

ORDINANCE ON PROSTITUTION PREVENTION AND COMBAT

[Passed on 17 March 2003 by the XIth National Assembly Standing Committee of the Socialist Republic of Viet Nam - Promulgated by Presidential Order No. 10/2003/L-CTN]

In order to contribute to protecting the fine cultural traditions of the nation, the honor and dignity of people, family happiness, preserving social order and safety, protecting the people's health, building and developing the Vietnamese people;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the Xth National Assembly at its 10th session;

Pursuant to Resolution No. 12/2002/QH11 of December 16, 2002 of the XIth National Assembly, its second session, on the Law- and Ordinance-Making Programs of the XIth National Assembly for its whole tenure (2002-2007) and for 2003;

This Ordinance provides for prostitution prevention and combat.

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Ordinance provides for measures to prevent and combat prostitution; and defines the responsibilities of agencies, organizations, individuals and families for prostitution prevention and combat.

Article 2.- Subjects of application

This Ordinance applies to:

1. Vietnamese individuals, agencies and organizations;
2. Foreign individuals and organizations operating in the territory of the Socialist Republic of Vietnam; where the international agreements which the Socialist Republic of Vietnam has signed or acceded to contain different provisions, such international agreements shall apply.

Article 3.- Interpretation of terms

In this Ordinance, the following words and phrases are construed as follows:

1. Selling sex means a person having sexual intercourse with another for pay with money or other material benefits.
2. Buying sex means a person paying money or other material benefits to a prostitute for having sexual intercourse with such person.
3. Prostitution means acts of selling and buying sex.
4. Prostitution harboring means acts of using, renting, leasing, borrowing or lending venues and/or means for buying and selling sex.
5. Organization of prostitution activities means acts of making arrangements for buying and selling sex.
6. Prostitution coercion means acts of using violence or threatening to use violence or using tricks to force other persons to sell sex.

7. Prostitution brokerage means acts of allurement or procurement by panders for the parties to buy and sell sex.

8. Prostitution protection means acts of abusing one's position, powers, prestige or using violence or threatening to use violence to protect and maintain prostitution activities.

Article 4.- Prohibited acts

The following acts are strictly prohibited:

1. Buying sex;
2. Selling sex;
3. Harboring prostitution;
4. Organizing prostitution activities;
5. Forcing prostitution;
6. Brokering prostitution;
7. Protecting prostitution;
8. Abusing the service business for prostitution activities;
9. Other acts related to prostitution activities as prescribed by law.

Article 5.- Implementation of the legislation on prostitution prevention and combat

Agencies, organizations, individuals and families shall have to implement the law provisions on prostitution prevention and combat.

All acts of prostitution or related to prostitution activities must be detected and handled promptly and stringently according to law provisions.

Article 6.- Encouragement of, and creation of conditions for, prostitution prevention and combat activities

The State encourages and creates conditions for domestic agencies, organizations and individuals as well as foreign organizations and individuals to participate and cooperate in prostitution prevention and combat activities.

Article 7.- Prostitution prevention and combat measures

The State shall synchronously take propagation, education, socio-economic, administrative, criminal and other measures to prevent and combat prostitution; closely combine prostitution prevention and combat measures with drug prevention and combat as well as HIV/AIDS infection prevention and combat.

Article 8.- Responsibilities of individuals, families, agencies and organizations for prostitution prevention and combat

1. All individuals and families shall have to participate in prostitution prevention and combat.
2. Competent agencies, organizations and persons shall, within the scope of their tasks and powers, have to work out, and organize the application of, measures to prevent and combat prostitution; mobilize and encourage the detection, denunciation of and struggle against prostitution and handle promptly and stringently acts of violating the law provisions on prostitution prevention and combat.

Article 9.- Responsibilities of Vietnam Fatherland Front and its member organizations for prostitution prevention and combat

Vietnam Fatherland Front and its member organizations shall, within the scope of their tasks and powers, have to:

1. Closely coordinate with competent State bodies in propagating, mobilizing, educating and disseminating the legislation on prostitution prevention and combat;
2. Educate members of their organizations to implement the legislation on prostitution prevention and combat;
3. Participate in supervising the implementation of the legislation on prostitution prevention and combat;
4. Participate in educating prostitutes, training and creating jobs for them to help them integrate into the community.

Chapter II

MEASURES FOR AND RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS, INDIVIDUALS AND FAMILIES IN, PROSTITUTION PREVENTION AND COMBAT

Article 10.- Propagation and education on prostitution prevention and combat

Propagation and education on prostitution prevention and combat constitute important measures to ensure that all agencies, organizations, individuals and families comply with the legislation on, and actively participate in, prostitution prevention and combat.

The contents of propagation and education on prostitution prevention and combat include: Propagating and educating on the cultural and ethical traditions, healthy lifestyles; harms of prostitution; undertakings, policies, measures, models, experiences and law provisions regarding prostitution prevention and combat.

The propagation and education on prostitution prevention and combat must be combined with the propagation and education on drug prevention and combat and HIV/AIDS infection prevention and combat.

Article 11.- Responsibilities of the information and propagation agencies for the prostitution prevention and combat

The information and propagation agencies shall have to work out appropriate propagation contents and forms and coordinate with agencies, organizations and people's armed force units in the propagation to raise the awareness of officials, public employees, members of the people's armed forces and all citizens about prostitution prevention and combat.

Article 12.- Responsibilities of schools and other educational establishments in for propagation and education on prostitution prevention and combat

Schools and other educational establishments shall have to:

1. Propagate and educate on prostitution prevention and combat. Propagation and education contents must be suitable to each type of school, educational level, age and gender of pupils, students, learners as well as customs and practices of different ethnicities.
2. Coordinate with families, agencies, organizations and local People's Committees in closely managing pupils, students and learners; organize healthy recreation activities to prevent and stop acts of violating the legislation on prostitution prevention and combat; mobilize and encourage pupils, students and learners to actively participate in the propagation and education on prostitution prevention and combat.

Article 13.- Responsibilities of families for prostitution prevention and combat

Families shall have to educate their members on healthy lifestyle, promote fine traditions and build cultured families; coordinate with agencies, organizations and local People's Committees in educating and managing family members who commit acts of violating the legislation on prostitution prevention and combat, create conditions for them to integrate into the community.

Article 14.- Socio-economic measures in prostitution prevention and combat

1. Training and creating jobs for income generation, poverty alleviation and hunger reduction are important socio-economic measures aiming to prevent prostitution from emerging and developing.
2. Organizing medical treatment, education, job training and creation to help prostitutes integrate into the community.
3. State agencies shall, within the scope of their tasks and powers, have to coordinate with Vietnam Women's Union, Vietnam Youth Federation, Vietnam Peasants' Association and concerned mass organizations in applying the measures specified in Clauses 1 and 2 of this Article, paying due attention to the poor and the unemployed.
4. The State adopts policies and measures to encourage and support organizations and individuals to organize medical treatment, education, job training and creation, helping prostitutes integrate into the community.

Article 15.- Responsibilities of the service business establishments

1. Hotels, rest houses, restaurants, establishments dealing in dancing halls, karaoke, massage and sauna, and establishments dealing in services easy to be abused for prostitution activities shall have to:
 - a/ Sign written labor contracts with laborers; make labor registration with local labor management agencies;
 - b/ Refrain from employing laborers aged under 18 years for jobs which may adversely affect their physical, spiritual and personality development.
 - c/ Organize regular health check-ups for laborers according to law provisions;
 - d/ Pledge to abide by the law provisions on prostitution prevention and combat and bear responsibility before law for prostitution evils occurring in their establishments.
2. Establishments dealing in dancing halls, karaoke, massage and/or sauna and establishments dealing in services easy to be abused for prostitution activities may operate only after they satisfy all criteria and conditions stipulated by the Government.
3. Laborers working at the establishments specified in Clause 1 of this Article must abide by the regulations on residence registration management and sign commitments not to violate the legislation on prostitution prevention and combat.

Article 16.- Management of press and publication activities, cultural and information services in prostitution prevention and combat

Agencies, organizations and individuals must not produce, circulate, transport, store, trade in, export, import and/or disseminate pictures, articles, products and/or information with depraved, pornographic and/or sex-stimulating contents and forms.

Article 17.- Management of production, circulation and use of aphrodisiac pharmaceuticals

Agencies, organizations and individuals that produce, circulate, transport, store, trade in, export, import and/or use aphrodisiac pharmaceuticals must abide by the provisions of law.

Article 18.- Supervision and inspection responsibilities

1. Competent State bodies shall have to supervise and inspect agencies, organizations and individuals in their observance of the provisions in Articles 15, 16 and 17 of this Ordinance.
2. Agencies, organizations and individuals shall have to coordinate with and create conditions for competent State bodies to supervise and inspect the prostitution prevention and combat.
3. Supervised and inspected agencies, organizations and individuals must strictly abide by decisions of competent State bodies.

Article 19.- Responsibilities of the commune, ward or township People's Committees for prostitution prevention and combat

The commune, ward or township People's Committees shall have to:

1. Organize the prostitution prevention and combat in their respective localities; compile dossiers and collect statistics on and classify target people and service business establishments so as to take measures to prevent prostitution evils;
2. Organize the management and education of prostitutes and people committing prostitution-related acts in their communes, wards or townships according to the law provisions on handling of administrative violations.

Article 20.- Responsibilities of medical treatment establishments towards prostitutes

Medical treatment establishments set up under the Ordinance on Handling of Administrative Violations shall have to:

1. Organize study and education on ethics and lifestyle; organize job training, productive labor, and vocational guidance; provide medical treatment and health rehabilitation, and respect the honor, dignity, life and properties of prostitutes brought into their establishments;
2. Coordinate with the concerned agencies and organizations in implementing the provisions in Clause 1 of this Article.

Article 21.- Detection, denunciation and struggle in prostitution prevention and combat

1. Agencies, organizations and individuals that detect any acts specified in Article 4 of this Ordinance must notify or report them promptly to competent State bodies.

When receiving information and denunciations, competent State bodies must promptly consider and process them, then notify the handling results to such agencies, organizations or individuals if so requested.

2. Those who detect, denounce and struggle to prevent and combat prostitution shall be protected and kept secret; if they suffer from material loss, they shall get compensations therefor; if suffering injuries or health deterioration or loss of life, they shall enjoy regimes and policies as prescribed by law.

Chapter III

HANDLING OF VIOLATIONS OF THE LEGISLATION ON PROSTITUTION PREVENTION AND COMBAT

Article 22.- Handling of sex buyers

1. Sex buyers shall, depending on the nature and seriousness of their violations, be administratively handled in the form of caution or fine.
2. Those who buy sex with minors or who, though being aware of their HIV infection, deliberately transmit the disease to other persons shall be examined for penal liability.

Article 23.- Handling of prostitutes

1. Prostitutes shall, depending on the nature and seriousness of their violations, be administratively sanctioned, applied with the measure of education in communes, wards or townships or sent into medical treatment establishments. Foreign prostitutes shall, depending on the nature and seriousness of their violations, be administratively sanctioned in the forms of caution, fine and/or expulsion.
2. Prostitutes who, though being aware of their HIV infection, deliberately transmit the disease to other persons shall be examined for penal liability.

Article 24.- Handling of persons committing prostitution-related acts

1. Those who protect prostitution, contribute capital for use for prostitution purposes shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability.
2. Those who act as go-between for prostitution, harbor prostitution, coerce prostitution, organize prostitution, traffic in women and/or children in service of prostitution activities shall be examined for penal liability.

Article 25.- Handling of organizations and individuals abusing the service business for prostitution activities

1. If service business establishments abuse service business activities to carry out prostitution activities, they shall be fined and, depending on the nature and seriousness of their violations, subject to the confiscation of material evidences and means directly related to prostitution activities, and the deprivation of the right to use permits and/or practicing certificates.
2. If the heads of the service business establishments let prostitution activities occur in their establishments due to their irresponsibility, they shall be administratively sanctioned and, if serious consequences are entailed, be examined for penal liability.

Article 26.- Handling of organizations and individuals disseminating, storing and/or circulating products with pornographic contents and forms

1. If agencies, organizations and individuals operating in the domains of culture, cultural services, post and/or telecommunications commit acts of disseminating, storing and/or circulating pictures, articles, products and/or information with depraved, pornographic, sex-stimulating contents and forms, they shall be fined and, depending on the nature and seriousness of their violations, be stripped of the right to use permits or practicing certificates or banned from conducting activities stated in their permits or practicing certificates.
2. Those who commit acts of violating the provisions in Clause 1 of this Article shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability.

Article 27.- Handling of officials, public employees, people's armed force personnel who violate the legislation on prostitution prevention and combat

1. Officials, public employees and/or people's armed force personnel who commit acts of violating the provisions in Articles 22, 23, 24, 25 and 26 of this Ordinance shall, apart from being handled under the provisions of these Articles, have their acts notified to the heads of their competent managing agencies, organizations or units for education and disciplining.
2. Officials, public employees and/or people's armed force personnel who violate the legislation on prostitution prevention and combat shall, during the period of being disciplined, not be appointed nor stand for election to people-elected agencies, political organizations or

socio-political organizations; nor be appointed or re-appointed, appointed to equivalent or higher posts in the State agencies or the people's armed forces.

Article 28.- Handling of persons committing acts of law violation while performing the prostitution prevention and combat tasks

If those who have the task of directly participating in the prostitution prevention and combat commit acts of protecting prostitution, tolerating, covering up prostitution activities or failing to handle them promptly so that such activities occur in the localities under their management, they shall, depending on the nature and seriousness of their violations, be disciplined, transferred to other jobs or examined for penal liability; if any damage is caused, the agencies where such persons work shall have to pay compensations therefor and the damage-causing persons shall have to pay indemnities according to law provisions.

Article 29.- Handling of persons committing acts of covering up or failing to discipline promptly persons who violate the legislation on prostitution prevention and combat

1. If those who have positions and powers commit acts of covering up or failing to promptly discipline their subordinates who commit acts of prostitution or related to prostitution activities, they shall be disciplined.
2. If those who have positions and powers commit acts of covering up their subordinates who commit acts of violating the provisions in Article 28 of this Ordinance, they shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability.

Chapter IV

STATE MANAGEMENT OVER THE PROSTITUTION PREVENTION AND COMBAT WORK

Article 30.- Contents of State management over the prostitution prevention and combat work

1. Promulgating, and organizing the implementation of, undertakings, policies, laws and plans on prostitution prevention and combat.
2. Organizing the apparatus for managing, training, fostering and raising the capability of the contingent of personnel engaged in the prostitution prevention and combat work.
3. Organizing and managing the establishments which provide medical treatment, job-training and -creation for prostitutes.
4. Gathering statistics on prostitution prevention and combat; mobilizing, managing and utilizing resources for prostitution prevention and combat; conducting scientific research and application in service of the prostitution prevention and combat work.
5. Organizing the prevention and combat of crimes and other law violations related to prostitution.
6. Propagating, educating on and popularizing the legislation on prostitution prevention and combat.
7. Undertaking international cooperation on prostitution prevention and combat.
8. Supervising, inspecting, settling complaints and denunciations about, and handling violations of the legislation on, prostitution prevention and combat.

Article 31.- Agencies performing the State management over the prostitution prevention and combat work

1. The Government performs the uniform State management over the prostitution prevention and combat work.

2. The Ministry of Labor, War Invalids and Social Affairs assumes the prime responsibility and, together with the Ministry of Public Security, coordinate with the ministries, ministerial-level agencies and agencies attached to the Government in assisting the Government in performing the uniform State management over the prostitution prevention and combat work.

3. The ministries, the ministerial-level agencies and the agencies attached to the Government shall, within the scope of their respective tasks and powers, have to organize the performance of the prostitution prevention and combat work in coordination with the concerned agencies.

4. The People's Committees at all levels shall, within the scope of their respective tasks and powers, have to perform the State management over the prostitution prevention and combat work in their respective localities.

Article 32.- Responsibilities of the Ministry of Labor, War Invalids and Social Affairs

The Ministry of Labor, War Invalids and Social Affairs shall coordinate with the concerned agencies and organizations in formulating, and organizing the implementation of, policies and plans on prostitution prevention and combat; collecting statistics on, supervising, inspecting and settling complaints and denunciations about, prostitution prevention and combat; undertake international cooperation on prostitution prevention and combat under the assignment of the Government.

Article 33.- Responsibilities of the Ministry of Public Security

The Ministry of Public Security shall have to organize the prevention and combat of crimes of prostitution and trafficking in women and children in service of prostitution activities as well as law violations related to prostitution; direct the compilation of dossiers on and sending of prostitutes into medical treatment establishments and support these establishments in keeping order and security therein; coordinate with the Ministry of Labor, War Invalids and Social Affairs, the concerned ministries and branches in directing, guiding and organizing the community-based management and education of prostitutes as well as persons committing prostitution-related acts, supervise, inspect and handle service business establishments violating the legislation on prostitution prevention and combat.

Article 34.- Responsibilities of the Ministry of Culture and Information, the Ministry of Health, the Ministry of Trade, the Ministry of Education and Training and the National Administration of Tourism

1. The Ministry of Culture and Information, the Ministry of Health, the Ministry of Trade, and the National Tourism Administration shall, within the scope of their respective tasks and powers, have to direct, guide and organize prostitution prevention and combat activities in their respective domains and branches; manage service business establishments; coordinate with the Ministry of Labor, War Invalids and Social Affairs and concerned ministries and branches in supervising, inspecting and handling service business establishments in the branches under their respective management which violate the legislation on prostitution prevention and combat.

2. The Ministry of Education and Training shall have to coordinate with the Ministry of Labor, War Invalids and Social Affairs in directing and formulating the education program and contents on prostitution prevention and combat in schools and other educational establishments.

Article 35.- Responsibilities of the People's Committees of all levels and their presidents

1. The People's Committees at all levels shall work out annual plans on prostitution prevention and combat and submit them to the People's Councils of the same level for decision; arrange funding and mobilize various resources for the prostitution prevention and

combat work; direct and organize the prostitution prevention and combat work; report the results of the performance of this work to the People's Councils of the same level and the immediate superior People's Committees.

2. Annually, the provincial/municipal People's Committees shall report to the Government on the prostitution prevention and combat work in their respective localities.

3. The presidents of the People's Committees at all levels shall take responsibility for the prostitution prevention and combat work in their respective localities.

Article 36.- Supervision and inspection of prostitution prevention and combat

The ministries, the ministerial-level agencies, the agencies attached to the Government, and the People's Committees at all levels shall, within the scope of their respective tasks and powers, have to organize the supervision, inspection, detection and handling of acts of violating the legislation on prostitution prevention and combat. In case of necessity, the People's Committees at all levels shall set up inter-branch inspection teams to inspect and handle violations of the legislation on prostitution prevention and combat.

Article 37.- Funding for the prostitution prevention and combat work

The State shall arrange funding and adopt policies on using revenues collected from the handling of violations of the legislation on prostitution prevention and combat and mobilizing other resources for the prostitution prevention and combat work.

Chapter V

COMMENDATION, COMPLAINTS AND DENUNCIATIONS

Article 38.- Commendation

Agencies, organizations and individuals that record achievements in the prostitution prevention and combat work shall be commended and/or rewarded according to the law provisions.

Article 39.- Complaints, denunciations and responsibilities for settlement thereof

1. Agencies, organizations and individuals shall have the right to complain about handling decisions made by competent persons in the prostitution prevention and combat when they have grounds to believe that such decisions run counter to laws and infringe upon their legitimate rights and interests.

2. Citizens shall have the right to denounce acts of violating the legislation on prostitution prevention and combat.

3. Competent agencies, organizations and persons shall have to settle complaints and denunciations according to law provisions.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 40.- Implementation effect

This Ordinance takes effect as from July 1, 2003.

All previous provisions contrary to this Ordinance are hereby annulled.

Article 41.- Detailing and implementation guidance

The Government shall detail and guide the implementation of this Ordinance.

On behalf of the National Assembly Standing Committee
Chairman
NGUYEN VAN AN