

LAW

ON DOMESTIC VIOLENCE PREVENTION AND CONTROL

Persuant to the 1992 Constitution of the Socialist Republic of Viet Nam, a number of Articles of which had been amended and added in line with the Resolution No. 51/2001/QH10;

The National Assembly, hereby, promulgates this Law on Domestic Violence Prevention and Control.

Chapter 1

GENERAL PROVISION

Article 1. Scope of Regulation

1. This Law regulates the prevention and control of domestic violence, protecting and assisting the victims of domestic violence; the responsibilities of individuals, families, organizations, institutions in domestic violence prevention and control and dealing with the breach of the Law on Domestic Violence Prevention and Control.

2. Domestic violence is defined as purposeful acts of certain family members that cause or may possibly cause physical, mental or economic injuries to other family members.

Article 2. Domestic violence acts

1. The acts of domestic violence consist of:

a) Corporal beating, ill-treating, torturing or other purposeful acts causing injuries to one's health and life;

b) Insulting or other intended acts meant to offend one's human pride, honour and dignity;

c) Isolating, shunning or creating constant psychological pressure on other family members, causing serious consequences;

d) Preventing the exercise of the legal rights and obligations in the relationship between grandparents and grand children, between parents and children, between husbands and wives as well as among brothers and sisters.

e) Forced sex;

f) Forced child marriage; forced marriage or divorce and obstruction to freewill and progressive marriage

g) Appropriating, demolishing, destroying or other purposeful acts to damage the private properties of other family members, or the shared properties of family members;

h) Forcing other family members to overwork or to contribute more earning than they can afford; controlling other family members' incomes to make them financially dependent;

i) Conducting unlawful acts to turn other family members out of their domicile.

2. The violent acts stipulated in paragraph 1 of this Article shall also be applicable to family members in cases of divorcees or living together as husband and wife without marriage registration.

Article 3. Principles of domestic violence prevention and control

1. Taking combined and integrated measures to prevent and fight domestic violence with preventive measures as key and special attention paid to communication and education on family values, counselling and reconciliation in line with the fine traditional and cultural practices of Viet Nam.

2. Domestic violence acts must be timely discovered, stopped and dealt with in accordance with laws.

3. Victims of domestic violence must be timely protected and assisted in accordance with their actual conditions and situation, and the national socio-economic situation; giving priority in protecting the legal rights and benefits of children, elderly people, disabled people and women.

4. Promoting the role and responsibility of individuals, families, communities, institutions and organizations in preventing and controlling domestic violence.

Điều 4. Obligations of persons committing domestic violence

1. Respecting lawful community interference, stopping immediately violent acts against family members.

2. Complying with decisions of the authorized institutions and organizations.

3. Timely sending the victims for first aid and medical treatments; taking care of the victims of domestic violence unless the victims refuse these offers.

4. Compensating for the damages and losses caused to the domestic violence victims when required in accordance with the Law.

Article 5. Rights and obligations of domestic violence victims

1. Victims of domestic violence shall have the following rights:

a) To request the authorized institutions, organizations and individuals to protect their lives, dignity and other ~~legal~~-rights and legitimate benefits

b) To request the authorized institutions and individuals to apply measures to prevent, protect and forbid contact as stipulated by this Law.

c) To be provided with medical services as well as psychological and legal advice;

d) To be provided with temporary domicile which shall be kept confidential as well as with other information that is regulated by this Law;

e) Other rights stipulated by laws.

2. Victims shall be obliged to provide information relating to the domestic violence to the authorized individuals, institutions and organizations when required

Article 6. State policies on domestic violence prevention and control

1. The State shall allocate an appropriate budget for domestic violence prevention and control activities.

2. Encouraging institutions/organizations and individuals to provide financial support for domestic violence prevention and control; developing the domestic violence prevention models and assisting the victims.

3. Encouraging research and production of literature and art works on the domestic violence prevention and control.

4. Organizing and assisting the training of officials involved in domestic violence prevention and control.

5. Persons directly involved in the fight against domestic violence shall be rewarded for their good contributions and given proper entitlements in accordance with laws in return to resulting losses/damages to their health, lives and properties.

Article 7. International cooperation in domestic violence prevention and control

1. The State encourages international cooperation in domestic violence prevention and control on the basis of equality, respect for sovereignty and compliance with national and international laws.

2. International cooperation activities include:

a) Developing and implementing programmes/projects and activities to prevent and fight domestic violence;

b) Joining international organizations; signing, acceding to and implementing the related international treaties and agreements on domestic violence prevention and control;

c) Exchanging information and experiences in domestic violence prevention and control.

Article 8. Acts strictly forbidden

1. Domestic violence acts defined in Article 2 of this Law.

2. Forcing, provoking, urging and enabling other persons to commit domestic violence acts

3. Using and diffusing information, images and sounds to provoke domestic violence acts

4. Revenging or threatening to revenge the people who help the victims of domestic violence, discover, report and prevent the domestic violence acts.

5. Obstructing the discovery, reporting and settlement of domestic violence acts.

6. Making use of domestic violence prevention and control to make profits or to carry out other illegal activities.

7. Complicity, covering up, avoiding settlement and mis-settlement of domestic violence acts and non-compliance with the Law.

Chapter II
PREVENTION OF DOMESTIC VIOLENCE
Part 1
INFORMATION AND COMMUNICATION
ON DOMESTIC VIOLENCE PREVENTION AND CONTROL

Article 9. Objectives and requirements of information and communication on domestic violence prevention and control

1. Information and communication on domestic violence prevention and control, are meant to change perception and behaviour related to domestic violence acts in order to gradually eliminate domestic violence as well as to raise awareness of good traditions and morality of the Vietnamese people and families.

2. Information and communication on domestic violence prevention and control must meet the following requirements:

- a) Accurate, specific, simple and realistic;
- b) Suitable to specific cases, qualification, age, gender, tradition, culture, religion and ethnic identity;
- c) No impact on the gender equality, pride and honour of the victims and other family members.

Article 10. Contents of information and communication on domestic violence prevention and control

1. Policies and laws on domestic violence prevention and control, gender equality, rights and obligations of family members.

2. Good traditions and moral standards of the Vietnamese people and families

3. Negative impacts of domestic violence.

4. Measures, models and experiences in domestic violence prevention and control.

5. Knowledge of marriage and family issues; behavioural skills, cultural family building.

6. Other elements related to domestic violence prevention and control.

Article 11. Forms of information and communication on domestic violence prevention and control

1. Direct implementation

2. Through the mass media

3. Mainstreaming this issue into the teaching and learning programmes at training institutions of the national education system.

4. Through art, literature and community life or other popular cultural activities.

Part 2

RECONCILIATION OF CONFLICTS AND DISPUTES AMONG FAMILY MEMBERS

Article 12. Principles of reconciling conflicts and disputes among family members

1. Timely, proactive and patient;

2. In harmony with the policy of the Communist Party, the Law of the State, the social morality and the good customs and practices of the people;

3. Respect for the free will of all conflicting parties to come to reconciliation;

4. Impartiality, fairness, sensibility and sentiment;

5. Maintaining one's privacy;

6. Respect for the rights and legitimate interests of other people; no encroachment on the State and public interests.

7. No reconciliation of conflicts and disputes among family members stipulated in Articles 14 and 15 of this Law, in the following cases:

a) Incidents of criminal nature, unless the victims request for an exemption from Criminal proceeding

b) Violations of Administrative laws subject to civil fines.

Article 13. Reconciliation of conflicts and disputes by the family and clan

The family shall be responsible for timely discovering and reconciling conflicts and disputes among family members.

In the case that the family cannot reconcile or at the request of any family member, the head or the prestigious person in the clan or the prestigious person in the community shall actively conduct the reconciliation.

Article 14. Reconciliation of conflicts and disputes by an institution/organization

Institutions/organizations shall be responsible for conducting reconciliation of conflicts and disputes between their employees and their family members at the family members' request. if necessary, they shall cooperate with their local counterparts in conducting reconciliation.

Article 15. Reconciliation of conflicts and disputes by the grassroots reconciling teams

1. The grassroots reconciling team shall conduct reconciliation of conflicts and disputes among family members in accordance with legislation on reconciliation at the grassroots level .

2. The People's Committees of communes, wards and townships (referred to as Commune People's Committee) shall be responsible for cooperating with the Committee of Viet Nam Fatherland Front at the same level and its members in giving guidance, assistance and good conditions to the grassroots reconciling teams to reconcile conflicts and disputes among family members.

Part 3

COUNSELLING, COMMENTS AND CRITICISM OF COMMUNITIES ON DOMESTIC VIOLENCE PREVENTION

Article 16. Counselling about family issues at the grassroots level

1. The State shall facilitate and encourage organizations and individuals to provide counselling services on family issues at the grassroots level to help local inhabitants prevent and fight domestic violence.

2. Counselling on family issues at the grassroots level shall include the following:

a) Provision of information, knowledge, laws and regulations about marriage, family and domestic violence prevention and control;

b) Guidance on behavioural skills in the family and on dealing with conflicts and disputes among family members.

3. Counselling on family issues shall target at the following cases:

a) Persons committing domestic violence acts;

b) Victims of domestic violence;

c) Alcoholic and drug addicts, gamblers;

d) Fianceses and fiances.

4. The commune People's Committee shall play the lead role and collaborate with the Committee of Viet Nam Fatherland Front at the same level and its members in providing counselling services on family issues.

Article 17. Comments and criticism of communities

1. Comments and criticism of a community shall be targeted at persons aged 16 and above committing family violence acts and continuing to do so after reconciliation by the grassroots reconciliation teams.

2. The head of a village, hamlet, township or group of local inhabitants or a head of a similar body (referred to following as community leader) shall decide and organize communal meetings to collect comments and criticism of community. The participants in such events shall include family representatives, nextdoor neighbours and other concerned people shall be invited by the community leader.

3. The commune People's Committee shall be responsible for supporting the community leader in organizing communal meetings to collect comments and criticism of the community on the person(s) committing domestic violence.

Chapter III
PROTECTING AND ASSISTING VICTIMS OF DOMESTIC VIOLENCE
Part 1
MEASURES TAKEN TO PROTECT AND ASSIST
VICTIMS OF DOMESTIC VIOLENCE

Article 18. Discovering and reporting domestic violence acts

1. The person who discovers domestic violence acts shall report these to the nearest police station or to the commune People's Committee or the community leader at the scene of violence, except for the cases referred to in paragraph 3 of Article 23 and paragraph 4 of Article 29.

2. The Police station, the commune People's Committee and the community leader, that have discovered or been informed of domestic violence acts shall be responsible for timely dealing with the case or requesting the relevant authorities or individuals to do it and keep the identity of the reporter confidential, and as/if necessary, protect the person reporting domestic violence acts.

Article 19. Prevention and protection measures

1. Prevention and protection measures shall be applied to protect the victim of domestic violence, stop violent acts and minimize the consequences of domestic violence, including:

- a) Stopping domestic violence acts;
- b) Making first aid arrangements for the victim of domestic violence;
- c) Taking preventive measures in accordance with the Law in dealing with the violations of civil and criminal nature applicable to the person committing domestic violence;
- d) The person committing violent acts shall not be allowed to approach the victim and not to use telephone or other medium to get in touch with the victim in order to commit violence (hereinafter referred to as a measure of forbidden contact);

2. The person present at the scene of violence, depending on the severity of the violent acts and their ability, shall be responsible for taking measures referred to in points a and b, paragraph 1 of this Article;

3. Authority and conditions for the application, change and cancelation of measures referred to in point c, paragraph 1 of this Article shall be in accordance with the legislation on dealing with violations of civil or criminal nature;

4. The application of measures stipulated in point d, paragraph 1 of this Article shall comply with Articles 20 and 21 of this Law.

Article 20. Contact forbidden upon decision of the Chairperson of the commune People’s Committee

1. The commune People’s Committee at the site of domestic violence can decide to apply the measure of forbidding contact for no longer than three days when meeting the following conditions:

a) There is a written request from the victim of domestic violence, the custodian or the legal representative of the relevant organization/agency. In case of the institution, organization of authority request, it must be agreed by the victim of domestic violence,

b) Domestic violence acts cause or threaten to cause serious physical injury to health or life of the victim of domestic violence

c) The domestic violence victim and the violence committing person are living at different domiciles at the time of contact

2. By the latest of 12 hours from the receipt of the request, Chairperson of communal People’s Committee shall decide to apply the forbidden contact measure with the victim of domestic violence; In case no decision shall be made, a written notice with specific reasons shall be sent to the requesting person.

Decision forbidding contact with the victim of violence shall be in force right after its issuance, and sent to the person conducting violence, the victim of violence, the community leader at the victim’s domicile.

3 The chairperson of communal People’s Committee deciding to forbid contact with the victim, shall cancel that decision when the victim of violence request this cancelation, or when the measure is found not necessary any more

4. In case there happen the wedding or funeral, or some special events in their families that require the violence victims and the violence committed persons to contact each other, the violence committed person has to inform the victim’s community leader..

5. The violence committing person breaching the forbidden contact decision can be seized for civil breach of Law and fined

6. The Government shall stipulates specifically the application, cancellation of the measure to forbid contact with the victim of violence, the person of supervising authority , and the treatment of the person who commits domestic violence and breach the forbidden contact rule in this Article.

Article 21. Forbidding contact upon decision of the court

1. In collecting evidence or processing civil case between the victim of domestic violence and the person conducting violent acts, the courts shall have the authority to forbid the person committing violent acts to contact the victim of domestic violence for no longer than 4 months when having sufficient conditions as following:

a) Written request from the victims of domestic violence, the custodian or the legal representative or the authorized institution/organization. In case the authorized institution/organization requests, they must be agreed to by the victim of domestic violence,

b) The domestic violence causing physical damages or threatening to cause serious injury to the health and life of the victim of domestic violence.

c) The violence committing person and the victim are not living in the same domicile during the forbidden contact duration.

2. The decision of forbidden contact with the victim of domestic violence shall be effective after signing and shall be notified to the violence committed person, the victim of violence and the community leader at the victim's domicile and the people's Inspecting Institute at the same level.

3. The people's court that decided on the forbidden contact measure, shall cancel that decision when receiving the written request for cancellation from the violence victim or when it sees that this measure is no longer needed

4. In case there is a wedding or funeral, or some special events in their families that require the victim of violence and the violence committing person to contact each other, the violence committing person must inform the victim's community leader.

5. Authority, sequence of steps and procedures, changes, cancelation of forbidden contact measure with the domestic violence victim referred to in this Article shall be similarly applied in accordance with the Law on Civil Proceedings for temporary emergency measures.

Article 22. Supervising the implementation of the forbidden contact decision

1. Upon receipt of the decision on forbidden contact with the domestic violence victim from the chairperson of communal People's Committee or from the authorized court, the community leader shall cooperate with the concerned organization at the grass-roots level to assign people to supervise the implementation of the forbidden contact Decision.

2. The assigned supervisor shall have following duties:

a) following up the carry-out of the forbidden contact decision between the violence committed persons and the violence victims; in case the violence committed persons are found meeting with the violence victims , requesting that person to strictly comply with the no-contact Decision

b)In case the violence committed person attempt to contact with the violence victims, the assigned supervisor shall report to the community leader to stop that from occurring.

3. Should the violence committed person be allowed to meet with the violence victims in accordance with the regulation at paragraph 4, article 20 and paragraph 4 of Article 21 of this Law, the family members are required to supervize the meeting to make sure no domestic violence taking place

Article 23. Taking care of domestic violence victim at health stations

1. Domestic violence victims, after taking medical care and treatment, can be granted with the certificate of injury at their request.

2. Expenses of medical care and treatment for domestic violence victims shall be covered by the medical insurance funds if they hold medical insurance cards.

3. Medical staff, in doing their jobs, shall be responsible for keeping the violence victim's private information confidential; in case the domestic violence acts are found with criminal signs, the medical staff shall have to inform the case to the Head of the health station, who shall report it to the police at the nearest station

Article 24. Counselling for domestic violence victims

1. Victims shall be given advice on health care, family, domestic behaviour, law and psychological issues to deal with the domestic violence acts

2. Health stations, social protection centers, domestic violence counselling centres, domestic violence victim supporting facilities, individuals or organizations as stipulated in Articles 27, 28, 29 and 30 of this Law, depending on their functions and duties, shall be obliged to provide suitable advice to domestic violence victims.

Article 25. Emergency support of essential provisions

The commune People's Committee shall play the lead role and collaborate with with the Committee of Viet Nam Fatherland Front of the same level and its members and other local social organizations and domestic violence victim supporting facilities in providing emergency support to meet essential needs of domestic violence victims when necessary.

Part 2

DOMESTIC VIOLENCE VICTIM SUPPORT FACILITIES

Article 26. Domestic violence victim supporting facilities

1. Domestic violence victims supporting facilities shall provide domestic violence victims with care, advice and temporary domicile and other essential support.

2. The domestic violence victim support facilities shall includes:

- a) Health stations;
- b) Social Protection and Assisting Centers;
- c) The domestic violence victim supporting centers;
- d) Counselling centres for prevention and control of domestic violence;
- d) Reliable addresses in community.

Article 27. Health stations

1. Health stations shall provide medical services in line with Article 23 of this Law and also provide advice on health issues.

2. Public health stations, apart from performing as mentioned in paragraph 1 of this Article, depending on their actual capacity and conditions, shall provide temporary domicile to the domestic violence victims for no longer than one day at the request of the victims.

Article 28. Social protection centers

Social protection centers shall provide assistance, psychological advice, temporary domicile and other necessities to domestic violence victims.

Article 29. Domestic violence victim assistance as well as domestic violence prevention and control counselling centres

1. The State shall encourage and facilitate individuals and organizations to establish domestic violence victim supporting and counselling facilities; provide financial support to some supporting and counselling facilities under the domestic violence prevention and control programs/plans as well as to target beneficiaries defined by the government

2. Depending on their operational policies and functions, domestic violence victim supporting and counselling centres shall provide health care, legal and psychological advice, temporary domiciles and other essential support to domestic violence victims

3. The domestic violence victim supporting and counselling facilities must meet the following conditions:

a) Having sufficient physical resources and qualified human resources suitable to carry out domestic violence victim supporting activities

b) Being financially viable to maintain violence victim supporting activities.

4. The counsellors must have good ethics and good expertise in their field in accordance with regulations on counselling services. They must keep the victim's privacy confidential except for the case that they find some criminal signs out of domestic violence acts. In such a case, they should report to the Head of their counselling centre, who must report to the police immediately.

Article 30. Reliable addresses in the community

1. Reliable addresses in community are: prestigious individuals and organizations that are capable volunteers ready to help domestic violence victims in the community

2. Individuals and organizations shall inform the commune People's Committee of their willingness and readiness to be reliable addresses and their locations.

3. The reliable addresses in the community, depending on their actual situation and capacity, shall admit violence victims and provide them with assistance, advice and temporary domicile and keep the relevant authorities informed.

4. The commune People's Committee shall list reliable addresses in the community; provide guidance and conduct training on prevention and control of domestic violence and protect the reliable addresses when necessary.

5. The commune/ward/township Committee of Fatherland Front and its members shall be obliged to work with the People's Committee at the same level, to carry out communication/advocacy and establish reliable addresses in the community.

CHAPTER IV
RESPONSIBILITIES OF INDIVIDUALS, FAMILIES,
INSTITUTIONS/ORGANIZATIONS IN PREVENTION AND CONTROL
OF DOMESTIC VIOLENCE

Article 31. Individual responsibility

1. Complying with the Laws on Domestic Violence Prevention and Control; on Marriage and Family; on Gender Equality; on Drug, Sex and Other Social Evil Prevention and Control.

2. Timely preventing domestic violence acts; reporting domestic violence acts to relevant authorities.

Article 32. Responsibility of families

1. Educating and urging family members to comply with the Laws on Domestic violence Prevention and Control; on Marriage and Family; on Gender Equality; on Drug, Sex and Other Social Evil Prevention and Control.

2. Conciliating conflicts and disputes among family members; preventing people from committing violent acts; nursing and taking care of domestic violence victims who are family members.

3. Cooperating with the institutions/organizations and the community to prevent and fight domestic violence acts.

4. Taking other measures to prevent and fight domestic violence acts in accordance with this Law.

Article 33. Responsibility of the Viet Nam Fatherland Front Committee and its member organizations

1. Conducting communication and education activities, encouraging the members and people to comply with the Laws on Domestic Violence Prevention and Control; on Marriage and Family; on Gender equality; on Drug, Sex and other Social Evil Prevention and Control.

2. Proposing necessary measures to the State Agencies to enact the Regulations of the Laws on Prevention and control of domestic violent acts; Marriage and Family, Gender equality; Prevention, anti-drug, sex and other social illnesses, preventing and fighting the domestic violent acts; nursing and protecting the domestic violence victims.

3. Jointly supervising the enforcement of the Law on Domestic Violence Prevention and Control.

Article 34. Responsibility of the Viet Nam's Women Union

1. Bearing responsibilities as stipulated in Article 33 of this Law.

2. Organizing domestic violence prevention and control counselling centers and victim supporting centres.

3. Organizing vocational training, credit and saving activities to support victims.

4. To cooperate with the concerning institutions, organizations to protect and assist victims.

Article 35. The state management agency on domestic violence prevention and control

1. The Government shall unify state management of domestic violence prevention and control;

2. The Ministry of Culture, Sports and Tourism shall be responsible to Government for exercising the state management of domestic violence prevention and control;

3. Ministries and ministerial-level agencies, within their designated functions and authority, shall be obliged to cooperate with the Ministry of Culture, Sports and Tourism, in exercising state management of domestic violence prevention and control;

4. People's Committees at all levels, within their designated functions and authority, shall be obliged to perform the state management of domestic violence prevention and control;

5. Annual reports on socio-economic situation submitted by Commune People's Committees to the Commune People's Councils shall include details of domestic violence prevention and control situation and results.

Article 36. Responsibility of the Ministry of Culture, Sports and Tourism

1. Preparing normative legal documents and action plans and programs on prevention and control of domestic violence acts and submitting them to the relevant authorities for their promulgation or it can promulgate these by itself within its authority.

2. Actively cooperating with other ministries, ministerial level agencies, Government offices and provincial People's Committees in enforcing the legal documents and action plans and programs on prevention and control of domestic violence acts.

3. Providing guidance on counselling on family issues as well as on the establishment and dismissal of counselling centres for domestic violence prevention and control and domestic violence victim assistance centres.

4. Actively cooperating with the concerned institutions/organizations to issue and organizing the implementation of the regulations on training the staff involved in domestic violence prevention and control.

5. Inspecting and checking the enforcement of the Law on Domestic Violence Prevention and Control.

6. Conducting international cooperation on prevention and control of domestic violence acts in line with the laws.

7. Actively guiding review, analysis and consolidation of domestic violence prevention and control activities, guiding the preparation of statistical reports on domestic violence prevention and control as well as guiding the review of practical

experiences and replication of good models on domestic violence prevention and control.

8. Actively cooperating with the concerned institutions in editing and providing information on prevention and control of domestic violence acts.

Article 37. Responsibility of the Ministry of Health

1. Promulgating and enacting the regulations on taking in patients who are domestic violence victims and providing medical treatment to them at all medical institutions.

2. Guiding the Health Care Facilities to provide statistical reports on patients who are domestic violence victims

3. Promulgating the procedures of curing the alcoholic addicted symptoms.

Article 38. Responsibility of the Ministry of Labor, War Invalids and Social Affairs

1. Instructing the prevention and control of domestic violence to be integrated into the programs of poverty reduction and hunger elimination, training and employment.

2. Giving guidance on assisting domestic violence victims at the Social Protection and Assistance Centers.

Article 39. Responsibility of the Ministry of Education and Training and other education institutions in the national education system

1. The Ministry of Education and Training shall instruct the measures to prevent and control domestic violence acts to be integrated into the academic curriculums appropriate to the requirement from the disciplines, subjects being taught at each educational level.

2. Schools and other trainin institutions in the national education system shall be obliged to integrate the knowledge of domestic violence prevention and control into their curricula.

Article 40. Responsibility of the Ministry of Information and Communication and mass media agencies

1. The Ministry of Information and Communication shall instruct the media and press agencies to diffuse and popularize the policies and Law on Domestic Violence Prevention and Control.

2. The press and media agencies shall disseminate timely and accurate information on the policies and Law on Domestic Violence Prevention and Control..

Article 41. Responsibility of the police, courts and investigating bodies

Police, courts and inspectors, within their duties and authority, shall be obliged to cooperate with the concerned organizations in protecting the rights and legitimate interests of domestic violence victims; actively preventing, timely discovering, stopping and dealing with any violations of the Law on Domestic Violence Prevention and Control; coordinating and facilitating the State management agencies on domestic violence prevention and control to do statistical work on domestic violence cases.

Chapter V
DEALING WITH THE BREACH OF THE LAW
ON DOMESTIC VIOLENCE PREVENTION AND CONTROL
AND LAW ON COMPLAINTS AND DENOUNCEMENTS

Article 42. Dealing with the domestic violence committing person

1. The domestic violence committing person, depending on the severity of the violation, shall either be fined as an civil violation, disciplined or charged for criminal penalty and have to compensate for any damages caused.

2. Staff, officers, civil servants and employees in the people's armed forces committing domestic violence and supposedly being charged for civil violations according to paragraph 1 of this Article, shall be reported to the Heads of their institutions for education.

3. The Government shall stipulate specific civil violations concerning domestic violence prevention and control, the levels of penalties and the measures to address the consequences applicable to the persons who breach the Law on Domestic Violence Prevention and Control.

Article 43. Applying re-education measures in communes, wards and townships or sending to re-education schools

1. Persons frequently committing domestic violence, having been warned, reprimanded and criticized by the community and within 6 months from the date of those measures taken still committing domestic violence which is not serious enough for criminal liability, shall be re-educated at their communes, townships or wards.

2. The domestic violence committing persons, having been re-educated in communes, wards and townships and still committing domestic violence that is not serious enough for criminal liability shall be sent to compulsory re-education schools. Persons under 18 years of age shall be sent to the youth custody school in accordance with the regulations on civil violations.

3. Authority, duration and procedures for taking such re-education measures at the wards, communes, townships, or sending them to the compulsory re-education schools, youth custody schools, shall be in accordance with the regulations on civil violations.

Article 44. Complaints, denouncements and settlement thereof

Complaining, denouncing and settling such complaints and denouncements about violations of the Law on Domestic Violence Prevention and Control shall comply with the Law on Complaints and Denouncements.

Chapter VI
ENFORCEMENT AND IMPLEMENTATION

Article 45. Enforcement

This Law shall come into effect from the 1st of July 2008.

Article 46: Guidance on implementation

The Government shall provide specific stipulations and guidance on implementing this Law.

This Law was passed by the XII National Assembly of the Socialist Republic of Viet Nam at its 2nd plenary session on November 21st 2007.

CHAIRMAN OF THE NATIONAL ASSEMBLY
NGUYEN PHU TRONG
