

RULES/GENERAL LAWS	
<b>General</b>	<p>1. <b>2013 Constitution of the Socialist Republic of Vietnam.</b> <a href="http://nld.com.vn/thoi-su-trong-nuoc/toan-van-hien-phap-nuoc-chxhcn-viet-nam-201311281149826.htm">http://nld.com.vn/thoi-su-trong-nuoc/toan-van-hien-phap-nuoc-chxhcn-viet-nam-201311281149826.htm</a></p> <p>2. <b>2015 Penal Code.</b> <a href="http://moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=6163">http://moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=6163</a></p> <p>3. <b>Criminal Procedure Code and other Ministry of National Defence's documents that specify the management and discipline of Vietnam People's Army's soldiers.</b> <a href="http://moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=19431">http://moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=19431</a></p> <p>In terms of Vietnam laws, military operations are considered special labor in which military personnel will work under the Constitution, national laws and military discipline. Therefore, every military personnel in the Vietnam People's Army is always regarded on duty 24/7 as per the provisions of Article 6 and Article 7 of the Vietnam People's Army's Soldier Management Regulations.</p> <p>United Nations rules on Sexual Exploitation and Abuse are implemented through the Vietnam People's Army's Soldier Management Regulations, Code of Conduct and National laws.</p>
<b>SEA: military offence?</b>	<p>In terms of Vietnam laws, there are military offences that are akin to sexual exploitation or sexual abuse. See <b>Articles 141 (Rape), 142 (Rape against persons under 16 years), 143 (Forcible sexual assault), 144 (Forcible sexual assault against persons from 13 to under 16 years old), 146 (Sexual intercourse or perform other sexual acts against 16 year old persons), and 147 (Using persons under the age of 16 years for pornographic purposes).</b></p>
<b>Powers of the Commanding Officer (CO)</b>	<p>In accordance with Vietnam military regulations, the Commanding Officer is not authorised to promulgate rules and policies such as a non-fraternization policy. He/She is authorised to promulgate rules pertaining to confinement to camp. See <b>the 2015 Vietnam People's Army's Soldier Management Regulations.</b></p> <p>The Commanding Officer has administrative power. His/her power is determined by the seriousness of the disciplinary breach or crime committed. See <b>the Vietnam People's Army's Soldier Management Regulations for disciplinary breach(less serious violations).</b> The Commanding Officer also has administrative power and in cases of criminal violations he/she is responsible to ensure that favourable conditions are set for legal proceedings against the offender. See <b>Article 26 of the 2003 Criminal Procedure Code, and Article 5 of the 2015 Criminal Procedure Code.</b></p>
INVESTIGATION	
<b>Who can investigate?</b>	<p>The investigation of allegations of sexual exploitation and abuse in the field against military personnel or civilian personnel accompanying the forces is conducted by the Military Criminal Investigation Agency.</p>
<b>National Investigation Officer (NIO)</b>	<p>Currently, National Investigations Officers are not deployed with units, because Vietnam has only deployed individual officers to United Nations Missions. However National Investigation Officers are ready to be deployed if any allegation of sexual exploitation and abuse arise against their officers. In future if Vietnam deploys a unit-level troops, a National Investigation Officer will be deployed alongside the unit for monitoring and investigation of all military infringement allegations. He/She will be tasked to submit a preliminary report of the allegation to the capital for further action.</p>
PROSECUTION	
<b>Referral</b>	<p>Once the Military Criminal Investigation Agency completes the investigation it refers the docket to the Procuracy of the same level within two days. See <b>Article 162 of the 2003 Criminal Procedure Code.</b></p>
<b>Who can charge?</b>	<p>Under the provisions of the criminal procedure laws of Vietnam, Military Prosecution (including Central Military Procuracy, Military Zone's Procuracy and equivalent, Regional Military Procuracy) has jurisdiction to charge and prosecute military personnel who commits illegal acts.</p>
JUSTICE	
<b>Military justice</b>	<p>The Socialist Republic of Vietnam has a military justice system. See <b>Article 272 of 2015 Criminal Procedure Code.</b> <a href="http://www.moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=21943">http://www.moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=21943</a></p>
<b>Deployable Court Martial?</b>	<p>The Socialist Republic of Vietnam has a peacetime deployable Court Martials system. See <b>Article 49 of 2014 Laws on the Organization of People's Courts and Article 272 of 2015 Criminal Procedure Code.</b> According to <b>Article 50 of 2014 Laws on the Organization of People's Courts,</b> the Court Martials system within Vietnam People's Army is organized as follows:</p> <ol style="list-style-type: none"> <li>1. The Central Court Martials.</li> <li>2. The Military Zone's Court Martials and equivalent.</li> <li>3. The Regional Court Martials.</li> </ol>
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