35 transcribed interviews with the computer software Kwalitan (specially designed for qualitative analysis). Open codification and inductive analysis allowed generation of empirically grounded findings (see chapters 5 and 6).

#### 1.5.4 Group interviews and expert interviews with key stakeholders

Group interviews and expert interviews were held with 111 key stakeholders, mostly from Government Ministries including representatives of the MOLISA, the Ministry of Health, the Ministry of Justice, and the Ministry of Public Security, Viet Nam's Women's Union. UN Agencies and Non-Government Organisations were also interviewed. These groups generously shared their insights as well as relevant information including statistical data, laws and policies and assessments of the implementation of programmes. Such information assisted in identifying key information gaps and highlighting emerging trends.

Two group interviews were also organised with members of ICA agencies still operating in Viet Nam. Four expert interviews were held with Embassy staff responsible for ICA in order to collect additional data on the receiving countries' policies and practices in Viet Nam. In addition to the five selected provinces, two professionals were interviewed in Mong Cai district of the Quang Ninh province and two professionals in Geneva. Table 1 provides an overview of key respondents.

**Table 1: Key respondents by province**

Location	VN Govt	Hospital staff	Pagoda care centre	NGO's women & empowerment	SPC staff	International consultants	UN, NGOs, academics, Int. Govts	Adoption agencies	Embassies
Lang Song	6	1			6				
Mong Cai				2					
Ha Noi	21		1	4	6		6	7	5
HCMC	6	1	1	3	2			5	
Vung Tau	4	3		3	2				
Binh Duong	1			2	1				
Geneva						2			
total	38	5	2	14	17	2	6	12	5

#### 1.5.5 Mixed method approach

The research included both quantitative and qualitative methods. Whilst some quantitative data is available to provide insight into the magnitude of the situation – Viet Nam lacks a formal and systematic data collection system – therefore current State gathered statistics are limited (see chapter 3.4). Additionally based on the dearth of comprehensive understanding of the phenomena from the perspective of mothers/parents qualitative research methods created a unique opportunity to understand the context in which such crucial decisions are made. The main data-collection technique used was semi-structured interviewing in order to capture thick descriptions of the lived experiences of the mothers (the well-known anthropological emic perspective). In addition, a range of other ethnographic data collection techniques were used such as direct observations and informal conversations with as many people as possible

### 1.5.6 Semi-structured interviews

Qualitative information was collected in carefully organised face-to-face semi-structured interviews with 35 mothers/fathers or other family members in five targeted field assessment locations which included the provinces of Binh Duong, Vung Tau, Ho Chi Minh City, Ha Noi and Lang Son (as detailed in Table 2). The face-to-face interviews were conducted in Vietnamese in a confidential setting with two research teams, each composed of one researcher and one Vietnamese research assistant. In total 21 mothers/relatives **relinquished** children for adoption; in 19 cases the children were adopted abroad and in two cases were adopted within Viet Nam<sup>38</sup>. These mothers were relieved of their parental rights. Three mothers who were in the **process of deciding whether to relinquish** a child for adoption were interviewed as well as two pregnant women who stayed in a shelter for women with problems and who had to decide whether to raise the future child themselves or to leave him or her with the institution. Eight mothers/relatives of a child living in an institution and who had contact with their child on a regular basis were also interviewed. **No mother or relative of an abandoned child was interviewed.**

**Table 2: Total number and profile of interviewed mothers/relatives**

Profile	Number	Number of children
Pregnant women in shelter institution	2	2 unborn
Mothers in the process of relinquishment	3	4
Couples who relinquished 39	3x2=6	3
Mothers who relinquished	9	15
Fathers who relinquished	4	5
Mothers who placed a child in institution	8	15
Fathers who placed a child in institution	1	1
Grandmothers of a relinquished grand-child	2	2
<b>Total</b>	<b>35</b>	<b>45+2</b>

**In summary this research is based on interviews from a total of 146 respondents with a strong connection to child abandonment and relinquishment issues.**

### 1.5.7 Quantitative methods

At the outset it is essential to clarify that the purpose of this study is not to provide an absolute numerical figure of the number of abandoned and relinquished children. Existing data can however provide insight into the scale and possible trends of abandonment and relinquishment. Whilst this information may not be nationally representative, the following sources were accessed and did in fact prove useful as discussed throughout the report:

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<sup>38</sup> At the moment of relinquishment for adoption, it was not always clear if the child would go abroad or stay in Viet Nam (see chapter 6).

<sup>39</sup> The husbands and wives were interviewed separately.

- Data and statistics from previous research conducted by UN Agencies and NGOs
- Data and statistics from the Embassies and Central Adoption Authority of countries adopting children from Viet Nam;
- Quantitative analysis of measurable patterns in qualitative information collected during interviews with families, government authorities and other stakeholders in five provinces; and
- Quantitative Survey issued by MOLISA and MoJ to Provincial and Central Government Authorities in the first half of 2012.

With respect to the latter, MOLISA and MoJ issued a quantitative survey to 30 randomly selected Provincial Authorities requesting statistical information relating to abandoned and relinquished children<sup>40</sup>. The results from this survey provide some understanding, although limited given the confusion surrounding terminology (see chapter 2), lack of reliable data collection system and at times, being incomplete (see chapter 3). In addition, 7 cities and provinces had no data of child abandonment and relinquishment.

### 1.5.8 Research locations

Province	Reason for selection
Binh Duong	Binh Duong is a southern province of Viet Nam characterized by rapid industrialization and an important rural exodus. The living conditions of internally migrated women were assumed to be conducive to premarital and extramarital pregnancies – believed to be the main reason for ARC by professionals.
Vung Tau	Vung Tau like Binh Duong is a southern province and therefore selected for the same reason cited above.
Ha Noi	Ha Noi is the political capital and second largest city in Viet Nam. Aside from population size, it was included in the sample because premarital pregnancies of students were assumed to be a root cause of child relinquishment.
HCMC	Ho Chi Minh City is the most populated city in Viet Nam.
Lang Son	Lang Son is a province in the North of Viet Nam, characterized by rough mountains and its relative isolation. The main reason Lang Son was chosen was because ethnic minorities, such as Nung and Tay are found in this the province as well as the supposition that higher numbers of children are adopted from these isolated regions.

### 1.5.9 Structure of the report

This report is structured to shed light on circumstances and motives leading to the abandonment and relinquishment of children– a very fundamental difference. **Circumstances** relate more to the socio-economic and demographic characteristics of the mothers and/or fathers and the children involved. They vary from one context to the other, and similar circumstances in different contexts may lead to dissimilar decisions. **Motivations** refer to the process of decision-making. They can be

<sup>40</sup> MOLISA 2012 report.

very individual and internally driven, but in many cases motivations can also be influenced by external factors when outsiders play a role in the decision-making process of mothers and/or fathers to hand over the care of the child.

#### **1.5.10 Research limitations**

The team encountered the following limitations in undertaking the research:

- The research evolved during a rather short period of time. This led to some constraints in identifying mothers to participate. The issue of child abandonment and relinquishment being very sensitive, a longer period to identify respondents would have been more effective.
- Only five targeted locations were examined due to resource limitations.
- Interviews represent a limited target groups from five provinces and therefore is not intended to comprehensively represent the entire country
- Interviews were conducted in State-run centres. Arguably the interview setting could have been described as somewhat intimidating for the mothers and others who had to talk to a foreigner and a highly educated research assistant, with a powerful delegation waiting in a separate room or on the veranda outside the interview room.
- Group interviews were completed with child protection and ICA professionals as well as other potentially relevant parties. However, it would have been helpful to undertake more interviews at places where abandonment occurs, such as pagodas and hospitals.
- Viet Nam lacks a reliable data collection system making it difficult to come to conclusions (see chapter 3). Data is often not disaggregated and includes amalgams of terminology.
- Abandonment and relinquishment of children terminology is misunderstood in Viet Nam – reflected in laws, policies and practices (see chapter 2).

## Chapter 2: Unravelling the terminology

### Key Findings:

- Distinctions between child abandonment and relinquishment are essential for the comprehensive protection of the child given that depending on the term used – this may lead to mobilising specific legal frameworks and policy instruments, and thus draws on different procedures and services.
- Lack of distinctions between these terms is reflected in laws and policies.
- In practice, imprecisions in terminology means that no existing data-bases make the semantic difference between child abandonment and relinquishment.
- The term “abandoned” children commonly used in Viet Nam in an amalgam of children who are abandoned, relinquished and other groups of children.
- The term abandonment in its true sense of parents anonymity (Tre bi bo roi hoan toan) exists, but is considered so harsh that it is not used in legal texts and social analysis. As a result (tre bi bo roi) is used which captures various categories of children.
- Such imprecision around terminology makes it difficult to initiate programmes and allocate resources, when the magnitude of the situation remains unknown.
- Understanding the precise origins of the child (i.e.: abandoned or relinquished) is essential for developing permanency plans, obtaining consents and establishing adoptability.

### 2.1 Complexities of the Vietnamese language

In order to be able to formulate preventive legal and policy measures, it is essential to come to terms with the terminology that captures the various processes leading to the separation of children from their parents. Moreover depending on the profile of the children, different laws, policies and practices apply. And therefore, different departments, committees and actors are involved to take care of the child and to protect his or her rights. Within the framework of the general descriptions in the terminology section, the following analysis attempts to outline the various expressions in Vietnamese language to capture the complexity of child “abandonment”. A summary of the most significant Vietnamese terms are presented in the box below.

#### Conceptions of handing over the care of a child in Vietnamese language:

**Bo roi** means to abandon, to give up, to desert, to leave far behind, to let down.

**Tu bo quyen nuoi con** means to relinquish.

**Cham soc an o tam thoi** means to care for the child and to give him/her a place to stay and food to eat in temporary condition.

**Tre bi bo roi** is an abandoned child, a foundling.

**Tre bi tu bo** is a relinquished child.

**Tre mo coi** refers to an orphaned child.

**Tre bi bo roi hoan toan** is a completely abandoned child, but this expression is hardly ever used.

**Con nuoi** refers to both a foster-child and an adoptive child. As a consequence, in common language no distinction is made between the relinquishment of care of a child and being dismissed of all parental rights. The conceptual non-distinction has consequences for counselling biological parents who want to hand over the care of a child (foster-care) or to surrender all parental rights in view of adoption (relinquishment). The conceptual confusion also had implications for the translation and interpretation of the interviews with the professionals in Viet Nam.

**Nuoi duong** means “feeding the child.” It also refers to “bringing up somebody else’s child.” This expression is used for example when parents pass away and when their children are raised by a sister or other relatives. This expression emphasises the fact that somebody raises a child who is not his or hers.



## 2.2 Child abandonment and abandoned children in Viet Nam (*bo roi tre & tre Bi bo roi*)

In Viet Nam, the term child abandonment, and hence the designation abandoned children, are most commonly used when talking about children deprived of parental care in general terms. Thus, “child abandonment” was the term used by UNICEF Viet Nam in its initial call for proposal of this study in March 2011<sup>41</sup>, where it noted that *“abandonment remains one of the main forms of separation of children from their mothers”* (UNICEF Viet Nam, call for proposal).

As discussed in the introductory terminology section, child abandonment, in its most precise sense, refers to the social phenomenon of anonymously leaving a child behind and translates into the very harsh expression *“Tre bi bo roi hoan toan”*. Mothers or parents give up their child by leaving him or her behind in a public or semi-public, and often hidden, place. In the case of child abandonment, the intention of the mother or parents is ostensibly to **remain unknown**. In Viet Nam, as in other countries, child abandonment by parents or legal guardians is prohibited by law (Law on Child Protection, Care and Education, article 7.1), and can lead to punishment if the child is left behind in a potentially dangerous place. Consequently, **as long as child abandonment is prohibited, mothers and/or fathers who made the decision to leave their child behind will not “easily” reveal their identity and thus presumably prefer to remain unknown**. Although extensive set of legal regulations exists to find the identity of the parents of the child (see chapter 4), as long as the child has the status of an “abandoned” child he or she will be taken care of – in the first instance -by a maternity ward of a hospital, a social protection centre, pagodas or other NGOs.

## 2.3 Child relinquishment and relinquished children in Viet Nam

(*tu bo quyen nuoi con & tre bi tu bo*)

Relinquishment occurs when mothers and/or fathers have decided or are in the process of deciding not to raise their child themselves (see terminology section). Relinquishment leads to a definitive severance of legal ties between mothers/parents and their child(ren). Although the circumstances in which and motives why mothers or parents come to the decision to relinquish a child might be similar to those that lead to the abandonment of a child (for example extreme poverty ...), the legal framework and the policy documents that regulate the separation of mothers/ parents and their children are not the same and mobilise other stakeholders. In line with ISS (2009: 18) we want to emphasise that *“to avoid any confusion, the definition of relinquishment should not include the term abandonment, as origins are known, as per the definition provided by the Vietnamese authorities”*.

Despite no longer having legal responsibility, in the case of child relinquishment (*tu bo quyen nuoi con*), prior to an adoption being considered for an individual child, the consent of parents of origin is still mandatory. The consent by mothers and/or fathers must be given in a voluntary, honest, uncoerced way, free from bribes, self-interest or monetary compensation (Law on Adoption, article 21).

## 2.4 Placement of children in institutions

A certain number of children are (temporarily) placed in an institution, because mothers and/or fathers are not in a position to care or provide for their children (see terminology section and chapter 6). There are also situations where the children have special needs, such as a mental or

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<sup>41</sup> After intensive exchanges between ISS-Geneva and UNICEF staff, the final description of the objectives of the study concerned both child abandonment and child relinquishment.

physical disability, or children in need of special education programmes (blind, deaf, ...). In such cases the institutions *de facto* function as boarding schools. In this context, a variety of scenarios apply. Indeed, some institutions host children whose mothers or parents are seropositive or who are themselves HIV-infected. Other institutions take care of malnourished children. It seems that the institutions respond to the felt-needs of parents unable to provide for their children (chapter 6).

## 2.5 Amalgam of terms and their consequences

Despite Vietnamese terminology existing to capture the definitions of abandonment and relinquishment of children as discussed previously, the research found that:

- In Viet Nam, professionals and commoners generally speak about the amalgam “abandoned” children. As we have seen, the term abandonment (*Tre bi bo roi hoan toan*) in its truest sense of anonymity exists but happens to be so harsh that it is not used in legal texts and social analysis. As a result the terminology (*tre bi bo roi*) is used and captures various categories of children without making any fine distinction.
- No existing data-bases make the semantic difference between abandoned and relinquished of children.

As a result of the amalgam of terms and the fact that a distinction is not adequately considered in Viet Nam, there are a several consequences, including among others:

### Misunderstanding about scope of abandonment and relinquishment of children issue

There are clear limitations on understanding the scope and magnitude of abandoned and relinquished children (see chapter 3). It severely impedes the clear understanding of the various processes that lead to the institutionalisation of children and in some cases, eventually their adoption abroad. Illustrative of the confusion is that one of our interlocutors at one moment asked why we bothered so much about these apparently “subtle” differences, since it all came to the same outcome: children without parental care. His question touches upon the core of the problem, since **the processes that lead to the separation of mothers or parents and their children are not the same and that in terms of information provision and counselling (preventive, after-care etc.) adequate interventions can only be made if the actors involved and the various steps within the decision-making process can be identified and understood.**

### Lack of precision in laws and policies

The lack of distinctions in terms is reflected in laws and policies. One example to prove the case in point is Decree 67, Article 4, which defines children eligible for social benefits as follows: orphans, children who are abandoned or have nobody to rely on; fatherless or motherless children whose living parent is missing according to Article 78 of the Civil Code or is incapable of raising his/her child(ren) according to law; children whose parents or whose mother or father are/is serving imprisonment sentence and who have no person to rely on; and HIV/AIDS-infected children in poor households<sup>42</sup>.

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<sup>42</sup> Of interest for the present study are categories 1) orphans, children who are abandoned or have nobody to rely on; 2) fatherless or motherless children whose living parent is missing according to article 78 of the Civil Code or is incapable of raising his/her child(ren) according to law; 3) children whose parents or whose mother or father are/is serving imprisonment sentence and who have no person to rely on; and 4) HIV/AIDS-infected children in poor households.

Similarly article 40 of the Law on Child Protection, Care and Education include abandoned and children under the term “disadvantaged children” as well as multiple other categories of children.

Confusion surrounds children who are “abandoned” and in need of adoption

From earlier documents (ISS 2009: 18) it is known that “a large proportion of ICAs seem to concern ‘abandoned’ children.” This fact makes us aware of the potentially close link between the practice of (intercountry) adoption and child abandonment. “Once a child is declared ‘abandoned’, rather than relinquished by a known mother, it will be particularly difficult – in any country – to investigate further and verify his or her identity and status. Consequently, ‘abandoned’ children can quickly become ‘adoptable’ without there being any real knowledge of their background and circumstances in which they were deprived of maternal care” (ISS 2009: 18). Despite the call for attention to the dangerous intricacies of child abandonment and (intercountry) adoptions, by means of the Law on Adoption (52/2010/QH12) Viet Nam’s policy still speaks about the adoption of orphans, abandoned children and other groups of children in special circumstances (article 8, clause 4) – without any effective means to verify the true origin of the child.

## Chapter 3: Scope of child abandonment, child relinquishment and children in institutions

### 3.1 Important qualifications

It is essential that the research outcomes are read with the following qualifications:

- The research findings include reference to quantitative data from official sources. However as Viet Nam lacks a systematic data collection system for abandoned and relinquished children and terms are often amalgamated (see chapter 2), the figures are not conclusive.
- The research findings intend to provide an insight into the abandonment and relinquishment of children issue in five provinces in Viet Nam. The findings do not claim to be representative of the national situation.
- Only five locations were examined due to resource limitations.
- To protect the identities of mothers, fathers and grandparents, no real names are used in this report.

#### Key Findings:

- Impossible to collect valid data on the precise category of children who are abandoned or relinquished for varied reasons.
- Existing databases collect information on “orphans **and** abandoned children” but not as individual categories. There are approximately 150’000 to 176’000 orphaned **and** abandoned children (*tre bi bo roi*) in the last few years.
- No database specifies relinquished children as a category apart.
- As for numbers of children living in institutions in 2005, there were 14,000, in 2011, there were 20,000 and in 2012, there were 21,000. Further research should be undertaken to identify why numbers in SPC’s are on the rise and action should be taken to address identified causes. Such action must be a matter of priority especially if current the de-institutionalisation reforms are to make any headway.
- There are 402 institutions, of which are 169 are public institutions. There are 218 specialised institutions of which 31 are public institutions.
- Available statistics lack information about multiple issues that need to be addressed as recommended by the CRC Committee in 2012.

### 3.2 What do we know about the magnitude of abandoned and relinquished children?

According to ISS (2009: 18) it seems that abandonment is a main form of separation between children and parents in Viet Nam. As we have already mentioned in the introduction, statistics from the annual reports of the Italy Central Adoption Authority state that around 85% of the children adopted from Viet Nam into Italy were abandoned in the years 2009, 2010 and 2011 (see chapter 1.1). Our study cannot refer to any reliable existing statistics that confirm or infirm this statement. The main finding of the present research is, indeed, that it is very difficult to gather reliable statistics on the number of “**abandoned children**” based on existing databases. This is mainly due to imprecisions in the delimitation of various categories of children (see chapter 2) but more

specifically how data is collected. Furthermore **there is no existing database that identifies the number of “relinquished children.”**

With such obstacles in mind, a recurrent figure ranging from 150’000 to 176’000 refers to the amalgam orphans **and** abandoned children (*tre bi bo roi*) (ISS, 2009; MOLISA, 2007; website UNICEF 2012)<sup>43</sup>.

One interesting exception to these self-referencing reports is the UNICEF report produced in 2005, in which surprisingly 150’000 orphans are mentioned next to a separate category of 126’309 children deprived of the care of their biological parents, a strikingly precise figure<sup>44</sup>. The UNICEF study of 2005 is largely based on a survey conducted by DOLISA and an *ad hoc* research team in 61 Provinces. The report also presents an entire paragraph on the category of “orphan/abandoned” children (note again the aggregation of orphans and abandoned children). According to that report it is estimated that more than 25% of the 130,000 children who are officially classified as orphans have lost both their parents (UNICEF, 2005: 26). The paragraph on “orphan/abandoned” children then concludes: *“There is very little data available on abandoned children and many of them are counted amongst the orphans”* (UNICEF, 2005: 26). The lack of reliable data confirms the importance of distinguishing abandoned children from relinquished children and those who are orphaned in order to create appropriate databases.

The National Programme for child protection 2011-2015 provides some additional information about abandoned children – despite being in the section of orphaned children. The Programme notes that “the number of abandoned children was increased between 2005 and 2009, especially in the area of industrial zones such as Binh Duong, Dong Nai. There were hundreds of children abandoned each year; most of them were in bad health status such as malnourish, disability or HIV infection.” To understand such trends, many questions could be asked, such as the nature of family support services and numbers of adoption service providers in these two areas – answers beyond the scope of the study.

Despite being limited, the quantitative part of this current study<sup>45</sup> sheds some further light. Regrettably the shortcomings mentioned in the previous reports persist in the quantitative analysis – primarily the amalgamation of orphaned and abandoned children as well as only including children aged up to 16 years. In addition, the quantitative report includes incomplete data for a good number of provinces as well as having disproportionately large figures (e.g.: Tønh Th,i B×nh). Such anomalies make it difficult if not impossible to analyse potential trends and draw helpful comparisons. For these aforementioned reasons, the tables and specific figures provided for provinces are not included in this study.

evertheless insightfully the report<sup>46</sup> states that in 2007, there were 168’000 orphaned and abandoned children in Viet Nam, with expectations that this number is likely to have increased to 180’000 in 2015 due to increasing numbers of unplanned births and higher rates of AIDS among the population.

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<sup>43</sup> <http://en.baomoi.com/Info/UNICEF-commends-ratification-by-Vietnam-of-the-Hague-convention-on-ntercountrychild-adoption/3/209181.epi>, retrieved on 17 January 2012.

<sup>44</sup> From the report it is not clear if these children live in institutions or in kinship- or community-care.

<sup>45</sup> MOLISA 2012 report.

<sup>46</sup> MOLISA 2012 report

### 3.3 What we know about children in institutions

In the MOLISA/UNICEF report (2009: 32) it is said that “as of January 2004, there were a total of 373 centres providing care to children, of which 40% are government run.” According to official statistics (no source is given), of the 126’309 (note the figure copied from UNICEF, 2005) children deprived of the care of natural parents, 14’574 (11,5%) live in institutions. The majority of these children have at least one parent who is living<sup>47</sup>. A quick computation shows that if there are 373 institutions that provide care for children, and there are 14’574 children who live in institutions, on average an institution hosts 39 children deprived of parental care. Yet, ISS (2009: 16) talk about 14’000 children living in State managed institutions. Hence, if only 40% of the 373 institutions that host children are state-run (N=149 state-run institutions) then the computation would result in a number of 94 children deprived of parental care per institution. However, all these calculations need further research, because only in oral communications with staff of MOLISA the number of 250 State-run SPCs taking care of children was mentioned.

For a better insight into the trends, UNICEF’s 2005 study provides the following figures in Table 3.

**Table 3: Ten provinces with the largest number of children without care of biological (source UNICEF, 2005a: 29)<sup>48</sup>**

	Province, city	Total number of children without care of biological parents	Children without care of parents who live in institutions	Rate (%)
1	HCMC	8,752	3,895	44.50
2	Hanoi	6,018	876	14.56
3	Quang Ngai	5,979	80	1.34
4	Hue	5,926	288	4.86
5	Binh Thuan	5,543	20	0.36
6	Quang Nam	4,250	171	4.02
7	Thanh Hoa	4,100	66	1.61
8	Quang Binh	4,009	35	0.87
9	Binh Snh	3,684	150	3.88
10	Nghe An	3,800	60	1.58
	Total	55,839	5,669	10.15

These figures refer to almost 30% of the total Vietnamese population (estimated at 30 million). Therefore, the figure of 5’669 children in institutional care proportionally corresponds to the national number of 14’000 children mentioned above and reproduced in various reports produced by UNICEF. Yet the table leads to some questions outside the research objectives, for example:

<sup>47</sup> References mentioned: 1) *Situational Analysis of Institutional and Alternative Care Programmes in Vietnam*, UNICEF, 2005A; 2) Bergeron, J. & S. Tanaka, 2006, “*The Situation of Children in Institutions and Alternative Care Programs in Viet Nam*” 2006.

<sup>48</sup> Source: Survey among 61 DOLISA, conducted by Nader Ahmadi in 2004 for UNICEF.

- Why are there proportionally so many children without parental care in institutions in HCMC compared to Hanoi?
- How can we explain the high number of children without the care of their biological parents in the Province of Quang Binh (N=4009) as compared to the total population of that Province (800.000 inhabitants)? Identical questions hold true for the provinces of Quang Ngai, Hue and Binh Thuan.
- What may explain the differences in the number of children without parental care living in institutions and the total number of children without the care of their biological parents in the Provinces? In other words what other alternative care options other than institutions exist for children deprived of their family? Is there a relationship between the geographical origin of children who were adopted abroad and the number of children without parental care living in institutions? (see chapter 6)

The quantitative part of this study (MOLISA 2012) states that in 2009 there were “over 400 nurturing establishments for socially protected objects in the whole country, of which over 300 state nurturing establishments and over 100 establishments set up by social organisations, religious or private organisations nurture around 20,000 children in special circumstances<sup>49</sup>. Apart from above forms, there are some other substitute care programmes for children, for example open house (13 open houses in 7/63 provinces serve for 392 street children); programmes in community for taking care of disabled children in 10 provinces.” **Moreover recent statistics provided by MOLISA indicate that in 2012, there were 21,000 children in institutions, a markedly upward trend over the last few years<sup>50</sup>. Explanations as to the reasons behind such an augmentation in numbers were not forthcoming and require further examination. Such causes need to be addressed as a matter of priority, especially if the current de-institutionalisation reforms are to make any headway (see chapter 1.1).**

### 3.4 What we do not know about abandoned and relinquished children and children in institutions

Whilst the aforementioned statistics provide a better understanding into the scope of abandoned children and children living in institutions – with the exception of relinquished children – existing databases have multiple shortcomings in addition to those previously mentioned (chapter 3.1 to 3.3).

Databases do not allow to quantitatively specify how many parents of abandoned children remain unknown, are identified or eventually decide to relinquish their child for adoption. In addition we have encountered legal documents that refer to “abandoned children” when natural parents are known (Decree 158), yet relinquished children are never mentioned. It is to be expected that as long as abandoned children are not a separate category in these legal documents, statistics do not document them as a category apart. As a result, no statistics and figures are available on the number of children that are abandoned or relinquished as per the definitions identified in the previous chapter. There is very little reliable information available about why children are separated from their parents and how parents are involved in the decision making process.

<sup>49</sup> Statistics from MOLISA 2009.

<sup>50</sup> Mr To Duc, 2013, op cit.



Given the above anomalies discussed in this Chapter it is not surprising that CRC Committee addressed this situation in 2012 when it examined Viet Nam's report, concluding that they were **"concerned about the lack of reliable information on children deprived of their family environment, whether they are in street situations, orphans, abandoned children or displaced children, including information on the identification of children in such situations, on preventive measures to limit the number of these children, and on efforts to improve their situation and reintegrate the children with their families."**<sup>51</sup>

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<sup>51</sup> [http://www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_VNM\\_CO\\_3-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf)

## Chapter 4: Child abandonment

### Key Findings:

- Impossible to provide a conclusive analysis on the “real” nature and causes of abandonment as the main sources of information – being the parents – remain unidentifiable.
- Indications on the nature and root causes of child abandonment are therefore gleaned from the perspective of child protection professionals.
- Perceived groups of women at risk of abandoning children include, *inter alia*, teenage mothers, students with unexpected pregnancies, young women in industrial zones (in big cities of the country ), women with health problems (including HIV+ and mental illnesses) and unmarried mothers (“single mums”) and women with economic difficulties (low incomes).
- Depending on the results of the initial police abandonment investigation, various actors are involved in finding solutions for children.
- Child protection measures available for abandoned children in the short term include temporary care, social houses within the community and social protection centres (institution)
- Child protection measures available for abandoned children in the long term include care in a social protection centres (institution) as well as domestic and ICA.
- Existing legislation on child abandonment at times does not differentiate between abandonment and relinquishment, creating confusion.
- National policies exist to address the situation of abandoned children as part of the generic category “children in special circumstances.” Some interlocutors mentioned that in 2011 few numbers of children are being abandoned. However no officially published data to prove such assertions is available. *Prima facie*, however, such observations do contrast the rising numbers of children living in institutions in the last few years as reported by MOLISA (see chapter 3.3). Given the limitations of the existing databases (see chapter 3.4), it was beyond the scope of this study to pinpoint the reality behind such observations and figures - further research is required.

### 4.1 What do we know about nature and root causes of child abandonment?

Since the parents of abandoned children (as defined in this study) remain unknown, it is difficult to collect information about the circumstances in which and the motives why they have abandoned their child. For the purposes of this study, knowledge on the root causes of child abandonment is provided by professionals of the family welfare and child protection services system.

During the research, the objective of the expert interviews at the Ministries and the interdepartmental meetings in the five Provinces was to gain a better understanding of the recent legal and policy reforms and the problems encountered at the operational level in the field of abandonment and relinquishment of children. These expert interviews and group interviews equally allowed us to capture the “perceived” nature and root causes of abandonment and relinquishment of children. Indeed, all the professionals had rather outspoken ideas about the causes of abandonment and relinquishment of children as well as about the sociological profiles of mothers and/or fathers at risk.

Among the root causes spontaneously mentioned by our institutional interlocutors are: poverty, unemployment, homelessness, migration, lack of sex education and son preference. We consider these as push-factors and these will be elaborated extensively in chapter 5 and 6. As to the sociological profiles of mothers at risk, the list is composed as follows:

- teenage mothers;
- students with unexpected pregnancies;
- young women in industrial zones (supposedly in the South);
- women with health problems (including HIV+ and mental illnesses);
- unmarried mothers (“single mums”);
- women with economic difficulties (low incomes);
- divorced women;
- mothers who want to re-marry;
- women with children suffering from disabilities;
- internal migrants and
- families with too many children.

This rather exhaustive list contains categories of mothers that were over and over again “perceived” as being those most likely to abandon or relinquish their child.

In a UNICEF report published in 2005, there is another enumeration of some perceived profiles of women who abandon. Interestingly, they conjecture about the possible causes: *“There is very little data available on abandoned children and many of them are counted amongst the orphans. It is reasonable to assume that the number of abandoned children will still increase due to an increase in the number of unwanted births among young women, and especially because of the AIDS epidemic.”* (UNICEF, 2005a: 26)

In chapters 5 and 6 these “perceived” profiles of risk groups will be assessed against the real profile of the women who had relinquished or placed a child in an institution or who were in the process of doing so. Admittedly this comparison is somewhat limited in that the women who abandon have reasons unknown to researchers as to why they wish to remain anonymous. Notably we deliberately expanded our analysis beyond the idea of “risk group”, since each individual case is singular and the decisions that people make get meaning within social interactions. Cultural meanings of motherhood, unmarried motherhood, family, sexuality and children have to be unravelled and set against the overall workings of social stratifications along class, sex, and ethnicity.

## **4.2 What do we know about the different actors involved when a child is abandoned?**

In the case of child abandonment, in the first instance the police are responsible for tracing the parents of the child. Depending on the results of the initial police investigation, various actors are involved in finding solutions as illustrated below:

- mother and/or father of the foundling are identified and decide to take care of their child or make arrangements for the wider family to care for the child ;

- mother and/or father of the foundling are identified, but decide to hand over the care of the child to “others” who have the principal responsibility to identify form of care options – with input from the parents.
- mother and/or father remain unknown (strictly speaking abandonment as per chapter 2). The child then has to be registered as parentless (see regulations on guardianship) and will be taken care of – in first instance – by an institution, which then has to decide which kind of alternative care is for the best interest of the child. The main difference with the previous point 2 is that the mother and/or father are not party to the decision-making process. Determining the legal responsibility for the child is the mandate of the DOJ and MOJ, discussed further in chapter 4.6.

### 4.3 What child protection measures are available when a child is abandoned?

When a child is identified as abandoned in its truest sense, there are a number of child protection measures available in Viet Nam for authorities to consider after the child is provided some form of temporary care. The other formal instruments of providing alternative care to children outside their family are guardianship, kin-based care, community-care (e.g.: social houses), informal foster care and social protection centres (institutions). Adoption, both domestic and intercountry, is another option available to children deprived of their families. Hamilton et al. (2010) have extensively studied the provision of these alternative care options. From their study, we know that *“there are few formal guardianships or foster care arrangements and few domestic adoptions”* (p. 66). Indeed, guardianship arrangements (provided for under the Marriage and Family Law) in practice are not part of a formal alternative care system (idem, 2010: 91). Furthermore, the same report states that *“at present, it appears that there is few foster-care in Viet Nam. Instead, children may be looked after by members of the community who may go on to adopt them, but they are not taken care of as part of a formal fostering programme”* (idem, 2010: 91).

Obtaining more in-depth information on the range of alternative care settings such as foster care and community options like social houses was beyond the scope of the research (see MOLISA 2012 study for more information and UNICEF 2012 internal briefing note on alternative care for children without adequate parental care). However, a detailed examination of institutions is provided in Chapter 6.

With regards to adoption, the Commune People’s Committee where the child is identified as abandoned is responsible for investigating adoption options for the child. Indeed, the Commune People’s Committee is responsible for the procedures to determine if domestic adoption is suitable for the child (also called alternative family placement of the child). If this is not possible, ICA will be investigated as an option and the child will be temporarily sent to a SPC. It is important to notice that the Law on Adoption is very clear about the fact that *“international adoption should be the **last resort**, only when no domestic alternative family is available”* (Article 4, alinea 3, Law on Adoption) (our emphasis) which is consistent with the principle of subsidiarity in the HC-93).

According to the director of a SPC for children with disabilities, local adoptive parents prefer to adopt young healthy baby boys, and preferably **abandoned** ones so that the parents remain unknown. Indeed local adoptive parents are said to fear that parents of adopted children will

reclaim their child. Preference is therefore given to anonymously adopt abandoned children as parents have the right to revoke their decision to relinquish the child, thus the fear of reclaiming a domestically adopted child is grounded in real experiences (Law on Adoption, Chapter 1 “General provisions”, article 10 “Authority in processing request of adoption termination”).

#### 4.4 What do we know about recent child abandonment trends from the research?

During our field-visit and while talking to many persons responsible for SPCs and DOLISA departments, we were told that the number of abandoned children, i.e. children that were anonymously left behind and whose cases had to be investigated by the police, were scarce. In Hanoi for example, a highly positioned officer of the Child Department from DOLISA reported 23 cases of abandoned children in SPCs for 2010 in Hanoi and another 20 abandoned children who are cared for in the community. During that same meeting the representative of the Department of Health adds that “*few cases of child abandonment in hospitals occur.*” Also in other SPCs, few newborns were left behind.

Similarly, while visiting the Province of Ba Ria – Vung Tau, the director of the WU in one of the neighbourhoods of Vung Tau tells us that the Province of Vung Tau has the lowest rate of child abandonments. She very much praises the social protection scheme that provides financial support for poor children to assure the minimum standards of living to avoid this situation (Vung Tau/WU, January 5<sup>th</sup>, 2012).

**Our field findings, based on information collected in five Provinces, contrast much with what has been reported in the documents produced last decade (2000-2009) and rising number of children living in institutions as reported by MOLISA (see chapter 3.4).** The documents refer to preoccupying fluxes of “abandoned children” being hosted by SPCs, making a link either with the pro-active presence of foreign adoption service providers (ASP) or with changing life styles (US Embassy, 2008; ISS, 2009).

Indeed, in the province of Da Nang, according to the US Embassy, in 2008 there were 43 newly abandoned children. In 2010 no children were abandoned. Moreover ISS (2009: 18 ff) reports that the label “abandoned” appears to be passively accepted as a green light for sending the child for ICA and that in 2008 more than 10.000 children in institutions were abandoned<sup>52</sup>.

This research cannot confirm or infirm these statements for a number of reasons. First of all the research took place after the September 2010 moratorium on intercountry adoptions. Secondly, in spite of the lack of reliable statistics on abandoned children, the figures that were communicated to us during the various interdepartmental meetings (Hanoi, HCMC, Binh Duong, Ba Ria-Vung Tau) were surprisingly low and certainly lower than reported by ISS (2009: 18) and inferior to the rough estimates of some official interlocutors<sup>53</sup>. Thirdly since the existing data-bases do not document the

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<sup>52</sup> No reliable statistics confirm this figure, and no deconstruction of statistical data-bases could be made by the authors.

<sup>53</sup> At the interdepartmental meeting with representatives from DOLISA, DoH and WU in Hanoi (28<sup>th</sup> of December 2011), we were informed that in 2011 in Hanoi 23 abandoned children entered state run SPCs (11 abandoned children in MCSDD/TT, 9 abandoned children in SPC center number 2, and one child in two other centers each. The representative from DoH adds during that meeting that few cases of child abandonment occurred in Hanoi’s public hospitals). In 2011, the five SPCs in the Province of Binh Duong had to care for 70 abandoned children, of whom 10 parents became known

category of abandoned children separately from other categories of children, it is still very difficult to know how many children in institutions are abandoned, relinquished (in view of adoption) or temporarily placed in an institution (see chapter 3).

With this above situation, the research team (beginning of 2012) – and also a report accessed online by the Canadian Accredited Adoption Body “Formons une famille” in August-September 2011– raise the question as to where all the abandoned children previously entering institutions have gone. The report, translated into English observes: *“We have noticed that few children are currently taken care of in the orphanages that we know. We have asked questions to the orphanages, wondering why so few children were under their responsibility. The directions of the orphanages have been very careful. First, they do not receive finances as before. They told us that they do not have sufficient money to properly take care of the children (personnel), to feed them correctly and to provide them with good quality health care. They therefore refuse to host them, because of a lack of money. Let us remember that according to law, the adoption service providers cannot pay the orphanages directly anymore. We have been curious to know what happens to abandoned children. Where are they? The orphanages could not tell us. The hypotheses are that they are taken care of in hospitals or at pagodas”* (“Rapport de Mission”, août-septembre 2011, Formons une famille, 2011 : 4; our translation and emphasis)<sup>54</sup>

Although this Canadian report still presumes the massive existence of abandoned children (see our emphasis), we are predisposed to advance the hypothesis that there are hardly any abandoned children anymore. More precisely, the decline of child abandonment surprisingly coincides with the moratorium period of ICA (September 2010-until now). This observation leads us to reason that there might have been a link between ICA as a pull-factor and the existence of “abandoned” children – consistent with the Italian Central Adoption Authority figures mentioned earlier. This postulation is in line with the information shared with the research team during various interdepartmental meetings and visits paid to SPCs and maternity wards (see footnote 50). However no officially published data to prove such assertions is available.

Prima facie, however, such observations do contrast the rising numbers of children living in institutions in the last few years as reported by MOLISA (see chapter 3.3). Given the limitations of the existing databases (see chapter 3.4) and resources, it was beyond the scope of this study to pinpoint the reality behind such observations and figures.

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after investigations (Meeting with SPC and DOLISA staff in Binh Duong, 1st of January 2012). At the maternity ward of the public hospital in Vung Tau, 5200 mothers delivered a baby in 2011 and there were 3 to 4 cases of “run-away” mothers (field visit, January 5th, 2012).

<sup>54</sup> Nous avons aussi constaté que peu d’enfants sont actuellement pris en charge par les orphelinats que nous connaissons. Nous avons interrogé les orphelinats, leur demandant pourquoi si peu d’enfants se retrouvaient sous leur responsabilité. Les directions des orphelinats se sont montrées très prudentes. Premièrement, ils ne reçoivent plus de financement comme par le passé. Ils indiquent qu’ils n’ont pas les fonds pour bien prendre soin des enfants (personnel) et pour les nourrir adéquatement et leur offrir les services de santé requis. Ils refusent donc de les accueillir, faute de fonds. Rappelons que selon les règles de la loi, les organismes d’adoption ne peuvent plus financer directement les orphelinats. Nous avons tenté de savoir ce qui arrive à tous ces enfants abandonnés. Où sont-ils maintenant ? Les orphelinats n’ont pu nous renseigner ou nous éclairer. Des hypothèses sont qu’ils sont pris en charge par les hôpitaux ou se retrouvent dans les pagodes. (Rapport de Mission, août-septembre 2011, Formons une famille, 2011 : 4) no longer available online April 2013 (PDF available upon request).

#### 4.5 What potential risks do abandoned child face?

In practice, in case of child abandonment, the short moment in betwixt and between, where the child is destitute of parents and does not have a definite status<sup>55</sup>, he or she is very vulnerable and might be exposed to abusive actions of ill-intentioned actors as documented elsewhere<sup>56</sup>.

The absence of a genuine inspection system that controls the correctness of the application of the procedures to investigate the origin of an abandoned child, together with a strong pressure from the demanding countries and agencies, result in very young children being easily declared as abandoned. Nevertheless the social reality is complex and less blatant cases, often hidden under a flavour of charity, have been observed. For example during the research we encountered a pregnant young woman who enjoyed temporary shelter in a pagoda. "At the pagoda the mother is requested not to have her child recognised, so that the child can become the kid of the pagoda. When guests come they just consider this place as a shelter for abandoned children, not for mothers like us. So the pagoda has many orphans and lots of guests coming." Even if pagodas are not officially part of the adoption process, they may unwittingly become a lieu of attraction for those looking for potentially adoptable children among those who are abandoned within the precincts.

#### 4.6 What key legal frameworks address child abandonment?

Child abandonment as a social phenomenon has to be prevented since it contradicts international instruments (see chapter 1.1) such as the Guidelines for the Alternative Care of Children which states "the family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. The State should ensure that families have access to forms of support in the caregiving role." (Paragraph 3).

Abandonment of children is prohibited in Vietnamese law (Law on Child Protection, Care and Education (No. 25/2004/QH11 of June 15, 2004), article 7.1). Numerous laws and policies touch upon the issue of abandonment if not directly, indirectly as part of the wider category of children in special circumstances (see section 1.1). As abandonment is prohibited in law, when child abandonment occurs, initially a police investigation occurs to identify the family of origin of the child. As a function of where the child is found, different laws and regulations apply:

*- Abandonment in a maternity ward of a hospital.*

If the child is left behind in a maternity ward of a hospital and the mother has run away just after delivery<sup>57</sup>, the hospital either takes care of the child or hands him or her over to the closest social protection centre (SPC) and sometimes even directly to childless couples. According to Decree 158

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<sup>55</sup> According to the Law on the Protection, Care and Education of Children, chapter II, article 11, alinea 2, "Children whose parents are not yet identified, if having request, shall be assisted by the competent agencies to identify their parents according to law provisions."

<sup>56</sup> ISS, 2009, op cit at 17.

<sup>57</sup> In Viet Nam, pregnant women who arrive to deliver in a public maternity have to provide their residential certificate (or temporary residential certificate if she is an internal migrant) and she has to fill out a form where she writes who she is. It may happen that some women give fake names and documents.



(No. 158/2005/ND-CP of December 27, 2005, On Civil Status Registration and Management) *“in cases of abandoned children, the Communal People’s Committee where these children were registered as abandoned shall take the authority to consider and ratify adoption applications.”* The text of the Decree 158 then continues – in a rather inconsistent way *“If children to be adopted live in social institutions, the Communal People’s Committee where such institutions are located shall consider and ratify adoption applications. To be approved, an adoption agreement must be approved by both **natural parents** (FR/sic) of the adopted children even if they are divorced”*. The text in Decree 158 switches from a scenario of abandoned children, whose parents are unknown, to a scenario of relinquished children whose “natural parents” consent is required for an adoption. In the following sentence, the Decree 158 comes back to the category of abandoned children: *“For children living in institutions whose natural parents cannot be contacted, the authorized representatives of those institutions shall sign the agreement.”* Decree 158 is illustrative of the fact that the **categories of abandoned and relinquished children are mixed up**, whereas the responsibilities to register and approve the various procedures are quite different. This is also true in adoption matters where a child is relinquished, parents maintain an important role in the decision-making process, however, the ultimate decision is located with the Communal People’s Committee and/or with the authorised representatives of the institutions in case of child abandonment<sup>58</sup>.

*- Child abandonment in a public place*

*Stories of ‘abandonment’ appear to be disquietingly similar (e.g.: the baby is left on the side of the road, in a field or near an institution) or ostensibly fabricated (e.g.: it is alleged to have occurred during a hot time of the year then the baby’s survival would have been severely jeopardised (...))* (ISS 2009: 21)

As in the case of abandonment at a Hospital, the Law on Adoption, extensively dictates who and what should be done. It specifies that whenever an abandoned child is found, the authorities need to investigate the origins of the child. Advertisements are made in the media. If no family member shows up, the child is sent to a SPC. Yet, *“it is very hard to trace a mother who has abandoned a child”*, as one officer from the Department of Justice shared during the interdepartmental meeting in HCMC (December, 30<sup>th</sup>, 2012). This fact was also expressed by the Ministry of Public Security, and addressed by ISS (2009: 21).

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<sup>58</sup> The dossiers of a to be adopted child should consist of: a) a record certifying the child abandonment, if such a child has been abandoned, b) a record certifying that the child was left at a medical establishment, if such a child was left at a medical establishment, c) copies of the death certificates of the child’s parents, if the child’s natural parents have died (Decree 68/2002/ND-CP, article 44, clause 2). In the Law on Adoption (52/2010/QH12, article 31, clause 1.c) the dossier now also needs to join “documents which prove that measures to seek alternative family for the child have been undertaken ... and that the seeking was not successful”. Furthermore, “the heads of the nurturing establishment may agree to let children who are living in the nurturing establishment be adopted. In cases where the father and/or the mother of a child are/is still alive, there must also be the written agreement of the father and/or mother of that child, except where that child has been abandoned or left at a medical establishment, or when such a child was sent into the nurturing establishment with his/her parents’ written agreement to let their child be adopted ...” (Decree 8/2002/ND-CP, article 44, clause 3.a.)

## 4.7 What key policies address child abandonment?

### 4.7a Past policies

The Government of Viet Nam has approved and implemented National Action Programme for Vietnamese Children (2005-2010). Some of the objectives of the National Action Programme for Vietnamese Children are listed in Decree 65<sup>59</sup>. Among the objectives detailed in Decree 65 that the Government of Viet Nam (via MOLISA) aims at *“bringing 1’000 orphans and the severely disabled children from the social welfare facilities to communities for caring by the way of family or individual fostering, patronage, adoption or social houses”* (article 1 paragraph 1.2 third bullet point). The beneficiaries of the *“Community-based caring”* programme are explicitly defined as: *“orphans with no sources of fostering; displaced children; severely disabled children; children suffering from toxic chemicals; HIV/AIDS infected children”* (Decree 65, article 1, paragraph 2).

### 4.7b Present and future policies

The role of MOLISA concerning abandonment issues is quite clear in article 46 of the Adoption Law 2010, which states that its responsibilities are *“to direct and guide the Labor, war invalids and social affairs sector in managing, caring for, nurturing and educating children and taking measures to prevent the abandonment of children.”*

Moreover, in 2011, Decision No: 267/QD-TTg on Approving the National Programme on Child Protection for the Period of 2011 –2015 was approved with one encouraging objective being that *“... 90% of abandoned children, orphaned children, and children without a care giver receive care ...”* Key activities to achieve this will include *“consultation, counselling, and psychological rehabilitation for children will be provided; children's access to healthcare, educational, cultural, sport, recreational services, and other social welfare services will be facilitated to help them reintegrate into the community; parents and child care-givers will be provided with child protection skill training ...”* These projects are re-iterated in the National Programme for child protection 2011-2015.

Surprisingly Decision No: 1555/QD-TTg, Approval of the National Action Plan for Children 2012 – 2020 is silent on abandoned and relinquished children – although it is arguable that these children would be included in the generic term *“children in special circumstances.”* The National Programme of Action for Children 2012-2020 does however note the *“rehabilitation and reintegration supports for children in special circumstances”*, specifically including children who are abandoned as part of this category. To some extent one could say that thanks to such laws and policies more children are benefiting from protections. The Programme 2012-2012 notes specifically that *“number of children beneficiaries of Decree 67/2007/ND-CP and the amended Decree 13/2010/ND-CP of the Government have doubled (from 270,000 in 2001 to more than 500,000 to date), predominantly in four groups of children in special circumstances namely orphans, abandoned children without primary career ...”*

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<sup>59</sup> Decree 65 (No. 65/2005/QD-TTg; March 25<sup>th</sup>, 2005) Decision of the prime minister on the approval of the plan on ‘community-based caring for orphans without source of assistance, severely disabled children; children suffering from toxic chemicals and HIV/AIDS affected children in the period of 2005-2010’

## Chapter 5: Child Relinquishment

### Key Findings:

- The act of “relinquishing a child” is referred to in articles 2b and 21 Adoption law 2010 without any specific definition.
- Despite poverty being self-cited as the main reason for relinquishment, the research showed that it was only when one or more negative events impact a family already struggling to get by, that the family decided to relinquish their children. These negative events included *inter alia*, loss of income, poor health or a death in the family. The research insightfully found that it was these negative events that were the tipping point for the decision, one explanation as to why all people living in poverty do not relinquish their children.
- The motive to provide a better future for the child goes hand in hand with sacrificing one’s own needs, especially the mothers.<sup>60</sup>
- Often intra-household divergent views and extra-household pressures, marginalises the decision-making power of the mother.
- Child relinquishment sometimes occurs in order to escape dishonour and stigmatisation.
- Mediation of “third parties” during the vulnerable stage in life has a pivotal influence on parents in the decision to separate themselves from a child.
- The decision to bring a child to an institution is not at first instance an intention to permanently relinquish a child from the parents’ perspective. This is understandable, since children are culturally valued and separating oneself from a child is perceived (by others) and experienced (by selves) to be an immoral act.
- From the institutional staff’s perspective the lack of contact by parents with the children in institutions is interpreted as them being disinterested in the child. Whereas the reality is that material and emotional obstacles frequently prevents parents from regularly visiting the child. In such a context the child is at risk of being declared adoptable without the parent’s consent.
- It is essential that the purpose of parents when leaving their child at an institution is clearly recorded to avoid children being adopted without the consent of their parents.
- Systematic efforts should be made to ensure contact between the child and his or her family of origin and if possible re-integration measures are implemented, all of which should also be noted in the child’s file. By doing this, prior to any adoption being considered, competent authorities can be satisfied that the principle of subsidiarity has been respected and that adoption is truly in the best interest of the child.
- Whilst kinship care, community care and foster care exist – they are often not well resourced and supported by professionals. Therefore in practice these options are rarely

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<sup>60</sup> Viet Nam has many traditional oral and written fairytales, stories and legends. These stories often express morals, dominant ideas and cultural meanings. One such story is the story of Miss Dau. This 70 year old story is about a mother who sells her child to rich people in a period of famine. With the money she manages to save her husband and other children. The moral of this story is the greatness of Miss Dau’s motherly qualities. She sacrifices her peace of mind by selling her child, in order to save her husband and other children

sustainable alternatives to institutional care, and when they are they are not systematically discussed with parents

- Many parents who have relinquished a child continue to mourn the loss coupled with hopes of a reunion with the child one day. Counselling and other support services should be made available.

## 5.1 Introduction

The present chapter on child relinquishment (see definition in terminology section) is the result of in-depth interviews conducted in five provinces of Viet Nam among family members who were involved in the decision-making process with regard to the relinquishment of children who eventually were adopted. Interviewing mothers of adopted children has never been done before in a systematic way, although a strong need was felt to know their perspective – the uniqueness of this study.

The combination of sampling through official and unofficial networks resulted in diverse range of interlocutors, living in a variety of circumstances and mobilising different motives that eventually led to the child relinquishment. In total the researchers interviewed twelve mothers, seven fathers, and two grandmothers who had relinquished one or more (grand) children. One of the fathers relinquished his own child as well as his grand-child. The majority of mothers and/or fathers who relinquished a child in our entire sample come from the province of Lang Son in the North. The remaining mothers and/or fathers with whom we conducted interviews were either pregnant women (two), mothers in the process of relinquishment (three), mothers/fathers who place a child in an institution (nine) were living in either Hanoi, HCMC in the provinces of Ba Ria - Vung Tau and Binh Duong in the South.

## 5.2 What do we know about the single mothers and child relinquishment?

As mentioned in chapter 4, professionals usually had their own assumptions about the root causes of child relinquishment. Single mothers and internal migrant women were identified as risk groups. In Viet Nam many women migrate to other districts or even other provinces to work in export-oriented industries. They usually live in communities far from their native villages, leaving their parents (if not married) and sometimes husband and children (if married) behind. Professionals considered the lack of social control due to dislocation of women as root cause for increasing numbers of unexpected pregnancies and premarital childbirths (in chapter 6 we will show that this image needs to be nuanced).

The main cause for child relinquishment, mentioned by the professionals in different meetings was single motherhood. Single mothers are culturally stigmatised and for that reason they are perceived as prone to abandon or relinquish their child. These explanations were recurrent and a substantial component of the dominant discourse among middle class and middle aged officials participating in the meetings in Ministries, Hospitals, Departments and social institutions. Before we explain the cultural meaning of “single mothers” in Viet Nam, we want to unravel this notion. The word “mother” is clear, since a person who has given birth to a child is a mother. The word “single” is more problematic, because it refers to various categories of women who are currently not related

to a man (partner or husband). The various statuses of being single have varying implications such as the decision to raise a child or to relinquish him or her for adoption. The cultural stigma attached to single mothers by the officials and hence their understanding of the cause of child relinquishment referred to women who had never been married.

Motherhood is linked to married women. Premarital sex is seen as morally condemnable. But not all “single” women had never married. The notion “single mothers” is also used for women who are not in the companionship of their spouses for different reasons, like death, (formal) divorce or informal permanent separation. Women who fit in these categories of single mothers may encounter obstacles to raise their children for several reasons.

All single mothers are more or less stigmatised. However, the stigmatisation of the so called “never married mothers” was the strongest according to the professionals. Surprisingly, in common discourse in the streets the phenomenon of premarital single motherhood was morally speaking less rejected. In informal exchanges and discussions with people outside the formal settings, usually women between 20 and 40 years, the researchers noted different images of single mothers. Often people raised eyebrows while listening to the researchers’ explorations on stigmatisation. Many of the people we met emphasised that times had changed in Viet Nam. Our interlocutors explained that even in former days this stigmatisation was rather mild in Viet Nam as compared to, for instance, Christian societies.

Several people referred to the exhibition ‘*Single Mother’s Voices*’ in the Women’s Museum in Hanoi in 2011. This exhibition focused on the power of single mothers. The guide supplementary to the exhibition displays portraits of 18 single mothers. The organiser’s state: “This exhibit also shows the *change in the community’s perceptions* and actions regarding the issue of single women. It invites each of us to join hands to eradicate every hindrance and prejudice and to participate in realising the goal of equality” (2011, Introduction/our emphasis).

The younger generation underscores these different perceptions, many with unmarried female friends with a child. They perceived unmarried mothers as women facing particular challenges, but not as morally condemnable.

### 5.3 What do we know about the decision-makers in the relinquishment process?

As stated before, the researchers did not only meet with mothers but also with fathers, couples and grandmothers (see chapter 5.1). This was because especially in Lang Son it was difficult to meet with mothers. The number of fathers available for interviews even exceeded the numbers of mothers in this Province. Local authorities explained this particular circumstance by the fact that in the weeks before the Tet celebration, many women temporarily migrate to China for cutting sugarcane<sup>61</sup>. Due to seasonal female out-migration, fathers are expected to take care of the household. It is not surprising that due to the fathers’ (seasonal) role as caregivers they are also involved in the decision-making process with regard to child relinquishment.

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<sup>61</sup> Experts in Social Protection and Public Security explained the dangers attached to female-migration to China. Due to the unbalanced sex-ratio in China, women are vulnerable for kidnapping-practices. Yearly, women from Viet Nam never return and are supposed to be trafficked for Chinese marriage.

In general the analysis of the narratives shows a great variety of decision-makers. People acting as dominant decision-makers happened to be mothers, fathers, couples, grandmothers, a grandfather, a stepfather and even a child herself. Several mothers expressed common decisions, with either themselves or their husband as final actor. One mother stated clearly that her husband acted against her will. Besides the widow and divorcee, two mothers appointed themselves as initiator and responsible decision-maker. The two grandmothers both acted as decision-maker for their daughters, one grandmother explicitly expressed the fact that she acted against her daughter's will. One mother described how her daughter convinced her to send her off. The girl overheard a "third party" informing her widowed mother about ICA. The mother: *"They explained to me that these people could give my girl a much better life than I could give."* At that time the mother was living in extremely troublesome circumstances. Nevertheless, she refused to send her child, but this same child, her daughter, intervenes. The mother explains: *"She [my daughter] told me to keep her little brother with me. She emphasised that she would never forget about us."* The little girl feels her relinquishment as a temporary solution for the troublesome circumstances. She convinces her mother to send her abroad and promises her mother to return home one day to take care of her family. Her mother agrees and in 2004, after a heart-breaking send-off, the girl gets adopted into a Scandinavian family. The girl is nine years old.

#### 5.4 What do we know about circumstances and motives regarding child relinquishment?

The interviews focused on the circumstances and motives of the mothers and/or fathers with regard to child relinquishment. All interviews were full of emotions; sometimes anger, fear or hope and many times embarrassment and grief. The observed and expressed emotions of parents who were willing to reflect upon a dark period of their lives represented the background of the issues at stake and are important indicators of the act separating parents and children.

In every single interview (grand)parents expressed as root cause the sentence: *"I could not feed the child."* Obviously, these words were expressed in Vietnamese and translated into English. Initially, the researchers associated this wording with poverty, since most parents described circumstances of deprivation, debts, bad harvests and sometimes starvation. However, during the research we realised that the Vietnamese expression was multi-layered. These multiple layers get easily lost in translation. Besides the literal meaning *"no food"* it meant *"I could not raise the child"* in a more general sense. *"Feeding the child"* also means *"bringing up"* or *"raising"* a child, including all aspects that go with raising children. Thus, the expression *"I could not feed the child"* means that the circumstances were for that particular moment too complicated for bringing up the child. During interviews the (grand)parents were invited to describe those particular circumstances which resulted in the description of a large variety of difficult circumstances. The problems as mentioned by (grand)parents all witnessed difficult life circumstances and devilish dilemmas.

In what follows we have chosen to illustrate the circumstances and motives for relinquishment with the stories of two meaningful protagonists. One mother, named Trinh (pseudonym), who is a woman from the Kinh majority group. Her child was adopted within Viet Nam. The other case concerns a couple. The mother belongs to the Nung and the father is Tay. Their child was adopted into another country.



#### 5.4a Case example 1: Trinh

Trinh is a 48 year old woman. She has to travel a couple of kilometres by scooter-taxi to meet with us. She arrives without company; her husband passed away four years ago. After introducing herself she immediately starts to clarify her motivation for sharing her life experiences with us and explains that she usually pushes her experiences with adoption away. She prefers to stay silent about the loss of her child. But, she clarifies that she values this research and sincerely believes that the government should listen to the mothers who went through dilemmas concerning relinquishment. Once we have explained the aims of the research in general and the interview in particular, Trinh takes the floor. She does not need many questions to share her life story, including the placement of her child - a baby boy - into a rich local adoptive family. Trinh was married 24 years ago. She is a 24 year old bride, twenty years younger than her groom. Soon after marriage she conceives and gives birth to their first child, a boy. Shortly after delivery and due to family-arguments about ownership of property, Trinh and her husband move to another area. In this new area they do not have any property. They earn their income by collecting firewood (her husband) and working as a day-labour (Trinh). Nevertheless, they manage to make ends meet and two years after delivery Trinh conceives again and gives birth to a daughter. Trinh's husband is much older and he struggles with health-related problems on a regular basis. Trinh is a fit and healthy young woman and regularly leaves home to provide an income for the family. Usually her husband stays at home, taking care of the household.

This construction seems to work until Trinh finds out that she cannot leave her children in her husband's care peacefully. One day a woman from the community pays Trinh a visit to inform her that her husband had offered his son to her. She comes to discuss the arrangements with Trinh. Trinh is upset about her husband's arrangements and explains to this woman *"I don't want you to have my son. My father waited for a grandchild since a long time".* The woman is thwarted and explains to Trinh that her husband bids his son to people on a regular basis. Trinh feels uncomfortable and unsafe since she has to protect herself and her children from separation. She explains to us: *'I told this Chinese lady who was migrated and living in the same community not to accept [my child] and explained, "it is not only his child, he cannot decide all by himself. I will nourish my child myself".'* The woman leaves her house empty-handed and never returns.

At that time Trinh and her husband have problems to make ends meet. But there is not one single thought in Trinh's mind with regard to relinquishing her children for adoption. Her husband has different ideas, but what Trinh and her husband do agree upon is the fact that their family is complete; two children are enough for them. However, soon after the birth of the second child Trinh conceives again. They discuss this pregnancy and mutually decide to abort the foetus. Immediately after the abortion they start family planning and Trinh uses IUD for several years. However, this IUD does not work. Trinh often feels sick and explains *"IUD was not suitable for me."* Finally, when Trinh is in her late thirties the IUD is removed. Trinh is older, but still fertile. Soon after removal of the IUD and a decade after the birth of her second child, she conceives.

The pregnancy is unplanned and not convenient since circumstances have not significantly changed. Nevertheless, they do not abort the foetus. The reason for this continuation does not become clear in the interview. Probably they discovered the pregnancy too late. Anyway, Trinh carries this baby for the full nine months. However, this pregnancy differs from the previous ones, because there are complications. The delivery is very difficult and turns out to be life threatening. The child is a healthy boy, but Trinh loses a lot of blood and is extremely weak. For one month she stays at home to rest and to recover. She sleeps with her baby in her arms, breastfeeding the child, but the child remains hungry since the milk is not sufficient. Her husband is trying to make ends



meet by gathering firewood. Yet in spite of hard working the family has not sufficient means to feed five people.

At this stage Trinh's husband relapses into his propound to offer his baby to infertile couples. While moving around, collecting the wood, he meets "someone". This person appears to be a "third party" and pays a visit to Trinh: *"This person was telling me that if I was not capable to feed the child, I should give it to people who cannot have children [an infertile couple]."* Trinh explains that her aversion to this idea has not changed but her husband says: *"if we keep the child we will be all dead."* Trinh is too weak to stand up against her husband's will and finally gives in. One month after birth the child is placed into a local adoptive family. Trinh is in tears when she explains: *"My child used to be in my arms. But now, when I woke up in the night, I could not sleep because I did not see him. I was missing him crying and missing him very much."* The interview needs several breaks because Trinh needs some time, tissues and tea to recover. Even ten years after the loss of her third child the pain is still burning: *"Even now I cannot forget my child. I always think of him."*

During the interview she repeatedly explains that **she had no choice**. She blames the circumstances and she blames her husband. But even more she seems to blame herself in an implicit way. She explains: *"I just wanted to save his life and the adoptive parents are infertile and rich. He is 10 years old now, and he gets the chance to go to school. (...) His name is Minh, but his adoptive parents have given him another name. Anyway for me he will always be Minh."* She seems to defend the relinquishment. But it remains unclear to whom she is defensive: to us, the interviewers, to the public opinion or to her own conscience.

The second case provides insights regarding another set of causes.

#### 5.4b Case example 2: Duc and Hien

The day that we meet Duc and Hien in the province Lang Son it is a cold and rainy. Even the dry moments are 'water-cold' and the room where we conduct the interview is too cold to take our thick winter coats off. In these weather conditions we meet Duc and Hien, a couple in their forties. When the couple enters the room, their insufficient clothing catches our eyes. We reach out to shake hands and to introduce ourselves but immediately we notice that the man is missing both hands. We shake his right stump. In addition to his missing hands, he is also missing one eye. The timeworn marks on his arms and the empty orbital cavity confirm non-congenital causes of his disabilities. His handicaps must be the consequence of serious accidents during his youth.

The man has a friendly but reserved expression on his face; he seems to study us for a couple of seconds. The woman openly looks at us and appears inquisitive. While offering them a chair and tea we come to know that they had walked for nine kilometres in the rain in order to be interviewed; no money for a bus or scooter-taxi.

We introduce the aim of the research in general and the purpose of the interview in particular. Duc listens attentively and takes his time to read the consent-form. After finishing the formalities Duc leaves the room, giving us the opportunity to talk to his wife in private. Soon after the first question it becomes clear that Hien does not master the Vietnamese language. She excuses herself for being uneducated and frequently falls back on her mother tongue. What she *can* make clear is her age (43) and the age of their children: one married son (27) and four daughters (12-10-8-3). Three years ago their youngest child was adopted. In that particular year the rice harvest was

totally lost, just when her fifth and unplanned pregnancy entered the seventh or eighth month. According to Hien it was this unsuccessful rice harvest that tipped the scales, pushing them towards relinquishment.

Obviously Hien does not feel comfortable during the interview. Wherever we try to probe, she keeps quiet and smiles shy. After a couple of minutes she explains *'I did not have the chance to study, I do not know how to answer questions.'* We doubt whether her lack of education is the cause for her uneasiness. Indeed, her naïve or even childish attitude appears to us like a slight mental disability. We decide to keep the interview short and after thanking her for her co-operation she calls her husband. With him we continue our inquiry. Duc is physically severely handicapped, but he is smart. Although he stems from an ethnic minority he can express himself very well in the dominant Vietnamese language. He gently apologises for his wife by stating that she did not have the chance to become educated: "My wife does not know everything. She is not mad, but she has a weak knowledge. So with my brains, I manage everything in the family and she carries out whenever I tell her when and how to transplant the rice or to cook." He has the brains and she has the physical abilities. They seem to complement and also to care for each other. Nevertheless, they are living a tough life, almost on the edge of starvation.

By working hard and with a strong sense of resilience, farmers in Lang Son manage to survive, but the socio economic circumstances in this province differ significantly from other Vietnamese provinces. Due to detrimental geographical and climatic circumstances, many families live basic and tough lives. Growing crops in these mountains is a hazardous venture. Harvests fail on a regular basis, such a failure has major consequences.

Taking this particular context into account, the family of Duc and Hien is extra vulnerable. A farmer without hands, a mentally disabled spouse and many mouths to feed brings a family structurally into arrears. Nevertheless, they generally manage. But the extreme hardship of the lost rice harvest, in the last months of the fifth pregnancy three years ago, causes extreme anxiety and strain. Duc faces the facts and shares his worries with his wife. Together they make up their minds and in a state of panic and desperation they decide to leave the care for their not yet born baby in the hands of the government. They have noticed the care-centre, not far from their home and although they never visited the place, they know the government is funding this institution in order to feed children of poor families.

One month later, after the delivery, straight after the first bath of the child, Hien and Duc move to the centre. They explain their situation to a staff-member and request him to take care of the baby. The staff approves while emphasising the complexity of formalities. In Duc's words: "The director said that I had to complete the procedures, before the centre could receive the child. I am literate, but I could not complete these procedures myself. So I was depending on him. But he helped me out to complete the procedures. [...] After this I felt calm and reassured. [...] I felt that I did not need to worry about the food and the future of this child. [...] I did not have any expectations about whether they would keep the child in the centre or place it into another family. I was pleased that they received my child since it meant they would take care of her. That made me feel calm and reassured."

During the interview Duc elaborates on his relief several times. He emphasises his gratitude for the support offered by the centre. Duc shows abundant loyalty and we are sure that this same loyalty is reason for him to participate in the research. They feel in debt with the director and a close reader will notice that this director, in his first meeting with the couple, did not aim to restore the power difference between him and this desperate couple. He confronts them with complicated forms as *entrée*. It is obvious that the couple is not capable of completing such bureaucratic

procedures themselves. Hence he offers them his help to complete formalities that must have included the relinquishment procedures.

As part of the intake process, three years ago, Duc and Hien explained their circumstances to the director and their desperation must have been noticeable. In this meeting, neither the future prospects of the child nor are alternative solutions are discussed. The director seems to matter-of-factly prepare the forms for ICA. Duc: 'I did not have expectations with regard to the centre, neither to keep my child nor to place it into another family. The centre received my child, which means that they will take care. This made me feel calm and reassured. Hence I did not think about any other things.' The centre has an adoption programme but Duc and Hien are not aware of this agenda. Apparently the couple is not in the position to question the decisions made by the authorities. They secured care for their child and continued their struggles to survive. Noticeably, Duc and Hien do not purposely head to the institution to permanently relinquish their child, but leave the immediate care of the child in the hands of the institution. After leaving their child, they do not return on a regular basis. They only recently found out that their child was adopted into another country. It was only perhaps because they were approached for the interview as Duc says: "I did not know exactly how the child was doing or where the child was going. When I had brought the child to the centre, I did not come back because we had difficulties at home".

**The circumstances and motives of the protagonists in the above two examples are cases in themselves, but embody common patterns as part of the main outcomes of this study, as discussed next. Other issues from other cases will be introduced where significant in order to complement the patterns identified from the data.**

#### **5.4c Circumstances characterised by multiple problems can lead to relinquishment**

Trinh's life story illustrates a pattern that arises from the data. She sketches how her family withstands hardships for years. The family can manage until an additional hardship tips this precariously balancing scale to a dilemma. Another baby and less income due to postnatal recovery and hospital bills push the family into desperation. In such extreme circumstances a "third party" intervenes and suggests offering the new-born baby a "better opportunity". At first sight the proposal is appealing and is seen as a solution. The timing of the intervention by the "third party" can be seen as right in time, but also as an opportunistic moment. The various stories with mothers show that the first months after a delivery are turbulent lacking stability to make a decision that has life-lasting consequences. One of the mothers explained explicitly, while reflecting upon her decision: *"I had just given birth to a baby, hence I could not even think properly."* The first year and particularly the first months after giving birth are necessary to recover. Especially, after an almost fatal delivery such as Trinh's, time to reconsider is of paramount importance. Therefore, during periods of extreme stress including immediately after birth, no decisions should be made with regard to relinquishment. Extreme difficult circumstances may be passing and reversible, but child relinquishment for adoption is life-long and in most cases, irreversible.

#### **5.4d Motivations of "a better future for my child" can lead to relinquishment**

Trinh sketches how she was trapped into relinquishing her child by her husband and by extremely difficult circumstances. Nevertheless, she does not downplay her responsibility in this decision-making and describes her motives. She mentions - as most other parents do – her main motive for

relinquishment to be the desire to give her child a better future. By giving her child to “*rich people*” (Trinh’s words), she does not only secure her child’s nourishment and education, but she also improves life conditions for her first two children who are ten and thirteen at the time.

Trinh tries to believe in the act of relinquishment as a solution, at least for her children. But by elaborating upon her children’s interests she emphasises her personal hardships regarding the loss: “*At that time I almost went mad. I felt sick, but since I was always thinking of my child my disease became more and more serious.*” The people in her community are aware of Trinh’s sorrows and are compassionate. Apparently her situation is discussed in the community and one day a representative stops at her place. “*The women from the local authorities visited me to encourage me. They tried to console me and explained that although I gave my child away, I did not lose it. I knew they came to sympathise with me. They were trying to make me less upset. But I knew in my mind that I could not feel calm [anymore].*” People in her community believe that giving a child to another family is different from losing parenthood. This is an important statement, since it says something about how adoption is perceived. **Parental ties are believed to be indissoluble**; implicitly it implies that adoptive parenthood is held for surrogate parenthood. During the interviews with parents, adoptive parents were praised for the care they provide although some contradictory opinions emerged.

Especially in the cases of **local adoption**, like Trinh’s, the real parents were perceived as a threat to the status of adoptive parents as true parents. The statement “*Water is water and blood is blood*” (Bos 2008) was mentioned in India in order to express the cultural meaning of blood bonds as compared to adoptive parenthood. In Viet Nam the important meaning of blood ties could be inferred from the narratives. The meaning of blood ties as symbol of belonging to a family in Viet Nam go even beyond the boundaries of worldly life.

Indeed the central place of ancestor worshipping illustrates the strength of parental bonds. Every household maintains a small altar where rituals for the deceased ancestors are performed and the closer to China’s border the bigger these altars appear. Ritual performances for ancestors are believed to enhance the well-being of the souls of the deceased as well as that of their offspring. Sons have a particular role to conduct these rituals. In such a context, parents – like Trinh - whose children grow up in other families expect and or at least hope that their children will return, once they realise who their “real” parents are.

#### **5.4e Being an unmarried mother may lead to relinquishment**

During our fieldwork we did not have the opportunity to meet with never-married mothers who had relinquished. However, we *did* meet with grandmothers who relinquished their unmarried daughter’s child and we have also met with unmarried mothers who were pregnant or who had left the *care* for their child. These children were not (yet) in procedures for adoption, perhaps because of the moratorium on ICAs at the time of data collection.

Both grandmothers made the decision for their unmarried daughters to send the child to an SPC. One grandmother emphasised their lack of means. Her husband was deceased and she had trouble to make ends meet. One day “somebody” informs her about the SPC. She does not involve her daughter, in her words: “*[My daughter] did not say anything about it, because she had to work and*

*to get married. I cannot raise the child and I did not want to abandon the child. That is my reason for bringing her to the SPC.*" This grandmother describes how she was busy with farming, looking after the buffalo and the pig all by herself. Her daughter still went to school. Hence, the care for the baby was on the shoulders of the grandmother. When the child was seven months, three years ago, after becoming familiar with the SPC from 'somebody' she decided to bring the baby to the SPC. In her narrative the social stigma of an unmarried mother does not appear to be a strong pushing factor. She does not hide the unmarried status of her daughter, and does not mention any negative remarks pointing to a strong social stigma. Her narrative is constructed around an unbearable workload.

The other grandmother has a different motivation. On the day she discovers her daughter's pregnancy she is extremely annoyed. The foetus is seven months old and the period for abortion has passed. Therefore she approaches her daughter's boyfriend's family to arrange a marriage. The boy refuses. The grandmother fears her husband's judgment. She feels she had failed to prevent this awkward situation and her husband will hold her responsible. Since her husband is a ferocious person, she prefers to hide the situation. The girl is able to stay in the home of her married sister who lives in another district. She gives birth and two months later the child is admitted to a State run centre. The grandmother explains: *"After two months somebody had introduced the child to the SPC."* This 'somebody' appears to be linked to the hospital where the young mother gave birth and the connection with this person was made on the day of the delivery.

#### **5.4f Being a girl may be an additional factor leading to relinquishment**

Many adoptive children, for instance from China, are relinquished for adoption because they were born as girl (Selman 2002). Also in India being a daughter appeared an important motive for relinquishment (Bos 2008). Viet Nam is facing a growing sex-ratio imbalance among new-borns, with 110.6 boys born as compared with 100 girls in 2009<sup>62</sup>. Therefore, the sex of the child may be a determinant in the field of child relinquishment.

In the cases of Trinh and Duc & Hien the sex of the children seems to be irrelevant in their decision to relinquish. Trinh left her baby-boy in care and Duc & Hien decided to ask for support during the last months of their pregnancy, when the sex of the child was not yet known. Apparently, in both situations the sex of their children was not at stake and this was not an exception. Nevertheless in our sample, only six out of the 25 children who were relinquished by the (grand)parents were males. This skewed sex-ratio at birth raises questions about gender constructions. Probably the imbalance has to do with the preference for sons which is supported by our research where for a handful of mothers the sex of the child weighed in the decision-making process. One mother who relinquished three daughters explained: *"[..] I decided to keep my first two children, a daughter and a son. My first daughter was too big [to relinquish] and we kept our son for the ancestral line."* In addition to the continuation of an ancestral line, the rituals for ancestors are preferably carried out by sons. Consequently, in several cases the sex of a second, third or fourth daughter, turned out to be a root cause of relinquishment.

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<sup>62</sup> <http://hoilhpn.org.vn/NewsDetail.asp?Catid=128&NewsId=14479&lang=EN> retrieved 29 December 2011.

It is important to note that the cultural value of daughters was never a reason standing on its own and was always mentioned in combination with other disruptions and emergencies in life. Besides, a first daughter is generally much appreciated. One mother with three sons shared that she was hoping for a daughter, while expecting her fourth child. Unfortunately, a few days before her delivery her husband was involved in a serious traffic accident. Due to his hospitalisation the family struggled with loss of income and medical bills. Eventually, the fourth child is also a boy. People in her surroundings inform this mother about the services of the SPC. Because of the baby being a boy, she decides to send her baby to the institution. Soon afterwards the child is placed into an adoptive family in France.

In general sons are preferred over daughters for cultural reasons. But families generally long for at least one daughter. The sex of the child in case of a daughter was mentioned as a reason for relinquishment, although never as the sole reason.

#### **5.4g Money motivations may lead to relinquishment**

To some extent adoption in Viet Nam is affected by financial incentives of different actors (see ISS 2009). Therefore, the issue of money was systematically addressed in the interviews. As in Trinh's case she mentioned that the adoptive parents had paid 250.000 VND (12.00 US\$) to her husband as compensation. Trinh: *"We did not agree, but I could not make the decision at that time. I had to stay at home. [...] I was very sick and my husband spent this money for rice and food. But I did not want the money, because it does not compare with my child."* Trinh's words express resistance and also justification. She reveals her second thoughts about receiving money and Trinh's case was not an exception in this regard. Discussing financial compensation with parents was a delicate subject to broach. Gradually we discovered multiple layers in what money meant to the parents. On the one hand, most parents were badly in need of money. That is why Trinh's husband did not refuse compensation and perhaps even asked for it. He spent it on basics. On the other hand, as expressed by Trinh, a monetary transaction symbolically devalues her child. For her, no money can buy her child. The amount of 250.000 VND does not compare to the value of a child. Another aspect, less explicit in Trinh's words is the fact that if an adoptive couple pays for a child, it reinforces the idea of a one-way transaction and thus the parents' loss. For adoptive parents, the payment justifies their claim to the child and for the biological parents the payment creates a barrier to engage in whatever procedure to reclaim the child. Trinh disapproved of the financial compensation, but her husband appreciated the money. He never showed complaints in this regard. This gender difference was confirmed in other interviews and clearly expressed by one mother whose child went abroad: *"I don't sell my child. My husband always wonders why he didn't receive an allowance per month. I usually tell him that I gave the child to have adoptive parents. This means that I do not need an allowance. But he does not understand that I gave my daughter for her own happiness. So sometimes this [dissension] is very tiring."*

Occasionally during the research, probing about financial compensation for a child led to difficult answers. Even if we did not explicitly touch upon the topic, it was regularly and spontaneously referred to as a prominent issue. For instance one of the researchers asked a mother about her expectations regarding the SPC, when leaving her child behind. The interviewer meant expectations in a general sense, but the mother immediately interpreted the word "expectation" as financial compensation and answered: *"I did not sell my child. If I intend to sell my child, would I write a letter*



to her?” Later on she elaborated: *“Some vulgar people gossiped that I sold my child to a foreigner. [...] I informed the local authorities of my community about this [the gossips] for their intervention. I explained to them that I gave my child for adoption; I did not sell my child. The local authorities intervened for that.”* Obviously, the financial topic is sensitive and therefore the amounts of money involved may be underreported. Notwithstanding, several parents mentioned zero compensation or just some food and rice. Others stated amounts of 200.000 VND up to 600.000 VND per trimester. It was not always clear to the researchers whether the compensation was directly related to the relinquishment or more general meant as a social support measure to the family. An important finding, however, is that **the parents drew a link to financial compensation to the fact that they had relinquished their child.**

Receiving money for a child does not match with dominant ideas of good motherhood (cf. Bos 2008). In this regard the details about exact amounts are less relevant. Relevant is the fact that the people in the communities believe that parents receive high amounts for their relinquished children. This is a strongly held public assumption as far as ICA is concerned. This public assumption is shameful and dishonouring for parents and very hard to combat.

## 5.5 What do we know about the consequences of child relinquishment?

**The two detailed examples as well as the other case examples provide valuable insights into the consequences of relinquishment.**

### 5.5a Parents’ motives for relinquishment may be misunderstood

People from SPCs as well as other experts of MOLISA and DOLISA repeatedly mention that parents do not visit their children after leaving them in an institution. To some extent such assertions blame the parents as it appears that some staff members interpret their absence as disinterest. These parents are represented as bad parents. Therefore when parents do not show up on a regular basis, children may be classified as deserted (see chapter 3 on terminology). In the eyes of institutional staff these children are in need and deserve “new parents.”

By carefully listening to the parents another light is thrown on their absence. Duc spontaneously shares why he could not visit his child, due to practical impediments. The fact that Duc and Hien came walking all the way to participate in this interview testifies the difficulties of making the trip over a long distance. One visit to the centre means leaving the household and the farm for almost one full day. Whilst parents are aware that institutional staff negatively judges them, they know they have defensible reasons for not visiting their child. Especially those parents living in the peripheries of Lang Son province, near the Chinese border, explained that they could only rarely visit their child as distances were long and transport costly (see for similar impediments the work of Mykтын-Gazziero (2010) on the Ukraine).

In addition to practical and financial reasons for not visiting the child, we came across emotional dilemmas. One mother explains: *“I do not know [where she is] I did not get back to the centre for a long time. I do not want to go back there, because I really felt missing her. My tears have fallen because I was not capable of feeding my child. I really felt missing her, especially when I visit her.”*



Staying away is painful, but meeting the child by paying a visit to the centre may be even more painful. A return to the place where the parent left the child accentuates grief and confronts the parents with feelings of guilt, failure and incapacity.

Another mother mentions: *“I intended to visit my child on a regular basis, but my child was not close to me. Once I visited my child when she was two years old and she just ran away from me, following the woman who took care of her. She did not recognise me as a mother. As you know I left her immediately after birth, therefore she did not develop feelings for me as her mother.”* Obviously, after leaving a child in day and night care, the relationship between parents and their child weakens. A child does not develop the usual attachment and this mother expresses how she feels hurt and embarrassed when her child runs to a care-giver for comfort. A confrontation with such a situation is a painful experience that parents may experience as rejection. One mother explained that her child *“did not like her”*. Such visits are confusing, and they confront parents with leaving the child behind another time. Consequently and step by step the distance between parents and their child increases.

**In order to improve staff practice, counsellors may consider psychological and emotional aspects of the child-parent-relationship. Instead of amplifying the distance (both physical and emotional) that goes hand in hand with child institutionalisation in the remote provinces, alternative kinship-and/or community care should be envisioned. These options are not systematically discussed with parents as alternatives to institutional care.**

#### **5.5b Children who are relinquished may be adopted without the consent of parents**

In light of misperceptions about the motivations of parents by staff at SPCs, children may become declared “adoptable” with much more ease and without their consent as shown in the case of Duc and Hien. Once they find out about the adoption – which is only very recently - they accept the situation. They appear to be in a position where they cannot even question this decision, since it was them who had requested the centre for help. They feel they have “failed to feed their child” and they perceive the loss of parental rights as a natural consequence. Hence, even if relinquishment for adoption is not the primary intention of parents when leaving their child at a SPC, in some cases, ICA unwittingly emerges as an outcome. A conflict of interest can arise in practice, when SPCs also benefit from the procedure.

Relationships with foreign agencies appear to be lucrative. Staff of SPCs indirectly and sometimes explicitly expressed their concerns about loss of donations caused by the current moratorium on ICAs. **In this light, it is essential that the purpose of parents when leaving their child at an institution is clearly recorded to avoid children being adopted without the consent of their parents. Moreover systematic efforts should be made to ensure contact between the child and his or her family of origin and if possible re-integration measures implemented, all of which should also be noted in the child’s file. By doing this, prior to any adoption being considered, competent authorities can be satisfied that the principle of subsidiarity has been respected and that adoption is truly in the best interest of the child.**

### **5.5c Parents' have acute emotional needs immediately after relinquishment**

The community authorities where Trinh's lives console her that she has not lost her child. Regardless, Trinh experiences loss and with the loss of her child Trinh has also lost her peace of mind. From the first night onwards and every day and night up to ten years after relinquishment her conscience haunts her. Besides feelings of guilt she has to cope with grief. Her husband was the initiator and he did not reveal any doubt or regret afterwards, but Trinh has to face severe emotional consequences. Traumatising effects are confirmed in almost all interviews as well as in an exchange with a representative of the Buddhist Union who unexpectedly showed up in a meeting. He attended the meeting especially to share his concerns with regard to mothers who had relinquished their children. These mothers come to visit him and his associates on a regular basis. According to him, they suffer from severe spiritual turmoil. Mothers approach the Temple for aftercare and seek for Buddha's console. Apparently, these mothers see themselves as bad mothers. In addition to their conscience haunting them, they experience spiritual discomfort. The representative of the Buddhist Union mentions that he never heard of fathers relinquishing their children and seeking consolation. This observation is important since many fathers appear to be decision makers with regard to relinquishment whereas the intervention will mostly traumatise the mothers of the relinquished children. Hence, this observation made by the Buddhist monk emphasises the **urgency to provide care to these mothers emphasising the need for preventative and aftercare measures being implemented.**

### **5.5d Parents' have unaddressed expectations and needs well after relinquishment**

The semi-structured character of the interviews gave parents freedom and room to spontaneously share what child relinquishment means to them. As an unintended result many parents shared deep concerns about their lost child. As mentioned before, one important and leading motive for child relinquishment was the best interest of their child for a better future (see section 5.4d). But in reality after relinquishment they lost any legal control over the well-being of their child and several parents expressed a feeling of insecurity and extreme worries about their child. Indeed after child relinquishment parents are not in a position to check their child's whereabouts. They are dependent on initiatives taken by adoptive parents, or - once the child is grown up - on steps taken by the child.

Sometimes adoptive parents take initiatives and approach SPCs for information, which entails assumes that staff will forward the information on. During our research the information-flow between parents and their children seems to be absent or very limited. Hence the parents could only guess whether their decision had turned out well. Beforehand they had obviously not realised the impact and uneasiness of such a state of insecurity.

During the fieldwork it became clear to us, that this strong longing for information was an incentive for parents to co-operate in participating in the interviews. As the interviews evolved, we discovered this "hidden agenda." Several parents expected that we, as foreigners coming from the continent where their child(ren) had gone, might give answers to their concerns and as researchers we felt sorry because we could not provide information about their children.

For several parents the very first topic they shared with us was their concern about the well-being of their child(ren). Some parents had received letters or even a picture. In such a case, these

precious items became more than once center stage during the interview. Such life signs were extremely meaningful, yet ambivalent. On the one hand, they had attenuated worries with regard to their child's well-being, and, on the other hand, they were painful because they highlighted the absence. These signs fuelled hope for a reunion and at the same time re-opened the smarting wounds.

With regard to this issue of information about the child, we discovered no differences between domestic and ICAs. The hopes and fears of parents impacted tremendously on their lives, regardless of the physical distance between them and their relinquished child. Trinh, the protagonist whose child was placed in a family in a nearby village, longed for meeting her son, but also feared his judgment: *"When my child receives me as mother I will talk to him and explain that I could not take care of him."* In order to defend herself she intends to explain her past desperate situation to her son, hoping for his forgiveness. A mother whose child went abroad revealed: *"The adoptive parent raises him because of our difficult condition. I could not nourish him but I didn't really want to leave him. Please, sympathise for me."* Not receiving news means extreme worries and getting news brings important relief. At the same time information and pictures fuel hope. The boy-baby of Phuong, a 36 year old mother, went to France six years before we meet her. She had received a letter and pictures: Phuong: *"I have showed the pictures to my family and the neighbours. Everybody likes to see them.[...] The adoptive parents said that they will visit us in the future and they sent me these pictures.[...] I will be really happy to see my child if he will visit me, and also the adoptive parents. I'm joyful to see my child and I will be happy. Q: What will you ask when you meet the child? Phuong: I will tell him that it is better for him, that he is happier while staying with his adoptive parents because we (biological parents) have nothing. I will beg him: "so please do not think [anything bad] about us."*

Many parents expressed their deep longing for a reunion. Other parents had experienced such a reunion and expressed what it meant to them. Ha is from the Nung minority. She is a 46 year old mother and she and her husband relinquished their child eight years before the interview took place. The girl is placed in an American family and she and her adoptive parents recently returned for a visit:

Q: *"Can you describe how you felt"*

Ha: *"The Centre informed me that my child had come to visit me. So I went to the hotel to meet her. I really felt high spirit to see how she grew up."*

Q: *"What did you talk about with your child?"*

Ha: *"My child lives in a foreign country, so she forgot Vietnamese. I could not talk with her directly. Everything I wanted to say or to ask her or to her adoptive parents first needed to be translated by an interpreter. [...] My child has cried while she saw me, she has embraced me and then she has smiled. [...] I could not ask her anything, I only explained to the translator to tell my child: 'Now you have met us, so you can go back to the other country to study well.' That's all. [...] I really felt happy at that moment. My child has stayed at the hotel, in the city center. When I was in the hotel, my child was still in her room and the translator explained to the receptionist that the family of the child had arrived. First the adoptive parents came to see us and after that they called my child. When my child got down to see me, we have embraced."*

Information about the child and especially meeting the child brings significant relief – although temporary. Our research shows that, once the decision has been made, the parents who relinquished their child(ren) for adoption are in need of counseling and consolation. For them facilitating programmes that focus on communication and provide information about their child is of paramount importance in line with post-adoption agreements.

### **5.6 What are the laws and policies that govern child relinquishment?**

In the case of child relinquishment, the mother and/or father are alive and known but they choose not to raise their child. Responsible organs are DOLISAs and MOLISA in co-operation with DoJs. Children who are relinquished would arguably fall under the category of “abandoned children and those in special circumstances”. Moreover, children who are relinquished are often cared for in SPC at one point in time. As a consequence, the laws and policies discussed in Chapter 4 on abandonment and in Chapter 6 on institutions inadvertently also apply to children who are relinquished – it would therefore be unnecessary to repeat the analysis in these aforementioned Chapters again.

## Chapter 6: Why institutional care is chosen for children from the mothers'/parents' perspective

### Key Findings:

- Contrary to child relinquishment, bringing a child to an institution does not lead to the permanent removal of parental authority.
- Push factors leading to a decision for institutional care included among others, economic deprivation, time poverty, gender inequality, absence of infant daycare services, mental illness of mother, seropositive status of mother, impossibility to combine work and family responsibilities.
- Pull factors leading to a decision for institutional care included the belief of better future prospects for children who can get education in institutions (boarding school principle). But also the fact that supposedly children can get better care, food and opportunities in an institution, particularly in the absence of social support provisioning (particular cases of rehabilitation centre for malnourished children).
- Responsibilities for identifying institutional care as the most suitable form of care for an individual child are unclear and in principle should be undertaken only by trained professionals. In practice various stakeholders take on this responsibility from lay persons to professionals with varying degrees of training and motivations.
- "Institutional mediators" who act in the "best interests of the child" have played a determining role in the decision-making process of the mothers and father to separate themselves from their child. Such activities should be regulated.
- Decision making process in practice does not include a thorough assessment of the home situation or a permanency care plan that focuses on keeping the family together.

### 6.1 Introduction

In a context where the Government of Viet Nam pays much attention to prevent children from living in institutions for long periods of time (see chapter 1.1), the present research shows that there are many children in SPCs separated from their parents (see rising trends in chapter 3.3). So in addition to the phenomenon of abandoned and relinquished children, this chapter more specifically expands on the causes of why children live in institutions where there is no question of abandonment or relinquishment. More precisely, the parents are known and they never had the intention to permanently renounce their parental authority as in relinquishment cases.

During the field-research six mothers and one father who chose a state-run SPC for the care of their child/ren were interviewed. Although each mother/father had a singular story to tell, due to particular circumstances, with certainty we contend that their stories provide insights into the larger Vietnamese landscape of children in institutions. These stories provide relevant insights into the circumstances under which and motives why children are separated from their families.

In this chapter we use a narrative analysis. A narrative analysis aims at understanding which messages the narrator tries to communicate rather than to establish the factual truth of the stories.

The strength of narrative analysis is that it produces information that goes beyond the face-value of what is being told and positions the narrator in its socio-economic and cultural environment. So even though the following analysis is based on a restricted number of stories about the circumstances in which and the motives why mothers/father have decided not to raise their children in their family environment, broader interpretations of the narrations allow for deeper insights in the relationship between individual room to manoeuvre and structural constraints. As a result, the insights and conclusions thus inferred have a solid empirically grounded validity.

The experience-near<sup>63</sup> narratives contribute to the understanding of the decision-making processes made by mothers and/or fathers to send their child(ren) to an institution. **To a certain extent, all cases presented here relate to poverty. But many of our interlocutors were aware that people in their socio-economic environment lived in similar poor conditions. Their narratives show that poverty never comes alone. It is indeed the accumulation of disruptive life events, the spiralling down into debts, misery and the confrontation with devilish dilemmas that made these mothers and/or fathers make the most painful decision imaginable: to separate themselves from a child (see also chapter 5, key findings).**

## 6.2 What do we know about social protection centres?

When parents choose institutional care for their children, they retain their parental rights although the institution has guardianship responsibilities. Parents remain in contact with their children and they are allowed to take them back whenever they wish. Alternative child care falls under the realm of MOLISA. Therefore MOLISA as a public actor is responsible for the institutions where various categories of children without parental care are taken care of. The generic term for this kind of institutions is "Social Protection Centre." SPCs do not only host children, but they also provide care to elderly and young adults with "problems." Sometimes, we run into the term "orphanage", which to our understanding is a SPC in which children are hosted who have lost one or both of their parents. But "orphanage" is also used as a generic term to refer to institutions that take care of children in its broadest sense. The term "orphanage" thus adds up to the conceptual confusion that was presented in chapter 2.

Besides the public sector, in which we have been working through MOLISA, there are also institutions that take care of children in the private (business) sector, in the charity civil society sector (not for profit NGOs), and in the faith-based realm (public or private) such as pagodas, church-related institutions. It might be that numerically the non-public sector hosts more children without parental care than the public sector institutions under MOLISA. **Given that our research was limited to actors in the public sector, further research into "private" institutions is recommended.**

**The following section discusses reasons why parents feel compelled to choose institutional care for their child based on narrative analysis as discussed above.**

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<sup>63</sup> "Experience-near" as a methodological devise means that researchers take into account how people themselves experience life events. This methodological approach contrasts with "experience-distant" information, which refers to information based on what others (such as professionals) project on the lived experiences of their informants, clients or patients. This can be illustrated with the concept of "deviant" mothers. Professionals have their perceptions of what a "good" mother should be. Listening to the mothers' stories allows one to unravel the meaning they give to motherhood.

### 6.3 Absence of infant day-care

*“Under article 26 of the CRC, children should be entitled to social security, social insurance and financial support if parents are unable to provide it. Similarly, under article 27 of the CRC, parents and legal guardians should be given financial and material support to allow them to provide the child with ‘a standard of living adequate for their physical, mental, spiritual, moral and social development’. The Convention also recognises that parents may need to go out to work and therefore obliges States to ‘take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible’” (CRC, article 18(3)).* A recurrent argument to explain why children are separated from their mother and/or father is that the mothers are young and not married. In other words, as we have seen in chapter 5.2, these children seem to be born to single mothers. Whereas the meaning of single motherhood is rapidly changing in Viet Nam and not seen any more as a very transgressive event, in practice, single mothers do encounter structural constraints to their fulfilment of being a young mother with an infant (<18 months). In the encounters with single mothers we heard them share their difficulties in combining their double role of mother and breadwinner. How can one work and earn an income while your baby is less than 18 months and without any (affordable) infant day-care facilities? How can one earn a living if you are isolated and not supported by family members?

#### 6.3a Case example 3: Quynh

Quynh is 28 years old, holds a high-school degree and earns a living as a waitress in a restaurant in Hanoi. Five years ago, at the age of 23 she left Hanoi to search for work in HCMC. In HCMC she was involved in an affair with a young man. The boyfriend lost his parents when he was young. Quynh’s own parents divorced when she was seven years old and she has not brothers or sisters. None of her parents really cared about her. She was raised by her grandparents and left them at the age of sixteen. In these circumstances the friendship between Quynh and her boyfriend was based on a shared feeling of loss and a need for love and affection. In HCMC both have a job, and, then, one day she falls pregnant (according to her it was failed contraception/condom). She discovers her pregnancy two months after conception. Personally she does not consider an abortion, but her boy-friend pressures her to do so. She resists and keeps the foetus. Her pregnancy is a period of vomiting during seven months. Although she continues working and sharing the same rental apartment with her boyfriend, continuous conflicts with her partner makes her decide to come back to Hanoi. Back in Hanoi, her father is very angry with her when he learns about her pregnancy. He lets her know that she is a “bad” girl, since unmarried and pregnant. Her mother also rejects her, and during that period she has suicidal thoughts. Fortunately, she can chat with young women who experience similar situations on a 24H on-line newspaper. She delivers at eight months by means of a Caesarean section in a maternity ward of a public hospital. But due to complications after delivery, she has to stay fifteen days in hospital, after which she goes home with her baby-boy. Soon after, an unknown man calls her from HCMC informing her that her boyfriend has died in a labour accident. This news comes as a shock to her, because she probably still expected reconciliation, and she starts suffering from insomnia.

In these difficult circumstances, the owner of her apartment tells her that she can postpone paying her rent for three months, and her neighbours provide her and her baby with food. She is unable to work, because she has nobody to take care of her baby boy. In her neighbourhood there are no infant day-care services and a babysitter costs 3 million VND per month (144.00 US\$). In that period, she meets a money-lender from whom she borrows some money. But her debts increase.



She just sits in her apartment, with no TV, no radio, no newspaper, no phone. Then one day, when her baby-boy is about five months old, she sees an article on the State-run “orphanage for malnourished children” in a magazine. Her baby is constantly hungry and suffering from illnesses. She considers sending her baby to this institution. She has to borrow a phone from someone to call the institution. She is hesitant and she precociously interrupts many calls out of fear for what she is going to do. One day her call comes through, she undergoes an interview and fills out official papers. She follows all the procedures, because she is fed up with her miserable living conditions. Three months later, her child is living in an institution.

After institutional care is chosen for her child (now two years ago), she starts working again, as a waitress in a restaurant. But even today, she is still indebted. In the meantime, her child continues to live in the institution. The policy of the institution is to keep a malnourished child for one year. But she has already re-signed the placement documents twice. When we ask her if she wants to take her boy back home, she doubts. She does not know if she is able to care for him and to educate him.

She comes to visit her boy once every three months. She observes that he is well nourished. But she feels bad about the situation. She reconciles herself with the idea that her boy is better off here in the institution than on the street. The institution does not charge her any fees<sup>64</sup>.

Now that the boy is three years old, he will be transferred and sent to a SOS Village. She does not want her boy to go there. Her profound desire is to bring the boy back home, but she tells us that the director (f) of the institution thinks that she is not capable of raising her child by herself. The equation at this point in her life is, either the director sends a letter of recommendation to MOLISA and asks them to allow the child to be sent to a SOS Village, where from the institution’s perspective supposedly “the child has better chances”, or that she brings her son with her to her apartment, knowing that she has a low salary, no permanent job and a very loose social safety net. Her dream would be to have her own house (not a rental one) and her child, and to marry. While waiting for her dream to become true, she chats with young women in similar circumstances on internet. Her real life is lonely and burdened with a debt to repay.

Quynh’s story is a singular one. Here we witness an accumulation of disruptive moments that spirals her down to very significant dilemmas. Having assumed her pregnancy as an unmarried mother, she could not foresee to be the sole care-giver and provider of her child since her boyfriend’s death occurs accidentally. Being rejected by her close relatives, she leads a lonesome life. Without a social safety net and without provision for infant day-care she is unable to combine work and the care of her baby.

Rather accidentally she found out about the State-run “orphanage for malnourished children”, and from our view rather exceptionally the child is taken care of as if it were in permanent day-care. Quynh herself says: “I bring my child to the institution like I would have taken him to kindergarten without paying a fee”. Indeed, in her social isolation, the placement of her baby in an institution that could nourish and care for the child opened up room to manoeuvre for Quynh to start working again. Although she initially did not intend to permanently separate herself from her child, and that she still has a profound desire to get her child back, we have witnessed how the staff at the institution is not working on family re-integration. According to Quynh the message that she gets

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<sup>64</sup> This orphanage is managed by DOLISA and receives financial support from the American organisation Home for Children International, and from some Vietnamese private companies.

from the institution is that she does not have the socio-economic capacities to raise her child herself. Furthermore, emotional attachment to her child and of the child to his mother is frustrated by restricted opportunities to visit him.

Quynh is an exponent of a single mother who cannot take care of her child. Decree 67 and 13 specify among others that “single persons under the poor household category who raise child(ren) under 16 years of age” qualify for social allowances (Decree 67/2007/ND-CP, article 4, clause 9). Under Decree 67, single persons who are raising child(ren) under 18 months receive a monthly allowance of 270.000 VND (= 13 US\$). Why then did Quynh not receive the provisions as defined under Decree 67 and 13? The 270’000 VND monthly allowance would surely have allowed her to provide for the minimum needs. Regardless of the quality of the implementation of Decree 67 and 13, the provision of affordable good quality infant day-care would be another means of addressing identified problem. It would have arguably allowed this single mother to generate a decent income and it would have prevented her of being separated from her child. A collateral economic effect of provisioning infant day-care facilities would be that it will allow more mothers of infants to participate in the labour market and subsequently increase the overall GDP.

#### 6.4 HIV-infected mothers and social stigma

The effects of the HIV infection are high on the policy agenda in Viet Nam. Professionals frequently mentioned HIV-related problems as a cause for child abandonment. This relationship did not immediately come up from the discussions with mothers. But, since the child protection system systematically document the number of HIV infected or affected children, some HIV-infected mothers were selected to participate in this study. As a result we have interviewed two HIV-infected mothers. In one case the mother, strongly pressurised by her family, decided to relinquish her child.

The other HIV-infected mother had to struggle with the strong stigma of being seropositive, and eventually could not take care of her young daughters (aged eleven and nine). In an earlier report commissioned by UNICEF, the issue of social stigma and HIV is discussed, and efforts are currently been made to attenuate the negative consequences of the social ill-treatment of HIV infected people. Being a seropositive mother goes hand in hand with facing a number of social and economic challenges. The stigma leads very often to be rejected from a family (or an in-law family) environment. It is very difficult to keep a job because bosses and co-workers are afraid of becoming infected. Children of HIV infected mothers are ostracised and suffer marginalisation. Both seropositive mothers with whom we spoke had lost their partners and were *de facto* “single” mothers. So in addition to suffering from ill-health and social exclusion, they also had to face the difficulties of combining the double role of being a breadwinner and a mother. Emotional exhaustion led them to the painful decision to bring their child to an institution. Also a profound sense of love for their child seems to be a reason to choose an institutional setting for a child, supposedly where he or she could have play-mates and not being excluded because of the HIV related stigma.

The shame that surrounds the disease is so strong that the young woman whom we interviewed in HCMC only referred to her situation in covert terms. Her strategy not to explicitly mention her illness illustrates how sensitive the status of seropositive persons is in Viet Nam. Kim’s story is meaningful to understand the particular life circumstances, stigmas and processes of social exclusion that seropositive mother’s experience.

#### 6.4a Case example 4: Kim

Kim's residential province is Binh Phuoc on the border with Cambodia. She marries in 1999 and soon after her wedding her husband leaves Viet Nam to work in Cambodia. Although her husband rarely comes home, she gives birth to two girls in 2000 and 2002, respectively. *"My husband went to work in Cambodia when I was one month pregnant of the first child and he came back home when my child was one month old"*. Early 2007, just before the Tet celebration her husband returns home and passes away within a couple of weeks (from AIDS). This event turns her life upside down. At that time, she is living with her parents-in-law. After her husband's death, she has to find a job in order to provide for her children, who are already attending school. First she finds a job 30 km from home, but that causes her problems to organise the meals and the care for her children.

Soon she gets a job closer to home, but people say bad things about her behind her back which makes that she is fired from different work-places without explicit reasons. Her daughters start asking questions and she is embarrassed to explain the situation to them.

In addition to her frequent losses of jobs, she gets into quarrels with her parents-in-law. Just before her husband died, the couple qualified for a plot of land to build a house subsidised by the commune. When she was absent from her parents-in-law's place for work, the family-in-law tried to get hold of the piece of land. A rather complex game of family politics occur which ends up in establishing false documents and the transferal of the plot of land to her late husband's sister. *"Q: Did you receive any support, encouragement from your family, the community or the social workers here? A: Mainly from my parents who gave great support to me not in terms of money, but in terms of taking care of my children. My friends also gave me encouragement and sympathy. However, I felt inferior and let down."*

Kim decides to leave her parents-in-law, while she is working in a factory in a remote place (a strategic choice to avoid gossiping). Meanwhile she is in need of a medical treatment herself and in order to qualify for health insurance she has to have her residential certificate in the place where she rents a room near her work (suburb of HCMC). The doctor recommends that she contacts the pagoda and have the monk settle her residential certificate so that her medical treatment can be paid. It is at the pagoda that she hears about the possibility of institutional care for her daughters (then eleven and nine) so that they can enjoy schooling and be nourished. *"At first, it was very hard for me to leave the kids at the pagoda. It took me a very long time to overcome my emotion. The kids also cried a lot, they missed me."* It has not been an easy decision. *"Before sending my children to the pagoda, I spent quite a lot of time to consult with my senior friends and talk with my children. I felt pity for myself, partly, and very much for my children. I told my eldest daughter that I needed to earn money in order to be able to take care of them. So I had to explain to my daughters that leaving them at the pagoda did not mean that I abandoned them."*

The motives to leave the children at the pagoda are clearly explained by Kim. *"I only wanted to be able to work, to earn a living, to take care of myself, so that my children would see that I am healthy, able to earn a living, and not being dependent on others."* Her decision to leave her children at the pagoda was based on her confidence of the quality of care provided by the monks. *"I left my children here with a feeling of great comfort as the monk would take care of my kids, provide them with schooling. I felt reassured about this."*

At the end of the interview we ask if she gets some support from the State or from other organisations. She says she does not. Philosophically, she adds: *"I need love, encouragements and advices from others. Now that I am in a difficult situation, I need the mental support from others"*

*more than money. I need a stable place to live, so that I can feel comfortable to go to work. My family cannot afford to buy a house for me. If government or international organisations would support me for this I would be grateful for that. However, I don't expect much from them."*

## 6.5 Domestic violence

Violence against women is a widespread phenomenon. No clear-cut link can be made between domestic violence against women and children living in institutions, although it is known that battered women generally come to particular shelters with their children. During our field-research we had interviews with three women who had been victims of physical abuse by their husbands. Two of them were currently working in a State-run SPC where their children were living; the third one who was pregnant resided in a Pagoda. Since this third woman was in the process of deciding to raise her child after delivery (or not), she does not qualify for the following description. The two others had a particular story since they were twin sisters and had been abused by the same man.

### 6.5a Case example 5: Twin sisters

At the time of the interview, they are 41 years old and in contact with the SPC for more than ten years. They are very emotional during the interview and show us the scars of the physical abuse that they underwent on their heads and arms. They are anxious and fear that their husband can show up any time to do harm.

They grew up in a rural Province of the Central Highlands and at the age of twenty, one of the sisters decided to go to town to earn a living. She met her partner/husband and bore her first child. Her sister came to town to help this young mother in combining work and care for the baby. The husband started to abuse both sisters, and each of the sisters were forced to have sex with him and delivered three children each. One day, they had the courage to run away from home, each a baby in their arms and two young children on their side. They tell us that they stayed for a little while in the open air in the markets before they were taken into care by the Women's Union in a shelter for battered women. With the help of the People's Committee and the mediation of the Women's Union, eventually the six children could be left in a local SPC, the women could do some casual jobs in the SPC<sup>65</sup> and with the support of the People's Committee they found a rental place. At the moment of the interview, the two eldest children of each have entered the labour market (shop vendor and internet-shop servant) and live with them; the other four adolescent children are living in a SPC for adolescents getting a vocational training. Unfortunately, the two eldest children do have health problems and the lion's share of their budget is spent on medical costs since they do not have a health insurance.

In the turbulent times when they brought the six children to the institution, nobody has ever talked about relinquishment for adoption to them. They have never considered relinquishment themselves, because **"a mother and her children belong together."** Furthermore, they suspect that the father would be very violent if he came to know that his children were adopted.

<sup>65</sup> At the moment of the interview they are still employed by the SPC. This SPC receives much financial support from multinationals (such as TOTAL) and industrial plants in the area. About twelve years ago, this SPC was mainly run by volunteers (national and international). Nowadays there are 70 paid employees. The director also actively maintains contact with foreign adoptive parents who regularly send gifts. It is in such situations that there is a risk that adoptions become a pull factor.

From the statistics presented to us during the field-visit we cannot know how many children in the institutions come from a family back-ground characterised by domestic violence. From the previous case we learn however that mothers – if they can – will bring their children to a secure place such as an institution in order to protect them from abuse.

## 6.6 Administrative maze

The governance structure of Viet Nam is complex and rules and regulations have to be implemented in 63 provinces, many districts and even more communes. Furthermore, in order to implement policies people are registered in their communes of residence (*ho khau*). It is in the commune of residence that citizen can access social service provisions as defined under various decrees.

However, in reality the population of Viet Nam is very mobile, and internal migration has even speeded up with the rapid industrialisation, especially in urban areas. Therefore, many Vietnamese do not live in their commune of official residence. This situation comes with difficulties when young mothers and/or couples want to register a new-born, to qualify for health insurance and to access educational facilities for their kids. The administrative maze can result in unintended outcomes.

### 6.6a Case example 6: Huyen

Huyen is 21 years old when we meet her at the SPC with her fourteen month old baby-girl sitting on her lap. Huyen grew up in the Province of Quang Binh, in the middle of Viet Nam, and at the age of nineteen migrated to Binh Duong to work in the garment industry. There she met her husband, originally from the Southern Province of Bac Lieu, and fell pregnant. She received a prenatal check-up in hospital and then she gave birth to a premature baby. “The baby was below one kilo and ‘everyone’ told me that the baby died. In the paper that they gave me when I checked out from the hospital it is written that my baby died.”

Two months later Huyen receives a phone-call from the hospital telling her that “*I could go there, and bring some stuff to care for and feed the baby.*” She doubts if it is her baby. The nurse takes her to a “special box” and says that this baby is hers. But the baby is very weak and the nurse says that it has a 30-50% chance of surviving. Then the story becomes a bit more complicated. “*The nurse advised me to leave the baby in hospital, because if I would take it home it would surely die. She pushed her to sign the agreement paper to leave the baby in hospital. If the baby luckily survives, I can see her again, if not the hospital will do the procedures of her funeral.*” Huyen does as she is advised.

Then five months later, her mother calls her from the Province of Quang Binh telling her that they had received a letter from Thu Duc Village Youth-Centre in HCMC to let them know that the baby is looked after there. So after receiving this call, my husband has gone to the Thu Duc Village Youth-Centre to check whether it was our child. In summary, after doing several checks (including DNA-test) and filling out the papers, their baby daughter was placed in their care. The various letters sent to the village of permanent residence have been left unanswered until Huyen’s mother opens one and calls them. Huyen’s story is hardly imaginable, but nevertheless there are some indices of the complex reality illustrating the complications of a premature delivery from a factory worker whose permanent residence is in a faraway Province and whose partner is registered in yet another Province. The household registration system presumably causes some administrative burdens when it comes to new-borns’ contacts with hospitals and institutions.

Huyen's story ends well, but her case shows the various moments of dire vulnerability in a newborn's administrative reality. What would have happened if ill-intentioned actors came across a vulnerable baby like hers? What are the consequences of a mother signing a quasi-surrender deed at the moment where little chances of survival are given to a premature baby? How many interstitial spaces are there when a baby is transferred from a hospital to an institution? And what are the real chances of tracing parents if they live in different places in Viet Nam?

## 6.7 Better future prospects

Poverty pops up as the main reason why parents cannot properly provide for their children. Not properly providing for your children in Viet Nam refers to not being able to "feed them" (see chapter 5) and to pay for school fees. The social protection scheme, under Decrees 67 and 13, is an important tool to give financial and material support to poor families (see chapter 6.3a).

Furthermore, charity organisations operating in Viet Nam also contribute to ease the devastating effects of poverty. During our field trip we visited the former youth-centre founded by Marina Picasso (a daughter of the famous painter Pablo Picasso, and an adoptive mother of two Vietnamese herself). Although the centre is now run by the Vietnamese state, it is still known in the vernacular as the "village". What does the village offer and how far does it contribute to poverty alleviation? And what are the reasons that convince parents to send their children to such an institution?

### 6.7a Case example 7: father and daughter

Unexpectedly we meet with a father (66 years old) and his 22 year old daughter for an interview. This daughter (the third out of four daughters in the family) was sent to the SPC in 1999 when she was ten years old. We decide to interview them together in order to get the father's perspective on the circumstances under which and the motives why he and his wife had decided in 1999 to place their ten year old daughter in an institution as well as to get insights in the daughter's lived experience of the separation from her family. Although we were aware that interviewing father and daughter together might cause some problems of loyalty, for convenience sake and time constraints we decided not to conduct separate interviews.

The family was living in one of the suburbs of HCMC in 1999 and according to the father they "*were living in very difficult circumstances, like many other families.*" What made their case more salient is that the father suffered from a kidney disease and in order to pay the medical treatments they previously had been obliged to sell their 7.000 m<sup>2</sup> paddy field? In 1999 the local authorities recognised the very arduous situation of the family and informed them that one of the four daughters could be sent to the Thu Duc Village (until 2002 called the Marina Picasso Youth-Centre). The proposal made by the local authorities is retrospectively seen as a "chance" by both father and daughter. The father comments how they came to choose this girl: "*When the commune authority introduced us this chance to ask the Village to take care of one of our children, we just sent her. Not the elder girls as they were over the age of ten and did not qualify neither the youngest since she was too weak.*" The daughter, who at the time of the interview is 22 years old and just graduated and been employed, reflects: "*When I was informed that I had a chance to come to the Village, I thought that it was a good opportunity for me. My family was so poor at that time and could not afford to pay my school fees. Coming here I could go to school and this was the*



*way to help my family. In the first period that I was here I was homesick. However, I thought more about my future that I would be able to build here. If I stayed at home, I would soon drop out from school. My two elder sisters had to stop going to school as our parents could not afford to pay their studies. The Village was an opportunity to achieve a good educational level."*

The opportunity to live in the institution is conceptualised as a chance: A chance for the daughter to attend school and graduate and a chance for the father to strategically place a family member as future financial security of the family. Although sending the child to the institution was a positive economic strategic move, it was also a painful event. Still today, twelve years later, the father recalls: *"Normally, no one would like to leave a child in an institution. But because of our difficult situation we had to give our child to the Village. If she would have stayed with us, she would not have had enough food and not be schooled. At that time, I closed my eyes and held my emotions when I left her here."* He also nuances by adding: *"I conclude that the Village raised my child very well and she had a chance to study. However, if my family would have been in better conditions, I would never have sent my daughter to the Village. It was painful to leave her here as she is part of the family."* The cost of the investment in future prospects of the family was that the girl was separated from her family. According to the regulations of the Village she had the right to visit her family during the Tet festival for seven days. On other holidays, including Sundays, her parents could come to visit her at the institution. This particular case shows that parents make strategic choices. This family sent the third daughter to the institution. The two eldest did not qualify anymore due to their age, and the youngest was considered too weak. This girl was perceived as strong enough to cope with a separation and to survive in an institutional environment. Dutifully, the daughter currently argues that *"as I was healthier, my parents could be reassured about me"*. Her placement, although an emotional sacrifice for both the parents and the daughter, can be considered as a success story, since she graduated and found a job. In other words the Village fulfilled a boarding school function.

Furthermore, while reflecting on her co-mates in the institution, this keen young woman verbalizes some reflections. She shares with us her worry that *"there were many cases of newborns in the Village"*. She conjectures that this might come from insufficient knowledge among adolescents with respect to sexuality and contraception. The institution seems to fulfil the function of a safety net when unmarried – presumably panicking – young women are in trouble when confronted with an unexpected pregnancy. The institution is in her opinion still a better place than growing up in the streets, but the institution should not function as a remedy to societal problems related to insufficient information on sexuality and contraception.

## **6.8 Mental illness**

Little information is available about adults with disabilities and mental illnesses becoming parents. Depending on the living conditions and mental and physical capabilities of these persons, they may not have the capacity to raise their children themselves. We met with a mother who is an exponent of both scenarios. The question of parenthood and disability is a social and politically sensitive issue. It touches upon reproductive rights of adults living with a handicap as well as their special needs for sex education.



### 6.8a Case example 8: Thuy

We met with Thuy a 35 year old woman with a mental illness whose eight years old twin daughters reside in the SPC. She is accompanied by her mother during the interview. Mother and daughter are illiterate and come from a very poor background. According to the mother, they live in a house that is given to them by the Government and they qualify for Tet celebration's support. The mother is a widow and besides her 35 year old daughter who has a mental illness, she also has a 20 year old son who works as a jack of all trades, and who has a wife and one daughter. Thuy is not able to participate in the interview and her attention is constantly drawn to people moving around in the SPC. She happens to be the mother of a twelve year old daughter, who lives at home, and of the eight year old twins who are taken care of by the SPC. At the moment of their birth, in 2003, the family did not have enough money to raise the girls, who in addition to all happened to be sick. When asking about the father of Thuy's children, it appears that the genitors are unknown.

The circumstances of the interview were uneasy since the main actor, Thuy, was not able to answer our questions and to reflect on her situation. Nevertheless, her case is illustrative of how disruptive circumstances may add up and eventually lead to children living in an institution. Although we do not know the circumstances under which Thuy fell pregnant (at the age of 21 and again at the age of 27), we do know that the first daughter of Thuy was able to grow up in her family, but that when the twin daughters were born, sickness, extra expenses and poverty added up and resulted in the eventual choice of SPCs for the baby girls.

### 6.9 Work-life balance in industrial zones

*The increasing gap in living standards due to the shift to a market economy, rapid urbanisation, family break-ups, and the erosion of traditional values have led to increased number of abandoned, neglected, abused and exploited children. (MOLISA/UNICEF, 2009, p. 12)*

From the very beginning of our field-visit to Viet Nam, young female workers in industrial zones were said to be a risk "group" of mothers who abandon their children (see paragraph on perceived causes of child abandonment in chapter 4). In order to better understand the living conditions of young female workers and the decisions they make when they become pregnant and mothers, the research team paid a visit to a "dormitory" in an industrial zone in the Province of Binh Duong. The "dormitory" or residential compound we visited is composed of 170 bedrooms compacted together in a square grid of small alleys that host 400 persons, half of them women and half of them men<sup>66</sup>. On this early Monday morning, our delegation (composed of representatives from MOLISA, DOLISA, UNICEF, Youth Union, researcher, research assistant and interpreter) immediately attracts the attention of many residents. After some exchanges with the landlord of the compound and the guardian, we are invited to convene in a small room (3m x 3m) furnished with a twin bed, without a mattress, and three chairs. Seven female factory workers are invited to join our conversational discussion. The research assistant and four factory workers sit down on the twin bed, three factory

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<sup>66</sup> The "dormitory" is located in an industrial area, and at first sight one would not suspect such a densely populated residential compound in the middle of an area where only big factories are located. From the street side, the compound is hidden behind a small grocery store. The entrance is guarded by male guardians and dogs, and at the entry a written poster announces the house-rules and regulations that apply. The alleys are not more than three meters wide, and laundry dries all over the place.

workers (among whom one lady pregnant of twins and an elderly widow) sit down on chairs, as do the representatives of MOLISA, UNICEF, the Youth Union and the researcher.

Initially, also the male representatives of the delegation as well as the landlord and the guardian are present in the room. They are, however, kindly requested to let the discussion be a women-only event. After they have left, the door of the room is shut and the curtains before the open window are drawn.

A first introductory round gives some information on the geographical origin, demographic features, and the employment-history of the women<sup>67</sup>. All of the women who participate in the discussion group are mothers, except the young lady that is currently pregnant with twins. One of the women carries her six month old baby-boy. She tells us that her mother came from the village to live with her and her husband in this compound in order to take care of the baby while she and her husband are working. Although not very frequent, the strategy of bringing a grand-mother to the industrial zone to take care of a new-born was also told by mothers encountered in HCMC.

The problem in combining work and family life is that there are no nurseries for babies. The existing private nurseries in this industrial zone care for infants older than 18 months (see chapter 6.3). The other women, of whom **all the children live in the home villages**, converge by saying that private nurseries are far too expensive. They charge 700.000 to 800.000 VND per month, charging 5.000 VND per extra hour. This is a disproportionate amount if we think that the basic income that female factory workers earn is about two million VND per month, which can be increased to 3.5 to 4 million VND per month if they work extra shifts. By probing their employment-history, it appears that all of them aim to work extra shifts in order to touch the bonuses. Jokingly, they say in chorus: *“we are workaholics, the only drive in our life is earning money.”*

Normal working hours are from 8:00 AM to 4:30 PM seven days a week but can be extended to 9:00 PM with extra shifts. Very often both husband and wife work under such a regime. As a consequence, it is very difficult to take care of children in these circumstances. **So all the mothers who shared their story with us in this small room have one or more children in their home villages, where they are taken care of by family members (grandmothers/parents) and sent to school.**

They feel sad about the situation, and are well aware that the living conditions in the villages are poor and that they need the money. One mother tells us that she calls her five year old boy on a daily basis. Another explains that she only sees her children twice a year, because it takes twelve hours to travel by public transportation to go home. As we are at the eve of the Tet celebration, we ask them if they will travel home. The answer is that, on the one hand, they do not have enough

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<sup>67</sup> All of the women are married, except the one widowed, and they range in age between the early twenties to around fifty years. Two of them already lived here for six years, two others have been staying here for six months, the others between one and three years. Their permanent residences are in the Provinces such as Phu Yen and An Giang, one comes from a mountain area and one from the Mekong delta region. Their main motivation to come and work here is to earn money. The living conditions in their villages of permanent residence are poor, and the foreign companies offer jobs and income (pull-factor). All of the women send money to their home villages in order to financially support their children and their families. Six of the women live here with their husbands, who also work in the factories or in construction work. The two elderly ladies also have a son (respectively aged 18 and 20 ) who works in the industrial zone.

money to organise big celebrations. One woman says that she could not sleep during the night that she realised that she was not able to go home for Tet. On the other hand, the companies<sup>68</sup> increase the bonuses around the Tet celebration as an incentive to continue working and not taking a break. In summary, earning money is the reported main driving force in the lives of these factory workers. The 7/7 days a week working regime and the long working hours (due to the attractiveness of getting bonuses through extra shifts) are a main constraint to raising children themselves in the industrial zones. Whereas some recur to the solution of bringing a grandmother from the village to the compound as baby-sitter, **the vast majority are separated from their children and rarely see them.**

### 6.10 What laws govern social protection centres?

As a State Party to the CRC, the government of Viet Nam has an obligation to prevent and respond to all forms of violence, exploitation, abuse and neglect of children through an appropriate child protection system. In addition, the UN Guidelines create a duty to *“ensure, inter alia, the right to birth registration, and access to adequate housing and to basic health, education and social welfare services, as well as to promote measures to combat poverty, discrimination, marginalisation, stigmatisation, violence, child maltreatment and sexual abuses, and substance abuse”*? (UN Guidelines for the Alternative Care of Children, paragraph 39).

The Vietnamese Constitution provides that *“parents are duty bound to bring up and educate their children into useful citizens of society”* (article 64 of the Constitution of the Socialist Republic of Viet Nam, 1992, as amended 25 December 2001). The Law on Child Protection, Care and Education and the Marriage and Family Law set out the prevention of and response to violence, exploitation, abuse and neglect of children. The Marriage and Family Law establishes the responsibilities of parents to raise their children and provides for the limitation or deprivation of parental rights if parents are unable, unwilling or unfit to care for their children (No. 22/2000/QH10, June 9<sup>th</sup>, 2000, article 34 & 41(2)) (see chapter 2).

SPCs are an alternative care option used to implement part of the social protection policies in Viet Nam, although family and community based options are preferred.

Provincial/municipal People’s Committees are authorised to decide, and therefore to recommend, who qualify for institutional support under Decree 67 as social protection beneficiaries. Although MOLISA has to perform the management of social protection work (Decree 63, article 19, clause 1), it shares responsibilities with a number of other Ministries (among them the Ministry of Finance for the allocation of funds; the Ministry of Health for the determination of the health status of disabled persons, mental illness patients, HIV/AIDS-infected persons and persons who are seriously injured due to natural disasters; the Ministry of Education and Training to select social protection beneficiaries for an exemption or reduction of school fees for students).

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<sup>68</sup> In this case, with one exception, the companies where the women work are all run by Taiwanese management.

### 6.11 What policies and practices govern social protection centres?

At the national level MOLISA is the leading Ministry, and co-operates with other ministries in providing the child protection services (see chapter 6.10). At provincial level there are multiple actors involved in implementing the laws and policies: departments of DOLISA and departments of other ministries, the provincial People's Committees, the provincial social protection centres. At a district level there are also officers of the ministerial agencies, representatives of district People's Committees who play a "hands-on" role in implementing the normative framework (Hamilton et al., 2010: 5). At the lowest level of the Commune are located the key actors to implement the laws and policies with regard to the child protection system. "Commune level People's Committees, as well as hamlet and ward leaders, are heavily involved in the lives of their community and frequently receive updates and reports of what is happening in the community. Thus, if a child is considered to be at risk, the commune level People's Committee, or local leaders, will be notified by collaborators and mass organisations that operate at this community based level" (Hamilton et al., 2010: 5). Many actors thus have an eye on and an important role to play to prevent children from being separated from their families. However, these same actors can also play an unregulated role of pro-active mediators if they consider that mothers and/or fathers do not adequately provide for their children (see chapter 5).

## Chapter 7: Causal analysis

Abandonment and relinquishment of children and placement of children in institutions cannot be explained through a single cause, given that each variable must be read in its own particular context.

By focusing on discourse, this research reveals the power dynamics between the interpretation of various laws and multiple policy frames and how these function to make particular groups of women vulnerable to child abandonment and relinquishment. The processes that lead a child to be ultimately separated from his or her parents are multiple – although the narratives do present distinguishable patterns - being structural, underlying and immediate causes.

### 7.1 Structural causes

At the very heart of abandonment and relinquishment issues are structural causes – including the political, economic, social, historical and cultural context of any given country - which contributes to underlying and immediate causes. Governments are usually the prime duty bearers in relation to structural causes, although other groups such as NGOs, religious bodies and UN agencies also have a role to play.

### 7.2 Underlying causes

#### 7.2a Poverty related factors

Parents, both mothers and fathers, mentioned various reasons why they were not able to raise their child(ren) at a particular moment of their lives and decided to relinquish. An overall and recurrent motive is **poverty**, or more precisely according to the Vietnamese expression they were not able to “*feed the child*.” The description of their life circumstances has shown us that poverty cannot only be understood as **material deprivation** or as the sole cause of child relinquishment. In other words, poverty never comes alone, and material deprivation is not the definitive cause of child relinquishment. In many of the stories that we have collected, the mother and/or father witnessed extreme forms of misery that led them to **not being able to feed their children adequately** and they suffered from hunger. The absence of sufficient income and food happened in a context where disruptions entered their daily life: an illness and high health expenses, the loss of a plot of land and hence of income, the failure of a harvest and thus lack of food. In such circumstances **the idea or suggestions from others to place a child either in an institution or to relinquish him or her for adoption were perceived as a window of opportunity**. However, with solving one problem, many other problems came in through the back-door. Suffering of loss, stigmatisation of not being a good mother and/or father, the shame, gossip and as a consequence the secrecy all contributed to a negative psycho-social health status.

#### 7.2b Cultural factors

In gender studies it is usual to expand the definition of poverty beyond its economic component. Poverty is closely linked to the availability of time in order to fulfil one’s socially expected roles and responsibilities. Many of the mothers that we met shared similar narrative patterns related to their **gendered roles in society**. In the absence of good quality sex education, more than one fell

pregnant unexpectedly. Very often the boy-friends did not assume the responsibility as genitors (and often left the girls alone to find a solution), and the young girls found themselves becoming **unmarried mothers** with the responsibility to raise and take care of the child by themselves. In a context of lacking infrastructure for infant day-care facilities and in the absence of social support networks (relatives) many of the young mothers exposed the **impossibility to combine work with care**. The **time poverty** thus encountered led them to place a child, temporarily, to an institution. Variations to this model were seen in the industrial zones of HCMC and Binh Duong where young (and contrary to popular belief: married) industrial workers told us to have sent their infants back to the home villages with their parents or mothers so that they could comply with the long working days at the factories.

### 7.2c Laws and regulations

Viet Nam has made noteworthy progress in its child protection laws and regulations – most recently seen in the reform of the laws addressing adoption<sup>69</sup>. However, gaps still exist for abandoned and relinquished children, leading to additional vulnerabilities for this group. For example, the amalgamation of various terms leads to confusion (see chapter 2) and only children up to 16 years of age are included in certain definitions.

Such anomalies make it difficult to collect data and identify trends. Consequently challenges exist in developing targeted prevention measures as well as adequate programmes to address this abandonment and separation issue. This becomes more or less impossible without a national database to provide a systematic and overarching approach for the country (see chapter 3.4).

### 7.2d Access to services

Whilst Viet Nam has made substantial headway in terms of service provision of child protection measures, many families at risk do not have equal access. For example, the study revealed that families, especially in isolated situations were not aware of the availability of social assistance schemes and helplines to address their difficult circumstances.

The study showed that opportunities for family and community based care at times did not exist, especially for short-term periods of stress. In most cases, there was an over-reliance on institutional based settings such as Social Protection Centres (SPC) in these situations. Once the child was placed in these institutions, family re-integration services did not exist leading to higher numbers of children being permanently separated from their parents. This situation was exacerbated when in some instances, staff within institutions falsely assume that when parents do not regularly visit their children in the SPC that this was a sign of lack of interest as opposed to issues such as lack of capacity to travel to SPC's which are located some distance from the family home and in some cases the visit being too traumatic (i.e.: a reminder of their incapacity to care appropriately for their child). In some cases, these children were then declared “adoptable” resulting in an even more definitive separation from biological families.

Stigmatisation of single and/or unmarried mothers within the community was also recognised as a root cause for separation. The lack of support offered to single mothers in terms of quality and

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<sup>69</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam, op cit at paragraph 51.

accessible day care options was cited as a reason for relinquishing children since without this possibility mothers did not have the opportunity to work and provide for the family.

### 7.2e Demand

Demand is arguably an underlying cause requiring further research despite discussions with the professionals working in the institutions and agencies, revealing a striking lack of information on the so-called pull-factors of ICA and child “abandonment” (see ISS 2009). There was a sheer absence of awareness of the global imbalance between the great number of prospective adoptive parents in rich countries and the ever scarcer number of adoptable children in developing countries (Reysoo & Bos, 2011; Smolin, 2005, 2010 & 2011). The mere hint at such a pulling force was literally denied and downplayed by the idea that ICA was “charity work.” Whilst parents did not explicitly mention that the ICA system as a pull factor for the relinquishment of children, the idea that children would have a better future in a more affluent country was cited as a common belief among relinquishing parents and other officials. The great majority of children adopted out of Viet Nam prior to the moratorium in September 2010 were infants who had either been abandoned or relinquished. These infants were almost all living in SPCs and identified as adoptable. Consequently it could be supposed that as a result of this moratorium, the SPCs would be caring for increased numbers of abandoned or relinquished children – which was not the case during the investigation period for the report. We therefore conjecture that “ICA might have been a determining pull-factor for “abandoning” children into institutions” although there are no definite proofs of this, requiring further attention (see chapter 4.4).

## 7.3 Immediate causes

The stories were full of love for their children and as their narratives evolved tears run from their eyes. Indeed **culturally speaking, children do belong to Vietnamese families and losing them is experienced as very painful**. The life circumstances of these mothers and fathers, at the moment of relinquishment or placement in an institution, were systematically defined as “difficult.”

Despite poverty being self-cited as the main reason for separation, the research in fact showed that it was only when one or more negative events impact a family already struggling to get by, that the family decided to relinquish their children. For example, a **death in the family** was mentioned several times and caused a disruption in income after a redistribution of roles in the household. **Male outmigration** was given as a reason to be left behind without money and food to provide for the basic needs of children. **Unwanted pregnancies** led to discrimination and rejection from the social protective network. The fear for exclusion from the family and the **social stigma** provoked situations of **panic** that made the young mother desperate and decide to relinquish her child. Whereas in less disturbing circumstances it would have been normal to temporarily hand over the care of a new-born to relatives or community members.

We interviewed several **divorcees** who fell pregnant during a love affair with a married man, but the genitors did not want to provide for the mother and the child. Culturally, men are very reluctant to take care of a wife (even with a child from his breed) who already has children from a former marriage or relationship. In view of this cultural context it is not a real option for single or divorced mothers to take back her child from the SPC once they are happily (re)married. **None of the mothers with a so-called unstable situation was given the option by the staff to continue her life, alone with her child**. The ‘happy’ family norm is still very dominant, despite changing ideas on single mothers.



## Chapter 8: Recommendations

Since 1990, when Viet Nam visibly led the regional and international community in promoting children's rights (see chapter 1), much progress has been made "in the lives of Viet Nam's children, particularly in the areas of education, health and poverty alleviation"<sup>70</sup>. Recent progress has been clearly shown in the reform of the adoption system – which was acknowledged by the CRC Committee in 2012<sup>71</sup> as well as ICA actors during discussions at the Special Meeting on the practical operation of HC-93 in 2010. However, despite many laws, policies and practices addressing child protection issues, families and their children continue to be separated with grave consequences for those involved (see chapter 1).

In order to prevent the abandonment or relinquishment of children, joint efforts are needed. The accompanying recommendations seek to build on existing structures already present in Viet Nam, that are either little known in the community or require revisions to better address the needs of families at risk. To be truly effective, these must be accompanied by newer solutions.

Contrary to the other countries where the researchers have conducted in-depth fieldwork on child relinquishment from the mothers' perspective India, (Bos, 2008), Ukraine (Mykytyn-Gazziero, 2010), the Netherlands (Bos et al., 2011)), **the cultural meaning of family ties in Viet Nam is extraordinarily strong**. Children belong to their family. The central place of ancestor worship in each family shows that family ties expand beyond their worldly life. This sense of family explains the deep pain that is felt when mothers and/or fathers decide to separate themselves from a child.

Arguably this strong feeling of being part of a family provides fertile grounds for implementing a child protection system based on family- or kinship-care. In order to underscore our conclusion, it should be noted that this cultural feature is translated into a normative rule as expressed in article 41 of the Civil Code: *The members of a family shall have the right to enjoy mutual care and assistance in accordance with the fine moral traditions of the Vietnamese family. Children and grandchildren who are minors shall benefit from the care and upbringing of the mother, father and grandparents; children and grand-children shall have the duty to respect, care for and support their parents and grandparents.*

The priority recommendations listed below<sup>72</sup> propose serious action and intensified joint effort to strategically address abandoned and relinquished children in Viet Nam. These recommendations are based on the consolidated solutions presented by Government, UN Agencies, Embassies, NGOs and other stakeholders during the course of the research; the latter's comments on various drafts of the report and a technical meeting with over 60 representatives from the five provinces in Hanoi in March 2013. Where possible and relevant, an example of a promising practice of how the recommendation can be practically implemented is provided. To assist the Government with prioritising the 14 recommendations, they are categorised as short term, medium term and long term objectives.

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<sup>70</sup> Commercial Sexual Exploitation of Children Report, UNICEF Viet Nam, 2012 at 108

<sup>71</sup> CRC Committee Concluding Observation 2012 on Viet Nam . op cit at paragraph 51.

<sup>72</sup> See categories in UNICEF East Asia and the Pacific Regional Office (Jan 2009), *Child Protection Programme Strategy Toolkit*, Bangkok, Thailand, at 11-12.

## 8.1 Policy framework

**Recommendation one: Develop a 5 year National Plan of Action targeting abandoned and relinquished children, complementing the current National Program on Child protection (medium term)**

- Include children deprived of a family environment in the National Programme on Children Protection 2011-2015<sup>73</sup>.
- MOLISA should take the lead in the development of any programmes for this target group in close collaboration with relevant Ministries, UNICEF, NGOs and other key stakeholders including children which should:
  - o Identify gaps in the broader policy frameworks addressing the issue;
  - o Fix desired objectives and targets to prevent the unnecessary separation of children from their families
  - o Determine objectives and targets to promote family re-integration in cases of separation;
  - o Develop objectives and targets to promote family based and community based care when family re-integration is not possible nor in the best interests of the child;
  - o Identify key undertakings to achieve the aforementioned aims;
  - o Propose and delineate the responsibilities of various actors; and
  - o Assess budgetary requirements and determine funding sources.

## 8.2 Coordination framework

**Recommendation two: establish child protection committees on abandoned and relinquished children (long term)**

- Child protection committees with special competences in the field of the rights of the child, child protection, social work, judicial issues, police, civil society (e.g.: Buddhist union, farmer's union, women's union and red cross society etc.) - represented by actors at national, provincial, district and local levels should be established.
- MOLISA should lead these child protection committees in collaboration with UNICEF and other competent bodies specifically preparing strategies to implement relevant programmes, supervise appropriate resource allocation of resources; identify emerging trends; share best practice lessons; develop and independent monitoring and evaluation of services; and promote sustainable actions.

**Recommendation three: draft and implement an inter-ministerial policy delineating responsibilities of different actors regarding abandoned and relinquished children (medium term)**

- The responsibilities within each Ministry, Department and Province should be clearly identified in terms of who provides support to families at risk. As MOLISA is the Ministry who has the primary responsibility to prevent abandonment (article 46(2) Adoption Law 2010), such an inter-ministerial policy should include among others the:

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<sup>73</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam, op cit at paragraph 48b.

- Ministry of Health to direct and guide health centers to support such children with routine check-ups, orthopedic assistance and rehabilitation.
  - Ministry of Education and Training to implement inclusive education programmes and provide education subsidies where necessary.
  - Ministry of Information and Communication to develop communication and advocacy plans regarding the needs of this group.
  - Ministry of Justice with Ministry of Public Security to help with the identification of parents who abandon children
  - Central Committee of Vietnam Fatherland Front to coordinate grassroots committees to promote and raise awareness about how to support such children.
- A clear policy on the responsibilities of different duty bearers working with abandoned and relinquished children is essential to ensure that there are no gaps in service provision and comprehensive protection<sup>74</sup>. Ideally abandonment and relinquishment procedures should be streamlined at the provincial and local level. The role of “third parties” should also be regulated – so that the subtle processes of mediating in the communities influencing parents to choose institutional care for their children without being thoroughly informed about the consequences prevented.

**Recommendation four: Strengthen capacity building of professionals working in alternative care (short term)**

- Capacity building should involve training of staff and development of social work profession as per the objectives of the National Programme on Social Work Development One area of training should ideally focus on maintaining contact with the family and family re-integration practices that are in the best interests of children. Such capacity building should incorporate case management skills, psychological mentoring and social psychology. It may also involve the identification and training of volunteers who would be able to assist families at risk, especially in more remote areas.
- The Government may also consider establishing community hubs as child friendly resource centres where families at risk can access information such as day care options, income generating activities, access to social benefits as well as training and counselling for parents. Professionals managing these hubs should be trained to work with vulnerable families.
- Clear guidelines for professionals should be developed to ensure “systematic periodic review of the quality of care and regular training of its relevant professionals, including in child rights, while taking into account the UN Guidelines for the Alternative Care of Children.<sup>75</sup>”. This should encompass training on early intervention and prevention mechanisms as well as improving the vocational training of SPC staff to care for the individual needs of children.

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<sup>74</sup> One example where potential inconsistencies exist - MOLISA is responsible for the admission of children in Staterun social protection institutions, MoJ is responsible to implement the Law on Adoption and to match “adoptable children” with prospective adoptive parents. In practice the matching process is conducted at Provincial, District and local levels, involving Departments of Justice as well as People’s Committees. Article 20 of Decree 21 does not mention the instruments for MoJ to verify any possible fraud during the matching process at Provincial or lower levels of governance.

<sup>75</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam, op cit at paragraph 50c.

**Recommendation five: promote international co-operation to avoid ICA being a potential pull factor for abandonment and relinquishment of children (medium to long term)**

- Advocacy and awareness raising among all actors within and outside Viet Nam is necessary on the adoption laws to ensure that ICA occurs only in the best interests of the child and when the principle of subsidiarity has been respected<sup>76</sup>
- In order to help fill the data gap, Governments and Central Authorities of receiving countries should provide disaggregated data on numbers of ICAs to help identify trends.
- International co-operation should ensure the sharing and promotion of good practices for working with vulnerable children.
- Governments and Central Authorities of receiving countries should also comply with their agreed obligations to provide follow-up information to biological families.
- Further detailed research is required about the potential link between adoption and the abandonment and relinquishment of children is required.

**Recommendation six: promote the participation of children (medium to long term)**

- Children, especially those from marginalised groups, should be included in the development of laws, policies and practices concerning abandonment and relinquishment<sup>77</sup>. As duly noted elsewhere “meaningful child participation can be formalised through the use of youth advisory committees, community-based programmes and peer-to-peer initiatives. MOLISA, Mass Organisations, and grassroots NGOs are well-placed to select children from varied groups to contribute to the development of the NPA and participate in the National Taskforce.”<sup>78</sup>

### **8.3 Legal and regulatory system**

**Recommendation seven: Strengthen existing legal framework (short to medium term)**

- Viet Nam has adopted many laws to address children in difficult circumstances, covering abandoned and relinquished children, albeit indirectly. Nevertheless several weaknesses continue to exist and revisions should be considered by the relevant Ministries to ensure that national laws are in line with international standards as follows:
  - o Definition of children in difficult circumstances currently at 16 should be raised to 18 years.
  - o Clear distinction between definition of abandoned and relinquished children – this is essential as divergent processes exist for each category and consequently there are different duty bearers.
  - o Definition of relinquishment should be included in the MOLISA/UNICEF 2009 lexicon on child protection.
  - o Specific clause that poverty alone should never be the sole justification for why a child is separated from his or her family should be included in national law (see paragraph 15 Guidelines on the Alternative Care of Children).

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<sup>76</sup> Recommendation in ISS, 2009, op cit at 73.

<sup>77</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam , op cit at paragraph 48c.

<sup>78</sup> Commercial Sexual Exploitation of Children Report, UNICEF Viet Nam, 2012 at 111

- Given the importance of the child knowing their origins, this right should be legislated.
- Laws covering early intervention, prevention and non-financial support for vulnerable families should be more comprehensive.
- Develop legal documents to mobilise the participation and contribution of the community in the care and support for children in special difficult circumstances<sup>79</sup>.
- The current adoption regulations (laid down in five main instruments already mentioned in the chapter 1<sup>80</sup>) are subject to 63 separate Provincial and lower governance levels interpretations. Uniformity of implementation will be far from easy and some communities will be more exposed to power differentials between the state and its citizens than others (of special concern is the protection of children's rights in ethnic minority groups). Clear regulations on implementation delineating responsibilities are therefore necessary. Recommendation eight: establish a formal a data collection system on abandoned and relinquished children (short term)
- A centralised national database<sup>81</sup> should be established for all provinces and cities covering:
  - Reasons for why the child is need of care (e.g.: abandoned, relinquished, court removal of parental authority etc.)
  - Clear distinction between abandoned and relinquished children.
  - Disaggregated information about the different children in need of care (e.g.: age, sex, ethnic group, health status etc.)
  - Disaggregated information about the parents of the children in need of care (e.g.: age, sex, ethnic group as well as socio-economic factors etc.)
- Numbers of children in the various forms of alternative care as well as those who are adopted in a disaggregated format.
  - Numbers of children who are “adoptable” – domestic or Intercountry
- Information should be kept respecting “conditions of confidentiality and safety for the child, respecting his/her right to access information on his/her origins where appropriate and possible under the law of the State.”<sup>82</sup> Guidelines to this effect should be established as to how information should be shared between different Government Ministries and other interested parties including families of origin.
- Relevant training should be provided to professionals in charge of collecting data at the local, provincial and national levels.

*UNICEF CEE/CIS Manual for the Measurement of Indicators for Children in Formal Care This manual for Central Eastern Europe and Commonwealth of Independent States describes among others, what should be contained in a database, addresses issues of access and confidentiality. It discusses the mapping process, general principles for collecting information as well as various information sources.*  
[http://www.unicef.org/ceecis/Manual\\_for\\_the\\_measurement\\_of\\_indicators\\_for\\_children\\_in\\_formal\\_care\\_in\\_English.pdf](http://www.unicef.org/ceecis/Manual_for_the_measurement_of_indicators_for_children_in_formal_care_in_English.pdf)

<sup>79</sup> Mr To Duc, 2013, op cit.

<sup>80</sup> Law on Adoption, January 1<sup>st</sup>, 2011; Decree 19, May 8<sup>th</sup>, 2011; Circular 12 on the Issuance of Adoption Forms and Instructions on Filling, Filing and Using of these Forms, August 15<sup>th</sup>, 2011; Circular 21 on the Management of Adoption Service Providers in Viet Nam, January 5<sup>th</sup>, 2012; The Hague Convention Implementation Scheme, February, 2012.

<sup>81</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam, op cit.

<sup>82</sup> Paragraph 42 Guidelines on the Alternative Care of Children

- Official data collection should also be supported by UN Agencies, NGOs and other stakeholders (e.g.: private and religious institutions caring for children).
- Once this database is established, further research on trends of numbers of children being abandoned, relinquished and in institutional care.”

## 8.4 Social welfare system

### **Recommendation nine: build on programmes that strengthen and support families at risk in order to prevent unnecessary separation, especially services of a punctual nature (short term)**

- Systematic and thorough investigations into families at risk as an early prevention mechanism.
- Parents and grandparents who relinquish parental authority often do so during periods of extreme pressure and stress. In such situations, the opportunity for respite care could be one means of providing temporary relief to avoid transferring a child to a setting outside the family of origin. The Vietnamese Government with the help of UNICEF is currently implementing pilot projects for small group homes (social house model) with a maximum of ten children in nine provinces such as Vung Tau, which care for children during the day allowing parents to earn a living and care for their children in the evening. Such small group homes should be evaluated and if suitable be extended across the country with appropriate operational guidelines. Further resources should be dedicated to this model as it currently operates with only volunteers and has a very limited budget<sup>83</sup>.
- The Government of Viet Nam may also consider the introduction of formally-recognised foster families, who would be in a position to provide temporary care (even long term) to children. This would complement informal foster care (kinship care) that already exists in Viet Nam. Such “accredited” foster families would need to be recruited, trained and provided with assistance. This alternative care measure has proven to be an effective means of providing support to families at risk, especially in crisis situations. Once there is more stability within the family of origin, there is a better opportunity for re-integration from the foster family. It has also been noted that limited counselling services are available for mothers considering relinquishing their children<sup>84</sup>. Comprehensive services would ideally cover support and advice about options available as well as (legal) consequences of relinquishment. Whilst some provinces have “established the Centre for Social Activities and Consulting Offices to

#### ***Study on Child Abandonment and its prevention in Europe***

*This comprehensive 2012 research covering countries such as Bulgaria, Poland, Czech Republic, Hungary, Romania and Slovakia contains a number of excellent projects on how to support vulnerable families at risk of being separated in almost 400 pages. It helpfully lists for each country the various prevention programs in place, providing a brief description of services offered and target groups (e.g.: pregnant women, teenage mothers etc). One such example highlights a programme that helps marginalised ethnic groups in Bulgaria, how it works in maternity wards in the country and provides counseling services to woman at risk.*

*Source:*

<http://www.crin.org/docs/MANUAL%20OF%20GOOD%20PRACTICE.pdf>

<sup>83</sup> Mr To Duc, 2013, op cit.

<sup>84</sup> ISS, 2009, op cit at 15.



timely provide consulting services, nurture and protection for children on demand,<sup>85</sup> this service could usefully be made widely available and accessible across all provinces.

**Recommendation ten: Ensure poverty (i.e.: financial and lack of access to basic services) is not a factor leading to abandonment or relinquishment (short to medium term)**

- According to Decree 67/2007/ND-CP and Decree 13/2010/ND-CP dated 27/02/2010 on support policies for social protection beneficiaries, a monthly allowance for five groups of vulnerable children namely destitute orphans, abandoned children, children with severe disabilities, and children infected with HIV is available<sup>86</sup>. However many families at risk are not aware of this possibility, which would arguably help to some degree in meeting some basic needs. More awareness raising efforts in this regard is therefore required.
- The Government should consider increasing these monthly allowances to better respond to the current living needs of the vulnerable families. In addition, the Government should contemplate providing similar levels of support for the same groups of children living in institutions and in the community to promote community-based care. Often the right to work for a decent living is contravened due to lack of quality affordable infant day care centres, especially for children under 18 months. The development of more centres would in principle provide greater opportunities for working and to ensure that the family have an adequate standard of living.

***Walking Together – Family Support Project for Children in Residential Care, Hong Kong***

*With the Department of Social Work, one focus of this programme is to work with the families of the children in its residential care facility aged between four and 16 years. Aims include reducing family stress and achieving some sort of stability, in order that the child can be reintegrated back into his or her family, when possible. A local university provides training to the staff at the facility with staff providing clinical work for the families.*

*Source: Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012). Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'. UK: Centre for Excellence for Looked After Children in Scotland available [www.alternativecareguidelines.org](http://www.alternativecareguidelines.org) at 65*

**Family Support programmes in Malaysia**

Provided by the Department of Social Welfare, this programme is depicted in the Child Act 2001. It provides both financial assistance as well as preventative services through its child activity centres. At these centres, resources are available for families at risk including "counselling and crisis intervention services, educational support services, child development activities, seminars/ workshops/ lectures on parenting and other family-oriented topics, as well as motivational camps for children and young people."

Source: Cantwell, N.; op cit, at 57

<sup>85</sup> [http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC\\_C\\_VNM\\_Q\\_3-4\\_Add1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_VNM_Q_3-4_Add1.pdf)

<sup>86</sup> The monthly support for children under 18 months and other children who are seriously disabled or HIV/AIDS infected is 270,000 VND/month (approx. 13 USD) and the support for children under 18 months who are seriously disabled or HIV/AIDS infected is 360,000 VND/month (approx. 20 USD).



**Recommendation eleven: Address discrimination against single and unmarried women as well as adolescent girls as a risk factor for abandonment or relinquishment<sup>87</sup> (short to medium term).**

- Building on the work already being undertaken in Viet Nam to enhance the status of single mothers, such as, the exhibition on “Single Mothers’ Voices” at the Women’s Museum in Hanoi in 2011, it is important work is to combat existing stigmatisation of this group. This would necessarily involve close collaboration with women’s groups such as the Women’s Union, National Committee for the Advancement of Women and relevant Ministry. In addition, the latter groups should carry out work to implement “concrete measures to enhance women’s access to health care, in particular to sexual and reproductive health services.”<sup>88</sup> Particular efforts should be undertaken to support single and adolescent mothers with home visits, pre and post natal – including support to continue their studies during and after the pregnancy. There should also be “age appropriate sex education, including in school curricula, with special attention to the prevention of early pregnancies and sexually transmitted diseases and HIV/AIDS.”<sup>89</sup>

**Recommendation twelve: Provide support to families with children with special needs as well as those living in a violent environment (medium term)**

- Provide adequate support to families with children who have special needs. The Government of Viet Nam should develop comprehensive measures to support families with children with special needs, especially those with disabilities. This can include respite care, such as small group homes mentioned above, but also the training of specific families to support children with special needs. The care can be provided in the family or carer’s home, as well as be in the form of support to the family with visits for medical or physical treatment.
- Ensure that violence within domestic settings is not a factor for separation. A “Child Counselling and Support Hotline (number: 18001567) is operated in Viet Nam to intervene and support children, including victims of child abuse and violence and assist local authorities in handling child abuse and violence cases.”<sup>90</sup> This hotline number should be widely disseminated in schools and other public spaces so that families at risk have access to support when needed.

**“Short break” services for children with disabilities in Russia**

This programme in St Petersburg provides respite care in a family who have received training in supporting children with disabilities. The service is flexible in meeting the needs of each individual family and the care can be provided in the child’s own home or the carers’ home.

Some of the benefits include practical support for parents during periods of stress as well as ensuring that children with disabilities remain in the care of their families of origin.

Source: Cantwell, N.; op cit, at 56

**Recommendation thirteen: Implement policies to promote of family re-integration (short term)**

- In 2012, the CRC Committee recommended that Viet Nam “support family reunification programmes, when it is in the best interests of the child, or community-based alternative

<sup>87</sup> Consistent with UNCEDAW Committee Concluding observation 2007 on Viet Nam <http://www2.ohchr.org/english/bodies/cedaw/cedaws37.htm> at paragraph 12.

<sup>88</sup> Consistent with UNCEDAW Committee Concluding observation 2007 on Viet Nam, op cit at paragraph 25.

<sup>89</sup> Consistent with UNCEDAW Concluding observation 2007, op cit at paragraph 25.

<sup>90</sup> [http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC\\_C\\_VNM\\_Q\\_3-4\\_Add1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_VNM_Q_3-4_Add1.pdf)

care and services.”<sup>91</sup> This would include identifying a suitable carer and providing support for a sustainable plan, including how the child’s basic needs would be met.

- Staff should be equipped to make home visits and identify whether, during “difficult” periods, the wider family or community may be in a position to help. The Government may also consider introducing short term subsidies for these situations. Solutions that are family and community based should be prioritised, as well as those in close proximity to the child’s habitual place of residence, so that contact with the family is facilitated.

## 8.5 Social behaviour change system

### **Recommendation fourteen: implement awareness raising campaigns about abandonment and child relinquishment (long term)**

- Communities need public awareness initiatives that are relevant, accessible and simple to understand. Behaviour change campaigns should be developed which target specific groups (ethnic minorities, children at risk and parents, especially fathers and teenagers). The campaign messages should address specificities of families at risk (including the different services that are available such as social assistance schemes, family support programmes and hotlines providing advice). A specific media campaign on the grave consequences of abandonment and relinquishment should be instigated (see chapter 1.2a) as well as addressing the stigmatisation associated with being a single, teenage or unmarried mother should be developed.

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<sup>91</sup> UN CRC Committee Concluding Observation 2012 on Viet Nam . op cit at paragraph 48e

## Conclusion

The present study was born out of a necessity to fill in a knowledge gap on the root causes of child abandonment and child relinquishment in Viet Nam.

In Viet Nam children are highly valued and considered to belong to their families. Family ties are culturally so important that the separation of a child from its family is not only a painful event, but also an action that goes against ingrained conceptions of family affiliation. The idea that a mother and a child belong to each other and that a child belongs to its family was expressed in many interviews. The prominent place of the ancestor worship in each family alone is the tangible proof of the importance of family affiliation. At first sight the phenomenon of child abandonment and child relinquishment therefore seems to go against the grain of strongly cherished cultural values. Why are children separated from their families? The qualitative research showed that when poverty is mixed with a culmination of intrafamilial and extra-familial factors it leads to the child's separation from his or her family.

Whilst Vietnamese authorities and other actors have implemented numerous measures to tackle the abandonment and relinquishment of children, gaps in protection and service provision remain. As a matter of priority, this study emphasises the importance of implementing measures to support families at risk to prevent unnecessary separation as well as build on family integration programmes when separation has occurred. Moreover, when family re-integration is not possible nor in the best interests of the child, child protection initiatives should be built on the value of families in the Vietnamese culture – that is they should be family and community based – in line with international standards.

By looking forward, this study seeks to build on Viet Nam's proven commitment to children and the family in its laws, policies and practices, by providing recommendations on how to avoid the grave ramifications of abandonment, relinquishment and institutionalisation and support families to remain together.

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