

## CONSTITUTION - VIETNAM

{ Official Title: Constitution of the Socialist Republic of Vietnam }

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{ Editor's note:

The ICL edition has been edited by Frank Castenholz. It is based on a translation provided to the public on the homepage of the Vietnam Embassy in the United States of America. We added article titles and paragraph numbers, and changed some wordings where it seemed more appropriate or accurate. Some inspiration was drawn from another translation which can be downloaded at the homepage of the law firm Phillips Fox. }

Independence -- Freedom -- Happiness

### Preamble

In the course of their millennia-old history, the Vietnamese people, working diligently, creatively, and fighting courageously to build their country and defend it, have forged a tradition of unity, humanity, uprightness, perseverance and indomitableness for their nation and have created Vietnamese civilization and culture.

Starting in 1930, under the leadership of the Communist Party of Vietnam formed and trained by President Ho Chi Minh, they waged a protracted revolutionary struggle full of hardships and sacrifices, resulting in the triumph of the August Revolution. On 2nd September 1945, President Ho Chi Minh read the Declaration of Independence and the Democratic Republic of Vietnam came into existence. In the following decades, the people of all nationalities in our country conducted an uninterrupted struggle with the precious assistance of friends throughout the world, especially the socialist countries and the neighbouring countries, achieved resounding exploits, the most outstanding ones being the historic Dien Bien Phu and Ho Chi Minh campaigns, defeated the two wars of aggression by the colonialists and the

imperialists, liberated the country, reunified the Fatherland, and brought to completion the people's national democratic revolution. On July 2nd, 1976 the National Assembly of reunified Vietnam decided to change the country's name to the Socialist Republic of Vietnam; the country entered a period of transition to socialism, strove for national construction, and unyieldingly defended its frontiers while fulfilling its international obligations.

In successive periods of resistance war and national construction, our country adopted the 1946, 1959, and 1980 Constitutions.

Starting in 1986, a comprehensive national renewal advocated by the 6th Congress of the Communist Party of Vietnam has achieved very important initial results. The National Assembly has decided to revise the 1980 Constitution in response to the requirements of the new situation and tasks.

This Constitution establishes our political regime, economic system, social and cultural institutions; it deals with our national defence and security, the fundamental rights and duties of the citizen, the structure and principles regarding the organization and activity of State organs; it institutionalises the relationship between the Party as leader, the people as master, and the State as administrator.

In the light of Marxism-Leninism and Ho Chi Minh's thought, in furtherance of the Program for National Construction in the period of transition to socialism, the Vietnamese people vow to bring into full play the tradition of patriotism, unite millions as one, uphold the spirit of self-reliance and self-improvement in the national construction, pursue a foreign policy of independence, sovereignty, peace, friendship and cooperation with all countries, strictly abide by the Constitution, and win ever greater successes in the cause of renovating, building and defending the Fatherland.

## Chapter I The Socialist Republic of Vietnam -- The Political Regime

### Article 1 [Independence and Sovereignty]

The Socialist Republic of Vietnam is an independent and sovereign country enjoying unity and territorial integrity, including its mainland, islands, territorial waters, and air space.

### Article 2 [Law Governance, People's State, State Powers]

(1) The Socialist Republic of Vietnam State is a law governed socialist State of the people, by the people and for the people. All State powers belong to the people and are based on the alliance between the working class, the peasantry and the intelligentsia.

(2) The State powers are unified and decentralized to State bodies, which shall coordinate with one another in the exercise of the legislative, executive and judiciary powers.

#### Article 3 [State Objectives]

The State guarantees and unceasingly promotes the people's mastery in all aspects, with a view to achieving the objectives of prosperous people, strong country, equitable, democratic and civilized society, in which all people enjoy an abundant, free and happy life and are given conditions for all-sided development; and severely punishes all acts of infringing upon the interests of the Fatherland and the people.

#### Article 4 [The Communist Party]

(1) The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society.

(2) All Party organizations operate within the framework of the Constitution and the law.

#### Article 5 [Nationalities]

(1) The Socialist Republic of Vietnam is the unified State of all nationalities living on the territory of Vietnam.

(2) The State carries out a policy of equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division.

(3) Every nationality has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture.

(4) The State carries out a policy of comprehensive development and gradually raises the material and spiritual living conditions of the national minorities.

#### Article 6 [Democratic Centralism]

(1) The people make use of State power through the agency of the National Assembly and the People's Councils, which represent the will and aspirations of the people, are elected by them and responsible to them.

(2) Democratic centralism is the principle governing the organization and activity of the National Assembly, the People's Councils, and all other State organs.

#### Article 7 [Elections]

(1) Elections to the National Assembly and the People's Councils are held in accordance with the principles of universal, equal, direct, and secret suffrage.

(2) A member of the National Assembly shall be removed from office by the electors or the National Assembly, a member of a People's Council by the electors or the People's Council, when this member is no longer worthy of the confidence of the people.

#### Article 8 [Duties of Agencies, Cadres and Employees]

All State agencies, cadres, officials and employees must show respect for the people, devotedly serve the people, maintain close contact with the people, listen to their opinions and submit to their supervision; resolutely struggle against corruption, wastefulness and all manifestations of bureaucracy, arrogance, authoritarianism.

#### Article 9 [The Vietnam Fatherland Front]

(1) The Vietnam Fatherland Front is a political alliance and a voluntary union of political organizations, sociopolitical organizations, social organizations and individuals representing their social classes and strata, nationalities, religions, and overseas Vietnamese.

(2) The Vietnam Fatherland Front and its member organizations constitute the political base of the people's administration. The Front promotes the tradition of national solidarity, strengthens the people's unity of mind in political and spiritual matters, participates in the building and consolidation of the people's administration, joins the State in caring for and protecting the legitimate interests of the people, encourages people to exercise their right to mastery, to strictly abide by the Constitution and laws, supervise activities of the State agencies, people-elected representatives as well as State cadres, officials and employees.

(3) The State creates conditions for the Fatherland Front and its member organizations to operate efficiently.

#### Article 10 [The Trade Union]

The Trade Union, being the socio-political organization of the working class and the toiling people, joins State organs, economic and social bodies in looking after and safeguarding the rights and interests of cadres, workers, employees and other labouring people; it participates in State administration and social management, in the control and supervision of the activity of State organs and economic bodies; educates cadres, workers, employees and other labouring people to work well for national construction and defence.

#### Article 11 [Participation of the Citizens]

The citizen exercises his right to mastery at the grassroots by participating in State and social affairs; he is duty bound to help protect public property, legitimate civic rights and interests, maintain national security and social order, and organise public life.

#### Article 12 [Rule of Law]

(1) The State exercises the administration of society by means of the law; it shall unceasingly strengthen socialist legality.

(2) All State organs, economic and social bodies, units of the people's armed forces, and all citizens must seriously observe the Constitution and the law, strive to prevent and oppose all criminal behaviour and all violations of the Constitution and the law.

(3) All infringements of State interests, of the rights and legitimate interests of collectives and individual citizens shall be dealt with in accordance with the law.

#### Article 13 [Inviolability of the Fatherland]

(1) The Vietnamese Fatherland is sacred and inviolable.

(2) All machinations and acts directed against the independence, sovereignty, unity, and territorial integrity of the Fatherland, against the construction and defence of the socialist Vietnamese Fatherland, shall be severely punished in accordance with the law.

#### Article 14 [Principles of External Relations]

The Socialist Republic of Vietnam carries out a policy of peace and friendship, seeks to expand its relations and cooperation with all countries in the world, regardless of their political and social regimes, on the basis of respect for each other's independence, sovereignty and territorial integrity, non-interference in each other's internal affairs, equality, and mutual interest; it seeks to strengthen

solidarity, friendship and cooperation with the socialist countries and neighbouring countries; it actively supports and participates in the common struggle of the peoples of the world for peace, national independence, democracy and social progress.

## Chapter II Economic System

### Article 15 [Basic Principles of the Economic System]

(1) The State builds an independent and sovereign economy on the basis of bringing into full play the internal resources and actively integrating into the international economy; and carries out the national industrialization and modernization.

(2) The State consistently implements the policy of developing a socialist-oriented market economy. The multi-sector economic structure with diversified forms of production and business organization is based on the regime of the entire people's ownership, collective ownership and private ownership, in which the entire people's ownership and collective ownership constitute the foundation.

### Article 16 [Aim of the Economic Policy, Economic Sectors]

(1) The aims of the State's economic policy are to make the people prosperous and the country strong, to better and better satisfy the people's material and spiritual demands on the basis of releasing all production capacity, bringing into full play all potentials of the economic sectors, including the State economic sector, the collective economic sector, the private and small-owner economic sector, the private capitalist economic sector, the State capitalist economic sector and foreign-invested economic sector in various forms, boosting the construction of material-technical foundations, broadening economic, scientific and technical cooperation as well as exchange with the world market.

(2) All economic sectors are important constituents of the socialist-oriented market economy. Organizations and individuals of all economic sectors are allowed to conduct business and/or production activities in branches and trades not banned by law and to be jointly engaged in long-term development, cooperation and healthy competition according to law.

(3) The State accelerates the formation, development and gradual improvement of markets of all kinds along the socialist orientation.

### Article 17 [Ownership of the Entire People]

The land, forests, rivers and lakes, water supplies, wealth lying underground or coming from the sea, the continental shelf and the air, the funds and property invested by the State in enterprises and works in all branches and fields - the economy, culture, society, science, technology, external relations, national defence, security - and all other property determined by law as belonging to the State, come under ownership by the entire people.

#### Article 18 [Management of the Land]

- (1) The State manages all the land according to overall planning and in conformity with the law, and guarantees that its use shall conform to the set objectives and yield effective results.
- (2) The State shall entrust land to organizations and private individuals for stable and lasting use.
- (3) These organizations and individuals are responsible for the protection, enrichment, rational exploitation and economical use of the land; they may transfer the right to use the land entrusted to them by the State, as determined by law.

#### Article 19 [The State Economic Sector]

The State economic sector shall be consolidated and developed, particularly in key branches and domains, play the leading role in the national economy, and, together with the collective economic sector, become an ever firmer and firmer foundation of the national economy.

#### Article 20 [The Collective Sector]

- (1) The collective sector growing out of the pooling by citizens of funds and efforts for cooperative production and trading shall be organised in various forms following the principles of free consent, democracy, and mutual benefit.
- (2) The State shall create favourable conditions for consolidating and broadening the cooperatives and allowing them to operate efficiently.

#### Article 21 [The Private Economic Sectors]

- (1) The private individual, small-owner and private capitalist economic sectors may opt for organizational forms of production and business, may set up enterprises not restricted in scope of operation in branches and trades beneficial to the national economy and the people's life.
- (2) The family household economy is encouraged to develop.

#### Article 22 [Rights and Obligations of Enterprises]

(1) Production and trading enterprises belonging to all components of the economy must fulfil all their obligations to the State; they are equal before the law; their capital and lawful property shall receive State protection.

(2) Enterprises belonging to all components of the economy can enter into joint venture and partnership with individuals and economic organizations at home and abroad in accordance with the provisions of the law.

#### Article 23 [Property, Expropriation]

(1) The lawful property of individuals and organizations shall not be nationalised.

(2) In cases made absolutely necessary by reason of national defence, security and the national interest, the State can make a forcible purchase of or can requisition pieces of property of individuals or organizations against compensation, taking into account current market prices.

(3) The formalities of the forcible purchase or requisition shall be determined by law.

#### Article 24 [External Economic Relations]

The State manages and expands external economic relations, promotes economic ties of all kinds with all nations and all international organizations on the basis of the principles of respect for each other's independence and sovereignty, mutual advantage, and aiming at the protection and stimulation of domestic production.

#### Article 25 [Foreign Investments, Vietnamese People Abroad]

(1) The State encourages foreign organizations and individuals to invest capital and technologies in Vietnam in conformity with Vietnamese law and international law and practice; it guarantees the right to lawful ownership of capital, property and other interests by foreign organizations and individuals. Enterprises with foreign investments shall not be nationalised.

(2) The State encourages and creates favorable conditions for overseas Vietnamese to investing the country.

#### Article 26 [State Management of the Economy]



The State manages the national economy by means of laws, plans and policies; it makes a division of responsibilities and devolves authority to various departments and levels of the administration; the interests of individuals and collectives are brought into harmony with those of the State.

#### Article 27 [Relevance of the Economy]

All economic and social activities and State administration as a whole have to observe economy.

#### Article 28 [Protection of the Economy]

(1) All illegal production and trading activities, all acts wrecking the national economy and damaging the interests of the State, the rights and lawful interests of collectives and individual citizens shall be dealt with severely and equitably by the law.

(2) The State shall enact policies protecting the rights and interests of the producers and the consumers.

#### Article 29 [Protection of the Environment]

(1) State organs, units of the armed forces, economic and social bodies, and all individuals must abide by State regulations on the rational use of natural wealth and on environmental protection.

(2) All acts likely to bring about exhaustion of natural wealth and to cause damage to the environment are strictly forbidden.

### Chapter III Culture, Education, Science, Technology

#### Article 30 [Culture]

(1) The State and the society preserve and develop the Vietnamese culture, which is modern and deeply imbued with the national identity; inherit and promote the values of cultures of all nationalities in Vietnam, and the thought, morality and style of Ho Chi Minh; absorb the mankind's cultural quintessence; and bring into full play all creative talents among the people.

(2) The State exercises the unified management of cultural activities, strictly prohibits the popularization of reactionary and depraved thoughts and cultures, eliminates superstition and bad customs.

#### Article 31 [Education]

The State shall create favourable conditions for the citizens to develop all-sidedly; it shall undertake civic education and urge people to live and work in accordance with the Constitution and the law, to set up families that are cultured and happy, marked by patriotism, love of socialism, a genuinely internationalist spirit, friendship and cooperation with all nations in the world.

#### Article 32 [Arts]

(1) Literature and art contribute to fostering the personality of and nurturing spiritual nobility and beauty of the Vietnamese people.

(2) The State shall make investments for the promotion of culture, literature and art; it shall create favourable conditions for the people's enjoyment of valuable literary and artistic works; it shall give its patronage to creative talent in literature and the arts.

(3) The State shall promote diversity in literary and artistic activity; it shall give encouragement to mass literary and artistic activities.

#### Article 33 [Media]

The State shall promote information work, the press, radio, television, cinema, publishing, libraries and other means of mass communication. All activities in the fields of culture and information that are detrimental to the national interests and which undermine the fine personality, morality, and way of life of the Vietnamese people shall be strictly banned.

#### Article 34 [Cultural Heritage]

(1) The State and society seek to preserve and develop the national cultural heritage; they take good care of preservation and museum work; they look after the repair and maintenance of, and seek to obtain the best effects from, historical vestiges, revolutionary relics, items of the national heritage, artistic works, and places with beautiful scenery.

(2) All acts in infringing historical vestiges, revolutionary relics, art works and places with beautiful scenery are strictly forbidden.

#### Article 35 [Relevance and Aim of Education]

- (1) Development of education is a primary national policy.
- (2) The State and the society develop education with a view to elevating the people's intellectual standards, training human resources and fostering talents.
- (3) The aim of education is to form and nurture the personality, qualities and capabilities of citizens; to train laborers who are possessed of professional skills, dynamism, creativeness, national pride, good morality and the will to strive harder to contribute to making people prosperous and the country strong, meeting the requirements of the cause of building and defending the Fatherland.

#### Article 36 [Management of Education]

- (1) The State exercises the unified management of the national education system with regard to the educational objectives, programs, contents and plans, the teachers' criteria, the regulations on examinations and the system of diplomas and certificates.
- (2) The State develops in a balanced manner the educational system consisting of the pre-school education, general education, vocational training, college and post-graduate education; it enforces the universalisation of secondary education; it develops various educational institutions: State-run schools, people-run schools as well as other educational forms.
- (3) The State prioritizes investment in education and encourages other sources of investment.
- (4) The State adopts the priority policy to ensure the educational development in mountainous areas, regions inhabited by ethnic minority people and regions encountering exceptional difficulties.
- (5) Mass organizations, first of all the Ho Chi Minh Communist Youth Union, social organizations, economic organizations and families shall, together with schools, have the responsibility to educate the youth, teenagers and children.

#### Article 37 [Science and Technology]

- (1) Development of science and technology is a primary national policy.

Science and technology play a key role in the country's socio-economic development.

- (2) The State works out and implements the national policy on science and technology; builds an advanced science and technology; synchronously develops sciences, studies and absorbs scientific and technological achievements in the world in order to build scientific grounds for the elaboration of lines, policies and legislation, renovate technology, develop production forces, raise the managerial skill level, ensure the quality and rate of economic development, and contribute to maintaining national defence and security.

#### Article 38 [State Support of Science]

The State makes investment in and gives financial assistance to science through various channels, priority being reserved for vanguard sciences and technologies. It looks after the training and rational use of scientific and technical cadres particularly highly-qualified ones, skilled workers and artisans; it strives to create favourable conditions for creative work by scientists; devises many forms of organization and activity for researchers, ties scientific research to the requirements of socio-economic development, ensures good coordination between scientific research and training on the one hand and production and trading on the other.

#### Article 39 [Public Health Care]

(1) The State makes investment in, ensures the development of, and exercises unified management over the protection of the people's health; it mobilises and organises all social forces in the building and development of Vietnamese medicine following a far-sighted orientation; prevention shall be combined with treatment, traditional medicine and pharmacology with modern medicine and pharmacology, State health services with people's health services; the State shall see to the organization of health insurance and create the necessary conditions for all citizens to enjoy health care.

(2) Priority is given to the programme of health care for highlanders and national minorities.

(3) It is strictly forbidden to private organizations and individuals to dispense medical treatment, to produce and trade in medicaments illegally, thereby damaging the people's health.

#### Article 40 [Family]

It is the responsibility of the State, society, the family and the citizen to ensure care and protection for mothers and children; to carry into effect the population programme and family planning.

#### Article 41 [Sports]

(1) The State and society shall develop a system of physical culture and sports that is national, scientific and popular.

(2) The State exercises overall management for the development of physical culture and sports; it shall establish a regime of compulsory physical education in the school; it shall give encouragement and assistance to various forms of physical culture and sports activity freely practised by the people; it shall create the necessary conditions for the unceasing expansion of mass activity in physical culture and sports; it shall pay attention to activities in professional sports and to the fostering of sports talent.

#### Article 42 [Tourism]

The State and society shall promote tourism; tourist activities shall be expanded inside and outside the country.

#### Article 43 [International Cooperation]

The State shall expand international exchanges and cooperation in the fields of culture, information, literature, art, science, technology, education, health care, physical culture and sports.

### Chapter IV Defence of the Socialist Vietnamese Fatherland

#### Article 44 [National Defence]

(1) The entire people shall endeavour to defend the socialist Vietnamese Fatherland and ensure national security.

(2) The State shall consolidate and strengthen national defence by the entire people and the people's security, the people's armed forces being regarded as the core, and shall develop to the full the aggregate strength of the country to defend the national territory.

(3) All State organs, economic bodies, social organizations and all citizens shall fulfil all their national defence and security obligations as laid down by the law.

#### Article 45 [Duties of the Armed Forces]

All units of the people's armed forces must show absolute loyalty to the Fatherland and the people; their duty is to stand ready to fight to safeguard national independence and sovereignty, the country's unity and territorial integrity, national security and social order, to safeguard the socialist regime and the fruits of the revolution, and to join the entire people in national construction.

#### Article 46 [The Army]

The State shall build a revolutionary people's army which shall be a well-trained regular army to be gradually modernised; it shall built up powerful reserves and self-defence militia by combining national construction with national defence, the strength of the people's armed forces with that of the entire people, the strength of the traditional unity against foreign aggression with that of the socialist regime.

#### Article 47 [The Police]

The State shall build a revolutionary people's police which shall be a well-trained regular force to be gradually modernised; this police shall rely on the people and shall serve as the core of a popular movement to safeguard national security and social order, political stability and the citizen's freedoms and democratic rights, the lives and property of the people and socialist property; it shall seek to prevent all crimes and shall fight against them.

#### Article 48 [Basic Principles of the National Defence Policy]

The State shall develop to the full the people's patriotism and revolutionary heroism, educate the entire people in matters of national defence and security, enforce compulsory military service and an appropriate policy with regard to soldiers' families, build up the national-defence industry to ensure proper equipment for the armed forces. It shall harmonise national defence with the economy and vice versa, seek to ensure proper material and spiritual living conditions for officers and soldiers, national-defence workers and employees. It shall build powerful people's armed forces and unceasingly reinforce the country's national-defence potential.

### Chapter V Fundamental Rights and Duties of the Citizen

#### Article 49 [Citizenship]

A citizen of the Socialist Republic of Vietnam is a person with Vietnamese nationality.

#### Article 50 [Human Rights]

In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen's rights and are determined by the Constitution and the law.

Article 51 [Inseparability of Rights and Duties]

(1) The citizen's rights are inseparable from his duties.

The State guarantees the rights of the citizen; the citizen must fulfil his duties to the State and society.

(2) The citizen's rights and duties are determined by the Constitution and the law.

Article 52 [Equality]

All citizens are equal before the law.

Article 53 [Right to Participate]

The citizen has the right to participate in the administration of the State and management of society, the discussion of problems of the country and the region; he can send petitions to State organs and vote in referendums organised by the State.

Article 54 [Right to Vote]

The citizen, regardless of nationality, sex, social background, religious belief, cultural standard, occupation, time of residence, shall, upon reaching the age of eighteen, have the right to vote, and, upon reaching the age of twenty-one, have the right to stand for election to the National Assembly and the People's Councils in accordance with the provisions of the law.

Article 55 [Right and Duty to Work]

(1) The citizen has both the right and the duty to work.

(2) The State and society shall work out plans to create ever more employment for the working people.

Article 56 [Protection of Labour]

(1) The State shall enact policies and establish regimes for the protection of labour.

(2) The State shall establish working times, wage scales, regimes of rest and social insurance for State employees and wage-earners; it shall encourage and promote other forms of social insurance for the benefit of the working people.

#### Article 57 [Freedom of Enterprise]

The citizen enjoys freedom of enterprise as determined by law.

#### Article 58 [Ownership, Inheritance]

(1) The citizen enjoys the right of ownership with regard to his lawful income, savings, housing, chattel, means of production funds and other possessions in enterprises or other economic organizations; with regard to land entrusted by the State for use, the matter is regulated by the provisions of Articles 17 and 18.

(2) The State protects the citizen's right of lawful ownership and right of inheritance.

#### Article 59 [Education]

(1) Education is both a right and duty of citizens.

(2) Primary education is compulsory and dispensed free of charge.

(3) The citizen has the right to get general education and vocational training in various ways.

(4) With regard to school students with special aptitudes the State and society shall create conditions for them to blossom out.

(5) The State shall enact policies regarding tuition fees and scholarships.

(6) The State and society shall create the necessary conditions for handicapped children and other children in particularly difficult circumstances to enjoy appropriate general and vocational education.

#### Article 60 [Freedom of Science and Arts, Protection of Copyright]

The citizen has the right to carry out scientific and technical research, make inventions and discoveries, initiate technical innovations, rationalise production, engage in literary and artistic creation and criticism, and participate in other cultural activities. The State protects copyright and industrial proprietorship.



Article 61 [Access to Health Care, Public Hygiene, Prohibition of Drug Abuse]

- (1) The citizen is entitled to a regime of health protection.
- (2) The State shall establish a system of hospital fees, together with one of exemption from and reduction of such fees.
- (3) The citizen has the duty to observe all regulations on disease prevention and public hygiene.
- (4) It is strictly forbidden to produce, transport, deal in, store and use unlawfully opium and other narcotics. The State shall enact regulations on compulsory treatment of drug addiction and treatment of dangerous social diseases.

Article 62 [Construction]

The citizen has the right to build dwelling-houses accord to zoning regulations and the law. The right of tenants and landlords are protected by the law.

Article 63 [Sexual Equality]

- (1) Male and female citizens have equal rights in all fields - political, economic, cultural, social, and the family life.
- (2) All acts of discrimination against women and all acts damaging women's dignity are strictly banned.
- (3) Men and women shall receive equal pay for equal work. Women workers shall enjoy a regime related to maternity. Women who are State employees and wage-earners shall enjoy paid pre- natal and post-natal leaves during which they shall receive all their wages and allowances as determined by law.
- (4) The State and society shall create all necessary conditions for women to raise their qualifications in all fields and increasingly bring into full play their roles in society, they shall ensure the development of maternity homes, paediatric departments, creches and other social-welfare units so as to lighten house work and allow women to engage more actively in work and study, undergo medical treatment, enjoy periods of rest and fulfil their maternal duties.

Article 64 [Protection of the Family, Freedom of Marriage]

- (1) The family is the cell of society.
- (2) The State protects marriage and the family.

(3) Marriage shall conform to the principles of free consent, progressive union, monogamy and equality between husband and wife.

(4) Parents have the responsibility to bring up their children into good citizens. Children and grandchildren have the duty to show respect to and look after their parents and grandparents.

(5) The State and society shall recognise no discrimination among children.

#### Article 65 [Protection of Children]

Children enjoy protection, care and education by the family, the State and society.

#### Article 66 [Promotion of Young People]

The family, the State and society shall create favourable conditions for young people to study, work, relax, develop bodies and minds, and shall educate them in morality, national tradition, civic consciousness and the socialist ideal, for them to be in the van of creative labour and national defence.

#### Article 67 [War Invalids, Old People, Disabled People, Orphans]

(1) War invalids, sick soldiers, and the families of fallen soldiers and revolutionary martyrs shall enjoy preferential treatment in State policies. War invalids shall enjoy favourable conditions for their physical rehabilitation, shall be given employment suited to their state of health and assistance in securing stable living conditions.

(2) Individuals and families credited with meritorious service to the country shall be given commendation and reward and shall be looked after.

(3) Old people, disabled people and orphans without support shall receive State assistance.

#### Article 68 [Freedom of Movement]

The citizen shall enjoy freedom of movement and of residence within the country; he can freely travel abroad and return home from abroad in accordance with the provisions of the law.

#### Article 69 [Freedom of Opinion, Press, Information, Assembly, Association, Demonstration]

The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law.

#### Article 70 [Freedom of Religion]

(1) The citizen shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law.

(2) The places of worship of all faiths and religions are protected by the law.

(3) No one has the right to infringe on the freedom of faith and religion or to take advantage of the latter to violate State laws and policies.

#### Article 71 [Inviolability of the Person; Legal Guaranties to Protect Liberty; Ban on Torture]

(1) The citizen shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honour and dignity.

(2) No one can be arrested in the absence of a ruling by the People's Court, a ruling or sanction of the People's Office of Supervision and Control except in case of flagrant offences. Taking a person into, or holding him in, custody must be done with full observance of the law.

(3) It is strictly forbidden to use all forms of harassment and coercion, torture, violation of his honour and dignity, against a citizen.

#### Article 72 [Presumption of Innocence, Compensation, Rehabilitation]

(1) No one shall be regarded as guilty and be subjected to punishment before the sentence of the Court has acquired full legal effect.

(2) Any person who has been arrested, held in custody, prosecuted, brought to trial in violation of the law shall be entitled to damages for any material harm suffered and his reputation shall be rehabilitated. Anybody who contravenes the law in arresting, holding in custody, prosecuting, bringing to trial another person thereby causing him damage shall be dealt with severely.

#### Article 73 [Inviolability of Domicile, Secrecy of Correspondence]

(1) The citizen is entitled to the inviolability of his domicile.

(2) No one is allowed to enter the domicile of another person without his consent, except in cases authorised by the law.

(3) Safety and secrecy are guaranteed to the citizen correspondence, telephone conversations and telegrams.

(4) Domiciliary searches and the opening, control, and confiscation of a citizen's correspondence and telegrams can only be done by a competent authority in accordance with the provisions of the law.

#### Article 74 [Right of Complaint and Denunciation]

(1) The citizen has the right to lodge complaints and denunciations with the competent State authorities against the illegal doings of State organs, economic bodies, social organizations, units of the people's armed forces, or of any individual.

(2) The complaints and denunciations must be examined and settled by the State authorities within the time laid down by the law.

(3) All acts violating the interests of the State, the rights and legitimate interests of collectives and citizens shall be dealt with severely in time. The person who has suffered loss and injury shall be entitled to damages for any material harm suffered and his reputation rehabilitated.

(4) It is strictly forbidden to take vengeance on the person making complaints and denunciations, or to misuse the right to make complaints and denunciations with the aim of slandering and causing harm to another person.

#### Article 75 [Vietnamese People Abroad]

(1) Overseas Vietnamese make up a part of the Vietnamese nationalities community. The State protects the legitimate interests of Vietnamese people residing abroad.

(2) The State encourages and creates favourable conditions for Vietnamese residing abroad to preserve the Vietnamese cultural identity, maintain close ties with their families and native land, and to contribute to national construction.

#### Article 76 [Loyalty]

(1) The citizen must show loyalty to his Fatherland.

(2) To betray one's Fatherland is the most serious crime.

#### Article 77 [Duty of Defence]

(1) It is the sacred duty and the noble right of the citizen to defend his Fatherland.

(2) The citizen must fulfil his military obligation and join in the all-people national defence.

#### Article 78 [Respect for State Property and Public Interest]

The citizen has the duty to respect and protect the property of the State and the public interest.

#### Article 79 [Duty to Obey Laws and Rules]

The citizen has the duty to obey the Constitution and the law, join in the safeguarding of national security and social order and the preserving of national secrets, and respect the established rules of public life.

#### Article 80 [Tax Duty]

The citizen has the duty to pay taxes and perform public-interest labour according to the provisions of the law.

#### Article 81 [Rights and Duties of Foreign Residents]

Foreigners residing in Vietnam must obey the Constitution and law of Vietnam; they shall receive State protection with regard to their lives, possessions and legitimate interests in accordance with the provisions of Vietnamese law.

#### Article 82 [Asylum]

The Socialist Republic of Vietnam shall consider granting asylum to foreigners struggling for freedom, national independence, socialism, democracy and peace, or are harmed because of their scientific work.

### Chapter VI The National Assembly

#### Article 83 [The National Assembly]

(1) The National Assembly is the highest representative organ of the people and the highest organ of State power of the Socialist Republic of Vietnam.

(2) The National Assembly is the only organ with constitutional and legislative powers.

(3) The National Assembly shall decide the fundamental domestic and foreign policies, the socio-economic tasks, the country's national-defence and security issues, the essential principles governing the organization and activity of the State machinery, the social relations and the activities of the citizen.

(4) The National Assembly shall exercise supreme control over all activities of the State.

#### Article 84 [Duties and Powers]

The National Assembly has the following duties and powers:

1. To make and amend the Constitution; to make and amend laws; to work out a programme for making laws and decree-laws;

2. To exercise supreme control over conformity to the Constitution, the law and the resolutions of the National Assembly, to examine the reports of the State President, the Standing Committee of the National Assembly, the Government, the Supreme People's Court, the Supreme People's Office for Supervision and Control;

3. To decide on the national socio-economic development plan;

4. To decide on the national financial and monetary policies; to decide on planning of the State budget and allocation of the central State budget, to approve the accounts of the State budget; to set, change, or abolish taxes;

5. To decide on the State's policies on nationalities and policies on religions;

6. To regulate the organization and activity of the National Assembly, the State President, the Government, the People's Courts, the People's Office of Supervision and Control and the local administrations.

7. To elect, release from duty, remove from office the State President and Vice-President, the Chairman of the National Assembly, the Vice-Chairmen and members of the Standing Committee of the National Assembly, the Prime Minister, the President of the Supreme People's Court, the Head of the Supreme People's Office of Supervision and Control; to sanction the proposals of the State President on the list of members of the Defence and Security Council; to cast a vote of confidence on persons holding positions elected or approved by the National Assembly.

8. To set up or suppress government ministries and government organs of ministerial rank; to establish, merge, divide, or adjust the boundaries of provinces and cities under direct central rule; to set up or disband special administrative-economic units;

9. To abrogate all formal written documents issued by the State President, the Standing Committee of the National Assembly, the Government, the Prime Minister, the Supreme People's Court, and the Supreme People's Office of Supervision and Control, that run counter to the Constitution, the law, and resolutions taken by the National Assembly;

10. To proclaim an amnesty;

11. To institute titles and ranks on the people's armed forces, in the diplomatic service and other State titles and ranks; to institute medals, badges and State honours and distinctions;

12. To decide issues of war and peace; to proclaim a state of emergency and other special measures aimed at ensuring national defence and security;

13. To decide on fundamental policies in external relations; to ratify or nullify international treaties signed directly by the State President; to ratify or nullify other international treaties signed or acceded to at the proposal of the State President;

14. To hold a referendum.

#### Article 85 [Tenure]

(1) The duration of each National Assembly is five years.

(2) Two months before the end of its tenure, a new National Assembly shall have been elected. The electoral procedure and the number of members of the National Assembly shall be established by law.

(3) In special cases, with the approval of at least two-thirds of its members, the National Assembly can either reduce or prolong its period of tenure.

#### Article 86 [Sessions]

(1) The National Assembly shall hold two sessions each year, to be convened by its Standing Committee.

(2) When so required by the State President, the Prime Minister, or at least one-third of the total membership of the National Assembly, or in pursuance of its own decision, the Standing Committee may convene an extraordinary session of the National Assembly.

(3) The first session of the newly-elected National Assembly shall be convened two months after its election at the latest; it shall be opened and presided over by the chairman of the outgoing Assembly until the election by the incoming Assembly of its chairman.

#### Article 87 [Submission of Draft Laws]

(1) The State President, the Standing Committee of the National Assembly, the Nationalities Council and Committees of the National Assembly, the Government, the Supreme People's Court, the Supreme People's Office of Supervision and Control, the Vietnam Fatherland Front and its member organizations may submit draft laws to the National Assembly.

(2) Members of the National Assembly may present motions concerning laws and draft laws to the National Assembly.

(3) The procedure for the presentation to the National Assembly of draft laws and motions concerning laws shall be established by law.

#### Article 88 [Adoption of Laws and Resolutions]

(1) Laws and resolutions of the National Assembly must be approved by the majority of its members; but decisions taken by the National Assembly to remove from office one of its members as stipulated in Article 7, to reduce or prolong its tenure as stipulated in Article 85 and to amend the Constitution as stipulated in Article 147 must be approved by at least two-thirds of its total membership.

(2) Laws and resolutions of the National Assembly must be made public fifteen days after their adoption at the latest.

#### Article 89 [Credentials Committee]

The National Assembly shall elect a Credentials Committee and base itself on the report of the Committee to confirm the capacity of its members.

#### Article 90 [Standing Committee]

(1) The Standing Committee of the National Assembly is its permanent Committee.

(2) It is composed of:

- the Chairman of the National Assembly,



- the Vice-Chairmen of the National Assembly;

- the members.

(3) The membership of the Standing Committee shall be determined by the National Assembly. A member of the Standing Committee of the National Assembly cannot be at the same time a member of the Government.

(4) The Standing Committee of each legislature shall fulfil its tasks and exercise its powers until the election by the new legislature of a new Standing Committee.

#### Article 91 [Duties and Powers of the Standing Committee]

The Standing Committee of the National Assembly has the following duties and powers:

1. To call and preside over the election of the National Assembly,
2. To prepare for, to convene, and preside over the sessions of the National Assembly;
3. To interpret the Constitution, the law, and decree-laws;
4. To enact decree-laws on matters entrusted to it by the National Assembly;
5. To exercise supervision and control over the implementation of the Constitution, the law, the resolutions of the National Assembly, decree-laws, the resolutions of the Standing Committee of the National Assembly; over the activities of the Government, the Supreme People's Court, the Supreme People's Office of Supervision and Control; to suspend the execution of the formal written orders of the Government, the Prime Minister, the Supreme People's Court, the Supreme People's Office of Supervision and Control, that contravene the Constitution, the law, the resolutions of the National Assembly; to report the matter to the National Assembly for it to decide the abrogation of such orders; to repeal the written orders of the Government, Prime Minister, the Supreme People's Court, the Supreme People's Office of Supervision and Control that are contrary to the decree-laws and resolutions of the Standing Committee of the National Assembly;
6. To exercise supervision and control over, and to give guidance to the activities of the People's Councils; to annul wrong resolutions by the People's Councils of provinces and cities under direct central rule; to disband People's Councils of provinces and cities under direct central rule whenever such Councils cause serious harm to the interests of the people;
7. To direct, harmonise, and co-ordinate the activities of the Nationalities Council and the Committees of the National Assembly, to give guidance to, and to ensure good working conditions for, members of the National Assembly;

8. In cases where the National Assembly cannot meet, to decide on proclaiming the state of war when the country is invaded, and report it to the National Assembly for consideration and decision at its nearest session;
9. To proclaim general or partial mobilisation; to proclaim a state of emergency throughout the country or in a particular region;
10. To carry out the National Assembly's external relations;
11. To organise a referendum as decided by the National Assembly.

#### Article 92 [Chairman]

- (1) The Chairman of the National Assembly shall preside over its sessions; authenticate through his signature laws and resolutions of the National Assembly; give leadership to the activities of its Standing Committee; organise the carrying out of its external relations; maintain relationship with its members.
- (2) The Vice-Chairmen of the National Assembly shall assist the Chairman in the fulfilment of his duties as required by him.

#### Article 93 [Laws and Resolutions of the Standing Committee]

The decree-laws and resolutions of the Standing Committee of the National Assembly must be approved by more than half of its membership. They must be made public fifteen days following their adoption at the latest, except in case they are presented by the State President to the National Assembly for review.

#### Article 94 [Nationalities Council]

- (1) The National Assembly shall elect a Nationalities Council comprising the Chairman, Vice-Chairmen, and members.
- (2) The Nationalities Council studies and makes proposals to the National Assembly on issues concerning the nationalities; supervises and controls the implementation of policies on nationalities, the execution of programmes and plans for socio-economic development of the highlands and regions inhabited by national minorities.
- (3) Prior to the promulgation of decisions related to nationalities policies, the Government must consult the Nationalities Council.

(4) The Chairman of the Nationalities Council can sit in on meetings of the Standing Committee of the National Assembly and meetings of the Government at which are discussed ways of putting into effect policies on nationalities.

(5) The Nationalities Council has also other duties and powers as assigned to the Committees of the National Assembly in Article 95.

(6) A number of members of the Nationalities Council are in charge of special tasks.

#### Article 95 [Election of Committees]

(1) The National Assembly shall elect its Committees.

(2) The Committees of the National Assembly study and check draft laws, make proposals concerning laws, draft decree-laws and other drafts, and reports entrusted to them by the National Assembly or its Standing Committee; present to the National Assembly and its Standing Committee their views on legislative programmes; exercise supervision and control within the bounds determined by law; make proposals concerning issues within their fields of activity.

(3) A number of members of each Committee are in charge of special tasks.

#### Article 96 [Access to Information]

(1) The Nationalities Council and the Committees of the National Assembly can require members of the Government, the President of the Supreme People's Court, the Head of the Supreme People's Office of Supervision and Control, and other State officials to report or supply documents on certain necessary matters. Those to whom such requests are made must satisfy them.

(2) It is the responsibility of State organs to examine and answer the proposals made by the Nationalities Council and the Committees of the National Assembly.

#### Article 97 [Duties of the Representatives]

(1) The deputy to the National Assembly represents the will and aspirations of the people, not only of his constituency but of the whole country.

(2) The deputy to the National Assembly must maintain close ties with the electors; submit himself to their control; collect and faithfully reflect their views and aspirations for the consideration of the National Assembly and the State organs concerned; maintain regular contacts with and make reports to the electors on his own activities and the National Assembly's; answer the requests and proposals of the

electors; examine, activate and keep track of the way citizens' complaints and denunciations are dealt with, and give guidance and assistance to citizens seeking to exercise their rights.

(3) The deputy to the National Assembly shall popularise and urge the people to implement the Constitution, laws and resolutions of the National Assembly.

#### Article 98 [Rights of the Representatives]

(1) The deputy to the National Assembly has the right to interpellate the State President, the Chairman of the National Assembly, the Prime Minister, Cabinet Ministers and other members of the Government, the President of the Supreme People's Court, and the Head of the Supreme People's Office of Supervision and Control.

(2) The interpellated officials must give an answer at the current session; in case an inquiry is needed the National Assembly may decide that the answer should be given to its Standing Committee or at one of its own subsequent sessions, or may allow the answer to be given in writing.

(3) The deputy to the National Assembly has the right to request State organs, social organizations, economic bodies, and units of the armed forces to answer questions on matters with which he is concerned. The people in charge of those organs, organizations, bodies and units have the responsibility to answer questions put by the deputy within the time limit set by the law.

#### Article 99 [Immunity]

(1) A member of the National Assembly cannot be arrested or prosecuted without the consent of the National Assembly and, in the intervals between its sessions, without the consent of its Standing Committee.

(2) In case of a flagrant offence and the deputy is taken into temporary custody, the organ effecting his arrest must immediately report the facts to the National Assembly or its Standing Committee for it to examine them and take a decision.

#### Article 100 [Duties and Rights of the Representatives]

(1) The deputy to the National Assembly must devote the necessary time to his work.

(2) It is the responsibility of the Standing Committee of the National Assembly, the Prime Minister, the Cabinet Ministers, the other members of the Government, and the other State organs to supply him with the material he requires and to create the necessary conditions for him to fulfil his duty.

(3) The State shall ensure that he has the money necessary to his activities.

## Chapter VII The State President

### Article 101 [The State President]

The State President is the Head of State and represents the Socialist Republic of Vietnam internally and externally.

### Article 102 [Election, Responsibility]

- (1) The State President shall be elected by the National Assembly from among its members.
- (2) He is responsible to the National Assembly for his work and reports to it.
- (3) His term of office follows that of the National Assembly. At the end of the latter's tenure he shall continue in office until a new President of the State is elected by the new legislature.

### Article 103 [Duties and Powers]

The State President has the following duties and powers:

1. To promulgate the Constitution, laws and decree-laws;
2. To have overall command of the armed forces and hold the office of Chairman of the National Defence and Security Council;
3. To propose to the National Assembly to elect, release from duty, remove from office, the Vice-President of the State, the Prime Minister, the President of the Supreme People's Court, the Head of the Supreme People's Office of Supervision and Control;
4. On the basis of resolutions of the National Assembly, to appoint, release from duty or dismiss Deputy Prime Ministers, Ministers and other members of the Government;
5. On the basis of resolutions of the National Assembly or its Standing Committee to proclaim a state of war; to proclaim an amnesty;
6. On the basis of resolutions of the Standing Committee of the National Assembly, to issue order on general mobilization or limited mobilization, to declare the state of emergency; in cases where the

National Assembly Standing Committee cannot meet, to declare the state of emergency nationwide or in a locality;

7. To propose to the National Assembly Standing Committee to revise its ordinances within ten days from the date these ordinances were passed; if such ordinances are still voted for by the National Assembly Standing Committee against the State President's disapproval, the State President shall report it to the National Assembly for decision at its nearest session;

8. To appoint, release from duty, dismiss the Vice-Presidents and judges of the Supreme People's Court, the Deputy Head and members of the Supreme People's Office of Supervision and Control;

9. To decide on the conferment of titles and ranks on senior officers of the people's armed forces, the ambassadorial title and rank and the State titles and ranks in other domains; to decide on the award of medals, badges, State prizes and State honors and distinctions;

10. To appoint and recall Vietnam's ambassadors extraordinary and plenipotentiary; to accept foreign ambassadors extraordinary and plenipotentiary; to negotiate and conclude international agreements in the name of the State of the Socialist Republic of Vietnam with the heads of other States; to submit to the National Assembly for ratification international agreements directly signed by him/her; to decide on ratification of, or accession to international treaties, except where they must be submitted to the National Assembly for decision;

11. To grant Vietnamese nationality, release from Vietnamese nationality, or deprive of Vietnamese nationality;

12. To grant pardons.

#### Article 104 [The National Defence and Security Council]

(1) The National Defence and Security Council consists of a Chairman, Vice Chairmen and other members.

(2) The State President shall propose a list of members of the National Defence and Security Council to the approval of the National Assembly. Members of the National Defence and Security Council shall not necessarily be members of the National Assembly.

(3) The National Defence and Security Council shall mobilise all forces and potentialities of the country for national defence.

(4) In case of war the National Assembly can entrust the National Defence and Security Council with special duties and powers.

(5) The National Defence and Security Council shall operate as a collegium and take its decisions by a vote of the majority.

#### Article 105 [Attendance Rights]

- (1) The State President is entitled to attend sessions of the Standing Committee of the National Assembly.
- (2) Whenever he deems it necessary he can attend meetings of the Government.

#### Article 106 [Orders and Decisions]

The State President shall issue orders and decisions for the accomplishment of his duties and the exercise of his powers.

#### Article 107 [The Vice-President]

- (1) The Vice-President of the State shall be elected by the National Assembly from among its members.
- (2) He shall assist the State President in the performance of his duties and may be delegated by him to perform certain tasks.

#### Article 108 [Powers of the Vice-President]

- (1) When the State President is incapacitated for work over a long period of time, the Vice-President shall act as President.
- (2) In case of vacancy of the State Presidency, the Vice-President shall be acting President until the election of a new President by the National Assembly.

### Chapter VIII The Government

#### Article 109 [The Government]

- (1) The Government is the executive organ of the National Assembly, the highest organ of State administration of the Socialist Republic of Vietnam.

(2) The Government shall carry out overall management of the work for the fulfilment of the political, economic, cultural, social, national-defence, security and external duties of the State; it shall ensure the effectiveness of the State apparatus from the centre to the grassroots; it shall ensure respect for and implementation of the Constitution and the law; it shall promote the mastery of the people in national construction and defence; it shall ensure security and the improvement of the people's material and cultural living conditions.

(3) The Government is accountable to the National Assembly and shall make its reports to the National Assembly, its Standing Committee, and the State President.

#### Article 110 [Members of the Government]

(1) The Government shall be composed of the Prime Minister, the Deputy Prime Ministers, the Cabinet Ministers, and other members. With the exception of the Prime Minister, its members are not necessarily members of the National Assembly.

(2) The Prime Minister is accountable to the National Assembly and shall make his reports to the National Assembly, its Standing Committee, and the State President.

(3) The Deputy Prime Ministers shall assist the Prime Minister in the performance of his duties, as required by him. In the absence of the Prime Minister, one of his Deputies shall be delegated by him to direct the work of the government.

#### Article 111 [Attendance of Chairmen]

The Chairman of the Central Committee of the Vietnam Front, the Chairman of the Vietnam Federation of Labour and the heads of mass organizations shall be invited to attend the sessions of the Government when relevant problems come up for discussion.

#### Article 112 [Duties and Powers]

The Government has the following duties and powers:

1. To direct the work of the ministries, the organs of ministerial rank and the organs of the Government, the People's Committees at all levels; to build and consolidate the unified system of the apparatus of State administration from the centre to the grassroots; to guide and control the People's Councils in their implementation of the directives of superior organs of State administration; to create favourable conditions for the People's Councils to fulfil their duties and exercise their powers as laid down by law, to train, foster, dispose and use State officials and employees;



2. To ensure the implementation of the Constitution and the law in State organs, economic bodies, social organizations, units of the armed forces, and among the citizens; to organise and direct propaganda and educational work among the people concerning the Constitution and the law;
3. To present draft laws, decree-laws and other projects to the National Assembly and its Standing Committee;
4. To ensure the overall management of the building and development of the national economy; to carry into effect national financial and monetary policies; to manage and ensure the effective use of property in the ownership of the entire people; to promote the development of culture, education, health care, science and technology; to carry out the plan for socio-economic development and to give effect to the State budget;
5. To take measures to protect the rights and legitimate interests of the citizen, to create conditions for him to exercise his rights and fulfil his duties, to protect the property and interests of the State and society; to protect the environment;
6. To consolidate and strengthen national defence by the entire people and the people's security; to ensure national security and social order; to build the people's armed forces; to carry into effect general mobilisation, to proclaim the state of emergency and all other necessary measures to defend the country;
7. To organise and direct the conduct of State inventories and statistics; State inspection and control; to fight bureaucratism and corruption in the State machinery; to settle complaints and denunciations by citizens;
8. To ensure the overall management of the State's external relations; to negotiate and conclude international agreements in the name of the State of the Socialist Republic of Vietnam, except for cases prescribed in Clause 10 of Article 103; to negotiate, sign, ratify and accede to international agreements in the name of the Government; to direct the implementation of international agreements which the Socialist Republic of Vietnam has concluded or acceded to; to protect the interests of the State, the legitimate interests of Vietnamese organizations and citizens in foreign countries;
9. To implement social policies, nationalities policies, policies on religion;
10. To take decisions in the adjustment of the boundaries of administrative units below the level of the province and the city under direct central control;
11. To coordinate its efforts with those of the Vietnam Front and all mass organizations in the fulfilment of their duties and exercise of their rights; to create conditions for their effective functioning.

Article 113 [Tenure]

The tenure of the Government is the same as that of the National Assembly. When the latter's tenure ends the Government shall continue in office until the new legislature establishes a new Government.

#### Article 114 [Duties and Powers of the Prime Ministers]

The Prime Minister has the following duties and powers:

1. To direct the work of the Government, the Government members, the People's Councils at all levels; to chair Cabinet meetings;
2. To propose the National Assembly to establish or dissolve ministries and ministerial-level agencies; to submit to the National Assembly for approval proposals on appointment, release from duty or dismissal of Deputy Prime Ministers, Ministers and other members of the Government;
3. To appoint, release from duty, or dismiss Vice-Ministers and officials of equal rank; approve the election, release from duty, secondment, and dismissal of Chairmen and Deputy Chairmen of People's Committees of provinces and cities under direct central rule;
4. To suspend or annul decisions, directives and circulars of Cabinet Ministers and other Government members, decisions and directives of People's Councils and Chairmen of People's Committees of provinces and cities under direct central rule that contravene the Constitution, the law, and other formal written documents of superior State organs;
5. To suspend the execution of resolutions of People's Councils of provinces and cities under direct central rule that contravene the Constitution, the law, and formal written orders of superior State organs; at the same time to propose to the Standing Committee of the National Assembly to annul them;
6. To make regular reports to the people through the mass media on major issues to be settled by the Government.

#### Article 115 [Law Making Power]

- (1) On the basis of the Constitution, the law, and the resolutions of the National Assembly, the decree-laws and resolutions of the latter's Standing Committee, the orders and decisions of the State President, the Government shall issue resolutions and decrees, the Prime Minister shall issue decisions and directives and shall supervise the execution of those formal written orders.
- (2) Important issues falling within the competence of the Government must be discussed collectively and decisions thereon adopted by majority.

#### Article 116 [Duties and Powers of Government Members]

(1) Cabinet Ministers and other Government members shall be responsible for State administration in the fields and branches under their respective authority throughout the country; they shall ensure the autonomy of grassroots units in production and trading according to the provisions of the law.

(2) On the basis of the Constitution, the law, and the resolutions of the National Assembly, the decree-laws and resolutions of the latter's Standing Committee, the orders and decisions of the country's President, the written orders of the Government and the Prime Minister, the Cabinet Ministers and the other Government members shall issue decisions, directives and circulars and shall control the execution of these formal written instructions by all branches, regions and grass roots units.

#### Article 117 [Responsibility of the Government Members]

Cabinet Ministers and the other Government members shall be responsible to the Prime Minister and the National Assembly for the fields and branches under their respective authority.

### Chapter IX The People's Councils and the People's Committees

#### Article 118 [Administrative Units]

(1) The administrative units of the Socialist Republic of Vietnam are distributed as follows:

(2) The country is divided into provinces and cities under direct central rule.

(3) The province is divided into districts, provincial cities, and towns; the city under direct central rule is divided into urban districts, rural districts, and towns.

(4) The district is divided into communes and townlets; the provincial city and the town are divided into wards and communes; the urban district is divided into wards.

(5) The establishment of People's Councils and People's Committees in administrative units is determined by law.

#### Article 119 [The People's Council]

The People's Council is the local organ of State power; it represents the will, aspirations, and mastery of the people; it is elected by the local people and is accountable to them and to the superior State organs.

#### Article 120 [Powers of the People's Council]

On the basis of the Constitution, the law, and the formal written orders of superior State organs the People's Council shall pass resolutions on measures for the serious implementation of the Constitution and the law at local level; on the plan for socio-economic development and the execution of the budget; on national defence and security at local level; on measures for stabilising and improving the people's living conditions, fulfilling all duties entrusted by the superior authorities and all obligations to the country as a whole.

#### Article 121 [Representatives to the People's Council]

(1) The deputy to the People's Council represents the will and aspirations of the local people; he must maintain close ties with the electors, submit himself to their control, keep regular contact with them, regularly report to them on his activities and those of the People's Council, answer their requests and proposals; look into and activate the settlement of the people's complaints and denunciations.

(2) It is the duty of the deputy to the People's Council to urge the people to abide by the law and State policies, the resolutions of the People's Council, and to encourage them to join in State administration.

#### Article 122 [Rights of the Representatives]

(1) The deputy to the People's Council has the right to interpellate the Chairman of the People's Council, the Chairman and other members of the People's Committee, the President of the People's Court, the Head of the People's Office of Supervision and Control, and the heads of organs under the People's Committee. The interpellated officials must answer this interpellation within the time determined by law.

(2) The deputy to the People's Council has the right to make proposals to local State organs. The officials in charge of these organs have the responsibility to receive him, and to examine and settle the issues raised in his proposals.

#### Article 123 [The People's Committee]

The People's Committee elected by the People's Council is the latter's executive organ, the organ of local State administration. It is its responsibility to implement the Constitution, the law, the formal written orders of superior State organs and the resolutions of the People's Council.

#### Article 124 [Powers of the People's Committee and its Chairman]

- (1) Within the bounds of its duties and powers the People's Committee shall issue decisions and directives and supervise their execution.
- (2) The Chairman of the People's Committee shall give leadership and operational guidance to the activities of the People's Committee.
- (3) When deciding major local matters, the People's Committee shall undertake collegial discussion and its decisions must conform to the will of the majority.
- (5) The Chairman of the People's Committee can suspend or annul the wrong decisions of organs under the People's Committees and People's Councils of a lower rank; it can suspend wrong resolutions of People's Councils of a lower rank and at the same time propose to the People's Council at his own level to annul such resolutions.

#### Article 125 [Attendance Rights]

- (1) The Chairmen of the Vietnam Fatherland Front committee and the heads of mass organizations in the locality shall be invited to attend sessions of the People's Council and to attend meetings of the People's Committee at the same level when relevant problems are discussed.
- (2) The People's Council and the People's Committee shall make regular reports on the local situation in all fields to the Front and the mass organizations; shall listen to their opinions and proposals on local power building and socio-economic development; shall cooperate with them in urging the people to work together with the State for the implementation of socio-economic, national-defence, and security tasks in the locality.

### Chapter X The People's Court and the People's Office of Supervision and Control

#### Article 126 [Duty of the Institutions]

It is the duty of the People's Court and the People's Office of Supervision and Control to, within the bounds of their functions, safeguard socialist legality, the socialist regime and the people's mastery, the property of the State and the collectives, the lives, property, freedom, honour and dignity of the citizen.

#### The People's Court

#### Article 127 [Establishment of the Courts]

(1) The Supreme People's Court, the local People's Courts, the Military Tribunals and the other tribunals established by law are the judicial organs of the Socialist Republic of Vietnam.

(2) Under special circumstances, the National Assembly may decide to set up a Special Tribunal.

(3) At the grassroots appropriate popular organizations shall be set up to deal with minor offences and disputes among the people according to the provisions of the law.

#### Article 128 [Tenure]

(1) The tenure of the President of the Supreme People's Court shall be the same as that of the National Assembly.

(2) The regime of the appointment, release from duty, dismissal, and the tenure of office of the judges; the system of election and the tenure of office of people's assessors in People's Courts at every level shall be determined by law.

#### Article 129 [Trials]

Trials before People's Courts with the participation of people's assessors and before Military Tribunals with the participation of military assessors shall be conducted in conformity with the provisions of the law. During a trial the assessors shall be on an equal footing with the judges.

#### Article 130 [Independence of the Judges]

During a trial the judges and assessors are independent and shall only obey the law.

#### Article 131 [Public Hearings, Majority Principle]

(1) The People's Courts shall hold their hearings in public, except in cases determined by law.

(2) The People's Courts shall try their cases collegially and their decisions shall be in conformity with the will of the majority.

#### Article 132 [Rights of the Defendant]

(1) The right of the defendant to be defended is guaranteed. The defendant can either conduct his own defence or ask someone else to do it.

(2) An organization of barristers shall be set up to help the defendant and other parties in a law case to defend their rights and legitimate interests and contribute to the safeguarding of socialist legality.

#### Article 133 [Free Choice of Language]

The People's Courts shall guarantee that citizens of the Socialist Republic of Vietnam who are members of various nationalities can use their own respective languages and systems of writing in court.

#### Article 134 [The Supreme People's Court]

(1) The Supreme People's Court is the highest judicial organ of the Socialist Republic of Vietnam.

(2) It supervises and directs the judicial work of Special People's Courts and Military Tribunals.

(3) It supervises and directs the judicial work of Special Tribunals and other tribunals, unless otherwise prescribed by the National Assembly at the establishment of such Tribunals.

#### Article 135 [The President of the Supreme People's Court]

(1) The President of the Supreme People's Court is responsible and makes his reports to the National Assembly and, when the latter is not in session, to its Standing Committee and to the State President.

(2) The President of the local People's Court is responsible to and makes his reports to the People's Council.

#### Article 136 [Binding Effect of the Sentences and Decisions]

The sentences and decisions of the People's Court which have acquired legal effect must be respected by State organs, economic bodies, social organizations, people's armed units and all citizens; they must be seriously implemented by the individuals and organs concerned.

The People's Office of Supervision and Control

#### Article 137 [Duties]

(1) The Supreme People's Office of Supervision and Control shall exercise the right to prosecution and control judicial activities, thus contributing to ensuring that laws are strictly and uniformly observed.

(2) The local Offices of Supervision and Control and the Military Offices of Supervision and Control shall exercise the right to prosecution and control judiciary activities within the scope of their responsibilities prescribed by law.

#### Article 138 [The Heads of the Offices, Majority Principle, Tenure]

(1) A People's Office of Supervision and Control is directed by its Head. The Heads of inferior Offices are subject to the leadership of the Heads of superior Offices. The Heads of local Offices of Supervision and Control and the Heads of Military Offices of Supervision and Control are subject to the overall leadership of the Head of the Supreme People's Office of Supervision and Control.

(2) The setting up of the Committee of Supervision and Control, the problems to be settled by the Head of the People's Office of Supervision and Control, the major issues to be discussed and settled by the Committee of Supervision and Control in conformity with the will of the majority, are to be prescribed by law.

(3) The tenure of the Head of the Supreme People's Office of Supervision and Control is the same as that of the National Assembly.

(4) The Heads, Deputy Heads and members of the local People's Offices of Supervision and Control and of Military Offices of Supervision and Control in military zones and areas shall be appointed, released from duty, or dismissed by the Head of the Supreme People's Office of Supervision and Control.

#### Article 139 [Reports to the National Assembly]

The Head of the Supreme People's Office of Supervision and Control shall be responsible and shall make his reports to the National Assembly and, when the latter is not in session, to its Standing Committee and to the State President.

#### Article 140 [Responsibility of the Local Heads]

The Heads of the local People's Offices of Supervision and Control are responsible for reporting to the People's Councils on the observance of the law in their localities, and answer the questions raised by the deputies to the People's Councils.

#### Chapter XI The National Flag, National Emblem, National Anthem, National Capital, National Day



#### Article 141 [The National Flag]

The national Flag is rectangular in shape, its width being equal to two-thirds of its length; in the middle of a red background is a five-pointed gold star.

#### Article 142 [The National Emblem]

The National Emblem is circular in shape; in the middle of a red background is a five-pointed gold star framed by rice ears below which is half a cog wheel and the inscription "Socialist Republic of Vietnam

#### Article 143 [The National Anthem]

The national anthem of the Socialist Republic of Vietnam is the music and words of the "March to the Front

#### Article 144 [The Capital]

The capital of the Socialist Republic of Vietnam is Hanoi.

#### Article 145 [The National Day]

The day of the Declaration of Independence, the Second of September 1945, is the National Day.

### Chapter XII Effect of the Constitution and Amendments to the Constitution

#### Article 146 [Legal Effect of the Constitution]

(1) The Constitution of the Socialist Republic of Vietnam is the fundamental law of the State and has the highest legal effect.

(2) All other legal documents must conform to the Constitution.

Article 147 [Amendments to the Constitution]

The National Assembly alone shall have the right to amend the Constitution. An amendment to the Constitution must be approved by at least two-thirds of its total membership.