

THE GOVERNMENT

No.: 91/2011/ND-CP

SOCIALIST REPUBLIC OF VIETNAM

Independence– Freedom – Happiness

Hanoi, October 17, 2011

DECREE

REGULATING SANCTION OF ADMINISTRATIVE VIOLATION ON PROTECTION, CARE FOR AND EDUCATION OF CHILDREN

THE GOVERNMENT

Pursuant to the Law on Governmental Organization dated December 25, 2001;

Pursuant to the Law on Protection, Care for and Education of Children dated June 15, 2004;

Pursuant to the Ordinance on Handling of Administrative Violations dated July 02, 2002 and Ordinance amending and supplementing some Articles of the Ordinance on Handling of Administrative Violations dated April 02, 2008;

At the proposal of the Minister of Labour - Invalids and Social Affairs,

DECREES

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of governing

1. This Decree prescribes the acts of administrative violation, the forms, the fine levels, the remedies; sanctioning procedures, competence to sanction administrative violations on the protection, care for and education of children.
2. Acts of administrative violation on the protection, care for and education of children specified in Chapter II of this Decree is the violations of the provisions of law on the protection, care for and education of children made by individuals or organizations deliberately or unintentionally without offenses and according to law must be sanctioned administratively.
3. Other acts of administrative violation on the protection, care for and education of children that are not directly specified in this Decree shall apply the provisions of administrative sanctions in the concerned areas of state management.

Article 2. Subjects of application

This Decree shall apply to the following subjects:

1. Individuals or organizations in Vietnam commit acts of administrative violation on the protection, care for and education of children be sanctioned under the provisions of this Decree and other concerned provisions of law on sanction of administrative violations.
2. Foreign Individuals, organizations that commit acts of administrative violation on the protection, care for and education of children in the territory of Vietnam shall be administratively sanctioned in accordance with the laws of Vietnam.
3. Where the officials and public servants, public employees while performing their official duties related to the protection, care for and education of children that would violate the law in this area shall not be administratively sanctioned as

provided in this Decree but shall be handled in accordance with provisions of the law on officials and public servants, public employees.

Article 3. Principles for sanctioning administrative violations

1. Principles for sanctioning administrative violations on the protection, care for and education of children shall comply with the provisions of Article 3 of the Ordinance on Handling of Administrative Violations and Article 3, Article 4 of Decree No.128/2008/ND -CP dated December 16, 2008 of the Government detailing the implementation of some Articles of the 2002 Ordinance on Handling of Administrative Violations and Ordinance amending and supplementing some Articles of the 2008 Ordinance on Handling of violations (hereinafter referred to as Decree No.128/2008/ND-CP).

2. The sanction of administrative violations on the protection, care for and education of children made by competent persons shall comply with the provisions of law.

Article 4. Aggravating and extenuating circumstances

The aggravating and extenuating circumstances in administrative sanction for the violations of the provisions in Chapter II of this Decree shall comply with the provisions of Article 8 and Article 9 of the Ordinance on Handling of Administrative Violations and Article 6 of Decree No.128/2008/ND-CP.

Article 5. Statute of limitations for handling of administrative violations

1. Statute of limitations for sanction of administrative violations on the protection, care for and education of children shall be one year from the date that the administrative violation is committed.

2. For individuals who were sued, prosecuted or got decisions to be brought to trial according to criminal procedures, but later got decisions to suspend investigation or suspend the cases that acts of violation show signs of administrative violation of protection, care for and education of children, they shall be administratively sanctioned; within three days as from the date of issuing the decisions to suspend the investigation, suspend the cases, the decision issuers must send the decisions to the persons with sanctioning competence; for this case, the statute of limitations for sanctioning administrative violations shall be three months as from the date the persons with sanctioning competence receive the suspension decisions and the dossiers of the violations.

3. Within the time limits prescribed in clause 1 and clause 2 of this Article, if the violating individuals and organizations commit new administrative violation on the protection, care for and education of children or deliberately evade or obstruct the sanction, the statute of limitations prescribed in Clause 1 and Clause 2 of this Article shall not be applicable. In that case, the statute of limitations for sanctioning administrative violations shall be counted from the time that the new administrative violation is committed or from the time that the act of evading or/and obstructing the sanction is terminated.

4. If the time limit specified in clause 1 of this Article is expired, the violating individuals and organizations of administration on the protection, care for and education of children shall not be sanctioned but still be subject to one or more measures to overcome consequences as specified in clause 3 of Article 7 of this Decree.

Article 6. The time limits for being considered as not yet been sanctioned for administrative violations

One year as from the date of completely serving the sanctioning decisions or the date of expiry of the statute of limitations for executing the sanctioning decisions, if the individuals and organizations sanctioned for administrative violations on the protection, care for and education of children do not repeat their violations, they shall be considered as not yet been administratively sanctioned on the protection, care for and education of children.

Article 7. Forms of sanctioning administrative violations and measures to overcome consequences

1. For each act of administrative violation, the violating individuals or organizations must be subject to one of the following principal sanctioning forms:

a) Warning;

b) Fines.

2. Depending on the nature and seriousness of their violations, individuals and/or organizations that commit administrative violations on the protection, care for and education of children may also be subject to the application of one of the following additional sanctioning forms:

a) Stripping the right to use permits, practice certificates from one month to three months or from three months to six months or indefinitely stripping the right to use permits for violating individuals and organizations of administration on the protection, care for and education of children;

b) Confiscating material evidences, means of the individuals or organizations used to perform administrative violations on the protection, care for, and education of children.

3. In addition to the sanction forms specified in Clauses 1 and 2 of this Article, organizations and individuals committing acts of administrative violations on the protection, care for and education of children may be subject to one or more measures to overcome consequences as follows:

a) Forced to bear all expenses for medical examination and treatment, treatment in case of causing accidents, injuries to children;

b) Forced to bear all expenses to bring children back to their families, their alternative family, or child-support facilities;

c) Parents or guardian forced to be responsible for performing the care for, nurture and support for children in accordance with law provisions;

d) Forced to destruct the products containing the contents of enticing, seducing children to leave from their home to wander;

đ) Forced to destroy the cultural products, toys containing the contents of pornography, violence, porn, horror, danger causing harm to the fine development of children that are used to commit acts of administrative violations on protection, care for and education of children;

e) Forced to isolate or destroy articles causing harm to the health of children, pets, plants; to implement measures to redress the lack of safety, environmental pollution, the spread of disease for the acts of violation;

g) Forced to restore the original state which has been changed or to dismantle construction works, unauthorized installed devices;

h) Organizations shall be forced to register the establishment of child-support facilities as prescribed;

i) Forced to refund to the payer of the amount of money collected contrary to regulations or remit the money obtained by administrative violations on the protection, care for and education of children;

k) Forced to return the money or other materials benefited from the implementation of administrative violations of the protection, care for and education of children

Chapter 2:

ADMINISTRATIVE VIOLATIONS, FORMS AND LEVELS OF SANCTION

Article 8. Acts of obstructing, refusing medical examination and treatment for children

1. A caution or a fine of between VND 500,000 and 1,000,000 shall be imposed for the person who is caring for, nurturing, teaching children and found them to be ill or to have signs of disease but does not timely notify their families or quickly bring them to the nearest medical facility for medical examination and treatment leading to serious consequences for children.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

a) Refusing medical examination or treatment for children under the regulations or in case of emergency;

b) Collecting money for medical examination, treatment for children under six years of age contrary to the provisions of law;

c) Failing to use available and allowable equipment, medical facilities of examination and treatment for children leading to serious consequences for them.

3. Forms of additional sanction:

To strip the right to use permits, practice certificate from three to six months for individuals or organizations committing acts prescribed in Clauses 1 and 2 of this Article.

4. Remedial measures:

a) To force individuals and organizations to bear all medical expenses and treatment for children due to the acts specified in Clause 1 and Clause 2 of this Article;

b) To force individuals and organizations to return the amount of money due to the acts specified in clause 2 of this Article.

Article 9. Acts of parents, guardians' children abandoning

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

a) After giving birth, mother or father abandons their child, without caring for and nurturing;

b) Father, mother abandons their children, guardian willfully abandons children in public place or forces children not living with their families, leaves children for living alone, fails to care for, nurture and educate children so that they fall in special circumstances as prescribed in Article 40 of Law on the Protection, Care for and Education of children;

c) Parents or guardians fail to perform the duty of raising, cut off affectionate and material relations with children, except for giving children for adoption or forced to isolate them in accordance with the law provisions.

2. Remedial measures:

To force parents and guardians to fulfill the duties of caring for, nurturing and educating children in accordance with the law provisions because of committing acts specified in Clause 1 of this Article.

Article 10. Acts of enticement, seducing, coercing, control of children to wander; taking advantage of street children for benefits

1. A fine of between 1,000,000 VND and 3,000,000 VND shall be imposed for parents and guardians committing act of forcing children to wander for a living.

2. A fine of between VND 3,000,000 and 10,000,000 shall be imposed for one of the following acts:

a) Speaking, writing, translating, duplicating, sound or picture recording of books, newspapers, documents, pictures, photos, tapes, discs or other acts to seduce, entice, coerce, control children to wander;

b) Using money, materials, prestige or other benefits to seduce, entice, coerce, control children who are living with their families to wander.

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for the acts of gathering, harboring street children to sell lottery tickets, books, newspapers, pictures, photos, street vendors or other activities for the purpose of benefits.

4. Remedial measures:

a) Forced to destroy books, newspapers, documents, pictures, photographs, tapes or discs which are used to seduce, entice, coerce, control children to leave their home for wandering as prescribed in point a clause 2 of this Article ;

b) To force individuals, organizations to remit the money that are benefited due to acts specified in clause 3 of this Article.

Article 11. Acts of exposing children to cultural products, information, media products with pornography, violence, horror contents

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for the acts of exposing children to cultural products, information, communication with pornography, violence, horror contents.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for the acts of attaching the children's images into cultural products, information, communication with pornography, violence, horror contents.

3. Remedial measures:

Forced to destroy cultural products, information, media products with pornography, violence, horror contents used to perform acts prescribed in Clauses 1 and 2 of this Article.

Article 12. Acts of abusing, enticing or forcing children to buy, sell or use cultural products that promote violence, pornography, horror; making, copying, distributing, transporting, storing cultural products with child pornography content; producing, selling toys, games which are harmful to the fine development of children.

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for acts of using relationship, reputation, dependence of children; using money, materials, reputation or other benefits; cheating, frauding to entice, seduce children for contacting, buying, selling, renting, borrowing, using, distributing, participating in producing cultural products, information, media, toys, games, gadgets with

violation, pornography, horror contents that are harmful to the development of children.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for acts of forcing, threatening to use force or authority to compel children to contact, buy, sell, rent, borrow, use, distribute, produce cultural products, information, media, toys, games, gadgets with violation, pornography, horror contents that are harmful to the development of children.

3. A fine of between VND 15,000,000 and 20,000,000 shall be imposed for one of the following acts:

a) Producing, distributing, transporting, trading, storing, disseminating, advertising toys, games which promote violence, pornography, horror that are harmful to the fine development of children;

b) Writing, translating, copying, producing, distributing, transporting, storing, dissiminating, advertising cultural products, information, media products, toys, games, gadgets with child pornography contents;

c) Importing toys, games which promote violence, porn, horror that are harmful to the fine development of children.

4. Forms of additional sanction:

Stripping the right to use bussiness license indefinitely (if any) for individuals or organizations committing acts prescribed in Clauses 2 and 3 of this Article.

5. Remedial measures:

Forced to destroy cultural products, information, media products, toys, games, gadgets with pornography, violence, porn, horror contents that are harmful to the

fine development of children used to perform the acts specified in Clauses 1, 2 and 3 of this Article.

Article 13. Acts of beatings, torturing, maltreating children; abusing children for the purpose of benefit

1. A caution or a fine of between 1,000,000 VND and 5,000,000 VND shall be imposed for one of the following acts:

- a) Beatings, abusing the body, causing harm to children's health;
- b) Treating children badly, such as forcing them to abstain from eating, drinking, suffering the cold, wearing torn, limiting or prohibiting personal hygiene, forcing to live in a dangerous, toxic environment, preventing children from participating in lawful and fine social activities, community activities;
- c) Injuring the spirit, offending dignity, honor, humiliating, verbal abusing, and intimidating, isolating, neglecting affecting children's development;
- d) Taking measures to punish to teach children hurting, making them feel physical and spiritual pain;
- d) Regularly threatening children with images, sounds, animals, objects so that they feel fear, mental pain.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

- a) Organizing, capturing children to beg;
- b) Renting or lending children or using them to beg.

3. Remedial measures:

- a) To force individuals and organizations to bear all expenses for medical examination, treatment (if any) for children due to the acts specified in clause 1 of this Article;
- b) To force individuals and organizations to destroy articles causing harmful to children's health; take measures to redress the environmental pollution for individuals or organizations that commit acts of violation prescribed in Clause 1 of this Article;
- c) To force individuals and organizations to remit the money that is benefited from committing acts specified in Clause 2 of this Article;
- d) To force individuals and organizations to bear all expenses to bring children back to their families, alternative family or child support facilities due to the acts specified in Clause 2 of this Article.

Article 14. Acts of inciting, inducing children to hate their parents, guardians or inciting, instigating, deceiving children to abuse the body, dignity and honor of others

1. A caution or a fine of between 1,000,000 VND and 3,000,000 VND shall be imposed for acts of instigating, inciting, deceiving children under any form to make children hate their parents or guardians.
2. A fine of between VND 5,000,000 and 7,000,000 shall be imposed for acts of instigating, inciting, deceiving children to abuse the body, dignity and honor of others.
3. To force individuals and organizations to bear all expenses for medical examination, treatment for people who are abused the body, dignity, and honor because the children committed acts prescribed in Clause 2 of this Article.

Article 15. Acts of abusing children's labor, using children for doing hard, dangerous work, exposing children to hazardous substances, doing other works contrary to the provisions of law

1. A caution or a fine of between 1,000,000 VND and 5,000,000 VND shall be imposed for one of the following acts:

a) Parents force their children, guardians force children under their custody, adopters force their adoptees to work too much, over time that affect the learning, entertainment, recreation, negatively affect to the development of children or force children doing things forbidden by the laws;

b) The vocational trainers for children force them to work too hard, heavy, over time, in the toxic, dangerous environment, adversely affecting children's development.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for one of the following acts:

a) Using children for jobs in massage facilities, physiotherapy, casinos, bars, pubs or places at risk of adversely affecting the personality development of children;

b) Letting children participate in, using children in producing, trading, disseminating cultural products, information, media products, toys, games, gadgets with violence, porn, horror contents that are harmful to the fine development of children.

3. A fine of between VND 20,000,000 and 40,000,000 shall be imposed for acts of using children to buy, sell, and transport counterfeiting goods and tax evasive products, illegal commodities, currencies across the border.

4. Forms of additional sanction:

Confiscating tax evasive products, commodities, currencies due to the acts specified in clause 3 of this Article.

5. Remedial measures:

a) To force individuals and organizations to remit the money that is benefited from committing the acts specified in Clause 2 and Clause 3 of this Article;

b) To force individuals and organizations to bear all expenses for medical examination and treatment for children due to the acts specified in Clause 2 of this Article;

c) To force individuals and organizations to destroy cultural products, information, media products, toys, games, gadgets with violence, pornography, horror, danger contents that are inappropriate or harmful to the children's development due to the acts specified at Point b, Clause 2 of this Article.

Article 16. Acts of obstructing the children's learning

1. A caution or a fine of between 1,000,000 VND and 5,000,000 VND shall be imposed for one of the following acts:

a) Using force, threatening to use force or power to coerce children to give up their study;

b) Refusing to receive or hinder children infected or suspected to have, at risk of HIV/AIDS infection or children whose parents have HIV / AIDS for studying in the education institution as prescribed;

- c) Refusing to receive disable children who are eligible to study at the education institution as prescribed;
- d) Enticing, dragging children to give up their study;
- d) Destroying books, textbooks, school supplies of children;
- e) Having enough conditions but not ensuring or limiting the right to study of children;
- g) Intentionally refusing the obligation to contribute to the learning of children as prescribed by law, not ensuring the time, learning conditions for children.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

- a) Forcing children to give up their study in order to cause pressure, appeals, and illegal protests;
- b) Destroying the material facilities, equipment for learning and teaching in education institutions.

3. Forms of additional sanction:

Confiscating material evidences and means of individuals and organizations that are used to perform acts specified in point b clause 2 of this Article.

4. Remedial measures:

To force individuals and organizations to restore the original state that has been already altered of the material facilities, equipment for learning, teaching to be ruined due to the acts specified in point b clause 2 of this Article.

Article 17. Acts of offence, lowering the honor and dignity children who violate the law

1. A fine of between 1,000,000 VND and 3,000,000 VND shall be imposed for one of the acts using words, actions or other behaviors with offensive, lowering the honor and dignity to children who violate the law.

2. Remedial measures:

To force individuals and organizations to bear all expenses for medical examination and treatment for children due to the acts specified in clause 1 of this Article.

Article 18. Acts of building cemeteries, production facilities, storage of pesticides, toxic chemicals, radioactive, inflammable or explosive substances near the nurturing centers, establishments of education, culture, places of recreation, entertainment of children or vice versa.

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for one of the following acts:

a) Placing the cemetery, production facilities, storage of pesticides, toxic chemicals, radioactive, inflammable or explosive substances within the area affecting the nurturing centers, establishments of education, culture, recreation, entertainment of children;

b) Placing the facilities of production and business having hazardous waste, large noise that exceed the permitted limit affecting the nurturing centers, establishments of education, culture, places of recreation, entertainment of children;

c) Placing the nurturing centers, establishments of education, culture, places of recreation, entertainment of children in the incidence of the cemetery, production

facilities, storage of pesticides, chemical toxic, flammable, explosive or facilities of production, business having hazardous waste, noise that exceed the limits prescribed by law.

2. Forms of additional sanction:

Indefinitely stripping the right to use operation license for individuals and organizations that commit the acts prescribed in Clause 1 of this Article.

3. Remedial measures:

a) To force individuals or organizations to restore the original states that have been changed or force to dismantle the unlawful works of construction, equipment installation due to the acts specified in clause 1 of this Article;

b) To force individuals, organizations to take appropriate measures to redress the environmental pollution due to the acts specified at Point b, Clause 1 of this Article.

Article 19. Acts of failing to ensure safety in production, trade, transportation resulting accidents, injuries to children

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for one of the following acts:

a) Failing to notify, place signs, barricades or instruct timely the dangerous, toxic places easy to cause fire and explosion, electric shock or unsafe for transport leading to accidents and injuries to children;

b) Failing to comply fully and timely with solution to ensure safety in production, business, circulating means of transportation resulting accidents, injuries to children.

2. Remedial measures:

- a) To force individuals and organizations to immediately take measures to correct the unsafe status due to the acts specified in clause 1 of this Article;
- b) To force individuals and organizations to bear all costs for treating children got accidents and injured due to the acts specified in clause 1 of this Article.

Article 20. Acts of using material facilities for learning, living, entertainment of children for other purposes affecting the interests of the children

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for acts of using for wrong purposes, damaging material facilities for learning, living, entertainment of children that affect their interests.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

- a) Encroaching land, buildings, houses, area, region, time for learning, living, entertainment of children;
- b) Failing to implement, implementing improperly, or distorting the basis planning for learning, living, and entertainment of children that has been approved.

3. Remedial measures:

- a) To force individuals, organizations to remit money or other material benefits obtained due to commitment of acts specified in Clauses 1 and 2 of this Article;
- b) To force individuals and organizations to restore the original states that have been changed or force to dismantle construction works, equipment installed illegally due to the acts prescribed in Clause 1 and Clause 2 of this Article.

Article 21. Acts of failing to notify or to record the limit of using permitted age of children on publications, toys, radio programs, television, art, cinema with its inappropriate content for children's usage

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for one of the following acts:

- a) Failing to take note of the limit of using permitted age of children on publications, toys with inappropriate content for children's usage.
- b) Failing to take note of the limit of listening, watching permitted age of children on radio programs, television, art, cinema, and shows with inappropriate contents for children's listening, watching.

2. Forms of additional sanction:

- a) Stripping the right to use operation license from one month to three months for individuals or organizations that commit the acts prescribed at Point a and Point b, Clause 1 of this Article;
- b) Confiscating publications, toys of individuals and organizations due to the acts specified in clause 1 of this Article.

Article 22. Acts of administrative violation of children caring for, nurturing centers

1. A caution or a fine of between 1,000,000 VND and 3,000,000 VND shall be imposed for one of the following acts:

- a) Failing to meet one of the conditions for establishment registered such as there are not adequate material facilities, equipment, qualified staffs; the qualifications and ethics of officials, teachers are not consistent with the registered activities of

helping children; there are not enough financial resources to ensure funds for child-support operations;

b) Operation license was expired but not yet been extended as prescribed, and the operation is still continued.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for one of the following acts:

a) Operating inconsistently with the contents stated in the licenses;

b) Failing to implement or implementing improperly, insufficiently the provisions of the operation regulations that have been approved by competent authorities;

c) Failing to conduct procedures for changing operation license when there are changes of name, headquarter, ownership, operation contents.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

a) Repairing, falsifying, or forging documents of dossier, record in order to be allowed to establish child-support facilities;

b) Using fund of child-support facilities for other purposes, not for helping children;

c) Collecting service fees in contrary to the provisions of law;

d) Operating without establishment registration or operation license as prescribed by law;

đ) Failing to ensure adequate diet for children or using foods, chemicals contrary to the provisions of law which cause bad affect to the health to process meals for children.

4. Forms of additional sanction:

a) Stripping the right to use operation license from three to six months for individuals or organizations that commit the acts prescribed at Point a, Clause 2 of this Article; Indefinitely stripping the right to use operation licenses for individuals and organizations that commit acts prescribed at Points a, b and c, Clause 3 of this Article;

b) Confiscating false documents made by individuals and organizations due to the acts specified in point a clause 3 of this Article.

5. Remedial measures:

a) To force the organizations to register the establishment of the child-support facilities as prescribed in the Law on Protection, Care for and Education of children and the provisions of relevant laws due to commitment of the acts specified at Point a, Clause 1 and Point d, Clause 3 of this Article;

b) To force individuals and organizations to remit the money benefited due to the acts specified at Points b and c, Clause 3 of this Article.

Chapter 3.

COMPETENCE, PROCEDURES FOR HANDLING ADMINISTRATIVE VIOLATIONS AND ENFORCEMENT OF SANCTION DECISION

Article 23. Competence to handle administrative violations of Inspectorate of Labor, Invalids and Social Affairs

1. The inspectors of Labour, Invalids and Social Affairs being on official duty shall have the right to:

a) Impose a caution;

b) Impose fines of up to VND 500,000;

c) Confiscate material evidences and means used for administrative violations at value up to VND 2,000,000;

d) Apply remedial measures prescribed at Point a, Clause 4, Article 10, Clause 3 of Article 11, Clause 5 of Article 12, point b Clause 3 of Article 13 and point c Clause 5, Article 15, Clause 4 of Article 16, Clause 3 of Article 18, Point b, Clause 3 of Article 20 of this Decree.

2. Chief Inspectors of the Departments of Labour - Invalids and Social Affairs has the right to:

a) Impose a caution;

b) Impose fines of up to VND 30,000,000;

c) Strip the right to use licenses, practice certificates under their jurisdiction;

d) Confiscate material evidences and means used to commit acts of administrative violations;

d) Apply remedial measures prescribed at Point a, Clause 4, Article 10, Clause 3 of Article 11, Clause 5 of Article 12, point b Clause 3 of Article 13 and point c, Clause 5, Article 15, Clause 4 of Article 16, Clause 3 of Article 18, Point b, Clause 3 of Article 20 of this Decree.

3. Chief Inspector of the Ministry of Labour - Invalids and Social Affairs shall have the right to:

a) Impose a caution;

b) Impose fines of up to VND 40,000,000;

c) Strip the right to use licenses, practice certificates under his/her jurisdiction;

d) Confiscate material evidences and means used to commit acts of administrative violations;

đ) Apply remedial measures prescribed at Point a, Clause 4, Article 10, Clause 3 of Article 11, Clause 5 of Article 12, point b Clause 3 of Article 13 and point c, Clause 5, Article 15, Clause 4 of Article 16, Clause 3 of Article 18, Point b, Clause 3 of Article 20 of this Decree.

Article 24. Competence to handle administrative violations of the chairmen of the People's Committees at all levels

1. Chairmen of commune-level People's Committees are competent to:

a) Impose a caution;

b) Impose fines of up to VND 2,000,000;

c) Confiscate material evidences and means used for administrative violations at value up to VND 2,000,000;

d) Apply remedial measures prescribed at Point a, Clause 4, Article 10, Clause 3 of Article 11, Clause 5 of Article 12, point b Clause 3 of Article 13 and point c, Clause 5, Article 15, Clause 4 of Article 16, Clause 3 of Article 18 of this Decree (except for the enforcement of dismantlement of construction works, equipment

installed illegally due to the acts prescribed in Clause 1 of Article 18 of this Decree), Point b, Clause 3 of Article 20 of this Decree (except for the enforcement of dismantlement of construction works, equipment installed illegally due to the acts prescribed in Clause 1 and Clause 2 of Article 20 of this Decree).

2. Chairmen of district-level People's Committees are competent to:

- a) Impose a caution;
- b) Impose fines of up to VND 30,000,000;
- c) Strip the right to use licenses, practice certificates under their jurisdiction;
- d) Confiscate material evidences and means used to commit acts of administrative violations;
- đ) Apply remedial measures prescribed at Point a, Clause 4, Article 10, Clause 3 of Article 11, Clause 5 of Article 12, point b Clause 3 of Article 13 and point c, Clause 5, Article 15, Clause 4 of Article 16, Clause 3 of Article 18, point b Clause 3 of Article 20 of this Decree.

3. Chairmen of provincial-level People's Committees are competent to:

- a) Impose a caution;
- b) Impose fines of up to VND 40,000,000;
- c) Strip the right to use licenses, practice certificates under their jurisdiction;
- d) Confiscate material evidences and means used to commit the acts of administrative violations;
- đ) Apply remedial measures prescribed in Chapter II of this Decree.

Article 25. Competence to handle administrative violations of people's police, border guards, coast guard, customs, tax offices, market management and other specialized inspectors

People's Police, Border Guard, Coast Guard, Customs, tax offices, market management and other specialized inspectors are competent to handle administrative violations as stipulated in Articles 31, 32, 33 , 34, 36, 37 and 38 of the Ordinance on Handling of Administrative Violations for the administrative violations on the protection, care for and education of children directly related to their management areas specified in this Decree.

Article 26. Determination of competence to handle administrative violations

1. In case the administrative violation specified in this Decree is under the competence to handle of many persons, the sanction shall be made by the person who firstly assumes the case.
2. The sanctioning competence of the persons specified in Article 23, Article 24 and Article 25 of this Decree is applied for one administrative violation. In the case of fines, the sanctioning competence shall be determined based on the maximum level of the fine bracket prescribed for each specific violation.
3. In the case of sanctioning a person who commits many acts of administrative violations, the sanctioning competence shall be determined according to the principles prescribed in Clause 3 of Article 42 of the Ordinance on Handling of Administrative Violations.

Article 27. Procedures for sanctioning

1. Upon detecting administrative violations on the protection, care for and education of children, the persons with sanctioning competence must order to suspend immediately the acts of administrative violations.

2. In the case of imposing a caution, the persons with sanctioning competence shall issue decision to sanction in place.

The sanctioning decision must clearly state the date of issue, the full name and address of the violator or the names and addresses of violating organizations; violations; location where the violation took place; full name and position of decision-makers; articles and clauses of the applied legislation. A copy of the decision must be given to sanctioned individuals or organizations.

3. Where the sanctioning of administrative violations in the form of fines under Chapter II of this Decree, the persons with sanctioning competent shall promptly make records on administrative violations. Procedures for making records, the time limit for issuing sanctioning decisions shall comply with the provisions of Article 55 and Article 56 of the Ordinance on Handling of Administrative Violations and Article 22 and Article 23 of Decree No.128/2008/ND-CP.

4. When imposing form of fines, the specific fine level for each administrative violation is the average level of the fine bracket corresponding to the act specified in this Decree. In case the violation has extenuating circumstances, the fine may be imposed lower, but not lower than the lowest level of the fine bracket prescribed. In case the violation has aggravating circumstances, the fine may be imposed higher, but not exceeding the maximum level of the fine bracket prescribed. When imposing fines, the sanctioned person must be informed of the fine bracket and the specific fine level.

5. The decision to sanction shall take effect as from its signing date, unless the decision specifies another date of effect.

The sanctioning decision shall be sent to the sanctioned individuals, fines collecting organizations within three days from the date of issuing the sanction decision.

6. Individuals and organizations to be fined, the fines collector must comply with the provisions of Article 57 and Article 58 of the Ordinance on Handling of Administrative Violations.

Article 28. Procedures for stripping the right to use the licenses, practice certificates

Procedures for stripping the right to use the licenses, practice certificates of protection, care for and education of children shall comply with the provisions of Article 59 of the Ordinance on Handling of Administrative Violations.

Article 29. The procedures for confiscating material evidences and means used to commit acts of administrative violations

1. When applying the form of confiscation of material evidences and means used for administrative violations on the protection, care for and education of children, the persons with sanctioning competence shall conduct the procedures prescribed in Article 60 of the Ordinance on Handling of Administrative Violations.

2. The handling of material evidences and means used to commit acts of administrative violation on the protection, care for and education of children shall comply with the provisions of Article 61 of the Ordinance on Handling of Administrative Violations.

Article 30. Execution of sanctioning decisions

1. Individuals and organizations sanctioned for administrative violations must execute the sanctioning decision within ten days from the date they are delivered the sanctioning decisions, except for otherwise provided for by law. This time limit is clearly stated in the sanctioning decisions. Exceeding the above-mentioned time limit, If the sanctioned individuals and organizations fail to execute actively the decision, the persons with competence to sanction administrative violations have the right to apply enforcement measures.

2. The delay of execution of fining decisions is made as prescribed in Article 65 of the Ordinance on Handling of Administrative Violations.

3. The organization of the enforcement and application of enforcement of decisions on sanctioning administrative violations shall comply with the provisions of Article 66, Article 66a and Article 67 of the Ordinance on Handling of Administrative Violations and Decree No.37/2005/ND-CP dated March 18, 2005 of the Government regulating the procedures to apply coercive measures to implement the decisions on handling of administrative violations.

4. The decisions to sanction administrative violations shall be delivered to sanctioned individuals and organizations or a notice shall be sent to violator for coming to receive; the time that sanctioned individuals and organizations receive the sanctioning decisions is considered as the time that the sanctioning decisions are delivered.

Article 31. Transfer of violation dossiers with criminal signs for prosecution of criminal liability

When considering the violation for making the sanctioning decision, if it deems to have any signs of crime, the competent person must immediately transfer the dossiers to competent agencies for conducting criminal proceedings under

specification in Article 62 of the Ordinance on Handling of Administrative Violations.

Article 32. Forms of record, decision on sanction of administrative violation

Issued together with this Decree is the Appendix of forms of records and decisions on sanction of administrative violation for the violations of the law on protection, care for, and education of children.

CHAPTER 4.

IMPLEMENTATION PROVISIONS

Article 33. Effect

1. This Decree takes effect from December 02, 2011.
2. To annul the following contents of the Decree No.114/2006/ND-CP of October 03, 2006 of the Government defining the sanction of administrative violations on population and children:
 - a) The phrase "and children" or "children" in the following names and provisions of Decree No.114/2006/ND-CP: Clauses 1, 2 and 4, Article 1, names of Clause 3 of Article 1; Clause 1, Article 2; Article 3; clauses 1, 2 and 3 of Article 5 and Article 6; Clause 2 of Article 7; Article 26; Article 27; Article 28; clauses 1 and 3 of Article 30 and Article 31 and Article 32;
 - b) The points đ and e, Clause 3, Article 1; the points d, đ, e and g, Clause 3, Article 7;
 - c) The Articles 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25.

Article 34. Responsibility for implementation

1. Minister of Labour - Invalids and Social Affairs shall preside over and coordinate with the ministers, heads of ministerial-level agencies to guide the implementation of this Decree.

2. The ministers, heads of ministerial-level agencies, heads of governmental agencies, chairmen of the People's Committees of provinces and cities directly under the Central Government, the concerned organizations and individuals are responsible for the implementation of this Decree.

FOR THE GOVERNMENT

PRIME MINISTER

Nguyen Tan Dung