

CONSTITUTION
OF THE REPUBLIC OF VIETNAM

26 October 1956

C O N S T I T U T I O N

OF THE REPUBLIC OF VIETNAM

- PREAMBLE
- CHAPTER I : Fundamental Provisions
- CHAPTER II : Rights and Duties of the Citizens
- CHAPTER III : The President
- CHAPTER IV : The National Assembly
- CHAPTER V : The Judiciary
- CHAPTER VI : The Special Tribunal
- CHAPTER VII : The National Economic Council
- CHAPTER VIII: The Constitutional Commission
- CHAPTER IX. : Amendment of the Constitution
- CHAPTER X : General Provisions .

P R E A M B L E

Having faith in the glorious and imperishable destiny of the State and of the Vietnamese Nation, a destiny which is guaranteed by a history filled with our forefathers' heroic struggles and indomitable will of our people,

Having faith in the immortality of the Vietnamese civilization, based on a spiritual foundation, a civilization which all citizens have the duty to diffuse,

Having faith in the transcendent value of man, the free, harmonious and full implementation of which in his capacity as an individual and as a member of the national community, shall be the goal of all the activities of the State,

Considering that the Constitution must fulfill the aspirations of the people from Ca-mau headland to Nam-quan pass,

Those aspirations being

- the consolidation of national independence, the defense of national independence against imperialism and domination in all their forms,

- the protection of freedom for every one and for the nation,
- the building of democracy in the political, economical, social and cultural fields on behalf of the entire people, with respect for human dignity,

Considering that freedom, tempered by the limitations imposed by reason and good conduct, can be preserved only if collective security is assured and the legitimate rights of men are respected,

Considering that, our country being located at the crossroads of international communications and migrations, our people are ready to accept the trends of progressive ideas in order to discharge, before the Almighty and before Mankind, their mission, which is to build a humanistic civilization for the protection and the development of man in his entirety,

We, Representatives of the Constituent Assembly,

After deliberation, adopt the following Constitution:

CHAPTER I. FUNDAMENTAL PRINCIPLES

Article 1: Viet Nam is an independent, unified, and territorially indivisible Republic.

Article 2: Sovereignty resides in the people.

Article 3: The people vest executive functions in a popularly elected President of the Republic and legislative functions in a National Assembly, which is also popularly elected.

The separation of powers between the executive and the legislative must be clear. The activities of the executive and the legislative branches shall be harmonious.

The President of the Republic assumes the leadership of the Nation.

Article 4: The Executive, the Legislative, and the Judiciary have as their mission the defense of freedom, democracy, and republican form of government, and public order.

The Judiciary shall have such status as will guarantee its independent character.

Article 5: Citizens, whether male or female, are born equal in dignity, in rights, and in duties. They should act towards each other in a spirit of brotherhood and solidarity.

The State recognizes and guarantees the fundamental rights of man implicit in him as an individual and as a member of the national community.

The State attempts to provide for all persons equal opportunities and the necessary conditions for the enjoyment of their rights and the performance of their duties.

The State favors the development of the national economy, the

manifestation of culture, and scientific and technical progress.

Article 6: A citizen has duties toward the Fatherland and toward his compatriots as regards the harmonious and complete development of his personality and that of others.

Article 7: Acts designed directly or indirectly to propagate or effectuate communism in all its forms are contrary to the principles of the constitution.

Article 8: The Republic of Viet Nam recognizes and respects the principles of international law not contrary to the exercise of national sovereignty and the equality of peoples.

The State attempts to contribute to the establishment and maintenance of international peace and security as well as to the maintenance and development of friendly ties with other peoples on a basis of freedom and equality.

CHAPTER II. THE RIGHTS AND DUTIES OF CITIZENS

Article 9: Every citizen has the right to life, liberty, security, and to integrity of his person.

Article 10: No one may be arbitrarily arrested, detained, or exiled.

Except in cases of *flagrante delicto*, one may be arrested only when there is a mandate of arrest from the competent authority in those cases and forms prescribed by law.

In accordance with the procedures prescribed by law, those accused of felonies or misdemeanors have the right to choose counsel or to demand that counsel be designated for them.

Article 11: No one may be subjected to torture or to punishments or treatment which are cruel, inhuman, or degrading.

Article 12: The private life, the family, the home, the correspondence, the honor, and the reputation of every citizen are to be protected. The secrecy of correspondence is inviolable except in cases where there is a judicial order or in case of necessity for the maintenance of order and public security.

Everyone is entitled to the protection of the law against illegal interference or transgression.

Article 13: Every citizen has the right freely to circulate and reside within the territory of the State except in those cases defined by law for reasons of public health or security.

Every citizen has the right to journey abroad except when limited by law for reasons of security, national defense, national economy,

finance, or public interest.

Article 14: Every citizen has the right and duty to work, and equal pay shall be given to those performing the same work.

Everyone who works shall be entitled to an equitable remuneration guaranteeing to him and his family an existence consistent with human dignity.

Article 15: Every citizen has the right to freedom of thought, opinion and, within the limits prescribed by law, to association and assembly.

Article 16: Every citizen has the right to freedom of expression. This right may not be used for false accusations, slander, outrages against public morals, incitations to public disturbance, or for overthrowing the republican form of government.

Every citizen enjoys the right to freedom of the press, aimed at creating a correct and fair opinion, which the State shall protect against all acts aimed at distorting the truth.

Article 17: Every citizen has the right to freedom of conscience, freedom of religious practice, and freedom of religious preaching, so long as the exercise of this right is not contrary to public morals and good habits.

Article 18: Under the forms and conditions prescribed by law, every citizen has the right to vote, to stand for elections and to participate in the direction of the affairs of the country, either directly or through elected representatives.

Article 19: Every citizen has the right to participate in public service according to his capabilities and on a basis of equality.

Article 20: The State recognizes and guarantees the right to private property. The law shall prescribe the conditions for its acquisition and enjoyment, so that it may be accessible to all, guarantee to each individual a dignified and free life, and construct at the same time a prosperous basis for society.

In the cases prescribed by law and with provision for indemnification, private property may be requisitioned for public use.

Article 21: The State favors the utilization of personal savings for the purchase of a home, the ownership of farm lands, or investment in enterprises.

Article 22: Every citizen has the right to form economic associations, so long as these associations are not aimed at illegal speculation or manipulation of the economy.

The State ~~will~~ encourages and ^{favors} ~~will~~ the formation of mutual aid associations so long as they are not instruments of speculation.

The State does not recognize the monopolistic form of business activity except in those cases fixed by law because of the needs of national defense, security, or public interest.

Article 23: The right to freely form labor unions and the right to strike are recognized and are exercised in the forms and under the conditions prescribed by law.

Public servants have not the right to strike.

The right to strike is not recognized for workers in those branches of activities related to national defense, public security, or those needs indispensable to collective life.

A law shall determine the above mentioned branches of activities and guarantee to the personnel and workers of these branches a special status, in order to protect their rights.

Article 24: Within the limits of its capacity and economic development, the State shall determine the effective measures for rendering assistance in cases of unemployment, old age, illness, disasters, or other misfortunes.

Article 25: The State recognizes that the family is the foundation of society.

The State encourages and facilitates the formation of families and the accomplishment of the familial mission, especially during maternity and infancy.

The State supports and encourages the cohesion of the family.

Article 26: The State attempts to give each citizen a basic education which shall be both compulsory and free.

Every citizen has the right to pursue his studies.

Assistance shall be given to those citizens who have the ability to pursue their studies but lack the personal means to do so.

The State recognizes the right of parents to choose the schools of their children. Associations and private persons have the right to establish schools under the conditions prescribed by law.

The State may accredit private Universities and Superior Technical Schools established in accordance with conditions prescribed by law. The diplomas awarded by those schools may be recognized by the State.

Article 27: Every citizen has the right to participate in cultural and scientific activities, and to enjoy the arts and the benefits of

technological progress.

The protection of law shall be accorded the moral and material benefits accruing to the authors of scientific, literary, or artistic productions.

Article 28: The rights of each citizen shall be exercised in conformity with forms and conditions prescribed by law.

The rights of each citizen are limited only by laws the purpose of which is to assure respect for the rights of others and to meet the demands of general security, morals, public order, and national defense.

Whoever abuses the rights set forth in the Constitution to destroy the republican form of government, democracy, freedom, national independence and unity, shall be deprived of such rights.

Article 29: Every citizen has the duty to respect and defend the Constitution and the Law.

Every citizen has the duty to defend the Fatherland, the republican form of government, freedom, and democracy.

Everyone must discharge his duty of rendering military service within the limits and forms established by law.

Every citizen has the duty to bear a share of public expenses in proportion to his means.

CHAPTER III. THE PRESIDENT OF THE REPUBLIC

Article 30: The President of the Republic shall be elected through universal suffrage, by direct and secret ballot, in a national election. A law shall fix the modalities of voting for the President of the Republic.

The Vice President shall be elected at the same time and on the same ticket as the President.

Article 31: Every citizen who meets the following qualifications shall have the right to be a candidate for President or Vice President of the Republic.

1. Be born in Vietnamese territory with Vietnamese nationality uninterrupted since birth, or have recovered Vietnamese nationality prior to the date of promulgation of the constitution;
2. Reside on the national territory with or without interruption for a period of at least fifteen years;
3. Be at least 40 years of age;
4. Enjoy the rights of citizenship.

The office of President or Vice President of the Republic is incompatible with any other private activity, regardless of whether remunerated or not.

Article 32: The President's and Vice President's terms of office shall be 5 years; they may be reelected twice.

Article 33: The terms of office of the President and Vice President shall expire exactly at noon on the last day of the sixtieth month from the date of taking office, and the mandate of their successors shall begin at that time.

The Presidential and Vice Presidential mandates may end before the conclusion of the term in the following circumstances:

1. Death;
2. Serious and prolonged illness rendering them unable to exercise their powers and fulfill the duties of office. After considering expert medical advice, this incapacity shall be confirmed by a 4/5 majority of the National Assembly;
3. By resignation transmitted to the National Assembly;
4. By impeachment by the Special Tribunal, as under Article 81.

Article 34: The election of a new President and Vice President shall take place on Sunday, three weeks prior to the termination of the then-current Presidential term.

Should the President's service cease before the conclusion of his term, the Vice President will perform the duties of President until the expiration of the original term of office.

In the circumstances set forth above, if there is no Vice President, or if the Vice President for any reason is unable to assume the responsibilities of the mandate, the president of the National Assembly shall temporarily discharge the functions of President of the Republic in order to expedite current affairs and organize an election

for a new President within two months. In this case the first vice-president of the National Assembly shall temporarily perform the duties of president of the National Assembly.

Article 35: The President of the Republic concludes and, after approval by the National Assembly, ratifies treaties and international agreements.

The President appoints ambassadors, accredits and receives foreign diplomatic representatives, and represents the Nation in foreign affairs.

Article 36: With the approval of one-half of the membership of the National Assembly, the President declares war or concludes treaties of peace.

Article 37: The President of the Republic appoints and dismisses all civil and military officials in the procedure prescribed by law except in those cases where a special procedure is stipulated by the Constitution.

He is the Commander-in-Chief of the Armed Forces

He awards decorations.

He exercises the right of pardon, mitigation, commutation and cancellation of penalty.

Article 38: In case of war or internal disturbance the terms of the constitutionally elected representatives shall at their expiration be ipso facto extended.

In case a state of emergency, alert or siege should be proclaimed in an electoral district the President may prolong the term of the representative from that constituency.

However, complete or partial elections shall be organized at the latest six months after the exceptional circumstances cited in the two preceding paragraphs have ended.

Article 39: The President of the Republic shall communicate with the National Assembly by means of messages.

He may participate in the sessions of the National Assembly and make statements before it.

Each year at the beginning of the second regular session of the National Assembly and whenever he deems it necessary, the President shall communicate with the Assembly on the domestic situation of the country and on domestic and foreign policies.

Article 40: The President, with the consent of the Assembly, may organize a referendum of the people.

The results of the referendum shall be respected by the President of the Republic and the National Assembly.

Article 41: In an emergency between sessions the President may issue law decrees.

Immediately after being signed, these law decrees shall be transmitted to the Secretariat of the National Assembly.

If they are not disapproved by the National Assembly during the next succeeding regular session, they shall become law.

Article 42: In case of emergency, war, internal disturbance, or economic or financial crisis, the National Assembly may confer upon the President for a fixed time, with the limits clearly specified, the authority to sign law decrees in order to carry out policies set forth by the National Assembly in the law delegating this power.

Such law decrees must be transmitted to the Secretariat of the National Assembly immediately after signature. If they are not rejected by the Assembly within thirty days after the expiration of the time limit set in the enabling statute, such law decrees shall be considered the same as law.

Article 43: In case the budget should not be voted within the period prescribed in Article 60, the President may sign budgetary decrees for the following fiscal period. Pending the final vote of the National Assembly on the budgetary decree, the President of the Republic may expend, in each quarter, one fourth of the credits entered in the budgetary decree.

In the budgetary law, the National Assembly shall forestall the consequences resulting from the rejection or modification of the provisions of the budgetary decree.

Article 44. The President may decree a state of emergency, alert, or siege in one or several areas; this decree may suspend the application of one or several laws in those areas.

Article 45: On taking office, the President of the Republic shall take the following oath:

"I solemnly swear that

I shall to the best of my ability attempt to discharge the duties of the office of President;

respect, preserve, and defend the Constitution,

and loyally serve the Fatherland and devote myself to the public interest."

Article 46: The President shall be assisted by a Vice President, ^{Secretaries and Under Secretaries of State} Secretaries of State, and Under Secretaries of State; they shall be appointed by him and responsible to him.

Article 47: The Secretaries and Under Secretaries of State may consult with the President or Vice President of the National Assembly and committee chairmen to clarify various matters related to the making of laws.

CHAPTER IV. THE NATIONAL ASSEMBLY

Part 1. Representatives

Article 48: The electoral law shall fix the number of representatives in the National Assembly and determine the electoral districts.

Article 49: The representatives shall be elected through universal suffrage by direct and secret ballot in accordance with the forms and conditions prescribed by the electoral law.

Article 50: Those persons may be elected as representatives to the National Assembly

1. who have retained Vietnamese nationality without interruption since birth, or have acquired Vietnamese nationality for at least five years, or have recovered Vietnamese nationality for at least three years, except that the three year provision shall not apply to those persons who reacquire their Vietnamese nationality prior to the promulgation of the constitution.
2. who enjoy the rights of citizenship,
3. who are at least 25 years of age at the date of the election,
4. who fulfill all other conditions fixed by the electoral law.

However, in special cases the President may, by decree, exempt from the five or three year requirements cited above those persons who have recovered or acquired Vietnamese nationality and who have rendered exceptional service to the Fatherland.

Article 51: The term of office of the representatives shall be three years; they may be reelected.

The election of a new National Assembly shall take place one month

prior to the expiration of the term of office of the then-current National Assembly.

Article 52: When a representative resigns, dies, or terminates his mandate for any reason whatsoever, the election of a replacement shall take place within three months.

There shall be no election for a replacement representative if the vacancy occurs less than six months prior to the end of the original term of office.

Article 53: The mandate of a representative is incompatible with any other remunerated public function or with any other elected office. Civil servants who are elected representatives shall take leave of absence; military personnel elected representatives shall be demobilized.

The mandate of a representative is incompatible with the office of a Secretary or Under-Secretary of State.

However, representatives may be charged with special missions lasting not more than twelve months each nor exceeding in toto one half of the life of the legislature. While discharging such special assignments, representatives shall not have the right to debate or vote in the National Assembly or its committees.

Representatives may serve as teachers in Universities and Higher Technical Schools.

In no case may representatives participate in competitive bidding sponsored by government organs, or enter into contracts with them.

Article 54: No representative may be pursued, arrested, incarcerated, or sentenced because of anything he may have said or any vote he

may have cast in the Assembly or any of its committees.

Except in cases of high treason, injury to the security of the State, or flagrante delicto no deputy may be pursued, arrested, incarcerated, or sentenced during the whole period of National Assembly sessions, including the time for repairing to the Assembly and returning from it.

Part 2. The Powers of the National Assembly

Article 55: The National Assembly votes the laws. It approves international treaties and agreements.

Part 3. Legislative Procedures

Article 56: Representatives may introduce proposals for laws in the National Assembly; the President of the Republic may submit bills of law.

Article 57: Bills of law and proposals for laws which are approved by the Assembly shall be transmitted to the President within a period of seven full days.

The President must promulgate such laws within a period of thirty full days from the date of receipt. In a case declared by the Assembly to be urgent, the period for promulgation shall be reduced to seven full days.

Article 58: During the period for promulgation, the President may transmit to the Assembly an explanatory message calling upon that body to reconsider one or several provisions of the law which it had approved.

When charged by the return of a bill with a second reading of it, the Assembly, if it rejects the modifications proposed by the President's message, will enact the law by the open vote of three-fourths of its membership.

Article 59: If, under the circumstances set forth in Article 57, the President of the Republic neither promulgates nor returns to the National Assembly for reconsideration a text which it had earlier approved, that text shall become law.

Article 60: Budget proposals must be sent to the Secretariat of the Assembly before the 30th of September. The Budget shall be definitively voted on before December 31.

Article 61: Representatives have the right to initiate expenditures, but at the same time they shall propose corresponding new receipts.

Part 4. Operations of the National Assembly

Article 62: The National Assembly shall meet in regular and extraordinary sessions.

Article 63: Each year there shall be two regular sessions -- one beginning on the first Monday of April and one beginning on the first Monday of October. Neither regular session shall last longer than three months.

Article 64: The National Assembly shall be convened in extraordinary session if the President of the Republic or more than one-half of the membership of the Assembly so demand.

When convened by the President, the agenda of the extraordinary session is to be fixed by him.

When convened on the demand of the representatives, the agenda is to be fixed by the Secretariat of the Assembly.

The duration of each extraordinary session may not exceed thirty days.

Article 65: The National Assembly shall meet in public. However,

it may meet in closed session if a majority of over one-half of the members present or the President of the Republic so demand.

Verbatim accounts of the discussions and documents produced in the Assembly, except for the accounts of closed sessions, shall be published in the Official Gazette.

Article 66: To control the regularity of the elections of its members, the National Assembly shall set up a Control Committee to assume the responsibility for and to report on this matter.

The National Assembly has the full power of decision.

Article 67: The National Assembly will elect a Secretariat composed of a President, 2 Vice-Presidents, 1 Secretary-General, 3 Assistant Secretaries-General, and a requisite staff.

The Assembly shall designate various committees.

Article 68: The Assembly may prescribe its own internal regulations, especially with regard to:

the internal organization of the Assembly and its Secretariat;
the Assembly's rules of procedure and the powers of the Secretariat;

discipline within the Assembly and disciplinary sanctions;
the composition and assignments of committees.

Article 69: A bill of law or proposal for law approved by the National Assembly shall be valid only if the majority vote received is not inferior to one-third ^{of} the total number of representatives.

CHAPTER V. THE JUDICIARY

Article 70: To discharge the mission set forth in Article 4, the judicial system shall be organized in accordance with the principles of the equality of all persons before the law and of the independence of the magistrates on the bench.

Article 71: Judges shall make judgments and decisions according to their own consciences, with respect for the law and the interests of the Nation.

Article 72: Under the supervision of the Secretary of State for Justice the public prosecutors shall see to the application of the law, the respect for morals and public order.

Article 73: There shall be established a High Council of the Judiciary with the function of assisting in supervising the status of the trial judges.

The organization, procedure and powers of the High Council of the Judiciary shall be determined by law.

CHAPTER VI. THE SPECIAL TRIBUNAL

Article 74: The Special Tribunal shall be a court competent to judge the President and Vice President // of the Republic, the President of the High Court of Appeals, and the President of the Constitutional Commission in cases where charges of treason or high crimes are brought against them.

Article 75: The Special Tribunal shall include the following:

President of the High Court of Appeals President

Fifteen representatives elected each legis-

lative session by the National Assembly Counselors

When the President of the High Court of Appeals is the accused, the President of the Constitutional Commission shall sit as President of the Special Tribunal.

Article 76: The Committee of Inquiry of the Special Tribunal shall include five representatives elected each legislative session by the National Assembly.

Article 77: Charges shall be brought in accordance with the following conditions:

a. A proposal containing the reasons for the charges shall be signed by three-fifths of the membership of the Assembly and presented to the Secretariat of the Assembly fifteen days before debate begins.

b. That proposal shall be approved by two-thirds of the membership of the Assembly.

c. Deputies sitting on the Special Tribunal or on the Committee of Inquiry shall not have the right to present a motion of charges or to vote on that motion.

Article 78: The official functions of the accused shall be suspended from the date of passage of the motion of accusation by the National Assembly until the decision of the Special Tribunal is rendered. During that period, the procedures set forth in Article 34 sections 2 and 3, shall obtain.

Article 79: The Committee of Inquiry have the right to summon witnesses and to compel interested agencies to place secret documents and dossiers at its disposal. The Committee of Inquiry shall present its report within two months unless a delay of an additional month should be accorded by the Special Tribunal.

Article 80: The Special Tribunal shall convene to hear the statements of the Committee of Inquiry and the accused; it shall render its judgment by a three-fourths vote of the membership of the Court.

Article 81: If the accused is found guilty, the Special Tribunal shall declare his removal from office. This judgment shall enter into force immediately.

CHAPTER VII. THE NATIONAL ECONOMIC COUNCIL

Article 82: The National Economic Council shall have the function of suggesting ideas and rendering its opinion on economic projects and proposals.

The National Economic Council shall be chosen from among professional associations, from the various branches of economic activity, from various social organizations relating to the economy, and from among economists.

Membership in the National Economic Council is incompatible with membership in the National Assembly.

Article 83: The Vice President of the Republic shall be the chairman of the National Economic Council.

Article 84: A law shall fix the organization and operation of the National Economic Council.

CHAPTER VIII. THE CONSTITUTIONAL COMMISSION

Article 85: A Constitutional Commission shall decide the constitutionality of laws, law-decrees, and administrative regulations.

Article 86: For each term of the National Assembly the Constitutional Commission shall consist of:

A chairman appointed by the President ^{of the Republic} with the concurrence of the National Assembly;

Four high-ranking judges or lawyers appointed by the President ^{of the Republic};

Four Representatives elected by the National Assembly.

Article 87: The Constitutional Commission shall accept petitions asking it to determine the constitutionality of laws, ordinances, decrees, and administrative regulations presented to it by the various courts.

The decisions of the Constitutional Commission shall have the effect of suspending the application of unconstitutional clauses from the date the decision is published in the Official Gazette.

Article 88: A law shall determine the organization and operation of the Constitutional Commission as well as the procedure to be followed before that body.

CHAPTER IX. AMENDMENT OF THE CONSTITUTION

Article 89: Articles 1, 2, 3, and 4, and this article of the Constitution may be neither amended nor abrogated.

Article 90: The President of the Republic or two-thirds of the membership of the National Assembly may propose amendments to the Constitution.

Proposals for amendment of the Constitution, citing the reasons therefor, must carry the necessary number of signatures and be delivered to the Secretariat of the Assembly.

Article 91: After receipt in the proper form of a proposed amendment to the Constitution, the Secretariat of the National Assembly shall convene a special session of the Assembly to designate a committee of at least fifteen members charged with studying the proposal and seeking the advice of the Constitutional Commission and of the President of the Republic.

Within a maximum period of sixty days the committee shall report to an extraordinary session of the Assembly.

Article 92: The proposed constitutional amendment shall be approved if assented to by three-fourths of the total number of representatives voting by name and in person.

Article 93: The approved proposal shall be promulgated in accordance with the procedures set forth in Article 57, 58, and 59.

If the amendment is returned for reconsideration, the National Assembly shall then decide definitively by a three-fourths vote of the total number of representatives voting by name and in person.

Article 94: The Constitution shall be promulgated on October twenty-six, nineteen hundred and fifty six.

Article 95: The National Assembly elected on March 4, 1956, shall be the first Legislative Assembly according to the Constitution of the Republic of Viet Nam.

The term of office of the Legislative Assembly shall begin as of the promulgation of the Constitution and shall end on the 30th of September 1959.

Article 96: The present President of the Republic, who was charged, by the people in the referendum of October 23, 1955, with creating the foundation of democracy, shall be the first President of the Republic according to the Constitution of the Republic of Viet Nam.

The President's term of office shall begin as of the date of promulgation of the Constitution and shall end on April 30, 1961.

Article 97: During the first session of the first Legislative Assembly, the present President of the Republic shall designate the first Vice President of the Republic. This designation shall be final if it is approved by the Assembly.

If the necessity of replacement arises, the designation of the new Vice President shall follow the same procedure throughout the term of the first President.

Article 98: During the first legislative term, the President of the Republic may decree a temporary suspension of the rights of freedom of circulation and residence, of speech and the press, of assembly and association, and of formation of labor unions and strikes, to meet the legitimate demands of public security and order and of national defense.