

Vietnam

National Child Protection Legislation

National Legislation

- **Age of Consent:** 18 years
[Vietnam Criminal Code](#)
Art. 143, paragraph 4
Any person who employs trickery to make his care-dependent or a person in extreme need to reluctantly engage in sexual intercourse or other sexual activities shall face a penalty of 01 - 05 years' imprisonment.
 4. If this offence is committed against a person aged from 16 to under 18, the offender shall face a penalty of 02 - 07 years' imprisonment.

 - **Age of Marriage:** 20 years or older for men, 18 years or older for women
[Vietnam Marriage and Family Law 2014](#)
Art. 8, Section 1(a)
 1. A man and a woman wishing to marry each other must satisfy the following conditions:
 - a) The man is full 20 years or older, the woman is full 18 years or older;...

 - **Age of Criminal Responsibility:** 14 years
[Vietnam Criminal Code](#)
Art. 12. Age of criminal responsibility
 1. A person from 16 years of age and above shall bear criminal responsibility for every crime, except for those otherwise prescribed by this Code.
 2. A person from 14 years of age to below 16 years of age shall bear criminal responsibility for murder, deliberate infliction of bodily harm upon other people, rape, rape of a person under 16 years of age, sexual abuse of people from 13 to under 16 years of age, robbery, kidnapping for ransom...
-
- **Extraterritoriality and Dual Criminality**
[Vietnam Criminal Code No. 100/2015/QH13 of November 27, 2015](#)
Art. 5: Effect of the Criminal Code on Criminal offenses committed within the territory of the Socialist Republic of Vietnam
 1. The Criminal Code applies to every criminal offense committed within the territory of the Socialist Republic of Vietnam. It also applies to criminal offenses committed on sea-going vessels and airplanes having Vietnamese nationality or operating in Vietnam's exclusive economic zones or continental shelves, or consequences thereof.

Criminal liability of foreigners who commit criminal offenses within the territory of the Socialist Republic of Vietnam and are granted diplomatic immunity according to Vietnam's law or under an international agreement to which the Socialist Republic of Vietnam is a signatory or according to international practice shall be dealt with in accordance with the international agreement or practice. If the case is not set out in any international agreement or there is no such international practice, their criminal liability shall be dealt with in a diplomatic manner.

Art. 6: Effect of the Criminal Code on criminal offenses committed outside the territory of the Socialist Republic of Vietnam

1. Any Vietnamese Citizen or Vietnamese corporate legal entity that commits an act outside the territory of the Socialist Republic of Vietnam which is defined as a criminal offense by this Code shall face criminal prosecution in Vietnam as prescribed in this Code. This clause also applies to stateless residents of Vietnam
2. Any foreigner or foreign corporate legal entity that commits a criminal offense outside the territory of the of the Socialist Republic of Vietnam shall face criminal prosecution as prescribed by this Code if such offense infringes the lawful rights and interests of Vietnamese citizens or interests of the Socialist Republic of Vietnam under an international agreement to which Vietnam is a signatory.

▪ **Mandatory reporting requirements**

[Vietnam Children's Law](#)

Art. 51: Responsibilities for provision and response to information, report or denunciation of child abuse

1. Agencies, organizations, educational establishments, families and individuals shall assume responsibility for providing information, reporting and denouncing acts of harming children in cases where children are abused or in danger of violence, exploitation or abandonment to competent authorities.
2. Agencies of labour, of invalids and social affairs, police agencies at all levels and communal people's committees are responsible for receiving and responding to information, reports, and denunciations; cooperating to verify, appraise, and investigate acts of harming children, conditions leading to the unsafety or harm to children, and the level of risk of harm to children.
3. The Government must establish an active national telephone exchange system for receiving and responding to information, reports, and denunciations of risks and acts of child abuse; promulgate procedures for receipt, and response thereof.

▪ **Obligations of Educational Institutions**

[Vietnam Civil Code No.91/2015/QH13](#)

Art. 599: Compensation for damage caused by persons under fifteen years of age or persons having lost capacity for civil acts and under direct supervision of school, hospital or other organization

1. Where a person under fifteen years of age causes damage during school hours, the school must compensate for the damage.
2. If a legally incapacitated person causes damage to another person while under the direct supervision of a hospital or another juridical person, such hospital or the juridical person must compensate for the damage.
3. If, in the cases provided in Clauses 1 and 2 of this article, the school, hospital, or another judicial person proves that it was not at fault with respect to supervision, the parents or guardian of the person under fifteen years of age or of the legally incapacitated person must compensate.

[Vietnam Children's Law](#)

Art. 47: Requirements on child protection

1. Child protection mechanisms must be implemented in accordance to the following three objectives:
 - a. Prevention;
 - b. Support;
 - c. Intervention.
2. The implementation of child protection laws must ensure the systemization, continuity, close and effective cooperation between competent authorities and sector managing agencies in the construction and implementation of policies and laws and the provision of child protective services.
3. Agencies, organizations, **educational establishments**, families and individuals assume child protection duties. Child protection mechanisms must comply with the laws, processes and standards promulgated by competent state authorities.

Art. 51: Responsibilities for provision and response to information, report or denunciation of child abuse

1. Agencies, organizations, **educational establishments**, families and individuals shall assume responsibility for providing information, reporting and denouncing acts of harming children in cases where children are abused or in danger of violence, exploitation or abandonment to competent authorities.

▪ **Prohibition to hold certain positions**

[Vietnam Criminal Code](#)

Art. 41: Prohibition from holding certain positions or doing certain work

The prohibition from holding certain positions or doing certain work shall be imposed when the convicted person is deemed to cause harm to society if he/she is allowed to hold the position.

The duration of prohibition ranges from one to five years from the end of the imprisonment or from the effective date of the judgment if the primary sentence is a warning, fine, or community sentence, or the convicted person is put on probation.

[Vietnam Criminal Code, Articles 142, 143, 144, 145, 146, 148, 150 and 151¹](#)

Art. 142 Rape of a person under 16

5. The offender might be forbidden from practicing his or her profession or doing certain jobs for one to five years.

Art. 143 Sexual abuse

5. The offender might be forbidden from practicing his or her profession or doing certain jobs for one to five years.

¹ The clause relating to the prohibition to hold certain positions included; to see the definition of the offenses in the Articles, please refer to the 'Sexual offenses against children' section below.

Art. 144 Sexual abuse of a person aged from 13 to under 16

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Art. 145 Engaging in sexual intercourse or other sexual activities with a person aged from 13 to under 16

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Art. 146 Molestation of a person under 16

4. The offender might be forbidden from practicing his or her profession or doing certain jobs for one to five years.

Art. 147 Employment of a person under 16 for pornographic purposes

4. The offender might be forbidden from practicing his or her profession or doing certain jobs for one to five years.

Art. 151 Trafficking of a person under 16

1. The offender may be liable to a fine from VND 50,000,000 to VND 200,000,000, be prohibited from holding certain positions or doing certain work for one to five years, be put under mandatory supervision for one to five years, or have all or part of his/her property confiscated.

▪ **Criminal Law - Defamation**

[Vietnam Criminal Code No.100/2015/QH13](#)

Art. 155 Insults to another person

1. Any person who seriously insults another person shall receive a warning, be liable to a fine of VND 10,000,000 – VND 30,000,000 or face a penalty of up to 3 years of community service.
2. This offense committed in any of the following cases shall carry a penalty of two to three years imprisonment:
 - a. The offense has been committed more than once;
 - b. The offense is committed against 2 or more people;
 - c. The offense involves abuse of the offender's position or power;
 - d. The offense is committed against a law enforcement officer in performance of his or her official duties;
 - i. The offense is committed against a person who cares for, teaches, raises, or provides medical treatment to the offender;
 - e. The offense is committed using a computer network, telecommunications network, or an electronic device;
 - f. The victim suffers from 11-45% mental and behavioral disability because of the offense.
3. This offense committed in any of the following cases shall carry a penalty of 2-5 years imprisonment:
 - a. The victim suffers from 46% mental and behavioral disability or above because of the offense;
 - b. The offense results in the suicide of the victim.

4. The offender might be forbidden from practicing his or her profession or doing certain jobs for one to five years.

Art. 156 Slander

1. A person who commits any of the following acts shall be liable for a fine from VND 10,000,000 to VND 50,000,000, face a penalty of up to two years community service, or three to twelve months imprisonment:
 - a. Fabricating information or spreading false information to harm another person's reputation or infringing upon another person's lawful rights and interests;
2. This offense committed in any of the following cases shall carry a penalty of one to three years imprisonment:
 - a. The offense is committed by an organized group;
 - b. The offense involves abuse of the offender's position or power;
 - c. The offense is committed against two or more people'
 - d. The offense is committed against the offender's grandparent, parent, or a person who cares for, teaches, raises, or provides medical treatment for the offender;
 - i. The offense is committed against a law enforcement officer in performance of his or her official duties;
 - e. The offense is committed using a computer network, telecommunications network, or electric device;
 - f. The victim suffers from 11-45% mental and behavioral disability because of the offense;
 - g. Accusing another person of a very serious crime or extremely serious crime which is fabricated.
3. This offense committed in any of the following circumstances shall carry a penalty of three to seven years imprisonment:
 - a. By despicable motives;
 - b. If the victim suffers from 46% mental and behavioral disability or above
 - c. If the offense results I the suicide of the victim
4. The offender may also be liable to a fine from VND 10,000,000 to VND 50,000,000, or be prohibited from holding certain positions or doing certain work for one to five years.

Sexual Offenses Against Children

[Vietnam Criminal Code, Articles 52, 142, 143, 144, 145, 146, 147, 151](#)

Art. 52 Aggravating factors

1. The following circumstances are considered aggravating factors:
 - i. The crime is committed against a person under 16 years of age, pregnant women, or a person aged 70 years or older.

Art. 142 Rape of a person under 16

1. A person who commits any of the following acts shall face a penalty of 7 to 15 years imprisonment.
 - a. Use of violence, threatened use of violence, taking advantage of the victim's defenselessness, or other tricks to engage in non-consensual sexual intercourse or other sexual activities with a person aged from 13 to under 16.
 - b. Engaging in sexual intercourse or other sexual activities with a person under 13.
2. This offense committed in any of the following cases shall carry a penalty of 12 to 20 years imprisonment.
 - a. The offense is of an incestuous nature;

- b. The offense results in the victim's pregnancy;
 - c. The offense results in 31-60% physical disability of the victim;
 - d. The victim suffers from 11-45% mental and behavioral disability because of the offense;
 - i. The offense is committed against a person for whom the offender is responsible for providing care, education, or medical treatment;
 - e. The offense has been committed more than once;
 - g. The offense is committed against two or more people;
 - h. Dangerous recidivism.
3. This offense committed in any of the following cases shall carry a penalty of 20 years imprisonment, life imprisonment, or death:
- a. The offense is committed by an organized group;
 - b. The offense is committed by more than one person against one person;
 - c. The offense is committed against a person under the age of 10;
 - d. The offense results in more than or equal to 61% physical disability to the victim.
 - i. The victim suffers from 46% mental and behavioral disability or above because of the offense
 - e. The offender commits the offense in the knowledge of his HIV infection
 - g. The offense results in the death or the suicide of the victim
4. The offender might be forbidden from practicing his or her profession or doing certain jobs for 1 to 5 years.

Art. 143 Sexual Abuse

1. Any person who employs trickery to make his care-dependent or a person in extreme need to reluctantly engage in sexual intercourse or other sexual activities shall face a penalty of 1 to 5 years imprisonment.
2. This offense committed in any of the following cases shall carry a penalty of 3 to 10 years imprisonment:
 - a. The offense is committed by more than one person against one person;
 - b. The offense has been committed more than once;
 - c. The offense is of an incestuous nature;
 - i. The offense results in the victim's pregnancy;
 - d. The offense results in 31-60% physical disability of the victim;
 - e. The victim suffers from 11-45% mental and behavioral disability because of the offense;
 - h. Dangerous recidivism.
3. This offense committed in any of the following cases shall carry a penalty of 10 to 18 years imprisonment:
 - a. The offense results in more than 61% physical disability of the victim;
 - b. The victim suffers from 46% mental and behavioral disability or above;
 - c. The offender commits the offense in the knowledge of his HIV infection;
 - d. The offense results in the death or suicide of the victim.
4. If this offense is committed against a person aged from 16 to under 18, the offender shall face a penalty of 2 to 7 years imprisonment.
A person who commits the offense in any of the cases specified in clause 2 or 3 shall face corresponding penalties specified therein
5. The offender might be forbidden from practicing his or her profession or from doing certain jobs for one to five years.

Art. 144 Sexual abuse of a person aged from 13 to under 16

1. Any person who employs trickery to make a person aged from 13 to under 16 who is his care-dependent or a person in extreme need to reluctantly engage in sexual intercourse or other sexual activities shall face a penalty of 5 to 10 years imprisonment.
2. This offense committed in any of the following cases shall carry a penalty of 7 to 15 years imprisonment:
 - a. The offense is of an incestuous nature;
 - b. The offense results in the victim's pregnancy;
 - c. The offense results in 31-60% physical disability of the victim;
 - d. The victim suffers from 11-45% mental and behavioral disability because of the offense;
 - i. The offense has been committed more than once;
 - e. The offense is committed against 2 or more people;
 - f. Dangerous recidivism.
3. This offense committed in any of the following cases shall carry a penalty of 12 to 20 years imprisonment or life imprisonment:
 - a. The offense is committed by more than one person against one person;
 - b. The offense results in more than 61% physical disability of the victim;
 - c. The victim suffers from 46% mental and behavioral disability or above because of the offense;
 - d. The offender commits the offense in the knowledge of his HIV infection;
 - i. The offense results in the death or suicide of the victim
4. The offender might be forbidden from practicing his or her profession or doing certain jobs for one to 5 years.

Art. 145 Engaging in sexual intercourse or other sexual activities with a person aged from 13 to under 16

1. Any person aged 18 or over who engages in sexual intercourse or other sexual activities with a person aged from 13 to under 16 in cases other than those specified in Article 142 and Article 144, shall face a penalty of 1 to 5 years imprisonment.
2. This offense committed in any of the following cases shall carry a penalty of 3 to 10 years imprisonment:
 - a. The offense has been committed more than once;
 - b. The offense is committed against 2 or more people;
 - c. The offense is of an incestuous nature;
 - d. The offense results in the victim's pregnancy;
 - i. The offense results in 31-60% physical disability of the victim
 - e. The offense is committed against a person for whom the offender is responsible for providing care, education, or medical treatment.
3. This offense committed in any of the following cases shall carry a penalty of 7 to 15 years imprisonment:
 - a. The offense results in more than 61% physical disability of the victim;
 - b. The offender commits the offense in the knowledge of his HIV infection.
4. The offender might be forbidden from practicing his or her profession or doing certain jobs for 1 to 5 years.

Art. 146 Molestation of a person under 16

1. Any person who molests a person under 16 for purposes other than sexual intercourse or other sexual activities shall face a penalty of 6 to 26 months' imprisonment

2. This offense committed in any of the following cases shall carry a penalty of 3 to 7 years imprisonment:
 - a. Organized crime;
 - b. The offense has been committed more than once;
 - c. The offense is committed against 2 or more people;
 - d. The offense is committed against a person for whom the offender is responsible for providing care, education, or medical treatment;
 - i. The victim suffers from 11-45% mental and behavioral disability because of the offense;
 - e. Dangerous recidivism.
3. This offense committed in any of the following cases shall carry a penalty of 7 to 12 years imprisonment:
 - a. The victim suffers from 46% mental and behavioral disability or above because of the offense;
 - b. The offence results in the suicide of the victim.
4. The offender might be forbidden from practicing his or her profession or doing certain jobs for one to five years.

Art. 147 Employment of a person under 16 for pornographic purposes

1. Any person aged 18 or over who persuades, entices, forces a person under 16 to participate in a pornographic performance or watch a pornographic performance in any shape or form shall face a penalty of 6 to 36 months' imprisonment.
2. This offense committed in any of the following cases shall carry a penalty of 3 to 7 years' imprisonment:
 - a. Organized crime;
 - b. The offense has been committed more than once;
 - c. The offense is committed against 2 or more people;
 - d. The offense is committed against a person for whom the offender is responsible for providing care, education, or medical treatment;
 - i. The offense is committed for commercial purposes
 - e. The victim suffers from 11-45% mental and behavioral disability because of the offense;
 - g. Dangerous recidivism.
3. This offense committed in any of the following cases shall carry a penalty of 7 to 12 years imprisonment:
 - a. The victim suffers from 46% mental and behavioral disability or above because of the offense;
 - b. The offense results in the suicide of the victim
4. The offender might be forbidden from practicing his or her profession or doing certain jobs for 1 to 5 years.

Art. 151 Trafficking of a person under 16

1. A person who commits any of the following acts shall face a penalty of 7 to 12 years' imprisonment:
 - a. Transferring or receiving a person under 16 for transfer for money, property, or other financial interests, except for humanitarian purposes;
 - b. Transferring or receiving a person under 16 sexual slavery, coercive labor, taking body parts, or for other inhuman purposes;
 - c. Recruiting, transporting, harboring a person under 16 for the commission of any of the acts specified in point A or B of this clause.

2. This offense committed in any of the following cases shall carry a penalty of 12 to 20 years' imprisonment:
 - a. The offense involves abuse of the offender's position or power;
 - b. The offender commits the offense by taking advantage of child adoption;
 - c. The offense is committed against 2-5 people;
 - d. The offense is committed against a person for whom the offender is responsible for providing care;
 - i. The victim is taken across the border out of Vietnam;
 - e. The offense has been committed more than once
 - g. The offense is committed by despicable motives;
 - h. The victim suffers from 11-45% mental and behavioral disability because of the offense;
 - i. The offense results in 31% physical disability or more of the victim, except for the case specified in point D clause 3 of this article
3. This offense committed in any of the following cases shall carry a penalty of 18 to 20 years imprisonment or life imprisonment:
 - a. The offense is committed by an organized group;
 - b. The offense is committed in a professional manner;
 - c. The victim suffers from 46% mental and behavioral disability or above because of the offense;
 - d. The victim's body part has been taken;
 - i. The offense results in the death or suicide of the victim;
 - e. The offense is committed against 6 or more people;
 - g. Dangerous recidivism.