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# **REPORT SITUATION OF UNDER-18 OFFENDERS AND VICTIMS OF CRIME IN VIET NAM (2021)**



**EU JULE**

Ha Noi, September 2023

**This Report is developed under the European Union Justice and Legal Empowerment Programme in Viet Nam (EU JULE) funded by the European Union with financial contributions from United Nations Children’s Fund (UNICEF), United Nations Development Programme (UNDP) and implemented by these two United Nations agencies in partnership with the Ministry of Justice of Viet Nam.**

# INTRODUCTION

Performing the task of criminal statistic under the Law on the Organization of People's Procuracies 2014, with technical support from UNICEF under the EU Justice and Legal Empowerment Programme (EU JULE), Supreme People's Procuracy (Department of Criminal Justice Statistics and Information Technology) has produced this Report, reflecting on the situation of offenders and victims of crime who are under 18 years old in 2021 in Viet Nam.

This report is built upon the statistics synthesized from local People's Procuracies and stakeholders during 01 January to 31 December of the reporting year. It aims to paint an overall picture of the situation of minors under 18 years of age who are offenders and victims of crime in Viet Nam at national and sub-national levels. Collected data and information are presented by chapters of the Penal Code, the most common crimes committed by/against minors, sanctions imposed by first-instance courts, profiles of persons under 18 years (including age, ethnicity, sex, education, relationship of under-18 victims to the accused, and harm caused by the crime), to provide readers with a better understanding of the situation of under-18 offenders and victims of crime.

We hope that this Report will be a valuable source of reference in theoretical and practical research to inform timely proposal and recommendations to the competent authorities of the State and the Communist Party in making criminal and criminal procedure laws and policies in the country. This includes policies focused on preventing minors in conflict with the law and crimes against minors and handling the cases of alleged offenders and protecting victims under 18 years of age as well as other policies pertaining to children.

The Supreme People's Procuracy (Department of Criminal Justice Statistics and Information Technology) would like to express its gratitude to relevant agencies and units for supporting the development and finalization of this report, including providing and comparing data and information. As a specialized and consolidated document with rich content and data, the development of this report was subject to certain limitations. As such, we look forward to constructive feedback from readers to enhance the quality of similar reports produced in the future.

Sincerely introduce!

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# **Part I:**

## **SITUATION OF UNDER-18 OFFENDERS**

## I. OVERVIEW OF THE SITUATION OF UNDER-18 OFFENDERS IN 2021 (1 January–31 December 2021)

### 1. Under-18 alleged offenders by province/city

*Table 1. Number and percentage of under-18 alleged offenders by province/city<sup>1</sup>*

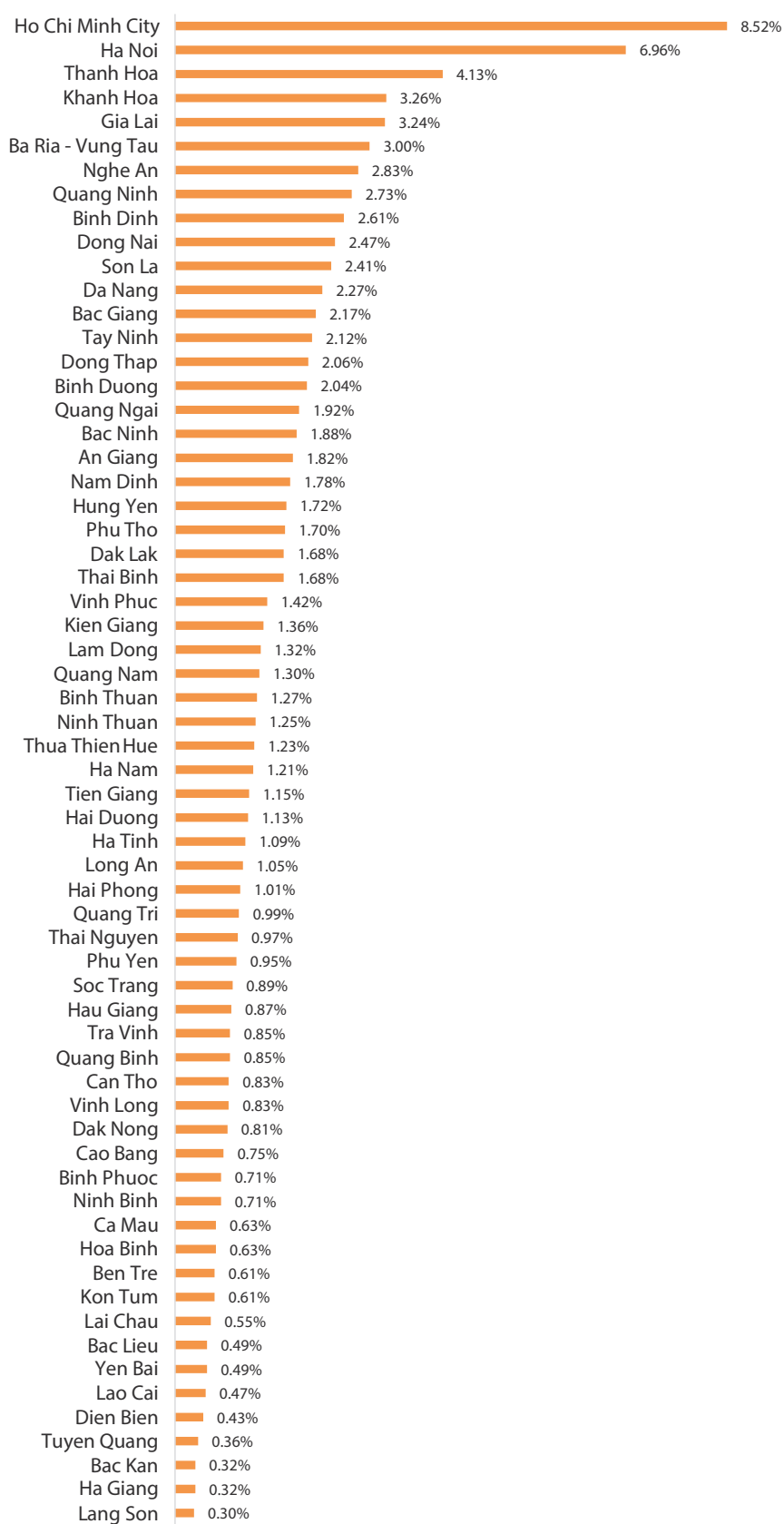
No.	Province/City	Number (Person)	Percentage (%) (compared to the national level)
1	Ho Chi Minh City	431	8.52%
2	Ha Noi	352	6.96%
3	Thanh Hoa	209	4.13%
4	Khanh Hoa	165	3.26%
5	Gia Lai	164	3.24%
6	Ba Ria-Vung Tau	152	3%
7	Nghe An	143	2.83%
8	Quang Ninh	138	2.73%
9	Binh Dinh	132	2.61%
10	Dong Nai	125	2.47%
11	Son La	122	2.41%
12	Da Nang	115	2.27%
13	Bac Giang	110	2.17%
14	Tay Ninh	107	2.12%
15	Dong Thap	104	2.06%

<sup>1</sup>The province/city issuing the criminal charge against the minor. National data do not include the number of under-18 alleged offenders criminally charged by procedure-conducting agencies at national level or in the military system.

16	Binh Duong	103	2.04%
17	Quang Ngai	97	1.92%
18	Bac Ninh	95	1.88%
19	An Giang	92	1.82%
20	Nam Dinh	90	1.78%
21	Hung Yen	87	1.72%
22	Phu Tho	86	1.7%
23	Thai Binh	85	1.68%
24	Dak Lak	85	1.68%
25	Vinh Phuc	72	1.42%
26	Kien Giang	69	1.36%
27	Lam Dong	67	1.32%
28	Quang Nam	66	1.3%
29	Binh Thuan	64	1.27%
30	Ninh Thuan	63	1.25%
31	Thua Thien Hue	62	1.23%
32	Ha Nam	61	1.21%
33	Tien Giang	58	1.15%
34	Hai Duong	57	1.13%
35	Ha Tinh	55	1.09%
36	Long An	53	1.05%
37	Hai Phong	51	1.01%
38	Quang Tri	50	0.99%
39	Thai Nguyen	49	0.97%
40	Phu Yen	48	0.95%
41	Soc Trang	45	0.89%
42	Hau Giang	44	0.87%
43	Quang Binh	43	0.85%

44	Tra Vinh	43	0.85%
45	Vinh Long	42	0.83%
46	Can Tho	42	0.83%
47	Dak Nong	41	0.81%
48	Cao Bang	38	0.75%
49	Ninh Binh	36	0.71%
50	Binh Phuoc	36	0.71%
51	Hoa Binh	32	0.63%
52	Ca Mau	32	0.63%
53	Kon Tum	31	0.61%
54	Ben Tre	31	0.61%
55	Lai Chau	28	0.55%
56	Yen Bai	25	0.49%
57	Bac Lieu	25	0.49%
58	Lao Cai	24	0.47%
59	Dien Bien	22	0.43%
60	Tuyen Quang	18	0.36%
61	Ha Giang	16	0.32%
62	Bac Kan	16	0.32%
63	Lang Son	15	0.3%
	<b>Total</b>	<b>5,059</b>	<b>100%</b>

**Figure 1.** Percentage of under-18 alleged offenders by province/city



Provinces/cities with highest number of under-18 alleged offenders criminally charged in 2021 include:

- **Ho Chi Minh City:** 431 persons (8.52 per cent), the highest number nationwide.
- **Ha Noi:** 352 persons (6.96 per cent), second highest number nationwide.
- **Thanh Hoa** 209 persons (4.13 per cent), third highest number nationwide.
- **Khanh Hoa:** 165 persons (3.26 per cent), fourth highest number nationwide.
- **Gia Lai:** 164 persons (3.24 per cent), fifth highest number nationwide.

Provinces with lowest number of under-18 alleged offenders charged in 2021 include:

- **Lang Son:** 15 persons (0.3 per cent), the lowest number nationwide.
- **Ha Giang, Bac Kan:** 16 persons (0.32 per cent), second lowest number nationwide.
- **Tuyen Quang:** 18 persons (0.36 per cent), third lowest number nationwide.
- **Dien Bien:** 22 persons (0.43 per cent), fourth lowest number nationwide.
- **Lao Cai:** 24 persons (0.47 per cent), fifth lowest number nationwide.

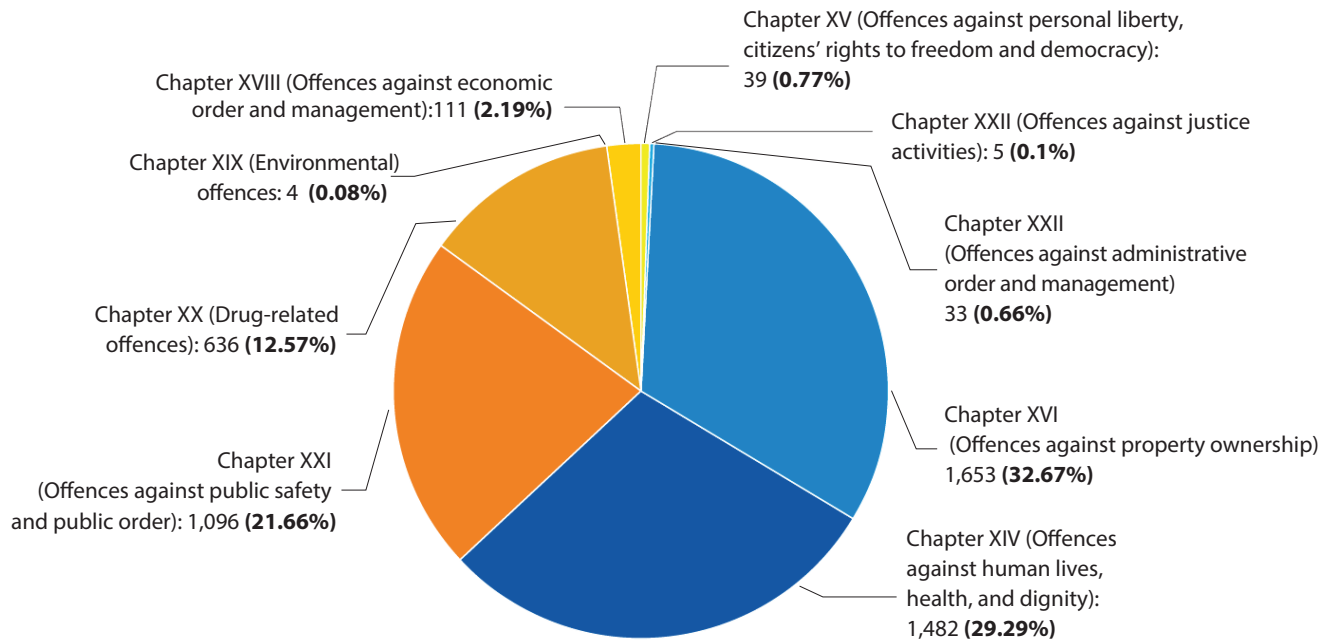
## 2. Under-18 alleged offenders by chapter of the Penal Code

**Table 2.** Number and percentage of under-18 alleged offenders by chapter of the Penal Code

No	Chapter of the Penal Code	Number (Person)	Percentage (%)
1	Chapter XIV (Offences against human lives, health, and dignity)	1,482	29.29%
2	Chapter XV (Offences against personal liberty, citizens' rights to freedom and democracy)	39	0.77%
3	Chapter XVI (Offences against property ownership)	1,653	32.67%
4	Chapter XVIII (Offences against economic order and management)	111	2.19%
5	Chapter XIX (Environmental offences)	4	0.08%
6	Chapter XX (Drug-related offences)	636	12.57%
7	Chapter XXI (Offences against public safety and public order)	1,096	21.66%
8	Chapter XXII (Offences against administrative order and management)	33	0.66%
9	Chapter XXIV (Offences against justice activities)	5	0.10%
	<b>Total</b>	<b>5,059</b>	<b>100%</b>



**Figure 2. Number and percentage of under-18 alleged offenders by chapter of the Penal Code**



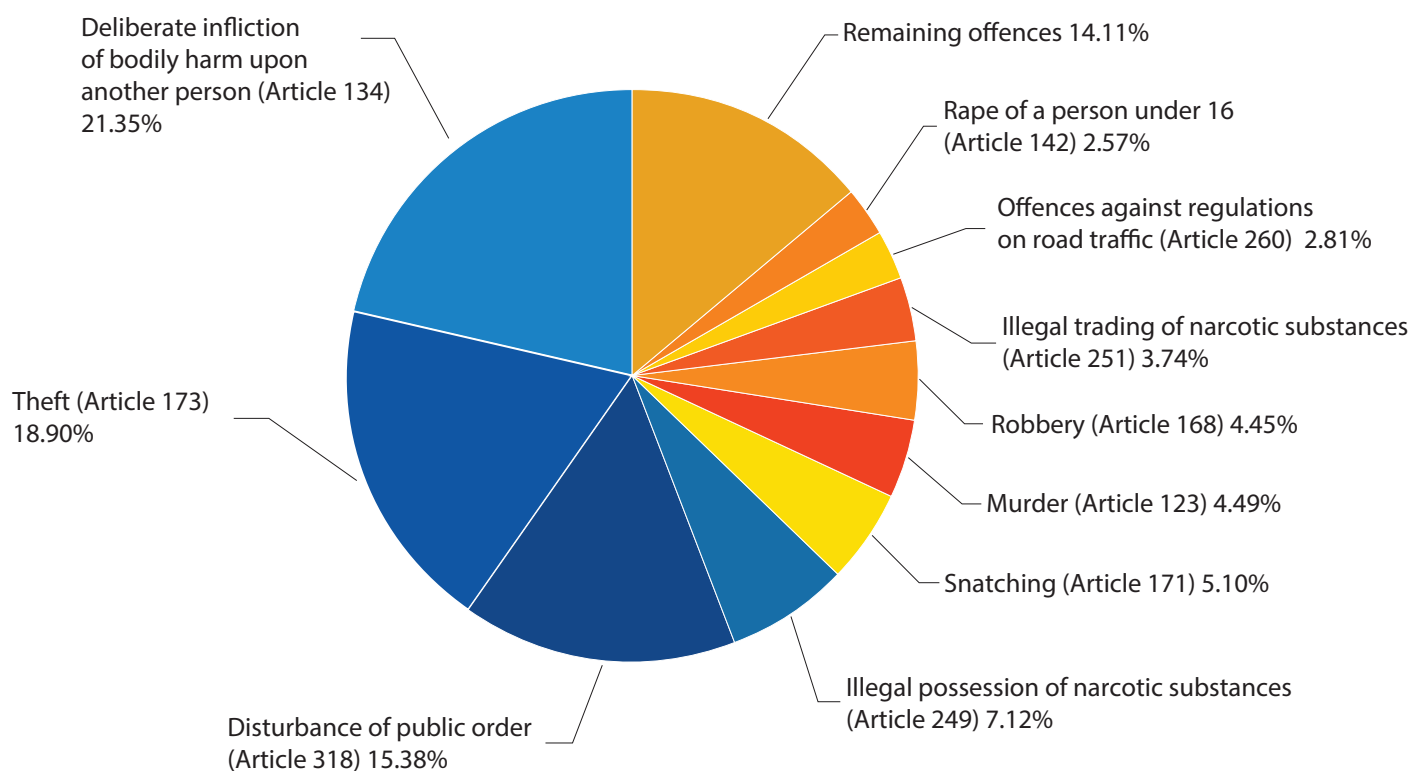
The rate of under-18 alleged offenders, as defined by chapters of the Penal Code, paints a contrasting picture. Criminal charges under Chapter XVI (Offences against property ownership) were most common, with 1,653 alleged offenders (32.67 per cent), followed by Chapter XIV (Offences against human lives, health, and dignity) with 1,482 alleged offenders (29.9 per cent). Under Chapter XXI (Offences against public safety and public order), 1,096 alleged offenders were charged to rank third (21.66 per cent) and under Chapter XX (Drug-related offences) 636 alleged offenders (12.57 per cent) were charged to rank fourth. The remainder were Chapter XVIII's Offences against economic order and management (111 alleged offenders and 2.19 per cent), Chapter XV's Personal liberty, citizens' rights to freedom and democracy offences (39 alleged offenders and 0.77 per cent), Chapter XXII's Administrative order and management offences (33 alleged offenders and 0.66 per cent), Chapter XXIV's Offences against justice activities (five alleged offenders and 0.10 per cent), and Chapter XIX's Environmental offences (four alleged offenders and 0.08 per cent).

### 3. Under-18 alleged offenders by crimes under the Penal Code

*Table 3. Number and percentage of under-18 alleged offenders by crim*

No.	Crime (Article of the Penal Code)	Number (person)	Percentage (%)
1	Deliberate infliction of bodily harm upon another person (Article 134)	1,080	21.35%
2	Theft (Article 173)	956	18.9%
3	Disturbance of public order (Article 318)	778	15.38%
4	Illegal possession of narcotic substances (Article 249)	360	7.12%
5	Snatching (Article 171)	258	5.1%
6	Murder (Article 123)	227	4.49%
7	Robbery (Article 168)	225	4.45%
8	Illegal trading of narcotic substances (Article 251)	189	3.74%
9	Offences against regulations on road traffic (Article 260)	142	2.81%
10	Rape of a person under 16 (Article 142)	130	2.57%
11	Remaining offences	714	14.11%
	<b>Total</b>	<b>5,059</b>	<b>100%</b>

**Figure 3. Percentage of under-18 alleged offenders by crim**

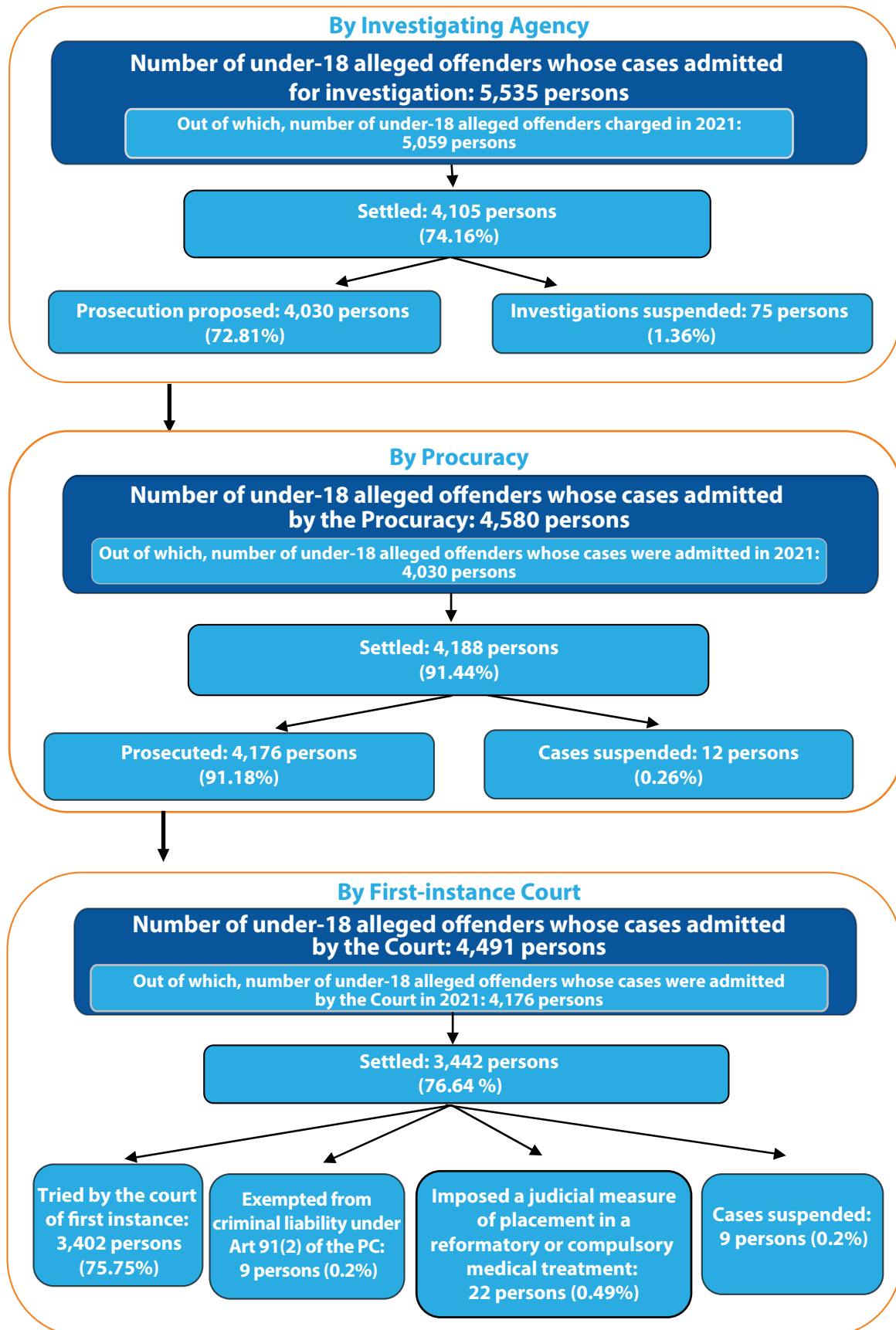


The crimes with highest number of under-18 alleged offenders were:

- Deliberate infliction of bodily harm upon another person (Article 134) ranked highest (21.35 per cent, 1,080 out of 5,059 alleged offenders)
- Theft (Article 173) was second most common (18.9 per cent, 956 out of 5,059 alleged offenders)
- Disturbance of public order (Article 318) was third (15.38 per cent, 778 out of 5,059 alleged offenders)
- Illegal possession of narcotic substances (Article 249) ranked fourth (7.12 per cent, 360 out of 5,059 alleged offenders)
- Snatching (Article 171) was fifth (5.1 per cent, 258 out of 5,059 alleged offenders).

#### 4. Admitting and settling of cases involving under-18 alleged offenders by procedural stage (investigation, prosecution, first-instance trial).

Table 4. Admitting and settling of cases involving under-18 alleged offenders by procedural stage



#### 4.1. At investigation stage

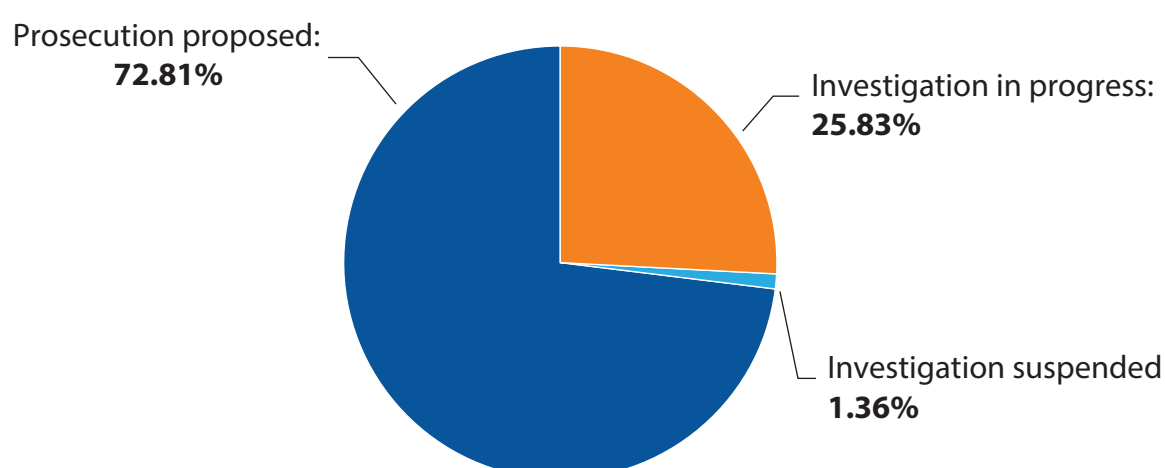
*Table 5. Number of under-18 alleged offenders at investigation stage*

Carried over <sup>4</sup> (person)	Under-18 alleged offenders charged in 2021 (person)	Total number of under-18 alleged offenders under investigation (person)
476	5,059	5,535

*Table 6. Number and percentage of investigation settlement against under-18 alleged offenders*

Total number of under-18 alleged offenders under investigation (person)	Settled				Investigation in progress	
	Prosecution proposed		Investigation suspended		Number (person)	Percentage (%)
	Number (person)	Percentage (%)	Number (person)	Percentage (%)		
5,535	4,030	72.81%	75	1.36%	1,430	25.83%

*Figure 4. Percentage of investigation settlement against under-18 alleged offenders*



<sup>2</sup>Carried-over data refer to the number of alleged offenders charged in the previous year whose case is pending settlement by the Investigation Agency, either by closure or suspension of investigation.

## 4.2. At prosecution stage

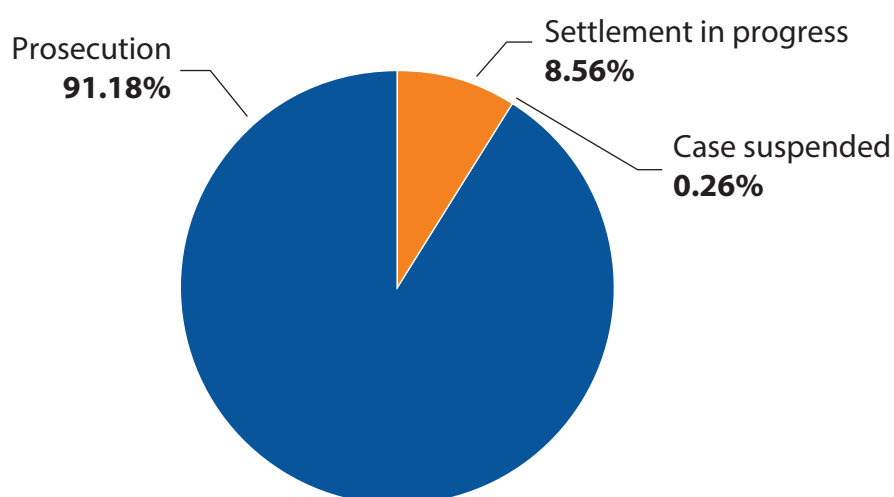
*Table 7. Number of under-18 alleged offenders at prosecution stage*

Carried over <sup>5</sup> (person)	Under-18 alleged offenders admitted for prosecution in 2021 (person)	Total under-18 alleged offenders at prosecution stage (person)
550	4,030	4,580

*Table 8. Number and percentage of prosecution settlement against under-18 alleged offenders*

Total number of under-18 alleged offenders at prosecution stage (person)	Settled				Settlement in progress	
	Prosecuted		Cases suspended		Number (person)	Percentage (%)
	Number (person)	Percentage (%)	Number (person)	Percentage (%)		
4,580	4,176	91.18%	12	0.26%	392	8.56%

*Figure 5. Percentage of prosecution settlement against under-18 alleged offenders*



<sup>3</sup>Carried-over data refer to the accused charged in the previous year whose cases have not been settled by the Procuracy either by prosecution or suspension of case.

### 4.3. At first-instance trial stage

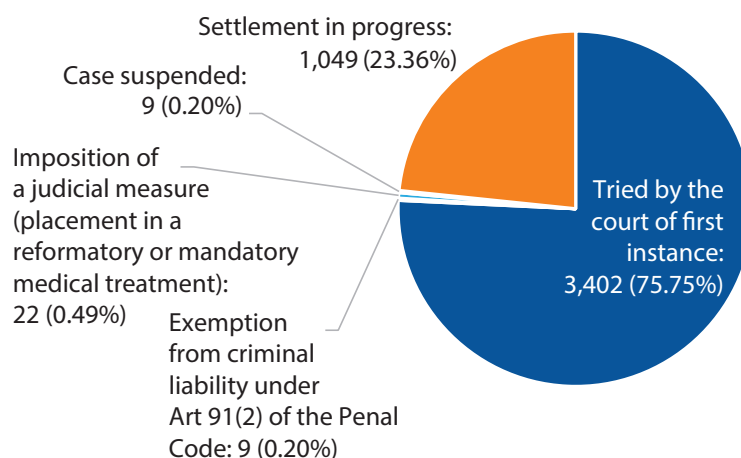
**Table 9.** Number of under-18 alleged offenders at first-instance trial stage

Carried over <sup>6</sup> (person)	Under-18 alleged offenders whose cases admitted by court of first instance in 2021 (person)	Total number of under-18 alleged offenders at first instance trial stage (person)
315	4,176	4,491

**Table 10.** Number and percentage of settlement against under-18 alleged offenders at first-instance trial stage

Total number of under 18 alleged offenders at first instance trial stage (person)	Settled								Settlement in progress	
	Tried by the court of first instance		Exemption from criminal liability under Article 91(2) of the Penal Code		Imposition of a judicial measure (placement in a reformatory or mandatory medical treatment)		Case suspended		Number (person)	Percentage (%)
	Number (person)	Percentage (%)	Number (person)	Percentage (%)	Number (person)	Percentage (%)	Number (person)	Percentage (%)		
4,491	3,402	75.75%	9	0.20%	22	0.49%	9	0.20%	1,049	23.36%

**Figure 6.** Number and percentage of settlement against under-18 alleged offenders at first-instance trial stage



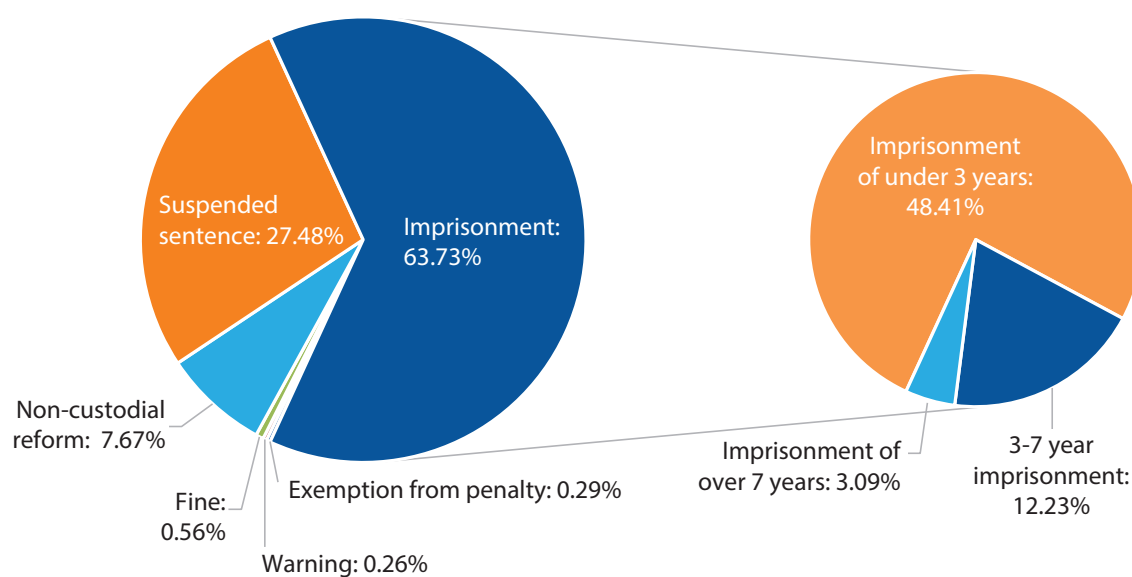
<sup>4</sup>Carried-over data refer to the under-18 defendants whose cases are pending at trial stage either by trial or case suspension

## 5. First instance trial and sanctioning of under-18 offenders

Table 11. First-instance trial and sanctioning of under-18 alleged offenders

Under-18 Offenders brought to first instance trial (person)	Results of first-instance trial and punishments (person)								
	Acquittal by court	Exemption from penalty	Warning	Fine	Non-custodial reform	Imprisonment with suspended sentence	Imprisonment of under 3 years	3-7-year imprisonment	Imprisonment of over 7 years
3,402	0	10	9	19	261	935	1,647 <sup>5</sup>	416	105

Figure 7. Percentage of sanctioning of under-18 alleged offenders



**Note:**

- The pie chart on the left shows the types of sanctions imposed.
- The pie chart on the right shows the terms of imprisonment imposed on under-18 offenders subject to first-instance trial in 2021.

<sup>5</sup> This does not include those subjected to suspended sentence.



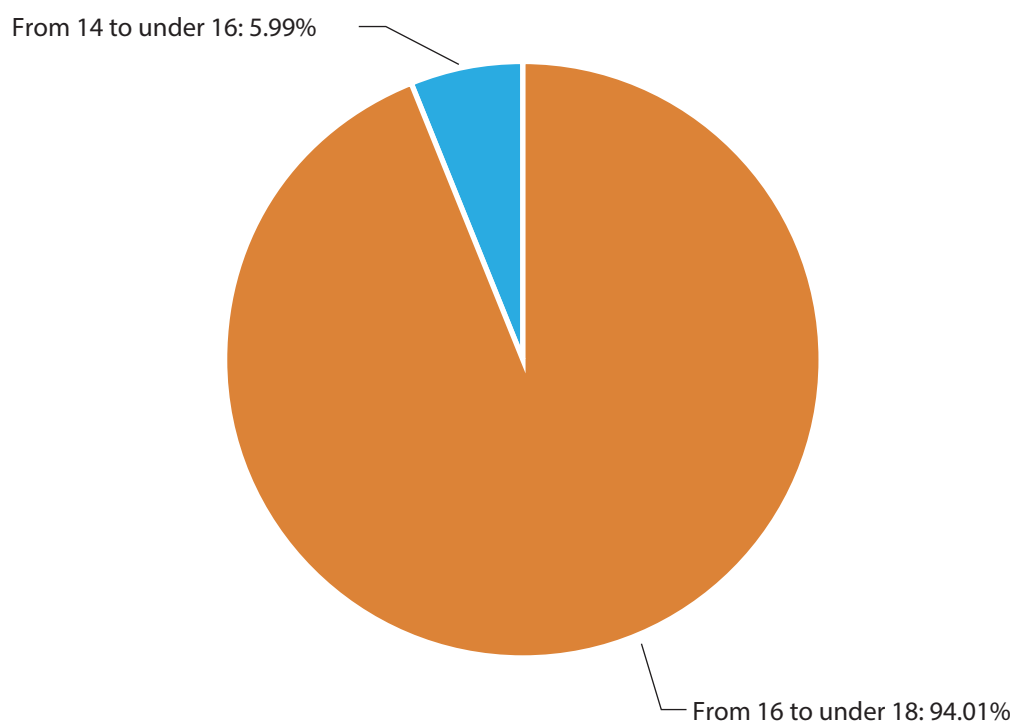
## II. PROFILES AND OTHER CHARACTERISTICS OF UNDER-18 ALLEGED OFFENDERS CRIMINALLY CHARGED IN 2021

### 1. Age

*Table 12. Number and percentage of under-18 alleged offenders by age*

No.	Age	Number (person)	Percentage (%)
1	From 14 to under 16 years old	303	5.99%
2	From 16 to under 18 years old	4,756	94.01%
	<b>Total</b>	5,059	100%

*Figure 8. Percentage of under-18 alleged offenders by age*

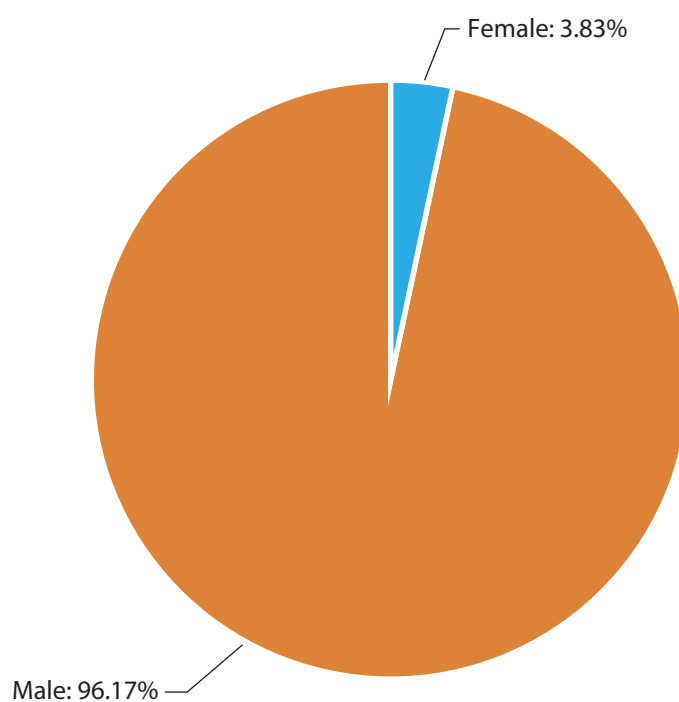


## 2. Sex

*Table 13. Number and percentage of under-18 alleged offenders by sex*

No.	Sex	Number (person)	Percentage (%)
1	Male	4,865	96.17%
2	Female	194	3.83%
	<b>Total</b>	5,059	100%

*Figure 9. Percentage of under-18 alleged offenders by sex*

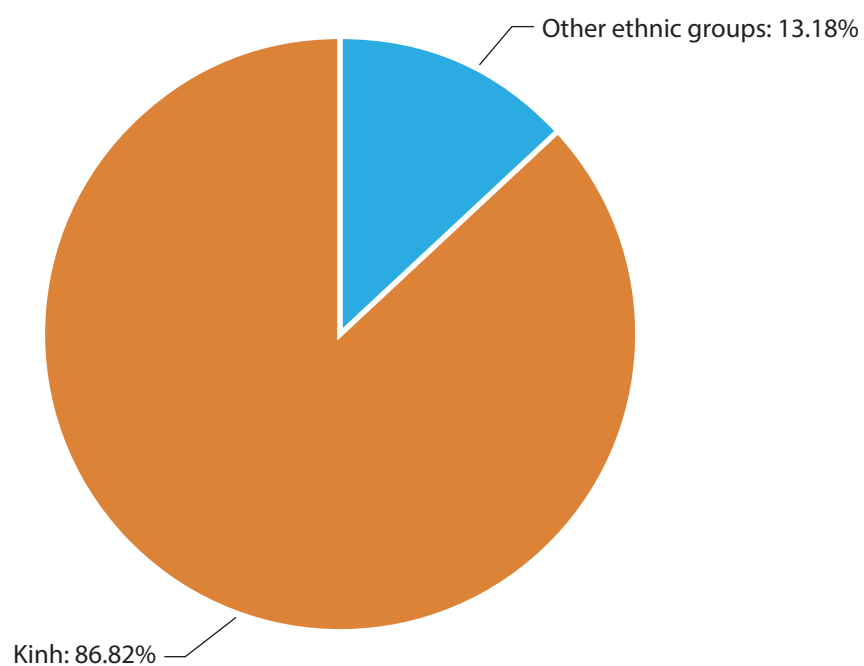


### 3. Ethnicity

*Table 14. Number and percentage of under-18 alleged offenders by ethnicity*

No.	Ethnicity	Number (person)	Percentage (%)
1	Kinh ethnic group	4,392	86.82%
2	Other ethnic groups	667	13.18%
	<b>Total</b>	5,059	100%

*Figure 10. Percentage of under-18 alleged offenders by ethnicity*

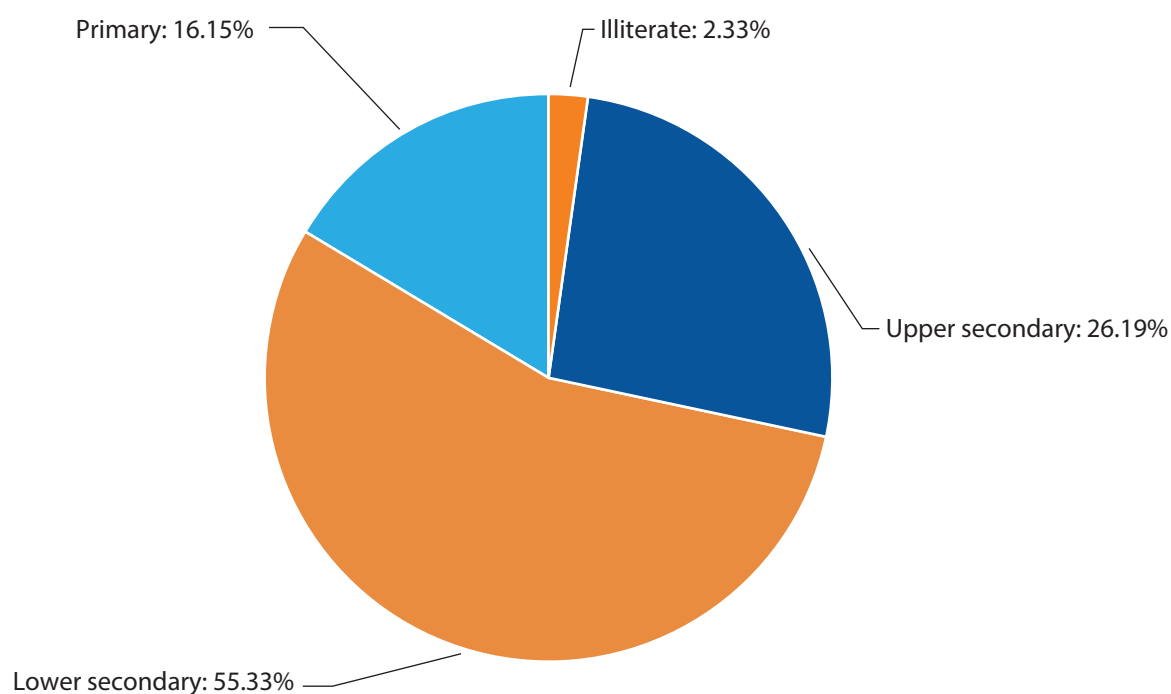


## 4. Education level

*Table 15. Number and percentage of under-18 alleged offenders by education level*

No	Education level	Number (person)	Percentage (%)
1	Illiterate	118	2.33%
2	Primary	817	16.15%
3	Lower secondary	2,799	55.33%
4	Upper secondary	1,325	26.19%
	<b>Total</b>	5,059	100%

*Figure 11. Percentage of under-18 alleged offenders by education level*

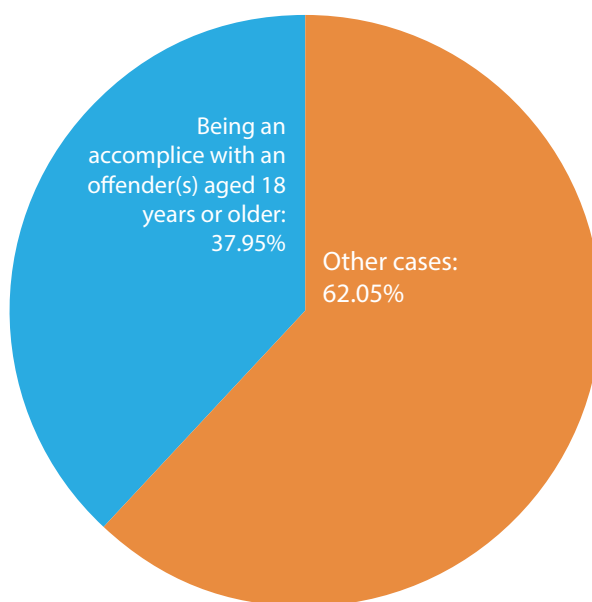


## 5. Complicity

**Table 16.** Number and percentage of under-18 alleged offenders who were an accomplice with an offender(s) aged 18 years or older

No	Content	Number (person)	Percentage (%)
1	Being an accomplice with an offender(s) aged 18 years or older	1,920	37.95%
2	Other cases	3,139	62.05%
	<b>Total</b>	<b>5,059</b>	<b>100%</b>

**Figure 12.** Percentage of under-18 alleged offenders who were an accomplice with an offender(s) aged 18 years or older

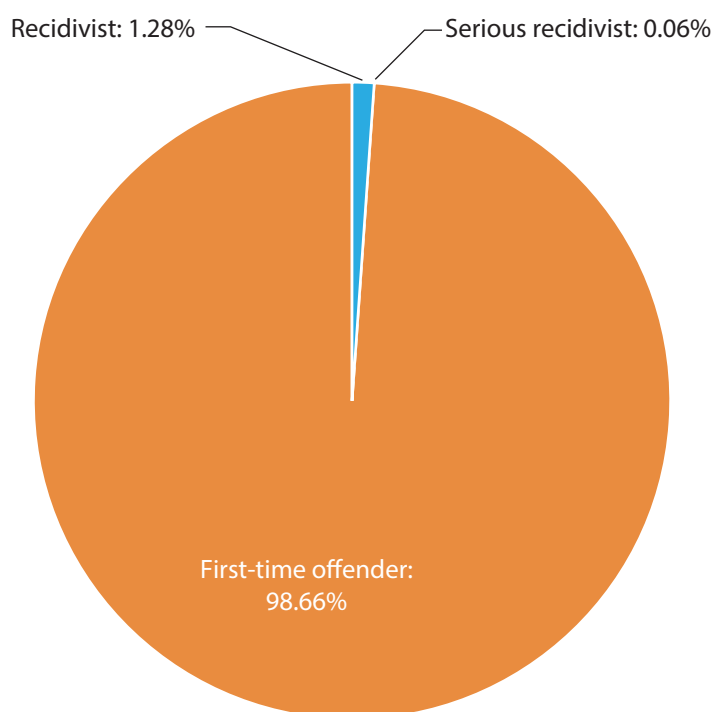


## 6. Reoffending

**Table 17.** Reoffending number and percentage of under-18 offenders at trial of first instance

No.	Content	Number (person)	Percentage (%)
1	First-time offender	3,396	98.66%
2	Recidivist	44	1.28%
3	Serious recidivist	2	0.06%
	<b>Total</b>	<b>3,442</b>	<b>100%</b>

**Figure 13.** Reoffending percentage of under-18 alleged offenders at trial of first instance

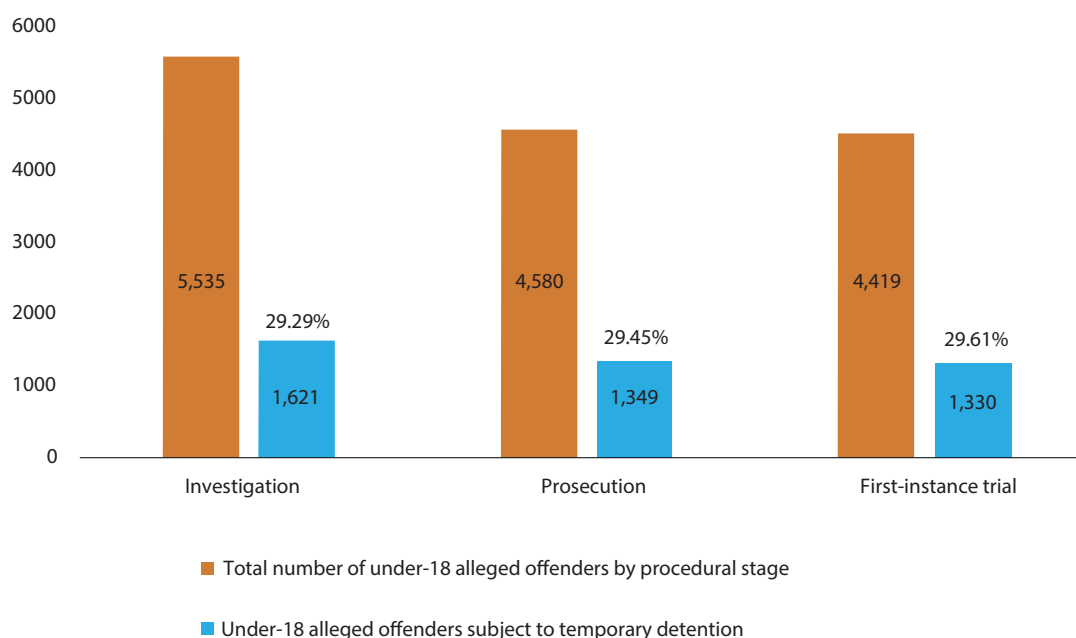


## 7. Under-18 alleged offenders subject to temporary detention as a deterrent measure by procedural stage (investigation, prosecution, first-instance trial)

**Table 18.** Number and percentage of under-18 alleged offenders subject to temporary detention as a deterrent measure by procedural stage

No	Procedural stage	Total number by procedural stage (person)	Under-18 alleged offenders subject to temporary detention (person)	Percentage (%)
1	Investigation	5,535	1,621	29.29%
2	Prosecution	4,580	1,349	29.45%
3	First-instance trial	4,491	1,330	29.61%

**Figure 14.** Number and percentage of under-18 alleged offenders subject to temporary detention as a deterrent measure by procedural stage



## 8. Other personal characteristics of under-18 alleged offenders

*Table 19. Number and percentage of under-18 alleged offenders by other personal characteristics*

No	Characteristics	Number (person)	Percentage out of 5,059 alleged offenders (%)
1	Street minors	122	2.41%
2	Divorced parents	163	3.22%
3	Orphaned or half-orphaned person	81	1.6%
4	Person with disabilities	18	0.36%
5	Drug-addicted person	424	8.38%



### III. COMPARING THE SITUATION OF UNDER-18 ALLEGED OFFENDERS ACROSS DIFFERENT YEARS

#### 1. Comparing data on under-18 alleged offenders criminally charged in 2021 versus 2020

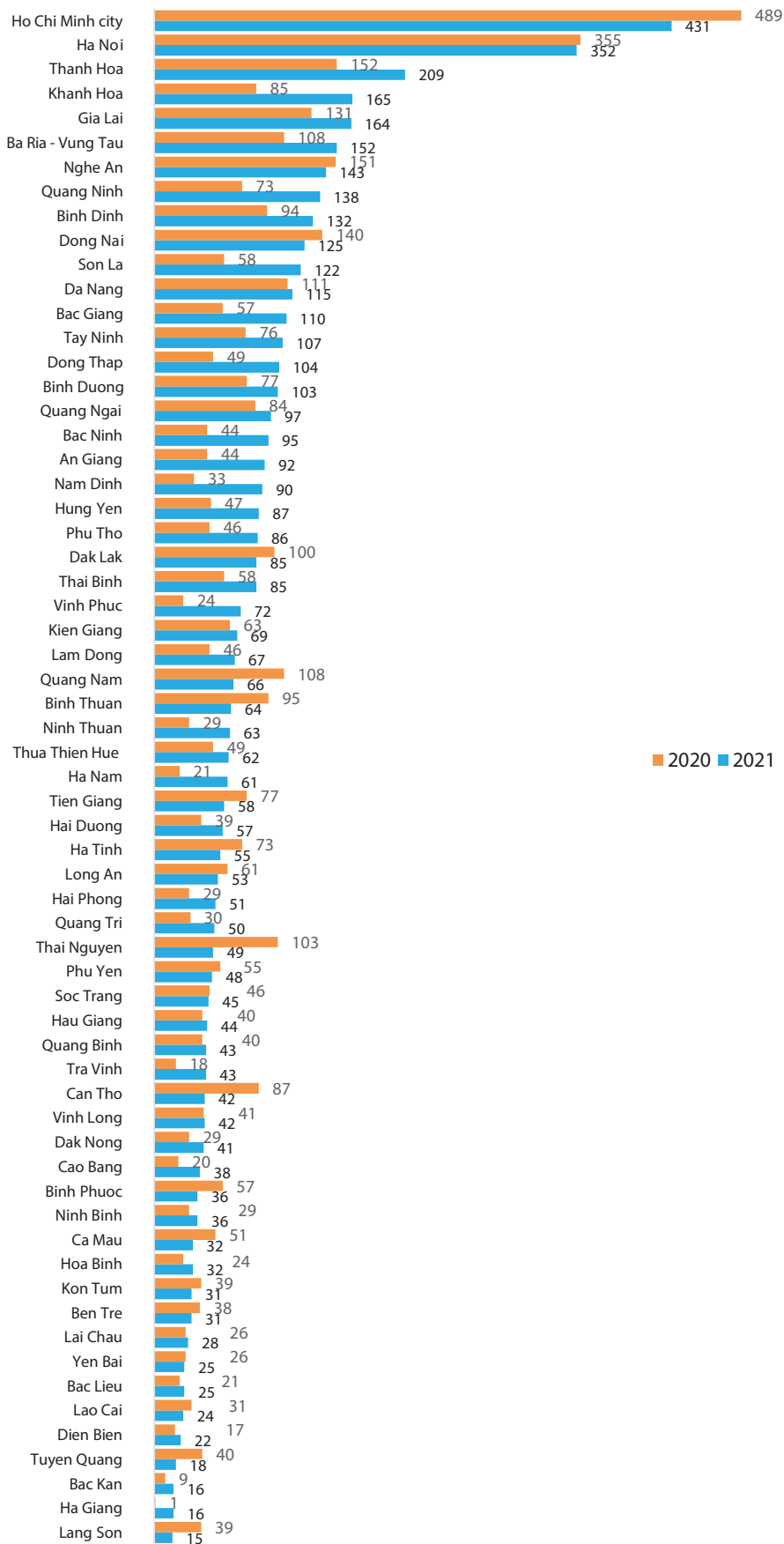
*Table 20. Amount and percentage change in the number of under-18 alleged offenders by province/city*

No.	Province/city	Number (person)		Amount change (person) (3) 3 = 1 - 2	Percentage change (4) 4 = 3/2*100%
		2021 (1)	2020 (2)		
1	Ha Giang	16	1	15	1,500%
2	Vinh Phuc	72	24	48	200%
3	Ha Nam	61	21	40	190.48%
4	Nam Dinh	90	33	57	172.73%
5	Tra Vinh	43	18	25	138.89%
6	Ninh Thuan	63	29	34	117.24%
7	Bac Ninh	95	44	51	115.91%
8	Dong Thap	104	49	55	112.24%
9	Son La	122	58	64	110.34%
10	An Giang	92	44	48	109.09%
11	Khanh Hoa	165	85	80	94.12%
12	Bac Giang	110	57	53	92.98%
13	Cao Bang	38	20	18	90%
14	Quang Ninh	138	73	65	89.04%
15	Phu Tho	86	46	40	86.96%
16	Hung Yen	87	47	40	85.11%
17	Bac Kan	16	9	7	77.78%
18	Hai Phong	51	29	22	75.86%
19	Quang Tri	50	30	20	66.67%
20	Thai Binh	85	58	27	46.55%

No	Province/city	Number (person)		Amount change (person)	Percentage change
		2021 (1)	2020 (2)	(3) 3 = 1 - 2	(4) 4 = 3/2*100%
21	Hai Duong	57	39	18	46.15%
22	Lam Dong	67	46	21	45.65%
23	Dak Nong	41	29	12	41.38%
24	Tay Ninh	107	76	31	40.79%
25	Ba Ria - Vung Tau	152	108	44	40.74%
26	Binh Dinh	132	94	38	40.43%
27	Thanh Hoa	209	152	57	37.5%
28	Binh Duong	103	77	26	33.77%
29	Hoa Binh	32	24	8	33.33%
30	Dien Bien	22	17	5	29.41%
31	Thua Thien Hue	62	49	13	26.53%
32	Gia Lai	164	131	33	25.19%
33	Ninh Binh	36	29	7	24.14%
34	Bac Lieu	25	21	4	19.05%
35	Quang Ngai	97	84	13	15.48%
36	Hau Giang	44	40	4	10%
37	Kien Giang	69	63	6	9.52%
38	Lai Chau	28	26	2	7.69%
39	Quang Binh	43	40	3	7.5%
40	Da Nang	115	111	4	3.6%
41	Vinh Long	42	41	1	2.44%
42	Ha Noi	352	355	-3	-0.85%
43	Soc Trang	45	46	-1	-2.17%
44	Yen Bai	25	26	-1	-3.85%

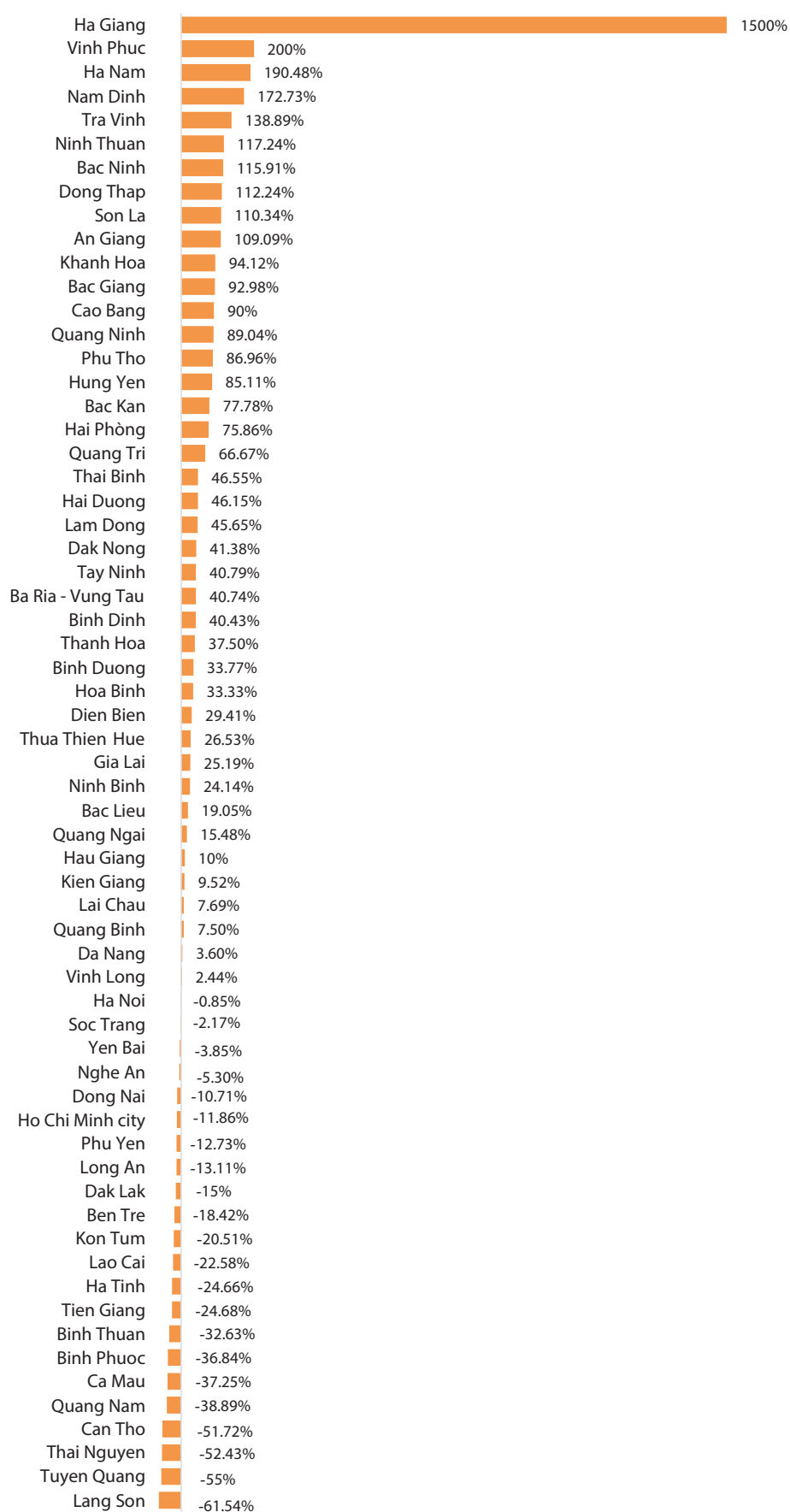
No	Province/city	Number (person)		Amount change (person)	Percentage change
		2021 (1)	2020 (2)	(3) 3 = 1 - 2	(4) 4 = 3/2*100%
45	Nghe An	143	151	-8	-5.3%
46	Dong Nai	125	140	-15	-10.71%
47	Ho Chi Minh City	431	489	-58	-11.86%
48	Phu Yen	48	55	-7	-12.73%
49	Long An	53	61	-8	-13.11%
50	Dak-Lak	85	100	-15	-15%
51	Ben Tre	31	38	-7	-18.42%
52	Kon Tum	31	39	-8	-20.51%
53	Lao Cai	24	31	-7	-22.58%
54	Ha Tinh	55	73	-18	-24.66%
55	Tien Giang	58	77	-19	-24.68%
56	Binh Thuan	64	95	-31	-32.63%
57	Binh Phuoc	36	57	-21	-36.84%
58	Ca Mau	32	51	-19	-37.25%
59	Quang Nam	66	108	-42	-38.89%
60	Can Tho	42	87	-45	-51.72%
61	Thai Nguyen	49	103	-54	-52.43%
62	Tuyen Quang	18	40	-22	-55%
63	Lang Son	15	39	-24	-61.54%
	<b>Total</b>	5,059	4,333	726	

**Figure 15. Comparing number of under-18 alleged offenders criminally charged in 2021 versus 2020 by province/city**



2020 2021

**Figure 16. Percentage change in the number of under-18 alleged offenders criminally charged in 2021 versus 2020 by province/city**



- In 2021, some provinces/cities experienced increases in the number of under-18 alleged offenders compared to 2020, including: Ha Giang (increased by 15 persons, equivalent to 1,500 per cent), Vinh Phuc (48 persons, 200 per cent), Ha Nam (40 persons, 190.48 per cent), Nam Dinh (57 persons, 172.73 per cent), Tra Vinh (25 persons, 138.89 per cent), Ninh Thuan (34 persons, 117.24 per cent), Bac Ninh (51 persons, 115.91 per cent), Dong Thap (55 persons, 112.24 per cent), Son La (64 persons, 110.34 per cent), An Giang (48 persons, 109.09 per cent), Khanh Hoa (80 persons, 94.12 per cent) and Bac Giang (53 persons, 92.98 per cent).

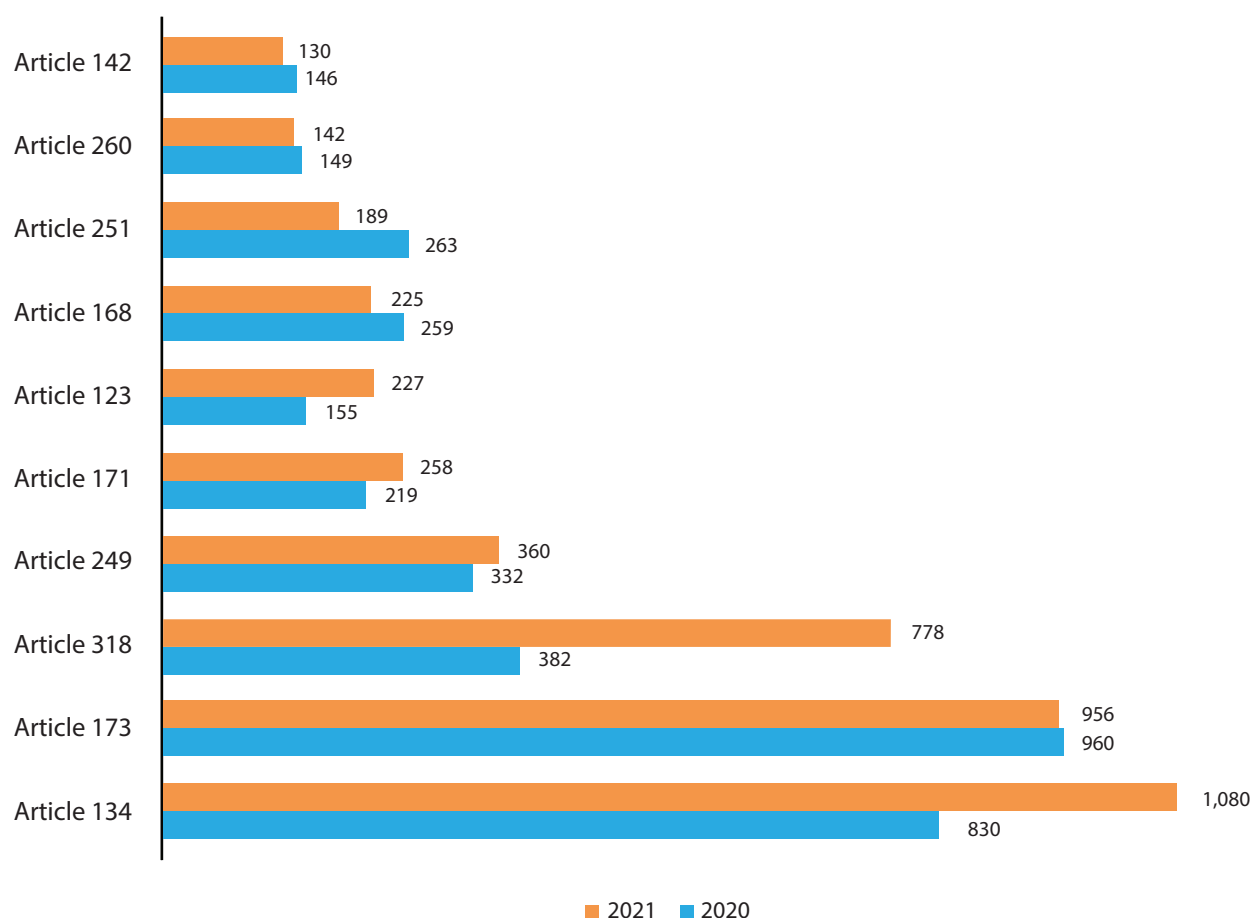
- Meanwhile, in some provinces/cities, the number of accused under 18 years in 2021 sharply decreased in comparison to 2020, including: Lang Son (decreased by 24 persons, equivalent to 61.54 per cent), Tuyen Quang (22 persons, 55 per cent), Thai Nguyen (54 persons, 52.43 per cent), Can Tho (45 persons, 51.72 per cent), Quang Nam (42 persons, 38.89 per cent), Ca Mau (19 persons, 37.25 per cent), Binh Phuoc (21 persons, 36.84 per cent), Binh Thuan (31 persons, 32.63 per cent), Tien Giang (19 persons, 24.68 per cent), Ha Tinh (18 persons, 24.66 per cent), Lao Cai (seven persons, 22.58 per cent), Kon Tum (eight persons, 20.51 per cent).

## 2. Comparing data on under-18 alleged offenders criminally charged in 2021 versus 2020 by 10 most common crimes

**Table 21. Amount and percentage change in the number of under-18 alleged offenders criminally charged in 2021 versus 2020 by 10 most common crimes**

No	Crime (Article)	Number (person)		Amount change (person) (3) 3 = 2-1	Percentage change (%) (4) 4 = 3/1*100%
		2020 (1)	2021 (2)		
1	Deliberate infliction of bodily harm upon another person (Article 134)	830	1,080	250	30.12%
2	Theft (Article 173)	960	956	-4	-0.42%
3	Disturbance of public order (Article 318)	382	778	396	103.66%
4	Illegal possession of narcotic substances (Article 249)	332	360	28	8.43%
5	Snatching (Article 171)	219	258	39	17.81%
6	Murder (Article 123)	155	227	72	46.45%
7	Robbery (Article 168)	259	225	-34	-13.13%
8	Illegal trading of narcotic substances (Article 251)	263	189	-74	-28.14%
9	Offences against regulations on road traffic (Article 260)	149	142	-7	-4.7%
10	Rape of a person under 16 (Article 142)	146	130	-16	-10.96%

**Figure 17. Comparing number of under-18 alleged offenders criminally charged in 2021 versus 2020 by 10 most common crimes**



Crimes experiencing a significant rise in the number of accused under 18 years in 2021 versus 2020 include: disturbance of public order (Article 318), increased by 396 persons and equivalent to 103.66 per cent, murder (Article 123), 72 persons and 46.45 per cent, deliberate infliction of bodily harm upon another person (Article 134), 250 persons and 30.12 per cent and snatching (Article 171), 39 persons and 17.81 per cent.

Crimes seeing a decline in the number of accused under 18 years in 2021 versus 2020 include: illegal trading of narcotic substances (Article 251), decreased by 74 persons and equivalent to 28.14 per cent, robbery (Article 168), 34 persons and 13.13 per cent, rape of a person under 16 (Article 142), 16 persons and 10.96 per cent.

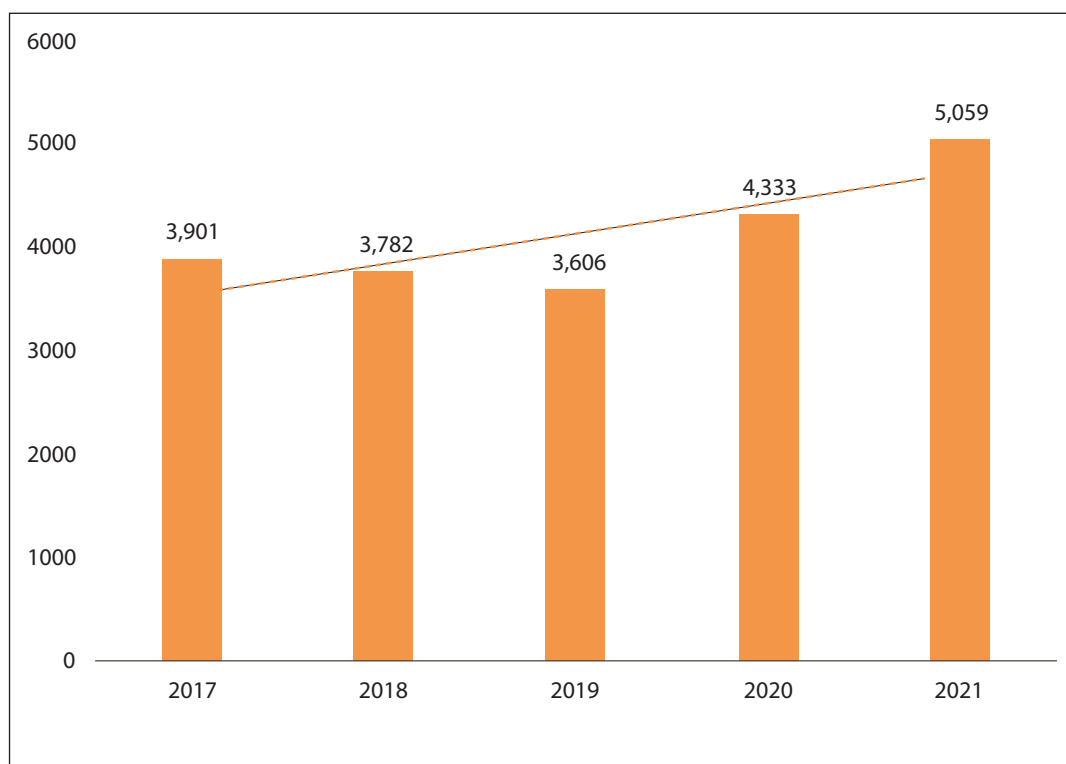


### 3. Comparing data on under-18 alleged offenders criminally charged between 2017-2021

**Table 22.** Amount and percentage change in the number of under-18 alleged offenders criminally charged between 2017-2021

Year	Number (person)	Amount change compared to the previous year (person)	Percentage change compared to the previous year (%)
2017	3,901		
2018	3,782	-119	-3.05%
2019	3,606	-176	-4.65%
2020	4,333	727	16.78%
2021	5,059	726	14.35%

**Figure 18.** Comparing number of under-18 alleged offenders criminally charged between 2017-2021



The number of under-18 alleged offenders displayed a downward trend from 2017 to 2019, with the biggest fall in 2019 (by 176 defendants, equivalent to 4.65 per cent). However, a reverse pattern emerged in 2020 and 2021, with a sharp rise of 727 accused in 2020 (equivalent to 16.78 per cent) and 726 in 2021 (14.35 per cent).

#### 4. Comparing data on under-18 alleged offenders criminally charged between 2017-2021 by most common crimes

*Table 23. Number of under-18 alleged offenders criminally charged between 2017-2021 by most common crimes*

No.	Crime (Article)	Number (person)				
		2017	2018	2019	2020	2021
1	Deliberate infliction of bodily harm upon another person (Article 134)	669	704	695	787	1,080
2	Theft (Article 173)	1,422	1,119	995	942	956
3	Disturbance of public order (Article 318)	25	104	148	382	778
4	Illegal possession and trading of narcotic substances (Articles 249 and 251) <sup>8</sup>	329	498	504	599	549
5	Snatching (Article 171)	249	282	262	219	258
6	Murder (Article 123)	149	125	130	154	227
7	Robbery (Article 168)	310	256	215	250	225
8	Offences against regulations on road traffic (Article 260)	141	136	149	143	142
9	Rape of a person under 16 (Article 142)	86	68	97	142	130
10	Remaining offences	521	490	411	715	714
	<b>Total</b>	3,901	3,782	3,606	4,333	5,059

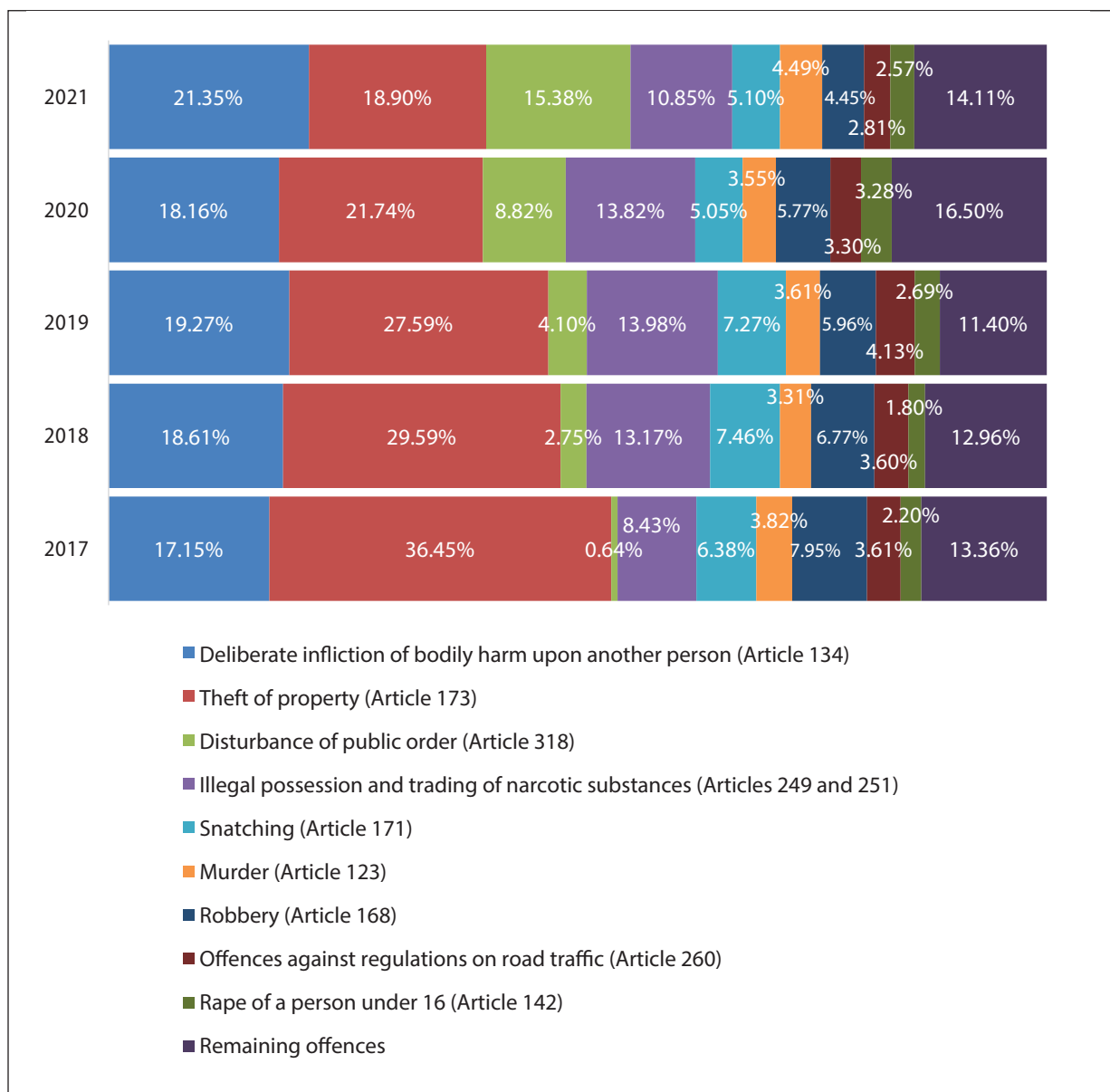
<sup>8</sup>The Penal Code 1999 stipulated a combined crime for illegal possession and trading of narcotic substances in Article 194. The Penal Code 2015, however, stipulated two separate crimes for illegal possession of narcotic substances and illegal trading of narcotic substances in Articles 249 and 251, respectively. In this table, we combined the data on these two crimes for comparison purposes.

**Table 24. Percentage of under-18 alleged offenders criminally charged between 2017-2021 by most common crimes**

No	Crime (Article)	Percentage (%)				
		2017	2018	2019	2020	2021
1	Deliberate infliction of bodily harm upon another person (Article 134)	17.15%	18.61%	19.27%	18.16%	21.35%
2	Theft (Article 173)	36.96%	29.59%	27.59%	21.74%	18.9%
3	Disturbance of public order (Article 318)	0.64%	2.75%	4.1%	8.82%	15.38%
4	Illegal possession and trading of narcotic substances (Articles 249 and 251) <sup>9</sup>	8.43%	13.17%	13.98%	13.82%	10.85%
5	Snatching (Article 171)	6.38%	7.46%	7.27%	5.05%	5.1%
6	Murder (Article 123)	3.82%	3.31%	3.61%	3.55%	4.49%
7	Robbery (Article 168)	7.95%	6.77%	5.96%	5.77%	4.45%
8	Offences against regulations on road traffic (Article 260)	3.61%	3.6%	4.13%	3.3%	2.81%
9	Rape of a person under 16 (Article 142)	2.2%	1.8%	2.69%	3.28%	2.57%
10	Remaining offences	13.36%	12.96%	11.40%	16.5%	14.11%
	<b>Total</b>	100%	100%	100%	100%	100%

<sup>9</sup>The Penal Code 1999 stipulated a combined crime for illegal possession and trading of narcotic substances in Article 194. The Penal Code 2015, however, stipulated two separate crimes for illegal possession of narcotic substances and illegal trading of narcotic substances in Articles 249 and 251, respectively. In this table, we combined data on these two crimes for comparison purposes.

**Figure 19. Percentage of under-18 alleged offenders criminally charged between 2017-2021 by most common crimes**



Between 2017-2021, fluctuations were evident in the number of accused under 18 years who were criminally charged. However, the number of under-18 accused of some crimes significantly increased in 2021, with disturbances of public order (Article 318) showing the biggest jump compared to 2020 (by 396 accused persons, equivalent to 103.66 per cent), followed by deliberate infliction of bodily harm upon another person (Article 134) by 293 persons, equivalent to 37.23 per cent.

# **Part 2:**

# **SITUATION OF**

# **UNDER-18 VICTIMS OF CRIME**

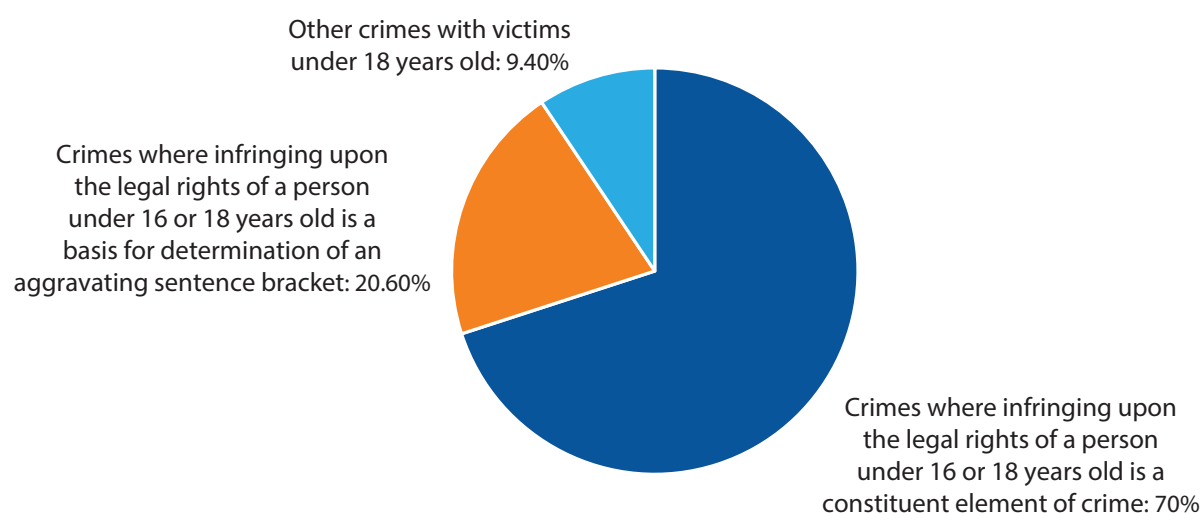
## I. OVERVIEW OF THE SITUATION OF UNDER-18 VICTIMS OF CRIME (1 January–31 December 2021)

### 1. Number and percentage of under-18 victims of crime

*Table 25. Number and percentage of under-18 victims of crime*

No	Type of crime	Number (person)	Percentage (%)
1	Crimes where infringing upon the legal rights of a person under 16 or 18 years old is a constituent element of crime <sup>10</sup>	1,706	70%
2	Crimes where infringing upon the legal rights of a person under 16 or 18 years old is a basis for determination of an aggravating sentence bracket <sup>11</sup>	502	20.6%
3	Other crimes with victims under 18 years old	229	9.4%
	<b>Total</b>	<b>2,437</b>	<b>100%</b>

*Figure 20. Percentage of under-18 victims of crime*



<sup>8</sup>See Annex 1

<sup>9</sup>See Annex 1

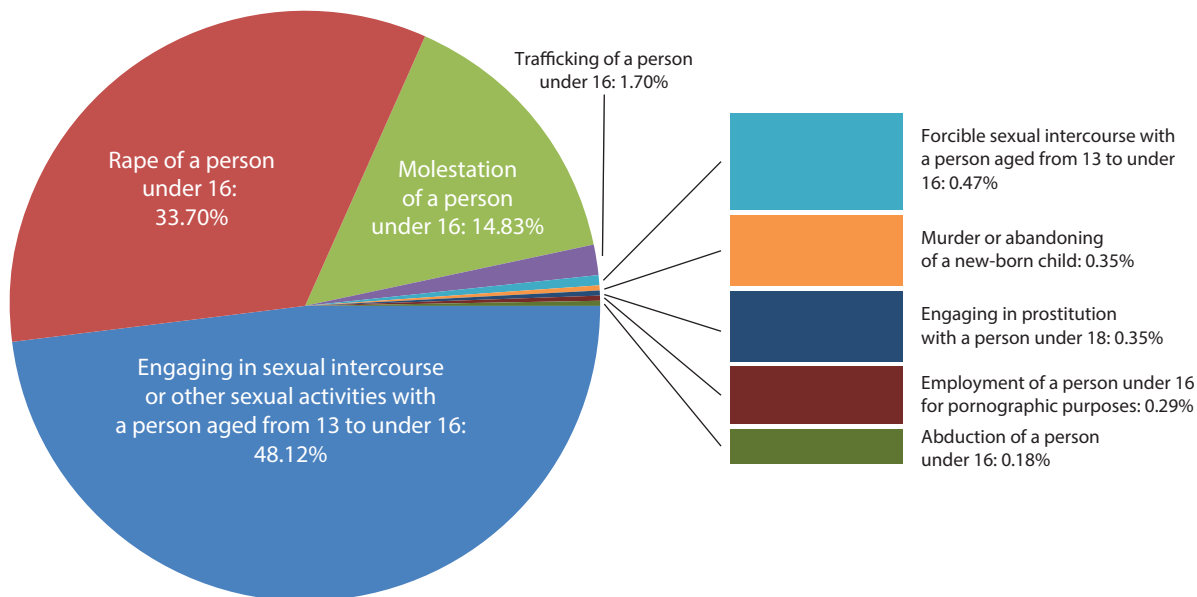
## 2. Under-18 victims of crime where infringing upon the legal rights a person under 16 or 18 years old is a constituent element of crime

**Table 26.** Number and percentage of under-18 victims of crime where infringing upon the legal rights of a person under 16 or 18 years old is a constituent element of crime<sup>12</sup>

No	Crime	Article	Number (person)	Percentage %
1	Engaging in sexual intercourse or other sexual activities with a person aged from 13 to under 16	145	821	48.12%
2	Rape of a person under 16	142	575	33.7%
3	Molestation of a person under 16	146	253	14.83%
4	Trafficking of a person under 16	151	29	1.7%
5	Forcible sexual intercourse with a person aged from 13 to under 16	144	8	0.47%
6	Murder or abandoning of a new-born child	124	6	0.35%
7	Engaging in prostitution with a person under 18	329	6	0.35%
8	Employment of a person under 16 for pornographic purposes	147	5	0.29%
9	Abduction of a person under 16	153	3	0.18%
	<b>Total</b>		1,706	100%

<sup>10</sup>The Penal Code 2015 (amended in 2017) stipulates 12 crimes, of which one of the constituent elements is infringing upon the legal rights of a person under 16 or 18 years old. In 2021, only nine out of the 12 crimes had victims under the age of 18 years.

**Figure 21.** Percentage of under-18 victims of crimes where infringing upon the legal rights of a person under 16 or 18 years old is a constituent element of crime



Among the above-mentioned nine crimes, those with notable proportions of under-18 victims in 2021 include:

- Engaging in sexual intercourse or other sexual activities with a person aged from 13 to under 16 (Article 145), accounting for 48.12 per cent (821 out of 1,706 victims).
- Rape of a person under 16 (Article 142), accounting for 33.7 per cent (575 out of 1,706 victims).
- Molestation of a person under 16 (Article 146), accounting for 14.83 per cent (253 out of 1,706 victims).



### 3. Under-18 victims of crime where infringing upon the legal rights of a person under 16 or 18 years old is a basis for determination of an aggravating sentence bracket

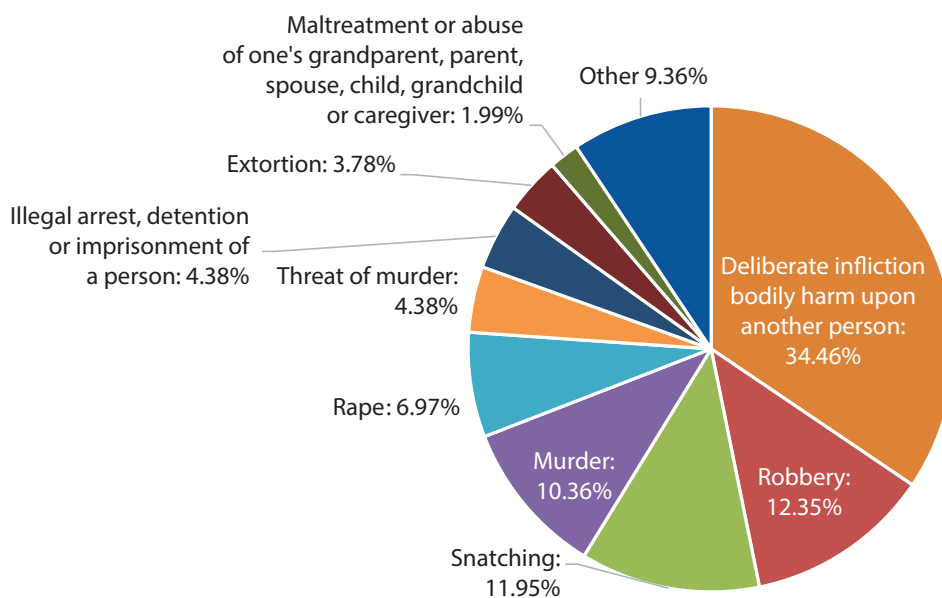
**Table 27.** Number and percentage of under-18 victims of crime where infringing upon the legal rights of a person under 16 or 18 years old is a basis for determination of an aggravating sentence bracket<sup>13</sup>

No	Crime	Article	Number (person)	Percentage (%)
1	Deliberate infliction bodily harm upon another person	134	173	34.46%
2	Robbery	168	62	12.35%
3	Snatching	171	60	11.95%
4	Murder	123	52	10.36%
5	Rape	141	35	6.97%
6	Threat of murder	133	22	4.38%
7	Illegal arrest, detention, or imprisonment of a person	157	22	4.38%
8	Extortion	170	19	3.78%
9	Maltreatment or abuse of a grandparent, parent, spouse, child, grandchild, or caregiver	185	10	1.99%
10	Deliberate transmission of HIV to others	149	7	1.39%
11	Illegal possession of narcotic substances	249	6	1.2%
12	Facilitation of illegal use of narcotic substances	255	6	1.2%
13	Obtainment of testimony by duress	374	6	1.2%
14	Torture of another person	140	4	0.8%
15	Forcible sexual intercourse	143	4	0.8%
16	Kidnapping for ransom	169	3	0.6%
17	Manslaughter by a law enforcement officer in performance of his/her official duties	127	2	0.4%
18	Coercing suicide	130	1	0.2%

<sup>11</sup>The Penal Code 2015 (amended in 2017) stipulates 37 crimes where infringing upon the legal rights of a person under 16 or 18 years old is a basis for determination of an aggravating sentence bracket. In 2021, 26 out of the 37 crimes had victims under the age of 18 years old.

No	Crime	Article	Number (person)	Percentage (%)
19	Deliberate infliction of bodily harm by a law enforcement officer in performance of his/her official duties	137	1	0.2%
20	Transmission of HIV to others	148	1	0.2%
21	Illegal transport of narcotic substances	250	1	0.2%
22	Illegal trading of narcotic substances	251	1	0.2%
23	Manufacturing, possession, transport, trading of instruments and equipment serving illegal manufacturing or use of narcotic substances	254	1	0.2%
24	Taking hostages	301	1	0.2%
25	Harbouring sex workers	327	1	0.2%
26	Procuring of sex workers	328	1	0.2%
	<b>Total</b>		502	100%

**Figure 22.** Percentage of under-18 victims of crimes where infringing upon the legal rights of a person under 16 or 18 years old is a basis for determination of an aggravating sentence bracket



Among the crimes where infringing upon a victim under the age of 16 or 18 years old is a basis for determination of an aggravating sentence bracket, those with a substantial proportion of under-18 victims in 2021 included:

- Deliberate infliction of bodily harm upon another person (Article 134) had the highest rate of under-18 victims (34.46 per cent, or 173 out of 502 victims).
- Robbery (Article 168) had the second highest rate (12.35 per cent, or 62 out of 502 victims).
- Snatching (Article 171) had the third highest rate (11.95 per cent, or 60 out of 502 victims).
- Murder (Article 123) had the fourth highest rate (10.36 per cent, or 52 out of 502 victims).
- Rape (Article 141) had the fifth highest rate (6.97 per cent, or 35 out of 502 victims).

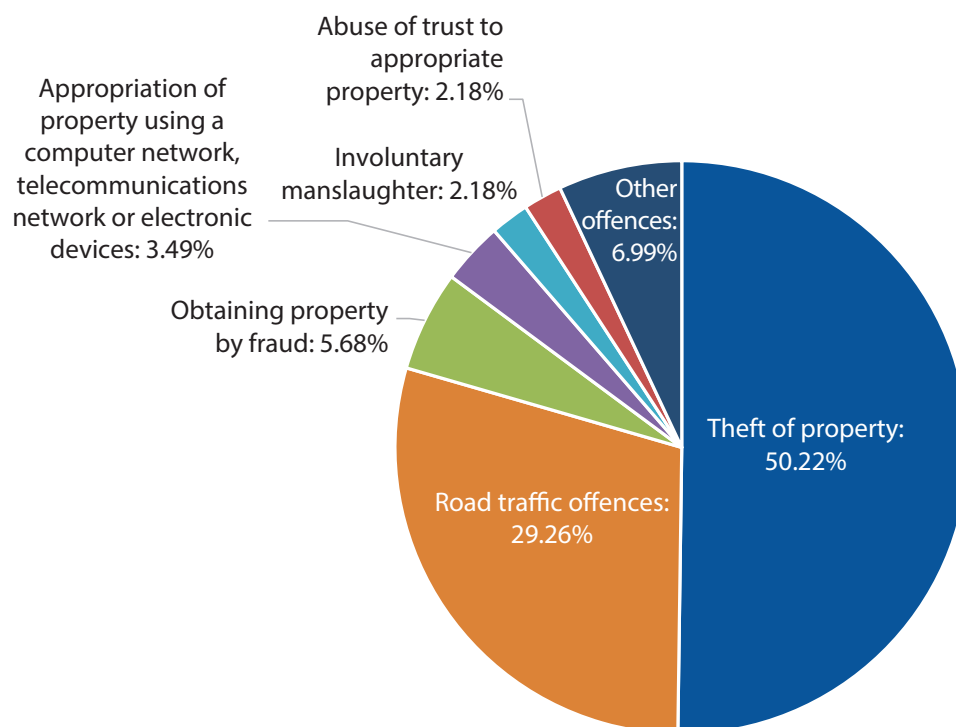
#### 4. Under-18 victims of other crimes

*Table 28. Number and percentage of under-18 victims of other crimes*

TT	Crime	Article	Number (person)	Percentage (%)
1	Theft	173	115	50.22%
2	Offences against regulations on road traffic	260	67	29.26%
3	Obtaining property by fraud	174	13	5.68%
4	Appropriation of property using a computer network, telecommunications network, or electronic devices	290	8	3.49%
5	Involuntary manslaughter	128	5	2.18%
6	Abuse of trust to appropriate property	175	5	2.18%
7	Insults to another person	155	4	1.75%
8	Vandalism or deliberate destruction of property	178	3	1.31%
9	Offences against regulations on construction that lead to serious consequences	298	2	0.87%
10	Falsification of case files	375	2	0.87%
11	Blatant appropriation of property	172	1	0.44%
12	Incest	184	1	0.44%
13	Offences against regulations on medical examination and treatment, manufacture, concoction, dispense of medicines, selling medicines or other medical services	315	1	0.44%
14	Persuading or forcing a person under 18 to commit an offence	325	1	0.44%
15	Sexual intercourse with a child (Penal Code 1999)	115 <sup>14</sup>	1	0.44%
	<b>Total</b>		229	100%

<sup>12</sup>Charged under the Penal Code of 1999 (amended in 2009).

**Figure 23. Under-18 victims of other crimes**



Among the crimes listed in Table 28, the following had high rates of victims under the age of 18 years:

- Theft (Article 173) had the highest rate of under-18 victims (115 out of 229 victims, equivalent to 50.22 per cent).
- Offences against regulations on road traffic (Article 260) had the second highest rate (67 out of 229 victims, equivalent to 29.26 per cent).
- Obtaining property by fraud (Article 174) had the third highest rate (13 out of 229 victims, equivalent to 5.68 per cent).

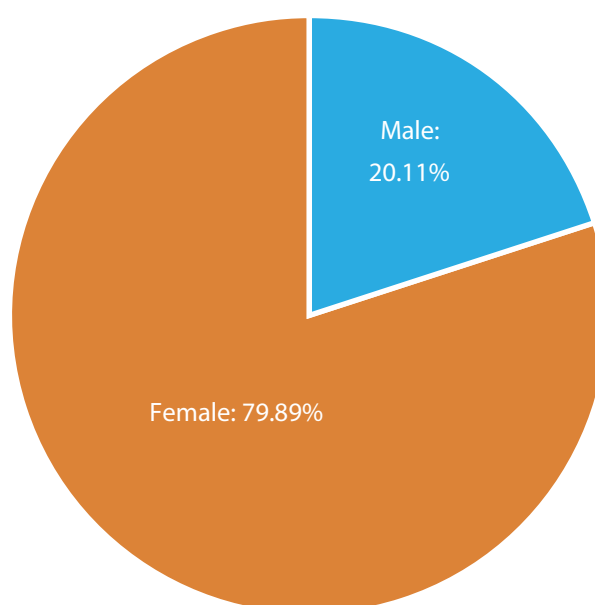
## II. PROFILE AND OTHER CHARACTERISTICS OF UNDER-18 VICTIMS OF CRIME

### 1. Sex

*Table 29. Number and percentage of under-18 victims of crime by sex*

No	Sex	Number (person)	Percentage (%)
1	Male	490	20.11%
2	Female	1,947	79.89%
	<b>Total</b>	<b>2,437</b>	<b>100%</b>

*Figure 24. Percentage of under-18 victims of crime by sex*

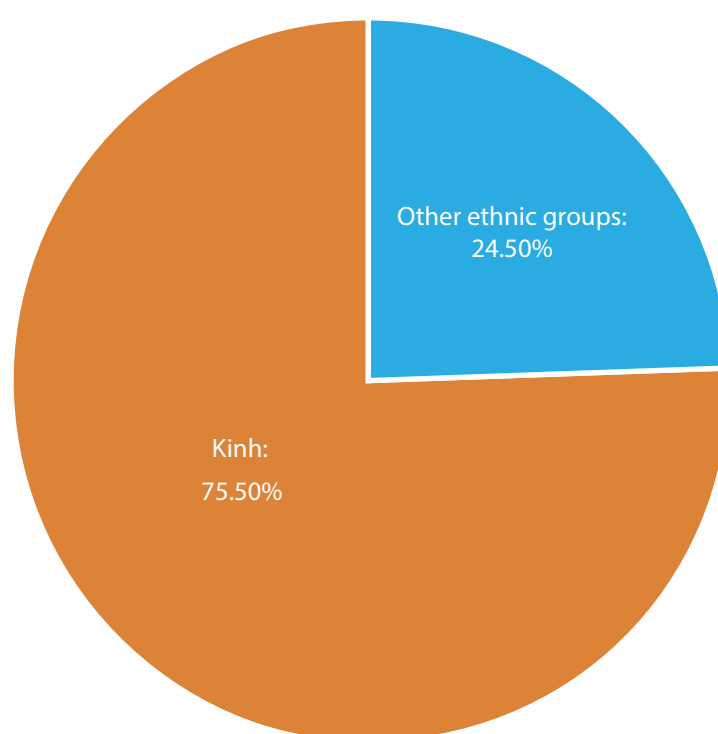


## 2. Ethnicity

**Table 30.** Number and percentage of under-18 victims of crime by ethnicity

No	Ethnicity	Number (person)	Percentage (%)
1	Kinh ethnic group	1,840	75.5%
2	Other ethnic groups	597	24.5%
	<b>Total</b>	<b>2,437</b>	<b>100%</b>

**Figure 25.** Percentage of under-18 victims of crime by ethnicity

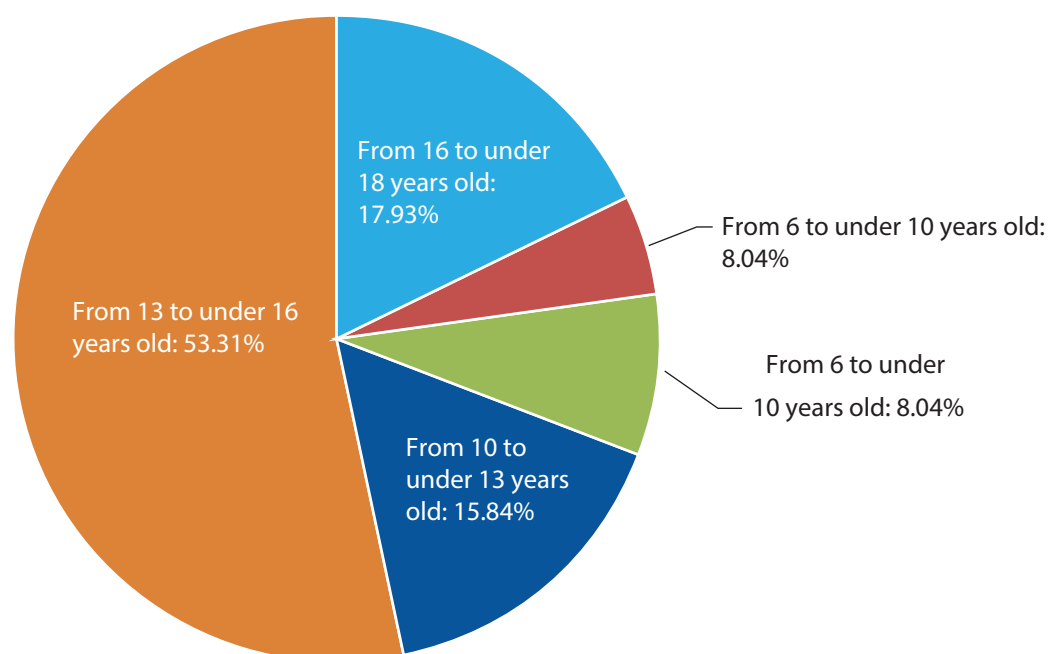


### 3. Age

**Table 31.** Number and percentage of under-18 victims of crime by age

No	Age	Number (person)	Percentage (%)
1	Under 6 years	119	4.88%
2	From 6 to under 10 years old	196	8.04%
3	From 10 to under 13 years old	386	15.84%
4	From 13 to under 16 years old	1,299	53.3%
5	From 16 to under 18 years old	437	17.93%
	<b>Total</b>	<b>2,437</b>	<b>100%</b>

**Figure 26.** Percentage of under-18 victims of crime by age





## 4. Other characteristics

*Table 32. Number and percentage of under-18 victims of crime by other characteristics*

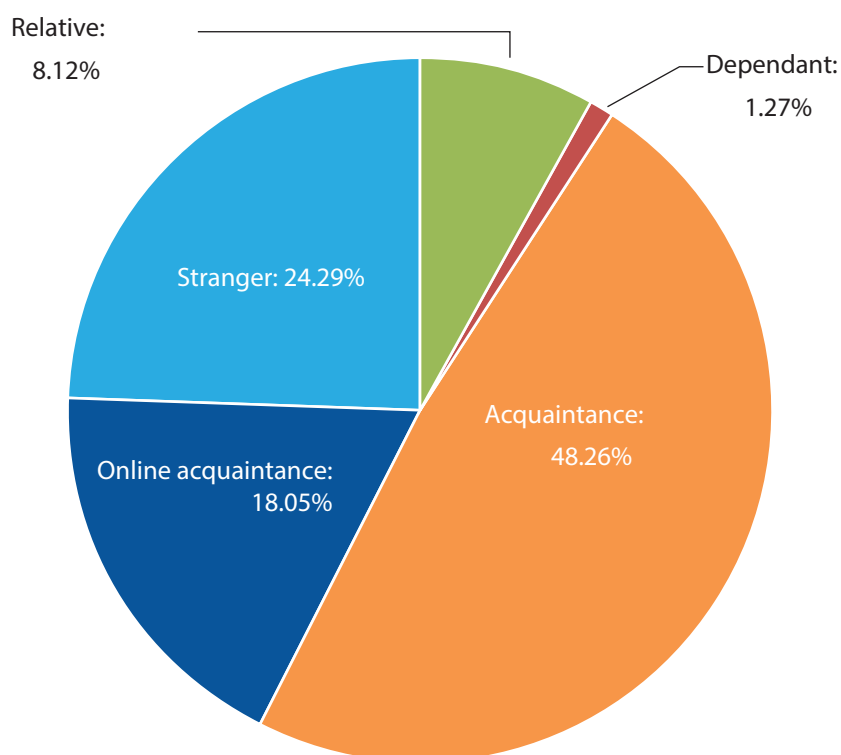
No	Status	Number (person)	Percentage out of 2,437 under-18 victims (%)
1	Persons with disabilities	22	0.9%
2	Street minors	3	0.12%

## 5. Relationship with perpetrator

*Table 33. Number and percentage of under-18 victims of crime by relationship with the perpetrator*

No	Relationship with perpetrator	Number (person)	Percentage (%)
1	Relative	198	8.12%
2	Dependant	31	1.27%
3	Acquaintance	1,176	48.26%
4	Online acquaintance	440	18.05%
5	Stranger	592	24.29%
	<b>Total</b>	2,437	100%

**Figure 27. Percentage of under-18 victims of crime by relationship with the perpetrator**



## 6. Consequences suffered by under-18 victims

**Table 34. Number and percentage of under-18 victims of crime by consequences**

TT	Consequences	Number (person)	Percentage out of 2,437 under-18 victims (%)
1	Death	87	3.57%
2	Suicide	2	0.08%
3	Pregnancy	197	8.08%

## ANNEX 1

### 12 CRIMES WHERE INFRINGING UPON THE LEGAL RIGHTS OF A PERSON UNDER 16 OR 18 YEARS OLD IS A CONSTITUENT ELEMENT OF CRIME

NO	CRIMES	ARTICLE
1	Murder or abandoning of a new-born child	124
2	Rape of a person under 16	142
3	Forcible sexual intercourse with a person aged from 13 to under 16	144
4	Engaging in sexual intercourse or other sexual activities with a person aged from 13 to under 16	145
5	Molestation of a person under 16	146
6	Employment of a person under 16 for pornographic purposes	147
7	Trafficking of a person under 16	151
8	Swapping a person under 01 year of age	152
9	Abduction of a person under 16	153
10	Violations against regulations of law on employment of workers under 16	296
11	Persuading, forcing a person under 18 to commit an offence, or harboring a person under 18 who committed an offence	325
12	Engaging in prostitution with a person under 18	329
<b>Total: 12 Crimes where infringing upon the legal rights of a person under 16 or 18 years old is a constituent element of crime</b>		

## ANNEX 2

### CRIMES WHERE INFRINGING UPON THE LEGAL RIGHTS OF A PERSON UNDER 16 OR 18 YEARS OLD IS A BASIS FOR DETERMINATION OF AN AGGRAVATING SENTENCE BRACKET

NO	CRIME	ARTICLE	BASIS FOR DETERMINATION OF AN AGGRAVATING SENTENCE BRACKET	CLAUSE, POINT
1	Murder	123	Murder of person aged under 16	Point b Clause 1
2	Manslaughter by a law enforcement officer in performance of his/her official duties	127	Victim is person aged under 16	Point b Clause 2
3	Coercing suicide	130	Victim is person aged under 16	Point b Clause 2
4	Threat of murder	133	Victim is person aged under 16	Point d Clause 2
5	Deliberate infliction bodily harm upon another person	134	Victim is person aged under 16	Point c Clause 2
6	Deliberate infliction of bodily harm by a law enforcement officer in performance of his/her official duties	137	Victim is person aged under 16 or other defenseless person	Point c Clause 2
7	Torture of another person	140	Victim is person aged under 16 or other defenseless person	Point a Clause 2
8	Rape	141	Victim is person aged from 16 to under 18	Clause 4
9	Forcible sexual intercourse	143	Victim is person aged from 16 to under 18	Clause 4
10	Transmission of HIV to others	148	Victim is person aged under 18	Point b Clause 2
11	Deliberate transmission of HIV to others	149	Victim is person aged under 18	Point c Clause 2
12	Illegal arrest, detention, or imprisonment of a person	157	Victim is person aged under 18	Point e Clause 2
13	Robbery	168	Victim is person aged under 16	Point e Clause 2

NO	CRIME	ARTICLE	BASIS FOR DETERMINATION OF AN AGGRAVATING SENTENCE BRACKET	CLAUSE, POINT
14	Kidnapping for ransom	169	Victim is person aged under 16	Point d Clause 2
15	Extortion	170	Victim is person aged under 16	Point c Clause 2
16	Snatching	171	Victim is person aged under 16	Point g Clause 2
17	Maltreatment or abuse of a grandparent, parent, spouse, child, grandchild, or caregiver	185	Victim is person aged under 16	Point a Clause 2
18	Illegal possession of narcotic substances	249	Employment of a person under 16 for commission of offence	Point dd Clause 2
19	Illegal transport of narcotic substances	250	Employment of a person under 16 for commission of offence	Point dd Clause 2
20	Illegal trading of narcotic substances	251	Employment of a person under 16 for commission of offence or sell narcotic substances for person under 16	Point e Clause 2
21	Appropriation of narcotic substance	252	Employment of a person under 16 for commission of offence	Point dd Clause 2
22	Possession, transport, trading, or appropriation of precursors for illegal manufacturing of narcotic substances	253	Employment of a person under 16 for commission of offence	Point g Clause 2
23	Manufacturing, possession, transport, trading of instruments and equipment serving illegal manufacturing or use of narcotic substances	254	Employment of a person under 16 for commission of offence	Point g Clause 2
24	Facilitation of illegal use of narcotic substances	255	Victim is person aged from 13 to under 18 Victim is person aged under 13	Point c Clause 2 Point d Clause 3
25	Concealment of illegal use of narcotic substances	256	Victim is person aged under 16	Point c Clause 2

NO	CRIME	ARTICLE	BASIS FOR DETERMINATION OF AN AGGRAVATING SENTENCE BRACKET	CLAUSE, POINT
26	Forcing others to use narcotic substances	257	Victim is person aged from 13 to under 18 Victim is person aged under 13	Point d Clause 2 Point c Clause 3
27	Persuading or inciting others to use narcotic substances	258	Victim is person aged from 13 to under 18 Victim is person aged under 13	Point d Clause 2 Point c Clause 3
28	Coercive labor	297	Victim is person aged under 16	Point b Clause 2
29	Taking hostages	301	Victim is person aged under 18	Point c Clause 2
30	Distribution pornographic materials	326	Distribution to person under 18	Point e Clause 2
31	Harbouring sex workers	327	Victim is person aged from 16 to under 18 Victim is person aged from 13 to under 16 The offence involves 2 or more persons aged from 13 to under 16	Point dd Clause 2 Point a Clause 3 Point a Clause 4
32	Procuring of sex workers	328	Victim is person aged from 16 to under 18 Victim is person aged from 13 to under 16	Point a Clause 2 Point a Clause 3
33	Bringing criminal prosecution against an innocent person	368	Victim is person aged under 18	Point c Clause 2
34	Passing an illegal judgement	370	Victim is person aged under 18	Point b Clause 2
35	Issuing an illegal decision	371	Victim is person aged under 18	Point c Clause 2
36	Use of torture	373	Victim is person aged under 18	Point d Clause 2
37	Obtainment of testimony by duress	374	Victim is person aged under 18	Point c Clause 2
<b>Total: 37 crimes where infringing upon the legal rights of a person under 16 or 18 years old is a basis for determination of an aggravating sentence bracket</b>				









**EU JULE**

Towards a legal and  
justice system for all