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# THE CONSTITUTIONS OF VIETNAM

1946 - 1959 - 1980 - 1992



THẾ GIỚI PUBLISHERS  
HANOI - 1995

# **THE CONSTITUTIONS OF VIETNAM**

1946-1959-1980-1992

**THẾ GIỚI PUBLISHERS**  
Hanoi - 1995

NATIONAL ANTHEM

Music and words by VAN CLO



NATIONAL FLAG

THE CONSTITUTIONS OF VIETNAM

1946 1959 1980 1992

THE GIOI PUBLISHERS  
Hanoi - 1992

# NATIONAL ANTHEM

Music and words by VAN CAO

*Moderato - Menzies*

DOAN I Đoàn quân Việt Nam đi Chung lòng cứu quốc Bước chân  
DOAN II Đoàn quân Việt Nam đi Sao vàng phấp phới Dải cờ

dân vang trên dương góp ghènh xa. Có in máu chiến thắng mang hồn nước Súng ngoài  
núi quê hương qua nơi lăm than. Cùng chung sức phấn đấu xây đời mới Đứng đầu

xa chen khúc quân hành ca Đường vinh quang xây xác quân thù Thắng gian  
lên gông xích ta đập tan Tư bao lâu ta nuốt căm hèn Quyết hy

lao cùng nhau lập chiến khu Vì nhân dân chiến đấu không ngừng. Tiến mau  
sinh đời ta lược thảm hơn. Vì nhân dân chiến đấu không ngừng. Tiến mau

ra sa trường Tiến lên! - Cùng tiến lên! Nước non Việt  
ra sa trường Tiến lên! Cùng tiến lên! Nước non Việt

Nam ta vững bền. bền  
Nam ta vững bền. bền

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## 1946

*Adopted by the National Assembly of  
the Democratic Republic of Vietnam,  
1st Legislature, on November 9, 1946*

## **PREAMBLE**

The August Revolution won back the sovereignty for the country, freedom for the people and founded the republican democratic regime.

After 80 years of struggle, the Vietnamese nation has freed itself from the colonialist yoke and at the same time abolished the feudal regime.

The Fatherland has entered a new stage of its history.

The duty of our nation at this stage is to defend the integrity of our territory, win back total independence and rebuild the country on a democratic foundation.

Having received from the people the responsibility to draft the first Constitution of the Democratic Republic of Vietnam, the National Assembly recognizes that the Constitution of Vietnam should record the glorious achievements of the Revolution and be established on the following principles:

- The union of all the people, irrespective of race, sex, class and religion;
- The guarantee of the rights of democratic freedom;
- The establishment of a strong and enlightened people's power.

Fortified with the traditional spirit of unity of the struggle of the whole people and under a broad democratic

regime, independent and unified Vietnam is marching forward on the path of glory and happiness, in the same rhythm as the world progressive movement and in accordance with mankind's wish for peace.

## CHAPTER I

### POLITICAL REGIME

#### Article 1

Vietnam is a democratic republic. All state powers belong to the people, irrespective of race, sex, property, class and religion.

#### Article 2

The country of Vietnam is an indivisible and monolithic bloc, comprised of Bac Bo, Trung Bo and Nam Bo.<sup>1</sup>

#### Article 3

The flag of the Democratic Republic of Vietnam consists of a red background with a five-pointed yellow star at the centre.

The national hymn is the "*Tien Quan Ca*".<sup>2</sup>

The capital is established in Hanoi.

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1. Bac Bo: North Vietnam; Trung Bo: Central Vietnam; Nam Bo: South Vietnam.

2. "*Tien Quan Ca*" is literally the "song of the advance of the troops."



## CHAPTER II

# DUTIES AND RIGHTS OF THE CITIZEN

### A. DUTIES

#### Article 4

Every Vietnamese citizen must:

- defend the Country;
- respect the Constitution;
- obey the Law.

#### Article 5

The Vietnamese citizen has the duty to perform military service.

### B. RIGHTS

#### Article 6

All Vietnamese citizens have equal rights in all fields: political, economic and cultural.

#### Article 7

All Vietnamese citizens are equal before the law and are able to participate in the government and in national construction, depending on their own abilities and virtues.

#### Article 8

Besides equality in rights, national minorities receive help in all areas in order to keep pace with the general level of the country.

#### Article 9

Women are equal in rights to men in all fields.

#### Article 10

A Vietnamese citizen has the rights to freedoms

- of speech;
- of the press;
- of association and meeting;
- of belief;
- of residence and of travel in the country and abroad.

#### Article 11

No Vietnamese citizen shall be arrested and detained without a judicial decision. The residence and correspondence of Vietnamese citizens shall not be violated by anyone contrary to law.

#### Article 12

The right to ownership of property is guaranteed to the Vietnamese citizen.

#### Article 13

The rights of intellectual and manual workers are guaranteed.

#### **Article 14**

Old and handicapped people, incapable of working, shall enjoy assistance. Children shall receive support in their education.

#### **Article 15**

Primary education shall be compulsory and free of charge.

In local primary schools, citizens of ethnic minorities shall have the right to be educated in their own languages.

Poor school-children shall be assisted by the Government.

Private schools shall be free to operate, and must teach in accordance with the State programme.

#### **Article 16**

Persons outside the country struggling for democracy and freedom who must flee may stay in the country of Vietnam.

### **C. ELECTION, REVOCATION AND REFERENDUM**

#### **Article 17**

The electoral regime shall be universal suffrage.

Voting shall be free, direct and secret.

#### **Article 18**

All Vietnamese citizens aged 18 and above, irrespective of sex, have the right to vote, except insane persons and those deprived of civil rights.

Candidates for election must be persons who have the right to vote, are at least 21 years of age, and know how to read and write the national language.

Citizens serving in the Army also have the right to vote and to stand as candidates for election.

#### **Article 19**

Modalities of election shall be defined by law.

#### **Article 20**

The people have the right to recall their representatives whom they elected, according to Articles 41 and 61.

#### **Article 21**

The people have the right to referendum on the Constitution and on important issues concerning the destiny of the country in accordance with Articles 32 and 70.

### CHAPTER III

## THE NATIONAL ASSEMBLY

#### Article 22

The National Assembly is the highest body of authority of the Democratic Republic of Vietnam.

#### Article 23.

The National Assembly shall decide on all national issues, promulgate laws, vote on the budget, and approve treaties signed by the Government with foreign countries.

#### Article 24

The National Assembly shall be elected by Vietnamese citizens, once every three years, on the basis of fifty thousand persons having one representative.

The number of deputies of main cities and of the regions with ethnic minorities shall be defined by law.

#### Article 25

Deputies shall represent not only their own localities but the whole nation.

#### Article 26

The National Assembly shall determine whether the deputies have been properly elected or not.

The National Assembly shall receive applications for resignation from deputies.

#### Article 27

The National Assembly shall elect one Chairman, two Vice-Chairmen, 12 official members and 3 alternate members to form a Standing Committee.

The Chairman and the Vice-Chairmen of the National Assembly shall concurrently function as Chairman and Vice-Chairmen of the Standing Committee.

#### Article 28

The National Assembly's sessions shall be convened twice a year by the Standing Committee, in May and in November.

The Standing Committee may convene an extraordinary session if necessary.

The Standing Committee shall convoke the National Assembly at the request of one third of the total number of deputies, or of the Government.

#### Article 29

There must be more than half of the members in attendance for the meeting to make a decision.

The meeting shall make decisions with a majority of the deputies present.

However, in case of a declaration of war, the decision must be approved by two-thirds of deputies present.

### **Article 30**

Meetings of the National Assembly shall be public. The press shall be authorized to report discussions and decisions of the National Assembly.

In special cases, the National Assembly may decide to hold a closed meeting.

### **Article 31**

The laws approved by the National Assembly must be promulgated by the President of the Democratic Republic of Vietnam not later than 10 days after he receives notification. But within that term the President shall be entitled to request the National Assembly to proceed to a new discussion. If the laws are maintained by the National Assembly after further discussion, the President shall be compelled to promulgate them.

### **Article 32**

Important questions concerning the destiny of the nation shall be submitted to a popular referendum if so agreed by two-thirds of the total number of deputies.

The modalities of referendum shall be defined by law.

### **Article 33**

Whenever two-thirds of the total number of deputies agree, the National Assembly may dissolve itself. The Standing

Committee shall announce the dissolution on behalf of the National Assembly.

### **Article 34**

When the National Assembly has completed its term or if it is not yet completed but is dissolved, the Standing Committee shall continue to hold office until the election of a new National Assembly.

### **Article 35**

Two months before the expiry of the National Assembly, the Standing Committee shall call an election.

The new election shall be completed within two months, before the expiry date of the National Assembly.

When the National Assembly dissolves itself, the Standing Committee shall call a new election immediately. The new election shall be completed in two months after the date of dissolution of the National Assembly.

Not later than one month after the election, the Standing Committee shall convoke the new National Assembly.

In case of war, if the term of office of the National Assembly expires, the National Assembly itself, or the Standing Committee shall be entitled to prolong this term of office for an indefinite time. But the National Assembly shall be elected not later than 6 months after the war ends.

### **Article 36**

When the National Assembly is not sitting, the Standing Committee shall be entitled to:

a) vote for draft decrees and laws of the Government. Those decrees and laws shall be submitted to the National Assembly in the next session for approval or rejection;

b) convoke the National Assembly;

c) control and criticize the Government.

#### **Article 37**

Decisions of the Standing Committee shall not be valid unless a majority of the total number of members votes in favour.

#### **Article 38**

When the National Assembly cannot meet, the Standing Committee, together with the Government shall have the right to take decisions on the declaration or end of war.

#### **Article 39**

At the beginning of every session, after the work report by the Standing Committee, the question of confidence towards the Standing Committee may be put forward at the request of one-fourth of the total number of deputies. The entire Standing Committee shall have to resign in case of non-confidence. Members of the outgoing Standing Committee may be re-elected.

#### **Article 40**

Deputies to the National Assembly shall not be arrested or prosecuted without the consent of the National Assembly

or, when the National Assembly is not in session, the consent of the Standing Committee.

A deputy shall not be prosecuted because of statements made or votes in the sessions of the National Assembly.

In case of being caught violating the law, the Government may arrest a deputy immediately, but not later than 24 hours, the Government must inform the Standing Committee. The National Assembly or the Standing Committee shall take a decision.

When a deputy loses his eligibility, at the same time he loses his status as deputy

#### **Article 41**

The National Assembly shall consider the issue of recall of a deputy at the request of one-fourth of the total number of electors of the province or city having elected him. The deputy shall have to resign if the revocation is approved by two-thirds of the total number of deputies.

#### **Article 42**

The allowances to deputies shall be defined by the law.



## CHAPTER IV

# THE GOVERNMENT

### Article 43

The highest administrative body of the nation is the Government of the Democratic Republic of Vietnam.

### Article 44

The Government is composed of the President of the Democratic Republic of Vietnam, the Vice-President and the Council of Ministers.

The Council of Ministers shall consist of the Prime Minister, the Ministers and the Vice-Ministers. There may be a Vice-Premier in the Council of Ministers.

### Article 45

The President of the Democratic Republic of Vietnam shall be chosen from among the members of the National Assembly with the consent of two-thirds of the total number of deputies. If the necessary number of votes is not obtained in the first ballot, the second ballot shall be determined by the relative majority.

The term of office of the President of the Democratic Republic of Vietnam is 5 years and he may be re-elected.

Within one month before the term of office of the President expires, the Standing Committee shall convoke the National Assembly to elect a new President.

### Article 46

The Vice-President of the Democratic Republic of Vietnam shall be chosen from among the members of the National Assembly and elected according to ordinary procedures.

The term of office of the Vice-President shall be that of the National Assembly.

The Vice-President shall assist the President.

In case the President dies or resigns, the Vice-President assumes the President temporarily. Within two months, the election of a new President shall be undertaken.

### Article 47

The President of the Democratic Republic of Vietnam shall choose the Prime Minister from among the deputies to the National Assembly and submit his choice to the National Assembly for vote. In case of winning the confidence of the National Assembly, the Prime Minister shall choose the Ministers from among the deputies to the National Assembly and submit the whole list of Ministers to the National Assembly for a vote. The Vice-Ministers may be chosen from outside the National Assembly and recommended by the Prime Minister to the Government Council for approbation.

Members of the Standing Committee of the National Assembly shall not participate in the Government.

#### **Article 48**

If there is a vacancy in any ministerial portfolio, the Prime Minister, with the agreement of the Standing Committee, shall immediately nominate an interim minister until the National Assembly meets and approves.

#### **Article 49**

The authority of the President of the Democratic Republic of Vietnam shall be:

- a) to represent the country;
- b) to assume the function of Commander-in-chief of the National Army, to nominate or dismiss generals and high-ranking officers of the Infantry, the Navy and the Air Force;
- c) to sign decrees to nominate the Prime Minister, the members of the Council of Ministers and the high-ranking officials of governmental agencies;
- d) to preside over the Government Council;
- e) to promulgate the laws voted by the National Assembly;
- f) to award medals and diplomas of honour;
- g) to promulgate special amnesties;
- h) to sign treaties with other countries;
- i) to accredit Vietnamese diplomatic representatives abroad and receive diplomatic representatives from other countries;
- j) to declare war or the end of war in accordance with the provisions of Article 38.

#### **Article 50**

The President of the Democratic Republic of Vietnam shall bear no responsibility, except in case of high treason.

#### **Article 51**

When the President, the Vice-President, or a member of the Council of Ministers is prosecuted, the National Assembly shall organize a special court for judgment.

The arrest and prosecution of a member of the Council of Ministers for a common offence shall be undertaken with the authorization of the Government Council.

#### **Article 52**

The authority of the Government shall be:

- a) to execute the laws and decisions of the National Assembly;
- b) to submit drafts of laws to the National Assembly;
- c) to submit drafts of decrees in Council to the Standing Committee in special cases and when the National Assembly is not in session;
- d) to cancel orders and decisions taken by lower agencies if necessary;
- e) to appoint or dismiss the personnel of administrative and specialized agencies;
- f) to execute the law on military mobilization and all means necessary for the defence of the country;
- g) to establish the draft budget every year.

### **Article 53**

Every decree issued by the Government shall be signed by the President of the Democratic Republic of Vietnam and, depending on the attributions of Ministries, counter-signed by one or more Ministers who shall be responsible before the National Assembly.

### **Article 54**

Any Minister who does not obtain the confidence of the National Assembly shall have to resign.

The whole Council of Ministers shall not be jointly responsible for the acts of a Minister.

The Prime Minister shall be responsible for the political line of the Council of Ministers. But the National Assembly only must vote on the issue of confidence when it is put forward by the Prime Minister, the Standing Committee or one-fourth of the deputies.

Within 24 hours after the vote by the National Assembly of non confidence in the Council of Ministers, the President of Vietnam has the right to submit the issue to the National Assembly for discussion again. The second discussion shall be organized at least 48 hours after the first discussion.

After losing confidence in this vote the Council of Ministers must resign.

### **Article 55**

The Ministers shall have to give verbal or written answer to questions by the National Assembly or its Standing Committee.

An answer shall be given within 10 days after the receipt of question.

### **Article 56**

When the term of office of the National Assembly expires or the National Assembly dissolves itself, the Council of Ministers shall remain in power until the new National Assembly meets.

## CHAPTER V

# PEOPLE'S COUNCILS AND ADMINISTRATIVE COMMITTEES

### Article 57

Vietnam shall be administratively divided into 3 *bo*: Bac Bo, Trung Bo and Nam Bo.<sup>1</sup> Each *bo* shall be divided into provinces, each province into districts and each district into communes.

### Article 58

In provinces, cities, provincial towns and communes, People's Councils shall be elected by universal and direct suffrage.

The People's Councils of provinces, cities, provincial towns and communes shall appoint their Administrative Committees.

In every *bo* and district shall be established an Administrative Committee. The Administrative Committee of a *bo* shall be elected by the People's Councils of provinces and cities. The Administrative Committee of a district shall be elected by the People's Councils of communes.

<sup>1</sup> See note on page 13

### Article 59

The People's Council shall decide on problems belonging to its own locality. Those decisions shall not go counter to the directives of higher authorities.

The Administrative Committee shall be responsible for:

- a) executing orders from higher authorities;
- b) executing decisions of the People's Council of its locality, after approbation by higher authorities;
- c) controlling administrative affairs of its locality.

### Article 60

The Administrative Committee shall be responsible to higher authorities and to the People's Council of its locality.

### Article 61

Members of People's Councils and Administrative Committees may be recalled.

The procedures of revocation shall be defined by law.

### Article 62

A law shall define the details of organization of People's Councils and Administrative Committees.

CHAPTER VI  
JUDICIAL BODIES

**Article 63**

The judicial bodies of the Democratic Republic of Vietnam shall comprise:

- a) the Supreme Court;
- b) the Courts of Appeal;
- c) the courts of second and first instance.

**Article 64**

Judges shall be appointed by the Government.

**Article 65**

In the judgment of penal cases, there shall be people's assessors to express their views in minor cases, or to jointly take decisions with judges in criminal cases.

**Article 66**

Citizens of ethnic minorities shall be entitled to use their own languages before the court.

**Article 67**

Meetings of the court shall be public, except in special circumstances.

The defendant shall be entitled to defend himself or to hire a barrister.

**Article 68**

Acts of torturing, violence and persecution against accused and condemned persons are prohibited.

**Article 69**

In judgment, judges shall obey only the law. Other agencies shall not interfere with the judgment.



## CHAPTER VII

# AMENDMENT OF THE CONSTITUTION

### Article 70

Amendments to the Constitution shall follow the following modalities:

- a) The amendments shall be requested by two-thirds of the total number of deputies;
- b) The National Assembly shall elect a committee to draft the articles to be changed;
- c) The articles to be changed after approval by the National Assembly must be submitted to a national referendum.



# CONSTITUTION OF THE DEMOCRATIC REPUBLIC OF VIETNAM

1959

*Adopted by the National Assembly  
of the Democratic Republic of  
Vietnam, 1st Legislature, 11th  
session, on December 31, 1959*

## PREAMBLE

Vietnam is a single entity from Lang Son to Ca Mau.

The Vietnamese people, throughout their thousands of years of history, have been an industrious working people who have struggled unrelentingly and heroically to build their country and to defend the independence of their Fatherland.

Throughout more than eighty years of French colonial rule and five years of occupation by the Japanese fascists, the Vietnamese people consistently united and struggled against domination by the foreign aggressors in order to liberate their country.

From 1930 onwards, under the leadership of the Indochinese Communist Party - now the Vietnam Lao dong Party - the Vietnamese revolution advanced into a new stage. The persistent struggle, full of hardship and heroic sacrifice, of our people against imperialist and feudal domination won great success: the August Revolution was victorious, the Democratic Republic of Vietnam was founded, and, on September 2, 1945, President Ho Chi Minh proclaimed Vietnam's independence to the people and the world. For the first time in their history, the Vietnamese people had founded an independent and democratic Vietnam.

On January 6, 1946, the entire Vietnamese people, from North to South, enthusiastically took part in the first general elections to the National Assembly. The National Assembly

adopted the first Constitution, which clearly recorded the great successes of our people and highlighted the determination of the entire nation to safeguard the independence and unity of the Fatherland and to defend the freedom and democratic rights of the people.

However, the French imperialists, assisted by the US imperialists, again provoked an aggressive war in an attempt to seize our country and once more enslave our people. Under the leadership of the Vietnamese Workers' Party and the Government of the Democratic Republic of Vietnam, our entire people, united as one, rose to fight the aggressors and save their country. At the same time, our people carried out land rent reduction and land reform with the aim of overthrowing the landlord class, and restoring the land to those who till it. The long, hard and extremely heroic war of resistance of the Vietnamese people, which enjoyed the sympathy and support of the socialist countries, of the oppressed peoples and of friends of peace throughout the world, won glorious victory. With the Dien Bien Phu victory, the Vietnamese people defeated the French imperialists and US interventionists. The 1954 Geneva Agreements were concluded: peace was restored in Indochina on the basis of recognition of the independence, sovereignty, unity and territorial integrity of our country.

This major success of the Vietnamese people was also a common success of the liberation movement of the oppressed peoples, of the world front of peace and of the socialist camp.

Since the restoration of peace, in completely liberated north Vietnam, our people have carried through the national people's democratic revolution. But the South is still under

the rule of the imperialists and feudalists; our country is still temporarily divided into two zones.

The Vietnamese revolution has moved into a new position. Our people must endeavour to consolidate the North, taking it towards socialism; and to carry on the struggle for peaceful reunification of the country and completion of the tasks of the national people's democratic revolution throughout the country.

In the last few years, our people in the North have achieved many big successes in economic rehabilitation and cultural development. At present, socialist transformation and construction are being successfully carried out.

Meanwhile, in the South, the US imperialists and their henchmen have been savagely repressing the patriotic movement of our people. They have been strengthening military forces, and carrying out their scheme of turning the southern part of our country into a colony and military base for their war preparations. They have resorted to all possible means to sabotage the Geneva Agreements and undermine the cause of Vietnam's reunification. But our southern compatriots have constantly struggled heroically and refused to submit to them. The people throughout the country, united as one, are holding aloft the banner of peace, national unity, independence and democracy, resolved to march forward and win final victory. The cause of the peaceful reunification of the Fatherland will certainly be victorious.

\*

\* \*

In the new stage of the revolution, our National Assembly must amend the 1946 Constitution in order to adapt it to the new situation and tasks.

The new Constitution clearly records the great revolutionary gains in the recent past, and clearly indicates the goal of struggle of our people in the new stage.

Our State is a people's democratic State based on the alliance between the workers and peasants and led by the working class. The new constitution defines the political, economic and social system of our country, the relations of equality and mutual assistance among the various nationalities in our country, and provides for the taking of the North towards socialism, the constant improvement of the material and cultural life of the people and the building of a stable and strong North Vietnam as a basis for the struggle for the peaceful reunification of the country.

The new Constitution defines the responsibilities and powers of the State organs and the rights and duties of citizens, with a view to developing the great creative potentialities of our people in national construction and in the reunification and defence of the Fatherland.

The new Constitution is a genuinely democratic Constitution. It is a force inspiring the people throughout our country to march forward enthusiastically and win new successes. Our people are resolved to develop further their patriotism, their tradition of solidarity, their determination to struggle and their ardour in work. Our people are resolved to strengthen further solidarity and unity of mind with the brother countries in the socialist camp headed by the great Soviet Union, and to strengthen solidarity with

the peoples of Asia and Africa and peace-loving people all over the world.

Under the clearsighted leadership of the Vietnam Lao dong Party, the Government of the Democratic Republic of Vietnam and President Ho Chi Minh, our entire people, broadly united within the National United Front, will surely win glorious success in the building of socialism in North Vietnam and the struggle for national reunification. Our people will surely be successful in building a peaceful, unified, independent, democratic, prosperous and strong Vietnam, making a worthy contribution to the safeguarding of peace in South-east Asia and the world.

## CHAPTER I

# THE DEMOCRATIC REPUBLIC OF VIETNAM

### Article 1

The territory of Vietnam is a single, indivisible whole from North to South.

### Article 2

The Democratic Republic of Vietnam, established and consolidated as a result of victories won by the Vietnamese people in the glorious August Revolution and the heroic Resistance, is a people's democratic State.

### Article 3

The Democratic Republic of Vietnam is a single multi-national State.

All the nationalities living on Vietnamese territory are equal in rights and duties. The State has the duty to maintain and develop the solidarity between the various nationalities. All acts of discrimination against, or oppression of any nationality, all actions which undermine the unity of the nationalities, are strictly prohibited.

All nationalities have the right to preserve or reform their own customs and habits, to use their spoken and written languages, and to develop their own national culture.

Autonomous zones may be established in areas where people of national minorities live in compact communities. Such autonomous zones are inalienable parts of the Democratic Republic of Vietnam.

The State strives to help the national minorities to make rapid progress and to keep pace with the general economic and cultural advance.

### Article 4

All power in the Democratic Republic of Vietnam belongs to the people. The people exercise power through the National Assembly and the People's Councils at all levels elected by the people and responsible to the people.

The National Assembly, the People's Councils at all levels and the other organs of State practise democratic centralism.

### Article 5

Election of deputies to the National Assembly and the People's Councils at all levels proceeds on the principle of universal, equal, direct and secret suffrage.

Deputies to the National Assembly and People's Councils at all levels may be recalled by their constituent before their term of office expires if they show themselves to be unworthy of the confidence of the people.



#### **Article 6**

All organs of State must rely on the people, maintain close contact with them, heed their opinions and accept their supervision.

All personnel of organs of State must be loyal to the people's democratic system, observe the Constitution and the law, and wholeheartedly serve the people.

#### **Article 7**

The State strictly prohibits and punishes all acts of treason, opposition to the people's democratic system, or opposition to the reunification of the Fatherland.

#### **Article 8**

The armed forces of the Democratic Republic of Vietnam belong to the people; their duty is to safeguard the gains of the revolution, and defend the independence, sovereignty, territorial integrity and security of the Fatherland, and the freedom, happiness and peaceful labour of the people.

## **CHAPTER II**

# **ECONOMIC AND SOCIAL SYSTEM**

#### **Article 9**

The Democratic Republic of Vietnam is advancing step by step from people's democracy to socialism by developing and transforming the national economy along socialist lines, transforming its backward economy into a socialist economy with modern industry and agriculture, and an advanced science and technology.

The fundamental aim of the economic policy of the Democratic Republic of Vietnam is continuously to develop the productive forces with the aim of raising the material and cultural standards of the people.

#### **Article 10**

The State leads all economic activities according to a unified plan.

The State relies on the organs of State, trade union organizations, co-operatives and other organizations of the working people, to elaborate and carry out its economic plans.

#### **Article 11**

In the Democratic Republic of Vietnam, during the present period of transition to socialism, the main forms of ownership

of means of production are: State ownership, that is, ownership by the whole people; co-operative ownership, that is, collective ownership by the working masses; ownership by individual working people; and ownership by the national capitalists

#### **Article 12**

The State sector of the economy, which is a form of ownership by the whole people, plays the leading role in the national economy. The State ensures priority for its development.

All mineral resources and waters, and all forests, undeveloped land, and other resources defined by law as belonging to the State, are the property of the whole people.

#### **Article 13**

The co-operative sector of the economy is a form of collective ownership by the working masses.

The State especially encourages, guides and helps the development of the co-operative sector of the economy.

#### **Article 14**

The State by law protects the right of peasants to own land and other means of production.

The State actively guides and helps peasants to improve farming methods and increase production, and encourages them to organize producers', supply and marketing, and credit co-operatives, in accordance with the principle of voluntariness.

#### **Article 15**

The State by law protects the right of handicraftsmen and other individual working people to own means of production.

The State actively guides and helps handicraftsmen and other individual working people to improve their enterprises, and encourages them to organize producers' and supply and marketing co-operatives in accordance with the principle of voluntariness.

#### **Article 16**

The State by law protects the right of national capitalists to own means of production and other capital.

The State actively guides the national capitalists in carrying out activities beneficial to national welfare and the people's livelihood, contributing to the development of the national economy, in accordance with the economic plan of the State. The State encourages and guides the national capitalists in following the path of socialist transformation through the form of joint State-private enterprises, and other forms of transformation.

#### **Article 17**

The State strictly prohibits the use of private property to disrupt the economic life of society, or to undermine the economic plan of the State.

#### **Article 18**

The State protects the right of citizens to possess lawfully-earned incomes, savings, houses, and other private means of life.

#### **Article 19**

The State by law protects the right of citizens to inherit private property.

#### **Article 20**

Only when such action is necessary in the public interest, does the State repurchase, requisition or nationalize with appropriate compensation means of production in city or countryside within the limits and in the conditions defined by law.

#### **Article 21**

Labour is the basis on which the people develop the national economy and raise their material and cultural standards.

Labour is a duty and a matter of honour for every citizens.

The State encourages the creativeness and the enthusiasm in labour of workers by hand and brain.

### **CHAPTER III**

## **FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS**

#### **Article 22**

Citizens of the Democratic Republic of Vietnam are equal before the law.

#### **Article 23**

Citizens of the Democratic Republic of Vietnam who have reached the age of eighteen have the right to vote, and those who have reached the age of twenty-one have the right to stand for election, whatever their nationality, race, sex, social origin, religion, belief, property status, education, occupation, or length of residence, except insane persons and persons deprived by a court or by law of the right to vote and stand for election.

Citizens serving in the army have the right to vote and stand for election.

#### **Article 24**

Women in the Democratic Republic of Vietnam enjoy equal rights with men in all spheres of political, economic, cultural, social and domestic life.

For equal work, women enjoy equal pay with men. The State ensures that women workers and office employees have fully-paid periods of leave before and after child birth.

The State protects the mother and child and ensures the development of maternity hospitals, creches and kindergartens.

The State protects marriage and the family.

#### **Article 25**

Citizens of the Democratic Republic of Vietnam enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association and freedom of demonstration. The State guarantees all necessary material conditions for citizens to enjoy these freedom.

#### **Article 26**

Citizens of the Democratic Republic of Vietnam enjoy freedom of religious belief; they may practise or not practise a religion.

#### **Article 27**

Freedom of the person of citizens of the Democratic Republic of Vietnam is guaranteed. No citizen may be arrested except by decision of a people's court or with the sanction of a People's Organ of Control.

#### **Article 28**

The law guarantees the inviolability of the homes of the citizens of the Democratic Republic of Vietnam and inviolability of mail.

Citizens of the Democratic Republic of Vietnam enjoy freedom of residence and movement.

#### **Article 29**

Citizens of the Democratic Republic of Vietnam have the right to complain of and denounce to any organ of State any servant of the State for transgression of law. These complaints and denunciations must be investigated and dealt with rapidly. People suffering loss owing to infringement by servants of the State of their rights as citizens are entitled to compensation.

#### **Article 30**

Citizens of the Democratic Republic of Vietnam have the right to work. To guarantee to citizens enjoyment of this right, the State, by planned development of the national economy, gradually creates more employment and better working conditions and wages.

#### **Article 31**

Working people have the right to rest. To guarantee to working people enjoyment of this right, the State prescribes working hours and holidays for workers and office employees, and gradually expands material facilities to enable working people to rest and build up their health.

#### **Article 32**

Citizens of the Democratic Republic of Vietnam have the right to education. To guarantee to citizens enjoyment of this right, the State enforces step by step the system of

compulsory education, gradually extends the various types of schools and other cultural institutions, extends the various forms of supplementary cultural, technical, and professional education in public services and factories, and in other organizations in town and countryside.

#### **Article 34**

Citizens of the Democratic Republic of Vietnam enjoy freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The State encourages and assists creative work in science, literature, art and other cultural pursuits.

#### **Article 35**

The State pays special attention to the moral, intellectual and physical education of youth.

#### **Article 36**

The State protects the proper rights and interests of Vietnamese resident abroad.

#### **Article 37**

The Democratic Republic of Vietnam grants the right of asylum to any foreign national persecuted for demanding freedom, for supporting a just cause, for taking part in the peace movement, or for engaging in scientific activity.

#### **Article 38**

The State forbids any person to use democratic freedoms to the detriment of the interests of the State and of the people.

#### **Article 39**

Citizens of the Democratic Republic of Vietnam must abide by the Constitution and the law, uphold discipline at work, keep public order and respect social ethics.

#### **Article 40**

The public property of the Democratic Republic of Vietnam is sacred and inviolable. It is the duty of every citizen to respect and protect public property.

#### **Article 41**

Citizens of the Democratic Republic of Vietnam have the duty to pay taxes according to law.

#### **Article 42**

To defend the Fatherland is the most sacred and noble duty of citizens of the Democratic Republic of Vietnam.

It is the duty of citizens to perform military service in order to defend the Fatherland.



#### CHAPTER IV

### THE NATIONAL ASSEMBLY

#### Article 43

The National Assembly is the highest organ of State authority in the Democratic Republic of Vietnam.

#### Article 44

The National Assembly is the only legislative authority of the Democratic Republic of Vietnam.

#### Article 45

The term of office of the National Assembly is four years.

A new National Assembly must be elected two months before the term of office of the sitting National Assembly expires.

The electoral procedure and the number of deputies are prescribed by law.

In the event of war or other exceptional circumstances, the National Assembly may decide to prolong its term of office and take necessary measures to ensure its activities those of deputies.

#### Article 46

The National Assembly meets twice a year, convened by its Standing Committee. The Standing Committee of the National Assembly may convene extraordinary sessions of the National Assembly according to its decisions, or at the request of the Council of Ministers, or of a minimum of one-third of the total number of deputies.

The Standing Committee of the National Assembly must, convene the new National Assembly not later than two months after the election.

#### Article 47

When the National Assembly meets, it elects a presidium to conduct its sittings.

#### Article 48

Laws and other decisions of the National Assembly require a simple majority vote of all deputies to the National Assembly, except for the case specified in Article 112 of the Constitution.

#### Article 49

Laws must be promulgated not later than fifteen days after their adoption by the National Assembly.

#### Article 50

The National Assembly exercises the following functions:

1. To enact and amend the Constitution;
2. to enact laws;

3. to supervise the enforcement of the Constitution;
4. to elect the President and Vice-President of the Democratic Republic of Vietnam;
5. to choose the Prime Minister of the Government upon the recommendation of the President of the Democratic Republic of Vietnam and the Vice-Premiers and the other component members of the Council of Ministers upon the recommendation of the Prime Minister;
6. to choose the Vice-President and the other component members of the National Defence Council upon the recommendation of the President of the Democratic Republic of Vietnam;
7. to elect the President of the Supreme People's Court;
8. to elect the Procurator general of the Supreme People's Organ of Control;
9. to remove the President and Vice-President of the Democratic Republic of Vietnam, the Prime Minister, the Vice-Premiers and the other component members of the National Defence Council, the President of the Supreme People's Court and the Procurator General of the Supreme People's Organ of Control;
10. to decide upon national economic plans;
11. to examine and approve the State budget and the financial report;
12. to fix taxes;
13. to decide the establishment and abolition of ministries and of organs having a status equal to that of a ministry;

14. to ratify the boundaries of provinces, autonomous regions and municipalities directly under the central authority;
15. to decide on general amnesties;
16. to decide on questions of war and peace; and
17. to exercise other necessary functions as defined by the National Assembly.

#### Article 51

The Standing Committee of the National Assembly is a permanent executive body of the National Assembly and is elected by it. The Standing Committee is composed of:

- the Chairman;
- the Vice-Chairmen;
- the Secretary General; and
- other members.

#### Article 52

The Standing Committee of the National Assembly is responsible to the National Assembly and reports to it.

The National Assembly has power to remove any member of the Standing Committee.

#### Article 53

The Standing Committee of the National Assembly exercises the following functions:

1. to proclaim and conduct the election of deputies to the National Assembly;

2. to convene the National Assembly;
3. to interpret the laws;
4. to enact decrees;
5. to decide on referenda;
6. to supervise the work of the Council of Ministers, the Supreme People's Court and the Supreme People's Organ of Control;
7. to revise or annul decisions, orders and directives of the Council of Ministers which contravene the Constitution, laws and decrees; to revise or annul inappropriate decisions issued by the People's Councils of provinces, autonomous regions and municipalities directly under the central authority; and to dissolve the above-mentioned People's Councils if they do serious harm to the people's interests;
8. to decide on the appointment or removal of the Vice-Premiers and the other component member of the Council of Ministers when the National Assembly is not in session;
9. to appoint or remove the Vice-Presidents and judges of the Supreme People's Court;
10. to appoint or remove the Deputy Procurators General and procurators of the Supreme People's Organ of Control;
11. to decide on the appointment or removal of plenipotentiary diplomatic representatives of the Democratic Republic of Vietnam to foreign States;
12. to decide on the ratification or abrogation of treaties concluded with foreign States, except when the Standing Committee considers it necessary to refer such ratification or abrogation to the National Assembly for decision;

13. to decide on military, diplomatic and other grades and ranks;
14. to decide on the granting of pardons;
15. to institute and decide on the award of state orders, medals and titles of honour;
16. to decide, when the National Assembly is not in session, on the proclamation of a state of war in the event of armed attack on the country;
17. to decide on general or partial mobilization;
18. to decide on the enforcement of martial law throughout the country or in certain areas.

Apart from these functions, the National Assembly may, when necessary, invest the Standing Committee with other functions.

#### **Article 54**

The decisions of the Standing Committee of the National Assembly must be approved by a simple majority vote of its members.

#### **Article 55**

The Standing Committee of the National Assembly exercises its functions until a new Standing Committee is elected by the succeeding National Assembly.

#### **Article 56**

The National Assembly elects a Commission for examination of the qualifications of deputies to the National Assembly. The National Assembly will base itself on the reports of this commission in deciding on the recognition of the qualifications of deputies.

#### **Article 57**

The National Assembly establishes a Law Drafting Committee, a Planning Board and Budget Commission, and other Committees which the National Assembly deems necessary to assist the National Assembly and its Standing Committee.

#### **Article 58**

The National Assembly, or its Standing Committee when the National Assembly is not in session, may, if necessary, appoint commissions of inquiry to investigate specific questions.

All organs of State, people's organizations and citizens concerned are required to supply all information necessary to these commissions when they conduct investigations.

#### **Article 59**

Deputies to the National Assembly have the right to address questions to the Council of Ministers and to organs under the authority of the Council of Ministers.

The organs to which questions are put are obliged to answer within a period of five days. In the event of investigations having to be carried out, the answer must be given within one month.

#### **Article 60**

No deputy to the National Assembly may be arrested or tried without the consent of the National Assembly or, when the National Assembly is not in session, of its Standing Committee.

### **CHAPTER V**

## **THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF VIETNAM**

#### **Article 61**

The President of the Democratic Republic of Vietnam is the representative of the Democratic Republic of Vietnam in internal affairs as well as in foreign relations.

#### **Article 62**

The President of the Democratic Republic of Vietnam is elected by the National Assembly of the Democratic Republic of Vietnam. Any citizen of the Democratic Republic of Vietnam who has reached the age of thirty-five is eligible to stand for election as President of the Democratic Republic of Vietnam.

The term of office of the President of the Democratic Republic of Vietnam corresponds to that of the National Assembly.

#### **Article 63**

The President of the Democratic Republic of Vietnam, in pursuance of decisions of the National Assembly or its Standing Committee, promulgates laws and decrees; appoints or removes the Prime Minister, the Vice-Premiers and the

other component members of the Council of Ministers; appoints or removes the Vice-President and the other component members of the National Defence Council; promulgates general amnesties and grants pardons; confers orders, medals and titles of honour of the State; proclaims and state of war; orders general or partial mobilization; and proclaims martial law.

#### **Article 64**

The President of the Democratic Republic of Vietnam receives plenipotentiary representatives of foreign States; and, in pursuance of decisions of the National Assembly or its Standing Committee, ratifies treaties concluded with foreign States, appoints or recalls plenipotentiary representatives of the Democratic Republic of Vietnam to foreign States.

#### **Article 65**

The President of the Democratic Republic of Vietnam is the supreme commander of the armed forces of the country, and is President of the National Defence Council.

#### **Article 66**

The President of the Democratic Republic of Vietnam has power, when necessary, to attend and preside over the meetings of the Council of Ministers.

#### **Article 67**

The President of the Democratic Republic of Vietnam, when necessary, convenes and presides over the Special Political Conference.

The Special Political Conference is composed of the President and Vice-President of the Democratic Republic of Vietnam, the Chairman of the Standing Committee of the National Assembly, the Prime Minister and other persons concerned.

The Special Political Conference examines major problems of the country. The President of the Democratic Republic of Vietnam submits the view of this conference to the National Assembly, the Standing Committee of the National Assembly, the Council of Ministers or other bodies concerned, for their consideration and decision.

#### **Article 68**

The Vice-President of the Democratic Republic of Vietnam assists the President in his duties. The Vice-President may exercise such part of functions of the President as the President may entrust to him.

The provisions governing the election and term of office of the President apply also to the election and term of office of the Vice-President.

#### **Article 69**

The President and Vice-President of the Democratic Republic of Vietnam exercise their functions until the new President and Vice-President take office.

#### **Article 70**

Should the President of the Democratic Republic of Vietnam be incapacitated for a prolonged period by reason

of ill health, the functions of President shall be exercised by the Vice-President.

Should the office of President of the Democratic Republic of Vietnam fall vacant, the Vice-President shall fulfil the functions of President until the election of a new President.

## CHAPTER VI

# THE COUNCIL OF MINISTERS

### Article 71

The Council of Ministers is the executive organ of the highest organ of State authority; it is the highest administrative organ of the Democratic Republic of Vietnam.

The Council of Ministers is responsible to the National Assembly and reports to it, or, when the National Assembly is not in session, to the Standing Committee of the National Assembly.

### Article 72

The Council of Ministers is composed of:

- the Prime Minister;
- the Vice-Premiers;
- the Ministers;
- the Heads of State Commissions; and
- the Director-General of the National Bank.

The organization of the Council of Ministers is determined by law.

### Article 73

Basing itself on the Constitution, laws and decrees, the Council of Ministers formulates administrative measures, issues decisions and orders and verifies their execution.

### Article 74

The Council of Ministers exercises the following functions:

1. to submit draft laws, draft decrees and other drafts to the National Assembly and the Standing Committee of the National Assembly;
2. to centralize the leadership of the Ministries and organs of State under the authority of the Council of Ministers;
3. to centralize the leadership of the administrative committees at all levels;
4. to revise or annul inappropriate decisions of the Ministries, and organs of State under the authority of the Council of Ministers; to revise or annul inappropriate decisions of administrative organs at all levels;
5. to suspend the execution of inappropriate decisions of the People's Councils of provinces, autonomous zones and municipalities directly under the central authority, and recommend to the Standing Committee of the National Assembly revision or annulment of these decisions;
6. to put into effect the national economic plans and the provisions of the State budget;
7. to control home and foreign trade;
8. to direct cultural and social work;

9. to safeguard the interests of the State, to maintain public order, and to protect the rights and interests of citizens;

10. to lead the building of the armed forces of the State;

11. to direct the conduct of external relations;

12. to administer affairs concerning the nationalities;

13. to ratify territorial boundaries of administrative areas below the provincial level;

14. to carry out the order of mobilization, martial law, and all other necessary measures to defend the country;

15. to appoint and remove personnel of organs of State, according to provisions of law.

Besides these functions the National Assembly or its Standing Committee may invest the Council of Ministers with other functions.

### Article 75

The Prime Minister presides over the meetings of the Council of Ministers and leads its work. The Vice-Premiers assist the Prime Minister in his work and may replace him in the event of his absence.

### Article 76

The Ministers and heads of organs of State under the authority of the Council of Ministers lead the work of their respective departments under the unified leadership of the Council of Ministers.

Within the jurisdiction of their respective departments, in accordance with and in pursuance of laws and decrees,

decisions, orders and directives of the Council of Ministers, they may issue orders and directives and supervise their execution.

#### **Article 77**

In the discharge of their functions, members of the Council of Ministers bear responsibility before the law for such acts as contravene the Constitution and the law and do harm to the State or the people.

### **CHAPTER VII**

## **THE LOCAL PEOPLE'S COUNCILS AND THE LOCAL ADMINISTRATIVE COMMITTEES AT ALL LEVELS**

#### **Article 78**

The administrative division of the Democratic Republic of Vietnam is as follows:

The country is divided into provinces, autonomous zones and municipalities directly under the central authority.

Provinces are divided into districts, cities and towns.

Districts are divided into villages and townlets.

Administrative units in autonomous zones will be determined by law.

#### **Article 79**

People's Councils and administrative Committees are established in all the above mentioned administrative units.

Cities may be divided into wards with a ward People's Council and administrative Committee, according to decision of the Council of Ministers.



#### **Article 80**

Local People's Councils at all levels are the organs of State authority in their respective areas.

People's Councils at all levels are elected by the local people and are responsible to them.

#### **Article 81**

The term of office of the People's Councils of provinces, autonomous zones and municipalities directly under the central authority is three years.

The term of office of the People's Councils of districts, cities, towns, villages, townlets and wards is two years.

The term of office of the People's Councils at all levels in autonomous zones is fixed by law.

The electoral procedure and the number of representatives to People's Councils at all levels are determined by law.

#### **Article 82**

The People's Councils ensure observance and execution of State laws in their respective areas; draw up plans for local economic and cultural development and public works; examine and approve local budgets and financial reports; maintain public order and security in their areas; protect public property, protect the rights of citizens and safeguard the equal rights of the nationalities.

#### **Article 83**

The local People's Councils issue decisions for execution in their areas on the basis of State law and of decisions taken at higher levels.

#### **Article 84**

The People's Councils elect administrative Committees and have power to recall members of administrative Committees.

The People's Councils elect, and have power to recall, the presidents of the People's Courts at corresponding levels.

#### **Article 85**

The People's Councils have power to revise or annul inappropriate decisions issued by administrative Committees at corresponding levels as well as inappropriate decisions issued by People's Councils and administrative Committees at the next lower level.

#### **Article 86**

The People's Councils at all levels have power to dissolve People's Councils at the next lower level when the latter do serious harm to the people's interests. Such a decision must be ratified by the People's Council at the next higher level prior to its application. A decision of dissolution issued by the People's Councils of provinces, autonomous zones and municipalities directly under the central authority is subject to endorsement by the Standing Committee of the National Assembly prior to its application.

#### **Article 87**

The administrative Committees at all levels are the executive organs of the local People's Councils at corresponding levels, and are the administrative organs of State in their respective areas.

### Article 88

The administrative Committee is composed of President, one or several Vice-Presidents, a secretary, and a number of committee members.

The term of office of an administrative Committee is the same as that of the People's Council which elected it.

On the expiration of the term of office of the People's Council or in the event of its dissolution, the administrative Committee continues to exercise the above functions until a new People's Council has elected a new administrative Committee.

The organization of administrative Committees at all levels is determined by law.

### Article 89

The administrative Committees at all levels direct the administrative work in their respective areas, carry out the decisions issued by People's Councils at corresponding levels and the decisions and orders issued by organs of State at higher levels.

The administrative Committees at all levels, within the limits of the authority prescribed by law, issue decisions and orders and verify their execution.

### Article 90

The administrative Committees at all levels direct the work of their subordinate departments and the work of administrative Committees at lower levels.

The administrative Committees at all levels have power to revise or annul inappropriate decisions of their subordinate departments and of administrative Committees at lower levels.

The administrative Committees at all levels have power to suspend the carrying out of inappropriate decisions of People's Councils at the next lower level, and to propose to People's Councils at corresponding levels the revision or annulment of such decisions.

### Article 91

The administrative Committees at all levels are responsible to the People's Councils at corresponding levels and to the administrative organs of State at the next higher level and shall report to these bodies.

The administrative Committees at all levels are placed under the leadership of the administrative Committees at the next higher level, and under the unified leadership of the Council of Ministers.

## THE PEOPLE'S COUNCILS AND ADMINISTRATIVE COMMITTEES IN AUTONOMOUS ZONES

### Article 92

The organization of the People's Councils and administrative Committees in autonomous zones are based on the basic principles governing the organization of the People's Councils and administrative Committees at all levels, as defined above.

#### **Article 93**

In the autonomous zones where a number of nationalities live together, they are entitled to appropriate representation on the People's Councils.

#### **Article 94**

The People's Council and the administrative Committees in autonomous zones work out plans for economic and cultural development suited to the local conditions, administer their local finances, and organize their local self-defence and public security forces, within the limits of autonomy prescribed by law.

#### **Article 95**

The People's Councils in autonomous zones may, within the limits of autonomy, and basing themselves on the political, economic and cultural characteristics of the nationalities in their respective areas, draw up statutes governing the exercise of autonomy and regulations concerning particular problems, to be put into effect in their areas, after endorsement by the Standing Committee of the National Assembly.

#### **Article 96**

The higher organs of State must ensure that the People's Councils and administrative Committees in the autonomous zones exercise their right to autonomy, and assist the minority peoples in the full promotion of their political, economic and cultural development.

### **CHAPTER VIII**

## **THE PEOPLE'S COURTS AND THE PEOPLE'S ORGANS OF CONTROL**

### **THE PEOPLE'S COURTS**

#### **Article 97**

The Supreme People's Court of the Democratic Republic of Vietnam, the local People's Courts and the military courts are judicial organs of the Democratic Republic of Vietnam.

Special courts may be set up by the National Assembly in certain cases.

#### **Article 98**

The system of elected judges according to the procedure prescribed by law applies to the People's Courts.

The term of office of the President of the Supreme People's Court is five years.

The organization of the People's Courts is determined by law.

#### **Article 99**

Judicial proceedings in the People's Courts must be carried out with the participation of people's assessors according to

law. In administering justice, people's assessors enjoy the same powers as judges.

#### **Article 100**

In administering justice, the People's Courts are independent, and subject only to law.

#### **Article 101**

Cases in the People's Courts are heard in public unless otherwise provided for by law.

The right to defence is guaranteed the accused.

#### **Article 102**

The People's Courts ensure that all citizens of the Democratic Republic of Vietnam belonging to national minorities may use their own spoken and written languages in court proceedings.

#### **Article 103**

The Supreme People's Court is the highest judicial organ of the Democratic Republic of Vietnam.

The Supreme People's Court supervises the judicial work of local People's Courts, military courts and special courts.

#### **Article 104**

The Supreme People's Court is responsible to the National Assembly and reports to it, or when the National Assembly is not in session, to its Standing Committee. The local

People's Courts are responsible to the local People's Councils at corresponding levels and report to them.

### **THE PEOPLE'S ORGANS OF CONTROL**

#### **Article 105**

The Supreme People's Organ of Control of the Democratic Republic of Vietnam controls the observance of the law by all departments of the Council of Ministers, all local organs of State, persons working in organs of State, and all citizens.

Local organs of the People's Organ of Control and military organs of control exercise control authority within the limits prescribed by law.

#### **Article 106**

The term of office of the Procurator General of the Supreme People's Organ of Control is five years.

The organization of the People's Organs of Control is determined by law.

#### **Article 107**

The People's Organs of Control at all levels work only under the leadership of their higher control organs and the unified leadership of the Supreme People's Organ of Control.

#### **Article 108**

The Supreme People's Organ of Control is responsible to the National Assembly and reports to it, or when the National Assembly is not in session, to its Standing Committee.

## CHAPTER IX

# NATIONAL FLAG - NATIONAL EMBLEM - CAPITAL

### Article 109

The national flag of the Democratic Republic of Vietnam is red flag, with a five-pointed gold star in the middle.

### Article 110

The national emblem of the Democratic Republic of Vietnam is round in shape, has a red ground with ears of rice framing a five-pointed gold star in the middle and with a cogwheel and the words *Việt Nam Dân Chủ Cộng Hoà* at the base.

### Article 111

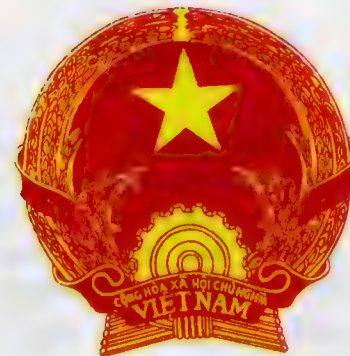
The capital of the Democratic Republic of Vietnam is Hanoi.

## CHAPTER X

# AMENDMENT OF THE CONSTITUTION

### Article 112

Only the National Assembly has power to revise the Constitution. Amendments to the Constitution require a two-thirds majority vote of all deputies to the National Assembly.



# CONSTITUTION OF THE SOCIALIST REPUBLIC OF VIETNAM

1980

*Adopted by the National Assembly of the Socialist Republic of Vietnam, 6th Legislature, 7th session, 18 December 1980*

## PREAMBLE

Throughout their four-thousand year history, the Vietnamese people have worked hard and fought heroically to build and defend their country. This long and persistent struggle for independence and freedom has fostered the staunch and indomitable traditions of our nation.

Since 1930, under the leadership of the Communist Party of Vietnam founded and forged by President Ho Chi Minh, and following the path of the great Russian October Revolution, our people successively defeated the Japanese, French and American imperialists and their henchmen. They have completed the people's national democratic revolution, have embarked on a socialist revolution and are building socialism. Our country, formerly a colony and a semi-feudal country, has become an independent, reunified, socialist state, a member of the world socialist community.

In 1945, following the defeat of fascism by the Soviet Army, our people successfully carried out the August Revolution. On September 2, 1945, President Ho Chi Minh proclaimed the Declaration of Independence. The Democratic Republic of Vietnam, the first worker-peasant state in Southeast Asia, was born.

However, the French colonialists, with the assistance of US imperialism invaded our country once again. Our people, who "would rather sacrifice all than lose our country and be

enslaved", waged a long struggle against the invaders, and carried out a programme of land reform. The great victory at Dien Bien Phu brought a glorious end to the war of resistance against the French colonialists. In 1954, the Geneva Agreements were signed on the basis of recognition of Vietnam's independence, sovereignty, unity and territorial integrity. The victory of the August Revolution and that of the anti-French resistance signalled the beginning of the collapse of colonialism throughout the world.

Stepping into the French colonialists' shoes, the US imperialists turned South Vietnam into a neo-colony and military base of the United States, in an attempt to permanently partition our country, and to include South Vietnam, Laos and Kampuchea into a counter-revolutionary front. Pursuing this scheme, they conducted barbarous war of aggression against Vietnam. Imbued with the truth that "Nothing is more precious than independence and freedom", our people fought heroically, determined to liberate the South, defend the North and reunify the country. The successive victories of the Vietnamese people, together with the victories of the peoples of Laos and Kampuchea, compelled the US imperialists to sign the 1973 Paris Agreement on Vietnam.

In the Spring of 1975, the Vietnamese people won total victory in a general offensive and uprising which culminated in the historic Ho Chi Minh Campaign. After 30 years of hard fighting, South Vietnam — the "Iron Fort of the Homeland" — was completely liberated.

While our entire people were struggling against the US war of aggression, for national salvation, great achievements were recorded in the socialist revolution in the North:

institution of socialist relations of production, abolition of the regime of human exploitation, building of the initial material and technical infrastructure of socialism, conducting of an ideological-cultural revolution, execution of the dual tasks of production and fighting, and fulfillment of the obligations of the great rear base towards the heroic South in the war of resistance to US aggression.

The victories of the peoples of the three Indochina countries as a whole, and the Vietnamese people in particular, in the war against US aggression, heralded the complete bankruptcy of neo-colonialism, contributed to the consolidation and extension of the world socialist system, encouraged the national liberation movements and the workers' and democratic movements, and accelerated the offensive of the three revolutionary currents of the present era.

Following the complete liberation of the South, our people held free general elections throughout the country, and achieved national reunification. In July 1976, our country adopted the name of **Socialist Republic of Vietnam**.

No sooner had they emerged from thirty years of liberation war than our people, who were longing for peace to build their homeland, were confronted with the Chinese hegemonist aggressors and their henchmen in Kampuchea. Promoting our glorious national traditions, our army and people won resounding victories in both wars for national defence against the aggression by Kampuchean reactionaries on the south-western border and the Chinese hegemonists on the northern border, safeguarding our independence, sovereignty, unity and territorial integrity.



Credit for the great successive victories of the Vietnamese revolution goes to the Communist Party of Vietnam which has creatively applied Marxism-Leninism, charted a correct line to lead the revolution in our country: upheld the two banners of national independence and socialism; consolidated the worker-peasant alliance led by the working class; closely united all social strata within the national united front; built and developed the people's armed forces; constantly strengthened the revolutionary administration; combined patriotism with proletarian internationalism, linked the strength of our people to the world revolutionary movement; and coordinated the struggles on the political, military and diplomatic planes.

These are victories of the ardent patriotism, the revolutionary heroism and the sublime spirit of our compatriots and combatants throughout the country who are of one mind in struggling for national liberation, construction and defence.

They are victories of the militant solidarity and the relations of cooperation and mutual assistance between the peoples of Vietnam, Laos and Kampuchea; of the militant solidarity and great and effective aid of the Soviet Union and other fraternal socialist countries to Vietnamese revolution; and of the forces of national independence, democracy and peace throughout the world which have actively supported the just cause of the Vietnamese people.

Our achievements have cost our people untold sacrifices and innumerable hardships. Our future is very bright, but our tasks are very difficult. Let our entire people strengthen unity and act upon the testament of our great President Ho Chi

Minh, and advance enthusiastically along the line charted by the Fourth Congress of the Communist Party of Vietnam: "To firmly enforce the proletarian dictatorship; promote the working people's right to collective mastery of society; to simultaneously implement the three revolutions, namely the revolution in the relations of production, and the scientific and technological revolution, and the ideological and cultural revolution, with the scientific and technological revolution as the kingpin; step up socialist industrialization, which is the central task of the period of transition to socialism; establish the system of socialist collective mastery and large-scale socialist production, develop the new culture and foster new socialist-oriented people; abolish the regime of human exploitation and eliminate poverty and backwardness; maintain constant vigilance and continuously strengthen national defence; maintain political security and social order; successfully build our homeland, Vietnam, into a peaceful, independent, unified and socialist country; actively contribute to the struggle of the world's people for peace, national independence, democracy and socialism".

The Socialist Republic of Vietnam needs a Constitution institutionalizing the current line of the Communist Party of Vietnam in the new stage, namely a Constitution for the period of transition to socialism on a national scale. Continuing and developing the Constitutions of 1946 and 1959, the present Constitution sums up and affirms the gains of the revolutionary struggle of the Vietnamese people over the past half century, expresses the will and aspirations of the Vietnamese people, and guarantees the successful development of Vietnamese society in the coming period.

Being the fundamental law of the State, the present Constitution determines our political, economic, cultural and social system, the basic rights and obligations of citizens, the organizational structures and principles guiding the activities of State bodies. It specifies the relationships between the Party's leadership, the people's mastery, and State management in Vietnamese society.

Let the entire Vietnamese people unite closely under the invincible banner of the Communist Party of Vietnam, and put this Constitution into effect in order to attain further great successes in the cause of building socialism and defending our socialist homeland.

## CHAPTER I

# THE SOCIALIST REPUBLIC OF VIETNAM

## POLITICAL SYSTEM

### Article 1

The Socialist Republic of Vietnam is an independent, sovereign and united country comprising its mainland, air space, territorial waters, and off-shore islands.

### Article 2

The Socialist Republic of Vietnam is a State of proletarian dictatorship. Its historic mission is to establish the collective mastery of the working people; mobilize and organize the people to carry out simultaneously the three revolutions: in the relations of production, in science and technology, and in ideology and culture, with the scientific and technological revolution as the kingpin; abolish human exploitation; crush all acts of opposition by counter-revolutionary elements in the country and all acts of aggression and sabotage by external enemies; build socialism successfully and advance to communism; and contribute to consolidating peace and accelerating the revolutionary cause of the people throughout the world.

### Article 3

In the Socialist Republic of Vietnam, the collective masters are the working people comprising the working class, the collective peasantry, the socialist intelligentsia and other labouring people, with the worker-peasant alliance, led by the working class, as the core. The State ensures the continuous perfection and consolidation of the working people's collective mastery in the political, economic, cultural and social fields; collective mastery in the whole country, and in each unit; collective mastery over society, over nature, and over oneself.

### Article 4

The Communist Party of Vietnam, the vanguard and general staff of the Vietnamese working class, armed with Marxism-Leninism, is the only force leading the State and society, and the main factor determining all successes of the Vietnamese revolution.

The Party exists and struggles for the interests of the working class and the people of Vietnam as a whole.

Its organizations operate within the framework of the Constitution.

### Article 5

The Socialist Republic of Vietnam is a unified State of all the nationalities living on Vietnamese territory, with equality in rights and obligations.

The State protects, strengthens and consolidates the great unity of all nationalities; it strictly prohibits any act of racial prejudice and any attempt to sow discord among nationalities.

All the nationalities have the right to use their own spoken languages and scripts, and to preserve and promote their fine customs, habits, traditions, and cultures.

The State accepts responsibility to take corrective measures to gradually eliminate inequalities in the levels of economic and cultural development between the different nationalities.

### Article 6

In the Socialist Republic of Vietnam, all power belongs to the people.

The people exercise State power through the National Assembly and the People's Councils at all levels which are elected by and accountable to the people.

The National Assembly and the People's Councils at all levels are the political bases of the system of State organizations.

The National Assembly, the People's Councils at all levels and other State bodies are organized and function according to the principle of democratic centralism.

### Article 7

National Assembly deputies and deputies to People's Councils at all levels are elected by universal suffrage. Voting is equal, direct and secret.

Electors have the right to recall National Assembly deputies and deputies to People's Councils at all levels who lose the confidence of the people.

#### Article 8

All State bodies and all State employees must devotedly serve the people, maintain close relations with them, listen to them and accept their supervision, and promote socialist democracy. All manifestations of bureaucratism, arrogance and authoritarianism are strictly prohibited.

#### Article 9

The Vietnam Fatherland Front, which comprises the various political parties, the Vietnam Confederation of Trade Unions, the Vietnam Association of Collective Peasants, the Ho Chi Minh Communist Youth Union, the Vietnam Women's Union, and other member organizations, is a firm prop of the State.

The Front promotes the tradition of national unity, strengthens political and moral unity among the people, takes part in building and consolidating the people's power, educates and motivates the people to raise their sense of collective mastery, and to emulate one another in building socialism and defending the country.

#### Article 10

The Vietnam Confederation of Trade Unions is the largest mass organization of the Vietnamese working class, a school of communism, of economic management, and management of the State.

Within the limits of their competence, the Trade Unions take part in State affairs and supervise the work of State bodies, and participate in the management of factories. They educate workers and office employees; organize socialist emulation movements, and, together with State bodies, care for the lives of workers and office employees and protect their interests.

#### Article 11

Collectives of working people in offices, factories, cooperatives, population centres, and other basic units participate in State and social affairs, including the planning of economic and cultural development, the protection of public property, the maintenance of political and social security and public order, and the organization of public life at the grassroots levels.

#### Article 12

The State manages society according to the law, and constantly strengthens the socialist legal system.

All State organs and social organizations, all State employees, all members of social organizations and all citizens must strictly abide by the Constitution and the law, and must struggle resolutely to prevent and oppose crimes and violations of the Constitution and the law.

#### Article 13

Our socialist homeland, Vietnam, is sacred and inviolable.

All schemes and actions prejudicial to the independence, sovereignty, unity and territorial integrity of the homeland,

or the cause of socialist revolution and socialist construction shall be severely punished.

#### Article 14

The Socialist Republic of Vietnam continues to strengthen its fraternal friendship, militant solidarity and cooperation in all fields with the Soviet Union, Laos, Kampuchea and other socialist countries on the basis of Marxism-Leninism and proletarian internationalism; preserves and develops friendly relations with neighbouring countries; unites with peoples struggling for national independence and social progress; pursues a policy of peaceful coexistence with countries of different political and social systems, 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 benefit; actively supports and contributes to the struggle of the world's people against imperialism, colonialism, neo-colonialism, hegemonism, and apartheid, for peace, national independence, democracy and socialism.

## CHAPTER II

### THE ECONOMIC SYSTEM

#### Article 15

The Socialist Republic of Vietnam is advancing directly from a society in which small-scale production predominates to socialism, bypassing the stage of capitalist development, to build a society with a modern industrial-agricultural economy, advanced culture, science and technology, a strong defence potential and a civilized and happy life.

The economic policies of the Socialist Republic of Vietnam are aimed at progressively satisfying, the increasing material and cultural needs of the whole society by continuous developing production and raising social labour efficiency, on the basis of socialist collective mastery and modern science and technology.

#### Article 16

The central task throughout the period of transition to socialism is the socialist industrialization of the country.

The State gives priority to the rational development of heavy industry on the basis of the development of agriculture and light industry, and the integration of industry and agriculture on a national scale into an industrial-agricultural structure; it builds the centrally-run economy while developing

the local economy, and combines the two into a unified national economic structure; combines the development of the productive forces with the institution and perfection of socialist relations of production; combines economic construction and national defence; strengthens cooperation and mutual assistance with fraternal countries in the socialist community in spirit of socialist internationalism and, at the same time, develops economic relations with other countries on the basis of respect for each other's independence and sovereignty, equality, and mutual benefit.

#### Article 17

The State institutes regulations and takes necessary measures to ensure the working people's full exercise of their right to collective mastery of the means of production and the labour force, of production, and distribution, of science and technology, in order to make economic development truly become the work of the entire people.

#### Article 18

The State conducts a revolution in the relations of production, guides, utilizes and transforms non-socialist sector of the economy, institutes and consolidates the system of socialist ownership of the means of production, with the aim of building a national economy with two essential components — the State sector under the ownership of the entire people, and the collective economic sector under the collective ownership of the working people.

The State sector plays the leading role in the national economy, and is given priority for development.

#### Article 19

The land, forests, rivers and lakes, mines, natural resources in the ground, in the territorial waters and on the continental shelf; industrial, agricultural, forestry, fishery and State commercial undertakings; banks and insurance organizations; public utilities; the systems of transport by rail, road, river, sea and air; dykes and important irrigation works, defence installations; the systems of information and communications, radio, television and cinema; institutes of scientific and technological research, and cultural and social establishments and other property defined by the law as belonging to the State are under the ownership of the entire people.

#### Article 20

Land is put under State management according to general plans, to ensure its rational and economical use.

Collective and individuals who have the use of land are allowed to continue to do so and to enjoy the fruits of their labour according to the law.

Collectives and individuals who use the land have the responsibility to protect, replenish and exploit it in keeping with State policies and plans.

Land reserved for agriculture and forestry may not be used for other purposes unless authorized by competent State organs.

#### Article 21

The State holds a monopoly on foreign trade and all other economic relations with foreign countries.

## Article 22

State-run economic establishments operate according to the orientation and tasks laid down under the State plan; they implement a system of economic accounting and a system of managerial and individual responsibility; ensure the workers' and office employees' participation in management; raise the quality of products and services and economic efficiency; practise thrift; ensure accumulation for the State and the factories; scrupulously protect State property; and concern themselves with improving the working and living conditions of workers and office employees.

## Article 23

The State guides and assists in the development of the cooperative sector of the economy.

The property of cooperatives and other collective organizations of the working people is protected by the State in accordance with the law.

Cooperatives operate in accordance with national and regional economic plans. They must ensure the constant development of production, increase the income and improve the living standards of their members, and fulfil all obligations to the State while accumulating capital themselves.

The cooperative members' right to collective mastery in the management of cooperatives must be respected and promoted.

The family subsidiary small holdings of the cooperative members are recognized and protected by the State, in accordance with the law.

## Article 24

The State encourages, guides and assists individual farmers, handicraft workers and other self-employed workers to advance towards the road of collective production, to form production cooperatives and other forms of mutual aid collectives on the principle of voluntariness.

Small tradespeople receive guidance and assistance to gradually switch to production or to other suitable occupations.

The law defines the limits for private economic activity in agriculture, small industry, handicrafts, applied arts and services.

## Article 25

In the Socialist Republic of Vietnam, all economic bases of feudal landlords and comprador capitalists are nationalized without compensation.

## Article 26

The State conducts the socialist transformation of the private capitalist economy in both urban and rural areas by suitable forms.

## Article 27

The State protects the citizens' right of ownership of lawfully earned incomes, savings, housing, other personal possessions and the means of engaging in authorized private work.

The law protects the citizens' right of inheritance.

#### **Article 28**

The State may, when deeming it necessary for the public interest, purchase or requisition with or without compensation, the property of individuals or of collectives.

The procedures for purchase or requisition are defined by the law.

#### **Article 29**

The State, proceeding from the requirements of economic and cultural development and of the strengthening of national development and of the strengthening of national defence, makes a rational distribution and utilization of the social labour force on a national scale as well as for each locality and unit.

#### **Article 30**

The State educates and motivates the entire people to build socialism with industriousness and thrift; it defines and closely controls the use of the labour force, materials and capital in all economic activities and in the management of the State.

#### **Article 31**

The State and collective economic organizations apply the principle: "From each according to his ability, to each according to his work," while gradually increasing social benefits on the basis of development of the national economy.

#### **Article 32**

The State, in coordination with the trade-union and other people's organizations, combines political education and the enhancement of labour discipline with material incentives with the aim of promoting the socialist emulation movement.

#### **Article 33**

The State guides the national economy according to unified plans; it promotes a sense of responsibility and the spirit of initiative and creativeness at all echelons, branches, basic units and individuals in elaborating and implementing State plans; it mobilizes all labour forces, national resources, and material and technical resources of the country, so as to ensure a comprehensive, balanced and steady development of the national economy at a rapid pace and with a high level of efficiency.

#### **Article 34**

The State organizes social production along the lines of large-scale socialist production; it builds and ceaselessly perfects the system of economic management; correctly applies the economic laws of socialism; applies the principles of democratic centralism and the principles of combining departmental management with regional and local management; combines the interests of the State with those of the collectives and the working people; elaborates and ensures respect for economic laws.

#### **Article 35**

The law severely punishes all acts of speculation, hoarding, and all other illegal undertakings that upset the



market and undermine State plans, as well as all acts of corruption, theft, bribery, waste, or irresponsible actions that seriously damage the interests of the State and the people.

#### **Article 36**

All State organs, factories, cooperatives, units of the people's armed forces and citizens have the duty to implement the policy of protecting, transforming and renewing natural resources, and of protecting and improving the environment.

### **CHAPTER III**

## **CULTURE, EDUCATION, SCIENCE AND TECHNOLOGY**

#### **Article 37**

The Socialist Republic of Vietnam promotes the ideological and cultural revolution, develops a new culture, with a socialist content and a national, Party and people's character; moulds new generations of people motivated by a sense of collective mastery, the love of labour and respect for public property, possessing a certain cultural level, scientific and technical knowledge and good health, and animated by the love for the socialist homeland and proletarian internationalism.

#### **Article 38**

Marxism-Leninism is the ideological system guiding the development of Vietnamese society.

The State broadly disseminates Marxism-Leninism, the line and policies of the Communist Party of Vietnam, and the Constitution and laws of the Socialist Republic of Vietnam. It preserves and develops the cultural and spiritual values of the nation, absorbs the best of world culture, combats feudal and bourgeois ideologies and the influences of imperialist and colonialist culture; criticizes petty-bourgeois ideology; builds

a socialist way of life, and combats backward life-styles and superstitions.

#### **Article 39**

The State pays attention to strengthening the material infrastructure, institutes regulations and takes necessary measures to ensure the working people's collective mastery over culture, education, science and technology, and promotes the people's dynamism and creativeness - thereby involving the entire nation in building a new culture and a new society and making it possible for the entire people to enjoy the fine achievements of the national and world cultures.

#### **Article 40**

Vietnam's education system must be constantly developed and improved by combining study and practice, and education and production labour and by developing close ties between the school and society, with a view to training qualified socialist workers and fostering revolutionary generations for the future.

#### **Article 41**

The State has sole responsibility for education.

The State is responsible for ensuring a balanced development of the education system: infants' education, general education, vocational and higher education, job-training schools, work-study schools, and in-service education. It continues the anti-illiteracy campaign, promotes complementary education and constantly raises the cultural and professional standards of the entire population.

The Ho Chi Minh Communist Youth Union, the family and society, together with the school, have the responsibility to educate youth and children.

#### **Article 42**

The State promotes the scientific and technological revolution with the aim of developing the productive forces, increasing labour efficiency, speeding up socialist industrialization, improving living standards and strengthening national defence, and building an advanced science and technology for our country.

#### **Article 43**

Social sciences, national sciences, and technology are to be strongly developed. The State concerns itself with the dissemination and teaching of science and technology; combines teaching and research with production, everyday life, and national defence work; rationally develops and employs the contingent of managers, scientists, technicians and workers; encourages research, inventions and discoveries; pays attention to research and innovation; promotes the spirit of self-reliance, initiative and creativeness while applying results of advanced world science and technology; and promotes international cooperation in the fields of science and technology.

#### **Article 44**

Vietnamese literature and art are developed on the basis of the perspective of Marxism-Leninism, and in keeping with

the Communist Party of Vietnam's line with regard to literature and art.

Encouragement is given to the development of professional and amateur literary and artistic activities as a means of educating the people in the line and policies of the Party and the State, educating them in revolutionary ethics, thinking and sentiments, developing their aesthetic sense and raising and satisfying their cultural needs.

#### **Article 45**

The work of the mass media, the press, publications, libraries, radio, television and cinema, will be developed and constantly improved with regard to political, ideological artistic quality so as to guide public opinion, raise the political, cultural, scientific and technological levels of the entire population and mobilize them to participate in socialist emulation.

#### **Article 46**

Historical and cultural relics, public works of art and sites of scenic or other significance shall be restored and protected.

Importance shall be attached to the work of preservation and to museums.

#### **Article 47**

The State is responsible for the protection and improvement of the people's health; develops Vietnamese preventative medicine; combines modern and traditional medical and pharmaceutical practices; combines prevention and cure with the emphasis on prevention; and combines

State-run health services with people's health services at the grassroots levels.

The State and society shall give protection to mothers and children and campaign for family planning.

#### **Article 48**

Vietnamese sports and physical culture, with a national scientific and popular character, shall be developed strongly and harmoniously in order to improve the health of the people and increase their physical fitness for socialist construction and national defence.

#### **Article 49**

Tourism is encouraged and adequately organized.

#### CHAPTER IV

## DEFENCE OF THE SOCIALIST HOMELAND

### Article 50

The Socialist Republic of Vietnam maintains a national, comprehensive and modern defence system based on the integration of national construction and national defence, the combination of the strength of the people's armed forces with that of the entire people, and the combination of the strength of the tradition of struggle against foreign aggression with the strength of the socialist system.

### Article 51

The people's armed forces of the Socialist Republic of Vietnam, absolutely loyal to the homeland and the people, have the duty to be prepared to defend the gains of the revolution, the independence, sovereignty, unity and territorial integrity of the nation, political security and social order and security, and the freedom, happiness and peaceful labour of the people, and to join the entire people in building the country.

### Article 52

The State stimulates the people's patriotism and revolutionary heroism, enforces compulsory military service,

operates the defence industry, and mobilizes the human and material resources necessary to build powerful people's armed forces and constantly augment the nation's defence potential.

All State bodies, social organizations and citizens must fulfil their obligations with regard to national defence and security as provided by the law.

## CHAPTER V

# BASIC RIGHTS AND OBLIGATIONS OF CITIZENS

### Article 53

Citizens of the Socialist Republic of Vietnam are persons granted Vietnamese citizenship by law.

### Article 54

The rights and obligations of citizens reflect the system of collective mastery of the working people, a harmonious combination of the requirements of social life and legitimate individual freedoms, and a guarantee of the identity of interests between the State, the collective and the individual, on the principle: each for all, all for each.

The rights of citizens are inseparable from their obligations.

The State guarantees the rights of citizens; and citizens must fulfil their obligations towards the State and society.

### Article 55

All citizens are equal before the law.

### Article 56

Citizens have the right to take part in managing the affairs of the State and society.

### Article 57

All citizens, regardless of their ethnic origin, sex, social status, religion, cultural attainment, profession and term of residence, have the right to vote upon reaching the age of eighteen, and to stand for election to the National Assembly and the People's Councils at all levels upon attaining the age of twenty-one with the exception of the insane or people deprived of such rights by the law or People's Courts.

### Article 58

Work is the primary right, obligation and privilege of citizens.

Citizens have the right to work. People fit for work must work as provided by the law.

The State creates jobs on the basis of economic development plans, employs people according to both their personal aptitudes and desires, and social requirements. It fosters professional skills, preserves the health of the workforce, and constantly improves working conditions for both mental and physical labour.

The State institutes and enforces regulations aimed at preventing industrial accidents and occupational diseases.

### Article 59

Working people are entitled to rest.

The State regulates the conditions relating to work, rest and recreation for workers and office employees.

Working people are entitled to social insurance benefits in retirement, old age, sickness, or disability.

The State guarantees the working people's right to social insurance and gradually extends the system as the national economy expands.

The State guides cooperatives in gradually making social insurance benefits available to their members.

#### Article 60

Education is a right and obligation of citizens.

The State gradually enforces free compulsory general education, and grants scholarships to create favourable conditions for citizens to pursue their studies.

#### Article 61

Citizens have the right to health care.

The State provides free medical examinations and treatment.

#### Article 62

Citizens have the right to housing.

The State has a responsibility to improve the rate of housing construction directly while encouraging and assisting housing construction by collectives and individuals according to common plans, so as to gradually implement this right. The allotment of State housing space must be fair and equitable.

#### Article 63

Women and men have equal rights in all respects - in political, economic, cultural, social and family life.

The State and society are responsible for raising the political, cultural, scientific, technical and professional standards of women, and constantly improving their role in society.

The State establishes work conditions suited to women's needs. Women and men receive equal pay for equal work. Women are entitled to pre- and post-natal paid leave if they are workers or office employees, or to maternity allowances if they are cooperative members.

The State and society ensure the development of maternity homes, creches, kindergartens, community dining-halls and other social amenities to create favourable conditions for women to produce, work, study and rest.

#### Article 64

The family is the cell of society.

The State protects marriage and the family.

Marriage is based on the principles of voluntariness, progressivism, monogamy, and equality between husband and wife.

Parents have an obligation to bring up and educate their children to become citizens useful to society. Children have an obligation to respect and care for their parents.

The State and society do not accept discrimination between children.

#### Article 65

The State and society responsible for the protection, care and education of children, and assume an increasing share of the responsibility to raise and educate children in order to improve their social life, study and development.

#### Article 66

The State and society shall create conditions for the study, work and recreation of young people, assist them to develop their intellectual faculties, talents and physical fitness; the State and society shall foster the communist ideal and educate young people in revolutionary ethics.

Young people must fulfil their obligations as the shock-force in the emulation movement for socialist construction and national defence, in the three revolutions in the relations of production, science and technology, and ideology and culture.

#### Article 67

Citizens enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association, and freedom to demonstrate in accordance with the interests of socialism and of the people.

— The State shall create the necessary material conditions for the exercise of these rights.

— No one may misuse democratic freedoms to violate the interests of the State and the people.

#### Article 68

Citizens enjoy freedom of worship, and may practise or not practise a religion.

No one may misuse religions to violate State laws or policies.

#### Article 69

Citizens have the right to legal protection from physical violence.

No citizen may be arrested except on the authority of a People's Court, or on the decision of the People's Control Commission or on a decision subject to ratification by the latter.

Arrests and detention of people must be made in accordance with the law. All forms of coercion and torture and strictly prohibited.

#### Article 70

Citizens have the right to protection by law with regard to their lives, property, honour and dignity.

#### Article 71

Citizens have the right of inviolability with regard to their places of residence. No one is allowed to enter another persons's home without the owners' consent, unless otherwise authorized by the law. House searches may be made only by representatives of competent State bodies, in accordance with the law.

Privacy of correspondence and telephone and telegraphic communications is guaranteed.

Freedom of movement and residence is respected in accordance with the law.

#### Article 72

Citizens have the right to undertake scientific and technical research and to pursue literary, artistic and other cultural activities.

The State encourages and assists citizens in their scientific and technical, literary and artistic pursuits with a view to raising the quality of life, socialist construction and national defence. It fosters and promotes personal aptitudes and talents.

The rights of authors and inventors are guaranteed.

#### Article 73

Citizens have the right to lodge with any State authority a complaint or denunciation regarding transgressions of the law by any State body, social organization, people's armed forces unit or individual, employed by those State bodies, organizations or units.

Complaints and denunciations must be examined and dealt with promptly.

Any violation of the legitimate rights of citizens must be promptly redressed and seriously dealt with. Victims are entitled to compensation.

Retaliation against who lodge complaints or denunciations is strictly prohibited.

#### Article 74

The State enacts legislation granting privileges to disabled soldiers and families of fallen combatants and creates conditions for disabled soldiers to recover their working ability, to find employment suited to their health conditions, and to lead a normal life.

Persons or families who have rendered meritorious services to the revolution are commended and rewarded, and receive proper care.

Old people and disabled persons with no family support receive assistance from the State and society.

Orphans are brought up and educated by the State and society.

#### Article 75

The State protects the legitimate rights and interests of Vietnamese living abroad.

#### Article 76

Citizens must be loyal to the homeland.

Treason against the homeland is the gravest crime against the nation.

#### Article 77

To defend the socialist homeland is a sacred duty and noble right of citizens.



Citizens are obliged to do military service and take part in building a national defence force of the whole population.

#### **Article 78**

Citizens are obliged to abide by the Constitution, the law and labour discipline, to maintain political and social security and order, protect State secrets, and respect the regulations of the socialist society.

#### **Article 79**

Socialist property is sacred and inviolable. Citizens are obliged to respect and protect it

#### **Article 80**

Citizens are obliged to pay taxes and take part in work on public projects in accordance with the law.

#### **Article 81**

Foreigners who are persecuted for struggling for freedom and national independence, for socialism, democracy and peace, or for engaging in scientific pursuits are granted the right of asylum by the Socialist Republic of Vietnam.

## **CHAPTER VI**

# **THE NATIONAL ASSEMBLY**

### **Chapter 82**

The National Assembly is the highest representative body of the people, the highest State authority in the Socialist Republic of Vietnam.

The National Assembly is the only body vested with constitutional and legislative authority.

The National Assembly decides on fundamental domestic and foreign policies, objectives for economic and cultural development, the main principles governing the organization and functioning of the State apparatus and the social relations and activities of citizens.

The National Assembly exercises the right of supreme supervision of all activities of the State.

### **Article 83**

The National Assembly has the following duties and powers:

1. To draw up, adopt and amend the Constitution;
2. To make and amend laws;
3. To exercise supreme supervision over the Constitution and the law;

4. To pass State plans and ratify their implementation;
5. To pass State budgets and ratify their implementation;
6. To define the organization of the National Assembly, the Council of State, the Council of Ministers, the People's Council and People's Committee, the People's Court and the People's Control Commission;
7. To elect and remove the Chairperson, Vice-Chairpersons and other members of the Council of State; the Chairperson, Vice-Chairpersons and other members of the Council of Ministers; the Chief Justice of the Supreme People's Court; and the Procurator-General of the Supreme People's Control Commission;
8. To decide on the institution or dissolution of ministries and State commissions;
9. To examine reports by the Council of State, the Council of Ministers, the Supreme People Court and the Procurator-General of the Supreme People's Control Commission;
10. To institute, revise, or repeal taxes;
11. To delineate the boundaries of provinces and municipalities directly under the central authority and corresponding administrative units;
12. To grant general amnesties;
13. To decide on matters of war and peace;
14. To delegate certain duties of State organs to social organizations for execution;
15. To ratify or abrogate international treaties at the proposal of the Council of State.

The National Assembly may assume other duties and powers, when it deems it necessary.

#### **Article 84**

The term of office of each legislature of the National Assembly is five years.

A new National Assembly must be elected two months before the term of office of the incumbent National Assembly expires. Electoral procedures and the number of deputies are defined by the law.

Under special circumstances, the National Assembly may decide to prolong its term of office and take necessary measures to ensure its functioning.

#### **Article 85**

The National Assembly shall meet regularly, twice a year, at the convocation of the Council of State.

The Council of State may convene extraordinary sessions of the National Assembly, by its own decision, or at the request of the Council of Ministers or of at least one-third of the deputies.

A new legislature of the National Assembly must be convened not later than two months after its election.

The first session of each legislature of the National Assembly shall be opened by the Chairperson of the Council of State. The Chairperson of the Council of State shall preside over the sessions until the Chairperson of the new National Assembly is elected.

#### **Article 86**

The Council of State, the Council of Ministers, the Chairperson of the National Assembly, the National Defence Council, the Council of Nationalities, the various Commissions of the National Assembly, National Assembly deputies, the Supreme People's Court, the Procurator-General of the Supreme People's Control Commission, the Vietnam Fatherland Front, the political parties, the Vietnam Confederation of Trade Unions, the Vietnamese Association of Collective Peasants, the Ho Chi Minh Communist Youth Union, and the Vietnam Women's Union have the right to submit draft laws to the National Assembly.

#### **Article 87**

The adoption of bills and resolutions of the National Assembly requires a supporting vote by a majority of all its deputies, except for proposed constitutional amendments, as provided of in Article 147.

Laws must be promulgated not later than fifteen days after their adoption by the national Assembly.

#### **Article 88**

The National Assembly shall elect a commission to verify the credentials of deputies to the National Assembly and, basing itself on the reports of that commission, decide whether to accept the credentials of deputies to the National Assembly.

#### **Article 89**

The National Assembly shall elect its Chairperson and Vice-Chairpersons. The number of Vice-Chairpersons shall be decided by the National Assembly.

The Chairpersons of the National Assembly shall preside over its meetings; ensure the observance of the National Assembly internal regulations; keep in touch with the deputies; regulate and coordinate activities of the National Assembly Commissions; certify the laws and resolutions adopted by the National Assembly; and conduct the National Assembly's external communications.

The Vice-Chairpersons shall assist the Chairpersons in the discharge of these duties and powers.

The Chairperson of the National Assembly is empowered to attend meetings of the Council of State.

#### **Article 90**

The National Assembly shall elect the National Defence Council.

The National Defence Council is empowered to mobilize all forces and potentials of the country to defend the homeland.

In case of war, the National Assembly or the Council of State may vest the National Defence Council with special duties and powers.

#### **Article 91**

The National Assembly shall elect the Council of Nationalities.

The Council of Nationalities shall study and make proposals on questions of nationalities to the National Assembly and the Council of State. It shall assist the National

Assembly and the Council of State in supervising the implementation of policies on nationalities.

The Chairperson of the Council of Nationalities may attend meetings of the Council of State.

#### **Article 92**

The National Assembly shall elect its Standing Committees.

The Standing Committees study and examine the draft laws, draft decrees and other bills or reports entrusted to them by the National Assembly and the Council of State. They make proposals to the National Assembly and the Council of State on matters within their respective jurisdictions; and assist the National Assembly and the Council of State in exercising their supervisory power.

When necessary, the National Assembly and the Council of State may set up Interim Committees for specific purposes.

#### **Article 93**

The National Defence Council, the Council of Nationalities, and National Assembly Committees have the right to request members of the Council of Ministers and other concerned officials to present or provide them with information. The persons to whom such requests are made have a responsibility to respond.

#### **Article 94**

National Assembly deputies must maintain close contacts with voters, accept their supervision, report to them about

their activities and those of the National Assembly, answer requests and petitions made by voters, examine and help to resolve complaints and denunciations made by voters.

National Assembly deputies shall publicize State laws and policies and motivate the people to take part in managing the State.

#### **Article 95**

National Assembly deputies have the right to question the Council of Ministers and its members, the Chief Justice of the Supreme People's Court and the Procurator-General of the Supreme People's Control Commission.

The organ or official so questioned must reply to the National Assembly during its meeting.

In case an investigation is deemed necessary, the National Assembly may decide to authorize the said organ or official to reply before the Council of State or at the next meeting of the National Assembly.

National Assembly deputies have the right to make requests to State bodies. The persons in charge of these bodies shall receive the deputies, and examine and answer their requests.

#### **Article 96**

National Assembly deputies may not be arrested or prosecuted without the consent of the National Assembly and, when the National Assembly is not in session, without the consent of the Council of State.

If a National Assembly deputy is held in custody for a flagrant offence, the authority responsible of the detention must immediately report the matter to the National Assembly or the Council of State for examination and decision.

#### **Article 97**

State organs are obliged to create favourable conditions for National Assembly deputies to discharge their duties.

### **CHAPTER VII**

## **THE COUNCIL OF STATE**

#### **Article 98**

The Council of State is the highest continuously functioning body of the National Assembly, and is the collective Presidency of the Socialist Republic of Vietnam.

The Council of State discharges duties assigned and uses powers vested in it by the Constitution and the laws and resolutions of the National Assembly; it decides on important matters concerning the building of socialism and national defence; supervises the implementation of the laws, decrees and resolutions of the National Assembly and the Council of State; and supervises activities of the State apparatus.

The Council of State, through its Chairperson, acts on behalf of the Socialist Republic of Vietnam in domestic and foreign affairs.

The Council of State is responsible and accountable to the National Assembly.

#### **Article 99**

The Council of State, elected from among National Assembly deputies, shall consist of:

The Chairperson of the Council of State;

The Vice-Chairpersons of the Council of State;

The Secretary-General of the Council of State; and

The members of the Council of State.

The numbers of Vice-Chairpersons and members of the Council of State are decided by the National Assembly.

Members of the Council of State cannot be concurrently members of the Council of Ministers.

### Article 100

The Council of State has the following duties and powers:

1. To proclaim and preside over the election of deputies to the National Assembly;
2. To convene meetings of the National Assembly;
3. To promulgate laws;
4. To issue decrees;
5. To interpret the Constitution, laws and decrees;
6. To decide to hold referenda;
7. To supervise the work of the Council of Ministers, the Supreme People's Court and the Procurator-General of the Supreme People's Control Commission;
8. To suspend the implementation of, revise or rescind resolutions, decisions or orders of the Council of Ministers which contravene the Constitution, laws or decrees;
9. To supervise and guide the activities of People's Councils at all levels, in order to promote their functions as representative organs of the people;

10. To ~~revise or rescind inappropriate resolutions of~~ People's Councils of provinces, municipalities directly under the central authority and corresponding levels and to dissolve those councils where it is considered that they are acting in a manner seriously detrimental to the interests of the people;

11. To decide, when the National Assembly is not in session, on the formation or dissolution of ministries or State Committees;

12. To appoint or dismiss the Vice-Chairpersons of the Council of Ministers, ministers and heads of State Committees when the National Assembly is not in session;

13. To appoint or dismiss the deputy chief justices, judges and people's assessors of the Supreme People's Court; appoint and remove the deputy procurators-general and members of the Supreme People's Control Commission;

14. To appoint, remove or recall plenipotentiary diplomatic representatives of the Socialist Republic of Vietnam to foreign countries and international organizations;

15. To receive foreign plenipotentiary diplomatic representatives;

16. To ratify or abrogate international treaties, except where it is deemed necessary to refer the matter to the National Assembly;

17. To determine military, diplomatic and other grades and ranks;

18. To institute and grant awards, orders, medals and honorific titles;

19. To decide on granting special amnesties;

20. To declare a state of war when the country is faced with foreign aggression, when the National Assembly is not in session;

21. To order general or local mobilization or a state of siege in the whole country or parts of it;

Decisions of the Council of State as mentioned in Points 11, 12 and 20 must be submitted to the next session of the National Assembly for ratification;

When necessary, the National Assembly may vest the Council of State with other duties and powers.

#### **Article 101**

The term of office of the Council of State corresponds to that of the National Assembly.

When the term of a National Assembly legislature expires, the Council of State shall continue its functions until the new legislature of the National Assembly elects a new Council of State.

#### **Article 102**

The adoption of ordinances and resolutions of the Council of State requires a supporting vote by a majority of its membership.

#### **Article 103**

The Chairperson of the Council of State commands the people's armed forces of the whole country, and is concurrently the Chairperson of the National Defence Council.

### **CHAPTER VIII**

## **THE COUNCIL OF MINISTERS**

#### **Chapter 104**

The Council of Ministers in the Government of the Socialist Republic of Vietnam, the highest executive and administrative State body of the highest body of State authority.

The Council of Ministers is entrusted with the unified management of the implementation of all political, economic, cultural, social, security, national defence and external activities of the State; it enhances the efficiency of the State apparatus from the centre down to the grassroots levels; it ensures respect for and observance of the law; promotes the people's collective mastery; ensures the building of socialism, and the constant improvement of the material and cultural life of the people.

The Council of Ministers shall be responsible and accountable to the National Assembly; when the National Assembly is not in session, it shall be responsible and accountable to the Council of State.

#### **Article 105**

The Council of Ministers consists of:

The Chairperson of the Council of Ministers;

The Vice-Chairpersons of the Council of Ministers; and

The Ministers and the Heads of State Committees.

#### Article 106

The President of the Vietnam Confederation of Trade Unions has the right to attend meetings of the Council of Ministers.

The President of the Central Committee of the Vietnam Fatherland Front, and leading representatives of mass organizations affiliated to the Front, may be invited to attend meetings of the Council of Ministers, when necessary.

#### Article 107

The Council of Ministers has the following duties and powers:

1. To ensure observance of the Constitution and the law;
2. To submit draft laws, draft decrees and other bills to the National Assembly and the Council of State;
3. To draft the State plans and State budgets and submit them to the National Assembly, and organize the implementation of the State plans and State budgets;
4. To undertake the unified management of the transformation and development of the national economy, the building and development of culture, education, science and technology;
5. To improve the material and cultural life of the people;
6. To protect the legitimate rights of citizens and create conditions for them to enjoy their rights and fulfil their obligations;
7. To organize national defence activities of the entire population, and build the people's armed forces;

8. To ensure political security, and social order and security;

9. To enforce mobilization, a state of siege and other necessary measures to defend the homeland;

10. To take measures to protect socialist property, and protect the interests of the State and society;

11. To undertake unified management of finances, the currency and credits;

12. To compile national inventories and statistics;

13. To organize and administer the economic arbitration work of the State;

14. To organize and administer the insurance work of the State;

15. To organize and administer the inspection and control work of the State;

16. To organize and manage the State's foreign relations, to guide the implementation of treaties and agreements already signed;

17. To build and perfect the State managerial apparatus from the centre to the grassroots levels; to train, foster, place and utilize and contingent of State cadres;

18. To lead the work of the ministries and other organs under the authority of the Council of Ministers;

19. To ensure that the People's Councils at all levels discharge the tasks and exercise the powers of organs of State authority in the localities;

20. To lead the People's Councils at all levels;

21. To create favourable conditions for the activities of the Vietnam Fatherland Front and its member organizations;



22. To ensure the dissemination of information and the education of the people with regard to the Constitution and law;

23. To suspend the execution of, or revise or rescind inappropriate decisions, instructions and circulars of the Ministries and other bodies under the authority of the Council of Ministers;

24. To suspend the execution of inappropriate resolutions of People's Councils of provinces, municipalities directly under the central authority and corresponding units, and request the Council of State to revise or annul such resolutions;

25. To suspend the execution of or revise or rescind inappropriate decisions and instructions of People's Committees at all levels;

26. To delineate the boundaries of administrative units below the level of the provinces and municipalities directly under the central authority and corresponding administrative units.

The National Assembly and the Council of State may, when necessary, assign other tasks to the Council of Ministers and vest it with other powers.

#### **Article 108**

The term of office of the Council of Ministers coincides with that of the National Assembly.

At the end of the term of a legislature of the National Assembly, the Council of Ministers shall continue until the new legislature of the National Assembly elects a new Council of Ministers to perform its duties.

#### **Article 109**

Proceeding from the Constitution, laws and ordinances, the Council of Ministers shall issue resolutions, decrees, decisions, instructions and circulars and supervise the implementation of these documents.

The adoption of resolutions, decrees and decisions of the Council of Ministers requires a supporting vote by a majority of its membership.

#### **Article 110**

The Chairperson of the Council of Ministers shall head the work of the Council, and supervise the implementation of decisions by the National Assembly, the Council of State, and the Council of Ministers itself and, on behalf of the Council of Ministers, shall guide the work of ministries and other bodies under the authority of the Council of Ministers and the People's Committees at all levels.

The Vice-Chairpersons of the Council of Ministers shall assist the Chairperson, and may be empowered to replace him in his or her absence.

#### **Article 111**

Under the unified leadership of the Council of Ministers, the ministers and the heads of other bodies under its authority shall organize and guide activities which fall within their respective spheres of responsibility on a national scale.

The ministers and heads of other bodies under the authority of the Council of Ministers, proceeding from laws enacted by the National Assembly and ordinances of the Council

of State, and resolutions, decrees, decisions, instructions and circulars of the Council of Ministers, shall issue decisions, instructions and circulars and supervise the implementation of these documents.

#### Article 112

Each member of the Council of Ministers shall be personally responsible for his or her work to the National Assembly, the Council of State and the Council of Ministers and, together with other members, shall bear collective responsibility of the activities of the Council of Ministers to the National Assembly and the Council of State.

### CHAPTER IX

## PEOPLE'S COUNCILS AND PEOPLE'S COMMITTEES

#### Article 113

The administrative units of the Socialist Republic of Vietnam are defined as follows:

The country is divided into provinces, municipalities directly under the central authority, and corresponding units;

Provinces are divided into districts, provincial towns and provincial capitals; municipalities directly under the central authority are divided into precincts or districts, and townships;

Districts are divided into villages and townships; provincial towns and provincial capitals are divided into wards and villages; precincts are divided into wards.

The above-mentioned administrative units form their own People's Councils and People's Committees.

#### Article 114

The People's Councils are organs of State authority in their respective areas; they shall be elected by the local population, and shall be responsible to it and to the higher authorities.

The People's Councils shall decide on, and take measures to build their localities in all fields, ensure the development of the economy and culture, the improvement of living standards of the local people and the fulfillment of the tasks assigned by the higher authorities.

In their activities, the People's Councils shall elicit the close cooperation of the Fatherland Front and mass organizations and the broad participation of citizens.

### Article 115

The People's Councils have the following duties and powers:

1. To ensure respect for and strict observance of the Constitution and law in their localities, and decide on measures to carry out State policies and fulfil the tasks assigned by the higher authorities;

2. To decide on local plans and budgets, and approve their execution;

3. To take decisions on problems concerning production, circulation, distribution, cultural and social activities, and public catering in their localities;

4. To ensure the building of national defence units embracing the entire population and of the people's armed forces in their localities;

5. To ensure political and social security and public order;

6. To protect socialist property;

7. To ensure equality among ethnic groupings;

8. To ensure the citizen's enjoyment of their rights and fulfilment of their obligations;

9. To elect and remove members of People's Committees and members of People's Courts at corresponding levels;

10. To revise or annul inappropriate decisions by the People's Committees at corresponding levels, or of People's Councils at the level immediately below them;

11. To dissolve People's Councils at the level immediately below them when the latter do serious harm to the interests of the people.

Dissolution motions must be ratified by the People's Councils at the level above them before they can take effect. Dissolution motions by the People's Councils of provinces, municipalities directly under the central authority and corresponding levels must be ratified by the Council of State prior to their application;

12. To supervise, within the limits of their responsibilities and powers, the observance of the law by public offices, factories and other organizations at higher levels in their localities.

### Article 116

The term of office of the People's Councils of provinces, municipalities directly under the central authorities and corresponding levels shall be four years.

The term of office of the People's Councils of other levels shall be two years.

#### **Article 117**

The People's Councils, proceeding from State law and decisions of higher authorities, shall adopt appropriate resolutions and supervise their implementation.

The adoption of resolutions by a People's Council requires a supporting vote by a majority of its membership.

#### **Article 118**

The People's Councils shall set up necessary commissions to assist them in making decisions regarding local undertakings and measures and in supervising the implementation of State laws and policies and resolutions of the councils.

#### **Article 119**

Deputies to the People's Councils must maintain close relations with the electors, accept their supervision, regularly inform them of their activities and those of the People's Councils, respond to the requests and petitions made by the electors and examine and respond to complaints and denunciations by the people.

Deputies to the People's Councils shall publicize State laws and policies and resolutions of the People's Councils and motivate the local population to take part in the management of State affairs.

#### **Article 120**

Deputies to the People's Councils have the right to question the People's Committee and other State organs in

their localities. The organs so questioned must answer before the People's Councils within the time limit set by law.

Deputies to the People's Councils have the right to petition State organs in their localities. Leading officials of these organs have the responsibility to receive those deputies, and examine and deal with their petitions.

#### **Article 121**

The People's Committees are the executive bodies of People's Councils, and are local administrative bodies of the State.

The People's Committees shall be responsible and accountable to the People's Councils at the same level, and to People's Committees at the level immediately above them; the People's Committees of provinces, municipalities directly under the central authority and corresponding levels shall be responsible and accountable to the People's Councils at the same level and to the Council of Ministers.

Each member of the People's Committee shall be personally responsible for his work to the People's Council and the People's Committee, and, together with other members, shall be collectively responsible for the activities of the People's Committee to the People's Council.

#### **Article 122**

A People's Committee shall consist of the Chairperson, one or more Vice-Chairpersons, a Secretary and other members.

The presidents of local committees of the Vietnam Fatherland Front and the leading officials of other mass organizations affiliated to the Front may be invited to attend meetings of People's Committees at the same level, when necessary.

#### Article 123

The People's Committees shall convene meetings of People's Councils at the same levels; carry out their resolutions and decisions and the instruction of higher administrative bodies; manage local administrative work; and guide the organizations at all levels under their jurisdiction to fulfil State plans for economic and cultural development, for strengthening national defence, and for improving the people's living standards; and examine and deal with complaints, denunciations and petitions by people.

#### Article 124

The People's Committees at all levels, within the powers vested in them by the law, shall take decisions and give instructions, and supervise their implementation.

The People's Committees have the right to suspend the execution of, or revise or rescind inappropriate decisions of organizations under their jurisdiction, and of People's Committees at lower levels, to suspend the execution of inappropriate decisions of People's Councils at the level below them, and at the same time to request People's Councils at the same level to revise or rescind such decisions.

#### Article 125

The People's Committees shall create favourable conditions for activities of deputies to and committees of the People's Council. The Chairperson of the People's Committee shall be responsible for regulating and coordinating the activities of the committees set up by the People's Council.

#### Article 126

The term of office of the People's Committee corresponds to that of the People's Council.

When the term of office of the People's Council expires, the People's Committee shall continue to perform its duties until the new People's Council has elected a new People's Committee.

In the case of the People's Council being dissolved, the People's Committee at the level above it shall appoint an interim People's Committee to take charge until the new People's Council has elected a new People's Committee.

In the case of the dissolution of the People's Council of a province, a municipality directly under the central authority or a corresponding level, the Council of Ministers shall appoint an interim People's Committee.

## CHAPTER X

# PEOPLE'S COURTS AND PEOPLE'S CONTROL COMMISSIONS

### Article 127

The People's Courts and People's Control Commissions in the Socialist Republic of Vietnam are, within their competence, obliged to protect the socialist legal system, the socialist system, the working people's right to collective mastery, and socialist property, and to ensure respect for the lives, property, freedom, honour and dignity of citizens.

Any act encroaching upon the interests of the State or the collective or the legitimate interests of citizens must be dealt with in accordance with the law.

## PEOPLE'S COURT

### Article 128

The Supreme People's Court, the local People's Courts, and the Military Tribunals are the juridical bodies of the Socialist Republic of Vietnam.

Under special circumstances, the National Assembly or the Council of State may decide to set up Special Tribunals.

Appropriate people's organizations shall be formed at the grassroots to deal with minor breaches of law or disputes, in accordance with the law.

### Article 129

Judges of the People's Courts at all levels shall be elected.

The term of office of the Chief Justice, Deputy Chief Justice and judges of People's Courts at all levels corresponds to that of the bodies which elect them.

### Article 130

Trials at the People's Courts shall be held with the participation of people's assessors in keeping with the law. In the administration of justice, the people's assessors have the same powers as judges.

People's assessors of People's Courts at all levels shall be elected. The term of office of people's assessors at the Supreme People's Court shall be two and a half years; that of people's assessors at local People's Courts shall be two years.

### Article 131

During trials, judges and people's assessors are independent and subject only to the law.

### Article 132

The People's Courts shall make judgements and pass sentence collectively by majority decision.

### Article 133

Proceedings in People's Courts shall be open to the public, unless otherwise stipulated by the law.

The defendants' right to plead their cases is guaranteed.

A jurist organization may be formed to give legal assistance to the defendants and other persons concerned.

### Article 134

The People's Courts shall ensure to the citizens of all nationalities in the Socialist Republic of Vietnam the right to use their own spoken languages and scripts before the Courts.

### Article 135

The Supreme People's Court is the highest juridical body of the Socialist Republic of Vietnam.

The Supreme People's Court shall supervise the proceedings of local People's Courts and Military Courts.

The Supreme People's Court shall supervise the proceedings of the Special Courts, unless the National Assembly or the Council of State decides otherwise when setting up these Courts.

### Article 136

The Supreme People's Court shall be responsible and accountable to the National Assembly; when the National Assembly is not in session, it shall be responsible and accountable to the Council of State.

Local People's Courts shall be responsible and accountable to the People's Councils at the same levels.

### Article 137

The verdicts and decisions of the People's Courts, as soon as they take legal effect, must be respected by State organs, social organizations and all citizens; the persons and units concerned must strictly implement them.

## THE PEOPLE'S CONTROL COMMISSIONS

### Article 138

The Supreme People's Control Commission of the Socialist Republic of Vietnam shall control the observance of the law by the ministries and other bodies under the authority of the Council of Ministers, local organs of power, social organizations, State employees, and all citizens; exercise the right of public prosecution; and ensure the strict and uniform observance of the law.

The local People's Control Commissions and the Military Control Commission shall control the observance of the law and exercise the right of public prosecution within their spheres of responsibility.

### Article 139

The term of office of the Procurator-General of the Supreme People's Control Commission corresponds to that of the National Assembly.

### Article 140

A People's Control Commission shall be led by its Chief Procurator.

The Chief Procurator of a lower People's Control Commission shall be subordinate to his counterpart in the immediately senior People's Control Commission; the chiefs of the local People's Control Commissions shall be under the unified leadership of the Procurator-General of the Supreme People's Control Commission.

The Chief and Deputy Chief Procurators and members of People's Control Commissions shall be appointed and removed by the Procurator-General of the Supreme People's Control Commission.

#### Article 141

The Procurator-General of the Supreme People's Control Commission shall be responsible and accountable to the National Assembly; when the National Assembly is not in session, he shall be responsible and accountable to the Council of State.

### CHAPTER XI

## NATIONAL FLAG, NATIONAL EMBLEM, NATIONAL ANTHEM AND NATIONAL CAPITAL

#### Article 142

The national flag of the Socialist Republic of Vietnam consists of a rectangle of red cloth, with a five-pointed golden star in the middle; the ratio of the width of the flag to its length is 2/3.

#### Article 143

The national emblem of the Socialist Republic of Vietnam is round in form with a red background. In its centre is a five-pointed golden star framed by ears of rice. Its lower half is rimmed by a halved cogwheel with the inscription: "*Cộng hoà xã hội chủ nghĩa Việt Nam.*"

#### Article 144

The national anthem of the Socialist Republic of Vietnam shall be adopted by the National Assembly.

#### Article 145

The capital of the Socialist Republic of Vietnam is Hanoi.



## CHAPTER XII

# LEGAL FORCE OF THE CONSTITUTION AND PROCEDURE FOR AMENDING THE CONSTITUTION

### Article 146

The Constitution of the Socialist Republic of Vietnam is the fundamental law of the State and has supreme legal force.

All other legal documents must be consistent with the Constitution.

### Article 147

Only the National Assembly shall have power to amend the Constitution.

Amendments to the Constitution shall require, for their adoption, a majority vote of not less than two-thirds of the total number of deputies to the National Assembly.



# CONSTITUTION OF THE SOCIALIST REPUBLIC OF VIETNAM

1992

*Adopted by the National Assembly of  
the Socialist Republic of Vietnam, 8th  
Legislature, 11th session, 15 April, 1992*

## 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 2 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 motherland, and brought to completion the people's national democratic revolution. On 2 July 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 internationalist duty.

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 institutionalizes 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, carrying into effect the Programme of national construction in the period of transition to socialism, the Vietnamese people vow to unite millions as one, uphold the spirit of self-reliance in building the country, carry out a foreign policy of independence, sovereignty, peace, friendship and cooperation with all nations, strictly abide by the Constitution, and win ever greater successes in their effort to renovate, build and defend their motherland.

## CHAPTER I

# THE SOCIALIST REPUBLIC OF VIETNAM

## THE POLITICAL REGIME

### Article 1

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

The Socialist Republic of Vietnam is a State of the people, from the people, for the people. All State power belongs to the people and is based on an alliance between the working class, the peasantry, and the intelligentsia.

### Article 3

The State guarantees and unceasingly promotes the people's mastery in all fields, and severely punishes all acts violating the interests of the motherland and the people; it strives to build a rich and strong country in which social justice prevails, all men have enough to eat and to wear, enjoy freedom, happiness, and all necessary conditions for complete development.

#### Article 4

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.

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

#### Article 5

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

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

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.

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

#### Article 6

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.

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

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

All State organs, cadres and employees must show respect for the people, devotedly serve them, maintain close links with them, listen to their opinions and submit themselves to their control; all manifestations of bureaucracy, arrogance, arbitrariness and corruption shall be vigorously opposed.

#### Article 9

The Vietnam Fatherland Front and its member organizations constitute the political base of people's power. 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 people's power, works together with the State for the care and protection of the people's legitimate interests, encourages the people to exercise their right to

mastery, ensures the strict observance of the Constitution and the law, and supervises the activity of State organs, elected representatives, and State officials and employees.

The State shall create favourable conditions for the effective functioning of the Fatherland Front and its component organizations.

#### Article 10

The Trade Unions, being the socio-political organization of the working class and the toiling people, joints 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 workers, employees and other labouring people to work well for national construction and defence.

#### Article 11

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

#### Article 12

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

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.

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

The Vietnamese motherland is sacred and inviolable.

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

#### Article 14

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 political and social system 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 interests; it seeks to strengthen solidarity, friendship and cooperation with 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

The State promotes a multi-component commodity economy functioning in accordance with market mechanisms under the management of the State and following the socialist orientation. The multi-component economic structure with various forms of organization of production and trading is based on a system of ownership by the entire people, by collectives, and by private individuals, of which ownership by the entire people and by collectives constitutes the foundation.

### Article 16

The aim of the State's economic policy is to make the people rich and the country strong, satisfy to an ever greater extent the people's material and spiritual by releasing all productive potential, developing all latent possibilities of all components of the economy — the State sector, the collective sector, the private individual sector, the private capitalist sector, and the State capitalist sector in various forms — pushing on with the construction of material and technical bases, broadening economic, scientific, technical cooperation and expanding intercourse with world markets.

### Article 17

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

The State manages all the land in accordance with the plan and the law, and guarantees that its use shall conform to the set objectives and yield effective results.

The State shall entrust land to organizations and private individuals for stable and lasting use.

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 sector shall be consolidated and developed, especially in key branches and areas, and play the leading role in the national economy.

The State-run enterprises enjoy autonomy in production and trading and shall guarantee that production and trading are to yield effective results.

#### **Article 20**

The collective sector growing out of the pooling by citizens of funds and efforts for cooperative production and trading shall be organized in various forms following the principles of free consent, democracy, and mutual benefit.

The State shall create favourable conditions for consolidating and broadening the cooperatives and allowing them to operate efficiently.

#### **Article 21**

In the private individual and private capitalist sectors people can adopt their own ways of organizing production and trading; they can set up enterprises of unrestricted scope in fields of activity which are beneficial to the country and the people. Encouragement shall be given to the development of the family economy.

#### **Article 22**

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.

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**

The lawful property of individuals and organizations shall not be nationalized.

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.

The formalities of the forcible purchase of requisition shall be determined by law.

#### **Article 24**

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**

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

The State creates favourable conditions for Vietnamese residing abroad to invest in the country.

#### **Article 26**

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**

The State shall practice economy in all its economic, social and managerial activities.

#### **Article 28**

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

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

#### **Article 29**

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.

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**

The State and society seek to preserve and develop Vietnamese culture, which shall be national, modern, and humanistic; it shall inherit and promote the values of the cultures of all nationalities in Vietnam, the thought, morality and style of Ho Chi Minh, the quintessence of human culture; all creative talent activities among the people shall be developed to the full.

The State undertakes the overall administration of cultural activities. The propagation of all reactionary and depraved thought and culture is forbidden; superstitions and harmful customs are to be eliminated.

#### **Article 31**

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

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

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 activity; it shall give its patronage to creative talent in literature and the arts.

The State shall promote diversity in literature and arts; it shall give encouragement to mass literary and artistic activities.

### Article 33

The State shall promote information work, the press, radio, television, cinema, publishing, libraries and other means of mass communication. The State shall strictly ban all activities in the fields of culture and information that are detrimental to national interests, and destructive of the personality, morals, and fine lifestyle of the Vietnamese.

### Article 34

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.

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

### Article 35

Education and training are top-priority policies.

The State develops educational work with a view to heightening the people's spirit, training manpower, and fostering talent.

The aim of education is to form and nurture the personality, moral qualities, and abilities of the citizen, to train working people and equip them with skills, to imbue them with dynamism and creativeness, national pride, good morality, and the will to strive for national prosperity, so as to meet the need to build and defend the country.

### Article 36

The State undertakes the overall management of the national system of education with regard to the objectives, contents, plans, the standards required of teachers, the regulations governing examinations and the system of diplomas and certificates.

The State shall ensure the harmonious development of the educational system: pre-school education, general education, vocational training, college and post-graduate education; it shall enforce the generalization of primary education, eliminate illiteracy; it shall develop various educational institutions: State-run schools, people-run schools, and others.

The State gives priority investment to education and encouragement to other investors.

Priority investment is reserved for educational work in the highlands, in regions inhabited by national minorities and in regions encountering special difficulties.

Mass organizations, first of all the Ho Chi Minh Communist Youth Union, social organizations, economic bodies, the family and the school all bear responsibility for the education of the youth, teenagers and children.

#### Article 37

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

The State works out and implements a national policy on science and technology; strives to build an advanced science and technology; sees to a well-coordinated development of all scientific branches with the aim of laying a scientific groundwork for the enactment of lines, policies and laws, renovating technologies, promoting productive forces, upgrading managerial skills, ensuring proper standards and rate of economic development, and contributing to national defence and security.

#### Article 38

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

The State makes investment in, ensures the development of, and exercises unified management over, the protection of the people's health; it mobilizes 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 service with people's health services; the State shall see to the organization of the health insurance and create the necessary conditions for all citizens to enjoy health care.

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

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

#### Article 40

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**

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

The State exercises overall management for the development of physical culture and sports; it shall establish a regime of compulsory physical culture 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**

The State and society shall promote tourism; tourist activities shall be expanded at home and internationally.

#### **Article 43**

The State shall expand international intercourse 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 MOTHERLAND**

#### **Article 44**

The entire people shall endeavour to defend the socialist Vietnamese motherland and ensure national security.

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.

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**

All units of the people's armed forces must show absolute loyalty to the motherland 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 State shall build a revolutionary people's army which shall be a well-trained regular army to be gradually modernized; it shall build 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 State shall build a revolutionary people's police which shall be well-trained regular force to be gradually modernized; this police shall rely on the people and shall serve as the core of a popular movement to safeguard national 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**

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, enact a regime of military service and rear-area policies, build up the national defence industry to ensure proper equipment for the armed forces. It shall harmonize 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 and unceasingly reinforce the country's national defence potential.

### **CHAPTER V**

## **FUNDAMENTAL RIGHTS AND DUTIES OF THE CITIZEN**

#### **Article 49**

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

#### **Article 50**

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**

The citizen's rights are inseparable from his duties.

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

The citizen's and duties are determined by the Constitution and the law.

#### **Article 52**

All citizens are equal before the law.

### Article 53

The citizen has 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 organized by the State.

### Article 54

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

The citizen has both the right and duty to work.

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

### Article 56

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

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

The citizen enjoys freedom of enterprise as determined by law.

### Article 58

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.

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

### Article 59

The citizen has both the right and the duty to receive training and instruction.

Primary education is compulsory and dispensed free of charge.

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

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

The State shall enact policies regarding tuition fees and scholarships.

The State and society shall create the necessary conditions for handicapped children to acquire general knowledge and appropriate job training.

#### Article 60

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

#### Article 61

The citizen is entitled to a regime of health protection.

The State shall establish a system of hospital fees, together with one of exemption from and reduction of such fees.

The citizen has the duty to observe all regulations on disease prevention and public hygiene.

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

The citizen has right to build dwelling-houses according to zoning regulations and the law. The rights of lessees and lessors are protected by the law.

#### Article 63

Male and female citizens have equal rights in all fields — political, economic, cultural, social, and family.

All acts of discrimination against women and all acts damaging women's dignity are strictly banned.

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 prenatal and post-natal leaves during which they shall receive all their wages and allowances as determined by law.

The State and society shall create all necessary conditions for women to raise their qualifications in all fields and fully play their roles in society; they shall see to the development of maternity homes, pediatric 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

The family is the cell of society.

The State protects marriage and the family.

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

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.

The State and society shall recognize no discrimination among children.

#### Article 65

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

#### Article 66

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, 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 suites to their state of health and assistance in securing stable living conditions.

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

Old people, infirm people and orphans without support shall receive State assistance.

#### Article 68

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

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

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.

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

No one can violate freedom of belief and of religion; no one can misuse belief and religions to contravene the law and State policies.

#### Article 71

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

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 offenses. Taking a person into, or holding him in, custody must be done with full observance of the law.

#### Article 72

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

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**

The citizen is entitled to the inviolability of his domicile.

No one can enter the domicile of another person without his consent, except in cases authorized by the law.

Safety and secrecy are guaranteed to the citizen's correspondence, telephone conversations and telegrams.

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**

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.

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

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

#### **Article 75**

The State shall protect the legitimate interests of Vietnamese people residing abroad.

The State shall create the necessary conditions for Vietnamese residing abroad to maintain close ties with their families and native land and to contribute to national construction.

#### **Article 76**

The citizen must show loyalty to his motherland.

To betray one's motherland is the most serious crime.

#### **Article 77**

It is the sacred duty and the noble right of the citizen to defend his motherland.

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

#### **Article 78**

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



#### **Article 79**

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 abide by the regulations of public life.

#### **Article 80**

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

#### **Article 81**

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**

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 is the highest representative organ of the people and the highest organ of State power of the Socialist Republic of Vietnam.

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

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.

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

#### **Article 84**

The National Assembly has the following obligations and powers:

1. To make and amend the Constitution; to make and amend laws; to work out a programme for making laws 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 country's 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 the country's plan for socio-economic development;

4. To decide the national financial and monetary policies; to decide the draft State budget and budgetary appropriations; to approve the accounts of the State budget; to establish, change, or abolish taxes;

5. To decide the nationalities policy of the State;

6. To regulate the organization and activity of the National Assembly, the country's 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 country's President and Vice-President, the Chairman of the National Assembly, the Vice-Chairman 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 country's President on the establishment of the Council of National Defence and Security; to sanction the proposals of the Prime Minister on the appointment, release from duty and removal from office of Vice-Premiers, Cabinet Ministers and other members of the Government;

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 country's 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 in 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 fundamental policies in external relations; to ratify or annul international agreements that have been signed or participated in on the proposal of the country's President;

14. To hold a referendum.

## Article 85

The duration of each National Assembly is five years.

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.

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**

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

When so required by the country's 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.

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 National Assembly until the election by the incoming National Assembly of its chairman.

#### **Article 87**

The country's President, the Standing Committee of the National Assembly, the Nationalities Council and Committees of the National Assembly, by 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 present draft laws to the National Assembly.

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

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

#### **Article 88**

Laws and resolutions of the National Assembly must be approved by more than half the total membership of the National Assembly; 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.

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

#### **Article 89**

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**

The Standing Committee of the National Assembly is its permanent committee.

It is composed of:

- the Chairman of the National Assembly;
- the Vice-Chairmen of the National Assembly;
- the members.

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.

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

Following are the duties and powers of the Standing Committee of the National Assembly:

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, and 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, harmonize, and co-ordinate the activities of the Nationalities Council and the Committees of the National Assembly; to give guidance to, and ensure good working conditions for, members of the National Assembly;

8. In the intervals between sessions of the National Assembly, to sanction proposals of the Prime Minister concerning the appointment, release from duty, and dismissal of a Vice-Premier, a Cabinet Minister, and other members of the Government, and to report such matters to the nearest session of the National Assembly;

9. In the intervals between sessions of the National Assembly, to proclaim the state of the war in case of foreign aggression and report the matter to the National Assembly for its approval at its nearest session;

10. To proclaim general or partial mobilization; to proclaim a state of emergency throughout the country or in a particular region;

11. To carry out the National Assembly's external relations;

12. To organize a referendum following decision by the National Assembly.

#### **Article 92**

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; organize the carrying out of its external relations; maintain relationship with its members.

The Vice-Chairmen of the National Assembly shall assist the Chairman in the fulfillment of his duties as required by him.

#### **Article 93**

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 country's President to the National Assembly for review.

#### **Article 94**

The National Assembly shall elect a Nationalities Council comprising the Chairman, Vice-Chairmen, and members.

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.

Prior to promulgation of decisions related to nationalities policies, the Government must consult the Nationalities Council.

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.

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

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

#### **Article 95**

The National Assembly shall elect its Committees.

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.

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

#### **Article 96**

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.

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

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

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.

The deputy to the National Assembly shall popularize and urge the people to implement the Constitution, laws and resolutions of the National Assembly.

#### Article 98

The deputy to the National Assembly has the right to interpellate the country's 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. The officials interpellated 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.

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

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.

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

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

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.

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

## CHAPTER VII

# THE COUNTRY'S PRESIDENT

### Article 101

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

### Article 102

The country's President shall be elected by the National Assembly from among its members.

He is responsible to the National Assembly for his work and reports to it.

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 country is elected by the new legislature.

### Article 103

Following are the duties and powers of the country's President:

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 country, 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 or its Standing Committee to appoint, release from duty, or dismiss the Vice-Premiers, Cabinet 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 order a general or partial mobilization; to proclaim a state of emergency throughout the country or in a particular region;

7. To propose to the Standing Committee of the National Assembly to review its decree-laws and resolutions on matters stipulated in Points 8 and 9, Article 91, within the space of ten days following their adoption; if those decree-laws and resolutions are again passed by the Standing Committee of the National Assembly with the country's President dissenting, the latter shall report the matter to the National Assembly for it to decide the issue 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 confer titles and ranks on senior officers of the people's armed forces, diplomatic titles and ranks, and other State titles and ranks; to confer medals, badges and State honours and distinctions;

10. To appoint and recall Vietnam's ambassadors extraordinary and plenipotentiary; to receive foreign ambassadors extraordinary and plenipotentiary; to negotiate and sign international agreements on behalf of the Socialist Republic of Vietnam with the Heads of other States; to approve or join international agreements, except in cases where a decision by the National Assembly is necessary;

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 shall comprise the President, the Vice-President and the members.

The country's 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.

The National Defence and Security Council shall mobilize all forces and potentialities of the country for national defence.

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



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

#### **Article 105**

The country's President is entitled to attend sessions of the Standing Committee of the National Assembly.

Whenever he deems it necessary he can attend meetings of the Government.

#### **Article 106**

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

#### **Article 107**

The country's Vice-President shall be elected by the National Assembly from among its members.

He shall assist the President in the performance of his duties and may be delegated by him to perform certain tasks.

#### **Article 108**

When the country's President is incapacitated for work over a long period of time, the Vice-President shall act as President.

In case of vacancy of the 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 is the executive organ of the National Assembly, the highest organ of State administration of the Socialist Republic of Vietnam.

The Government shall carry out overall management of the work for the fulfillment 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.

The Government is accountable to the National Assembly and shall make its reports to the National Assembly, its Standing Committee, and the country's President.

#### **Article 110**

The Government shall be composed of the Prime Minister, the Vice-Premiers, the Cabinet Ministers, and other members. With the exception of the Prime Minister, its members are not necessarily members of the National Assembly.

The Prime Minister is accountable to the National Assembly and shall make his reports to the National Assembly, its Standing Committee, and the country's President.

The Vice-Premiers 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**

The Chairman of the Central Committee of the Vietnam Fatherland 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**

Following are the duties and powers of the Government:

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 citizens; to organize 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 mobilization; to proclaim the state of emergency and all other necessary measures to defend the country;

7. To organize 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 sign, approve international agreements on behalf of the Government; to direct the implementation

of international agreements subscribed to or joined by the Socialist Republic of Vietnam; to protect the interests of the State and the legitimate interests of Vietnamese citizens and organizations in foreign countries;

9. To implement social policies, nationalities policies, policies on religion;

10. To take decisions on 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 Fatherland Front and all mass organizations in the fulfillment of their duties and exercise of their rights; to create conditions for their effective functioning.

#### **Article 113**

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**

Following are the duties and powers of the Prime Minister:

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 to the National Assembly to set up or disband ministries and organs of ministerial rank; to present to the National Assembly or, when the latter is not in session, to its Standing Committee for approval, proposals on the

appointment, release from duty, or dismissal of Vice-Premiers, Cabinet 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 dismiss the Chairmen and Vice-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**

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 Government shall issue resolutions and decrees, the Prime Minister shall issue decisions and directives and shall supervise the execution of those formal written orders.

Major issues within the jurisdiction of the Government shall undergo collegial discussion and decisions shall be taken in conformity with the will of the majority.

#### Article 116

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.

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, the other Government members, the heads of Government organs shall issue decisions, directives and circulars and shall control the ~~execution of those~~ formal written instructions by all branches, regions and grassroots units.

#### Article 117

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

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

The country is divided into provinces and cities under direct central rule;

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;

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.

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

#### Article 119

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

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 stabilizing 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

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.

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

#### Article 122

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 officials interpellated

must answer this interpellation within the time determined by law.

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 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

Within the bounds of its duties and powers the People's Committee shall issue decisions and directives and supervise their execution.

The Chairman of the People's Committee shall give leadership and operational guidance to the activities of the People's Committee.

When deciding major local matters, the People's Committee shall undertake collegial discussion and its decisions must conform to the will of the majority.

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**

The Chairman of the Vietnam Fatherland Front 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.

The People's Council and the People's Committee shall make regular reports on the local situation in all fields to the Fatherland 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**

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 the 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**

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.

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

At the grassroots, appropriate popular organizations shall be set up to deal with minor offenses and disputes among the people according to the provisions of the law.

#### **Article 128**

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

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 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**

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

#### **Article 131**

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

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

#### **Article 132**

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.

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**

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 is the highest judicial organ of the Socialist Republic of Vietnam.

It supervises and directs the judicial work of local People's Courts and Military Tribunals.

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 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 country's President.

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

#### Article 136

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

The Supreme People's Office of Supervision and Control supervises and controls obedience to the law by Ministries, organs of ministerial rank, other organs under the Government, local organs of power, economic bodies, social organizations, people's armed units and citizens; it exercises the right to initiate public prosecution, ensures a serious and uniform implementation of the law.

The local Offices of Supervision and Control and the military Offices of Supervision and Control supervise and control obedience to the law and exercise the right to initiate public prosecution within the bounds of their responsibilities as prescribed by law.

#### Article 138

The 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.

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.

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

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

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 country's President.

#### Article 140

The Heads of the local People's Offices of Supervision and Control are responsible for reporting to the People's Councils on the situation in law enforcement in the respective localities, and shall answer the interpellation of 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 of the Socialist Republic of Vietnam 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 of the Socialist Republic of Vietnam 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 cogwheel and the inscription: *Cộng hoà xã hội chủ nghĩa Việt Nam*.

### Article 143

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

### Article 144

The capital of the Socialist Republic of Vietnam is Hanoi.

### Article 145

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

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

All other legal documents must conform to the Constitution.

### Article 147

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.

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