

Standing Committee of the National Assembly

No: /PL-UBTVQH10

SOCIALIST REPUBLIC OF VIETNAM

Independence-Freedom-Happiness

Hanoi, January, 2002

Ordinance on Population

Population is one of the determining factors for sustainable development of the country;

To exercise unified State management on Population;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

Pursuant to the Resolution of the Tenth National Assembly, the Eighth Session on the legislative agenda for 2001;

This Ordinance provides stipulations for Population.

Chapter I

The General Provisions

Article 1: Objects and scope of the Ordinance

1. This ordinance stipulates the fundamentals related to population size, structure, distribution, population quality and solutions for implementing population work and State management on population.
2. This ordinance applies to State institutions, to business, political, socio-political, social and socio-professional organizations, armed forces, families and all Vietnamese citizens (hereafter referred to as organizations and individuals); to foreign organizations operating in Vietnam, foreigners who are permanent residents in Vietnam, except for cases with otherwise-stipulated international treaties that Vietnam participates, then the international stipulations are applied

Article 2: Guiding principles for population programme

1. It is to protect the legal rights and interests of individuals and organizations in the field of population in conformity with socio-economic development, the quality of life of individuals, families and the society as the whole.
2. It is to ensure individuals and families to voluntarily practice birth control and exercise methods for raising population quality.
3. It is to take into accounts the rights and interests of individuals, families and the common interests of the community and the society as a whole, each couple should have 1 to 2 children.

Article 3: Explanation of terminology

In this Ordinance, the following terms should be understood as follows:

1. *Population* is a group of people living in a country, an economic geographical area or an administrative unit (hereafter referred to as territory)
2. *Population size* is the number of people living in a territory at a certain point of time.
3. *Population structure* is the whole population broken down by sex, age, ethnic group, , profession, marital status and other criteria.
4. *Population distribution* is the dispersion of the whole population by territory.
5. *Population quality* is reflected by the physical, intelligent and mental characteristics of population as a whole.
6. *Migration* is the movement of people from one territory to another to establish a new residence in a certain period of time.
7. *Reproductive health* is a perfect state of mental, physical, and social well-being related to the reproductive system and to its functions and processes.

8. *Family planning* is the efforts of the State, society and couples to control the number, timing and spacing of births in order to ensure good health and responsible nurture, suited with social standards and the family living conditions.
9. *Population work* refers to the management and institutional arrangements for implementing all the activities affecting population factors with the view to facilitate the control of population size, adjustment of population structure and distribution, improvement of population quality.
10. *Human development index* (HDI) is the composite of average life expectancy, general education level, and income per capita.
11. *Replacement fertility* is the level of fertility at which a cohort of women are having only enough daughters to replace themselves in the population.
12. *Population service* includes provision of information, guiding, counseling; provision of family planning methods and reproductive health services and other services specified by law.

Article 4: Rights and responsibilities of citizens

1. Citizens are entitled to enjoy the following rights:
 - a. to be supplied with complete and accurate information on population;
 - b. to be provided with quality, convenient and safe population services.
 - c. to select family planning and RH care methods.
2. Citizens have the following responsibilities:
 - a. To practice family planning for maintaining a small size and health family.
 - b. To exercise activities for improving mental, intelligent and physical health of self and of other family members.
 - c. To observe the stipulations set out in this ordinance and others of population-related laws.

Article 5: Responsibilities and rights of the State and organizations in population work

1. The State must have the policies and measures for realizing population work which are suitable with the country's socio-economic development and facilitate population work accordingly.
2. The State management body for population is responsible for developing, guiding and implementing population activities; for monitoring and supervising the enforcement of population law.
3. Within their respective authority and functions, the organizations are responsible for:
 - a. Integrating population variables into socio-economic development planning.
 - b. Advocating and promoting for the implementation of population activities.
 - c. Providing population-related services.
 - d. Formulating appropriate measures to ensure the enforcement of population policy within the agencies, organizations.

Article 6: Responsibilities of Vietnam Fatherland Front and its members in population work

Vietnam Fatherland Front at all levels and its member organizations are responsible for providing inputs for the policy making process, development of population plans and schemes as well as for the drafting of legal documents on population. They are to coordinate with relevant organizations in advocating for and contributing to the supervision of the implementation of population policy.

Article 7: Prohibited activities

The following activities are prohibited:

1. Preventing, forcing the utilization of family planning methods.
2. Foetal sex selection in any form
3. Producing, trading, importing and providing counterfeit contraceptives, contraceptives of poor quality, expired products, those without distribution permits.
4. Communicating, disseminating or initiating information as opposed to the population policy and the traditional moral standards, negatively affecting the population programme and the social life.
5. Cloning.

Chapter II

Population Size, Structure and Distribution

Section I. Population size

Article 8: Adjusting of population size

The State makes adjustments of the population size according to social, economic natural resource and environmental development by adjusting fertility levels so that replacement fertility will be attained and population size will stabilize at an appropriate level.

Article 9: Family planning

1. The State implements family planning policy that aims to adjust fertility levels, benefits couples and families by encouraging them to have small and healthy families, creates favorable conditions for building up prosperous, cultural and happy life.
2. The State agencies and organizations guide and provide full information and FP services for couples so that they can decide the most appropriate timing, number and spacing of birth of their children.

Article 10: Rights and responsibilities involved with practicing family planning

1. All individuals and couples have the right:

- a. To decide the timing, number and spacing of birth of their children according to their age, physical status, conditions for rearing, studying, working, income of husband and wife on an equal basis;
- b. To select and use contraceptive methods as appropriate;
2. Individuals and couples are responsible for:
 - a. Applying contraceptive methods, reducing MR/abortions;
 - b. Protecting their health and preventing themselves from RTIs, HIV/AIDS;
 - c. Other duties related to FP.

Article 11: Communication and counseling on family planning

1. All organizations, individuals have the right to obtain a full range of information and are supposed to participate in efforts to advocate for and provide counseling on family planning.
2. The State management body for population is responsible for developing programmes and activities as well as for coordinating with organizations, individuals in communicating for and providing counseling on family planning.
3. Patterns of family planning communication and dissemination to be used by mass media agencies must be suitable with and understandable to different target groups.

Article 12: Provision of family planning services

1. Organizations and individuals involved in the provision of family planning services have the responsibility to ensure convenience and quality of services for clients.
2. Organizations and individuals providing medical services have to resolve any side effect and complications incurred to users of FP methods, as stipulated by law.
3. The State encourages organizations and individuals to produce, import and supply contraceptive means; provide family planning services.

B. Population structure

Article 13: Purpose of adjusting population structure

The State makes adjustments of the population structure in order to, ensure an appropriate population structure in terms of sex, age, profession and level of knowledge; preserve and expand ethnic minorities.

Article 14: Attaining an appropriate population structure

1. The State must have policies to maintain sex structure following the natural reproduction rules; to adjust the fertility level so that an optimized structure of population by sex and age can be attained.
2. The State must have vocational training policies as appropriate to sex, age in order to gain balance between human resource, in terms of its quality, quantity, and socio-economic development.
3. State agencies and organizations, when developing policies, making plans for socio-economic development, must ensure the balance in terms of sex, age, profession structure for each location.

Article 15: Protection of ethnic minorities

1. The State must have the policies to provide comprehensive support to protect some ethnic minorities facing possible extinction through implementing socio-economic development programmes and programmes for hunger eradication and poverty elimination, meeting the needs for reproductive health care and family planning services and improving the population quality.
2. Organizations and individuals are supposed to further advocate and assist ethnic minorities in eliminating backward traditions and customs, following modern child bearing, practicing mother and child health care, and promoting family economy.

C. Population distribution

Article 16: Appropriate distribution of population among regions

1. The State implements the policy to distribute the population appropriately among regions in order to fully exploit land and natural resource potentiality; to further the strengths of each region in terms of socio-economic development and national defense and security.
2. Authorized State organizations are responsible for developing population distribution schemes and plans appropriate for different regions, synchronizing investments with focus on less developed and sparsely-populated areas, in order to bring about more employment and better living conditions that will attract more labors.

Article 17: Distribution of rural population

1. The State implements policies that encourage comprehensive development in rural areas, economic structure transition, rural and agricultural industrialization and modernization, that bridge the gaps between developed and less developed rural areas in order to create better living conditions, limiting migration mobility to urban areas.
2. People's Committees at all levels are responsible for implementing projects on income generation, credit, job creation; for building up new economic zones to take full advantages of wild and unoccupied land, bald hills, alluvial soil, water surface; for developing transportation and communication system and social services, that all aim to adjust the distribution of rural population in delta areas, mountainous and border areas, and islands. They are to implement policies on agricultural resettlement so as to stabilize the life of ethnic minorities, limit shifting cultivation and spontaneous migration.

Article 18: Distribution of urban population

1. The State implements urban development planning together with building up large, medium and small cities, which will facilitate an appropriate distribution of population, prevent the situation of overpopulation in some big cities.
2. People's Committees of the cities, towns, districts, small towns and quarters are responsible for inhabitant management, urban administration, infrastructure construction, for creating social environment and working facilities for mobile workers at cities.

3. Employers, when signing labor contracts with mobile workers, must provide them with working facilities and accommodation as stipulated by law.

Article 19: Domestic migration and international migration

1. The State facilitates the migration within and outside the country in conformity with Vietnamese laws and those of migrating and destination countries.
2. People's Committees at all levels implement policies for socio-economic development, income improvement in order to ease the migration mobility; promptly resolve any problems arisen from spontaneous migration, reinforce the positive side and control the negative aspects of spontaneous migration.

Chapter III

Population Quality

Article 20: Improving the population quality

The State implements policies for improving the quality of the population, in terms of physical, mental and intellectual aspects, in order to improve the human development index of Vietnam to the international advanced level, to respond to the country's requirements for industrialization and modernization.

Article 21: Solutions for improving population quality

1. Improving population quality is the national fundamental policy in the cause of country development.
2. The State enacts specific policies to gradually improve the quality of the population, to exercise basic human rights, ie. to have the right to be fully developed in terms of mental, physical and intellectual aspects, to attain basic indicators of body development in terms of height, weight, durability, to increase life expectancy, to enhance educational level in order to meet the requirement of country industrialization and modernization as well as to fit with the trends of integration and globalization.

Article 22: Rights and responsibilities in improving population quality

1. The State encourages and facilitates all the organizations, individuals to carry out solutions for improving the population quality through realizing programmes for socio-economic development, infrastructure investment.
2. State agencies, organizations, individuals have the responsibility to implement health care programme, improve education and intellectual level; promoting the economy and improving the social welfare, preserving cultural and spiritual value; exercising physical fitness and protecting the ecological environment.
3. State management agency in charge of population matters are responsible for coordinating with relevant organizations to develop models for improving population with sustainable family development, models for improving community population quality and have the responsibility to communicate, advocate, guide and help families and individuals to implement solutions to improve population quality.

4. All families and individuals have the rights to be provided with information on, be guided and assisted in and to voluntarily undertake solutions for improving population quality.

Article 23: Reducing the rate of mental disparity, deformity and infertility

1. The State encourages and supports men and women to have health check before getting married; to have gene test for those suffered from gene defects, poisonous chemical agents; to be counseled on genetics and malformed births, provides material and spiritual support to those suffered from gene defects, poisonous chemical agents, and HIV/AIDS so that they voluntarily agree not to bear children in order to reduce the rate of population with mental disparity and inborn deformity.
2. The State invests to establish facilities for sperm screening and storing and for infertility treatment that will be a source of support to people suffered from infertility, sterilization acceptors and those in need of sperm preservation.

Article 24: Sustainable family development

1. The State has to enact policies to expand basic social services corresponding with family development, to ensure that all family members fully enjoy rights and exercise obligations.
2. State agencies, organizations and individuals have the responsibility to guide, help families to improve family well-being, to build up prosperous, cultural and happy families.
3. Family members have the responsibility to apply solutions to preserve health, RH, and FP and improve individual well-being.

Article 25: Improving community population quality

People's committees at all levels have the responsibility to guide the delivery of basic social services, ensure social welfare in order to improve the quality of the local population community.

Chapter IV

Solutions for Population Work

Article 26: Schemes and plans of population development

1. The State develops schemes and plans of population development in the context of the national and regional socio-economic development schemes and plans in order to ensure that the population size, structure, population quality and population distribution will be in accordance with the economy, society, natural resource and environment.
2. People's committees at all levels and concerned organizations must integrate population development schemes and plans into the local socio-economic development schemes and plans and the organizational production, business and service plans respectively.

3. State agencies, organizations must consider population target one of the important socio-economic criteria to be seriously and periodically reviewed and evaluated.

Article 27: Socialization of population work

The State realizes the socialization of population work in order to mobilize all organizations and individuals in the implementation of the population programme. Participating organizations, individuals enjoy the privileges and benefits brought about by the population programme.

Article 28: Resource mobilization for population work

1. While investing in population work, the State encourages local and foreign organizations and individuals to make voluntary contributions to population funds.
2. The mobilization and utilization of population funds must observe the legal stipulations.

Article 29: Population Education

1. Population education is to be conducted by all educational institutions within the national education system.
2. The Ministry of Training and Education in collaboration with the central population management body has the responsibility to provide guidance, develop programmes and curricula on population education as appropriate with each level and grade.
3. Education institutions have the responsibility to conduct teaching and learning sessions on the basis of approved programme and curricula.

Article 30: International cooperation in population area

1. The State of the Socialist Republic of Vietnam calls for international cooperation in population area on the basis of equality, respect of independence and sovereignty, mutual benefits and in conformity with the law of each party and international practices.
2. The State management agency in charge of population matters at central level is entitled to participate in and delegate representatives at international and regional organizations. International and regional organizations, foreign associations active in the field of population are allowed to operate in Vietnam following Vietnamese laws.

Article 31: Consolidating the organization of population work

1. The State has policies to establish and develop the personnel of population work at all levels especially those of full time staff and population collaborators at the grassroots level to be the core force in implementing population activities.
2. Population management agencies at lower levels have the responsibility to reinforce their full time staff and population collaborator at local level, taking account of the local socio-economic specifics.

Article 32: Scientific research

1. The State encourages and facilitates efforts of organizations and individuals to conduct research, particularly those focusing on improving the population quality. Research results are to be applied for policy making and implementation of population activities.

2. Research institutions must apply scientific and technological advance for research work, improve the quality and efficiency of population research so that they can be applied in the actual context of the country's socio-economic situation. Priorities will be given to population-related research topics to be applied to areas of socio-economic disadvantages.

Chapter V

State Management on Population

Article 33: State management activities on population

1. Develop, organize and provide guidance for the implementation of population-related strategies, schemes, programmes, plans and solutions.
2. Issue and compose legal documents on population to submit to authorized levels to issue.
3. Establish a mechanism of state management on population.
4. Organize and administer population registration and establishing national database on population.
5. Organize, manage training and refresher training courses for population staff.
6. Arrange for and manage the research and application of science and technology in population.
7. Advocate people to learn and observe population-related policies.
8. Call for international cooperation in population.
9. Supervise, inspect and settle violations, resolve complaints and denunciations on contravention of population-related policies.

Article 34: State management bodies on population

1. The government is in charge of overall management of population work.
2. The central-level State body in charge of population work assists the government in implementing state management in population. Its network will be set up from the central down to the local level. Institutional arrangements, functions, responsibilities and rights of the agency in charge of population are to be specified by the Government.
3. Ministries, ministerial level organizations, government agencies, within their assigned functions and authority, realize state management on population, as assigned by the Government.
4. People's committees at all levels exercise the functions of state management on population in their regions following the delegation from the Government.

Article 35: Developing and managing the national database on population

1. Developing a national database on population recording the specifics and changes in the specifics of each individual throughout their life. Those are private information and must be treated as confidentiality as stipulated by law.
2. The national database on population is electronically networked and is the national asset. The supply of information must follow the legal procedures for confidentiality.
3. The government provides stipulation on the content of population registration and on the establishment of the national database on population.

Article 36: Claim and Denunciation

Claims, denunciations on contravention of population-related policies and respective settlements of such claims and denunciations must be conducted following the legal stipulations for claims and denunciations.

Chapter VI

Rewards and Settlement of Violations

Article 37: Rewards

1. Organizations, individuals that have recorded achievements in population activities are to be rewarded as per legal stipulations.
2. Organizations, communities, within their respective organizational regulations or community conventions, work out solutions for achieving population goals, reward individuals and families contributed to such achievements.

Article 38: Settlement of violations

1. Any individuals violating the stipulations set forth in this Ordinance and other regulations of population-related policies will be subject to administrative punishments or put under penal investigation, depending on the nature of the violation action. Any loss deprived from such violation must be compensated according to the law.
2. Those who take advantages from their position, authorization violate the stipulations in this Ordinance and other legal stipulations on population will be subject to disciplinary actions or put under penal investigation, depending on the nature of the violation action. Any loss deprived from such violation must be compensated according to the law.

Chapter VII

Implementation Provisions

Article 39: Effect of the Ordinance

1. The Ordinance takes effect from.....2002.
2. The earlier stipulations which are contrary to this Ordinance are considered null and void.

Article 40: Ordinance execution guidance

The Government shall provide detailed provisions for the implementation of this Ordinance.

On behalf of the Standing Committee of the National Assembly
Chairman, Nguyen Van An