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**Legislative gaps and digital vulnerabilities:** reconceptualizing Vietnam's legal framework to combat online child sexual exploitation

**Lacunas legislativas e vulnerabilidades digitais:** reconceitualizando o arcabouço jurídico do Vietnã para combater a exploração sexual infantil online

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# Legislative gaps and digital vulnerabilities: reconceptualizing Vietnam's legal framework to combat online child sexual exploitation\*

## Lacunias legislativas e vulnerabilidades digitais: reconceitualizando o arcabouço jurídico do Vietnã para combater a exploração sexual infantil online

Thuyen Duy TRINH\*\*

### Abstract

The increasing prevalence of internet use among Vietnamese children has exposed them to heightened risks of online sexual exploitation. This study hypothesizes that Vietnam's existing legal framework remains inadequate in addressing these risks when compared to international standards. Employing a mixed-method approach combining doctrinal analysis, comparative legal research, and empirical survey data from children, parents, and educators, the study assesses legal protections and identifies structural gaps in legislation and enforcement. The findings reveal definitional inconsistencies (notably regarding the age of a child), weak regulation of foreign platforms, and insufficient evidentiary procedures. Drawing from comparative models such as the UK's Online Safety Act 2023 and Australia's Online Safety Act 2021, the article proposes specific reforms to Vietnam's child protection regime. This paper contributes to global discourse by contextualizing international child protection norms within Vietnam's digital transformation and offering a policy roadmap grounded in both theory and field evidence.

**Keywords:** online child sexual abuse; cybercrime prevention; digital child protection; vietnamese legal framework; social media risks; parental and institutional supervision.

### Resumo

O uso crescente da internet entre crianças vietnamitas tem exposto esse grupo a riscos ampliados de exploração sexual online. Este estudo parte da hipótese de que o arcabouço jurídico vigente no Vietnã é inadequado para enfrentar tais riscos quando comparado aos padrões internacionais. Utilizando uma abordagem metodológica mista, que combina análise doutrinária, pesquisa jurídica comparada e levantamento empírico com crianças, pais e educadores, o artigo avalia os mecanismos legais existentes e identifica lacunas estruturais na legislação e na sua aplicação. Os resultados revelam inconsistências conceituais (notadamente em relação à definição da idade da criança), fragilidade na regulação de plataformas digitais estrangeiras e

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insuficiência de procedimentos probatórios. A partir de modelos comparativos, como o Online Safety Act 2023 do Reino Unido e o Online Safety Act 2021 da Austrália, o artigo propõe reformas específicas ao regime de proteção infantil do Vietnã. A pesquisa contribui para o debate global ao contextualizar os padrões internacionais de proteção infantil dentro do processo de transformação digital vietnamita, oferecendo um roteiro normativo fundamentado tanto na teoria quanto em evidências de campo.

**Palavras-chave:** exploração sexual infantil online; prevenção ao cibercrime; proteção infantil digital; legislação vietnamita; riscos das redes sociais; supervisão parental e institucional.

## 1 Introduction

The digital age has fundamentally transformed the way people communicate, learn, and entertain themselves. The rapid development of social media platforms and the increasing accessibility of the internet have provided children and adolescents with unprecedented opportunities for education, social interaction, and personal growth. According to statistical data, at the beginning of 2024, Vietnam had 78.44 million Internet users (accounting for 79.1% of the population); 73.3% of the population used social media; there were a total of 168.5 million active mobile connections; and 92.7% of all Internet users had used at least one social media platform. According to data from the Authority of Information Security<sup>1</sup>, Vietnam currently has approximately 24.7 million children, accounting for nearly 25% of the population. Among them, 96.9% use the Internet. Specifically, 82% of children aged 12-13 use the Internet, and this figure increases to 93% for children aged 14-15<sup>2</sup>.

<sup>1</sup> VIETNAM. Ministry of Information and Communications. *Statistical Data*. 2024. Available at: <https://mic.gov.vn/so-lieu-thong-ke.htm>. Access on: 5 Dec. 2024.

<sup>2</sup> ÁHN, Ha. 91% of children access the internet, but only 10% know how to use it safely. *ThanhNien*, 4 Oct. 2024. Available at: <https://thanhnien.vn/91-tre-em-truy-cap-internet-nhung-chi-10-biet-cach-su-dung-an-toan-185241004210358766.htm#:~:text=S%E1%BB%91%20li%E1%BB%87u%20t%E1%BB%AB%20C%E1%BB%A5c%20An,tu%E1%BB%95i%20C%20s%E1%BB%AD%20d%E1%BB%A5ng%20m%E1%BA%A1ng%20internet>. Access on: 05 Dec. 2024.

Social networking has also become an important platform with more than 70 million participants, bringing opportunities and challenges for businesses in the digital environment<sup>3</sup>. The Internet has become an integral part of the daily life of Vietnam's population having access to online platforms, including children and adolescents. This is reason Vietnam is one of the countries with the fastest internet development rate and highest number of social media users in the world<sup>4</sup>. The expansion of digital technology has facilitated educational progress, enhanced connectivity, and allowed for a greater exchange of information and cultural interaction. As highlighted by Silva<sup>5</sup>, the protection of children and adolescents in digital spaces requires not only updated legislation but also structural mechanisms of enforcement and prevention. While Silva's analysis centers on Latin America, similar vulnerabilities exist in the Vietnamese context, especially regarding the absence of a coherent regulatory system and lack of child-centered governance in cyberspace.

However, alongside these benefits, the online environment has also introduced serious risks, particularly for young users who lack the necessary cognitive and emotional maturity to navigate the complexities of cyberspace safely<sup>6</sup>. With increasing internet penetration, there has been a rise in online exploitation, particularly crimes related to child sexual abuse<sup>7</sup>. Pedophiles have been taking advantage of social media and online chat forums to approach their victims and make sexual advances. The anonymity and borderless nature of the internet have made it easier for perpetrators to approach and ma-

<sup>3</sup> DANG, Tony. Internet Vietnam 2023: latest figures and development trends. *VNetwork*, 4 Oct. 2024. Available at: <https://www.vnetwork.vn/en-US/news/internet-viet-nam-2023-so-lieu-moi-nhat-va-xu-huong-phat-trien/>. Access on: 20 Oct. 2024.

<sup>4</sup> VIETNAM NET. VN faces high risk of online child sexual exploitation. *Vietnam Net*, 22 Dec. 2018. Available at: <https://vietnamnet.vn/en/vn-faces-high-risk-of-online-child-sexual-exploitation-E214696.html>. Access on: 12 Dec. 2024.

<sup>5</sup> SILVA, M. A proteção de crianças e adolescentes na era digital. *Revista de Direito Internacional*, 2022. Available at: <https://publicacoes.uniceub.br/rdi/article/view/6715>. Access on: 10 June 2024.

<sup>6</sup> LUONG, Hai Thanh. Prevent and combat sexual assault and exploitation of children on cyberspace in Vietnam: situations, challenges, and responses. In: INFORMATION RESOURCES MANAGEMENT ASSOCIATION. *Research anthology on child and domestic abuse and its prevention*. Hershey: IPI Global, 2021. p. 68-94.

<sup>7</sup> VIỆT NAM NEWS. Child sexual abuse prevention needs to go beyond empty slogans. *Việt Nam News*, 28 June 2018. Available at: <https://vietnamnews.vn/opinion/in-the-spotlight/450702/child-sexual-abuse-prevention-needs-to-go-beyond-empty-slogans.html>. Access on: 12 Dec. 2024.

nipulate minors, leading to growing concerns about the safety and security of children in digital spaces<sup>8</sup>.

Child sexual abuse is a serious public problem that affects minors worldwide<sup>9</sup>. In Vietnam, efforts have been made to prevent and combat online sexual assaults and exploitations of children. The government and law enforcement authorities have established a professional task force to address this issue, with specific strategies and focuses on prevention and intervention. However, there are still challenges and barriers in effectively combating these crimes in cyberspace. Institutions play a crucial role in preventing child sexual abuse, including the use of situational crime prevention strategies to address child sexual abuse material offenses<sup>10</sup>. Pilot studies have been conducted to develop handbooks for primary students to educate them on preventing child sexual abuse<sup>11</sup>. These initiatives aim to empower children with the necessary skills and knowledge to protect themselves from potential abuse. Legal protection for children as victims of sexual exploitation through social media is also a significant concern<sup>12</sup>. The legal framework in Vietnam is focused on protecting children from sexual abuse in cyberspace, with the aim of creating a safe and healthy online environment for children<sup>13</sup>. The review of Vietnamese law in this area serves as a basis for proposing improvements to enhance the protection of children in the digital space.

Child sexual abuse is a significant issue that can have long-lasting effects on survivors. Research has shown that disclosure of child sexual abuse may not directly

impact overall current mental health functioning, but it is associated with fewer intrusive and avoidant symptoms<sup>14</sup>. Additionally, studies have examined the prevalence of child sexual abuse internationally, highlighting the need for continued research in this area<sup>15</sup>. Parents play a crucial role in preventing child sexual abuse, and understanding their knowledge, attitudes, and practices can help inform prevention programs<sup>16</sup>. Overall, preventing child sexual abuse in cyberspace requires a multifaceted approach that involves educating parents, survivors, and the community at large. Continued research and innovative strategies are essential in addressing this critical issue in Vietnam.

Although Vietnam has adopted several legal instruments to protect minors from digital harms, its legal system still lacks a coherent and enforceable mechanism to address online child sexual exploitation. The main legal problem addressed in this article lies in the structural inconsistencies and enforcement limitations within the Vietnamese regulatory framework, particularly the absence of clear obligations for digital platforms, lack of child-specific procedural protections, and limited cross-border cooperation for evidence collection.

## 1.1 Methodology

This study adopts a multidisciplinary legal methodology combining doctrinal, comparative, and empirical approaches.

First, a doctrinal legal analysis was conducted on Vietnamese laws relating to child protection in cyberspace, including the Law on Children 2016, the Penal Code 2015 (amended 2017), and relevant provisions in the Constitution and Law on Cybersecurity. International legal instruments such as the Convention on the Rights of the Child (CRC), its Optional Protocols, and General Comment No. 25 were examined to assess Vietnam's compliance with global standards.

<sup>8</sup> VIETNAM. Ministry of Information and Communications. *Statistical Data*. 2024. Available at: <https://mic.gov.vn/so-lieu-thong-ke.htm>. Access on: 5 Dec. 2024.

<sup>9</sup> BROMBERG, D. S.; JOHNSON, B. T. Sexual interest in children, child sexual abuse, and psychological sequelae for children. *Psychology in the Schools*, v. 38, n. 4, p. 343-355, 2001.

<sup>10</sup> KRONE, Tony *et al.* Child sexual abuse material in child-centred institutions: situational crime prevention approaches. *Journal Sexual Aggression*, v. 26, n. 1, p. 91-110, 2020.

<sup>11</sup> VAN HUYNH, Son *et al.* Pilot results of a handbook: prevention skills of sexual-abuse for primary students. *International Journal of Learning and Development*, v. 9, n. 2, p. 40-48, 2019.

<sup>12</sup> RIZKY, Mutiara Nastya *et al.* Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual Komersial Melalui Media Sosial. *Media Iuris*, v. 2, n. 1, p. 197-215, 2019. Available at: <https://e-journal.unair.ac.id/MI/article/download/13193/pdf/52657>. Access on: 12 Jan. 2024.

<sup>13</sup> THUY, P. Thi Thanh. Legal framework of vietnam in protecting children against sexual abuse in cyberspace. *International Journal of Current Science Research and Review*, v. 6, n. 12, p. 7805-7811, 2023. Available at: <https://ijcsrr.org/wp-content/uploads/2023/12/37-1812-2023.pdf>. Access on: 6 Sep. 2024.

<sup>14</sup> ARATA, C. M. To tell or not to tell: current functioning of child sexual abuse survivors who disclosed their victimization. *Child Maltreatment*, v. 3, n. 1, p. 63-71, 1998.

<sup>15</sup> PEREDA, Noemí *et al.* The international epidemiology of child sexual abuse: a continuation of Finkelhor (1994). *Child Abuse & Neglect*, v. 33, n. 6, p. 331-342, 2009.

<sup>16</sup> BABATSIKOS, Georgia. Parents' knowledge, attitudes and practices about preventing child sexual abuse: a literature review. *Child Abuse Review*, v. 19, n. 2, p. 107-129, 2010. Available at: <https://doi.org/10.1002/car.1102>. Access on: 12 Feb. 2024.

Second, a comparative legal analysis was employed, focusing on how other jurisdictions such as the United Kingdom<sup>17</sup> and Australia<sup>18</sup> regulate the responsibilities of digital platforms and the protection of minors from online abuse.

Third, and significantly, the study includes an empirical component based on field research. The author conducted a sociological survey using structured questionnaires among 372 respondents, including children aged 12–17, parents, and teachers in urban and rural provinces of Southern and Southeastern Vietnam. The survey explored internet usage patterns, exposure to online risks, parental supervision, and the availability of digital safety education. Survey data were analyzed quantitatively and incorporated into the argumentation, particularly in Section 2.3 and 2.4, to identify behavioral trends and institutional gaps in protection.

Additionally, qualitative data from in-depth interviews with law enforcement officers and observations at academic conferences on online child protection were used to enhance contextual understanding. Court judgments from 2021 to 2024 were also examined to trace enforcement outcomes and challenges in judicial proceedings.

This mixed-method approach grounded in legal theory, cross-jurisdictional comparison, and empirical investigation ensures a comprehensive and evidence-based assessment of Vietnam's digital child protection framework.

## 2 Content

This section explores the legislative foundations, current trends, root causes, and legal-policy recommendations regarding online child sexual exploitation in Vietnam. The aim is to offer a structured assessment that integrates international standards, national regulations, and field-based data analysis to propose effective protective solutions for children in cyberspace.

<sup>17</sup> UNITED KINGDOM. Parliament. *Online Safety Act 2023*. Available at: <https://www.legislation.gov.uk/ukpga/2023/50/enacted>. Access on: 6 Sep. 2024.

<sup>18</sup> AUSTRALIA. Government. *Online Safety Act n° 76 2021*. Available at: <https://www.legislation.gov.au/Details/C2021A00076>. Access on: 23 June 2024.

### 2.1 Legal framework protects the child

According to the United Nations Convention on the Rights of the Child (CRC), a child is defined as any person under the age of 18, unless national law establishes the age of majority earlier (Article 1)<sup>19</sup>. The CRC establishes fundamental principles and affirms the recognition of children's rights as independent legal subjects, rather than merely as dependents under adult guardianship. One of the core principles of the CRC is non-discrimination (Article 2), which mandates that all children, irrespective of race, gender, socio-economic status, or any other distinguishing factor, are entitled to equal rights and protections. This principle imposes an obligation on state parties to actively address inequalities, ensuring that vulnerable groups, such as children with disabilities or those in conflict zones, receive adequate protection and support, thereby guaranteeing that no child is left behind. Additionally, the best interests of the child (Article 3) serve as a fundamental guiding principle, requiring that all actions concerning children whether legislative, administrative, or judicial prioritize their welfare and holistic development. This principle functions as a framework for policymakers, judicial bodies, and national welfare systems in formulating and implementing measures that safeguard children's physical, mental, and emotional well-being. Furthermore, the CRC establishes the right to life, survival, and development (Article 6) as a fundamental human right. This provision underscores the duty of state parties to ensure that every child has access to the necessary resources and opportunities to lead a healthy, secure, and meaningful life. Article 34 of CRC imposes an obligation on Member States to protect children from all forms of sexual exploitation and abuse. This provision mandates that States adopt appropriate measures at both national and international levels to prevent: (i) the coercion of children into unlawful sexual activities, (ii) the exploitation of children in prostitution or other forms of sexual abuse, and (iii) the use of children in sexually explicit performances or materials. This underscores the necessity of comprehensive and coordinated efforts at the international level to safeguard children from severe forms of abuse and exploitation.

<sup>19</sup> UNITED NATIONS. General Assembly. *Convention on the Rights of the Child*. 1989. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>. Access on: 10 June 2024.



However, due to the general nature of the CRC, several optional protocols have been adopted to further specify the obligations of State Parties. The Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography<sup>20</sup> serves as a crucial legal instrument that strengthens the provisions of the Convention on the Rights of the Child (CRC) by addressing specific forms of child exploitation. This Protocol imposes clear obligations on State Parties to enhance legal frameworks, improve international cooperation, and ensure the protection and rehabilitation of child victims. Key aspects of the Protocol include:

- **Specifying Criminal Offenses:** Pursuant to Articles 1 and 3, State Parties are required to prohibit and criminalize acts related to the sale of children, child prostitution, and child pornography.
- **Enhancing International Cooperation:** Article 6 emphasizes the necessity of cooperation among States in investigating, prosecuting, and exchanging information to prevent crimes related to the sexual exploitation of children.
- **Protecting and Supporting Child Victims:** This Protocol not only establishes the obligation to prosecute offenders but also requires States to implement measures to support victims, ensuring the recovery and reintegration of affected children.

General Comment No. 25 on Children's Rights in Relation to the Digital Environment has been adopted, becoming the latest legal instrument of the United Nations aimed at assisting Member States in improving their domestic legal frameworks on this matter. This instrument reaffirms the commitment of the United Nations and its Member States to protecting children's rights in light of both the opportunities and challenges presented by the digital environment.<sup>21</sup> Through this

<sup>20</sup> UNITED NATIONS. General Assembly. *Optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*, 25 May 2000. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>. Access on: 12 Feb. 2024.

<sup>21</sup> UNITED NATIONS. Committee on The Rights of the Child. *General comment n° 25 (2021) on children's rights in relation to the digital environment*. 2021. Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>. Access on: 10 June 2024.

document, the United Nations calls upon governments, technology companies, and educators to collaborate in managing unreliable information online.

All legal frameworks international above serve as a protective framework, safeguarding children's economic, social, and cultural rights by recognizing that child development is intrinsically linked to the socio-economic environment. This includes provisions related to education, healthcare, and adequate living conditions, ensuring that states implement measures to support the holistic well-being of children. Member States are responsible for ensuring that children receive special care and support appropriate to their family's circumstances. They are also obligated to provide access to free education, healthcare, rehabilitation, recreation, and entertainment services whenever possible.

Amid digital transformation and the rapid expansion of the internet, children in Vietnam are increasingly vulnerable to online sexual exploitation and abuse. To address this risk, Vietnam has established a comprehensive legal framework aimed at safeguarding children's rights and preventing sexual abuse in the digital sphere. This framework is grounded in the Constitution, sector-specific laws, and implementing decrees, providing a regulatory foundation for child protection in cyberspace. The principle of protecting children from violence is enshrined in Clause 1, Article 37 of the 2013 Constitution of Vietnam, which states:

Children shall be protected, cared for, and educated by the State, family, and society; they shall have the right to participate in matters concerning them. Any act of harassment, torture, maltreatment, neglect, abuse, labor exploitation, or any other violation of children's rights is strictly prohibited.<sup>22</sup>

Building upon this constitutional foundation, subsequent legal instruments have been developed to further strengthen children's rights. These legal provisions affirm the recognition of children as legal subjects entitled to full human and civil rights, including the right to protection from all forms of violence. According to Clause 5 Article 4,

Child abuse refers to any act that results in harm to the body, emotion, psychology, honor or human dignity of such child through violence against the child, child exploitation, sexual abuse, neglect and

<sup>22</sup> VIETNAM. National Assembly. *Constitution of the Socialist Republic of Vietnam*. 8 Dec. 2013. Available at: <https://vietnamlawmagazine.vn/the-2013-constitution-of-the-socialist-republic-of-vietnam-4847.html>. Access on: 19 Jan. 2024.



abandonment, and other forms of causing harm to the child.<sup>23</sup>

Also, according to the provisions of this law, Article 6 stipulates prohibited acts against children, including: Providing internet services and other services; producing, reproducing, releasing, operating, disseminating, possessing, transporting, storing, and trading in publications, toys, games, and other products whose contents cause adverse influence on children's healthy development.

Vietnamese law establishes a range of sanctions for violations related to children's rights. In the administrative domain, offenses concerning marriage and family, gender equality, and domestic violence may be subject to fines of up to 30 million VND, as stipulated in the 2012 Law on Handling of Administrative Violations<sup>24</sup>. For more serious offenses, the 2015 Penal Code (as amended and supplemented in 2017) provides a comprehensive legal framework to address various forms of violence against children. Specifically, the law criminalizes: Sexual abuse (Article 142: Rape of a person under 16; Article 144: Sexual abuse of a person aged from 13 to under 16; Article 145: Engaging in sexual intercourse or other sexual activities with a person aged from 13 to under 16; Article 146: Molestation of a person under 16; Article 147: Employment of a person under 16 for pornographic purposes)<sup>25</sup>. To criminally handle acts of child abuse in the online environment, the Council of Judges of the Supreme People's Court has issued specific guidelines<sup>26</sup>. Accordingly:

- “*Pornographic performance*” in Clause 1 Article 147 of the Criminal Code means using gestures, actions, words, writing, symbols, pictures and sound to sexually stimulate a person under 16; exposing a reproductive organ or private part, completely or partially undressing or committing other acts that imitate sexual activities (including sexual intercourse, masturbation and other sexual activities) in any shape or form.
- “*Watch a pornographic performance*” in Clause 1 Article 147 of the Criminal Code means the case where a person under 16 watches another person giving a sexual performance in any shape or form.
- “*Participate in a pornographic performance or watch a pornographic performance*” in Clause 1 Article 147 of the Criminal Code includes: Giving a pornographic performance to a person under 16 or enticing a person under 16 to participate in a pornographic performance; Showing a pornographic performance involving a person under 16; Enticing, persuading or forcing a person under 16 to photograph or record their pornographic performance and distributing such photo or video; Enticing, persuading and forcing a person under 16 to undress completely and live stream; Showing pornographic contents involving a person under 16 or running simulation of a person under 16 (animated works or digitally-created characters); Description of human reproductive organs and private parts, excluding the cases provided for in Clause 2 Article 5 herein; Other forms of pornographic performances or watching of pornographic performances.

Notably, when the victim is a child, this constitutes an aggravating circumstance, potentially resulting in the most severe penalties, including the death penalty. This strict legal approach underscores Vietnam's strong commitment to upholding its obligations under the CRC. All acts constituting indications of a criminal offense shall be subject to criminal proceedings including initiation of prosecution, investigation, indictment, and adjudication by the competent authorities in accordance

<sup>23</sup> VIETNAM. National Assembly. *Children Law*. Hanoi, 5 Apr. 2016. Available at: <https://thuvienphapluat.vn/van-ban/van-hoa-xa-hoi/Law-102-2016-QH13-children-312407.aspx>. Access on: 19 Jan. 2024.

<sup>24</sup> VIETNAM. National Assembly. *Law on handling administrative violations*. Hanoi, 20 June 2012. Available at: <https://www.tracu-phapluat.info/2011/05/phap-lenh-xlvphc-nam-2002-ban-tieng-anh.html#:~:text=Lu%E1%BA%ADt%20x%E1%BB%AD%20l%C3%BD%20vi%20ph%E1%BA%A1m,Law%20on%20handling%20administrative%20violations>. Access on: 20 Jan. 2024.

<sup>25</sup> VIETNAM. National Assembly. *Penal code*. Hanoi, 27 Nov. 2015. Available at: <https://www.tracu-phapluat.info/2010/05/bo-luat-hinh-su-viet-nam-tieng-anh.html>. Access on: 16 Jan. 2024.

<sup>26</sup> COUNCIL OF JUSTICES THE SUPREME PEOPLE'S COURT. *Guiding the application of a number of regulations of articles 141, 142, 143, 144, 145, 146 and 147 of the criminal code and settlement of cases of sexual exploitation and abuse of persons under 18*. 2019. Available at: <https://thuvienphapluat.vn/van-ban/Thu-tuc-To-tung/Nghi-quyet-06-2019-NQ-HDTP-huong-dan-Bo-luat-Hinh-su-xet-xu-vu-an-xam-hai-tinh-duc-nguoi-duoi-18-tuoi-414764.aspx>. Access on: 15 Jan. 2024.

ce with the provisions of the 2015 Criminal Procedure Code (CPrC).

## 2.2 current situation of online child sexual abuse in Vietnam

Early exposure to the Internet and online activities through smart connected devices has significantly impacted children today, leading to notable changes in communication, play, and daily routines. The online environment provides favorable conditions for intellectual development and expanding social interactions. However, this same environment also increases the risk of exposure to harmful, inappropriate, and misleading content, as well as online violence and exploitation. Among these risks, sexual abuse is one of the most deeply damaging threats, leaving severe and lasting consequences.

Online child sexual abuse in Vietnam has emerged as a pressing societal concern, drawing significant attention from the public, civil society organizations, and governmental authorities. The prevalence of such offenses is increasing, with perpetrators employing increasingly sophisticated methods, thereby complicating detection and legal intervention. Alarmingly, many instances occur within environments traditionally considered safe for children, such as homes, schools, and community spaces.

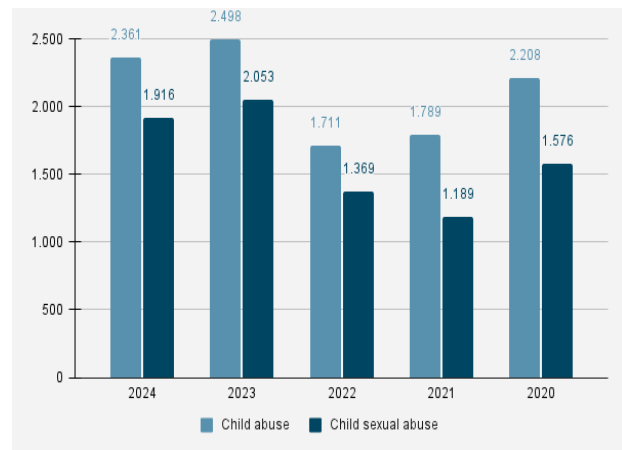
Statistics on acts and data related to online child sexual abuse in Vietnam as of 2022 are documented in the report titled *Preventing Harmful Practices in Vietnam [Current Status] – Evidence on Online Child Sexual Exploitation and Abuse*.<sup>27</sup> This report is one of the key documents under the project “Disrupting Harm.” The report indicates that only one-third of children using the Internet in Vietnam receive information on how to stay safe online. The lack of such information makes children more vulnerable to online exploitation and sexual abuse in Vietnam. Survey results show that most children who reported experiencing online exploitation or sexual abuse did not disclose their experiences to anyone or only confided in a friend. Very few children reported the incidents to their caregivers and/or an official channel, such as the police or a helpline. Specifically, 8% of children aged 12-17 who use the Internet reported receiving inappropriate comments that made them

<sup>27</sup> ECPAT, I; UNICEF. *Preventing harmful practices in Vietnam [current status]*: evidence on online child sexual exploitation and abuse. 2022.

uncomfortable within the past year (12 months prior to the survey). Among them, 43% did not disclose the incident to anyone, primarily because they believed that reporting it would not change anything or lead to any action. Additionally, 5% of children reported receiving unsolicited explicit images, with nearly half of them choosing not to tell anyone because they did not know whom to confide in.

According to data from Datareportal, Vietnam is experiencing significant growth in internet penetration and network coverage nationwide. As of January 2024, the country recorded 78.44 million internet users, representing 79.1% of the total population of 99.19 million. Concurrently, approximately 72.70 million individuals are active on social media platforms<sup>28</sup>, with nearly one-third of them being adolescents aged 15 to 24. While this rapid digital expansion offers numerous socio-economic benefits, it also presents substantial challenges, particularly concerning online safety, digital rights, and the protection of vulnerable groups, including children. This is the main reason online child sexual abuse in Vietnam has increased. Statistics indicate that more than 720,000 images related to child abuse are uploaded online every day. However, the prevalence and scale of online child abuse remain immeasurable.<sup>29</sup>

**Figure 1-** Statistics of child abuse and child sexual abuse from 2020-2024 in Vietnam



In recent times, despite efforts from relevant sectors, schools, and families to manage and educate children, as

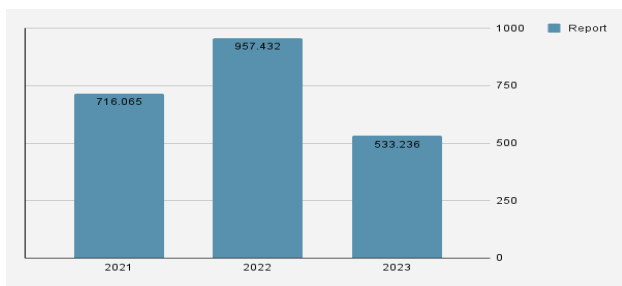
<sup>28</sup> KEMP, Simon. *Digital 2024: Vietnam. Data Reportal*, 23 Feb. 2024. Available at: <https://datareportal.com/reports/digital-2024-vietnam>. Access on: 14 Dec. 2024.

<sup>29</sup> KHANG, Minh. *Online child abuse – heartbreaking stories. Cand*, 27 May 2020. Available at: <https://cand.com.vn/Muon-mau-cuoc-song/Xam-hai-tre-em-tren-moi-truong-mang-nhung-cau-chuyen-nhoi-long-i567274/>. Access on: 20 Feb. 2024.

well as the police force's intensified efforts to combat and strictly handle child sexual abuse crimes, the situation remains complex. In 2023, a total of 2,498 cases of child abuse were recorded nationwide, marking a 9.2% increase compared to 2022, with child sexual abuse accounting for 82.2% of cases. In 2024, the total number of child abuse cases in Vietnam is 2,361 case, showing a slight decrease from 2,498 cases in 2023. However, the number remains alarmingly high, with child sexual abuse cases accounting for 1,916, representing over 81% of all reported incidents. Although there is a marginal decline compared to 2023, the overall trend indicates a persistent and serious issue. The figures remain significantly higher than those recorded in 2022 and previous years, suggesting either an actual increase in abuse cases or improved reporting mechanisms. The provinces and cities with the highest number of child abuse and violence cases include Hanoi, Thai Binh, Hoa Binh, Ho Chi Minh City, Dong Nai, Can Tho, and Lam Dong.<sup>30</sup>

Additionally, The data from the US National Center for Missing and Exploited Children (NCMEC) highlights a serious concern regarding child sexual abuse material (CSAM) in cyberspace (NCMEC, 2023), with Vietnam ranking among the countries with the highest volume of reported cases globally. According to Figure 2 - Appendix 2, the number of CSAM-related reports in Vietnam has been alarmingly high, with 716,065 cases in 2021, increasing to 957,432 in 2022, and 533,236 in 2023.

**Figure 2** - Child sexual abuse (CSAM) data on cyberspace from the US National Center for Disrespected and Exploited Children (NCMEC)



Specifically, according to statistics from the Ministry of Public Security, the number of cases related to online child abuse has increased significantly. Over the past

<sup>30</sup> VIETNAM. Ministry of Public Security. Warning on the situation of child abuse in the online environment. *Congan*, 26 Nov. 2024. Available at: <https://congan.nghean.gov.vn/thong-tin-chuyen-de/canh-bao-toi-pham/202411/canh-bao-tinh-trang-xam-hai-tre-em-tren-moi-truong-mang-1027651/>. Access on: 10 Dec. 2024.

three years, more than 400 cases have been recorded in which social media platforms were exploited to lure and abuse children using the following methods and tactics:

*First*, sexual exploitation is carried out while the victim is online, such as by luring, manipulating, or threatening children into engaging in sexual acts via webcam. A case was brought to trial in Hanoi in 2021, where the perpetrator got to know the victim through an online gaming application. The perpetrator used deceitful tactics, promising to take the victim out and upgrade their game account faster in exchange for the victim taking and sending nude photos and videos via Zalo. Additionally, the perpetrator also sent images of his genitals and masturbation videos to the victim<sup>31</sup>. Additionally, there are still many other cases<sup>32</sup>

*Second*, identifying and/or soliciting (grooming) children online for the purpose of sexual exploitation, regardless of whether the subsequent acts take place online or offline. Online child sexual offenders often have the ability to exploit and understand children's psychology and vulnerabilities. They take advantage of children's desires, needs, and innocence to carry out their wrongful acts. Specifically, they may lure children with affectionate words, promises of attractive gifts, or by enticing them to participate in online games to build trust. Most recently, a criminal case transpired in Buon Ma Thuoc City in 2022, wherein an individual exten-

<sup>31</sup> VIETNAM. People's Court of Nam Tu Liem District. *Judgment n° 52/2021/HSST dated April 8, 2021, of the People's Court of Nam Tu Liem District, Hanoi City*. Available at: <https://congobanan.toaan.gov.vn/2ta703354t1cvn/chi-tiet-ban-an>. Access on: 6 Sep. 2024.

<sup>32</sup> PEOPLE'S COURT OF AN GIANG PROVINCE. *Judgment n° 44/2021/HS-ST dated June 30, 2021, of the People's Court of Q.A City, An Giang Province*. Available at: <https://www.bing.com/ck/a?!&&p=-a2b963f2a37595cad5399c170df595f6461792a5fd2f14242350a1cddda11620JmldtHM9MTczODYyNzIwMA&ptn=3&ver=2&hsh=4&fclid=0f45cc8c-d03b-64bc-18f5-d906d13365fb&psq=b%e1%ba%a3n+%c3%a1n+s%e1%bb%91%3a+44%2f2021%2fHS-ST+ng%e1%bb%91+QA%2c+t%e1%bb%89nh+An+Giang+v%e1%bb%81+tr%e1%bb%9dng+h%e1%bb%a3p+c%e1%bb%a7a+em+L%e1%bb%0%e1%bb%a1ng+Th%e1%bb%8b+KL%2c+sinh+ng%e1%bb%95+14%2c+kh%e1%bb%b3m+C%e1%bb%0%e1%bb%9dng+Cp%e1%bb%2c+th%e1%bb%a0nh+ph%e1%bb%91+QA%2c+t%e1%bb%89nh+An+Giang.&u=a1aHR0cHM6Ly9jb25nYm9iYW5hbi50b2Fhbi5nb3Yudm4vNXRhNzUzMDIxZDFjdm4vNDRfTm-d1eWUIQ0MIODIIQ0MIODNuX01pbmhfQ3UIQ0MIOUJvJUNDJTICJUNDJTGwmbdFlNkZg&ntb=1>. Access on: 6 Sep. 2024. KHANG, Minh. Online child exploitation – heartbreaking stories. *Cand*, 27 May 2020. Available at: <https://cand.com.vn/Muon-mau-cuoc-song/Xam-hai-tre-em-tren-moi-truong-mang-nhung-cau-chuyen-nhoi-long-i567274/>. Access on: 12 Feb. 2024.



ded a loan to a 14-year-old minor under the condition of securing the debt with nude photographs, explicit video recordings, and the minor's consent to engage in sexual intercourse with a person of the opposite sex. In the course of this case, the perpetrator further disseminated the aforementioned explicit materials across social media platforms and distributed them to several members of the minor's family, intending to coerce and intimidate the minor into repaying the debt upon her failure to meet the repayment obligations.<sup>33</sup>

*Third*, the production, distribution, dissemination, importation, exportation, offering, solicitation, possession, or intentional online access to child sexual exploitation materials, even when the sexual abuse depicted in the materials is shared through means other than mass media or communication channels. A notable case involves the abduction of children for the production of pornographic materials with the intent of profiting. On April 12, 2024, the Investigation Police Agency of Ho Chi Minh City arrested and temporarily detained Phạm Huỳnh Nhật Vi, aged 21. Through the investigation process, the authorities determined that Vi had conspired with a foreign individual to target children aged 6 to 12. Vi employed various tactics to lure the children, bringing them to his residence and coercing them into engaging in sexually explicit acts, which were then filmed and photographed to be sent to the foreign accomplice for profit. On April 3, 2024, taking advantage of a moment when no adults were present to supervise, Vi approached and enticed two children, M (7 years old) and L (3 years old), taking them to his apartment and forcing them to comply with his demands. Fortunately, on April 8, the two children were rescued and returned to their families. Simultaneously, Vi was arrested to assist in the investigation and to clarify the details of the case.<sup>34</sup>

<sup>33</sup> THÀNH, Van. Lending money to a girl with the requirement of using nude photos and explicit clips as collateral. *Cand*, 17 Aug. 2022. Available at: <https://cand.com.vn/ban-tin-113/cho-be-gai-vay-tien-voi-yeu-cau-the-chap-anh-khoa-than-clip-nong-i664332/>. Access on: 10 June 2024.

<sup>34</sup> HO CHI MINH CITY MEDIA CENTER. Ho Chi Minh City's public security have prosecuted Phạm Huỳnh Nhật Vi for the crimes of 'Abducting a person under 16 years of age' and 'Using a person under 16 years of age for pornographic purposes. *Trung Tâm Báo Chí Thành Phố Hồ Chí Minh*, 12 Apr. 2024. Available at: <https://ttbc-hcm.gov.vn/cong-an-tphcm-khoi-to-pham-huynh-nhat-vi-ve-toi-chiem-doat-nguoi-duoi-16-tuoi-va-su-dung-nguoi-duoi-16-tuoi-vao-muc-dich-khieu-dam-46052.html>. Access on: 5 May. 2024.

In addition to traditional cybersecurity concerns, online sexual harassment has emerged as a serious and escalating issue within contemporary society. Globally, including in Vietnam, this form of misconduct is becoming increasingly prevalent and alarming. According to data published on the Government Portal in 2020, approximately 18,000 incidents related to online sexual harassment were recorded in Vietnam alone. One contributing factor to this rising trend is the lack of legal awareness among certain segments of social media users. Many individuals mistakenly perceive comments or conduct regarding others' physical appearances as mere jokes or harmless banter. However, such behavior may, in fact, constitute a form of sexual harassment, particularly when it infringes upon the dignity or psychological well-being of the recipient. At present, both in Vietnam and internationally, there remains an absence of a uniform legal definition or codified concept of "online sexual harassment." Nevertheless, from a substantive perspective, it may be understood as any sexually motivated conduct perpetrated via digital platforms, whether in public or private virtual spaces, that has a detrimental effect on the victim's dignity, reputation, or mental health. This form of harassment encompasses not only inappropriate or unsolicited comments but also includes actions such as manipulating images with indecent content, sending spam messages, or disseminating obscene photos and videos. Victims have reported that upon uploading personal images to social media platforms, they frequently receive unsolicited messages including requests for social interaction, invitations to dine or travel, and, in more severe cases, explicit or indecent proposals.<sup>35</sup> Even more concerning is the widespread prevalence of vulgar and sexually suggestive language, including mocking, flirtation, or exaggerated and offensive commentary on appearance conduct which not only infringes legal protections but also contributes to the creation of a toxic and unsafe digital environment. Online sexual harassment constitutes a violation of legal rights protected under Vietnamese law, particularly those concerning honor, dignity, and personal privacy. Furthermore, victims often experience severe psychological consequences, including prolon-

<sup>35</sup> HIẾU, Dao Trung. Beware of new tactics in sexual harassment. *Cand*, 4 May 2021. Available at: <https://cand.com.vn/Ho-so-Interpol/Canh-giac-voi-thu-doan-quay-roi-moi-i604186/>. Access on: 4 May 2024.

ged anxiety, emotional distress, and, in extreme cases, clinical depression.

It is noteworthy that this phenomenon is not novel. Women, as a vulnerable demographic group, have long been subjected to verbal and behavioral misconduct with underlying sexual connotations disguised as humor. A study conducted by ActionAid revealed that 87% of Vietnamese women reported having been subjected to some form of sexual harassment, ranging from inappropriate remarks to acts of sexual violence an incidence rate that surpasses that of countries such as India, Cambodia, and Bangladesh.<sup>36</sup> These figures paint a grim picture, especially within a nation that traditionally upholds and cherishes cultural values and ethical norms.

### 2.3 Causes and conditions leading to the increase in sexual abuse crimes in cyberspace in Vietnam

To identify the causes and conditions of child sexual abuse crimes in cyberspace, the author has conducted research on specific criminal cases and participated in scientific conferences organized by Vietnam's legal universities, as well as the scientific conference held at the People's Police University in Ho Chi Minh City. This conference brought together investigators, case officers, and leaders who have been actively engaged in the prevention and suppression of such crimes. Additionally, the author directly conducted sociological surveys involving key groups, including children, families, and schools, to gain comprehensive insights into the issue.

Firstly, the psychology of criminals plays a crucial role. The root cause of child sexual abuse, particularly in the online environment, often stems from the moral decadence and psychological disorders of offenders. These individuals, lacking fundamental human values, willingly disregard the rights, dignity, and safety of their victims to fulfill their selfish desires. Behind every act of abuse, there are not only material motives or the mere satisfaction of sexual urges but also a deeper compromise with deviant desires, sometimes influenced by external factors. One such factor is the infiltration of toxic cultural elements from external sources<sup>37</sup> or exposure to

negative role models in society. The proliferation of violent and pornographic imagery, along with deviations in sexual expression, can sometimes serve as the foundation for moral transgressions, as criminals may perceive them as standards to be pursued for self-gratification.

Abusive acts no longer have to take place openly, but are hidden under invisible layers, making the process of tracing and preventing more complicated than ever. Social network, with infinite connectivity, is the perfect tool for abusers to approach and build trust with victims.<sup>38</sup> Additionally, That distorted mentality views children as easy targets, unable to recognize and respond to danger due to their lack of knowledge and skills necessary for self-protection in the virtual environment. This vulnerability enables offenders to approach and manipulate children, drawing them into dangerous interactions by exploiting their trust through deception. Pereira underscores that digital child victimization is deeply connected to their psychological vulnerability, which is often exacerbated by legal ambiguity and weak state response. In the Vietnamese context, this translates into an urgent need for coordinated family-school-state interventions, especially when children are left unsupervised online<sup>39</sup>. Persuasive words,<sup>40</sup> false commitments, and even enticing virtual "gifts" serve as common tactics used to lure children into harmful situations.

Secondly, the prevalence of child sexual abuse in cyberspace is escalating, particularly in Vietnam, due to various complex factors. One of the primary causes is excessive internet and social media usage. Children tend to spend several hours each day browsing the web, watching videos, playing games, or interacting on social media platforms such as Facebook, TikTok, and Zalo. This prolonged exposure increases their susceptibility to inappropriate content, online predators, and dangerous situations such as fraud, extortion, or coercion

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in the future. *In: SCIENTIFIC conference on child sexual abuse on the internet and prevention solutions.* [S. l.]: People's Police University, 2024. p. 171.

<sup>38</sup> VAN TUAN, N.; DINH TUAN, D. Sexual crimes against children in cyberspace and solutions to enhance prevention effectiveness. *In: SEXUAL exploitation of children online and preventive solutions.* [S. l.]: People's Police University, 2024. p. 54.

<sup>39</sup> PEREIRA, J. Cibercrime e direitos humanos: a vulnerabilidade de crianças na internet. *Revista de Direito Internacional*, 2021.

<sup>40</sup> LAM, M. G. R. L. The prevention and suppression of child sexual abuse crimes in gia lai province and solutions to enhance effectiveness in the future. *In: SCIENTIFIC conference on child sexual abuse on the internet and prevention solutions.* [S. l.]: People's Police University, 2024. p. 38.

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<sup>36</sup> ACTION AID VIET NAM. *For women and girls: can dreams come true?* Hanoi: Action Aid, 2024.

<sup>37</sup> TRA VINH PROVINCIAL POLICE DEPARTMENT. The situation of child sexual abuse crimes in tra vinh province and solutions to improve the effectiveness of crime prevention and control

into sending sensitive images. Certain forms of sexual harassment are also identified as potential precursors to future acts of sexual abuse. 8% of children reported receiving inappropriate comments that made them feel uncomfortable such as jokes, stories, or remarks about their bodies, appearance, or sexual activities primarily on Facebook (including Messenger) and TikTok<sup>41</sup> 5% of children reported receiving unsolicited sensitive images via social media platforms such as Facebook and Zalo. These images were predominantly sent by unknown individuals (40%) and adult friends or family members (40%). According to surveyed parents in Vietnam, their children use the following social media applications: 43.6% use Facebook; 23.3% use Zalo; 25% use Instagram; 45.9% use TikTok; 50.6% use Telegram; 35% use Threads. These statistics indicate that Telegram and TikTok are the most widely used platforms among children, followed by Facebook and Instagram. (Question 8).<sup>42</sup>

Additionally, Children's inherent curiosity and desire to explore new and unfamiliar content make them more susceptible to accessing violent, pornographic, and other harmful, unregulated materials online. Moreover, social media usage encourages behaviours that may put children at risk, such as sharing personal images, disclosing private information, or providing sensitive data to strangers. Beyond curiosity, the primary reason children face online risks is their lack of education in sexual awareness and essential skills to prevent sexual abuse both in general and in cyberspace specifically. As a result, many children become victims of threats, coercion, and psychological manipulation, leading to fear, shame, and low self-esteem, which prevent them from reporting offenders to their families or schools. This silence further increases their vulnerability, potentially resulting in repeated victimization or real-life exploitation<sup>43</sup>.

*According to sociological survey results in Vietnam (See Question: 2,3,4,6,8)*

<sup>41</sup> ECPAT, I; UNICEF. *Preventing harmful practices in Vietnam [current status]: evidence on online child sexual exploitation and abuse.* 2022.

<sup>42</sup> SURVEY. *Survey on awareness of child sexual abuse prevention in cyberspace.* 2024. Available at: [https://docs.google.com/forms/d/1BEjY92xv9ZkZlGfSUGEDLnxLirvx0S3K\\_636i3jYKE/edit?ts=6-7868aea&fbclid=IwZXh0bgNhZW0BMQAABHXUjFCKpAW3FC1hMM2XQI-d4w2DbDyZbBcUHAQTxzPduQNz-Y33YG-UdXQ\\_aem\\_MPM4Eh\\_2gE5l-w8Yk2TxsQ](https://docs.google.com/forms/d/1BEjY92xv9ZkZlGfSUGEDLnxLirvx0S3K_636i3jYKE/edit?ts=6-7868aea&fbclid=IwZXh0bgNhZW0BMQAABHXUjFCKpAW3FC1hMM2XQI-d4w2DbDyZbBcUHAQTxzPduQNz-Y33YG-UdXQ_aem_MPM4Eh_2gE5l-w8Yk2TxsQ). Access on: 10 June 2024.

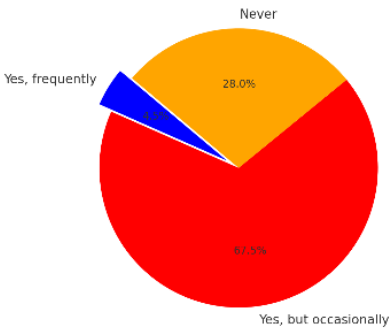
<sup>43</sup> VIETNAM. Ministry of Labor Invalids and Social Affairs. *Còn nhĩ u trĩ ng hĩ p trĩ em bĩ xĩm hĩ i nhĩ ng chĩ a đĩ c phĩt hĩ n kĩ p thĩ i.* *Molisa*, 27 Apr. 2020. Available at: <https://molisa.gov.vn/baiviet/222534?tintucID=222534>. Access on: 12 Jan. 2024.

30% of children use the Internet for more than two hours per session, while 37% spend between one and two hours per session. The highest internet usage rate occurs in the evening, reaching 78.5%.

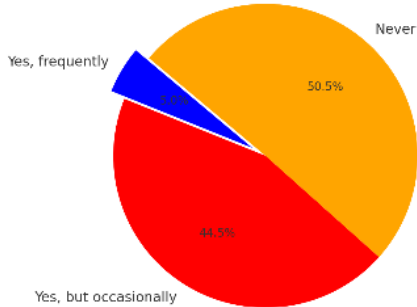
Recklessness in Making Friends and Sharing Personal Information: 4.5% of children regularly share personal information online, while 67.5% do so occasionally. Many children are lured by individuals impersonating friends, celebrities, or seemingly trustworthy figures online. These perpetrators exploit children's curiosity and lack of awareness to manipulate, coerce, and ultimately subject them to abusive acts. Additionally, 44.5% of surveyed children reported occasionally interacting with strangers on the Internet, and 5% indicated frequent interactions with unknown individuals. Personal images are the most frequently shared personal information, accounting for 55.5%. More concerning is that 6% of children share their current location. This data suggests that these groups are at high risk of online exploitation and abuse in cyberspace.

**Figure 3 - Sociological survey results conducted by the author during the research process**

Do you frequently share personal information on the Internet?

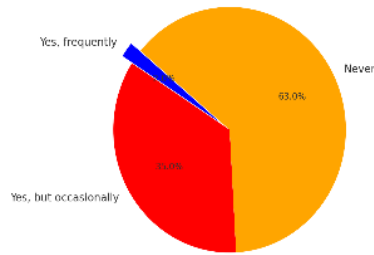


Do you frequently interact with strangers on the Internet?





Do you have a habit of receiving or sending messages from/to strangers on the Internet?



Moreover, the rapid proliferation of anonymous messaging applications, live streaming platforms, and video call services has further facilitated the access and manipulation of children by sexual offenders. These platforms provide offenders with opportunities to engage with and exploit minors effortlessly, sometimes allowing them to commit crimes without immediate detection. What is concerning is that not only do girls become victims of these illegal acts, but boys do as well. Abusers often employ sophisticated tactics, exploiting children's curiosity and lack of experience to approach them and commit crimes.

Fourth, the Lack of Parental and School Supervision as a Concerning Factor.

Parents and caregivers often lack basic knowledge and skills in information technology, making it difficult for them to guide children in identifying, filtering, and blocking harmful online content. Additionally, many families are preoccupied with financial stability, while others face economic hardship, divorce, or involvement in social vices and legal violations. According to the Supreme People's Court of Vietnam, the number of children with divorced parents remains significantly high, accounting for approximately 1.8% of the total population.<sup>44</sup> Conversations and emotional exchanges between parents and children are often neglected in many families. Even when such discussions occur, parents tend to doubt their children's statements, especially regarding online sexual abuse. Many dismiss these concerns as imaginary or insignificant, failing to acknowledge the real dangers their children may face. This creates a favourable environment for sexual predators to exploit children. These factors result in a lack of parental attention and supervision, leading to neglect.

<sup>44</sup> GOVERNMENT. *Implementation of Legal Policies on Child Abuse Prevention*. 2019. GOVERNMENT. *Implementation of Legal Policies on Child Abuse Prevention*. 2020. GOVERNMENT. *Implementation of Legal Policies on Child Abuse Prevention*. 2021.

Consequently, children are left to study, play, and entertain themselves online without adequate guidance, increasing their exposure to online risks. Many parents lack sufficient knowledge about the online environment and are unable to monitor their children's internet activities effectively.

*According to sociological survey results in Vietnam (See Question: 1,2)*

Parental Supervision of Children's Social Media Usage: 2.9% of parents do not pay attention to their children's social media use; 40.1% occasionally inquire about their children's online activities; 60.5% express concern about their children's internet usage. However, when asked whether they know what type of information their children share online: 52.3% of parents responded that their children share personal images; 13.4% indicated that their children disclose their current location; 49.4% noted that their children share details about their daily activities. Parents reported that children use the internet primarily for: Watching videos or online movies; Playing online games... Social media access (58.7%) a significant concern due to potential online risks; Academic purposes (39.5%) a relatively lower proportion.

Meanwhile, schools have yet to implement comprehensive digital literacy programs, leaving children without the necessary awareness and skills to protect themselves from online risks. Communication, education, and social advocacy efforts for child protection and care remain ineffective.<sup>45</sup> The awareness and skills of parents, family members, teachers, community members, and even children themselves regarding child protection are inadequate and incomplete. Specifically, many children are not equipped with the necessary knowledge and skills to prevent sexual abuse. Victims of sexual abuse often experience fear, shame, and low self-esteem, making them reluctant to speak out or report offenders. Parental Monitoring of Children's Online Activities: 55.8% of parents occasionally check their children's online activities; 4.7% of parents do not monitor their children's online activities at all (Question 4)

*Fifth, Legal Gaps and Weak Enforcement in Handling Online Child Abuse Cases*

<sup>45</sup> VIETNAM. Ministry of Labor Invalids and Social Affairs. Innovating methods for child protection and abuse prevention. *Molisa*, 23 abr. 2022. Available at: <https://molisa.gov.vn/baiviet/231307?tintucID=231307>. Access on: 16 May 2024.

According to Article 1 of Vietnam's Law on Children (2016), a child is defined as "A child is a human being below the age of 16" In contrast, the CRC defines a child as "every human being below the age of eighteen years." This discrepancy reflects a fundamental divergence between Vietnam's domestic legal framework and international standards regarding the legal definition of a child. Under Vietnamese law, individuals aged from 16 to under 18 are classified as "adolescents" rather than "children." As a result, they may not fall within the protective scope of certain legal mechanisms specifically designed for children. This becomes particularly problematic in the context of online sexual abuse and exploitation. Acts of sexual harassment or abuse targeting individuals in the 16–18 age group may not be treated as violations against children under Vietnamese law, even though such acts would clearly constitute child rights violations under international law. Consequently, this legal gap creates challenges in ensuring the full implementation of international child protection obligations. In practice, individuals aged 16 to under 18 may be deprived of specific safeguards and rights afforded to children under the CRC, particularly in digital environments where risks of sexual abuse, grooming, and harassment are increasingly prevalent.

The resolution of child sexual abuse cases faces significant challenges in collecting evidence to prove the crime. In addition to traditional forms of evidence commonly found in child sexual abuse cases in Vietnam, electronic evidence is also considered a new and complex area. This issue has garnered special attention from the leadership of the People's Procuracy and was the main topic of an international conference co-organized by the Hanoi Procuratorate University, the Department of International Cooperation and Mutual Legal Assistance in Criminal Matters (Department 13), and the United Nations Office on Drugs and Crime (UNODC) in Vietnam. In some cases, children have been blackmailed and threatened with the distribution of sensitive images. However, when families detect and report these incidents, law enforcement agencies often face difficulties in identifying the perpetrators due to the following reasons: Use of Anonymous or Fake Accounts: Offenders frequently create fake social media accounts or use temporary profiles, making it difficult to trace their real identities. Advanced Anonymity Technologies: Many criminals exploit VPNs, encrypted messaging platforms, and dark web services to hide

their digital footprints, complicating investigations. The Vietnamese CrPC has provisions on electronic data as evidence. However, for electronic data to be considered a source of evidence under Article 86, it must meet specific requirements,

Evidences are de facto and collected as per the sequence and formalities defined by this Code. Evidences are grounds for the determination of a crime, perpetrators of such crime, and other valuable facts for the settlement of the case.

In practice, the provision "Evidence collected as per the sequence and formalities defined by this Code" faces many challenges. This is because all such information exists in the online environment. In cases of sexual abuse in the online environment, the victims, their families, and defense lawyers often provide screenshots of phone or computer screens as evidence. Difficulties arise when electronic data discovered and submitted by individuals, agencies, or organizations lack complete information about the process of collection, as well as the origin and source of the data. The legality of electronic evidence is only recognized when it is collected directly by the investigating agency itself. While the victim or the defense has the right to provide electronic documents as evidence, these materials can only be used in a criminal case if the investigating agency verifies their legality. Currently, Vietnam has no specialized agency responsible for collecting this data to ensure its legality. Additionally, there is no specific regulation in criminal procedure law defining when mandatory expert examinations of electronic data are required (Article 206). This issue depends on the discretion of the investigating agency in deciding whether to conduct forensic examination.

Typically, to verify the information and documents provided, the investigating agency combines these materials with other evidence-gathering measures, such as taking statements, confrontation, identification, and investigative experiments to verify electronic evidence. As a result, the provided information and documents only serve as supporting materials for the investigating agency to collect additional evidence. The evidence in the case must still be verified through direct investigative measures. This process can significantly prolong the time required to prove the crime, making the investigation more complex and time-consuming. As a result, without a specialized authority to certify the legality of electronic evidence, there is a high possibility that docu-

ments submitted by the victim or defense counsel to the investigating agency will not be accepted as evidence.

Cooperating with foreign-based service providers to collect evidence poses a significant challenge for authorities conducting legal proceedings. Most major online service providers, such as Google, Facebook, YouTube, TikTok, and Instagram, have their servers located abroad. This difficulty is not unique to Vietnam but is also encountered in European countries. As noted,

authorities can request and collect necessary documents for criminal investigations within their national jurisdiction, but electronic evidence stored online is often held by service providers based in another country, even when the crime occurs solely within one nation.<sup>46</sup>

Therefore, “to obtain such data, cooperation with service providers through international legal assistance channels is required.” However, this process is extremely challenging due to: Differences in legal regulations between countries; Language barriers, and Service providers often citing customer confidentiality as a reason to refuse or ignore requests for data.

**2.4 Some Recommendations to Ensure Effective Prevention and Combat Against Online Sexual Exploitation of Children**

This section outlines five targeted policy and legal reform proposals derived from doctrinal analysis, comparative legal review, and empirical findings. Each subsection addresses a core factor contributing to the persistence of online child exploitation and suggests concrete regulatory improvements aligned with global best practices.

<sup>46</sup> EUROPEAN COMMISSION. *Questions and answers: mandate for the EU-U.S. cooperation on electronic evidence*. Brussels, 5 Feb. 2019. Available at: <https://www.bing.com/ck/a?!&p=1ced2820af431fcbc11da5efbe007d3f76c83505f9c2b3f65d5c0f535e7ede26JmItdHM9MTczODk3MjgwMA&ptn=3&ver=2&hsh=4&fclid=34c3ce0-fbc4-631c-3481-d96efacc62cc&psq=European+Commission%2c+%e2%80%9cQuestions+and+Answers%3a+Mandate+for+the+EU-U.S.+cooperation+on+electronic+evidence%e2%80%9d&u=a1aHR0cHM6Ly9lYy5ldXJvcGEuZXUvY29tbWlzc2lvbi9wcmVzc2Nvcn5lcj9hcGkvZmlsZXNmVZG9jdW1lbnQvcHJpbnQvZW4vbWVtb18xOV84NjMvTUVNT18xOV84NjNfRU4ucGRm&ntb=1>. Access on: 16 Jan. 2024.

**2.4.1 Addressing the psychological disorders and moral decay of offenders**

To address the psychological disorders and moral degradation that underpin child sexual abuse in cyberspace, it is essential to establish a legal framework enabling behavioral risk assessments and psychological profiling of individuals exhibiting deviant tendencies particularly first-time or content-related offenders alongside mandatory rehabilitation programs focused on cognitive-behavioral therapy, moral reasoning, and impulse control, while simultaneously strengthening the regulation of pornographic, violent, and sexually deviant materials (especially those disseminated through foreign platforms) via content licensing, classification systems, and interjurisdictional enforcement cooperation; moreover, ethical and legal education emphasizing respect for human dignity and children’s rights should be incorporated into both formal schooling and offender rehabilitation programs, and in cases involving foreign offenders.

**2.4.2 Minimizing Children’s overexposure to social media and risky digital behavior**

To minimize children’s overexposure to social media and risky digital behavior which significantly increases their vulnerability to online sexual abuse it is imperative to establish a robust legal framework that mandates default safety settings for minors on digital platforms, including age verification, real-time content moderation, and automated content filtering systems, in accordance with the principle of proactive child protection as recognized in Article 6 of the the CRC and reflected domestically in Article 54 of Vietnam’s Law on Children (2016); concurrently, digital literacy must be codified as a compulsory component of national education programs to empower children with the legal and practical capacity to recognize and respond to grooming, manipulation, and exploitative behavior online, thereby operationalizing the child’s right to be protected from all forms of abuse under Article 19 of the CRC; in addition, legal instruments should require platforms and public institutions to implement confidential, child-friendly reporting and redress mechanisms, with obligations to respond in a timely and protective manner consistent with due diligence standards; and finally, national criminal law such as Articles 155, 146, and 147



of Vietnam's Penal Code 2015 should be revised and clarified where necessary to explicitly criminalize online grooming, the unsolicited transmission of sensitive materials, and persistent sexually suggestive communication, ensuring that such acts are prosecutable even absent physical contact, thereby closing legislative gaps and affirming the State's responsibility to prevent abuse in both physical and virtual spaces.

### 2.4.3 Mitigating the impact of anonymous communication tools and technological exploits

To mitigate the growing risk of undetectable child sexual abuse facilitated by anonymous communication tools, livestreaming platforms, and encrypted messaging services, it is essential to enact legal provisions requiring high-risk platforms to incorporate mandatory child-safety protocols such as AI-driven abuse detection systems, user behavior analysis, and metadata-sharing frameworks with law enforcement agencies while concurrently establishing binding data-sharing agreements between technology providers and competent state authorities to ensure that suspicious patterns of predatory conduct are promptly flagged and investigated in accordance with the principles of proactive intervention and digital accountability; this approach is consistent with Article 19(1) of the CRC, which obligates States Parties to take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of abuse, including in online environments. In the Vietnamese legal context, while the Law on Cybersecurity 2018 (Articles 5 and 26)<sup>47</sup> prohibits the use of cyberspace for illegal acts and allows for the collection of user data in national security or criminal cases, there remains a gap in specifically requiring foreign or anonymous platforms to implement preventive child protection technologies. Similarly, the Law on Children 2016 (Articles 54 and 55)<sup>48</sup> affirms the child's right to be protected from abuse and assigns responsibilities to agencies and organizations to ensure child safety, but

lacks detailed procedural mechanisms for identifying and interrupting exploitative conduct occurring through anonymous or encrypted channels.

In contrast, jurisdictions such as the United Kingdom have enacted the Online Safety Act 2023,<sup>49</sup> which imposes statutory duties of care on online platforms to proactively identify and remove harmful content, including child sexual abuse material (CSAM), and requires platforms to deploy systems to detect grooming and encrypted exploitation, under the supervision of the national regulator (Ofcom). Similarly, Australia's Online Safety Act 2021,<sup>50</sup> administered by the eSafety Commissioner, mandates the swift takedown of harmful content, empowers the regulator to request user data, and places strong legal obligations on both domestic and foreign service providers to prevent child abuse online. Therefore, for Vietnam to effectively protect children in cyberspace, especially in relation to anonymous or foreign-origin abuse, the legal framework should evolve to reflect international best practices by mandating preventive safety technologies, formalizing cooperation obligations for digital platforms (regardless of country of origin), and assigning regulatory oversight to a specialized agency with enforcement authority thereby transforming child protection in the digital space from a passive duty to an active legal mandate.

### 2.4.4 Enhancing parental and institutional supervision

The United Kingdom promotes the "Whole-School Approach to Online Safety" under the *Keeping Children Safe in Education* (KCSIE) statutory guidance, which requires all school staff to be trained to identify risks and respond to online abuse, and mandates integration of online safety into both the curriculum and school culture.<sup>51</sup> Similarly, Australia implements the eSafety Schools Framework, a national initiative by the eSafety Commissioner that combines teacher training, student

<sup>47</sup> VIETNAM. National Assembly. *Law on Cybersecurity*. Hanoi, 2018. Available at: <https://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Luat-an-ninh-mang-2018-351416.aspx>. Access on: 16 Jan. 2024.

<sup>48</sup> VIETNAM. National Assembly. *Children Law*. Hanoi, 5 Apr. 2016. Available at: <https://thuvienphapluat.vn/van-ban/van-hoa-xa-hoi/Law-102-2016-QH13-children-312407.aspx>. Access on: 19 Jan. 2024.

<sup>49</sup> UNITED KINGDOM. Parliament. *Online Safety Act 2023*. Available at: <https://www.legislation.gov.uk/ukpga/2023/50/enacted>. Access on: 6 Sep. 2024.

<sup>50</sup> AUSTRALIA. Government. *Online Safety Act n° 76 2021*. Available at: <https://www.legislation.gov.au/Details/C2021A00076>. Access on: 23 June 2024.

<sup>51</sup> UNITED KINGDOM. Department for Education. *Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges*. 2023. Available at: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>. Access on: 6 May. 2024.

education, and parental engagement in digital safety.<sup>52</sup> These approaches emphasize multi-level engagement, institutional accountability, and child participation principles that can be adapted into the Vietnamese context to build a proactive, community-centered digital child protection system.

Vietnam has taken some legislative steps through the Law on Children (2016) and Law on Education (2019), but implementation remains limited in scope and practice. For instance, while Article 92 of the Law on Children assigns community responsibility for child protection, the lack of legal enforcement mechanisms, resource allocation, and cross-sector coordination weakens its effectiveness. Moreover, schools have yet to fully incorporate digital risk education into formal programs, and many parents lack the necessary awareness or skills to guide their children in the online space. Learning from international models, Vietnam should consider adopting a national framework for digital child safety in education and parenting, with enforceable obligations for institutions and supportive systems for families, particularly in vulnerable settings.

#### **2.4.5 Measures to strengthen the prevention and combat of online child sexual abuse crimes**

Pursuant to Article 1 of the CRC, to which Vietnam is a State Party, a child is defined as any human being below the age of eighteen. However, Article 1 of Vietnam's Law on Children (2016) currently defines a child as a person under sixteen years of age. This inconsistency creates a legal gap for individuals aged 16 to under 18, who are excluded from child-specific protections, including in cases involving online sexual abuse. To ensure conformity with international obligations and enhance substantive legal protection, it is necessary to amend the Law on Children to redefine "child" as "a person under eighteen years of age." This revision would harmonize domestic law with the CRC, extend the scope of child protection policies, and close the legal loophole that leaves older minors vulnerable in the digital environment.

The State must reinforce international cooperation through mutual legal assistance treaties (MLATs) and

extradition agreements, especially with countries where offenders are likely to reside. Vietnam should proactively engage in bilateral and multilateral treaties focused on cybercrime and child protection, enabling authorities to request user data, freeze online accounts, or initiate joint investigations with foreign counterparts. Integration with frameworks such as the Budapest Convention on Cybercrime or deeper cooperation with INTERPOL and regional ASEAN mechanisms would enhance response capacity. Legal obligations should be imposed on foreign digital platforms operating within Vietnam's digital space (such as social media companies, messaging services, and livestreaming apps) to ensure they comply with national child protection standards. Rodrigues has emphasized the importance of treaty-based cooperation frameworks in facilitating cross-border enforcement of child protection laws. Her analysis reinforces this article's call for Vietnam to adopt not only stricter local requirements but also stronger bilateral and multilateral engagement mechanisms to ensure access to evidence hosted by foreign platforms<sup>53</sup>. This includes the implementation of real-time content monitoring, AI-based detection of grooming behavior, immediate takedown of exploitative content, and mandatory cooperation with Vietnamese authorities in cases involving child abuse or suspected predatory conduct. In parallel, technical and educational prevention strategies must be localized. Vietnamese children, especially in rural and vulnerable communities, must be equipped with tools to identify and report suspicious behavior from foreign strangers online. Digital literacy programs should include simulated scenarios involving impersonation, online luring, and exposure to inappropriate content from unknown contacts, highlighting risks that may originate beyond national borders. Reporting mechanisms, both governmental and platform-based, should include multilingual options, simplified interfaces, and secure communication channels to enable child victims to safely report abuse, even when the offender is not physically present in Vietnam.

Vietnam needs to establish a specialized center for collecting electronic data as evidence to provide accurate information to judicial authorities for investigation and trial proceedings. Currently, if funding is not yet available to implement such a center, an urgent solution would be to issue guidelines on the application of

<sup>52</sup> AUSTRALIA. Government. Office of the eSafety Commissioner. *eSafety Toolkit for Schools*. 2022. Available at: <https://www.esafety.gov.au/educators/toolkit-schools>. Access on: 23 June 2024.

<sup>53</sup> RODRIGUES, A. Cooperação internacional no combate à exploração sexual infantil online. *Revista de Direito Internacional*, 2020.

certain regulations regarding procedures and methods for collecting electronic evidence. Currently no official recognition of tools and software used for digital forensics investigations. In contrast, developed countries have long standardized digital forensic tools. In the United States, organizations such as the National Institute of Standards and Technology (NIST), the Scientific Working Group on Digital Evidence (SWGDE), and the International Organization for Standardization (ISO) have established standards and methodologies to validate digital forensic tools. These standards have been legally recognized as technical benchmarks, including ISO/IEC 27041:2015.<sup>54</sup> In many countries, forensic investigation software includes widely used tools such as EnCase and FTK.<sup>55</sup> These tools are essential for analyzing, extracting, and preserving electronic evidence in a legally admissible manner. In addition to adopting advanced forensic software, it is crucial to provide regular training for investigators, prosecutors, and judges on detecting, handling, and analyzing electronic evidence. Training should cover technical knowledge, investigative skills, and the use of forensic tools to enhance the efficiency and reliability of electronic evidence collection in legal proceedings.

Additionally, it is essential to strengthen international cooperation with law enforcement agencies worldwide to collect electronic evidence stored on servers located abroad. There should be a framework for collaboration between police forces of different countries to facilitate information exchange and evidence collection in support of criminal investigations. Establishing clear coordination mechanisms will enhance the efficiency of cross-border digital forensics and improve the ability to combat cyber-related crimes effectively.

### 3 Conclusion

This study aimed to critically evaluate the Vietnamese legal framework for protecting children against online sexual abuse, with a particular focus on compliance

with international standards. The findings demonstrate that although Vietnam has developed a multilayered legal infrastructure, significant gaps remain particularly regarding the definitional age of children, evidentiary procedures, and regulatory obligations for digital platforms. These deficiencies hinder effective prevention and prosecution of online child exploitation.

By integrating doctrinal legal analysis with empirical insights, this research identified five core areas requiring reform: psychological assessment of offenders, safe platform design, anonymous communication oversight, institutional supervision, and cross-border evidence cooperation. Each recommendation is grounded in both international best practices and Vietnam's legal context.

Nonetheless, this study is limited by the availability of official judicial data and the absence of detailed platform-specific cooperation mechanisms. Future research should explore comparative legislative effectiveness across ASEAN countries and assess the long-term impact of child-centered digital literacy programs.

This study aimed to assess Vietnam's legal and institutional responses to online child sexual exploitation, with the goal of identifying structural gaps and recommending reforms aligned with international standards. The findings show that Vietnam's current framework, though evolving, remains insufficiently responsive to the complex nature of digital abuse, particularly with regard to legal definitions, procedural safeguards, and platform regulation. While the research is grounded in doctrinal, comparative, and empirical methods, it is limited by the availability of official judicial data and the rapid evolution of digital platforms. Future research should examine the long-term effectiveness of newly implemented regulations and explore regional cooperation mechanisms within ASEAN for more harmonized child protection in cyberspace.

- *Ethical Approval*  
Not applicable
- *Informed Consent*  
Not applicable
- *Statement Regarding Research Involving Human Participants and/or Animals*  
Not applicable

<sup>54</sup> INTERNATIONAL ORGANIZATION FOR STANDARDIZATION. *ISO/IEC 27041:2015(en)*: Information technology — Security techniques — Guidance on assuring suitability and adequacy of incident investigative method. 2015. Available at: <https://www.iso.org/standard/44405.html>. Access on: 15 Jan. 2024.

<sup>55</sup> BRITZ, Marjie T. *Computer forensics and cyber crime*: an introduction. Upper Saddle River, NJ: Pearson Prentice Hall, 2009.



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