

**1992 CONSTITUTION  
OF THE SOCIALIST REPUBLIC OF VIETNAM  
(As Amended 25 December 2001)<sup>1</sup>**

**Preamble**

Through the millennia of their history the Vietnamese people have worked hard and creatively and fought valiantly to build and safeguard their country, in the course of which the nation's tradition of unity, humanity and of staunch and indomitable struggle has been forged and its cultural heritage built and nurtured.

Since 1930, under the leadership of the Communist Party of Vietnam founded and forged by President Ho Chi Minh, our people have undertaken a protracted and arduous revolutionary struggle that led to the successful August Revolution and the foundation of the Democratic Republic of Vietnam on 2nd September 1945. Over the decades that followed, our multi-ethnic nation fought continuously and, with the precious assistance of friends across the world, especially of the socialist and neighbouring countries, achieved glorious victories, especially in the historic Dien Bien Phu and Ho Chi Minh campaigns, defeating the two colonialist and imperialist wars of aggression, liberating and reunifying their homeland, and completing the people's national democratic revolution. On July 2nd, 1976 the National Assembly of reunified Vietnam decided to change the name of the country to the Socialist Republic of Vietnam; the whole country entered the period of transition to socialism, of resolute endeavour to build up the country, staunch defence of the homeland as well as discharge of international obligations.

Through successive periods of war of resistance and nation-building, Vietnam has adopted the 1946 Constitution, the 1959 Constitution and the 1980 Constitution.

Since 1986 our people have carried out a process of all-round reform and renewal initiated by the Sixth Party Congress and achieved very important initial accomplishments. The National Assembly has decided to revise the 1980 Constitution so as to meet the exigencies of the new circumstances and tasks.

The present Constitution determines Vietnam's political economic, socio-cultural, military and security system, the basic rights and obligations of Vietnamese citizens, the structure, organising and operating principles of State offices; and institutionalises the inner workings of the set up wherein the people are masters, the State provides management and the Party leadership.

In the light of Marxism-Leninism and Ho Chi Minh's thought, implementing the Political Program for National Construction during the transitional period to socialism, the Vietnamese people pledge to bring into full play their traditional patriotism, unite as one, uphold the spirit of self-resilience in building the country, pursue a foreign policy of independence, sovereignty, peace, friendship and co-operation with all countries in the world, scrupulously abide by the Constitution, and forge ahead in the cause of reform and renewal, and of building and safeguarding their homeland.

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<sup>1</sup> As amended by Resolution 51-2001-QH10 of Legislature X of the National Assembly at its 10th Session, 25 December 2001.  
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## CHAPTER I

### THE SOCIALIST REPUBLIC OF VIETNAM THE POLITICAL SYSTEM

#### Article 1

The Socialist Republic of Vietnam is an independent, sovereign and united country, which in its territorial integrity comprises its mainland, off-shore island, airspace and territorial waters.

#### Article 2

The State of the Socialist Republic of Vietnam is a State of the people, by the people, for the people. All State power belongs to the people whose foundation is the alliance between the working class and the peasantry and the intelligentsia.

State power is unity with delegation of power to, and co-ordination among State bodies in exercising legislative, executive and judicial rights.

#### Article 3

The State ensures and constantly fosters the people's rights as masters in all spheres, realises the targets of building a prosperous life for its people, a strong country and an equitable, democratic and civilised society, ensuring the well-being, freedom and happiness of all citizens as well as conditions for their all-round development, and severely punishes all infringements on the interests of the nation and of the people.

#### Article 4

The Communist Party of Vietnam, the vanguard of the Vietnamese working class and loyal representative of the interests of the working class, the working people and the whole nation, who adheres to Marxism-Leninism and Ho Chi Minh's thought, is the force assuming leadership of the State and society.

All organisations of the Party shall operate within the framework of the Constitution and the law.

#### Article 5

The State of the Socialist Republic of Vietnam is the united State of the various ethnic communities cohabiting on the Vietnamese land.

The State applies a policy of equality, solidarity and mutual support among the various ethnic communities and prohibits all acts of ethnic discrimination and division.

The various ethnic communities have the right to use their own language and writing, to preserve their ethnic identity and to nurture their fine customs, traditions and cultures.

The State implements policies of all-round development aimed at gradually improving and raising the material and spiritual conditions of life of ethnic minorities.

#### Article 6

The people exercise State power through the National Assembly and the People's Councils, bodies representing the will and aspirations of the people and which are elected by and accountable to the people.

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

#### **Article 7**

Elections to the National Assembly and the People's Councils are conducted by universal equal and direct suffrage through secret ballot.

Deputies to the National Assembly may be divested of their mandate by electors or by the National Assembly and deputies to the People's Councils may be divested of their mandate by electors or the People's Councils when they are no longer worthy of the people's confidence.

#### **Article 8**

All State bodies and State officials and employees shall respect the people, serve the people with utmost dedication, maintain close ties with the people, listen to the opinions of the people and accept their supervision. They shall resolutely combat against corruption, mis-spending and all manifestations of bureaucratism, arrogance, and authoritarianism.

#### **Article 9**

The Vietnam Fatherland Front is the political allied organization and voluntary union of political organizations, social-political organizations, social organizations and representative individuals of social strata and classes, of ethnic groups, of religions and of Vietnamese people residing abroad.

The Vietnam Fatherland Front and its member organisations constitute the political base of the people's administration. The Front fosters the tradition of national unity, strengthens political and moral cohesion among the people, takes part in building and consolidating the people's power, and together with the government attends to and protects the legitimate rights of the people, encourages the people to exercise their rights as master scrupulously respect the Constitution and the law, and monitors the activities of the state agencies, elected deputies, state officials and employees.

The State creates favourable conditions for the Fatherland Front and its member organizations to work efficiently.

#### **Article 10**

The Vietnam Confederation of Trade Unions, as the socio-political organisation of the working class and working people, together with State bodies and economic and social organisations cares for and protects the interests of workers, public employees and other working people; takes part in the inspection and supervision of the activities of State bodies and economic organisations; educates cadres, workers, public employees and other working people in the building and defence of their homeland.

#### **Article 11**

Citizens exercise their rights as masters at the grass-roots level by taking part in state and social affairs. They have the obligation to protect public property and legitimate rights and interests of citizens, to preserve national security and social order and safety and the organisation of public life.

#### **Article 12**

The State administers society by rule of law and constantly strengthens the socialist legislation.

All State agencies, all economic and social organisations, the people's armed forces units and all citizens shall strictly abide by the Constitution and the law and take part in crime prevention and in the fight against crime and violations of the Constitution and the law.

All infringements on the interests of the State and on the lawful rights and interest of collectives and citizens shall be sanctioned according to law.

### **Article 13**

Our Vietnamese homeland is sacred and inviolable. All schemes and actions prejudicial to the independence, sovereignty, unity and territorial integrity of the homeland or the cause of building and defending the socialist homeland shall be severely punished according to law.

### **Article 14**

The Socialist Republic of Vietnam pursues a policy of peace, friendship and expanded international relations and cooperation with all countries in the world, irrespective of their 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; enhances the friendly solidarity and traditional cooperation with socialist and neighbouring countries; actively supports and contributes to the common struggle of the peoples of the world for peace, national independence, democracy and social progress.

## **CHAPTER II**

### **THE ECONOMIC SYSTEM**

### **Article 15**

The State builds an independent and self-reliant economy through promoting internal strength, actively integrating into the world's economy and conducting industrialisation and modernisation of the country.

The State adopts consistent policies on development of a socialist-oriented market economy. The multi-sectoral structure of the economy with diversified types of production and business organisation is based on ownership of the entire people along with collective and private ownership, of which the first two and the second are the cornerstone.

### **Article 16**

The economic policies of the State are to build a strong country with prosperous life for its people, and aimed at ever better satisfying the material and spiritual needs of the people by bringing into full play all productive capacities, and all the potentials of the various economic sectors comprising the State, collective, individual, small-holder, private capitalist, State capitalist and the economy with foreign owned capital under different forms; stepping up the construction of the material and technical basis, expanding economic, scientific and technical cooperation and exchanges with the international market.

The economic sectors constitute important components of the socialist-oriented market economy. Individuals and organizations from different economic sectors may conduct production and business in industries and trades permitted by law; may jointly carry out long-term development and co-operation, and shall be equal and shall compete in accordance with the law.

The State fosters the establishment, development and step-by-step completion of all kinds of socialist-oriented markets.

### **Article 17**

The land, forests, rivers and lakes, water sources, underground natural resources, resources in the territorial waters, on the continental shelf and in the air space, capital funds and properties invested by the State in enterprises and projects in the various branches and fields of the economy, culture, social life, science and technology, foreign affairs and national security and defence and other property defined by law as belonging to the State fall under the ownership of the entire people.

#### **Article 18**

The State assumes the unified administration of land according to overall planning and in conformity with the law and ensures its appropriate and effective use.

Land is allocated by the State to organisations and individuals for stable long-term use.

Organisations and individuals who use the land are duty-bound to ensure its protection, replenishment, rational exploitation and economical utilisation. They are also entitled by law to transfer the right to use the land allocated by the State.

#### **Article 19**

The State sector is to be strengthened and developed especially in the key branches and fields which assume a leading role and, together with the collective economic sector, form the stable foundation of the national economy.

#### **Article 20**

Economic collectives set up through the contribution of funds and manpower by citizens for cooperation in production and business will be organised under different forms on the basis of voluntariness, democracy and mutual benefit.

The State shall facilitate the consolidation and expansion of efficient economic collectives.

#### **Article 21**

Individual economic entities, small-holders and the private capitalist economic sector are allowed to choose their forms of production and business, have the right to set up business without any limitations as to their scale of activities in branches and trades which are beneficial to the well-being of the nation and its people.

The development of household economy is encouraged.

#### **Article 22**

Production and business establishments in the various economic sectors have to fulfil all obligations before the State, and are equal before the law; their legal capital and property shall be protected by the State.

Enterprises in the various economic sectors may enter joint ventures with individuals or economic organisations inside or outside the country as provided for by the law.

#### **Article 23**

The legal property of individual or organisations shall not be nationalised.

The State may, when necessary for reasons of security and national defence and for the national interest, purchase or requisition with compensation at current market prices the property of individuals or of organisations.

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

#### **Article 24**

The State expands external economic activities and assumes their unified administration, expands different forms of economic relations with all countries and international organisations on the principle of

respect for independence, sovereignty and mutual benefit, and of appropriate protection for domestic production.

#### **Article 25**

The State encourages foreign organisations and individuals to invest capital and technology in Vietnam in accordance with Vietnamese law and with international law and practice; ensures the legal ownership of capital and assets as well as other interests of foreign organisations and individuals. Enterprises with foreign invested capital shall not be nationalised.

The State encourages and creates favourable conditions for the Vietnamese who live abroad to invest in the homeland.

#### **Article 26**

The State assumes the unified administration of the national economy through legislation, plans, policies, assigns responsibilities and devolves State administrative authority among the various levels, combines the interests of individuals, collectives and the State.

#### **Article 27**

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

#### **Article 28**

All illegal production or business activities, all acts that undermine the national economy, harm the legitimate interests of the State, collectives and citizens shall be strictly punished in accordance with the law.

The State adopts policies aimed at protecting the interests of producers and consumers.

#### **Article 29**

All State offices, armed forces units, economic establishments, social organisations and every citizen have to observe State regulations on the appropriate utilisation of natural resources and on environmental protection.

All acts resulting in depletion and destruction of the environment are strictly prohibited.

### **CHAPTER III**

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

#### **Article 30**

The State and society preserve and develop a progressive Vietnamese culture imbued with national identity; and inherit and enhance the values of the multi-ethnic Vietnamese civilisation, Ho Chi Minh's thought, ethics and style; assimilate the quintessence of human culture; and foster all the creative talents of the people.

The State assumes the unified administration of cultural development. Reactionary and depraved ideologies and culture are to be banned; superstition is to be driven out.

#### **Article 31**

The State creates favourable conditions for citizens' all-round development; inculcates in citizens the sense of civic responsibility and the need to live and work in accordance with the Constitution and the law,

to preserve fine customs and to build happy and cultured families; instils in citizens patriotism, attachment to the socialist regime and a genuine spirit of internationalism, friendship and cooperation among nations in the world.

#### **Article 32**

Art and literature help nurture the noble personality and soul of the Vietnamese people. The State invest in the development of culture, literature and art, creates favourable conditions for the people to enjoy literary and artistic works of high value; sponsors the promotion of creative literary and artistic talents.

The state develops diverse forms of literary and artistic activities; encourages popular literary and artistic activities.

#### **Article 33**

Work in the field of information, press, radio, television, cinema, publishing, libraries and other means of mass communication is to be developed by the State-Cultural of information activities detrimental to the national interests and which undermine the fine personality, morality and way of life of the Vietnamese people are prohibited.

#### **Article 34**

The State and society preserve and develop the national cultural heritage; historical or revolutionary monuments, cultural relics, works of art and beauty-spots shall be maintained, restored, protected and their impact fostered. Due attention shall also be granted to preservation and museum work.

All acts causing damage to or prejudicial to historical or revolutionary monuments, works of art and beauty-spots are strictly prohibited.

#### **Article 35**

Education development is a primary national policy.

The State and society develops education with a view to raising the people's intellectual standard, training human resources, fostering talent.

Education's objective is to foster and nurture the personality, human qualities and capability of the citizen, to train a body of skilled dynamic and innovative workers imbued with national pride and good virtues and the resolve to strive to build a strong and prosperous nation, so as to meet the needs of nation-building and defence.

#### **Article 36**

The State assumes the unified administration of the national education system in terms of objectives, curricula, subject matter, planning, teachers' criteria, examination regulations and diploma system.

The State shall ensure the balanced development of the education system comprising the pre-school education, general education, vocational education, university and post graduate education, universalisation of secondary education; the development of various types of schools, state-run, private and other.

The State gives priority to investment in education and encourages other sources of investment therein.

The State carries out a policy of priority for development of education in the mountainous regions, ethnic minority areas and specially difficult areas.

Together with the school, mass organisations, being first and foremost the Ho Chi Minh Communist Youth Union, social and economic organisations, and the family have the responsibility to educate youth and children.

#### **Article 37**

Scientific and technological development is a primary national policy.

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

The State is to work out and implement a national policy on science and technology; build an advanced science and technology; ensure the harmonious development of the various kinds of science, study and receive world scientific and technological achievements so as to build up a scientific rationale for policy- and law-making, renew our technologies, develop the productive forces, upgrade our management ability, ensure the quality and pace of development of the economy and thus contribute to ensure national security and defence.

#### **Article 38**

The State is to invest into and encourage funding of science from various sources with priority in the direction of leading edge sciences and technologies attend to the training and rational employment of the body of scientists and technicians, especially those with an advanced level, and of skilled workers and craftsmen; create favourable conditions for the creative contribution of scientists, promote many forms of organisation and conduct of scientific research; link scientific research to socio-economic development needs, closely associate scientific research and training with production and business.

#### **Article 39**

The State invests in, develops and ensures the unified administration of people's health protection, harnesses and organises all social forces to build and develop a prevention-oriented Vietnamese medicine; combines disease prevention with treatment; develops and combines modern with traditional medicine and pharmacology; combines the development of public along with popular health care; ensures health care insurance and creates favourable conditions for all people to enjoy health care.

The State grants priority to the implementation of the health care program for mountain inhabitants and ethnic minority people.

Illegal medical treatment production and sale of medicines detrimental to the people's health by organisations of individuals are prohibited.

#### **Article 40**

The State, society, the family and all citizens have the obligation to give protection and care to mothers and children and to implement the population and family planning programme.

#### **Article 41**

The State and society are to develop physical culture and sports in Vietnam with a national, scientific and popular character.

The State assumes the unified management of sports and physical culture promotion; determines requirements for compulsory physical education at schools; encourages and assists in the development of various forms of popular voluntary physical culture and sports, creates necessary conditions to constantly expand broad-based popular physical and sports activities; attach special importance to professional physical and sports activities, train and foster sport talents.



#### **Article 42**

The State and society are to develop tourism, tourist activities inside and outside the country are to be encouraged and broadened.

#### **Article 43**

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

### **CHAPTER IV**

## **DEFENCE OF THE VIETNAMESE SOCIALIST HOMELAND**

#### **Article 44**

The defence of the Vietnamese Socialist Homeland and the maintenance of national security is a cause of the entire people.

The State consolidates and strengthens the system of defence by the entire people and of people's security, the core role being played by the people's armed forces; brings into play the combined strength of the nation to firmly safeguard the homeland.

State offices, economic or social organisations and all citizens are duty-bound to discharge their obligation with respect to defence and security as provided by the law.

#### **Article 45**

The People's armed forces owe absolute loyalty to the Homeland and the people, have the duty to be prepared to defend the independence, sovereignty, unity and territorial integrity of the homeland, national security and social order and safety, to defend the socialist regime and the gains of the revolution, and to join the entire people in building the country.

#### **Article 46**

The State builds up a regular, combat-trained and gradually modernised people's revolutionary army, reserve forces and powerful local militia forces on the basis of the combination of construction with defence, of the strength of the people's armed forces with that of the entire people and of the strength of the tradition of national unity against foreign aggression with that of the socialist regime.

#### **Article 47**

The State is to build up regular, well trained gradually modernised people's revolutionary security forces relying on the people and serving as a core for the people's movement to defend national security and social order and safety, ensure political stability and citizen's rights to freedom and democracy, protect people's lives and property and the socialist property, prevent and fight against the various kinds of crimes.

#### **Article 48**

The State fosters the people's patriotism and revolutionary heroism, ensures people's education in defence and security, enforces compulsory military service, and an appropriate policy with regard to soldiers' families, builds up the defence industry, provides equipment to armed forces, combines national defence with economic development and vice-versa, ensures the material and moral conditions of life of officers and soldiers, defence workers and employees, builds powerful people's armed forces and constantly strengthens the ability to defend the country.

### **CHAPTER V**

## **BASIC RIGHTS AND OBLIGATIONS OF CITIZENS**

### **Article 49**

Citizens of the Socialist Republic of Vietnam are persons enjoying Vietnamese citizenship.

### **Article 50**

In the Socialist Republic of Vietnam, human rights in all respects, political, civic, economic, cultural and social are respected, find their expression in the rights of citizens and are provided for by the Constitution and the law.

### **Article 51**

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.

Rights and obligations of citizens are provided for by the Constitution and the law.

### **Article 52**

All citizens are equal before the law.

### **Article 53**

Citizens have the right to take part in managing the State and society, in debating on general issues of the whole country or of the locality, and make petitions or recommendation to the state offices and vote at any referendum held by the State.

### **Article 54**

All citizens regardless of their ethnic origin, sex, social status, belief, religion, educational level, occupation and term of residence have the right to vote upon reaching the age of eighteen and stand for election to the National Assembly and the People's Councils upon attaining the age of twenty one as provided by law.

### **Article 55**

Work is the right, obligation of citizens. The State and society are to draw up plans to create an increasing number of jobs for the workers.

### **Article 56**

The State is to promulgate labour protection policies and provisions.

The State determines the work time and provisions regarding salary, rest and social insurance for public employees and other salary-earners; encourages other forms of social insurance for the workers.

### **Article 57**

Citizens have the right to freely do business in accordance with the law.

#### **Article 58**

Citizens have the right to ownership of lawful income, savings, housing, personal possessions, means of production, capital and other assets in enterprises or in other economic organisations; the right to use the land allocated by the State is provided for in Article 17 and 18.

The State protects the citizen's right to bequeath and to inherit.

#### **Article 59**

Education is a right and obligation of citizens.

Primary education is to be compulsory and free of charge.

Citizens have the right to general and vocational education in various forms.

The State and society encourage gifted pupils and students in their studies with the view to develop their talents.

The State is to adopt policies on tuition fees and scholarships.

The State and society are to provide conditions for handicapped and other specially disadvantaged children to enjoy appropriate general and vocational education.

#### **Article 60**

Citizens have the right to undertake scientific and technical research and discovery, invention, innovations, technical improvements, rationalisation of production, and to engage in literary, artistic creation and criticism and other cultural activities. Copy right and the right to industrial ownership protected by the State.

#### **Article 61**

Citizens are entitled to health care.

The State determines provisions on hospital fees as well as exemption from or reduction of hospital fees.

Citizens have the obligation to comply with regulations on disease prevention and public hygiene.

Illegal production, transportation, sale, stockpiling and use of opium and other narcotic drugs are strictly prohibited. The State provides for compulsory treatment of drug addiction and certain dangerous social diseases.

#### **Article 62**

Citizens have the right to undertake construction of housing in accordance with planning and law. Interests of tenants and landlords are protected by the law.

#### **Article 63**

All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life.

Any discrimination against women and violation of women's dignity are strictly prohibited.

Women and men receive equal pay for equal work. Women workers are entitled to maternity benefits. Women who are public employees or salary-earners are entitled to pre-and post-natal paid leave, as provided by the law.

The State and society create favourable conditions for women to improve their knowledge and competence in all respects and increasingly bring into full play their role in society, ensure the development of maternity homes, paediatric wards, creches, kindergartens and other social welfare facilities in order to lighten women's workload in the family and create favourable conditions for women's production, work, study, medical treatment, rest and discharge of the duties of motherhood.

#### **Article 64**

The family is the nucleus of society.

The State protects marriage and the family.

Male and female citizens have the right to marry on the principle of free consent, progressive orientation, monogamy and equality between husband and wife.

Parents are duty bound to bring up and educate their children into useful citizens of society. Children have an obligation to respect and care for their grand-parents and parents.

The State and society do not admit any discrimination among children of the same family.

#### **Article 65**

The State, society and the family are responsible for the protection, care and education of children.

#### **Article 66**

The State, society and family create favourable conditions for the studies, work and recreation of young people and for the development of their intellectual faculties and physical fitness; inculcate in young people the national tradition and ethics, the sense of civic responsibility and the socialist ideal; encourage them to be in the vanguard of creative labour and of defence of the Homeland.

#### **Article 67**

The State grants preferential treatment to war invalids, sick soldiers and families of fallen combatants, creates conditions for the rehabilitation of disabled soldiers' working ability, to help them find employment suited to their health conditions and lead a stable life.

Persons or families who have rendered services to the country shall be commended and rewarded and shall receive proper attention.

Old people, disabled persons and orphans with no family support are entitled to assistance from the State and society.

#### **Article 68**

Citizens are entitled to freedom of movement and residence inside the country, of departure for and return from foreign countries in accordance with the law.

#### **Article 69**

Citizens are entitled to freedom of speech and freedom of the press; they have the right to receive information and the right of assembly, association and demonstration in accordance with the law.

#### **Article 70**

Citizens have the right to freedom of belief and religion, and may practise or not practise any religion. All religions are equal before the law.

Public places of religious worship are protected by law.

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

#### **Article 71**

Citizens have the right to physical inviolability and to have their lives, health, honour and dignity protected by law.

No citizen may be arrested without a warrant from the People's Court, or a warrant from the People's Court, or a warrant from or ratification by the People's Inspectorate except in the case he or she is caught in flagrant violation of the law.

Arrest and detention must be in accordance with the law.

All forms of coercion, humiliation and violation of a citizen's honour and dignity are strictly prohibited.

#### **Article 72**

No citizen shall be considered guilty and liable to punishment until a verdict has been reached by the Court and has come into effect.

Citizens who are arrested, detained, brought to court and sentenced unlawfully are entitled to damage compensation and to rehabilitation of their honour. Anyone who in arresting, detaining, prosecuting or sentencing some one unlawfully causes damage to others must be sanctioned by law.

#### **Article 73**

Citizens have the right to inviolability of their places of residence.

No one is allowed to enter another person's home without the latter's consent, unless otherwise authorised by the law.

Privacy and unimpeded flow of correspondence, telephone and telegraph communications is guaranteed. Only authorised representatives have the right to conduct house searches, to open, check and hold citizens' correspondence and telegraph communications in accordance with the law.

#### **Article 74**

Citizens have the right to lodge with any competent State authority a complaint or denunciation regarding transgressions of the law by any State body, economic or social organisation, people's armed forces unit or any individual.

Complaints and denunciations must be examined and dealt with within a period of time stipulated by law.

Any violation of interests of the State of legitimate rights and interests of collective and citizens must be promptly and strictly dealt with. Victims are entitled to damage compensation and to the rehabilitation of their honour as provided by law.

Retaliation against authors of complaints or denunciations and misuse of the right to lodge complaints and denunciations with the aim of slandering and harming others through false charges are strictly prohibited.

#### **Article 75**

Vietnamese residing abroad form part of the Vietnamese population community. The State protects the legitimate rights and interest of overseas Vietnamese.

The State encourages and creates favourable conditions for overseas Vietnamese to preserve the identity of Vietnamese national culture, to keep close contacts with their families and homeland and to contribute to the construction of their native land and country.

#### **Article 76**

Citizens must be loyal to the homeland.

Treason against the homeland is the gravest crime.

#### **Article 77**

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

Citizens are duty-bound to do military service and take part in building a national defence of the whole people.

#### **Article 78**

Citizens are duty-bound to respect and protect State property and public interests.

#### **Article 79**

Citizens are duty-bound to abide by the Constitution and the law, to safeguard national security and social order and safety, protect State secrets and respect the established rules of public life.

#### **Article 80**

Citizens are duty-bound to pay taxes and take part in public utility labour as provided by law.

#### **Article 81**

Foreign national legally residing in Vietnam are to comply with the Vietnamese Constitution and law.

They are entitled to protection by the State and according to Vietnamese law of their lives, property and legitimate rights and interests.

#### **Article 82**

Foreign nationals who are persecuted for taking part in the struggle for freedom and national independence, for socialism, democracy and peace, or for engaging in scientific pursuits may be considered for granting of asylum by the Socialist Republic of Vietnam.

### **CHAPTER VI**

## **THE NATIONAL ASSEMBLY**

#### **Article 83**

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 powers.

The National Assembly decides on fundamental domestic and foreign policies, on national socio-economic, defence and security tasks and on the main principles governing the organisation 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 State activities.

#### **Article 84**

The National Assembly has the following duties and powers:

1. To draw up and amend the Constitution; to make and amend laws; to decide on the program for the building of Vietnamese laws and decrees.
2. To exercise the right to supreme supervision over the observance of the Constitution, laws and resolutions of the National Assembly; to examine reports by the President, the Standing Committee of the National Assembly, the Government, the Supreme People's Court and the People's Inspectorate General on their respective activities.
3. To decide on the national socio-economic development plan.
4. To decide on national financial and monetary policies, to decide on estimates of the State budget and allocation of the Central budget, to ratify State budget finalisation reports; to determine, revise and repeal the various kinds of taxes.
5. To decide on State policies on ethnic minorities and on religions;
6. To determine the organisation and activities of the National Assembly; the President, the Government, the People's Court, the People's Inspectorate and local authorities;
7. To elect, suspend and revoke the President, the Vice-President, the Chairman and Vice-Chairmen and the members of the Standing Committee of the National Assembly, the Prime Minister of the Government; the Chief Justice of the Supreme People's Court, the Chief Prosecutor of the People's Inspectorate General; to ratify the appointment, suspension and revocation of Deputy-Prime Ministers, Ministers and other members of the Government upon the proposal of the Prime Minister; to ratify the list of members of the Defence and Security Council proposed by the President; and to take a vote of confidence in favour of officials elected or approved by the National Assembly.
8. To decide on the institution and dissolution of the Ministries and other Government bodies at the same level; creation, fusion, division of provinces and cities directly under the central authority and modification of their boundaries, institution and dissolution of special administrative economic units;
9. To abrogate texts adopted by the President the Standing Committee of the National Assembly, the Government, the Prime Minister of the Government, the Supreme People's Court and the People's Inspectorate General which are incompatible with the Constitution, the laws and resolutions of the National Assembly.
10. To grant general amnesties.
11. To determine ranks in the armed forces, diplomatic service and other State ranks; to determine medals, decorations and honorific State titles.

12. To decide on matters of war and peace, to determine the state of emergency and other special measures aimed at ensuring national defence and security.
13. To decide on fundamental foreign policies, to ratify or nullify international treaties signed directly by the President; to ratify or nullify the signature of or accession to international treaties upon the proposal of the President.
14. To decide on the holding of popular referendums.

#### **Article 85**

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

A new legislature of the National Assembly shall be elected two months before the term of the outgoing legislature expires. Electoral procedures and the number of representatives are determined by the law.

Under special circumstances, a legislature of the National Assembly may decide with a concurrent vote of two-thirds of the representatives, to shorten or prolong its own term.

#### **Article 86**

The National Assembly shall hold two sessions annually to be convened by the Standing Committee of the National Assembly.

The Standing Committee of the National Assembly may convene extraordinary sessions of the National Assembly, at the request of the President, the Prime Minister or of at least one-third of the representatives, or of its own initiative.

The first session of the new legislature of the National Assembly shall be convened not later than two months after the election of representatives, it shall be opened by the outgoing Chairman of the National Assembly who shall preside over the session until the incoming Chairman is elected.

#### **Article 87**

The President, the Standing Committee of the National Assembly, the Council of Ethnic Nationalities, the various Committees of the National Assembly, the Government, the Supreme People's Court, the People's Inspectorate General, the Vietnam Fatherland Front and its member organisations have the right to submit draft laws to the National Assembly.

Representatives to the National Assembly have the right to submit recommendations on laws and draft laws to the National Assembly.

The procedures for submitting recommendations on laws and draft laws to the National Assembly are defined by the law.

#### **Article 88**

The adoption of bills and resolutions of the National Assembly requires a positive vote by a majority of its representatives, except in the cases when the National Assembly revokes its representatives as provided in Article 7, shortens or prolongs its own term as provided in article 85, or amends the Constitutions as provided in Article 147, which require a concurrent positive vote of at least two-thirds of the representatives.

Laws and resolution of the National Assembly shall be made public not later than fifteen days after their adoption.

#### **Article 89**



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

#### **Article 90**

The Standing Committee of the National Assembly is the permanent body of the National Assembly.

The Standing Committee of the National Assembly consists of:

- The Chairman of the National Assembly;
- The Deputy-Chairmen of the National Assembly.
- The members.

The number of members of the Standing Committee are determined by the National Assembly. A member of the Standing Committee can not at the same time be a member of the Government.

The Standing Committee of each legislature of the National Assembly shall discharge its duties and exercise its power until the next legislature of the National Assembly has elected a new Standing Committee.

#### **Article 91**

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

1. To make public and preside over the election of representatives to the National Assembly.
2. To organise the preparation, convening and chairmanship of the sessions of the National Assembly.
3. To explain the Constitution, laws and ordinances;
4. To issue decrees on issues assigned by the National Assembly.
5. To supervise the implementation of the Constitution, laws and resolutions of the National Assembly, decrees and resolutions of the Standing Committee of the National Assembly; to supervise activities of the Government, the Supreme People's Court, the People's Inspectorate General; to suspend the implementation of texts adopted by the Government, the Prime Minister, the Supreme People's Court, the People's Inspectorate General which are incompatible with the Constitution, laws and resolutions of the National Assembly and submit to decision of the National Assembly recommendations on the abrogation of those texts; to abrogate texts adopted by the Government, the Prime Minister, the Supreme People's Court, the People's Inspectorate General, which are incompatible with decrees and resolutions of the Standing Committee of the National Assembly.
6. To supervise and guide activities of the People's Councils; to repeal improper resolutions of the People's Councils of provinces and cities under the central authority; to dissolve the People's Councils of provinces and cities under the central authority if they cause serious damage to the interests of the people.
7. To direct, harmonize and coordinate activities of the Council of Ethnic Nationalities and the various Committees of the National Assembly; to guide and ensure necessary conditions for the activities of representatives to the National Assembly.

8. To decide on proclamation of a state of war in case of aggression during any time the National Assembly cannot be in session and to report the proclamation to the National Assembly for consideration and determination at its earliest session.
9. To decide in a total or partial mobilisation; to proclaim a national or local state of emergency;
10. To conduct the external relations of the National Assembly.
11. To hold a popular referendum as decided by the National Assembly.

#### **Article 92**

The Chairman of the National Assembly presides over sessions of the National Assembly, certifies laws and resolutions of the National Assembly, guides activities of the Standing Committee of the National Assembly; organises the conduct of external relations of the National Assembly; Maintains relations with representatives to the National Assembly.

The Vice-Chairman of the National Assembly shall assist the Chairman in the discharge of his duties as assigned by him.

#### **Article 93**

The adoption of decrees and resolutions of the Standing Committee of the National Assembly requires a positive vote by a majority of its members. Such decrees and resolutions must be made public not later than fifteen day after their adoption, except in the case the President submits them to the National Assembly for reconsideration.

#### **Article 94**

The National Assembly elects the Council of Ethnic Nationalities, which consists of a Chairman, vice-chairmen, and other members.

The Council of Ethnic Nationalities studies and makes recommendations to the National Assembly on questions of ethnic nationalities; exercises the right to supervise the implementation of policies on ethnic nationalities, of programmes and plans for socio-economic development of mountainous areas and ethnic minority areas.

The Council of Ethnic Nationalities shall be consulted before any Government decision concerning policies on ethnic nationalities is made public.

The Chairman of the Council of Ethnic Nationalities is entitled to attend meetings of the Standing Committee of the National Assembly and shall be invited to attend meetings of the Government discussing the implementation of policy on ethnic nationalities.

The Council of Ethnic Nationalities also has the same other duties and powers as the various Committees of the National Assembly as stipulated in Article 95.

A number of members of the Council of Ethnic Nationalities work full-time for the Council.

#### **Article 95**

The National Assembly elects its own Committees.

These Committees examine and scrutinise draft laws, recommendation on laws, draft decrees and other bills, reports as assigned by the National Assembly or the Standing Committee of the National Assembly; submit to the National Assembly, the Standing Committee of the National Assembly their views on the

program for building laws and decrees; exercise supervisory powers as mandated by laws; make recommendations on matters within their respective competences.

In each committee, a number of members work full-time for the committee.

#### **Article 96**

The Council of Ethnic Nationalities and other committees of the National Assembly have the right to request members of the Government, the Chief Justice of the Supreme People's Court, the Chief Prosecutor of the People's Inspectorate General and other State officials or employees concerned to brief them or provide them with relevant documents on necessary issues. It is incumbent upon such persons when so requested to comply with the request.

State offices have the responsibility to examine and respond to recommendations made by the Council of Ethnic Nationalities and Committees of the National Assembly.

National Assembly representatives are the representatives of the people's will and aspirations not only in their own constituencies but of the whole country as well.

National Assembly representatives must maintain close contacts with voters, accept their supervision; collect and truthfully reflect their opinions and wishes to the National Assembly and concerned State offices, hold periodic meetings with voters and report to them about their activities and those of the National Assembly; answer requests and petitions made by voters; examine, activate and monitor the handling of complaints and denunciation made by voters and provide guidance and assistance to citizens in the exercise of such rights.

National Assembly representatives shall disseminate the contents of the Constitution and motivate the people towards implementing the Constitution as well as laws and resolutions adopted by the National Assembly.

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#### **Article 98**

National Assembly representatives have the right to question the President, the Chairman of the National Assembly, the Prime Minister, Ministers and other Government members, the Chief Justice of the Supreme People's Court and the Chief Prosecutor of the People's Inspectorate General.

Persons questioned have to answer before the National Assembly during its session; if investigation is needed, the National Assembly may decide to authorize them to answer before the Standing Committee of the National Assembly or at the next session of the National Assembly or to answer in writing.

National Assembly representatives have the right to request State offices, socio-economic organisations, the people's armed forces units to answer on matter which they are interested in. Officials in charge of these offices, organisations and units are duty-bound to answer them within the period of time stipulated by law.

#### **Article 99**

National Assembly representatives may not be arrested or prosecuted without the consent of the National Assembly and, when the latter is not in session, without the consent of the Standing Committee of the National Assembly.

If a National Assembly representative is held in custody for a flagrant offence, the authority responsible for the custody must immediately report the matter to the National Assembly or its Standing Committee to examine and decide thereon.

#### **Article 100**

National Assembly representatives must set aside enough time to discharge their duties.

The Standing Committee of the National Assembly, the Prime Minister, Ministers and other Government members and State offices have the responsibility upon request by National Assembly representatives to provide them with the necessary documentation and to create favourable conditions for them to perform their duties.

Expenses for activities of National Assembly representative are to be covered by the State.

### **CHAPTER VI**

## **THE PRESIDENT OF THE STATE**

#### **Article 101**

The President is the Head of State, acting on behalf of the Socialist Republic of Vietnam in domestic and foreign affairs.

#### **Article 102**

The President is elected from among National Assembly representatives.

The President is responsible and accountable to the National Assembly.

The term of office of the President is co-extensive with that of each legislature of the National Assembly. When the term of a legislature of the National Assembly expires the President shall remain in office until the new legislature of the National Assembly has elected a new President.

#### **Article 103**

The President has the following duties and powers:

1. To promulgate the Constitution, law and ordinances.
2. To assume command of the People's armed forces and the position of Chairman of the Council for National Defence and Security.
3. To recommend to the National Assembly the election, removal or dismissal of the Vice President, the Prime Minister, Chief Justice of the Supreme People's Court, and Chief Prosecutor of the People's Inspectorate General.

4. To appoint, remove and dismiss Deputy Prime Ministers, Ministers and other members of the Government on the basis of resolutions of the National Assembly.
5. To proclaim decisions on declaration of the state of war, to sign decrees granting general amnesties on the basis of resolution of the National Assembly or of the Standing Committee of the National Assembly.
6. Following resolutions of the National Assembly's Standing Committee, to proclaim decisions on general or local mobilisation; to declare a state of emergency; in the case where the National Assembly's Standing Committee fails to convene, to proclaim a state of emergency in the whole country or in localities.
7. To recommend to the Standing Committee of the National Assembly to review ordinances within 10 days of their approval; if these ordinances or resolutions are still approved by the National Assembly's Standing Committee but the President does not concur, they can be submitted by the President to the National Assembly for decision at the earliest session.
8. To appoint, remove and dismiss the Deputy Chief Justice, Judges of the Supreme People's Court, the Deputy Chief Prosecutor and members of the People's Inspectorate General.
9. To decide on granting of senior officers' ranks and titles in the armed forces, ambassadorial titles and ranks, and State titles and ranks in other fields, and to decide on conferral of State awards, orders, medals and other honorific State titles.
10. To appoint or recall extraordinary and plenipotentiary diplomatic representatives of the Socialist Republic of Vietnam, to receive foreign extraordinary and plenipotentiary diplomatic representatives; to conduct on behalf of the State of the Socialist Republic of Vietnam negotiations and sign international treaties with foreign Heads of State; to submit international treaties directly signed to the National Assembly for ratification; and to decide on ratification of, or accession to international treaties, except where they must be submitted to the National Assembly for determination.
11. To decide on the granting, withdrawal or deprivation of Vietnamese citizenship.
12. To sign decrees granting special amnesties.

#### **Article 104**

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

The President of the State recommends a list of members of the Council for National Defence and Security to the National Assembly for ratification. Members of the Council need not necessarily be representatives to the National Assembly.

The Council for National Defence and Security mobilised all forces and capabilities of the country in the defence of the homeland.

In the cases of war, the National Assembly may assign the Council for National Defence and Security special tasks and powers.

The Council for Defence and Security works on a collective basis and adopts decisions by majority.

#### **Article 105**

The President has the right to attend meetings of the National Assembly's Standing Committee.

When considered necessary, the President has the right to attend Government meetings.

#### **Article 106**

The President issues orders and decisions to ensure the discharge of his duties and powers.

#### **Article 107**

The Vice President of the State is elected from among National Assembly representatives.

The Vice President helps the President in the discharge of the latter's duties, and can be empowered by the latter to replace him in the discharge of some of his duties.

#### **Article 108**

The Vice President shall serve as acting President when the President cannot discharge his duties for a long period of time.

In case of vacancy of the Post of President the Vice President shall serve as acting President until the National Assembly elects a new President.

### **CHAPTER VIII**

## **THE GOVERNMENT**

#### **Article 109**

The Government is the executive body of the National Assembly and the highest administrative State body of the Socialist Republic of Vietnam.

The Government assumes the unified administration of the implementation of all political, economic, cultural, social, national defence, security and external activities of the State; ensures the effectiveness of the State apparatus from the centre down to the grass-roots level; ensures respect for and observance of the Constitution and the law; promotes the people's rights as masters in national construction and defense, ensures the stabilisation and improvement of the material and cultural life of the people.

The Government is responsible and accountable to the National Assembly, the Standing Committee of the National Assembly and the President of State.

#### **Article 110**

The Government consists of the Prime Minister, Deputy Prime Ministers, Ministers and other members. Apart from the Prime Minister, other members of the Government need not necessarily be representatives to the National Assembly.

The Prime Minister of the Government is responsible and accountable to the National Assembly, the National Assembly's Standing Committee, and the President of the State.

The Deputy Prime Ministers help the Prime Minister in the discharge of his duties. A Deputy Prime Minister will be empowered by the Prime Minister to replace him in his absence in directing the work of the Government.

#### **Article 111**

The Chairman of the Central Committee of the Vietnam Fatherland Front, the Chairman of the Vietnam Confederation of Trade Unions and the heads of popular organisations may be invited to attend Government meetings when matters of relevance to the former are discussed.

#### **Article 112**

The Government has the following duties and powers:

1. To lead the work of ministries, organs at the Ministerial level and bodies under the Government's authority, of People's committees at all levels; build and perfect the unified administrative State apparatus from the centre to the grassroots level; direct and control the implementation by People's Councils of the texts of higher state organs; create favourable conditions for People's Councils to discharge their duties and exercise their powers as defined by law; train, foster, deploy and employ the body of State officials and employees.
2. To ensure the implementation of the Constitution and the laws by State offices, economic, social organisations, armed forces units and citizens; organise and direct the dissemination of information and education on the Constitution and the law among the people.
3. To submit draft laws, statutes and other bills to the National Assembly and the National Assembly's Standing Committee.
4. To undertake unified management of the building up and development of the national economy implement the national financial and monetary policies; to ensure the management and effective utilisation of property of the entire people; develop culture, education, health care, science and technology; implement the plan and the State budget.
5. To take measures to protect the legitimate rights and interests of citizens and create conditions for them to exercise their rights and fulfil their obligations, take measures to protect property and the interests of the State and society, to protect the environment.
6. To consolidate and strengthen the national defence of the entire people, ensure national security social order and safety; build the people's armed forces, enforce mobilisation, the state of emergency and other necessary measures of defend the homeland.
7. To organise and administer the compilation of national inventories and statistics; the inspection and control work of the State; to fight against bureaucracy and corruption within the State apparatus; to address citizens complaints and denunciations.
8. To undertake unified management of the foreign affair of the State; on behalf of the Socialist Republic of Vietnam to negotiate and sign international treaties except as provided in Clause 10 of Article 103; on behalf of the Government to negotiate, sign, accede to and approve international treaties; direct the implementation of international treaties which the Socialist Republic of Vietnam has signed or acceded to; to protect the interests of the State and the legitimate interests of Vietnamese organisations and citizens abroad.
9. To carry out social, ethnic and religious policies.
10. To decide the modification of the boundaries of administrative units below the level of provinces and cities directly under the central authority.
11. To coordinate with the Vietnam Fatherland Front and popular organisations in the discharge of its own duties and powers; create favourable conditions for those organisations to function effectively.

#### **Article 113**

The term of the Government is co-extensive with that of each legislature of the National Assembly. When the term of a given legislature of the National Assembly expires, the Government will continue to perform its duties until the new legislature forms a new Government.

#### **Article 114**

The Prime Minister of the Government has the following duties and powers:

1. To direct the work of the Government, members of the Government, People's committees at all levels, and to preside over all meetings of the Government.
2. To make recommendations to the National Assembly on the establishment or abolition of Ministries and agencies at ministerial level; to submit proposals on the nomination, removal or dismissal of Deputy Prime Ministers, Ministers and other members of the Government to the National Assembly.
3. To appoint, remove or dismiss vice Ministers and equivalent position-holders; to ratify the elections; to remove, transfer or dismiss the Chairman, Vice Chairmen of the People's committees of provinces and cities directly under the central authority.
4. To suspend the implementation of or to abrogate decisions, instructions, circulars of Ministers and other members of the Government; decisions, instructions of people's committees and chairmen of people's committee of provinces and cities directly under central authority that contravene the Constitution, laws and texts of the State agencies at higher levels.
5. To suspend the implementation of resolutions of people's councils of provinces and cities directly under the central authority that contravene the Constitution, laws and texts of the State agencies at higher levels and make recommendations for abrogation of the former by the Standing Committee of the National Assembly;
6. To report to the people through the mass media on important issues that the Government has to address.

#### **Article 115**

On the basis of the Constitution, laws and resolutions of the National Assembly; decrees and resolutions on the Standing Committee of the National Assembly; decrees and decisions of the President of the State, the Government issues resolutions, decisions, and the Prime Minister issues decisions and instructions, and controls the implementation of these texts.

Important issues falling within the competence of the Government must be discussed collectively and decisions thereon adopted by majority.

#### **Article 116**

Ministers and other members of the Government are responsible for State management within the spheres and branches under their nation-wide authority, ensure the right to autonomy of establishments in their business and production activities as provided by the law.

On the basis of the Constitution, laws and resolutions of the National Assembly, decrees and resolutions of the Standing Committee of the National Assembly, decrees and decisions of the President of the State and texts of the Government and the Prime Minister, Ministers and other members of the Government shall issue decisions, instructions, circulars and control the implementation of those texts by all branches, localities and establishments.

#### **Article 117**



Ministers and other members of the Government are responsible to the Prime Minister of the Government and to the National Assembly for the spheres and branches under their authority.

## **CHAPTER IX**

### **PEOPLE'S COUNCILS AND PEOPLE'S COMMITTEES**

#### **Article 118**

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

The country is divided into provinces and cities directly under the central authority.

Provinces are divided into districts, provincial cities and municipalities, cities directly under the central authority are divided into precincts or districts and municipalities.

Districts are divided into communes and townships; provincial cities and municipalities are respectively divided into wards and communes; districts are divided into wards.

The setting up of People's Councils and People's Committees in administrative units regulated by law.

#### **Article 119**

The People's Councils are the State authorities in respective localities, the representative bodies of the people's will, aspirations and rights as masters in their localities; they are elected by the local population, and are responsible to the latter and to the higher State authorities.

#### **Article 120**

The People's Councils, on the basis of the Constitution, laws and texts of the higher State authorities, adopt resolutions on measures to ensure the strict observance of the Constitutions and laws in their localities; on socio-economic development plans and budgets for their localities; on national defence and local security; on measures to stabilise and improve the conditions of life of the local population, to fulfil all tasks assigned by the higher authorities and to discharge their obligations to the State.

#### **Article 121**

Representatives to People's Councils, as representatives of the will and aspirations of the local population, shall maintain close contacts with voters and accept their supervision, hold periodic meetings with voters and report to them on their activities and those of the People's Councils, answer requests and petitions made by voters, examine the complaints and denunciations of the people and activate their resolution.

People's Councils representatives have the responsibility to motivate the people to implement the law and policies of the State, resolutions of People's Councils and to take part in State management.

#### **Article 122**

People's Council representatives have the right to question the Chairmen of the People's Councils, the Chairmen and members of the People's Committee, the Chief Justice of the People's Court, the Chief Prosecutor of the People's Inspectorate and the heads of agencies under the People's Inspectorate and the heads of agencies under the People's Committee's authority. Persons questioned must answer before the People's Councils within the time frame set by law.

People's Council representatives have the right to petition State offices in their localities. Officials in charge of these agencies have the responsibility to receive deputies, examine and address their petitions.

#### **Article 123**

People's Committees are elected by People's Councils and are the executive agencies of the respective People's Councils. They are the local administrative State bodies, which have the responsibility to implement the Constitution, laws and texts adopted by the higher State authorities and resolutions of the People's Councils.

#### **Article 124**

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

Chairmen of People's Committees assume the leadership and management of the People's Committees in their activities.

Important local issues must be discussed collectively and decisions there on adopted by majority.

Chairmen of People's Committees are entitled to suspend the implementation of or rescind improper texts adopted by agencies of the People's Committees or those of the People's Committees at lower levels; to suspend the implementation of improper resolutions of the People's Councils at lower levels and, at the same time submit recommendations to People's Councils at the same level to rescind them.

#### **Article 125**

The Chairmen of Vietnam Fatherland Front Committee and the heads of popular organisations in localities are invited to take part in meetings of the People's Councils and to attend meetings of the People's Committees at the same levels to discuss relevant matters.

The People's Councils and People's Committees shall hold periodic briefings to the Front Committee and popular organisations on all aspects of the situation in the localities concerned, listen to opinions and recommendations of these organisations on the building up of the administration and socio-economic development in the localities; coordinate with the Front Committee and popular organisations to motivate the local population together with the State to fulfil socio-economic, defence and security tasks in their localities.

### **CHAPTER X**

#### **PEOPLE'S COURT AND PEOPLE'S INSPECTORATE**

#### **Article 126**

The People's Court and People's Inspectorate of the Socialist Republic of Vietnam are duty-bound, within their competence, to protect the socialist legislation, the socialist system, the people's rights as masters, State and collective property, to protect the lives, property, freedom, honour and dignity of citizens.

#### **THE PEOPLE'S COURT**

#### **Article 127**

The Supreme People's Court, the local People's Courts, the Military Tribunals and other Tribunals provided by the law are the judicial bodies of the Socialist Republic of Vietnam.

Under special circumstances the National Assembly may decide to set up Special Tribunals.

Appropriate people's organisations shall be formed at the grass-roots level to deal with minor breaches of law and disputes among the people in accordance with the law.

#### **Article 128**

The term of office of the Chief Justice of the Supreme People's Court shall be co-extensive with that of the National Assembly.

Provision on the appointment, removal, dismissal and term of office of judges, on the election and term of office of people's assessors of the People's Courts at all levels are determined by the law.

#### **Article 129**

Trials at People's Courts shall be held with the participation of people's assessors and trial at military Tribunals with the participation of military assessors as provided by the law. In the conduct of justice, assessors have the same powers as judges.

#### **Article 130**

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

#### **Article 131**

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

The People's Courts shall debate collectively and pass sentences by majority decision.

#### **Article 132**

The defendant's right to plead his case is guaranteed. He may plead his case himself or ask for someone to plead for him.

A jurist organisation is to be formed to assist defendants and other persons concerned in defending their legal rights and interests and to contribute to the defence of socialist legislation.

#### **Article 133**

The People's Court shall ensure to the citizens of all ethnic nationalities in the Socialist Republic of Vietnam the right to use their own tongue and writing before the Courts.

#### **Article 134**

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

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

The Supreme People's Court shall supervise the proceedings of the Special Courts and other Court unless the National Assembly decides when setting up these Courts.

#### **Article 135**

The Chief Justice of the Supreme People's Court is responsible and accountable to the National Assembly. When the National Assembly is not in session, he is responsible and accountable to the Standing Committee of the National Assembly and to the President of the State.

The Chief Justices of local People's Courts are responsible and accountable to the respective People's Councils.

#### **Article 136**

The verdicts and decisions of the People's Courts which have already taken legal effect must be respected by State offices, social and economic organisations, people's armed forces units and all citizens; persons and units concerned must strictly implement them.

## **THE PEOPLE'S INSPECTORATES**

### **Article 137**

The People's Inspectorate General exercises the right of public prosecution and supervision of judicial activities, helping to ensure the strict and uniform observance of the law.

The People's Inspectorates and Military Inspectorates exercise the right of public prosecution and supervision of judicial activities within their spheres of responsibility as defined by law.

### **Article 138**

A People's Inspectorate shall be led by its Chief Prosecutor. The Chief Prosecutor of a lower People's Inspectorate shall be subordinate to his counterpart in the People's Inspectorate immediately above; the Chief Prosecutors of the local People's Inspectorates and of Military Inspectorates shall be under the unified authority of the Chief Prosecutor of the People's Inspectorate-General.

The setting up of the Control Committee, matters within the competence of the Chief Justice of the People's Inspectorate and other matters which require discussion and majority decision in the Control Committee are determined by law.

The term of office of the Chief Prosecutor of the People's Inspectorate General is co-extensive with that of a given legislature of the National Assembly.

The Chief Prosecutors, Deputy Chief Prosecutors and members of People's Inspectorates, and Military Inspectorates of military zones or district shall be appointed, removed and dismissed by the Chief Prosecutor of the People's Inspectorate General.

### **Article 139**

The Chief Prosecutor of the People's Inspectorate General shall be responsible before and report to the National Assembly; where the National Assembly is not in session, he shall be responsible before and report to the Standing Committee of the National Assembly and the President of the State.

### **Article 140**

Chief Prosecutors of local People's Inspectorates are responsible to make working reports to the People's Councils on the observance of the law in their localities and shall answer questions raised by delegates of the People's Councils.

## **CHAPTER XI**

## **THE NATIONAL FLAG, NATIONAL EMBLEM, NATIONAL ANTHEM, NATIONAL CAPITAL AND NATIONAL DAY**

### **Article 141**

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

### **Article 142**

The National emblem of the Socialist Republic of Vietnam is in round shape 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: the Socialist Republic of Vietnam.

**Article 143**

The National anthem of the Socialist Republic of Vietnam is the "March Forward" song.

**Article 144**

The Capital of the Socialist Republic of Vietnam is Hanoi.

**Article 145**

The National day is 2 September 1945, the day of proclamation of national independence.

CHAPTER XII

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

**Article 146**

The Constitution of the Socialist Republic of Vietnam 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 has the power to amend the Constitution. Any 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.

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*This Constitution was unanimously adopted by Legislature VII of the National Assembly of the Socialist Republic of Vietnam at its 11th session on 15 April 1992 (and amended by Resolution 51-2001-QH10 of Legislature X of the National Assembly at its 10<sup>th</sup> Session on 25 December 2001).*

Chairman of the National Assembly

LE QUANG DAO