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# Viet Nam's Constitution of 1992 with Amendments through 2013

*Translated by International IDEA's Constitution building Programme*

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## Preamble

In the course of their millennia-old history, the Vietnamese people, working diligently, creatively, and fighting courageously to construct and defend their country, have forged a tradition of patriotism, solidarity, humaneness and righteousness, perseverance and indomitableness, 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, our people waged a protracted revolutionary struggle full of hardships and sacrifices for the independence and freedom of the nation and happiness of the people. August Revolution was successful, and on 2 September 1945, President Ho Chi Minh announced the Declaration of Independence, founding the Democratic Republic of Vietnam which is now the Socialist Republic of Vietnam. With the will and the power of entire nation, and with the assistance of friends across the world, our people have gained great victories in national liberation wars, unified the country, defended the Fatherland, fulfilled international duties, attained historic great achievements in the task of renovation, leading the nation to socialism.

Institutionalizing the Political Creed of building the nation during the transitional period to socialism, and inheriting the 1946 Constitution, 1959 Constitution, 1980 Constitution, and 1992 Constitution, the Vietnamese People frame, implement, and protect this Constitution for the objectives of wealthy people, powerful nation, democracy, justice, and civilization.

## CHAPTER I: POLITICAL SYSTEM

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### Article 1

The Socialist Republic of Vietnam is an independent, sovereign and united country, which in its territorial integrity comprises its mainland, islands, territorial waters and air space.

### Article 2

1. The Socialist Republic of Vietnam State is a socialist rule of law State of the people, by the people, and for the people.
2. The people are the masters of the Socialist Republic of Vietnam State; all state powers belong to the people whose base is the alliance between the working class, the peasantry, and the intelligentsia.
3. The State powers are unified and distributed to state bodies, which shall coordinate with and control one another in the exercise of the legislative, executive and judiciary powers.

## Article 3

The State guarantees and promotes the people's mastery; acknowledges, respects, and protects human rights and citizens' rights; implements the objectives of affluent people, powerful state, democracy, justice, civilization, and that all people enjoy abundant, free, and happy life and are given conditions for all-sided development.

## Article 4

1. The Communist Party of Vietnam, the vanguard of the Vietnamese working class, simultaneously the vanguard of the toiling people and of the Vietnamese nation, the faithful representative of the 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 leading force of the State and society.
2. The Communist Party of Vietnam maintains intimate contact with the people, serves the people, submits to people's supervision, and is accountable to the people in its decisions.
3. All Party organizations and members of the Communist Party of Vietnam operate within the framework of the Constitution and the laws.

## Article 5

1. The Socialist Republic of Vietnam is the unified nation of all nationalities living on the territory of Vietnam.
2. All nationalities are equal, solidary, mutually respect and assist in their developments; all acts of national discrimination and division are strictly forbidden.
3. The national language is Vietnamese. Every nationality has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture.
4. The State implements a policy of comprehensive development, and provides conditions for the national minorities to promote their internal abilities and to develop together with the nation.

## Article 6

The people practice the state power under the forms of direct democracy and indirect democracy through the National Assembly, the People's Councils and other state agencies.

- Preferred political parties
- Restrictions on political parties

- Political theorists/figures
- Mentions of social class

- Integration of ethnic communities

- Equality regardless of nationality
- Reference to fraternity/solidarity

- Right to culture
- Official or national languages
- Protection of language use

## Article 7

1. Elections of representatives of the National Assembly and representatives of the People's Councils are held in accordance with the principles of universal, equal, direct, and secret suffrage.
2. A representative of the National Assembly and a representative of a People's Council shall be removed from office by the electors or the National Assembly or the People's Council, when he or she is no longer worthy of the confidence of the people.

## Article 8

1. The State is organized and operates in concordance with the Constitution and the laws, governs the society by the Constitution and the laws, and practices the principle of democratic centralism.
2. All State agencies, cadres, officials and employees must show respect for the people, devotedly serve the people, maintain close contact with the people, listen to their opinions and submit to their supervision; resolutely struggle against corruption, wastefulness and all manifestations of bureaucracy, arrogance, authoritarianism.

## Article 9

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

The Vietnam Fatherland Front constitutes the political base of the people's government; represents and protects legal and legitimate rights and interests of the people; gathers and promotes the power of great national solidarity, practicing democracy and enhancing social consensus; practices social supervision and critic; participates in the construction of the Party and the State and popular activities of foreign relations, contributing to building and defending the Fatherland.

2. The Vietnam Trade Union, the Vietnam Peasant Society, the Ho Chi Minh Communist Youth Union, the Vietnam Women Society, the Vietnam Veteran Society are sociopolitical organizations created on the voluntary base, represent and protect the legal and legitimate rights and interests of their members, and cooperate with others members of the Fatherland Front, unifying the activities of the Fatherland Front.
3. The Vietnam Fatherland Front, its member organizations, and other social organizations operate in accordance with the framework of the Constitution and the laws. The State provides conditions for the activities of the Vietnam Fatherland Front, its member organizations, and other social organizations.

## Article 10

The Trade Union is the socio-political organization of the working class and the toiling people, created on the voluntary base, represents the workers, looks after and protects the legitimate and legal rights and interests of the workers; participates in state administration and social management; participates in the control, inspection, and supervision of the activity of State organs, organizations, units, and enterprises with respects to the matters concerning the rights and duties of the workers; propagandizes and mobilizes learning, development of the ability and professional skills, conformity of laws, and construction and defence of the Fatherland among the workers.

## Article 11

1. The Vietnamese Fatherland is sacred and inviolable.
2. All acts against the independence, sovereignty, unity, and territorial integrity, against the career of construction and defence of the Fatherland, shall be strictly punished.

## Article 12

The Socialist Republic of Vietnam consistently carries out a diplomatic policy of independence, autonomy, peace and friendship, cooperation, and development; seeks to multilateral and diversified relations, and actively seek to international integration and cooperation on the basis of respect for each other's independence, sovereignty and territorial integrity, non-interference in each other's internal affairs, equality, and mutual interest; conforms to the Charter of the United Nation and international treaties in which Vietnam is a member; is a friend, trust partner, and responsible member in international community for national interests and the contribution to the world for peace, national independence, democracy, and social progress.

## Article 13

1. The national Flag is rectangular in shape, its width being equal to two-thirds of its length; in the middle of a red background is a five-pointed gold star.
2. The National Emblem is circular in shape; in the middle of a red background is a five-pointed gold star framed by rice ears below which is half a cog wheel and the inscription "Socialist Republic of Vietnam".
3. The national anthem of the Socialist Republic of Vietnam is the music and words of the "March to the Front".
4. The National Day is the day of the Declaration of Independence, the Second of September 1945.
5. The capital of the Socialist Republic of Vietnam is Hanoi.

## CHAPTER II: HUMAN RIGHTS AND CITIZEN'S FUNDAMENTAL RIGHTS AND DUTIES

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### Article 14

• Right to culture

1. In the Socialist Republic of Vietnam, political, civic, economic, cultural and social human rights and citizen's rights are recognized, respected, protected, and guaranteed in concordance with the Constitution and the law.
2. Human rights and citizen's rights shall only be restricted in imperative circumstances for the reasons of national defence, national security, social order and security, social morality, and the health of the community.

### Article 15

• Binding effect of const rights

1. Citizen's rights are inseparable from citizen's duties.
2. Every one has the duty to respect the other's rights.
3. Citizens are responsible to practice their duties to the state.
4. The practice of human rights and citizen's rights cannot infringe national interests, and the other's legal and legitimate rights.

• General guarantee of equality

### Article 16

• Equality regardless of social status  
• Equality regardless of financial status  
• Equality regardless of political party

1. All citizens are equal before the law.
2. No one shall be discriminated in his or her political, civic, economic, cultural, and social life.

### Article 17

• Requirements for birthright citizenship

1. A citizen of the Socialist Republic of Vietnam is a person with Vietnamese nationality.
2. A Vietnamese citizen shall not be expelled or handed over to other nations.
3. A Vietnamese citizen residing abroad shall be protected by the Socialist Republic or Vietnam

## Article 18

1. Overseas Vietnamese make up an inseparable part of the Vietnamese nationalities community.
2. The Socialist Republic of Vietnam encourages and creates conditions for Vietnamese residing abroad to preserve the Vietnamese cultural identity, maintain close ties with their families and native land, and to contribute to the construction of the native land and the nation.

## Article 19

Every one has the right to live. Human life is protected by the law. No one shall be illegally deprived of his or her life.

## Article 20

1. Every one shall enjoy inviolability of the person and the legal protection of his or her life, health, honor and dignity; and is protected against torture, harassment and coercion, and any forma of violation of his or her life and health, and offence of honor and dignity.
2. No one shall be arrested in the absence of a decision by the People's Court, a decision or sanction of the People's Procuracy except in case of flagrant offences. Taking a person into, or holding him in, custody shall be provided by the statute.
3. Every one has the right to donate human tissues and organs and to donate corpse in concordance with the law. Medical, pharmaceutical, and scientific experimentation and any other forms of experimentation on human body must have the agreement of the applied.

## Article 21

1. Every one is entitled to the inviolability of personal privacy, personal secrecy and familial secrecy; and has the right to protect his or her honor and prestige. Information regarding personal privacy, personal secret and familial secrecy is safely protected by the law.
2. Every one enjoys the secrecy of correspondence, telephone, and telegrams, and other forms of exchange of personal information.
3. No one is allowed to open, control, and confiscate contrast to the statute other's correspondence, telephone, telegrams, and other forms of exchange of personal information.

## Article 22

1. The citizen has the right to have legal domicile.



- Inalienable rights
  - Right to privacy
2. Everyone is entitled to the inviolability of his domicile. No one is allowed to enter the domicile of another person without his consent.
  3. Domiciliary searches shall be provided by the statute.

## Article 23

The citizen shall enjoy freedom of movement and of residence within the country; and can freely travel abroad and return home from abroad. The exercise of these rights shall be provided by the law.

## Article 24

- Freedom of movement
1. Every one shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law.
  2. The State respects and protects freedom of belief and of religion.
  3. No one has the right to infringe on the freedom of belief and religion or to take advantage of belief and religion to violate the laws.

## Article 25

The citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, to access to information, to assemble, form associations and hold demonstrations. The practice of these rights shall be provided by the law.

## Article 26

- Freedom of assembly
  - Freedom of association
  - Freedom of expression
  - Right to information
  - Freedom of opinion/thought/conscience
  - Freedom of press
1. Male and female citizens have equal rights in all fields. The State has a policy to guarantee equal gender rights and opportunities.
  2. The State, the society, and the family create conditions for women's comprehensive developments and promotion of their role in the society.
  3. Sex discrimination is strictly prohibited.

## Article 27

The citizen, 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. The practice of these rights is provided by the statute.

- Equality regardless of gender
1. Male and female citizens have equal rights in all fields. The State has a policy to guarantee equal gender rights and opportunities.
  2. The State, the society, and the family create conditions for women's comprehensive developments and promotion of their role in the society.
  3. Sex discrimination is strictly prohibited.

- Eligibility for first chamber
- Restrictions on voting

## Article 28

1. The citizen has the right to participate in the administration of the State and management of society, and to participate in the discussion and recommendation to the state organs on the issues of the community, the region, and the country.
2. The State shall create conditions for the citizen to participate in the administration of the State and management of society; the receipt and response to citizen's opinion and recommendation shall be public and transparent.

## Article 29

The citizen, shall, upon reaching the age of eighteen, have the right to vote when the State hold referendum.

## Article 30

1. Every one has the right to lodge complaints and denunciations with the competent State bodies, organizations, and individuals in against the illegal acts of State organs, organizations, and individuals.
2. The competent State bodies, organizations, and individuals must receive and handle the complaints and denunciations. The person who has suffered loss and injury shall be entitled to damages for any material harm suffered and his reputation rehabilitated.
3. All acts violating the interests of the State, the rights and legitimate interests of collectives and citizens shall be dealt with severely in time. The person who has suffered loss and injury shall be entitled to damages for any material and spiritual harm suffered and his reputation rehabilitated in accordance to the law.
4. It is strictly forbidden to take vengeance on the person making complaints and denunciations, or to misuse the right to make complaints and denunciations with the aim of slandering and causing harm to another person.

## Article 31

1. A defendant shall be regarded as innocent until the crime is proved by in accordance with legal procedure and the sentence of the Court has acquired full legal effect.
2. A defendant must be trialed timely, equally, and publicly by courts within the time provided by law. If the case is heard in closed doors in accordance to the law, the verdict must be pronounced in public.
3. No one shall be trialed two times for one offense.

- Referenda
- Restrictions on voting

- Ultra-vires administrative actions
- Right of petition

- Presumption of innocence in trials

- Right to public trial
- Right to speedy trial

- Prohibition of double jeopardy

• Right to counsel

4. Any person who has been arrested, held in custody, prosecuted, brought to trial in violation of the law has the right to self-defend or to seek the assistance of defence from lawyers or other people.

• Protection from false imprisonment

5. Any person who has been arrested, held in custody, prosecuted, brought to trial, and sent in jail 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, and sending in jail another person thereby causing him damage shall be dealt with in accordance to the law.

• Right to own property

## Article 32

1. Every one enjoys the right of ownership with regard to his lawful income, savings, housing, chattel, means of production funds in enterprises or other economic organizations.

• Right to transfer property

2. The right of private ownership and the right of inheritance are protected by the law.

• Protection from expropriation

3. In cases made absolutely necessary by reason of national defence, security and the national interest, in case of emergency, and protection against natural calamity, 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.

• Right to establish a business

## Article 33

Every one enjoys freedom of enterprise in branches and trades not banned by the law.

## Article 34

Citizen has the right to social insurance.

## Article 35

• Right to choose occupation  
• Right to work

1. Citizen has the right to work and to select career, job, and workplace.

• Right to safe work environment

2. Worker shall be provided equal and safe conditions of work and shall be paid with salary and enjoy break policy.

• Limits on employment of children  
• Prohibition of slavery

3. Discrimination, forced labor, and employment of worker under minimum age of labor are strictly prohibited.

## Article 36

- Right to marry
- Provision for matrimonial equality
- Rights of children
- Right to found a family

1. Male and female have the right to marry and divorce. Marriage shall conform to the principles of free consent, progressive union, monogamy and equality between husband and wife, and mutual respect.
2. The State protects marriage and family, and protects interests of mothers and children.

## Article 37

- Rights of children
- Limits on employment of children
- State support for children
- Rights of children
- State support for children
- State support for the elderly

1. Children enjoy protection, care and education by the family, the State and society; and are allowed to participate into children affairs. Infringement, maltreatment, abandonment, abuse, and exploitation of labor and other forms of violating children rights are strictly prohibited.
2. The State, the family, and society shall create favorable conditions for young people to study, work, relax, develop bodies and minds, and shall educate them in morality, national tradition, civic consciousness, for them to be in the van of creative labor and national defence.
3. The State, the family, and society shall respect and take care of old people, and promote their role in the career of national construction and defence.

## Article 38

- Right to health care

1. The citizen is entitled to health care and protection, equal in the use of medical services, and has the duty to practice regulations with regards to prophylactics, and medical examination and treatment.
2. Any acts threatening the life and health of other people are strictly prohibited.

## Article 39

Citizen has the right and the duty to learn.

## Article 40

- Reference to art
- Reference to science
- Right to enjoy the benefits of science

Every one has the right to carry out scientific and industrial research, engage in literary and artistic creation, and enjoy benefits from those activities.

## Article 41

- Right to culture

Every one has the right to enjoy and access to cultural values, participate in cultural life, and make use of cultural bases.

## Article 42

Citizen has the right to determine his or her nationality, use of mother language, and select language of exchange.

## Article 43

Every one has the right to live in fresh environment and has the duty to protect the environment.

## Article 44

The citizen must show loyalty to his Fatherland.  
To betray one's Fatherland is the most serious crime.

## Article 45

It is the sacred duty and the noble right of the citizen to defend his Fatherland.  
The citizen must fulfil his military obligation and join in the all-people national defence.

## Article 46

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

## Article 47

The citizen has the duty to pay taxes according to the provisions of the statute.

## Article 48

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 49

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

• Protection of environment

• Duty to serve in the military

• Duty to obey the constitution

• Duty to pay taxes

• Duty to obey the constitution

• Protection of stateless persons  
• Reference to science

# CHAPTER III: ECONOMY, SOCIETY, CULTURE, EDUCATION, SCIENCE, TECHNOLOGY, AND ENVIRONMENT

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## Article 50

The Socialist Republic of Vietnam constructs an independent and sovereign economy which shall promote its internal resources, internationally cooperate, and closely connect with cultural development; practices social progressiveness and equality; protects the environment; and exercises industrialization and modernization of the country

## Article 51

1. The Vietnamese economy is a socialist-oriented market economy with multi-forms of ownership and multi-sectors of economic structure; the state economic sector plays the leading role.
2. All economic sectors are important constituents of the national economy. Actors of different economic sectors are equal, cooperate, and compete in accordance with the law.
3. The State encourages, provide favorable conditions for entrepreneurs, enterprises and individuals, and other organizations to invest, produce, and do business, contributing to the stable development of the economic branches and national construction. Private possessions of individuals, organizations of investment, production, and business are protected by the law and are not subjected to nationalization.

## Article 52

The State constructs and perfects economic institutions, coordinate the economy on the base of respecting market rules; exercises distribution, decentralization, and separation of authorities in state management; and promotes the connection of regional economy and guarantee the unity of the national economy.

## Article 53

The land, water resources, mineral resources, wealth lying underground or coming from the sea and the air, other natural resources, and property invested and managed by the State are public properties, coming under ownership by the entire people represented and uniformly managed by the State.

## Article 54

1. Land is special resource of the nation, an important resource of national development, and is managed in concordance with the law.

• Right to transfer property

2. Organizations and individuals are entitled to land assignment, land lease, and recognition of the land use right by the State. Land user has the right to transfer the land use right, and practice related rights and duties in concordance with the law. The land use right is protected by the law.

• Protection from expropriation

3. The State shall recover land used by organizations and individuals in imperative cases provided by the law for the purposes of national defence, national security, and socio-economic developments for national and public interests. The recovery of land must be public and transparent, and compensations must be provided in concordance to the law.

4. The State shall effect acquisition of land in cases of urgent demands which are provided by the law with respect to the implementation of the businesses of national defence, national security, and wars, emergency, and prevention and protection against natural calamities

## Article 55

1. State budget, national reserve, state financial funds, and other public financial sources are uniformly managed by the State, and must be used effectively, equally, publicly, transparent, and legally.

2. State budget consists of central budget and local budget, in which central budget plays the leading role, guaranteeing national expenditure. All items of income and expenditure of state budget must be estimated and must be provided by the law.

3. The monetary unit of the nation is Vietnam Dong. The State shall guarantee the value of the national currency.

## Article 56

State bodies, organizations, and individuals must practice saving and anti-luxury, prevent and fight against corruption in economic-social activities and state management.

## Article 57

• Right to work

1. The State encourages and provides favorable conditions for organizations and individuals' to create jobs for workers.

2. The State shall protect legal rights and interests of the workers and employers and provide favorable conditions for construction of progressive, harmonious, and stable labor relationship.

## Article 58

1. The State shall make investment in the development of the protection and care of the people's health, exercise health insurance for entire people, and exercise a priority policy of health care for highlanders, national minorities, islanders, and people living in extremely difficult economic and social conditions.
2. It is the responsibility of the State, society, the family and the citizen to ensure care and protection for mothers and children and to carry into effect the family planning.

## Article 59

1. The State and society honor, commend and reward, and exercise a priority policy for the people with meritorious services to the nation.
2. The state shall create equal opportunities for the citizen to enjoy social welfare, develop a system of social security, exercise a policy assisting old people, disabled, poor people, and people with other difficult circumstances.
3. The State shall exercise a policy of housing development, and create conditions so that every one shall have housing.

## Article 60

1. The State and the society shall take care of the construction and development of the Vietnamese culture, which is modern and deeply imbued with the national identity, and absorbs the mankind's cultural quintessence.
2. The State and society shall develop literature and art so as to meet the diverse and healthy spiritual demands of the people; promote mass media so as to meet the people's demand of information, serving the career of construction and defence of the Fatherland.
3. The State and society shall provide favorable environment for the construction of the Vietnamese family which is well off, progressive, and happy; create the Vietnamese people who are healthy, cultural, profoundly patriotic, solidary, independent, and responsible.

## Article 61

1. Development of education is a primary national policy for the purposes of elevating the people's intellectual standards, training human resources and fostering talents.



- Access to higher education
- Compulsory education
- Free education

2. The State shall prioritize investment and attraction of other investment sources for education; take care of pre-school education; guarantee compulsory secondary education which is free of charge; gradually universalize high education; develop college education and vocational education; exercise proper policy of scholarship and tuition.

- State support for the disabled

3. The State shall prioritize the educational development in mountainous and island areas, regions inhabited by ethnic minority people and regions encountering exceptional difficulties; prioritize employment and development of the talented; and provide favorable conditions for the disabled and the poor to access to cultural and vocational learning.

- Reference to science

## Article 62

1. Development of science and technology is a primary national policy, playing a key role in the country's socio-economic development.

- Provisions for intellectual property

2. The State shall prioritize investment and encouragement of organization and individuals' investment to scientific research, development, transfer, and effective application of scientific and technological achievements; guarantee the right to conduct scientific and technological research; and protect the right to intellectual property.

- Right to enjoy the benefits of science

3. The State shall provide favorable conditions for every one to participate in and enjoy benefits from scientific and technological activities.

- Protection of environment

## Article 63

1. The State has a policy to protect the environment; manages, and effectively and stably use natural resources; protects the nature and biodiversity; takes initiative in prevention and resistance against natural calamities and response to climate change.

2. The State encourages all acts of protection of the environment, development and use of new energy and recycled energy.

3. Organizations and individuals who cause environmental pollution, debilitate natural resources and weaken biodiversity shall be strictly dealt with and must be responsible for remedy and compensation for damage.

# CHAPTER IV: DEFENCE OF THE FATHERLAND

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- Duty to serve in the military

## Article 64

To defend the socialist Vietnamese Fatherland is the business of the entire people.

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, shall develop to the full the aggregate strength of the country to defend the national territory, and shall contribute to the protection of peace in the region and in the world.

State organs, organizations, and individuals shall fulfil all their national defence and security obligations.

## Article 65

The people's armed forces must show absolute loyalty to the Fatherland, the People, the Party, and the State; their duty is to protect national independence and sovereignty, the country's unity and territorial integrity, national security and social order, to protect the People, the Party, the State, and the socialist regime and the fruits of the revolution, and to join the entire people in national construction and fulfillment of international duties.

## Article 66

The State shall build a revolutionary people's army which shall be a well-trained regular army to be gradually modernized, have proper permanent forces, powerful reserves, and strong and comprehensive self-defence militia, and serves as the core of the business of national defence.

## Article 67

The State shall build a revolutionary people's police which shall be a well-trained regular army to be gradually modernized, and serves as the core of the business of national security and social order, preventing and fighting against crimes.

## Article 68

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, 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, enforce an appropriate policy with regard to soldiers' families, and seek to ensure proper material and spiritual living conditions for officers and soldiers, national-defence workers and employees in consistence with the nature of military and policing activities. It shall build powerful people's armed forces and unceasingly reinforce the country's national-defence potential.

# CHAPTER V: THE NATIONAL ASSEMBLY

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## Article 69

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 exercises constitutional and legislative powers, decides significant national affairs, and exercise supreme control over all activities of the State.

• Structure of legislative chamber(s)

## Article 70

The National Assembly has the following duties and powers:

1. To make and amend the Constitution; to make and amend laws;
2. To exercise supreme control over conformity to the Constitution, the law and the resolutions of the National Assembly, to examine the reports of the State President, the Standing Committee of the National Assembly, the Government, the Supreme People's Court, the Supreme People's Procuracy, the National Commission of Election, the State Audit, and other organs created by the National Assembly;
3. To decide on the objectives, targets, policies, and duties of the national socio-economic development.
4. To decide on the fundamental national financial and monetary policies; to set, change, or abolish taxes; to decide on the separation of items of incomes and expenditure between central budget and local budget; to decide on the safety limit of national debt, public debt, and government debt; to decide on planning of the State budget and allocation of the central State budget, to approve the accounts of the State budget.
5. To decide on the State's policies on nationalities and policies on religions;
6. To regulate the organization and activity of the National Assembly, the State President, the Government, the People's Courts, the People's Procuracy, the National Council of Election., the State Audit, local governments, and other organs created by the National Assembly.
7. To elect, release from duty, remove from office the State President and Vice-President, the Chairman of the National Assembly, the Vice-Chairmen and members of the Standing Committee of the National Assembly, the Prime Minister, the President of the Supreme People's Court, the Head of the Supreme People's Procuracy, the President of the National Council of Election, the Head of the State Audit, and the heads of other organs created by the National Assembly; to sanction the proposals of appointment, release from duty, remove from office the Vice-Prime Minister, Ministers and other members of the Government, judges of the People's Supreme Court; sanction the list of members of the Defence and Security Council and of the National Council of Election.

Upon election, the State President, the Chairman of the National Assembly, the Prime Minister, and the President of the Supreme People's Court must declare oath of allegiance to the Fatherland, the People, and the Constitution.

8. To cast a vote of confidence on persons holding positions elected or approved by the National Assembly.

• Constitution amendment procedure

• Attorney general  
 • Cabinet removal  
 • Cabinet selection  
 • Deputy executive  
 • Electoral commission  
 • Supreme court selection  
 • Head of government removal  
 • Head of government selection  
 • Head of state removal  
 • Head of state selection  
 • Advisory bodies to the head of state  
 • Supreme/ordinary court judge removal  
 • Leader of first chamber  
 • Standing committees

• Oaths to abide by constitution

9. 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; to set up or disband other organs in concordance with the Constitution and the statutes.

• Constitutional interpretation

10. To abrogate all formal written documents issued by the State President, the Standing Committee of the National Assembly, the Government, the Prime Minister, the Supreme People's Court, and the Supreme People's Procuracy, that are inconsistent with the Constitution, the statutes, and resolutions taken by the National Assembly.

11. To proclaim an amnesty;

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

• Emergency provisions  
• Power to declare/approve war

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

• International law  
• International organizations  
• Treaty ratification

14. To decide on fundamental policies in external relations; to ratify or nullify international treaties with respect to war and peace, national sovereignty, membership of the Socialist Republic of Vietnam in important international and regional organizations, international treaties on human rights, citizen's fundamental rights and duties, and other international treaties inconsistent with statutes and resolutions taken by the National Assembly

• Referenda

15. To hold a referendum.

• Term length for first chamber

## Article 71

1. The duration of each term of the National Assembly is five years.
2. Sixty days before the end of its tenure, a new National Assembly shall have been elected.
3. In special cases, with the approval of at least two-thirds of its members, the National Assembly can either reduce or prolong its period of tenure according to the proposals by the National Assembly's Standing Committee. The prolong of a term of the National Assembly cannot exceed twelve months, except in the case of war.

• Leader of first chamber

## Article 72

The Chairman of the National Assembly shall preside over its sessions; authenticate through his signature the Constitution, 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 the Assembly delegates.

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

## Article 73

1. The National Assembly's Standing Committee is its permanent Committee.
2. The National Assembly's Standing Committee is composed of the Chairman of the National Assembly, the Vice-Chairmen of the National Assembly, and the members.
3. The Number of members of the Standing Committee shall be determined by the National Assembly. A member of the Standing Committee cannot be at the same time a member of the Government.
4. The Standing Committee of each legislature shall fulfill its tasks and exercise its powers until the election by the new legislature of a new Standing Committee.

## Article 74

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

1. To prepare for, to convene, and preside over the sessions of the National Assembly;
2. To enact ordinances on matters entrusted to it by the National Assembly; to interpret the Constitution, the law, and decree-laws;
3. To supervise the implementation of the Constitution, the law, the resolutions of the National Assembly, decree-laws, the resolutions of the Standing Committee; to supervise the activities of the Government, the Supreme People's Court, the Supreme People's Procuracy, State Audit, and other organs created by the National Assembly.
4. To suspend the execution of the formal written orders of the Government, the Prime Minister, the Supreme People's Court, the Supreme People's Procuracy that contravene the Constitution, the law, the resolutions of the National Assembly; to report the matter to the National Assembly for it to decide the abrogation of such orders in its nearest session; to repeal the written orders of the Government, Prime Minister, the Supreme People's Court, the Supreme People's Procuracy that contravene the decree-laws and resolutions of the Standing Committee;
5. To direct, harmonize, and co-ordinate the activities of the Nationalities Council and the Committees of the National Assembly, to give guidance to, and to ensure good working conditions for the Assembly delegates.

- Legislative committees
- Electoral commission
- Head of state removal
- Head of state selection
- Leader of first chamber

6. To propose to the National Assembly on election, release from duty, removal from office of the State President, the Chairman of the National Assembly, the Vice-Chairmen of the National Assembly, and members of the Standing Committee of the National Assembly, Chairman of Nationalities Council, Chairmen of the Committees of the National Assembly, President of the National Council of Election, and Head of the State Audit.

- Municipal government
- Subsidiary unit government

7. 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;

8. To decide on the establishment, merging, division, or adjustment of the boundaries of administrative units below the level of provinces and cities under direct central rule.

- Power to declare/approve war

9. In cases where the National Assembly cannot meet, to decide on proclaiming the state of war, and report it to the National Assembly for decision at its nearest session;

- Emergency provisions

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 approve the proposals of appointment and release of ambassador extraordinary and plenipotentiary of Socialist Republic of Vietnam.

- Referenda

13. To organize a referendum as decided by the National Assembly.

- Legislative committees

## Article 75

1. Nationalities Council comprises the Chairman, Vice-Chairmen, and members. The Chairman of the Nationalities Council is elected by the National Assembly; Vice-Chairmen and the members of Nationalities Council are approved by the National Assembly's Standing Committee.

2. The Nationalities Council studies and makes proposals to the National Assembly on issues concerning the nationalities; supervises and controls the implementation of policies on nationalities, the execution of programmes and plans for socio-economic development of the highlands and regions inhabited by national minorities.

3. The Chairman of the Nationalities Council shall be invited to sit in on the Government's meetings at which are discussed ways of putting into effect policies on nationalities. In promulgation of decisions related to nationalities policies, the Government must consult the Nationalities Council.

4. The Nationalities Council has also other duties and powers as assigned to the Committees of the National Assembly in clause 2 of Article 76.

## Article 76

1. A Committee of the National Assembly comprises a Chairman, vice-chairmen, and members. The Chairman is elected by the National Assembly; The Vice-Chairmen and the members are approved by the National Assembly's Standing Committee.
2. The Committees of the National Assembly 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; supervise within the bounds determined by law; make proposals concerning issues within their fields of activity.
3. The establishment and removal of the Committees are decided by the National Assembly.

## Article 77

1. The Nationalities Council and the Committees of the National Assembly can require members of the Government, the President of the Supreme People's Court, the Head of the Supreme People's Procuracy, Head of State Audit, related individuals to report or supply documents on certain necessary matters. Those to whom such requests are made must satisfy them.
2. It is the responsibility of State organs to examine and answer the proposals made by the Nationalities Council and the Committees of the National Assembly.

## Article 78

In case of need, the National Assembly creates provisional committees to examine and check a proposal or investigate a certain problem.

## Article 79

1. The deputy to the National Assembly represents the will and aspirations of the people of his constituency and of the people of whole country.

2. The deputy to the National Assembly must maintain close ties with the electors; submit himself to their control; collect and faithfully reflect their views and aspirations for the consideration of the National Assembly and the State bodies and organizations 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 of complaints and denunciations.
3. The deputy to the National Assembly shall popularize and mobilize the people to implement the Constitution and the laws.

## Article 80

1. The deputy to the National Assembly has the right to interpellate the State President, the Chairman of the National Assembly, the Prime Minister, Cabinet Ministers and other members of the Government, the President of the Supreme People's Court, and the Head of the Supreme People's Procuracy, and Head of the State Audit.
2. The interpellated officials must give an answer at the current session; in case an inquiry is needed, the National Assembly may decide that the answer should be given to its Standing Committee or at one of its own subsequent sessions, or may allow the answer to be given in writing.
3. The deputy to the National Assembly has the right to request State bodies, organizations, and individuals to answer questions on matters concerning their duties. The heads of these bodies, organizations, or individuals have the responsibility to answer questions put by the deputy within the time limit set by the law.

## Article 81

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 82

1. The deputy to the National Assembly must be responsible to the exercise of the deputy duties, and is entitled to membership of the Nationalities Council and Committees of the National Assembly.
2. It is the responsibility of the Standing Committee of the National Assembly, the Prime Minister, the Ministers, the other members of the Government, and the other State organs to create the necessary conditions for the deputy to the National Assembly to fulfill his duty.



3. The State shall ensure the expenditure for the activity of the deputy to the National Assembly.

## Article 83

- Public or private sessions
- Standing committees

1. The session of the National Assembly is public. In case of need, according to the suggestions of the State President, the National Assembly's Standing Committee, the Prime Minister, or at least two-thirds of its members, the National Assembly can decide on a conclave.

- Extraordinary legislative sessions

2. The National Assembly shall hold two sessions each year. When so required by the State President, the Prime Minister, or at least one-third of the total membership of the National Assembly, National Assembly shall hold extraordinary session. The Standing Committee convenes the session of the National Assembly.

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

- Standing committees

## Article 84

- Legislative committees
- Initiation of general legislation

1. The State President, the Standing Committee of the National Assembly, the Nationalities Council and Committees of the National Assembly, the Government, the Supreme People's Court, the Supreme People's Procuracy, the State Audit, The Central Committee of the Vietnam Fatherland Front and the central bodies of its member organizations have the right to submit draft laws to the National Assembly and draft ordinances to the National Assembly's Standing Committee.

2. Members of the National Assembly may present motions concerning laws, ordinances, draft laws, and draft ordinances to the National Assembly and the National Assembly's Standing Committee.

## Article 85

- Constitution amendment procedure
- Removal of individual legislators

1. Laws and resolutions of the National Assembly must be approved by the majority of its members; the making and amending the Constitution, and decision on prolonging and reducing its tenure, and removing from office one of its members must be approved by at least two-thirds of its total membership.

The ordinances and resolutions of the Standing Committee of the National Assembly must be approved by more than half of its membership.

2. Laws and ordinances must be made public fifteen days following their adoption at the latest, except in case the decree-laws are presented by the State President for review.

# CHAPTER VI: THE STATE PRESIDENT

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## Article 86

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

## Article 87

The State 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 State is elected by the new legislature.

## Article 88

The State President has the following duties and powers:

1. To promulgate the Constitution, laws and ordinances; to propose to the National Assembly Standing Committee to revise its ordinances within ten days from the date these ordinances were passed; if such ordinances are still voted for by the National Assembly Standing Committee against the State President's disapproval, the State President shall report it to the National Assembly for decision at its nearest session;
2. To propose to the National Assembly to elect, release from duty, remove from office the Vice-President of the State and the Prime Minister; on the basis of resolutions of the National Assembly, to appoint, release from duty or dismiss Deputy Prime Ministers, Ministers and other members of the Government;
3. To propose to the National Assembly to elect, release from duty, remove from office, the President of the Supreme People's Court and the Head of the Supreme People's Procuracy; on the basis of resolutions of the National Assembly, to appoint, to release from duty, and to remove from office, judges of the Supreme People's Court; to appoint, to release from duty, and to remove from office, judges of other courts and Vice-Head of the Supreme People's Procuracy, and procurators of the Supreme People's Procuracy; to grant pardons; on the basis of resolutions of the National Assembly, to proclaim an amnesty;
4. To decide on the award of medals, badges, State prizes and State honors and distinctions; to grant Vietnamese nationality, release from Vietnamese nationality, restore Vietnamese nationality, or deprive of Vietnamese nationality.

- Name/structure of executive(s)
- Foreign affairs representative

- Head of state selection
- Head of state term length
- Legislative oversight of the executive

- Head of state powers

- Cabinet removal
- Cabinet selection
- Deputy executive
- Head of government removal
- Head of government selection

- Attorney general
- Supreme court selection
- Supreme/ordinary court judge removal
- Ordinary court selection
- Power to pardon

- Requirements for birthright citizenship
- Conditions for revoking citizenship

- Designation of commander in chief
- Emergency provisions
- Advisory bodies to the head of state
- Selection of active-duty commanders
- Power to declare/approve war

5. To have overall command of the armed forces and hold the office of Chairman of the National Defence and Security Council; to decide on conferment, promotion, demotion, and deprivation of army rank of general, commander-in-chief, vice-commander-in-chief, and naval commander-in-chief; to appoint, to release from duty, and to remove from office, chief of the general staff, and Chairman of Political Head Office of Vietnamese People's Army; on the basis of resolutions of the National Assembly or of the National Assembly's Standing Committee, to proclaim or remove the decision on the state of war; on the basis of resolutions of the National Assembly's Standing Committee, to issue order on general mobilization or limited mobilization, to declare or remove the state of emergency; in cases where the National Assembly Standing Committee cannot meet, to declare the state of emergency nationwide or in a locality;

- Foreign affairs representative
- International law
- Treaty ratification

6. To accept foreign ambassadors extraordinary and plenipotentiary; on the basis of resolutions of the National Assembly's Standing Committee, to appoint and recall ambassadors extraordinary and plenipotentiary of Socialist Republic of Vietnam; to decide on the conferment of titles and ranks on the ambassadorial title; to decide on negotiation and conclusion of international treaties in the name of the State; to submit to the National Assembly for ratification and termination of international treaties as provided by clause 14 of Article 70; to decide on ratification, joining, or termination of other international treaties in the name of the State.

- Advisory bodies to the head of state

## Article 89

1. The National Defence and Security Council consists of a Chairman, Vice Chairmen and other members who are approved by the National Assembly under the nomination of the State President.

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

3. The National Defence and Security Council proposes to the National Assembly to decide on the state of war, and in case the National Assembly cannot meet, proposes to the National Assembly's Standing to decide on that; mobilizes all forces and potentialities of the country for national defence; exercises special duties and powers entrusted by the National Assembly in case of war; decides on the participation of the armed forces in activities contributing to the protections of peace in the region and in the world.

## Article 90

The State President is entitled to attend sessions of the Standing Committee of the National Assembly and sessions of the Government.

The State President has the right to request the Government to hold meeting to discuss on issues which in the consideration of the State President is necessary to exercise his duties and authorities.

- Power to declare/approve war

## Article 91

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

## Article 92

The Vice-President of the State shall be elected by the National Assembly from among its members.

He shall assist the State President in the performance of his duties and may be delegated by him to perform certain tasks.

## Article 93

When the State President is incapacitated for work over a long period of time, the Vice-President shall act as President.

In case of vacancy of the State Presidency, the Vice-President shall be acting President until the election of a new President by the National Assembly.

# CHAPTER VII: THE GOVERNMENT

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## Article 94

The Government is the executive organ of the National Assembly, exercise the executive power, and is the highest organ of State administration of the Socialist Republic of Vietnam.

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

## Article 95

1. The Government shall be composed of the Prime Minister, the Deputy Prime Ministers, the Ministers, and heads of organs of ministerial rank.

The structure and numbers of members of the Government are decided by the National Assembly.

The Government shall operate as a collegium and take its decisions by a vote of the majority.

2. Prime Minister is the head of the Government, is accountable before the National Assembly on the activities of the Government and assigned duties, and shall report to the National Assembly, the National Assembly's Standing Committee, and the State President on the activities of the Government and the Prime Minister.

3. The Deputy Prime Ministers shall assist the Prime Minister in the performance of his duties, as required by him, and are accountable to the Prime Minister. In the absence of the Prime Minister, one of his Deputies shall be delegated by him to direct the work of the Government.
4. The Ministers and Heads of organs of ministerial ranks shall be personally accountable to the Prime Minister, the Government, and the National Assembly on their respective fields and branches, and shall be, together with other members of the Government, collectively accountable for the activities of the Government.

## Article 96

1. To organize the implementation of the Constitution, the laws, resolutions of the National Assembly, the ordinances and resolutions of the National Assembly's Standing Committee, and decrees, decisions of the State President.
2. To initiate and build policies, and to propose them to the National Assembly, and the National Assembly's Standing Committee for decision or to decide on these policies according to its authorities to exercise its duties and authorities as provided by this Article; to propose draft laws, and draft state budget and other projects to the National Assembly; to propose the draft ordinances to the National Assembly's Standing Committee.
3. To exercise uniform management of the economy, culture, society, education, medicine, science, technology, environment, information, media, international relations, national defence, national security, and social order and security; to exercise the decisions on mobilization and the state of emergency and carry out all other necessary measures to protect the country and to safeguard the live and the property of the people.
4. To propose to the National Assembly to create and remove ministry and organs of ministerial rank, and to establish, merge, divide, or adjust the boundaries of provinces and cities under direct central rule, and to set up or disband special administrative-economic units; to propose to the National Assembly's Standing Committee to establish, merge, divide, or adjust the administrative boundaries below provinces and cities under direct central rule.
5. To exercise the uniform management of the national bureaucracy; exercise the management of cadres, civil servants, officials, and public service in state organs; to exercise the work of inspection and examination, and handling of citizen's complaint and denouncement; to fight against authoritativeness and corruption in the state apparatus; 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 guide and control the People's Councils in their implementation of their legal duties and authorities.
6. To protect the rights and interests of the State and society, human rights, and citizen's rights; ensure social order and security.

• Powers of cabinet

• Reference to science

- International law
- Treaty ratification

7. To negotiate and conclude international treaties in the name of the State as delegated by the State President; to negotiate, sign, ratify and accede to international treaties in the name of the Government, except the international treaties proposed to the National Assembly for approval as provided by clause 14 of Article 70; protect the interests of the State, the legitimate interests of Vietnamese organizations and citizens in foreign countries.
8. To coordinate with Central Committee of the Vietnamese Fatherland Front and the central bodies of socio-political organizations in the exercise of its duties and authorities.

## Article 97

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 98

The Prime Minister is elected by the National Assembly among its members.

The Prime Minister has the following duties and powers:

1. To direct the work of the Government; to direct the construction of policies and the organization of implementation of the laws.
2. To direct and to be accountable to the activities of the national administration from the central to local level, and to ensure the unity and thoroughness of the national administration.
3. To submit to the National Assembly for approval proposals on appointment, release from duty or dismissal of Deputy Prime Ministers, Ministers and heads of organs of ministerial rank; To appoint, release from duty, or dismiss Vice-Ministers and officials of equal rank of ministries and organs of ministerial rank; to approve the election, release from duty, secondment, and dismissal of Chairmen and Deputy Chairmen of People's Committees of provinces and cities under direct central rule.
4. To suspend or annul decisions, directives and circulars of Cabinet Ministers and other Government members, decisions and directives of People's Councils and Chairmen of People's Committees of provinces and cities under direct central rule that contravene the Constitution, the law, and other formal written documents of superior State organs; 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.
5. To decide and direct the negotiation of, to direct the conclusion of and joining, international treaties within the duties and authorities of the Government; to organize the implementation of international treaties in which Socialist Republic of Vietnam is a member.

- Head of government selection

- Head of government powers

- Cabinet removal
- Cabinet selection
- Municipal government
- Subsidiary unit government

- Federal review of subnational legislation
- National vs subnational laws

- International law
- Treaty ratification

6. To make regular reports to the people through the mass media on major issues to be settled by the Government and the Prime Minister.

## Article 99

1. Ministers and heads of organs of ministerial rank are members of the Government, preside ministries and organs of ministerial rank, direct the work of ministries and organs of ministerial rank; shall be responsible for State administration in the fields and branches under their respective authority; to organize and monitor the implementation of the laws in their respective fields and branches throughout the country.
2. Ministers and heads of organs of ministerial rank shall report to the Government and the Prime Minister; to exercise a regime of report to the people on issues under their respective management.

## Article 100

The Government, the Prime Minister, ministers and heads of organs of ministerial rank shall issue legal documents to exercise their duties and authorities, review the implementation of these documents, and handle illegal documents in concordance with the law.

## Article 101

The Chairman of the Central Committee of the Vietnamese Fatherland Front and the heads of socio-political organizations shall be invited to attend the sessions of the Government when relevant problems come up for discussion.

# CHAPTER VIII: PEOPLE'S COURT AND PEOPLE'S PROCURACY

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## Article 102

1. The people's courts are the judicial organ of the Socialist Republic of Vietnam, exercising the judicial power.
2. The people's courts comprise the Supreme People's Court and other courts established by law.
3. The people's courts are responsible for the protection of justice, human rights, citizen's rights, socialist regime, interests of the State, and legal rights and interests of organizations and individuals.

• Structure of the courts

## Article 103

- Jury trials required
  - Judicial independence
  - Privileges for juveniles in criminal process
  - Right to public trial
  - Right to appeal judicial decisions
  - Right to counsel
1. Trials before People's Courts shall be attended by people's assessors, except the case of trials with reduced procedure
  2. The trials of the judges and assessors are independent and shall only obey the law; the interference into the trials of the judges and assessors by bodies, organizations, and individuals is strictly prohibited.
  3. The People's Courts shall hold their hearings in public. In special cases necessary to the protection of state secrecy, fine customs and beautiful habits of the nation, the protection of adolescents, and the protection of private secrecy according to the legitimate requirement of the persons concerned, the people's courts can hold their hearings in closed door.
  4. The People's Courts shall try their cases collegially and their decisions shall be in conformity with the will of the majority, except the cases of the trials with reduced procedure.
  5. The principle of institute legal proceeding against is guaranteed in trials.
  6. The regime of hearing in first instance and hearing and appeal is guaranteed.
  7. The right of the internee and the defendant to be defended is guaranteed; the right of the persons concerned to defend their legitimate interests is guaranteed.

## Article 104

- Supreme court powers
1. The Supreme People's Court is the highest judicial organ of the Socialist Republic of Vietnam.
  2. The Supreme People's Court supervises and directs the judicial work of other courts, except the cases provided by the law.
  3. The Supreme People's Court exercises the summarization of the practice of trials, and ensure the uniform application of law in trials.

## Article 105

- Supreme court term length
  - Supreme/ordinary court judge removal
  - Ordinary court selection
1. The term of the President of the Supreme People's Court is consistent with the term of the National Assembly. The appointment, release from duties, and removal from office of presidents of other courts are provided by the law.



2. The President of the Supreme People's Court is responsible and makes his reports to the National Assembly and, when the latter is not in session, to its Standing Committee and to the State President. The regime of report of presidents of other courts is provided by the law.
3. The appointment, approval, release from duties, and removal from office, term of judges, and the election and term of assessors are provided by the law.

- Supreme/ordinary court judge removal
- Ordinary court selection
- Ordinary court term length

## Article 106

The sentences and decisions of the People's Court which have acquired legal effect must be respected by organs, organizations, and individuals; they must be seriously complied with by the organs, organizations, and individuals concerned.

## Article 107

1. The people's procuracies shall exercise the power to prosecution and control judicial activities.
2. The people's procuracies comprise the Supreme People's Procuracy and other procuracies provided by the law.
3. The people's procuracies are responsible for the protection of law, human rights, citizen's rights, socialist regime, interests of the State, and legal rights and interests of organizations and individuals, thus contributing to ensuring that laws are strictly and uniformly observed.

- Attorney general

## Article 108

1. The term of the Head of the Supreme People's Procuracy is consistent with the term of the National Assembly. The appointment, release from duties, and removal from office of heads of other procuracies and procurators are provided by the law.
2. The Head of the Supreme People's Procuracy is responsible and makes his reports to the National Assembly and, when the latter is not in session, to its Standing Committee and to the State President. The regime of report of heads of other procuracies is provided by the law.

- Attorney general

## Article 109

1. A People's Procuracy is directed by its Head. The Heads of inferior Procuracies are subject to the leadership of the Heads of superior Procuracies. The Heads of Procuracies at all levels are subject to the overall leadership of the Head of the Supreme People's Procuracy.

- Attorney general

2. When exercising the power of the power to prosecution and controlling judicial activities, procurators shall obey the law and are subject to the leadership of the Head of the People's Procuracy.

## CHAPTER IX: THE LOCAL GOVERNMENT

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### Article 110

1. 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, towns, and units of similar level.
  - 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.
  - Special administrative-economic units are created by the National Assembly.
2. The establishment, removal, merging, division, or adjustment of the boundaries of administrative units must be carried out with the consultation of the opinion of the local people in concordance with the process and procedure provided by the law.

### Article 111

1. Local governments are organized in administrative units of Socialist Republic of Vietnam.
2. Local governments consist of People's Council and People's Committee which shall be organized consistent with the features of rural areas, cities, islands, and special administrative-economic units provided by the law.

### Article 112

1. Local governments organize and ensure the implementation of the Constitution and the laws at local area; deal with local issues provided by the law; and are subject to the examination and supervision of superior state organs.

• Municipal government  
• Subsidiary unit government

• Federal review of subnational legislation

2. The duties and authorities of local governments shall be determined on the base of differentiation of powers between central state organs and local state organs and between different ranks of local governments.
3. In case of need, local governments are delegated to exercise some duties of superior state organs with the conditions guaranteed necessary to exercise those duties.

## Article 113

1. 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.
2. The People's Council shall decide on local issues provided by the law; supervise the conformity to the constitution and the laws at local area and the implementation of the resolutions of the People's Council.

## Article 114

1. The People's Committee elected by the People's Council is the latter's executive organ, the organ of local State administration, and responsible to the People's Council and superior state organs.
2. It is the People's Committee's responsibility to implement the Constitution and the laws at local area, to organize the implementation of the resolutions of the People's Council and to exercise duties assigned by the superior state organs.

## Article 115

1. The deputy to the People's Council represents the will and aspirations of the local people; he must maintain close ties with the electors, submit himself to their control, keep regular contact with them, regularly report to them on his activities and those of the People's Council, answer their requests and proposals; look into and activate the settlement of the people's complaints and denunciations. It is the duty of the deputy to the People's Council to urge the people to abide by the law and State policies, the resolutions of the People's Council, and to encourage them to join in State administration.
2. 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 Procuracy, and the heads of organs under the People's Committee. The interpellated officials 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 116

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

## CHAPTER X: THE NATIONAL COUNCIL OF ELECTION AND THE STATE AUDIT

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### Article 117

1. The National Council of Election is an organ created the National Assembly, responsible for organization of election of the National Assembly. It shall direct and orientate the work of election of the People's Councils at all levels.
2. The National Council of Election comprises a President, vice-Presidents, and members
3. The details of organization, duties and authorities of the National Council of Election, and the number of its members shall be provided by the law.

### Article 118

1. The State Audit is an organ created by the National Assembly, shall act independently and only obey the law. It exercises the audit of the management and use of public finance and property.
2. The Head of the State Audit presides the State Audit, elected by the National Assembly. The term of Head of the State Audit shall be provided by the law.

The Head of the State Audit is responsible and makes his reports of the result of audit to the National Assembly and, when the latter is not in session, to its Standing Committee.

3. The details of the organization, duties, and authorities of the State Audit shall be provided by the law.

# CHAPTER XI: THE EFFECT OF THE CONSTITUTION AND THE AMENDMENT OF THE CONSTITUTION

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## Article 119

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

All other legal documents must conform to the Constitution.

All actions violating the Constitution shall be dealt with.

2. The National Assembly, its organs, The State President, the Government, the People's Courts, the People's Procuracies, other state organs, and the entire people are responsible to protect the Constitution. The mechanism of constitutional protection shall be provided by the law.

## Article 120

1. The State President, the National Assembly's Standing Committee, or at least two-third of entire Assembly deputies have the right to propose the making of constitution and amendment of the Constitution. The National Assembly shall decide on the making of constitution and amendment of the Constitution upon the approval of two-third of entire Assembly deputies.
2. The National Assembly shall create the Committee of Constitutional Drafting. The components, the number of members, duties, and authorities of the Committee of Constitutional Drafting shall be decided by the National Assembly according to the proposal of the National Assembly's Standing Committee.
3. The Committee of Constitutional Drafting drafts, organizes the collection of people's opinion, and submits to the National Assembly the draft constitution.
4. Constitution shall be enacted with the approval of two-third of entire Assembly deputies. The referendum on the Constitution shall be decided by The National Assembly.

• Constitution amendment procedure  
• Standing committees

• Referenda

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