

THE PRESIDENT

**Order No. 18/2013/L-CTN of December 8, 2013, on the promulgation of the Constitution**

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

*Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

PROMULGATES:

**the Constitution of the Socialist Republic of Vietnam,**

which was passed on November 28, 2013, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam, at its 6<sup>th</sup> session.-

President of the Socialist Republic of Vietnam

TRUONG TAN SANG

**The Constitution of the Socialist Republic of Vietnam<sup>1</sup>**

PREAMBLE

Throughout their millennia-old history, the Vietnamese People, working diligently and creatively and fighting courageously to build and defend their country, have forged a tradition of patriotism, solidarity, humanity, justice, resilience and indomitableness, and have created the civilization and culture of Vietnam.

Since 1930, under the leadership of the Communist Party of Vietnam founded and trained by President Ho Chi Minh, our People have waged a protracted struggle full of hardship and sacrifice for national independence and freedom and for their own happiness. In the wake of the triumph of the August Revolution, on September 2, 1945, President Ho Chi Minh read the Proclamation of Independence, declaring the birth of the Democratic Republic of Vietnam, now the Socialist Republic of Vietnam. With the will and strength of the entire nation and the assistance of friends around the world, our People have gained great victories in the struggles to liberate the nation, reunify the

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country, defend the Fatherland and fulfill international duties, and have recorded resounding achievements of historical significance in the cause of renewing and building the country toward socialism.

Institutionalizing the Platform for National Construction during the Period of Transition toward Socialism, and perpetuating the 1946, 1959, 1980 and 1992 Constitutions, the Vietnamese People create, implement and defend this Constitution to achieve the goal of a prosperous people and a strong, democratic, equitable and civilized country.

## Chapter I

### THE POLITICAL REGIME

#### **Article 1**

The Socialist Republic of Vietnam is an independent and sovereign country enjoying unity and integrity of territory, including the mainland, islands, seas and airspace.

#### **Article 2**

1. The State of the Socialist Republic of Vietnam is a socialist state ruled by law and of the People, by the People and for the People.
2. The Socialist Republic of Vietnam is the country where the People are the masters; all the state power belongs to the People and is based on the alliance of the working class, the peasantry and the intelligentsia.
3. The state power is unified and delegated to state agencies which coordinate with and control one another in the exercise of the legislative, executive and judicial powers.

#### **Article 3**

The State shall guarantee and promote the People's right to mastery; recognize, respect, protect and guarantee human rights and citizens' rights; and pursue the goal of a prosperous people and a strong, democratic, equitable and civilized country, in which all people enjoy an abundant, free and happy life and are given conditions for their comprehensive development.

#### **Article 4**

1. The Communist Party of Vietnam - the Vanguard of the working class, concurrently the vanguard of the laboring people and Vietnamese nation, faithfully representing the interests of the working class, laboring people and entire nation, and acting upon the Marxist-Leninist doctrine and Ho Chi Minh Thought, is the force leading the State and society.

2. The Communist Party of Vietnam is closely associated with the People, shall serve the People, shall submit to the supervision of the People, and is accountable to the People for its decisions.

3. Organizations and members of the Communist Party of Vietnam shall operate within the framework of the Constitution and law.

#### **Article 5**

1. The Socialist Republic of Vietnam is a unified nation of all ethnicities living together in the country of Vietnam.

2. All the ethnicities are equal and unite with, respect and assist one another for mutual development; all acts of discrimination against and division of the ethnicities are prohibited.

3. The national language is Vietnamese. Every ethnic group has the right to use its own spoken and written language to preserve its own identity and to promote its fine customs, practices, traditions and culture.

4. The State shall implement a policy of comprehensive development and create the conditions for the minority ethnicities to fully utilize their internal strengths and develop together with the country.

#### **Article 6**

The People shall exercise the state power in the form of direct democracy and of representative democracy through the National Assembly, People's Councils and other state agencies.

#### **Article 7**

1. The elections of deputies to the National Assembly and People's Councils must be conducted on the principle of universal, equal, direct and secret suffrage.

2. A National Assembly deputy or a People's Council deputy may be removed from office by the voters 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 shall be organized and operate in accordance with the Constitution and law, manage society by the Constitution and law, and implement the principle of democratic centralism.

2. All state agencies, cadres, civil servants and public employees shall show respect for the People, conscientiously serve the People, maintain close contact with the People, listen to their opinions and submit to their supervision; resolutely combat corruption, waste, and all manifestations of bureaucracy, arrogance and authoritarianism.

## **Article 9**

1. The Vietnam Fatherland Front is a political alliance and a voluntary union of the political organization, socio-political organizations and social organizations, and prominent individuals representing their class, social strata, ethnicity or religion and overseas Vietnamese.

The Vietnam Fatherland Front shall constitute the political base of the people's administration; represent and protect the lawful and legitimate rights and interests of the People; rally and fully utilize the strength of the great national unity, exercise democracy and promote social consensus; conduct social supervision and criticism; and participate in the building of the Party and the State, and in people's external relations' activities, thus contributing to national construction and defense.

2. The Trade Union of Vietnam, the Vietnam Peasants' Association, the Ho Chi Minh Communist Youth Union, the Vietnam Women's Union and the Vietnam War Veterans' Association are socio-political organizations established on a voluntary basis to represent and protect the lawful and legitimate rights and interests of their members; and, together with other member organizations of the Vietnam Fatherland Front, coordinate and unify action within the Front.

3. The Vietnam Fatherland Front, its member organizations and other social organizations shall operate within the framework of the Constitution and law. The State shall create the conditions for the Vietnam Fatherland Front, its member organizations and other social organizations to operate.

## **Article 10**

The Trade Union of Vietnam is a socio-political organization of the working class and laborers voluntarily established to represent laborers, care for and protect the lawful and legitimate rights and interests of laborers; participate in the state management and socio-economic management; participate in the examination, inspection and supervision of the operations of state agencies, organizations, units and enterprises regarding issues related to the rights and obligations of laborers; and mobilize laborers to learn to improve their professional qualifications and skills, abide by law, and build and defend the Fatherland.

## **Article 11**

1. The Vietnamese Fatherland is sacred and inviolable.
2. All acts against independence, sovereignty, unity and territorial integrity, or against the construction and defense, of the Fatherland must be severely punished.

## **Article 12**

The Socialist Republic of Vietnam shall consistently implement its foreign policy of independence, self-reliance, peace, friendship, cooperation and development; multilateralization and diversification of external relations, proactive and active 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, and equality and mutual benefit; abide by the Charter of the United Nations and treaties to which the Socialist Republic of Vietnam is a contracting party; act as a friend, reliable partner and responsible member of the international community for the sake of national interests, and contribute to the cause of peace, national independence, democracy and social progress in the world.

## **Article 13**

1. The national flag of the Socialist Republic of Vietnam is rectangular in shape, with its width equal to two-thirds of its length; in the middle of a red background is a five-pointed gold star.
2. The national emblem of the Socialist Republic of Vietnam is circular in shape; in the middle of a red background is a five-pointed gold star encircled by rice ears, below which is half a cogwheel and the inscription "The Socialist Republic of Vietnam".
3. The national anthem of the Socialist Republic of Vietnam is the music and lyrics of the song "*Tien quan ca*" (March to the Front).
4. The National Day of the Socialist Republic of Vietnam is the day of the Proclamation of Independence, the Second of September 1945.
5. The capital of the Socialist Republic of Vietnam is Hanoi.

## **Chapter II**

### **HUMAN RIGHTS, FUNDAMENTAL RIGHTS AND OBLIGATIONS OF CITIZENS**

## **Article 14**

1. In the Socialist Republic of Vietnam, human rights and citizens' rights in the political, civil, economic, cultural and social fields shall be recognized, respected, protected and guaranteed in accordance with the Constitution and law.
2. Human rights and citizens' rights may not be limited unless prescribed by a law solely in case of necessity for reasons of national defense, national security, social order and safety, social morality and community well-being.

## **Article 15**

1. Citizens' rights are inseparable from citizens' obligations.
2. Everyone is obliged to respect others' rights.
3. Citizens shall perform their obligations toward the State and society.
4. The exercise of human rights and citizens' rights may not infringe upon national interests and others' lawful rights and interests.

#### **Article 16**

1. All people are equal before law.
2. No one is subject to discriminatory treatment in political, civil, economic, cultural or social life.

#### **Article 17**

1. A citizen of the Socialist Republic of Vietnam is a person holding Vietnamese citizenship.
2. A Vietnamese citizen may not be expelled and delivered to another state.
3. Vietnamese citizens living abroad shall be protected by the State of the Socialist Republic of Vietnam.

#### **Article 18**

1. Overseas Vietnamese make up an inseparable part of the community of Vietnamese ethnicities.
2. The State of the Socialist Republic of Vietnam shall encourage and create the conditions for overseas Vietnamese to preserve and promote the cultural identity of the Vietnamese nation, maintain close ties with their families and native land, and contribute to the construction of their native land and the country.

#### **Article 19**

Everyone has the right to life. Human life is protected by law. No one may be deprived of life in contravention of law.

#### **Article 20**

1. Everyone has the right to inviolability of his or her body and to the protection by law of his or her health, honor and dignity; no one shall be subjected to torture, violence, coercion, corporal punishment or any form of treatment harming his or her body and health or offending his or her honor and dignity.
2. No one may be arrested without a decision of a People's Court, or a decision or approval of a People's Procuracy, except in case of a flagrant

offense. The arrest, holding in custody, or detention, of a person shall be prescribed by a law.

3. Everyone has the right to donate his or her tissues, organs or body in accordance with law. Medical, pharmaceutical and scientific experiments, or any other form of experiments, on the human body must be consented to by the human subject.

#### **Article 21**

1. Everyone has the right to inviolability of private life, personal secrets and family secrets; and has the right to protect his or her honor and reputation.

The security of information about private life, personal secrets or family secrets shall be guaranteed by law.

2. Everyone has the right to privacy of correspondence, telephone conversations, telegrams and other forms of private communication.

No one may illegally break into, control or seize another's correspondence, telephone conversations, telegrams or other forms of private communication.

#### **Article 22**

1. Every citizen has the right to a legal residence.

2. Everyone has the right to inviolability of his or her home. No one may enter the home of another person without his or her consent.

3. The search of homes shall be prescribed by a law.

#### **Article 23**

Citizens have the right to free movement and residence within the country, and the right to leave the country and to return home from abroad. The exercise of those rights shall be prescribed by law.

#### **Article 24**

1. Everyone has the right to freedom of belief and religion, and has the right to follow any religion or to follow no religion. All religions are equal before law.

2. The State shall respect and protect the freedom of belief and religion.

3. No one may violate the freedom of belief and religion, nor may anyone take advantage of a belief or religion in order to violate the law.

#### **Article 25**

Citizens have the right to freedom of speech and freedom of the press, and have the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The exercise of those rights shall be prescribed by law.

## **Article 26**

1. Male and female citizens have equal rights in all fields. The State shall adopt policies to guarantee the right to and opportunities for gender equality.
2. The State, society and family shall create the conditions for women to develop comprehensively and to advance their role in society.
3. Gender discrimination is prohibited.

## **Article 27**

Every citizen who reaches the age of eighteen has the right to vote. Every citizen who reaches the age of twenty-one has the right to stand for election to the National Assembly or People's Councils. The exercise of those rights shall be prescribed by a law.

## **Article 28**

1. Citizens have the right to participate in the management of the State and management of society, and to discuss and propose to state agencies issues about their base units, localities and the whole country.
2. The State shall create the conditions for citizens to participate in the management of the State and society; and shall publicly and transparently receive and respond to the opinions and petitions of citizens.

## **Article 29**

Citizens who reach the age of eighteen have the right to vote in referenda organized by the State.

## **Article 30**

1. Everyone has the right to lodge complaints or denunciations about illegal acts of agencies, organizations or individuals with competent agencies, organizations or persons.
2. Competent agencies, organizations or persons shall receive and resolve complaints and denunciations. Those suffering damages have the right to material and mental compensation and restoration of honor in accordance with law.
3. Taking revenge on complainants or denunciators, or abusing the right to complaint and denunciation to slander or falsely accuse others, is prohibited.

## **Article 31**

1. A person charged with a criminal offense shall be presumed innocent until proven guilty according to a legally established procedure and the sentence of the court takes legal effect.

2. A person charged with a criminal offense shall be promptly tried in an impartial and public manner by a court within a legally established time limit. In case of a closed trial in accordance with law, the verdict must be publicly pronounced.
3. No one may be tried twice for the same offense.
4. A person who is arrested, held in custody, temporarily detained, charged with a criminal offence, investigated, prosecuted or brought to trial has the right to defend himself or herself in person or choose a defense counsel or another person to defend him or her.
5. A person who is illegally arrested, held in custody, temporarily detained, charged with a criminal offence, investigated, prosecuted, brought to trial or subject to judgment enforcement has the right to compensation for material and mental damages and restoration of honor. A person who violates the law in respect of arrest, detention, holding in custody, laying of charges, investigation, prosecution, trial or judgment enforcement, thereby causing damages to others, shall be punished in accordance with law.

#### **Article 32**

1. Everyone has the right to ownership of his or her lawful income, savings, housing, chattels, means of production and capital contributions to enterprises or other economic entities.
2. The right to private ownership and the right to inheritance shall be protected by law.
3. In case of extreme necessity for national defense or security reasons or in the national interest, in a state of emergency or in response to a natural disaster, the State may compulsorily purchase or requisition the property of organizations or individuals and pay compensation at market price.

#### **Article 33**

Everyone has the right to freedom of enterprise in the sectors and trades that are not prohibited by law.

#### **Article 34**

Citizens have the right to social security.

#### **Article 35**

1. Citizens have the right to work and to choose their occupations, employment and workplaces.
2. Employees are guaranteed equal and safe working conditions; and have the right to wages and rest periods.

3. Discriminatory treatment, forced labor or the employment of people below the minimum working age is prohibited.

#### **Article 36**

1. Men and women have the right to marry and divorce. Marriage must adhere to the principles of voluntariness, progressiveness, monogamy, equality and mutual respect between husband and wife.

2. The State shall protect marriage and the family, and protect the interests of mothers and children.

#### **Article 37**

1. Children shall be protected, cared for and educated by the State, family and society; children may participate in child-related issues. Harassing, persecuting, maltreating, abandoning or abusing children, exploiting child labor or other acts that violate children's rights are prohibited.

2. Young people shall be provided by the State, family and society with the conditions for learning, working, entertaining themselves, and developing their physiques and minds, and be educated in morality, national traditions and civic consciousness; and shall take the lead in the cause of creative labor and national defense.

3. The elderly shall be respected and cared for by the State, family and society to promote their role in the cause of national construction and defense.

#### **Article 38**

1. Everyone has the right to health protection and care, and to equality in the use of medical services, and has the obligation to comply with regulations on the prevention of disease and medical examination or treatment.

2. Acts threatening the life or health of other persons and the community are prohibited.

#### **Article 39**

Citizens have the right, as well as the obligation, to learn.

#### **Article 40**

Everyone has the right to conduct scientific or technological research, or literary or artistic creation, and to enjoy the benefits brought about by those activities.

#### **Article 41**

Everyone has the right to enjoy and access cultural values, participate in cultural life, and use cultural facilities.

#### **Article 42**

A citizen has the right to determine his or her ethnicity, use his or her mother tongue and choose his or her language of communication.

**Article 43**

Everyone has the right to live in a clean environment and has the obligation to protect the environment.

**Article 44**

A citizen has the obligation to be loyal to the Fatherland.

High treason is the most serious crime.

**Article 45**

1. It is the sacred duty and the noble right of citizens to defend their Fatherland.

2. A citizen shall perform military service and participate in building a national defense of all the people.

**Article 46**

A citizen has the obligation to obey the Constitution and law; participate in the safeguarding of national security and social order and safety, and observe the rules of public life.

**Article 47**

Everyone has the obligation to pay taxes in accordance with the law.

**Article 48**

Foreigners residing in Vietnam shall abide by the Vietnamese Constitution and law; and have their lives, property, rights and legitimate interests protected by Vietnamese law.

**Article 49**

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 State of the Socialist Republic of Vietnam.

Chapter III

ECONOMY, SOCIAL AFFAIRS, CULTURE, EDUCATION, SCIENCE,  
TECHNOLOGY AND ENVIRONMENT

**Article 50**

The Socialist Republic of Vietnam shall build an independent and self-reliant economy, bringing into full play its internal strengths and international integration and cooperation, in close association with cultural development,

social progress and justice, environmental protection, and national industrialization and modernization.

### **Article 51**

1. The Vietnamese economy is a socialist-oriented market economy with varied forms of ownership and economic sectors; the state economy plays the dominant role.
2. All economic sectors are important components of the national economy. Entities in different economic sectors are equal before law and shall cooperate and compete with one another in accordance with law.
3. The State shall encourage and create the conditions for businesspeople, enterprises or other individuals or organizations to carry out investment, production or business activities; and develop economic branches in a sustainable manner in order to contribute to national construction. The legal property of individuals and organizations engaged in investment, production or business activities is protected by law and is not subjected to nationalization.

### **Article 52**

The State shall develop and improve economic institutions, regulate the economy on the basis of respect for market rules; delegate, devolve and decentralize the powers in the state management; promote regional economic links, and ensure the unity of the national economy.

### **Article 53**

Land, water resources, mineral resources, resources in the sea and airspace, other natural resources, and property managed or invested in by the State are public property, owned by all the people, and represented and uniformly managed by the State.

### **Article 54**

1. Land is a special national resource and an important resource for national development, and is managed in accordance with law.
2. The State shall allocate or lease land to, and recognize land use rights of, organizations and individuals. Land users may transfer land use rights, exercise their rights, and perform their obligations in accordance with law. Land use rights shall be protected by law.
3. The State may recover land currently used by organizations or individuals in case of extreme necessity prescribed by a law for national defense or security purposes; or socio-economic development in the national or public interest. Land recovery must be public and transparent, and compensation must be paid in accordance with the law.

4. The State may requisition land in cases of extreme necessity prescribed by a law to perform national defense and security tasks or during a state of war or a state of emergency, or in response to a natural disaster.

#### **Article 55**

1. The state budget, national reserve, state financial funds and other public financial resources must be uniformly managed by the State and shall be used in an efficient, fair, public, transparent and lawful manner.

2. The state budget consists of the central budget and local budgets, in which the central budget plays the leading role and ensures national spending needs. State budget revenues and expenditures must be estimated and must be prescribed by a law.

3. The national monetary unit is the Vietnam dong. The State shall ensure the stabilization of the national currency value.

#### **Article 56**

Agencies, organizations and individuals shall practice thrift and combat waste, and prevent and fight corruption in socio-economic activities and the state management.

#### **Article 57**

1. The State shall encourage and create the conditions for organizations and individuals to create jobs.

2. The State shall protect the lawful rights and interests of employees and employers and create the conditions for the establishment of progressive, harmonious and stable employment relations.

#### **Article 58**

1. The State and society shall make investments to further the protection of and care for the People's health, implement the universal health insurance, and adopt policies to prioritize health care for ethnic minority people and people living in mountainous areas, on islands, and in areas that have extremely difficult socio-economic conditions.

2. The State, society and family are responsible for protecting and caring for the health of mothers and children, and for family planning.

#### **Article 59**

1. The State and society shall honor, commend, reward, and implement preferential treatment policies to, people who have rendered meritorious service to the country.

2. The State shall create equal opportunities for citizens to enjoy social welfare, develop the social security system, and adopt policies to support elderly people, people with disabilities, poor people, and other disadvantaged people.

3. The State shall adopt housing development policies and create the conditions for everyone to have his or her own home.

#### **Article 60**

1. The State and society shall care for the creation and development of an advanced Vietnamese culture that is deeply imbued with the national identity and has absorbed the cultural quintessence of humanity.

2. The State and society shall develop literature and the arts in order to meet the diverse and healthy spiritual needs of the People; and develop the mass media to meet the People's demands for information and to serve national construction and defense.

3. The State and society shall create an environment for building prosperous, progressive and happy Vietnamese families, and developing Vietnamese people with good health, cultural qualities, patriotism, a spirit of solidarity, a sense of mastery and civic responsibility.

#### **Article 61**

1. To develop education is a top national policy that aims to increase public intellectual standards, develop human resources, and nurture talented people.

2. The State shall prioritize investment in, and attract other investment sources for, education; care for pre-school education; and ensure free compulsory primary education; gradually universalize secondary education; develop higher education and vocational education; and implement reasonable scholarship and school fee policies.

3. The State shall prioritize the development of education in mountainous areas, on islands, in ethnic minority areas, and in areas that have extremely difficult socio-economic conditions; prioritize the employment and development of talented people; and create the conditions for people with disabilities and poor people to receive education and vocational training.

#### **Article 62**

1. To develop science and technology is a top national policy, playing the key role in national socio-economic development.

2. The State shall prioritize investment in, and encourage organizations and individuals to invest in, research, development, transfer and effective application of scientific and technological achievements; guarantee the right to

conduct scientific and technological research; and protect intellectual property rights.

3. The State shall create the conditions for everyone to participate in, and to enjoy the benefits from, scientific and technological activities.

### **Article 63**

1. The State shall adopt environmental protection policies; manage and use natural resources in an efficient and sustainable manner; conserve nature and biodiversity; and take the initiative in preventing and controlling natural disasters and responding to climate change.

2. The State shall encourage all activities for environmental protection and the development and use of new energy and renewable energy.

3. Organizations and individuals that cause environmental pollution, natural resource exhaustion or biodiversity depletion shall be strictly punished and shall rectify and compensate for damage.

## Chapter IV

### DEFENSE OF THE FATHERLAND

#### **Article 64**

To defend the socialist Vietnamese Fatherland is the mission of all the people.

The State shall consolidate and strengthen national defense by all the people and the people's security, with the people's armed forces as the core; and fully utilize the total strength of the country to defend firmly the Fatherland, thereby contributing to protecting peace in the region and around the world.

All agencies, organizations and citizens shall fulfill their national defense and security tasks.

#### **Article 65**

The people's armed forces shall show absolute loyalty to the Fatherland, the People, the Party and the State; protect the independence, sovereignty, unity and territorial integrity of the Fatherland, national security, and social order and safety; safeguard the People, the Party, the State and the socialist regime; and join the entire people in national construction and the performance of international duties.

#### **Article 66**

The State shall build a revolutionary People's Army that is regular, well-trained and gradually modernized, which has an appropriate permanent force, a large and powerful reserve force, and a strong and extensive self-defense and militia force, as the core for performing national defense tasks.

### **Article 67**

The State shall build a revolutionary People's Public Security force that is regular, well-trained and gradually modernized, as the core to safeguard national security, ensure social order and safety, and prevent and fight crime.

### **Article 68**

The State shall promote the People's patriotism and revolutionary heroism and educate the entire people in national defense and security; build the national defense and security industry; ensure proper equipment for the people's armed forces, and combine national defense and security with economic activities and *vice versa*; implement policies regarding military families; ensure the material and spiritual lives of the officers, soldiers, workers and employees consistent with the nature of the activities of the People's Army and People's Public Security force; and build powerful people's armed forces and unceasingly strengthen their national defense capability.

## Chapter V

### THE NATIONAL ASSEMBLY

### **Article 69**

The National Assembly is the highest representative body of the People and the highest state power body of the Socialist Republic of Vietnam.

The National Assembly shall exercise constitutional and legislative powers, decide on important issues for the country, and conduct the supreme oversight over the activities of the State.

### **Article 70**

The National Assembly has the following tasks and powers:

1. To make and amend the Constitution; to make and amend laws;
2. To exercise the power of supreme oversight over the observance of the Constitution, laws and resolutions of the National Assembly; to review work reports of the President, Standing Committee of the National Assembly, Government, Supreme People's Court, Supreme People's Procuracy, National Election Council, State Audit Office, and other agencies established by the National Assembly;
3. To decide on the country's major goals, targets, policies and tasks for socio-economic development;
4. To decide on fundamental national financial and monetary policies; to introduce, change or abolish taxes; to decide on the division of revenues and expenditures between the central and local budgets; to decide on the safe limits for national, public and government debts; to decide on state budget estimates

and the allocation of the central budget; and to approve the final accounts of the state budget;

5. To decide on state policies on ethnicities and religion;

6. To regulate the organization and operation of the National Assembly, President, Government, People's Courts, People's Procuracies, National Election Council, State Audit Office, local administrations, and other agencies established by the National Assembly;

7. To elect, relieve from duty or remove from office the President, Vice Presidents, Chairperson and Vice Chairpersons of the National Assembly, members of the Standing Committee of the National Assembly, Chairperson of the Ethnic Council, Chairpersons of the Committees of the National Assembly, Prime Minister, Chief Justice of the Supreme People's Court, Procurator General of the Supreme People's Procuracy, Chairperson of the National Election Council, State Auditor General, and heads of other agencies established by the National Assembly; to approve proposals on the appointment, relief from duty or dismissal of the Deputy Prime Ministers, Ministers or other members of the Government, and Judges of the Supreme People's Court; and to approve the lists of members of the National Defense and Security Council and the National Election Council.

After being elected, the President, Chairperson of the National Assembly, Prime Minister, and Chief Justice of the Supreme People's Court shall take an oath of loyalty to the Fatherland, the People and the Constitution;

8. To conduct votes of confidence on persons holding positions elected or approved by the National Assembly;

9. To decide on the establishment or abolition of ministries or ministerial-level agencies of the Government; to establish, dissolve, consolidate, separate or adjust the administrative boundaries of, provinces, centrally run cities and special administrative-economic units; or to establish or abolish other agencies in accordance with the Constitution and law;

10. To annul documents of the President, Standing Committee of the National Assembly, Government, Prime Minister, Supreme People's Court and Supreme People's Procuracy that contravene the Constitution, laws or resolutions of the National Assembly;

11. To decide on a general amnesty;

12. To stipulate the titles and ranks in the people's armed forces, diplomatic titles and ranks, and other state titles and ranks; to institute orders, medals, and state honorary titles;

13. To decide on issues of war and peace; to determine states of emergency and other special measures to ensure national defense and security;
14. To decide on fundamental foreign policies; to ratify, or decide on the accession to, or withdrawal from, treaties related to war, peace, national sovereignty or the membership of the Socialist Republic of Vietnam in important international and regional organizations, treaties on human rights or fundamental rights and obligations of citizens, and other treaties that are not consistent with the laws or resolutions of the National Assembly;
15. To decide to hold referenda.

#### **Article 71**

1. The term of the National Assembly is five years.
2. Sixty days before the expiration of the term of the National Assembly, a new National Assembly must be elected.
3. In special cases, the National Assembly may decide to shorten or extend its term, at the proposal of the Standing Committee of the National Assembly, if at least two-thirds of the total number of the National Assembly deputies vote for it. The extension of the term of the National Assembly must not exceed twelve months, except in wartime.

#### **Article 72**

The Chairperson of the National Assembly shall preside over National Assembly sessions; authenticate by his or her signature the Constitution, laws and resolutions of the National Assembly; lead the work of the Standing Committee of the National Assembly; organize the conduct of the external relations of the National Assembly; and maintain a relationship with National Assembly deputies.

Vice Chairpersons of the National Assembly shall assist the Chairperson in his or her work as assigned by the Chairperson.

#### **Article 73**

1. The Standing Committee of the National Assembly is the permanent body of the National Assembly.
2. The Standing Committee of the National Assembly is composed of the Chairperson, Vice Chairpersons and Members.
3. The number of members of the Standing Committee of the National Assembly shall be decided by the National Assembly. A member of the Standing Committee of the National Assembly may not concurrently be a member of the Government.

4. The Standing Committee of the National Assembly shall perform its tasks and exercise its powers until a new Standing Committee is elected by the succeeding National Assembly.

#### **Article 74**

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

1. To prepare, convene and preside over sessions of the National Assembly;
2. To enact ordinances on issues assigned to it by the National Assembly; to interpret the Constitution, laws and ordinances;
3. To oversee the implementation of the Constitution, laws and resolutions of the National Assembly and ordinances and resolutions of the Standing Committee of the National Assembly; to oversee the activities of the Government, Supreme People's Court, Supreme People's Procuracy, State Audit Office, and other agencies established by the National Assembly;
4. To suspend the implementation of documents of the Government, Prime Minister, Supreme People's Court or Supreme People's Procuracy that contravene the Constitution, or laws or resolutions of the National Assembly, and refer those documents to the National Assembly to decide on their annulment at the next session; to annul documents of the Government, Prime Minister, Supreme People's Court or Supreme People's Procuracy that contravene ordinances or resolutions of the Standing Committee of the National Assembly;
5. To direct, harmonize and coordinate the activities of the Ethnic Council and the Committees of the National Assembly; to guide and ensure the conditions for the work of National Assembly deputies;
6. To propose the National Assembly to elect, relieve from duty or remove from office the President, Chairperson or Vice Chairpersons of the National Assembly, Members of the Standing Committee of the National Assembly, Chairperson of the Ethnic Council, Chairpersons of the Committees of the National Assembly, Chairperson of the National Election Council, or State Auditor General;
7. To supervise and guide the work of the People's Councils; to annul resolutions of the People's Councils of provinces or centrally run cities that contravene the Constitution, laws or documents of state agencies at higher levels; to dissolve the People's Councils of provinces or centrally run cities in case they cause serious damage to the interests of the People;

8. To decide on the establishment, dissolution, consolidation, separation, or adjustment of the boundaries of, the administrative units under the provinces or centrally run cities;
9. To decide to declare a state of war in case the National Assembly cannot meet, and report it to the National Assembly for decision at its next session;
10. To decide on general or partial mobilization; to declare or cancel a state of emergency throughout the country or in a particular locality;
11. To conduct the external relations of the National Assembly;
12. To approve proposals on the appointment or relief from duty of ambassadors extraordinary and plenipotentiary of the Socialist Republic of Vietnam;
13. To organize referenda in pursuance to decisions of the National Assembly.

#### **Article 75**

1. The Ethnic Council is composed of the Chairperson, Vice Chairpersons and Members. The Chairperson of the Ethnic Council shall be elected by the National Assembly; Vice Chairpersons and Members of the Ethnic Council shall be approved by the Standing Committee of the National Assembly.
2. The Ethnic Council shall study and make proposals on ethnic issues to the National Assembly; exercise the power of overseeing the implementation of policies on ethnic groups, programs and plans for socio-economic development in mountainous and ethnic minority areas.
3. The Chairperson of the Ethnic Council may be invited to attend Government meetings to discuss the implementation of policies on ethnic groups. The Government shall consult the Ethnic Council before promulgating regulations on the implementation of policies on ethnic groups.
4. The Ethnic Council has additional tasks and powers similar to those of the Committees of the National Assembly set out in Clause 2, Article 76.

#### **Article 76**

1. A Committee of the National Assembly is composed of the Chairperson, Vice Chairpersons and Members. Chairpersons of the Committees shall be elected by the National Assembly; Vice Chairpersons and Members of the Committees shall be approved by the Standing Committee of the National Assembly.
2. The Committees of the National Assembly shall verify draft laws, proposals on laws, other drafts, and reports as assigned by the National Assembly or the Standing Committee of the National Assembly; exercise the oversight power

within the scope of their powers and tasks prescribed by a law; and make proposals on issues that fall within the scope of their activities.

3. The establishment or dissolution of the Committees shall be decided by the National Assembly.

#### **Article 77**

1. The Ethnic Council or the Committees of the National Assembly may request members of the Government, Chief Justice of the Supreme People's Court, Procurator General of the Supreme People's Procuracy, State Auditor General or concerned individuals to make reports, give explanations or provide documents on necessary matters. The persons who receive requests shall respond.

2. State agencies shall study and respond to the proposals made by the Ethnic Council and the Committees of the National Assembly.

#### **Article 78**

The National Assembly may, as necessary, establish an ad-hoc Committee to study and verify a certain project or investigate a certain issue.

#### **Article 79**

1. A National Assembly deputy shall represent the will and aspirations of the People of his or her constituency and of the whole country.

2. A National Assembly deputy shall maintain close ties with voters and submit to their supervision; collect and truthfully convey their views and aspirations to the National Assembly and concerned agencies or organizations; meet and report to the voters on his or her activities and activities of the National Assembly; respond to the requests and petitions of voters; monitor and press for the settlement of complaints and denunciations, and guide and assist in the exercise of the right to complaint or denunciation.

3. A National Assembly deputy shall inform the People of, and mobilize them to implement, the Constitution and laws.

#### **Article 80**

1. National Assembly deputies have the right to raise questions to the President, Chairperson of the National Assembly, Prime Minister, Ministers and other members of the Government, Chief Justice of the Supreme People's Court, Procurator General of the Supreme People's Procuracy or State Auditor General.

2. The questioned persons shall present their answers before the National Assembly at a session of the National Assembly or, when the National Assembly is in recess, at a meeting of the Standing Committee of National

Assembly; the National Assembly and the Standing Committee of the National Assembly may, as necessary, allow the questioned persons to submit written answers.

3. National Assembly deputies have the right to request agencies, organizations or individuals to provide information and documents related to the latter's tasks. The heads of agencies or organizations, or individuals shall answer questions raised by deputies within the time limit prescribed by a law.

#### **Article 81**

No National Assembly deputy may be arrested, held in custody, detained or prosecuted without the consent of the National Assembly or, when the National Assembly is in recess, without the consent of the Standing Committee of the National Assembly. In the case a deputy is detained for a flagrant offense, the agency holding the deputy in custody shall immediately report the case to the National Assembly or the Standing Committee of the National Assembly for consideration and decision.

#### **Article 82**

1. National Assembly deputies shall fully perform their tasks; and have the right to participate as members in the Ethnic Council or a Committee of the National Assembly.

2. The Standing Committee of the National Assembly, Prime Minister, Deputy Prime Ministers, Ministers, Heads of ministerial-level agencies or other agencies of the State shall create the conditions for National Assembly deputies to perform their tasks.

3. The State shall ensure funding for the activities of National Assembly deputies.

#### **Article 83**

1. The National Assembly shall hold sessions in public. The National Assembly may, when necessary and at the request of the President, Standing Committee of the National Assembly, Prime Minister or at least one-third of the total number of the National Assembly deputies, decide to conduct a closed session.

2. The National Assembly shall hold two sessions a year. The National Assembly shall hold an extraordinary session when so requested by the President, Standing Committee of the National Assembly, Prime Minister or at least one-third of the total number of the National Assembly deputies. The Standing Committee of the National Assembly shall convene sessions of the National Assembly.

3. The first session of a newly elected National Assembly must be convened within sixty days from the date of election of the National Assembly deputies; this session must be opened and presided over by the Chairperson of the outgoing National Assembly until the new National Assembly elects its Chairperson.

#### **Article 84**

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

2. National Assembly deputies have the right to submit their proposals on laws and ordinances, or draft laws and draft ordinances, to the National Assembly or the Standing Committee of the National Assembly.

#### **Article 85**

1. Laws and resolutions of the National Assembly must be voted for by more than half of the total number of the National Assembly deputies; the making or amendment of the Constitution, decisions to shorten or extend the term of the National Assembly or to remove from office one of its deputies must be voted for by at least two-thirds of the total number of the National Assembly deputies.

Ordinances and resolutions of the Standing Committee of the National Assembly must be approved by more than half of the total number of its members.

2. Laws and ordinances must be promulgated within fifteen days of their passage, unless the President requests reconsideration of an ordinance.

### Chapter VI

#### THE PRESIDENT

#### **Article 86**

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

#### **Article 87**

The President shall be elected by the National Assembly from among its deputies.

The President is responsible, and shall report on his or her work, to the National Assembly.

His or her term of office follows the term of the National Assembly. At the expiration of the term of the National Assembly, the President shall remain in office until a new President is elected by the succeeding National Assembly.

### **Article 88**

The President has the following tasks and powers:

1. To promulgate the Constitution, laws and ordinances; to request the Standing Committee of the National Assembly to reconsider its ordinances, within ten days of their passage; if those ordinances are still voted for by the Standing Committee of the National Assembly and disapproved by the President, the President shall refer the matter to the National Assembly for decision at its next session;
2. To propose to the National Assembly to elect, relieve from duty or remove from office the Vice President or Prime Minister; and, based on resolutions of the National Assembly, to appoint, relieve from duty or dismiss Deputy Prime Ministers, Ministers or other members of the Government;
3. To propose the National Assembly to elect, relieve from duty or remove from office the Chief Justice of the Supreme People's Court or Procurator General of the Supreme People's Procuracy; and, based on resolutions of the National Assembly, to appoint, relieve from duty or dismiss Judges of the Supreme People's Court; to appoint, relieve from duty or dismiss Deputy Chief Justices of the Supreme People's Court, Judges of other Courts or Deputy Procurators General or Procurators of the Supreme People's Procuracy; to decide on a special amnesty; or, based on resolutions of the National Assembly, to proclaim a general amnesty;
4. To decide on the award of orders, medals, state prizes or state honorary titles; to decide to permit naturalization in Vietnam, renunciation of Vietnamese citizenship, restoration of Vietnamese citizenship or deprivation of Vietnamese citizenship;
5. To assume command of the people's armed forces and hold the office of Chairperson of the National Defense and Security Council; to decide on the award, promotion, demotion or deprivation of the ranks of general, naval rear admiral, naval vice admiral and naval admiral; to appoint, relieve from duty or dismiss the Chief of the General Staff or the Director of the Political General Department of the Vietnamese People's Army; based on resolutions of the National Assembly or the Standing Committee of the National Assembly, to promulgate or annul decisions to declare a state of war; based on resolutions of the Standing Committee of the National Assembly, to issue an order on general

mobilization or partial mobilization, to declare or cancel a state of emergency; or, in case the Standing Committee of the National Assembly cannot meet, to declare or cancel a state of emergency nationwide or in a particular locality;

6. To receive foreign ambassadors extraordinary and plenipotentiary; based on resolutions of the Standing Committee of the National Assembly, to appoint, relieve from duty; decide to send or recall ambassadors extraordinary and plenipotentiary of the Socialist Republic of Vietnam; to confer the ambassadorial title and rank; to decide on the negotiation and conclusion of treaties in the name of the State; to submit to the National Assembly for ratification of, or decision on the accession to, or withdrawal from, the treaties specified in Clause 14, Article 70; to decide on the ratification of, accession to, or withdrawal from, other treaties in the name of the State.

### **Article 89**

1. The National Defense and Security Council is composed of the Chairperson, Vice Chairperson and Members. The list of members of the National Defense and Security Council shall be submitted by the President to the National Assembly for approval.

The National Defense and Security Council shall work on a collegial basis and make its decisions by a vote of the majority.

2. The National Defense and Security Council shall propose the National Assembly or, when the National Assembly cannot meet, the Standing Committee of the National Assembly to decide on a state of war; mobilize all forces and capacity of the country to defend the Fatherland; perform special tasks and exercise special powers assigned to and vested in it by the National Assembly in case of war; and decide on the participation of the people's armed forces in peacekeeping operations in the region and around the world.

### **Article 90**

The President may attend meetings of the Standing Committee of the National Assembly and meetings of the Government.

The President may request the Government to meet to discuss issues that he or she considers necessary to fulfill his or her tasks or exercise his or her powers.

### **Article 91**

The President shall issue orders and decisions for the performance of his or her tasks or the exercise of his or her powers.

### **Article 92**

The Vice President shall be elected by the National Assembly from among its deputies.

The Vice President shall assist the President in his or her work and may be delegated certain tasks by the President to perform on behalf of the President.

### **Article 93**

When the President is incapacitated from work over a long period of time, the Vice President shall succeed as acting President.

In case of vacancy of the Presidency, the Vice President shall serve as acting President until a new President is elected by the National Assembly.

## Chapter VII

### THE GOVERNMENT

#### **Article 94**

The Government is the highest state administrative body of the Socialist Republic of Vietnam, shall exercise executive power, and is the executive body of the National Assembly.

The Government is responsible to the National Assembly and shall report on its work to the National Assembly, the Standing Committee of the National Assembly and the President.

#### **Article 95**

1. The Government is composed of the Prime Minister, Deputy Prime Ministers, Ministers, and Heads of ministerial-level agencies.

The structure and number of members of the Government shall be decided by the National Assembly.

The Government shall work on a collegial basis and make its decisions by a vote of the majority.

2. The Prime Minister is the head of the Government and responsible to the National Assembly for the work of the Government and assigned tasks; and shall report on the work of the Government and the Prime Minister to the National Assembly, the Standing Committee of the National Assembly and the President.

3. Deputy Prime Ministers shall assist the Prime Minister in his or her work as assigned by the Prime Minister, and are responsible to the Prime Minister for their assigned tasks. In the absence of the Prime Minister, a Deputy Prime Minister delegated by the Prime Minister shall lead the work of the Government on behalf of the Prime Minister.

4. Ministers and Heads of ministerial-level agencies are personally responsible to the Prime Minister, Government and National Assembly for the sectors and

fields under their charge and, together with other members of Government, shall assume the collective responsibility for the work of the Government.

## **Article 96**

The Government has the following tasks and powers:

1. To organize the implementation of the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, and orders and decisions of the President;
2. To propose and formulate policies to be submitted to the National Assembly or the Standing Committee of the National Assembly for decision or decide on policies according to its competence, for the performance of its tasks and the exercise of its powers set out in this Article; to submit draft laws, draft state budget estimates and other projects to the National Assembly; and to submit draft ordinances to the Standing Committee of the National Assembly;
3. To perform the unified management of the economy, culture, social affairs, education, health, science, technology, environment, information, communications, external relations, national defense, national security, and social order and safety; to carry out orders on general mobilization or partial mobilization or orders to proclaim a state of emergency, and take other necessary measures to defend the Fatherland and to protect the People's lives and property;
4. To propose the National Assembly for decision the establishment or abolition of ministries or ministerial-level agencies; the establishment, dissolution, consolidation, separation, or adjustment of the administrative boundaries of, provinces, centrally run cities or special administrative-economic units; to propose the Standing Committee of the National Assembly for decision the establishment, dissolution, consolidation, separation or adjustment of the boundaries of, administrative units under the provinces and centrally run cities;
5. To perform the unified management of the national administration system; to manage cadres, civil servants, public employees, and the public service in state agencies; to organize inspection and control work, the settlement of complaints and denunciations, and the fight against bureaucracy and corruption in the state apparatus; to lead the work of the ministries, ministerial-level agencies, government-attached agencies, and People's Committees at all levels; to guide and examine the People's Councils in their implementation of the documents of state agencies at higher levels, to create the conditions for the People's Councils to perform their tasks and exercise their powers which are prescribed by a law;

6. To protect the rights and interests of the State and society, human rights and citizens' rights; and to ensure social order and safety;
7. To negotiate and conclude treaties in the name of the State, as authorized by the President; to decide on the conclusion, accession to, ratification of, or withdrawal from, treaties in the name of the Government, except for treaties to be submitted to the National Assembly for ratification as specified in Clause 14, Article 70; to protect the interests of the State and the legitimate interests of Vietnamese organizations or citizens in foreign countries;
8. To coordinate with the Central Committee of the Vietnam Fatherland Front and central bodies of the socio-political organizations in the performance of the tasks and the exercise of the powers of the Government.

#### **Article 97**

The term of the Government follows the term of the National Assembly. At the expiration of the term of the National Assembly, the Government shall remain in office until a new Government is elected by the succeeding National Assembly.

#### **Article 98**

The Prime Minister shall be elected by the National Assembly from among its deputies.

The Prime Minister has the following tasks and powers:

1. To lead the work of the Government; to lead the formulation of policies and organize the implementation of laws;
2. To lead and take responsibility for the work of the state administration system from the central to the local level, ensuring the consistency and continuity of the national administration system;
3. To submit to the National Assembly for approval proposals on the appointment, relief from duty or dismissal of Deputy Prime Ministers, Ministers or other members of the Government; to appoint, relieve from duty or dismiss Deputy Ministers or officials of equal rank of ministries or ministerial-level agencies; to approve the election and relief from duty, and to decide on the transfer or dismissal of Chairpersons and Vice Chairpersons of the People's Committees of provinces or centrally run cities;
4. To suspend the implementation of, or annul the documents, of Ministers, Heads of ministerial-level agencies, People's Committees, Chairpersons of the People's Committees of provinces or centrally run cities that contravene the Constitution, laws or documents of state agencies at higher levels; to suspend the implementation of resolutions of the People's Councils of provinces or centrally run cities that contravene the Constitution, laws or documents of state

agencies at higher levels and, at the same time, to propose the Standing Committee of the National Assembly to annul them;

5. To decide on and direct the negotiation of, and to direct the conclusion, and accession to, or ratification of, treaties within the scope of the tasks and powers of the Government; to organize the implementation of treaties to which the Socialist Republic of Vietnam is a contracting party;

6. To make reports to the People through the mass media on important issues falling within the competence of the Government and the Prime Minister.

### **Article 99**

1. Ministers and Heads of ministerial-level agencies are members of the Government, shall preside over their ministries or ministerial-level agencies, and shall lead the work of their ministries or ministerial-level agencies; shall perform the state management of the sectors and fields under their charge; and shall organize and monitor nationwide the implementation of laws concerning their sectors and fields.

2. Ministers and Heads of ministerial-level agencies shall report on their work to the Government and Prime Minister; and make reports to the People on important issues under their management.

### **Article 100**

The Government, the Prime Minister, Ministers, and Heads of ministerial-level agencies shall promulgate legal documents to perform their tasks and exercise their powers, review the implementation of those documents, and deal with unlawful documents in accordance with law.

### **Article 101**

The President of the Central Committee of the Vietnam Fatherland Front and heads of central bodies of socio-political organizations may be invited to meetings of the Government that discuss relevant issues.

## **Chapter VIII**

### **THE PEOPLE'S COURTS AND THE PEOPLE'S PROCURACIES**

#### **Article 102**

1. The People's Courts are the judicial bodies of the Socialist Republic of Vietnam and exercise judicial power.

2. The People's Courts include the Supreme People's Court and other Courts prescribed by a law.

3. The People's Courts have the duty to safeguard justice, human rights, citizens' rights, the socialist regime, the interests of the State, and the lawful rights and interests of organizations and individuals.

### **Article 103**

1. Except in the case of trial by summary procedure, Assessors shall participate in first-instance trials by the People's Courts.

2. During a trial, the Judges and Assessors are independent and shall obey only the law. Agencies, organizations or individuals are prohibited from interfering in a trial by Judges and Assessors.

3. The People's Courts shall hold their hearings in public. In a special case which requires protection of state secrets, conformity with the fine customs and traditions of the nation, protection of minors or protection of private life and at the legitimate request of an involved party, the People's Court may hold a closed hearing.

4. Except in the case of a trial by summary procedure, the People's Courts shall try cases on a collegial basis and make decisions by a vote of the majority.

5. The adversarial principle shall be guaranteed in trials.

6. The first-instance and appellate hearing system shall be guaranteed.

7. The right of the accused or defendants to a defense, and the right of involved parties to protect their lawful interests, shall be guaranteed.

### **Article 104**

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

2. The Supreme People's Court shall supervise the judicial work of other Courts, unless otherwise prescribed by a law.

3. The Supreme People's Court shall make overall assessment of adjudicating practices, ensuring the uniform application of law in trial.

### **Article 105**

1. The term of office of the Chief Justice of the Supreme People's Court follows the term of the National Assembly. The appointment, relief from duty, dismissal, and term of office of the Chief Justices of other Courts shall be prescribed by a law.

2. The Chief Justice of the Supreme People's Court is responsible, and shall report on his or her work, to the National Assembly. When the National Assembly is in recess, he or she is responsible, and shall report on his or her

work, to the Standing Committee of the National Assembly and the President. The reporting regime applicable to the Chief Justices of other Courts shall be prescribed by a law.

3. The appointment, approval, relief from duty, dismissal, and term of office of Judges, and the election and term of office of Assessors, shall be prescribed by a law.

#### **Article 106**

The judgments and decisions of the People's Courts which have taken legal effect must be respected by agencies, organizations and individuals and must be strictly observed by the concerned agencies, organizations or individuals.

#### **Article 107**

1. The People's Procuracies shall exercise the power to prosecute and supervise judicial activities.

2. The People's Procuracies include the Supreme People's Procuracy and other Procuracies as prescribed by a law.

3. The People's Procuracies have the duty to safeguard the law, human rights, citizens' rights, the socialist regime, the interests of the State, and the lawful rights and interests of organizations and individuals, thus contributing to ensuring the strict and unified observance of the law.

#### **Article 108**

1. The term of office of the Procurator General of the Supreme People's Procuracy follows the term of the National Assembly. The appointment, relief from duty, dismissal, and term of office of the Chief Procurators of other Procuracies and of Procurators shall be prescribed by a law.

2. The Procurator General of the Supreme People's Procuracy is responsible, and shall report on his or her work, to the National Assembly. When the National Assembly is in recess, he or she is responsible, and shall report on his or her work, to the Standing Committee of the National Assembly and the President. The reporting regime applicable to the Chief Procurators of other Procuracies shall be prescribed by a law.

#### **Article 109**

1. The People's Procuracies shall be led by their Chief Procurators. The Chief Procurator of a People's Procuracy is subject to the leadership of the Chief Procurator of the People's Procuracy at a higher level. The Chief Procurators of Procuracies at lower levels are subject to the unified leadership of the Procurator General of the Supreme People's Procuracy.

2. When exercising the power to prosecute or to supervise judicial activities, a Procurator shall abide by the law and is subject to the direction by the Chief Procurator of the People's Procuracy.

## Chapter IX

### LOCAL ADMINISTRATION

#### **Article 110**

1. The administrative units of the Socialist Republic of Vietnam shall be defined as follows:

The country shall be divided into provinces and centrally run cities;

A province shall be divided into rural districts, towns, and provincial cities; a centrally run city shall be divided into urban districts, rural districts, towns, and equivalent administrative units;

A rural district shall be divided into communes and townships; a town or provincial city shall be divided into wards and communes; and an urban district shall be divided into wards;

Special administrative-economic units may be established by the National Assembly.

2. The establishment, dissolution, consolidation, separation or adjustment of the boundaries of, an administrative unit must be consulted with local People and must comply with the process and procedures prescribed by a law.

#### **Article 111**

1. Local administrations shall be organized in administrative units of the Socialist Republic of Vietnam.

2. Local administration levels composed of the People's Council and People's Committee shall be organized consistent with the characteristics of the rural areas, urban areas, islands or special administrative-economic units prescribed by a law.

#### **Article 112**

1. Local administrations shall organize and ensure implementation of the Constitution and law in their localities; decide on local issues prescribed by a law; and submit to the examination and supervision by state agencies at higher levels.

2. The tasks and powers of local administrations shall be determined on the basis of determining the powers between state agencies at the central and local levels and for each level of local administration.

3. Local administrations may, as necessary, be assigned certain tasks of state agencies at higher levels, along with the necessary means to ensure the performance of those tasks.

### **Article 113**

1. The People's Council is the local state power body, representing the will, aspirations and right to mastery of the local People, shall be elected by the local People, and is responsible to the local People and state agencies at higher levels.

2. The People's Council shall decide on local issues as prescribed by a law; and supervise the observance of the Constitution and law in its locality and the implementation of its own resolutions.

### **Article 114**

1. The People's Committee at a local administration level, which shall be elected by the People's Council of the same level, is the executive body of the respective People's Council and is the local state administrative body, and is responsible to the People's Council and state administrative agencies at higher levels.

2. The People's Committee shall organize implementation of the Constitution and law in its locality and implementation of the resolutions of the People's Council, and perform the tasks assigned to it by state agencies at higher levels.

### **Article 115**

1. A People's Council deputy shall represent the will and aspirations of local People; shall maintain close ties with voters and be subject to their supervision, meet and report to voters on his or her own activities and activities of the People's Council, respond to their requests and petitions; and consider and press for the settlement of complaints and denunciations. A People's Council deputy has the task of mobilizing the People to implement the Constitution, law, policies of the State, and resolutions of the People's Council, and encouraging the People to participate in the state management.

2. A People's Council deputy has the right to raise questions to the Chairperson or other members of the People's Committee, Chief Justice of the People's Court, Chief Procurator of the People's Procuracy, and Heads of the agencies of the People's Committee. The questioned persons shall present their answers before the People's Council. A People's Council deputy has the right to make proposals to state agencies, organizations, and units in the locality. The heads of those agencies, organizations or units shall receive the deputy, then consider and resolve the issues raised in his or her proposals.

### **Article 116**

1. The People's Council and the People's Committee shall report on the local situation to the Vietnam Fatherland Front and mass organizations, listen to the opinions and proposals of those organizations for strengthening the local administration and socio-economic development; and coordinate with the Vietnam Fatherland Front and mass organizations in encouraging the People, together with the State, to perform socio-economic, national defense and security tasks in the locality.

2. The President of the Vietnam Fatherland Front and heads of socio-political organizations in the locality may be invited to sessions of the People's Council and to meetings of the People's Committee of the same level that discuss relevant issues.

## Chapter X

### THE NATIONAL ELECTION COUNCIL, THE STATE AUDIT OFFICE

#### **Article 117**

1. The National Election Council shall be established by the National Assembly and has the task of organizing the election of National Assembly deputies, and directing and guiding the election of deputies to People's Councils at all levels.

2. The National Election Council is composed of the Chairperson, Vice Chairpersons and Members.

3. The organization and specific tasks and powers of the National Election Council and the number of its members shall be prescribed by a law.

#### **Article 118**

1. The State Audit Office shall be established by the National Assembly, operate independently, abide only by the law, and audit the management and use of public finance and assets.

2. The State Auditor General is the head of the State Audit Office and shall be elected by the National Assembly. The term of office of the State Auditor General shall be prescribed by a law.

The State Auditor General is responsible, and shall report on audit results and his or her work, to the National Assembly. When the National Assembly is in recess, he or she is responsible, and shall report on his or her work, to the Standing Committee of the National Assembly.

3. The organization and specific tasks and powers of the State Audit Office shall be prescribed by a law.

## Chapter XI

## EFFECTIVENESS OF THE CONSTITUTION AND AMENDMENT TO THE CONSTITUTION

### **Article 119**

1. The Constitution is the fundamental and supreme law of the Socialist Republic of Vietnam.

All other legal documents must conform to the Constitution.

All violations of the Constitution shall be dealt with.

2. The National Assembly and its agencies, the President, the Government, People's Courts, People's Procuracies, other agencies of the State and all the People shall defend the Constitution.

The mechanism to defend the Constitution shall be prescribed by a law.

### **Article 120**

1. The President, the Standing Committee of the National Assembly, the Government or at least one-third of the total number of the National Assembly deputies have the right to propose the making of, or an amendment to, the Constitution. The National Assembly shall decide on the making of, or amendment to, the Constitution when at least two-thirds of the total number of the National Assembly deputies vote for it.

2. The National Assembly shall establish a Constitution Drafting Committee. The composition and number of members, tasks and powers of the Constitution Drafting Committee shall be decided by the National Assembly at the proposal of the Standing Committee of the National Assembly.

3. The Constitution Drafting Committee shall draft the Constitution, collect the opinions of the People on the draft, and submit it to the National Assembly.

4. The Constitution shall be adopted when at least two-thirds of the total number of the National Assembly deputies vote for it. The holding of a referendum on the Constitution shall be decided by the National Assembly.

5. The time limit for the promulgation and effective date of the Constitution shall be decided by the National Assembly.

*This Constitution was adopted on November 28, 2013, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam, at its 6<sup>th</sup> session.-*

Chairperson of the National Assembly  
*NGUYEN SINH HUNG*