

**THE GOVERNMENT**

-----

No. 55/2009/ND-CP

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom – Happiness**

-----

*Ha Noi, June 10, 2009*

**DECREE**

**ON SANCTIONING OF ADMINISTRATIVE VIOLATIONS OF GENDER  
EQUALITY**

**THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;  
Pursuant to the November 29, 2006 Law on Gender Equality;  
Pursuant to the July 2, 2002, Ordinance on Handling of Administrative Violations  
and the April 2, 2008 Ordinance Amending and Supplementing a Number of  
Articles of the Ordinance on Handling of Administrative Violations;  
At the proposal of the Minister of Justice,*

**DECREES:**

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

1. This Decree provides for acts of administrative violation of gender equality; sanctioning forms and levels, and sanctioning competence.
2. Administrative violations of gender equality specified in Chapter II of this Decree are acts of intentionally or unintentionally violating the law on gender equality but do not constitute crimes and, according to law, must be administratively sanctioned.
3. Other acts of administrative violation of gender equality which are not specified in this Decree shall be handled under the law on sanctioning of administrative violations in relevant state management domains.

## **Article 2. Subject of application**

1. State agencies, political organizations, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, economic organizations, non-business units, people's armed forces units and Vietnamese citizens; foreign agencies and organizations and international organizations operating in Vietnamese territory and foreigners residing in Vietnam (below collectively referred to as organizations and individuals).

2. Minors who commit acts of administrative violation of gender equality shall be handled under Point a. Clause 1, Article 6, and Article 7 of the Ordinance on Handling of Administrative Violations.

## **Article 3. Sanctioning principles, aggravating circumstances and extenuating circumstances**

The principles for, and aggravating circumstances and extenuating circumstances in, the sanctioning of administrative violation of gender equality comply with the Ordinance on Handling of Administrative Violations and relevant legal documents.

## **Article 4. Statute of limitations for sanctioning**

1. The statute of limitations for sanctioning an administrative violation of gender equality is one year from the date the violation is committed. Past this time limit, violators will not be sanctioned but shall still be subject to remedies specified in this Decree.

2. For an individual against whom a criminal case was instituted, who was prosecuted or against whom a decision on bringing the case for trial according to criminal procedures was issued, but later a decision on termination of investigation or the case is issued, if his/her act shows signs of administrative violation of gender equality, he/she shall be administratively sanctioned; within 3 days after issuing the decision on termination of investigation or the case, the issuer shall send that decision and the dossier of the violation case to a person with sanctioning competence. In this case, the statute of limitations for sanctioning administrative violations is 3 months after the person with sanctioning competence receives the termination decision and the violation case dossier.

3. Within the statute of limitations specified in Clauses 1 and 2 of this Article, if violators commit a new act of administrative violation of gender equality or deliberately shirk or obstruct the sanctioning, the statute of limitations specified in

Clauses 1 and 2 of this Article does not apply. In this case, the statute of limitation for sanctioning administrative violations shall be counted from the time of committing the new act of violation or the time of stopping the act of shirking or obstructing the sanctioning.

### **Article 5. Sanctioning forms and remedies**

1. For each act of administrative violation in gender equality, violators shall be subject to either of the following principal sanctions:

a/ Caution;

b/ Fine.

The minimum fine is VND 200,000 and the maximum fine is VND 40,000,000. Specific fine levels applicable to each act of violation are prescribed in Chapter II of this Decree.

2. Depending on the nature and severity of their violations, violators may also be subject to either or both of the following additional sanctions:

a/ Deprivation of the right to use licenses or practice certificates;

b/ Confiscation of material evidence and means used in committing administrative violations.

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, violators may be subject to one or more of the following remedies:

a/ Forcible issuance of public apology or rectification;

b/ Forcible restoration of lawful interests which have been infringed upon by acts of administrative violation of gender equality;

c/ Forcible payment of reasonable medical examination and treatment expenses in case acts of administrative violation cause damage to others\* health or morale:

d/ Forcible modification, supplementation, replacement, correction or destruction of objects or cultural articles that advocate, propagate or disseminate gender inequality or gender prejudice;

e/ Forcible dismantlement or removal of advertisements that advocate, propagate or disseminate gender inequality or gender prejudice;

f/ Requesting organizations and individuals that have issued regulations and rules with gender discrimination contents to revise or annul these documents or requesting competent agencies to annul these documents.

4. Violators that cause damages to organizations and individuals shall, apart from being administratively sanctioned under Clauses 1, 2 and 3 of this Article, pay compensation for damage as prescribed by the civil law.

5. Foreigners who commit acts of administrative violation of gender equality in Vietnamese territory may be subject to expulsion. The application of expulsion as the principal sanction or additional sanction depends on a case-by-case basis. The competence, order and procedures for application of expulsion comply with current law on application of expulsion under administrative procedures.

## **Chapter II**

### **ACTS OF ADMINISTRATIVE VIOLATION OF GENDER EQUALITY; SANCTIONING FORMS AND REMEDIES**

#### **Article 6. Acts of administrative violation of gender equality in politics**

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for either of the following acts:

a/ Hurting the honor or dignity of men or women who stand as or nominate candidates to the National Assembly, People's Councils or leading bodies of political organizations, sociopolitical organizations, socio-political-professional organizations, social organizations or socio-professional organizations for gender prejudice reasons;

b/ Hurting the honor or dignity of men or women in order to obstruct their appointment to managerial or leading positions or professional posts for gender prejudice reasons.

2. A fine of between VND 500,000 and 1,000,000 shall be imposed for any of the following acts:

a/ Inciting or embroiling others to vote for only men or women in the election of deputies to the National Assembly. People's Councils or leading bodies of political

organizations, sociopolitical organizations, socio-political-professional organizations, social organizations or socio-professional organizations for gender prejudice reasons;

b/ Inciting or embroiling others to vote for only men or women when carrying out procedures to collect comments on candidates for managerial or leading positions or professional posts for gender prejudice reasons;

c/ Deliberately making untruthful propagation to obstruct men or women in standing as or nominating candidates to the National Assembly. People's Councils or leading bodies of political organizations, socio-political organizations, socio-political-professional organizations, social organizations or socio-professional organizations for gender prejudice reasons:

e/ Deliberately making untruthful propagation to obstruct the appointment of men or women to managerial or leading positions or professional posts for gender prejudice reasons.

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

a/ Inciting others to delay or refuse to supply or delaying or failing to adequately supply information, dossier and forms to obstruct men or women in standing as or nominating candidates to the National Assembly. People's Councils or leading bodies of political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations for gender prejudice reasons:

b/ Inciting others to delay or delaying the implementation of procedures to obstruct the appointment of men or women to managerial or leading positions or professional posts for gender prejudice reasons:

c/ Threatening to use force or using moral intimidation to obstruct men or women in standing as or nominating candidates to the National Assembly. People's Councils or leading bodies of political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations for gender prejudice reasons;

d/ Threatening to use force or using moral intimidation to obstruct the appointment of men or women to managerial or leading positions or professional posts for gender prejudice reasons.

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

a/ Using force to obstruct men or women in standing as or nominating candidates to the National Assembly. People's Councils or leading bodies of political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations for gender prejudice reasons;

b/ Using force to obstruct the appointment of men or women to managerial or leading positions or professional posts for gender prejudice reasons;

c/ Modifying or falsifying dossiers or forcing others to modify or falsify dossiers to obstruct men or women in standing as or nominating candidates to the National Assembly. People's Councils or leading bodies of political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations for gender prejudice reasons;

d/ Modifying or falsifying dossiers or forcing others to modify or falsify dossiers to obstruct the appointment of men or women to managerial or leading positions or professional posts for gender prejudice reasons;

e/ Disallowing men or women to stand as or nominating candidates to the National Assembly. People's Councils or leading bodies of political organizations, socio-political organizations, sociopolitical-professional organizations, social organizations and socio-professional organizations for gender prejudice reasons;

f/ Failing to appoint men or women to managerial or leading positions or professional posts for gender prejudice reasons.

5. A fine of between VND 20,000,000 and 40,000,000 shall be imposed for formulating and implementing regulations and rules containing gender discrimination provisions.

6. Remedies:

a/ Forcible issuance of apology, for acts specified at Points a and b. Clause 1. Points c and d. Clause 3, of this Article; forcible issuance of public apology and rectification, for acts specified at Points c and d. Clause 2, of this Article;

b/ Forcible restoration of lawful interests of persons who stand as or nominate candidates or persons eligible for appointment, for acts specified at Points a and b. Clause 3. and Points c, d. e and f. Clause 4, of this Article;

c/ Forcible payment of all reasonable medical examination and treatment expenses, for acts specified at Points c and d, Clause 3, and Points a and b. Clause 4, of this Article;

d/ Forcible amendment or annulment of, or requesting competent agencies to annul, regulations and rules containing gender discrimination provisions, for the act specified in Clause 5 of this Article.

### **Article 7. Acts of administrative violation of gender equality in economy**

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for hurting the honor or dignity of men or women who set up businesses or conduct business activities for gender prejudice reasons;

2. A fine of between VND 1.000,000 and 3,000,000 shall be imposed for either of the following acts:

a/ Threatening to use force or using moral intimidation to obstruct men or women in setting up businesses or conducting business activities for gender prejudice reasons:

b/ Inciting others to delay the supply or failing to promptly and adequately supply information, documents and dossier forms to men or women when carrying out procedures to set up businesses or conduct business activities according to regulations for gender prejudice reasons.

3. A fine of between VND 3.000,000 and 5.000,000 shall be imposed for any of the following acts:

a/ Using force to obstruct men or women in setting up businesses or conducting business activities due to gender prejudice;

b/ Modifying or falsifying dossiers to obstruct men or women in setting up businesses or conducting business activities for gender prejudice reasons;

c/ Forcing others to modify or falsify dossiers to obstruct men or women in setting up businesses or conducting business activities for gender prejudice reasons.

4. A fine of between VND 20,000,000 and 40,000,000 shall be imposed for running commercial advertisements unfavorable to the prestige and lawful rights and interests of business owners and traders of one certain gender.

5. Additional sanction:

Deprivation of the rights to use licenses for between 3 and 6 months, for the act specified in Clause 4 of this Article.

6. Remedies:

a/ Forcible issuance of apology, for acts specified in Clause 1 and Point a. Clause 2, of this Article;

b/ Forcible restoration of lawful interests of men or women, for acts specified at Point b. Clause 2, and Points b and c, Clause 3, of this Article;

c/ Forcible payment of all reasonable medical examination and treatment expenses, for acts specified at Point a, Clause 2, and Point a. Clause 3, of this Article;

d/ Forcible dismantlement or removal of advertisements, for acts specified in Clause 4 of this Article.

### **Article 8. Acts of administrative violation of gender equality in labor**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for assigning jobs based on gender discrimination, resulting in a disparity in income, salary or remuneration levels between male and female laborers having the same qualifications and capabilities.

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

A /Applying different conditions in recruiting male and female laborers to the same jobs though they have the same qualification and capabilities, except for cases of applying measures to promote gender equality or for particular professions prescribed by law;

b/ Refusing to recruit or recruiting a limited number of male or female laborers for gender reasons, except for cases of applying measures to promote gender equality; dismissing or sacking laborers for gender reasons or for their pregnancy, giving birth or raising small children.

### 3. Remedy:

Forcible restoration of lawful interests which have been infringed upon, for acts specified in Clause 1 of this Article.

### **Article 9. Acts of administrative violation of gender equality in education and training**

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for urging or forcing others to drop out of school for gender reasons.

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

a/ Urging or forcing in an organized manner many persons to drop out of school for gender reasons;

b/ Refusing to enroll qualified persons in training or retraining courses for gender reasons or for their pregnancy, giving birth or raising small children.

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

a/ Prescribing different training and enrolment ages between men and women;

b/ Providing vocational education, compiling and disseminating textbooks, teaching materials or teaching programs with gender prejudice contents.

### 4. Remedies:

a/ Forcible restoration of lawful interests which have been infringed upon by acts specified in Clauses 1 and 2, this Article;

b/ Forcible revision or annulment of or requesting competent agencies to annul regulations on training or enrolment ages based on gender prejudice or discrimination, for acts specified at Point a. Clause 3. of this Article;

c/ Forcible modification, supplementation, replacement, correction or destruction of textbooks, teaching materials and teaching programs with gender prejudice contents, for acts specified at Point b, Clause 3, of this Article.

**Article 10. Acts of administrative violation of gender equality in science and technology**

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for hurting the honor or dignity of men or women to obstruct them in participating in scientific and technological activities for gender prejudice reasons.

2. A fine of between VND 100,000 and 3,000,000 shall be imposed for either of the following acts:

a/ Threatening to use force or using moral intimidation to obstruct men or women in participating in scientific and technological activities for gender prejudice reasons;

b/ Failing to promptly and adequately supply information and documents to obstruct men or women in participating in scientific and technological activities for gender prejudice reasons.

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

a/ Using force to obstruct men or women in participating scientific or technological activities for gender prejudice reasons;

b/ Disallowing men or women to participate in scientific and technological activities for gender prejudice reasons.

4. A fine of between VND 20,000,000 and 40,000,000 shall be imposed for refusing to admit persons of one certain gender to training courses or scientific or technological activities for gender prejudice reasons.

5. Remedies:

a/ Forcible issuance of apology, for acts specified in Clause 1, Point a, Clause 2, of this Article;

b/ Forcible restoration of lawful interests which have been infringed upon by acts specified at Point b. Clause 2, Point b, Clause 3, and Clause 4 of this Article.

c/ Forcible payment of all reasonable medical examination and treatment expenses, for acts specified at Point a. Clause 2, and Point a, Clause 3, of this Article.

**Article 11. Acts of administrative violation of gender equality in culture, information and physical training and sports**

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for either of the following acts:

a/ Hurting the honor and dignity of men or women to obstruct them in composing or criticizing literary and art works, performing and participating in other cultural activities and physical training and sport activities for gender prejudice reasons.

b/ Conducting by oneself or inciting others to conduct backward practices and customs of gender discrimination in any forms.

2. A fine of between VND 1,000,000 and 3,000,000 shall be imposed for threatening to use force or using moral intimidation in order to obstruct men or women in composing or criticizing literary and art works, performing and participating in other cultural activities and physical training and sport activities gender prejudice reasons.

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

a/ Using force to obstruct men or women in composing or criticizing literary and art works, performing and participating in other cultural activities and physical training and sport activities for genres prejudice reasons.

b/ Disallowing men or women to compose or criticize literary and art works, perform and participate in other cultural activities and physical training and sport activities for gender prejudice reasons.

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

a/ Composing, circulating, publishing, or allowing the publication of. works which advocate or propagate gender inequality or prejudice in any genres or forms;

b/ Spreading ideas and backward practices and customs of gender discrimination nature in any forms;

c/ Running advertisements for social services, notices, messages or small ads which advocate or propagate gender inequality or gender prejudice.

5. Additional sanction:

Deprivation of the rights to use licenses for between 3 and 6 months, for acts of composing, circulating and publishing works specified at Point a. Clause 4, of this Article.

6. Remedies:

a/ Forcible issuance of apology, for acts specified at Point a. Clause 1, and Clause 2 of this Article;

b/ Forcible restoration of lawful interests of men or women which have been infringed upon, for acts specified at Point b. Clause 3 of this Article:

c/ Forcible modification, supplementation, correction or destruction of works and objects which advocate or propagate gender inequality or gender prejudice, for acts specified in Clause 4 of this Article;

d/ Forcible payment of all reasonable medical examination and treatment expenses, for acts specified in Clause 2 and Point a. Clause 3, of this Article.

**Article 12. Acts of administrative violation of gender equality in healthcare**

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for any of the following acts:

a/ Hurting the honor or dignity of persons who participate in health education activities for gender prejudice reasons;

b/ Inciting others not to participate in health education activities for gender prejudice reasons;

c/ Delaying or failing to promptly and adequately supply documents to persons participating in health education activities due to gender prejudice.

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

a/ Obstructing or disallowing others in participating in health education activities for gender prejudice reasons;

b/ Threatening to use force or using moral intimidation toward persons participating in health education activities for gender prejudice reasons.

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

a/ Using force to obstruct other in participating in health education activities for gender prejudice reasons:

b/ Inciting others to make gender-based abortions.

4. Remedies:

a/ Forcible issuance of apology, for acts specified at Point a. Clause 1. and Point b. Clause 2 of this Article;

b/ Forcible restoration of lawful interests which have been infringed upon by acts specified at Point c. Clause 1, and Point a, Clause 2 of this Article.

c/ Forcible payment of all reasonable medical examination and treatment expenses, for acts specified at Point b. Clause 2, and Point a. Clause 3, of this Article.

### **Article 13. Acts of administrative violation of gender equality in the family**

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for any of the following acts:

a/ Hurting the honor or dignity of family members who satisfy all law-prescribed conditions to obstruct them in participating in the disposition of assets under common ownership of the family for gender reasons;

b/ Hurting the honor or dignity of family members or using moral intimidation to prevent them from using assets under common ownership of the family, conducting income-generating activities or satisfying other needs of the family for gender prejudice reasons;

c/ Failing to take care of, educate or create the same conditions in study, labor, recreation, entertainment and development for male and female members of the family.

2. A fine of between VND 500,000 and 1,000,000 shall be imposed for any of the following acts:

a/ Disallowing family members who satisfy all law-prescribed conditions to participate in the disposition of assets under common ownership of the family for gender reasons;

b/ Disallowing male or female family members to participate in social work for gender prejudice reasons;

c/ Threatening to use force or using moral intimidation to obstruct family members who satisfy all law-prescribed conditions in participating in the disposition of assets under common ownership of the family for gender reasons;

d/ Imposing housework and the taking of contraceptive measures or sterilization as responsibilities of family members of one certain gender.

3. A fine of between VND 1,000,000 and 3,000,000 shall be imposed for using force to obstruct family members who satisfy all law-prescribed conditions in participating in the disposition of assets under common ownership of the family for gender reasons.

4. Remedies:

a/ Forcible issuance of apology, for acts specified at Points a and b. Clause 1, and Point c. Clause 2, of this Article;

b/ Forcible payment of all reasonable medical examination and treatment expenses, for acts specified at Point c, Clause 2, and Clause 3 of this Article;

c/ Forcible restoration of lawful interests which have been infringed upon by acts specified at Point c, Clause 1, and Points a and b. Clause 2, of this Article.

### **Chapter III**

#### **SANCTIONING COMPETENCE AND PROCEDURES**

##### **Article 14. Competence of the Labor, War Invalids and Social Affairs Inspectorate to sanction administrative violations**

1. Labor, War Invalids and Social Affairs inspectors on duty may:

a/ Serve caution;

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

c/ Confiscate material evidence and means valued at up to VND 2,000,000 used in committing administrative violations ;

d/ Apply remedies specified in Chapter II of this Decree;

2. Chief inspectors of provincial-level Labor, War Invalids and Social Affairs Services may:

a/ Serve caution;

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

c/ Deprive of the right to use licenses or practice certificates under their competence;

d/ Confiscate material evidence and means used in committing administrative violations;

e/ Apply remedies specified in Chapter II of this Decree.

3. The Chief Inspector of the Ministry of Labor, War Invalids and Social Affairs may:

a/ Serve caution;

b/ Impose the maximum fines prescribed in this Decree;

c/ Deprive of the right to use licenses under his/her competence;

d/ Confiscate material evidence and means used in committing administrative violations;

e/ Apply remedies specified in Chapter II of this Decree.

### **Article 15. Competence of other specialized inspectorates to sanction administrative violations**

Within the ambit of their state management competence prescribed by law, if inspectors on duty and provincial- and ministerial-level chief inspectors of other branches detect acts of administrative violation of gender equality specified in this Decree in the domains or geographical areas under their management, they may

sanction administrative violations like the Labor, War Invalids and Social Affairs Inspectorate according to this Decree.

**Article 16. Competence of presidents of People's Committees of various levels to sanction administrative violations**

1. Presidents of commune-level People's Committees may:

a/ Serve caution;

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

c/ Confiscate material evidence and means valued at up to VND 2,000,000 used in committing administrative violations;

d/ Apply remedies specified in Chapter II of this Decree;

2. Presidents of district-level People's Committees may:

a/ Serve caution:

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

c/ Deprive of the right to use licenses or practice certificates under their competence;

d/ Confiscate material evidence and means used in committing administrative violations;

e/ Apply remedies specified in Chapter II of this Decree.

3. Presidents of provincial-level People's Committees may:

a/ Serve caution;

b/ Impose the maximum fines prescribed in this Decree;

c/ Deprive of the right to use licenses under his/her competence:

d/ Confiscate material evidence and means used in committing administrative violations;

e/ Apply remedies specified in Chapter II of this Decree.

## **Article 17. Competence of the People's Police and Border Guard to sanction administrative violations**

People's police and border guard have the competence defined in Articles 31 and 32 of the Ordinance on Handling of Administrative Violations to sanction administrative violations of gender equality directly related to domains under their management.

## **Article 18. Determination of competence to sanction administrative violations**

1. In case an administrative violation of gender equality specified in this Decree falls within the sanctioning competence of several persons, the person who accepts the case first has competence to sanction it.
2. The sanctioning competence of persons specified in Articles 14, 15, 16 and 17 of this Decree is applied to an administrative violation. In case of imposing a fine, the sanctioning competence shall be determined based on the maximum level of the fine bracket prescribed for each specific violation.
3. In case of sanctioning one person who commits several administrative violations, the sanctioning competence shall be determined according to the principles specified at Clause 3, Article 42, of the Ordinance on Handling of Administrative Violations.

## **Article 19. Procedures for application of principal sanctions**

1. Upon detection of acts of administrative violation of gender equality, persons with sanctioning competence shall order violators to immediately stop these acts under Article 53 of the Ordinance on Handling of Administrative Violations.
2. Records of administrative violations shall be made according to Article 55 and other relevant articles of the Ordinance on Handling of Administrative Violations.
3. The sanctioning under simple procedures complies with Article 54 of the Ordinance on Handling of Administrative Violations.
4. Sanctioning decision and procedures for imposing fines comply with Articles 56 and 57 of the Ordinance on Handling of Administrative Violations.
5. Organizations and individuals sanctioned to pay fines shall pay fines at places prescribed in Article 58 of the Ordinance on Handling of Administrative Violations.

**Article 20. Procedures for depriving of the right to use licenses or practice certificates**

The procedures for depriving of the right to use licenses or practice certificates comply with Article 59 of the Ordinance on Handling of Administrative Violations.

**Article 21. Procedures for confiscating and disposing of material evidence and means used in committing administrative violations**

1. Procedures for confiscating material evidence and means used in committing administrative violations of gender equality comply with Article 60 of the Ordinance on Handling of Administrative Violations.

2. The disposal of material evidence and means used in committing administrative violations of gender equality complies with Article 61 of the Ordinance on Handling of Administrative Violations.

**Article 22. Implementation of sanctioning decisions**

1. Organizations and individuals sanctioned for administrative violations shall abide by sanctioning decisions within 10 days after they are handed over the sanctioning decisions, unless otherwise provided for by law. This time limit will be stated in the sanctioning decisions. Past this time limit, if organizations and individuals still fail to abide by sanctioning decisions, coercive measures shall be applied.

2. The postponement of abidance by sanctioning decisions complies with Article 65 of the Ordinance on Handling of Administrative Violations.

3. The statute of limitations for implementation of decisions on sanctioning administrative violations complies with Article 69 of the Ordinance on Handling of Administrative Violations.

4. Decisions on sanctioning administrative violations must be handed over to sanctioned organizations or individuals or notified to them to come and receive.

5. Other procedures related to the implementation of sanctioning decisions comply with the Ordinance on Handling of Administrative Violations and guiding documents.

**Article 23. Application of measures to prevent, and assure the sanctioning of, administrative violations**

The competence and procedures for applying measures to prevent, and assure the sanctioning of, administrative violations of gender equality comply with Chapter V of the Ordinance on Handling of Administrative Violations.

**Article 24. Application of coercive measures to enforce sanctioning decisions**

1. The application of coercive measures to enforce decisions on sanctioning of administrative violations of gender equality complies with Article 66 and other relevant articles of the Ordinance on Handling of Administrative Violations.

2. The competence to issue decisions on, and organize the application of, coercive measures complies with Article 67 of the Ordinance on Handling of Administrative Violations.

3. The procedures for applying coercive measures to enforce decisions on sanctioning administrative violations comply with the law on procedures for applying coercive measures to enforce decisions on sanctioning of administrative violations.

**Article 25. Transfer of dossiers of violation cases showing signs of crime for penal liability examination**

When examining a case of violation for making decision on the sanctioning, if finding that the act of violation shows signs of crime, competent persons shall transfer the dossier to competent criminal procedure-conducting agencies according to Article 62 of the Ordinance on Handling of Administrative Violations.

**Chapter IV**

**COMPLAINTS, DENUNCIATIONS, FILING OF ADMINISTRATIVE LAWSUITS AND HANDLING OF VIOLATIONS**

**Article 26. Complaints, denunciations and initiation of administrative cases**

1. Organizations and individuals sanctioned for administrative violations of gender equality or their lawful representatives may lodge complaints about the decisions on sanctioning administrative violations of gender equality and decisions on the application of preventive measures and assurance of the handling of administrative violations of gender equality.

2. Citizens may denounce to competent agencies, organizations and individuals administrative violations of gender equality and illegal acts in the sanctioning of administrative violations of gender equality.

3. The competence, order, procedures, and time limits for lodging complaints and denunciations and settlement of complaints and denunciations comply with the law on complaints and denunciations.

4. The competence, order, procedures and time limits for filing administrative lawsuits comply with the law on procedures for settlement of administrative violations.

### **Article 27. Handling of violations**

1. Persons competent to sanction administrative violations of gender equality who harass, cover up, refuse to sanction violations or fail to promptly or properly sanction or impose sanctions beyond their competence shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; if causing damage, they shall make compensation in accordance with law.

2. Persons sanctioned for administrative violations of gender equality, if obstructing or opposing officers on duty or committing other violations, shall, depending on the nature and severity of their violations, be administratively sanctioned or examined for penal liability; if causing damage, they shall make compensation in accordance with law.

## **Chapter V**

### **IMPLEMENTATION PROVISIONS**

#### **Article 28. Effect**

This Decree takes effect on August 1, 2009.

#### **Article 29. Implementation responsibilities**

The Minister of Labor, War Invalids and Social Affairs shall, within the ambit of his/her functions and tasks, guide and organize the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial-level People's Committees and concerned organizations and individuals shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**