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## **Preface**

Over thousands of years of national building and defense, the Vietnamese people have made untold sacrifices to gain the fundamental human rights, namely the right to live in independence and freedom, the right to food, clothing, housing, education and dignity. In the Declaration of Independence of September 2<sup>nd</sup>, 1945, giving birth to the independent and free State of Vietnam, President Ho Chi Minh proclaimed that “All the nations on the earth are equal from birth, all the nations have a right to live, to be happy and free.”

It is the State of Vietnam’s policy to respect and protect human rights. The State has also done its utmost to ensure the realization of human rights through the building and constant improvement of the legal system and the undertaking of concrete measures aimed at promoting economic, social and cultural development so that every citizen can enjoy a better life both materially and spiritually in an equal, democratic and civilised society.

To help the world public better understand the Vietnamese tradition in protecting and promoting human rights and the current human rights implementation in Vietnam, the Ministry of Foreign Affairs of the Socialist Republic of Vietnam would like to introduce the book entitled ***“Achievements in Protecting and Promoting Human Rights in Vietnam”***.

## **CHAPTER I**

### **VIETNAM’S VIEWPOINTS AND POLICIES**

## ON HUMAN RIGHTS

1. Throughout their history, the humankind have constantly striven for the liberation of the human being and for an equal, democratic and civilized society. For a long period of time, the Vietnamese nation was under foreign domination and had to make enormous sacrifices to gain national independence and freedom. With unyielding and persistent struggles against foreign aggression over centuries, the Vietnamese nation has asserted that the most sacred and fundamental human rights are the rights to live in independence, freedom, to determine one's own destiny. This is also the core principle of national self-determination enshrined in the United Nation Charter and Article 1 of the two most fundamental covenants of the United Nations on human rights, namely *the International Covenant on Economic, Social and Cultural Rights* and *the International Covenant on Civil and Political Rights*.

President Ho Chi Minh, the founder of a new Vietnam, during his life, always cherished an aspiration: "I have only a desire, an utmost desire that our country is fully independent, our people are fully free, our compatriots all have enough food and access to education". His wish also reflects the aspiration of the Vietnamese people for the essential values of human rights and has stood as guiding principles for the State of Vietnam. The Vietnamese people, regardless of age, sex, ethnicity and religion, are united to overcome all challenges, hardships and sacrifices to gain and protect those fundamental rights.

The State of Vietnam has always viewed the people as both the goal and driving force of the cause of national construction. The people therefore always lie in the center of economic and social policies and the promotion and protection of human rights are an essential factor for sustainable development and successful implementation of national industrialization and modernization. It is Vietnam's ultimate goal to build "a strong country with wealthy people in an equal, democratic and civilized society" for the benefit of the people.

Being a victim of many aggressive wars—the most serious violation of human rights, Vietnam, more than anyone else, understands the universality of human rights which reflect the common aspiration of humankind as enshrined in the United Nations Charter and at the same time, their

peculiarity in each society and community. The Vietnamese Government is of the view that in a world of increasing diversity, approaches to human rights issues should harmoniously combine common standards and principles of international law with specific historical, political, economic and social conditions as well as cultural and religious values, beliefs and customs of each country and region. No country has the right to impose any political, economic or cultural model on others. Vietnam is also of the view that there should be a comprehensive approach to human rights, comprised of civil, political, economic, social and cultural rights and all categories of rights should be treated on the same footing. At the same time, the rights and freedom of each individual can only be protected and promoted on the basis of respect for the common rights and interests of the nation and community, and one's rights must be accompanied by his/her obligations to the society. It would be a partial approach that fails to provide a entire panorama of human rights or prioritizes only civil and political rights as well as individual freedoms without paying due attention to the rights to development and the economic, social and cultural rights of the community.

The Vietnamese Government holds the view that protecting and promoting human rights are primarily the responsibility of the State. Every state is responsible for formulating a domestic legal system in accordance with the fundamental principles of international law, particularly the United Nations Charter, taking into account its specific conditions so that human rights of its people would be best ensured. Given differences in political regime, development level, cultural value and historical background, approaches to human rights might vary from country to country. Cooperation and dialogue between countries for promotion and protection of human rights are an inevitable need. Vietnam supports international cooperation in human rights based on equal and constructive dialogue, mutual respect and understanding, non-interference in each other's internal affairs and for the common benefit of better promoting and protecting human rights. Vietnam's position is that no country has the right to use human rights as a means or pretext to interfere into another country's internal affairs, create confrontation and political pressures, even use force or impose conditionalities in economic and trade relations with others.

In an interdependent world, human rights can only be respected and protected in an environment of peace, security, equity and sustainable development, wherein human values are upheld and protected. The fight for human rights should go hand in hand with measures to prevent wars, conflicts, terrorism,

poverty, famine, epidemic diseases, trans-national crimes and etc which continue to threaten peace, security, independence and prosperity of all nations, hindering the promotion and protection of human rights the world over.

Vietnam's above-mentioned standpoints are in conformity with the principles, main contents and progressive trends of international laws in general and of human rights in particular.

2. In pursuit of the policy to promote human rights, the State of Vietnam has been building and improving the legal system to ensure that human rights are fully respected and exercised. Human rights, once stipulated in the Constitution and legislation, will become the people's will to be protected by law and complied with by the entire society.

Right after Vietnam regained independence in 1945, human rights and citizen rights were proclaimed in the 1946 Constitution of the Democratic Republic of Vietnam and henceforth reinforced in the 1959, 1980 and 1992 constitutions (further amended in 2001). For instance, the 1992 Constitution, the highest legal document of the State of Vietnam, in solemn, clear and comprehensive terms, recognizes human rights in Articles 2 and 50 and the contents of these rights are reflected throughout the Constitution. Particularly, Chapter 5 of the Constitution provides for the citizen's basic rights and obligations.

Human rights as stipulated in the Constitution have continuously been concretized in Vietnamese legal normative documents. Since 1986 alone, Vietnam has promulgated 13,000 legal documents of all sorts, including over 40 codes and laws, over 120 ordinances, approximately 850 documents of the Government and over 3,000 regulatory documents by Ministries and agencies. In 2004 alone, the National Assembly debated and approved 13 laws and 8 ordinances in different fields.

Thus, the Constitution and laws of Vietnam have fully reflected all the fundamental and universal human rights pronounced in the 1948 Universal Declaration of Human Rights and in other UN conventions on human rights. These clearly show tremendous progress and efforts made by the State of Vietnam in respecting and protecting human rights given the context that Vietnam is still in the process of building a law-governed state with enormous socio-economic difficulties.

## CHAPTER II

### VIETNAM'S ACHIEVEMENTS IN the Protection and Promotion of HUMAN RIGHTS

#### I. Civil and political rights

Right upon its foundation, the State of Vietnam attached great importance to guaranteeing human rights. In the 2 September 1945 Independence Declaration, President Ho Chi Minh solemnly stated “Vietnam has the right to be free and independent country and in fact it is so already. The entire Vietnamese people are determined to use all their physical and mental strength, their lives and property in order to safeguard their freedom and independence”.

Along that line, human rights have been clearly prescribed in all the constitutions that have been written since the founding of the new Viet Nam. The first Constitution of 1946 had only 70 Articles but citizen rights were provided for in 18 Articles and accorded with priority in Chapter II “Citizen Rights and Obligations”.

The 1959 Constitution was a step forward from the Constitution of 1946 as it contained 21 Articles related to Citizen Rights and Obligations.

The 1980 Constitution was one of a reunified Vietnam, which inherited and built on the two previous constitutions. It had 29 Articles specifying Citizen Rights and Obligations.

In the 1992 Constitution of the reform (*Doi Moi*) process, it is prescribed: “The Socialist Republic of Vietnam is a state of the people, by the people and for the people. All the State’s powers belong to the people . . .” (Article 2); “In the Socialist Republic of Vietnam, the political, civil, economic, social and cultural rights are respected, embodied in the citizens’ rights determined in the Constitution and legislation” (Article 50).

The State of Vietnam has promulgated a large number of legal documents to further concretize human rights as stipulated in the amended 1992 Constitution and the 1966 International Covenant on Civil and Political Rights . Of these, there are a number of important laws directly relating to civil and political rights: Law on the Organisation of the National Assembly,

Law on the Election of Deputies of the National Assembly, Law on the Organisation of the Government, Law on the Election of Members of the People's Council, Law on the Organisation of the People's Council and People's Committee, Law on Organization of the People's Court, Law on the Organisation of People's Procuracy, Civil Code, Civil Proceedings Code, Criminal Code, Criminal Proceedings Code, Press Law, Publication Law, Law on Complaints and Denunciations etc. Prior to their promulgation, the drafts of the Constitution and other important legislations are made widely available to the public to collect opinions from citizens and are amended based on these opinions. Through participation in the law-making process, people have exercised their freedoms and democratic rights, and important legal documents therefore reflect their will, interests and aspirations.

### **1. Rights to vote and stand for election, and to participate in the administration of the State and management of the society.**

Vietnam pursues the policy of building a law-governed State of the people, by the people and for the people. The State of Vietnam follows the motto "People Know, People Discuss, People Do and People Monitor"; the people decide all State's affairs. Vietnamese citizens have the right to participate in the management of society directly or through their elected representatives. Through elections, they can select representatives of their will and aspiration. The State of Vietnam strives for ensuring the rights to participate in the management of the State and society for all citizens and considers this one of the most important rights of citizens.

In the Constitution, it is clearly stated that people has the right to exercise State's power through the National Assembly and the People's Council, which are representative bodies of the people's will and wish, and are elected by and accountable to the people; the citizens are entitled to participation in the management of the State and society, in discussions of national and local issues, making recommendations to State bodies, voting in referendums organized by the State; citizens, regardless of nationality, sex, social background, belief, religion etc, shall, upon reaching the age of 18, have the right to vote, and, upon reaching the age of 21, have the right to stand for elections to the National Assembly and People's Council.

In the 11<sup>th</sup> National Assembly elections for the 2002-2007 term, and the People's Council elections at various levels on April 25<sup>th</sup>, 2004, the turn-out is over 99%. This number reflects an improvement in the people's awareness

of their right to vote. The number of women members in the National Assembly and the People's Councils keeps increasing. To date, among 498 National Assembly Deputies, there are 136 women, 86 are from ethnic minorities and 7 are religious dignitaries.

In the past years, the role of the National Assembly has been enhanced. Deputies are direct representatives of the people of all social strata, all circles; they are politicians, social workers, intellectuals, workers, farmers, religious dignitaries and representatives of ethnic minority groups. The National Assembly has been effectively discharging its law-making and oversight functions. During the National Assembly sitting, interpellation sessions for cabinet members have become a regular and substantive activity and a forum where the people, through their representatives, can raise questions about the Government's performance, especially with regard to negative phenomena and corruption cases, and propose solutions to overcome difficulties and challenges. Live broadcast of these sessions enables the people to better exercise their right to oversee the government's activities.

The Prime Minister issued Decree No.29 on May 11<sup>th</sup>, 1998 on Promoting Democracy at Commune and Ward levels and Decree No.71 on September 8<sup>th</sup>, 1998 on Promoting Democracy at Work. The Democracy Regulations at grass- root levels have enabled the people to participate actively in the formulation of the State's policy as well as in the monitoring of the policy implementation, which are welcomed by the people. Therefore, the working people's ownership at grass-roots levels has also been upheld.

The right to lodge complaints and denunciations of citizens is respected and protected; the settlement of citizen's complaints and denunciations becomes more effective. According to the law, government agencies must meet, listen and reply to the people. They must also examine and settle the people's complaints and denunciations.

According to Government Decree 51/2002/NĐ – CP enacted on April 26<sup>th</sup>, 2002 on implementation of Press Law, within 15 days after receiving citizens' complaints, denunciations and criticisms through newspapers and press agencies, heads of Government agencies and mass organizations concerned shall inform the press agencies about their solutions. It is also stipulated by law that compensation shall be made for those who suffer



material and spiritual losses due to wrong decisions by state competent agencies.

## **2. Freedoms of speech and the press, and the right to information.**

Vietnam fully respects and ensures the freedom of speech, freedom of the press, and the rights to information of all citizens. It is stated in the 1992 Constitution that the citizen shall enjoy freedoms of speech, freedom of the press, and the rights to be informed in accordance with the provision of the law. Vietnamese laws on press, publication and broadcasting have been increasingly improved to better ensure citizens' freedom of speech. The 1989 Press Law, revised on June 12<sup>th</sup> 1999, has fully reflected the state's policy on respecting and protecting citizen's freedom of speech and freedom of the press aimed at improving the role and power of press and journalists. It is laid down in the Press Law that "The States shall create favorable conditions for citizens to exercise the freedoms of the press and freedom of speech through press. No organizations or individuals are allowed to prevent and restrict the press and journalists from discharging their functions. The press shall not be subject to censorship prior to publication or broadcast."

It is also laid down in the Law on Publication that citizens have right to make public their works without being censored. The Press Law also states that citizens have the right to be informed and to express their opinions via the press on the domestic and world affairs; to contact and provide information, articles and photographs and other works to press without being censored by any organization or individual; to present views on the formulation and implementation of the policy and law; to criticize, make recommendations, complaints and denunciations in the press and etc.

In recent years, mass media activities have become increasingly open and lively. National Assembly and people's council sessions, especially interpellations, have been televised. Many programs such as dialogues, discussions or opinion polls with various topics have been widely broadcast.

The rapid development of the mass media in both form and content is a clear demonstration of freedom of expression and freedom of the press in Vietnam. In 1990, there were only 258 newspapers and journals in Vietnam. Now, there are 553 printed newspapers, nearly 700 publications and 200 electronic newspapers. Besides state agencies' newspapers and journals, there are

newspapers and magazines of mass organizations and professional associations with more than 550 million copies annually. At present, Vietnam has one national radio (VOV), one national television (VTV), 4 regional televisions, 64 provincial radio and television stations and over 600 district radios. VTV and VOV keep increasing their broadcasting capacity and time to cover all regions, including rural, upland, island and remote areas. More than 80% and 70% households have access to radio and television respectively. All provinces and cities have radio and television stations with increasing broadcasting time. Foreign TV channels such as CNN, BBC, TV5, DW, RAI, HBO are widely broadcast in Vietnam.

The press in Vietnam has become a forum of expression for public and mass organizations, an important tool to protect the society's interests and the people's freedoms, an important means for monitoring and supervising the implementation of the state's policy and law. The press has played an important role in detecting and reporting law violation cases, combating corruption, negative phenomena and other social evils and building a clean and strong public administration. Everyone has the right to express his/her wishes and opinions on political, economic, social and cultural issues in the mass media. Thanks to the increase and diversity in sources of information, topics covered by the press become more fresh and show variety.

The Vietnamese people are having better and better access to modern information technology, especially the internet. It is the Government's policy to encourage and create favourable conditions for the people to access and use information on the internet as reflected in the 23 August 2001 Decree 55/2001 ND-CP on the internet service management, provision and use. Internet services were just used and connected globally in November 1997. However, internet subscribers in Vietnam have rapidly increased up to the level of many countries in the continent. ISPs are now available in all 64 provinces. As of November 2004, 14 ISPs were licensed to provide service for 5,875,973 subscribers. 7.7% of the population has access to the internet, up by nearly two times compared to March 2004 (4.18%). 93.48% of primary and secondary schools and 100% of universities and colleges, and over 300 out of 6776 commune post offices are connected to the internet.

### **3. Freedom of association and assembly**

Freedoms of association and assembly are prescribed in the Constitution, Criminal Code, Civil Code and other Vietnamese laws. The Government has also issued directives on associations, such as Directive 01 –CT/HDBT in 1989 on the management and operation of mass organizations, Directive 02 CT HDBT in 1990 on the compliance with state regulations on the establishment of associations.

In Vietnam, besides the Communist Party of Vietnam, there exist Vietnam Fatherland Front and other socio-political organizations such as Confederation of Vietnam Labour Unions, Vietnam Women's Union, Ho Chi Minh Communist Youth Union and Vietnam Veterans' Union, 300 mass organizations, including professional associations nation-wide with tens of millions of members. In 1990, there were only 115 mass organizations. In the 1992 Constitution, it is stipulated that "the Communist Party of Vietnam is the vanguard of the Vietnamese workers' class, the loyal representative of rights and interests of the workers' class, the toiling people and the whole nation" and "is the force leading the State and society". The Party also operates within the legal framework. Vietnam Fatherland Front is a representative and consultative organisation that unites all political, social, professional, religious and ethnic organizations from all 54 nationalities in Vietnam.

For trade unions, there are 18 organizations at the national level and 6,020 organizations at the local level. They have actively participated in the formulation of labour policies and the protection of legal rights and interests of the working people through guidelines and labour contracts; they also represent the workers in negotiating and signing collective labour contracts. There are also organizations of the youth, women, farmers and war veterans in addition to thousands of other associations and clubs mainly working in charity and humanitarian fields. These organizations and associations work on the voluntary, self-managing, independent and law-compliance principles. They may enjoy financial assistance from the Government if their programmes and projects are in line with the social and economic development policy and the community interests. In 2002, there were 18,259 facilities of social organizations and 1,681 facilities of professional associations. Between 1996 and 2002, the growth of these establishments was higher than that of the state agencies, showing the increasing need and rights of the public in freely setting up and participating in organizations and associations.

#### **4. Freedom of religion and belief**

The State of Vietnam recognizes religion and belief as a legitimate spiritual need of people. It is Vietnam's consistent policy to respect and ensure the freedom of people to follow or not to follow any religion or belief. Right after the August 1945 Revolution, President Ho Chi Minh emphatically stated the policy of "freedom of belief and solidarity between non-religious and religious people" in the Government's Plan of Action and considered the promotion of that policy as an urgent task of the State. Since then, the State of Vietnam has always respected and ensured the right of followers to worship and practice their religion and belief and this policy has been codified in the law.

Article 70 of the 1992 Constitution stated: "The citizen shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law. The places of worship of all faiths and religions are protected by the law." "All citizens, religious or non-religious, are equal before the law" (Article 52 of the Constitution). The principle of non-discrimination with regard to religion is also reflected in the right to vote and stand for election (Article 54 of the Constitution), in civil, labour, marriage relationships (Article 8, 35, 45 of the Civil Code) and in other legal documents such as Criminal Procedures Code, Land Law, Education Law and etc. Legal religious organizations are protected by the law. They are allowed to practice religious activities, open seminaries for dignitaries, publish prayer books, repair and build worship places in compliance with the law. It is the policy of the State to grant the right to long-term land use to religious follower community and land for religious places is not taxed (Article 2, Decree 94/CP on 25 August 1994). Vietnam's law forbids all infringements upon citizens' freedom of religions and beliefs or attempts to force the people to follow or renounce a religion, and the discrimination against citizens on religious or belief ground (Article 8 of the Ordinance on Religion and Belief). The law also provides for strict punishment against these offences (Article 87 and 129 of the Penal Code). These provisions are all in accordance with the spirit of freedom of religions and beliefs enshrined in the Universal Declaration on Human Rights and Article 18 of the International Covenant on Civil and Political rights.

The Ordinance on Religion and Belief was passed by the National Assembly Standing Committee on 18 June 2004 and came into effect on 15 November

2004. It elaborated provisions contained in the Constitution and codified the guideline and policies of the State of Vietnam on religions and beliefs in the new context. This legal document better reflects the aspiration and needs for religious, belief and spiritual practices of the people and ensures compliance with international conventions on human rights that Vietnam has signed. Article 38 of the Ordinance clearly states that "in case of conflict between the national legislations and an international convention that Vietnam has signed, the international convention shall prevail." On 1 March 2005, the Government issued Decree No. 22/2005/ND-CP to guide the implementation of the Ordinance of Religion and Belief. On 4 February 2005, the Prime Minister issued Directive No. 01/2005 on Protestantism, which prohibits any attempt to force the people to follow or renounce the religion, and creates favourable conditions for protestant branches to build places of worship and register their practices.

Vietnam is a nation of multi-religions and various forms of belief. About 80% of the population has their own religions or beliefs. The number of religious followers has increased sharply in recent years. In 2003, there were nearly 20 million followers of 6 religions (up by nearly 4.5 million since 1997), including 10 millions of Buddhism, 5.5 millions of Catholicism, 2.4 millions of Caodaism, 1.6 million of Hoa Hao, 1 million of Protestantism and 65,000 of Muslims. At present, there exist two protestant organizations recognized in Vietnam, namely the Protestant Church in the North and Vietnam Protestant Church in the South. The State is considering the recognition of other Protestant organizations while individual followers and dignitaries are practicing religious activities as usual. In addition, there are tens of millions of people following various indigenous beliefs, such as traditional belief of the Kinh people or original beliefs of ethnic minorities. Foreigners and tourists coming to Vietnam can easily see a large number of people going to pagodas and churches and participate in religious ceremonies.

The number of churches, temples and worship places has incessantly increased. In 2003, there were about 15,244 pagodas; 5,456 Catholic churches and chapels; 275 Protestant churches; 1,205 Caodai oratories; 35 Hoa Hao worship facilities; 77 Muslim mosques and tens of thousands of other temples and worship places. In 2003, there were 425 worship places newly built or rebuilt, including 217 of Buddhism, 177 of Catholicism, 8 of Protestantism and 23 of Caodaism; 294 others were repaired or restored. 165 worship places were rebuilt, repaired or restored in 2004.

The number of dignitaries and religious practitioners keeps rising from year to year to meet the people's spiritual need. In 2003, there were 62,486 religious dignitaries (against 49,829 in 1997), including 38,365 of Buddhism, 15,058 of Catholicism, 492 of Protestantism, 7,350 of Caodaism, 534 of Hoa Hao and 669 of Muslim. The ordainment and appointment of religious dignitaries are conducted regularly. In 2003 and 2004, there were 2,821 religious dignitaries appointed, in which 1,169 are from Buddhism, 325 from Catholicism, 154 from Protestantism, 1078 from Caodaism and 95 from Hoa Hao. From 1975 to 2000, there were 42 Bishops appointed while only 33 appointed by Vatican during the 1945-1975 period.

According to Article 53 and 54 of the Constitution, religious dignitaries have the right to participate in the administration of the State and social management, to stand for elections to the National Assembly and People's Councils like any other citizen. At present, 7 religious dignitaries are members of the National Assembly (4 from Buddhism, 2 from Catholicism and 1 from Hoa Hao). According to official statistics, in 44 out of 64 provinces and cities, 1,171 religious dignitaries were members of People's Councils at all levels, including 74 at provincial level, 265 at district level and 832 at communal level.

All religions in Vietnam have the right under the law to open religious seminaries, publish prayer books and participate in social, charity and humanitarian activities, etc. The Buddhist Church of Vietnam now has 3 Buddhist Institutes (while in 1975 there was only one) with over 1,000 students, 35 Buddhist college classes with more than 5,000 students, and 1,076 charity and humanitarian facilities, including 950 Classes of Compassion. 2500 monks and nuns of Theravada Khmer Buddhism are now pursuing advanced, intermediate and Pali Buddhism intermediate classes. The Catholic Church has six grand seminaries with 2,797 students, 992 charity and humanitarian facilities, including 130 healthcare centers and 862 educational and vocational centers. Protestantism has a theology institute in Ho Chi Minh city. In recent years, Protestantism has trained 267 pastors; the figures for Hoa Hao and Cao Dai are 1,211 and 1,285 dignitaries respectively.

Regarding religious associations and congregations, Buddhism has 820 Families of Buddhist followers; Catholicism has 9,531 congregations, including 4,278 to serve religious practices and 5,253 for other activities.

At present, in the Central Highlands alone, there are 304,876 protestant followers, 1,286 groups belonging to 8 congregations, 79 pastors and 476 missionaries. The people of ethnic minorities' freedom of following or not following a religion and belief is respected and guaranteed by the State under the constitution and law. The Government has adopted many policies to ensure the religious activities of ethnic minority and protestant people. 36 protestant groups in the Central Highlands have been recognized by the Government.

Religions in Vietnam have taken steps to expand their external relations. The Vietnam Catholic Church has relations with the Universal Catholic Church and is under the leadership of Vatican. The Vietnam Buddhist Church also has close relations with the World Buddhist Church and Buddhist organizations in Cambodia, Thailand and China and etc. The State creates favourable conditions for religious organizations and practitioners to conduct international exchanges and studies. From 1993 to 2002, 3,272 clergymen traveled abroad, including 1,600 of Catholicism, 1,303 of Buddhism, 36 of Protestantism, 228 of Muslim and 15 of Caodaism. They studied, participated in international conferences and pilgrimage, sought medical treatment, or visited relatives. In 2004 only, 317 clergymen and dignitaries went abroad for religious activities in foreign countries. Representatives of large religions such as Catholicism, Protestantism and Buddhism attended the Millennium Religious Summit in New York in the year 2000 and participated in inter-faith dialogue in Indonesia and Buddhism Summit in Myanmar.

Various religious organizations and practitioners have come to Vietnam for religious activities and exchanges. Among them were Vatican delegations, which come to Vietnam annually to discuss issues related to the Vietnam Catholic Church; the Buddhists Association of China and the American Bishops delegation and etc. The delegation of the International Committee on Religious Freedom also visited Vietnam and held dialogues with representatives of Vietnam's religious dignitaries.

The State always pays due attention to addressing complaints and denunciations related to religious and belief issues in due course.

## **5. Ensuring equal rights among Ethnic Groups**

Vietnam has 54 ethnic groups of which 53 ethnic minorities living mainly in mountainous areas, especially the North West, Central Highlands and the

South West, making up 13.8% of the total population, or 10 out of 82 million people. The ethnic groups living in Viet Nam have a tradition of solidarity and mutual assistance in the struggle against foreign invasion and natural disasters as well as in the course of national construction. Each has its own cultural identity, thus bringing about the diversity and richness in the united culture of Vietnam. The Vietnamese State attaches special importance to the policy of ensuring equal rights of all ethnic groups and considers it as a decisive factor for the country's sustainable development. The policy is implemented in all political, economic, cultural and social areas and incorporated into the law of Vietnam.

It is stated in Article 5 of the 1992 Constitution that "The State carries out a policy of equality, solidarity and mutual assistance among all ethnicities, and forbids all acts of ethnic discrimination and division. Every ethnic group has the rights to use its own language and system of writing, to preserve its ethnic identity, and to promote its fine customs, habits, traditions and culture. The State carries out a policy of comprehensive development and gradually raises the material and spiritual living conditions of the ethnic minorities." Vietnamese citizens of any race are equal before the law and entitled to the same citizen rights and duties (Article 52 of the Constitution). Such provisions have been institutionalized and specified in various laws.

Institutionally, the Nationality Council is elected by the National Assembly in accordance with the Constitution (Article 94). Apart from the functions, rights and obligations of a National Assembly's body, the Council is also in charge of studying and making recommendations to the National Assembly on ethnic issues, and monitoring the implementation of ethnic policies, socio-economic development programmes in mountainous and ethnic minority areas. The Government shall consult the Council before making any decision on ethnic issues. Within the Government, there is a ministerial level body, the Committee on Ethnic Affairs, being responsible for ethnic matters.

<b>Table 1 – Ratio of ethnic minority members at National Assembly and People's Councils</b>				
		<b>Total</b>	<b>Ethnic Minority Members</b>	<b>Ratio</b>
<b>NA 2002-2007</b>		498	86	17.27%
<b>People's Councils 1999-2004</b>	Province	3.462	489	14%
	District	18.748	3.192	17%
	Commune	219.438	42.500	19%

Political rights of ethnic minorities are always respected and guaranteed in reality. As stipulated in Articles 53 and 54 of the Constitution, Vietnamese citizens of ethnic minorities have the rights to participate in the



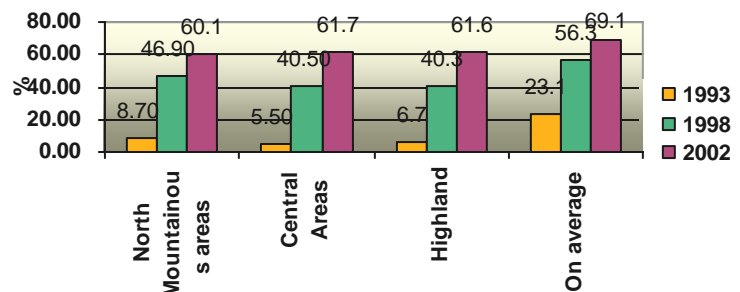
management of the state and society, and to stand for elections to the National Assembly and People's Councils. At present, many representatives of ethnic minorities are holding important positions, even the highest one, in the Vietnamese National Assembly and Government. There are 86 out of 498 deputies to the 11th National Assembly (the 2002-2007 term) from ethnic minorities

(accounting for 17.27% of the National Assembly's deputies, which is higher than the ratio of 13.8% of ethnic minorities in the whole population). The proportion of ethnic minority deputies to People's Councils at all levels is also relatively high, e.g. 14% at provincial level, 17% at district level, and 19% at commune level. The figures are much higher in mountainous and ethnic regions. The number of ethnic minority staff in localities is on the rise, accounting for 31% of the commune staff in the Central Highlands provinces for instance.

In reality, the Vietnamese State always pays attention to and creates favorable conditions for ethnic minority people to improve their spiritual and material life, and help them exercise the equal rights, step by step narrow the development gap toward the national level. In 2004, the total investment in ethnic minority and mountainous areas was about VND 38,000 billion, accounting for 33.5% of the country's development investment.

The Vietnamese Government has approved programs on socio-economic development in ethnic minority areas, e.g. the Government's Plan of Action 122 to implement the Resolution of the 7<sup>th</sup> Party Plenum (9<sup>th</sup>

**Figure 1: Access to television in Ethnic Minority Areas.**



Congress) on ethnic affairs; Program 135 on socio-economic development in specially difficult communes of ethnic minority, mountainous and remote areas; Decision 132 on priorities for infrastructure development and allocation of cultivated and residential land; Decision 134 in 2004 on providing cultivated land and housing and other necessities for poor ethnic minorities; Program 135 on poverty reduction and job creation; Decree 20 in 1998 and Decree 02 in 2002 on tax incentives for agricultural products,

financial assistance for enterprises, price subsidies to essential commodities such as salt, medicine, fertilizer, writing paper, etc for ethnic minority people ; Program 327 on forest development and habitat protection in mountainous areas; policies to prioritize the training and employment of ethnic minority staff; the universalization of education, development of boarding schools, admission of ethnic minority students into universities and vocational training schools; improvement of free medical clinics for ethnic minorities in difficulties and assistance in cultural and information services, etc.

The Government has also made instructions, decisions and solutions for particular areas inhabited by numerous ethnic groups, such as Decision 168/2001/QĐ-TTg dated 30 Oct 2001 on long-term orientations, the 2001-2005 plan and key solutions to socio-economic development of the Central Highlands; Decision 186/2001/QĐ-TTg dated 7 Dec 2001 on socio-economic development of specially difficult provinces in Northern mountainous region; Instruction 173/2001/QĐ-TTg dated 11 June 2001 on socio-economic development of the Mekong Delta.

The implementation of the Party and State's ethnic policies has brought about great achievements, especially in the (Đoi Mới) reform process. The socio-economic situation in ethnic minority and mountainous regions has improved remarkably. For the last 10 years, their economic growth has reached 8-10% per year (higher than the national rate). The number of poor households went down dramatically from 60% to 25.9% with average food production reaching 290-384 kg per capita per annum, even 500 kg in some areas. Food security in ethnic minority areas has been increasingly ensured, and in general terms there is no existing hunger household. The Central Highlands' economic growth rate was rather high: 10.5% in 2001, 7.3% in 2002, 11.2% in 2003, and 12% in 2004. Poor households (based on Vietnamese standards) kept decreasing from 24.9% in 2001, 21.6% in 2002, 17.4% in 2003 down to 13.69% in Dec 2004. In the South West region (where 1.3 million Khmer people live), the GDP growth rate in the first 6 months of 2004 was 9.45% in comparison with the same period of the previous year; the number of poor households in 2003 was down to about 8% and is estimated to be under 6% by late 2005.

The infrastructure has been developed rapidly. Almost all ethnic minority areas now have a traffic network from provincial centers to districts and communes. 97.42% of commune centers can be accessed by car. 100% of townships, 98% of districts and 64% of communes are connected with power

grids (the national rate is 89%). 51.7% of households in mountainous areas are connected to electricity (70% in the Central Highlands). More than 60% of communes have telephone lines. In mountainous areas, there are more than 3,000 irrigation works providing water for over 70% of cultivated land and 70% of the population.

**The economic structure** of these regions has been shifting dramatically, with the proportion of agriculture and forestry falling sharply from 90% in 1990 to under 56% in 2003; industry up from 9% in 1999 to over 18.4%, and trade and services up from 15% to 26% in 2003.

New policies on agricultural and forestry development, land and forest allocation for ethnic minorities, and application of advanced techniques in production of plant varieties and animal breeds, combined with investment in irrigation, have contributed to constant increase in food production. Areas specialized in fruit and industrial crops have been able to export their products, such as coffee, tea, rubber, cashew nuts and silk. Thanks to reforestation programs, the forest area has been increased by 1.3 million hectares and national forest coverage was up to 34.4% in 2001. Industrial sectors in mountainous areas such as energy, mining and processing, and consumer goods production were also developed. Ranked high in the national industrial output are mining (67%), electricity (40%) and tea (over 93%).

The policy to assist ethnic minority people in their settlement for a better life has also yielded important results. Since 1991, the Government has invested almost VND 2,000 billion in nearly 1,000 projects on settlement for ethnic minorities. More than 500,000 ethnic households have benefited from these projects. 16,000 hectares of land have been reclaimed out for food crops cultivation, almost 50,000 hectares for industrial crops and nearly 50,000 hectares for forestation. Tens of thousands of kilometers of roads, bridges and sluices, and thousands of small-scale hydro power stations, as well as thousands of schools and healthcare centers have been built. So far, the Government has helped provide housing and arable land for 15.8% of the needy households. The life of the people in the project areas has been improved. For instance, Lam Dong province in the Central Highlands has completed the resettlement programme while for Kon Tum, Gia Lai and Dak Lak, the figures are 83%, 85% and 74.9% respectively.

**Regarding health care**, all districts have health care centers and about 93.5% of the communes in the mountainous and ethnic minority areas have

health care stations (as compared with 90% at national level). Most ethnic minority communes now have doctors. Hamlets and villages have health workers. The medical source for ethnic minorities has increased in quantity and quality. The Ministry of Health has so far issued over 1.41 million health insurance cards and provided free healthcare services for people accorded with priority in social policies and ethnic minority people. 95% of ethnic minority children have been vaccinated against 6 diseases through extended vaccination programmes. The number of malaria patients has been reduced by 92%. Common diseases in the past such as goiter, leprosy, diarrhea and dermatitis saw a sharp fall.

### **The primary and secondary education system**

has rapidly developed in ethnic minority areas and teaching in ethnic languages is included in the curricula in these areas. At present, 99.5% of the communes have primary schools, more than 60% of commune clusters have junior secondary schools and each district has at least one senior secondary school. The boarding school system, which provides free education and accommodation for ethnic minority students, is being expanded. At present, there are 7 national boarding schools for ethnic minority students. School-age ethnic minority children going to school increased to 85-90%. Many provinces adopt the priority policy to admit ethnic minority children to junior and senior secondary schools. 100% of ethnic minority pupils are admitted into grades 6 and 10 at public schools. It is also the policy of the Government to provide free education, including note-books and textbooks, for ethnic minority children and give priority to their admission into universities and colleges. Six sets of textbooks and curricula in 8 ethnic languages, namely Thai, Hmong, Ede, Bana, Jarai, Hoa, Cham and Khmer, have been completed. There are now four university centers the North West, the North East, Central Highlands and the Mekong Delta.

**Table 2 – Education Features <sup>1</sup>**

Enrolment at age	91,6%
Primary education completion	77%
Dropout	3,7%
Pupils vs. Teachers	26,4%
Primary school pupils	8.927.000
Ethnic minority pupils	1.584.087
Disabled pupils	200.900
Budget expenditure (against GDP)	23%
Expenditure for Education (against total spending)	13,9%
Budget expenditure for primary education (% against total education expenses)	37%

**Cultural and information services** are now more accessible to ethnic groups. The State of Vietnam always respects, maintains and promotes cultural traditions, preserves tangible as well as intangible cultural heritages of each ethnic group. Vietnam attaches importance to the collection,

<sup>1</sup> UNDP (11/2003) , MDGs, Hanoi

preservation, publication and promotion of their unique cultural heritages. Radio and television programs have been improved qualitatively and quantitatively. Programs in 14 ethnic languages are now available. The Government has also decided to provide freely 17 newspapers and magazines for the most needy and remote hamlets, villages and communes, and nearly 20 million textbooks for boarding schools.

Most ethnic minority groups have their own beliefs. Some of them follow a religion, namely Protestantism in the Central Highlands and Northern mountainous region and Theravada Buddhism of Khmer people in the Western part of the South.

Nevertheless, ethnic groups are still facing difficulties in the social and economic fields mainly due to objective reasons such as geographical conditions and low starting points in terms of development level.

## **6. Ensuring the rights to life, dignity and physical inviolability**

Rights to life, physical inviolability and dignity and freedom from torture and degrading treatment are stated in the Constitution and concretized in other legal documents, especially the Penal Code and Penal Proceedings Code.

The Constitution stipulates that all citizens shall enjoy physical inviolability and protection by law with regard to life, health, honour and dignity. No one can be arrested in the absence of a ruling by the People's Court or the People's Procuracy, except the cases of being caught red-handed. Taking a person into custody or holding him in detention must be done in full compliance with the laws. It is strictly forbidden to use all forms of harassment, degrading treatment, torture and violation of honour and dignity against a citizen. Besides, all citizens are entitled to the inviolability of domicile. Safety and secrecy of correspondence, telephone conversations and telegrams are guaranteed. Foreigners living in Vietnam also enjoy these rights.

The right to life is the most important right of human beings. The State of Vietnam has made tremendous efforts to ensure the right to life for all citizens, including the convicted persons. Any act that may infringe upon the right to life of human beings is deemed as the most serious offense and strictly punished by laws. There are 18 articles in the Penal Code that set

strict levels of punishment for offences that may directly and/or indirectly infringe on the people's right to life. To meet the needs of the fight against crimes, particularly drug-related ones, Vietnam now maintains capital punishment. Death sentence is only applicable to extremely serious offences. It is not applied to juveniles, pregnant women or those having children less than 36 months of age. The Vietnamese State has pursued the policy to narrow the scope of capital punishment, gearing towards its abolishment in the future. Along this line, in the 1999 Penal Code, the number of offences subject to capital punishment is reduced from 44 to 29.

The rights to freedom, physical inviolability, and respect for human dignity are guaranteed by laws. On the one hand, the law severely punishes acts of infringement on freedom and physical inviolability; on the other hand, it provides for conditions, procedures and authority to take such measures as arrest, taking into custody in a manner that minimizes abuses. The Penal Code strictly prohibits torture, degrading treatment and extortion to obtain confession. Prison Regulations issued on September 16, 1993 contains provisions on managing and detaining prisoners, their clothes, accommodation, healthcare, work and studies. Prisoners have the rights to sport, cultural and artistic activities. They are entitled to health examination once a year, education for illiteracy eradication. Juvenile prisoners are entitled to primary education, civil education and compulsory vocational training. They have the rights to be informed of the political life and policies of the country.

Based on the clement and humanitarian policy and tradition, the Vietnamese State grants amnesties on important national festive days. On July 28, 2004, the President of Vietnam issued a decision to grant 4 major amnesties on the National Day of September 2, 2004; Lunar New Year of the Rooster 2005; Liberation Day of April 30, 2005 and National Day of September 2, 2005. As a result, 8,623 prisoners were granted amnesty in September 2004, 8,428 on the Lunar New Year of 2005 and 7,751 on the Liberation Day of April 30, 2005. By the end of 2005, thousands of prisoners are expected to be granted with amnesty. This is one of the outstanding achievements by Vietnam in terms of humanitarian and tolerant treatment for prisoners who previously violated the law and now deserve a chance to turn over a new leaf.

## **7. Freedom of movement and residence**

The Vietnamese State facilitates and ensures the citizen's freedom of movement and residence. The Constitution states that citizens shall enjoy freedom of movement and residence within the country; they have the rights to travel abroad and return home in accordance with provisions of the law. Citizens make their own decisions to move and choose residence depending on their personal needs and conditions.

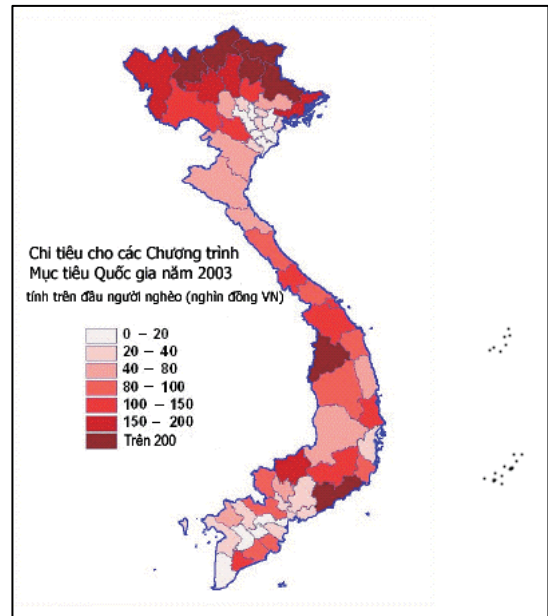
Other regulations on movement and residence of Vietnamese citizens and foreigners in Vietnam have been amended for more freedom in order to meet the increasing demand for socio-economic development of the country and interaction in all areas between Vietnam and the rest of the world. Administrative procedures that may hinder the movement and residence of citizens have been removed. The freedom of immigration of Vietnamese citizens is recognized in a Government Decree 05/2000/ND-CP dated March 3, 2000. Vietnam has signed Consular Agreements with 17 countries, Mutual Legal Assistance Agreements with 15 countries, Agreements on Overseas Vietnamese, Visa Exemption Agreements with 41 countries as well as unilaterally exempted entry visas for citizens from a number of countries. All these are aimed at facilitating immigration and residence of foreign citizens and creating a legal framework for the protection of Vietnamese citizens abroad, and addressing any emerging issues related to the movement and residence of Vietnamese citizens and foreigners in Vietnam. Thanks to the reform process and the Great National Unity Policy in Vietnam, the inflow of overseas Vietnamese has soared up. If in 1987, only 8,000 overseas Vietnamese returned to Vietnam, then in 2004, this figure went up to 430,000.

It is a reality that during the two decades after the war, millions of people migrated illegally to other countries, thus violating our laws and policy on movement and residence. However, the Vietnamese Government decided not to take retroactive legal measures when they returned. Under the CPA that Vietnam and UNHCR jointly implemented during 1989-1998, 110,000 migrants (who were not considered refugees by foreign countries) were returned and assisted to resettle without any kind of discrimination. This Program was viewed by the UNHCR as the most successful humanitarian program between a UN organization and a developing country. The Vietnamese State has also enabled 247,005 people to migrate under the Orderly Departure Program (ODP), 90,942 people under the Amerasian Children (AC), 165,078 people under the HO Program and helped many people resettle under the Humanitarian Resettlement Program.

## II. Economic, Social and Cultural Rights

### 1. Rights to economic development and improvement of the material life

Economic development is one of the premises for the exercise of democracy and human rights. The Vietnamese Government holds that “economic growth along with cultural development, gradual improvement of the people’s spiritual and material life, exercise of social equity and advancement as well as environmental protection” is by nature the promotion of human rights in economic, cultural and social fields. During the past years, the Vietnamese State has implemented successfully many socio-economic development programs, helping ensure better human rights in economic, cultural and social fields.



In the last 10 years, the living standards of the Vietnamese people have increased by two folds. The GDP per capita saw an incessant increase. GDP in 1986-2000 rose by 6.8%, twice as high as that of 1977-1985. GDP in 2002 is up by 2.4 times compared to that of 1990, 3 times of 1985 and 11.1 of 1955. From 2001 till now, GDP growth has always crossed the threshold of 7% per year, reaching 7.69% in 2004. Disposable income of the people has increased significantly, which is reflected in the rapid growth of total retail and consumption spending of the whole country (VND 372.5 trillion, increasing by 18.5% compared with 2003). GDP per capita keeps increasing. In 1995, GDP per capita was US\$ 289, ranking 10<sup>th</sup> in the region, 44<sup>th</sup> in Asia and 177<sup>th</sup> in the world (Vietnam was then among 23 countries of lowest income per capita in the world). In 2002, GDP per capita increased to US\$ 439, ranking 8<sup>th</sup> in the region, 39<sup>th</sup> in Asia and 112<sup>th</sup> in the world. In terms of PPP in 1995, it was US\$ 1,236, ranking 8<sup>th</sup> in the region, 41<sup>st</sup> in Asia and 147<sup>th</sup> in the world. In 2000, this figure was US\$ 1,996, ranking 7<sup>th</sup> in the region, 36<sup>th</sup> in Asia and 113<sup>th</sup> in the world, taking Vietnam from an underdeveloped country to a developing one. Vietnam has made miraculous progress in agricultural production. From a food shortage country, Vietnam has become a world major exporter in different commodities. One of the

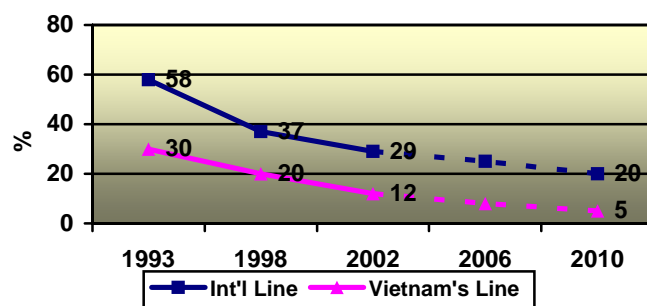


reasons for these successes is that Vietnamese people have enjoyed greater freedom in doing business. According to the 1992 Constitution, Vietnam adopted a socialist-oriented market economy consisting of different sectors, namely the state sector, the collective sector, the private sector, the private capitalist sector and the state capitalist/foreign-invested sector. All economic sectors are respected and encouraged by the state to participate in the development process. Especially, the 2000 Enterprise Law has created a new momentum for the development of Vietnamese enterprises. By 31 December 2003, the country had 72,012 enterprises, including 4,845 State-owned enterprises (1,898 at the central level and 2,947 at the local level), 64,526 non-state enterprises (4,150 cooperatives; 60,376 private enterprises, 2,641 foreign-invested enterprises) that employ 5.1 million people of which 2.264 million work for SOEs and more than two million the for non-state sector.

Employment is both a pressing economic and social issue. The Government has taken important measures to promote economic development and create jobs. During 1995-1998, annually 1.2-1.3 million jobs were created on average. In 2004 alone, 1.55 million jobs were generated. The urban unemployment rate was brought from 9-10% in 1989-1992 down to 5.6% in 2004.

One of the most outstanding achievements of Vietnam in the protection of human rights is the great success in poverty reduction, human development and life quality improvement. Poverty reduction is viewed as a strategic goal, both in the short-term and long-term, carried out with various national target programmes like Programme 143 and Programme 135 for infrastructure development. Poor people are provided with concessional credit. In the 2001-2004 period, the Social Policy Bank provided 3.573 million loans to households. At present, about 75% poor households are using this type of credit, representing 15.8% of the households in the country. Policies to support the poor have been adopted to ensure their access to health services. As of December 2004, over 8 million poor people had been provided health insurance cards or free medical examinations and treatment with total cost of VND 205 billion. Education support is also extended to the poor. More than 3 million poor children are exempted from school fees and contributions every year; 2.5 million poor students were provided with free notebooks and textbooks. In addition, the Government also adopted policies to support the poor in terms of land and housing. By mid-2003, about 10,455 households had been supported with a total land area of 5,139 hectares.

*Figure 2 – Poverty incidence in Viet Nam <sup>2</sup>*



Thanks to support policies and target programmes, since 1986 the poverty rate in Vietnam has gone down continuously, from 70% in the 1980s to 58% in 1992-1993, 37% in 1997-1998, 23-24% in 2004 (using the Vietnamese poverty line). According to the international poverty line, poverty has been halved-meeting the first Goal of the MDGs before the deadline of 2015. In its 2003 report on MDGs “Closing the Millennium Gap”, the UNDP office in Vietnam stated, “recent surveys confirm that Vietnam continues to achieve impressive results in realizing MDGs goals by 2015”.

## 2. Social rights

Vietnam’s achievements in human development are well reflected in the increased Human Development Index (HDI). Vietnam’s HDI has increased rapidly from 0.560 in 1995 to 0.691 in 2002. From 7<sup>th</sup> among 10 countries in Southeast Asia, 32<sup>nd</sup> out of 50 countries in Asia and 122<sup>nd</sup> out of 201 countries in the world in 1995, Vietnam ranked 6<sup>th</sup>, 28<sup>th</sup> and 109<sup>th</sup> in 2000 respectively. And these HID rankings were higher than Vietnam’s rankings in terms of PPP-based GDP per capita, which were 7<sup>th</sup>, 36<sup>th</sup> and 113<sup>th</sup>. In other words, while still being in the lower group of developing countries in GDP per capita, Vietnam is above the average in terms of HDI. This shows that social development is attached with special importance in Vietnam.

Education is given top priority as a national policy in Vietnam. Before 1945, over 90% of the population was illiterate. In 1939, only 238.5 people per 10,000 went to school, of which 40% were to pre-schools and most of the remaining to primary level. Only 0.9% of the population (2,900 people) were students at the secondary and higher education levels, of which 600 being at

<sup>2</sup> UNDP (11/2003), MDGs, Hanoi

higher education. There were only 4,037 schools, including 86 lower and upper secondary schools, 4 high schools. At that time, Indochina had only 3 universities. By the end of 1998, illiteracy eradication and primary education universalization had been achieved in 51 out of 61 provinces; literacy reached 93% and literacy among the working people 97%. By the end of 2000, primary education had been universalized in all 61 provinces and lower secondary education universalized in a number of provinces.

The scope of education has been expanded at all levels to meet the increasing need of the people. In the 2004-05 school year, there are 520,300 classrooms (at three levels of education) with 17.3 million pupils; 214 universities and colleges with 1,131,000 students; 268 vocational schools with 360,400 students.

In spite of the imbalance between the budget revenue and spending, the State budget for education continues to increase, occupying a high proportion. Since 2000, the Government has allocated 15% budget for education and 2% for scientific research annually.

The cultural life of the people has been increasingly improved. The number of libraries in the country increased to 661 from 249 in 1976. The number of books is 14,059 with 222.8 million copies, an increase by 10,960,000 copies compared to 1976. At present, there are 159 professional art troupes and 56 theatres with 25,760 performances per year. There are also 418 cinema operators with 104 cinemas putting on 295,000 shows. There are 11,455 published books, an increase of 3.9 times compared with 1990, in which technical books were up by 6.8 times, textbooks by 5.3 times, children's books by 5.1 times, socio-science books by 3.8 times, literature books by 2.3 times. The total number of copies is 166.5 millions, up by 4.4 times and of cultural works is 28 million, up by 1.6 times, and of newspapers and journals is 653.4 million, up by 2 times compared to 1990.

At present, the people have better access to information technology. The number of telephones has increased by 70 times during the last 10 years, reaching 12.4 million telephones in 2004 compared with 126,433 telephones in 1991. The cellular phone service, which was introduced just in the mid-1990s, now have more than 6.2 million subscribers, that is 72 times higher than 1996. Vietnam has 117 historical and cultural museums located in all provinces and agencies, which enable the people to have a better access to national and cultural traditions. Historical and cultural heritages have been

preserved. 2,300 heritage sites have been classified, half of which are preserved and conserved with the State budget. Many local relics have been restored and upgraded with local people's contributions. Festivals and traditional cultural days have been held throughout the country to meet the increasing spiritual need of the people and to consolidate the cultural traditions and national self-respect.

### **3. Right to healthcare**

People's right to healthcare is always a priority in the socio-economic development strategy of the State of Vietnam. Outstanding progress has been made in the health sector. In 1940, there were only 741 medical facilities, including 187 hospitals/regional clinics and 278 health stations with 13,000 beds (including 9,800 beds in regional hospitals and clinics as well as 1,800 grassroots level clinics) with 600 doctors, 1,600 nurses, 500 midwives, 30 pharmacists. On average, there were 6.46 beds, 0.3 doctor, 0.8 nurse, 0.25 midwife per 10,000 people. It should be noted that all these medical facilities were in services for the elite, not for Vietnamese working people.

As of 2004, there were 13,149 medical facilities in the country, an increase of 1,370 as against 1986 when the reform process was launched, including 11,305 in communes, wards, Government agencies and factories which was an increase of 1,063 as compared to 1986. The total number of beds was 196,300, including 52,800 beds in communes, wards, Government agencies and factories. There were 99,300 doctors, an increase of 35,600 people as against 1986; 49,000 nurses; 17,500 midwives, up by 2,400 compared to 1986; 14,700 pharmacists an increase by 2,600 against 1986. On average, over 10,000 people there were 24.4 hospital beds, 11.8 doctors and nurses, an increase by 1.4 times as compared to 1986. The number of communes and wards having doctors increased from 2,413 in 1997 to 5,366 in 2000, that is from 24% to 51%; the number of obstetric nurses and midwives in communes and wards increased from 7,691 in 1997 to 9,240 in 2000 (from 74.5% to 87.9%).

The budget for the health sector has increased significantly in recent years. The total expenditure of the sector went up from VND 3,610 billion in 1996 to VND 6,276 billion in 2004. Progress has been made in healthcare and social diseases prevention. Every year, the number of malaria infections and deaths is reduced by 10-15%, goiter by 2-3%; over 90% of the total population has access to health services. Reproductive healthcare for women

has also made progress. Maternal mortality rate has remarkably went down, infant mortality decreased from 249/100,000 in 1990 down to 85/100,000 in 2003. In 2004, child malnutrition declined by 1.9% against 2003. Health insurance has been expanded to cover more people. The number of health insurance beneficiaries has been increased from 3.8 million in 1993 (5.4% of the population) up to 16 million in 2004 (over 15%). Besides, the Government has provided health insurance cards for 1.66 million poor people and free examination and treatment cards for 2.45 million people.

According to the World Bank, health indicators in Vietnam are beyond expectation for a country at a similar development level. Vietnam continues to obtain achievements in vaccination programs for measles, diphtheria and tetanus. Poliomyelitis was back in 1996. As for the HIV/AIDS epidemic, in March 2004, the Prime Minister approved the “HIV/AIDS Prevention Strategy in Vietnam until 2010 and Orientations till 2020”.

In addition to developing direct health care and services, the Vietnamese Government has taken preventive measures aimed at improving the people's health, including the clean water supply and rural hygiene programs. The rate of households using clean water increased from 45.19% in 1995 (61.4% in urban areas and 37.8% in rural areas) to 51.8% in 2001. The number of households using hygiene toilets increased from 27.33% in 1995 (54.9% in urban areas, 17.3% in rural areas) to 44.07% in 2000 (81.77% in urban areas, 32.49% in rural areas).

### **III. Rights of Women, Children, Family, Elderly and Disabled People**

#### **1. Women's rights and elimination of all forms of discrimination against women**

The Vietnamese State has promoted and protected the rights of women through specific provisions in the Constitution and laws, especially in the Marriage and Family Law of 2000 (amended). On 21 January 2002, the Prime Minister issued Decision No 19/2002/QĐ-TTg approving of the National Strategy for the Advancement of Women until 2010. Legal documents have concretized women's equal rights with more opportunities to take part in political, economic, cultural and social activities.

In terms of organization, the National Committee for the Advancement of Women of Vietnam has been established, which is under the responsibility of

a deputy prime minister and led by the chairperson of the Vietnam Women's Association, who is also a member of the Central Party Committee of the Communist Party of Viet Nam and deputy to the National Assembly.

In Vietnam, women account for 50.8% of the total population with life expectancy of 74 years on average, which is much higher than that of men of 67.4 years. Women's equal rights at work and in employment opportunities with men are guaranteed. The (Doi Moi) reform policy has enabled women to participate more in the national socio-economic activities. Women also account for 50% of the country's labor force. The ratio is even higher in some industries, like 53% in the agro-forestry and fishery sector, 65% in light industry, 68.6% in trade and services and 65% of public servants. In financial and foreign services, women account for 30% of the staff.

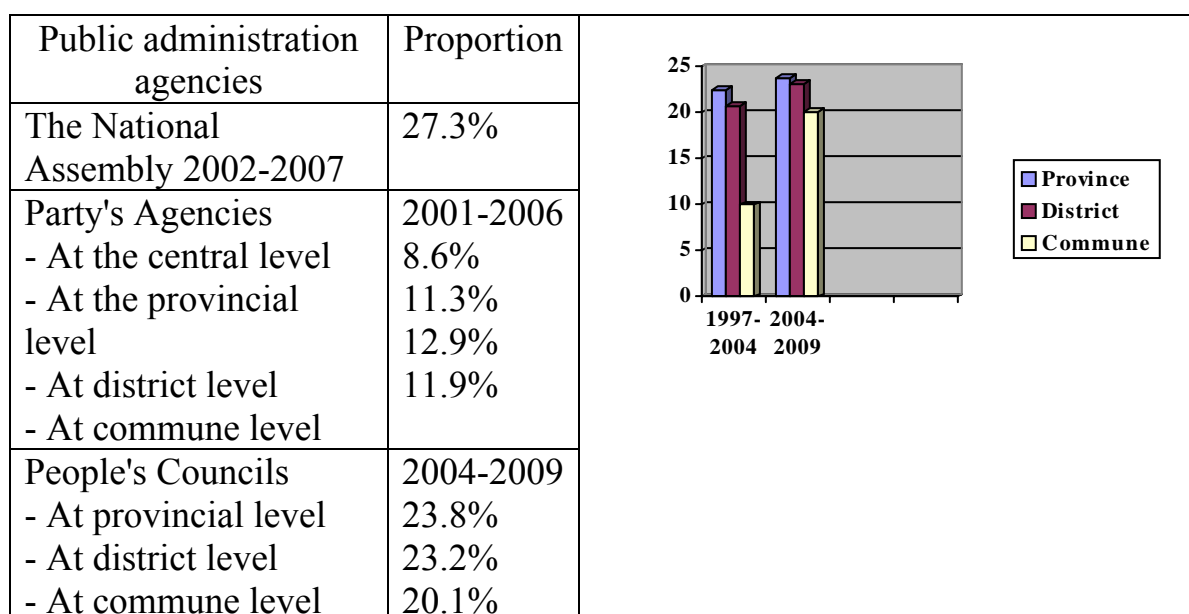
The unemployment rate of women is lower than that of men. In the last six years, it has been around 6.29% against the general rate of 7.51%.

Women workers have been more and more taken care of during maternity period and retirement. Vietnam is among those countries that provide women with more preferences for maternity leave which is longer than 12 weeks as the minimum period stipulated in the ILO Convention on the Protection of Maternity and two months longer compared to the pre-*Doi Moi* period, showing the State's serious attention to women and children's health.

The role of Vietnamese women in the political life has been further consolidated and they hold important positions at all levels. The proportion of women in the National Assembly has increased from 17% in the 1987-1992 tenure, 18.48% in the 1992-1997 tenure and 26.22% in the 1997-2002 tenure up to 27.31% in the 2002-2007 tenure. Vietnam ranks second in Asia-Pacific and 9<sup>th</sup> among 135 countries in the world with regard to percentage of women members in a parliament. One member of the member of the Secretariat of the CPV and a Vice President are women. Women account for 11.9% of ministers and/or equivalent positions, 7.3% of vice-ministers and/or equivalent positions, 13% of DGs and/or equivalent positions, 3.9% of CEOs, 3.3% of provincial people's committee chairpersons and 7.3% of directors of provincial departments.

Table 3: Female Percentage in Administration Agencies

Figure 3: Female Percentage in People's Council Elections



Educational equality between men and women has been progressively guaranteed and female access to education at all levels has also grown to 48.2% in kindergartens, 47.9% at primary schools, 46.9% at junior secondary schools and 46.8% at senior secondary schools, 51.9% at colleges and 39.1% at universities. There is now a contingent of highly educated women cadres, making up 3.5% of professors, 5.9% associate professors, 5.1% Doctors of Science and 12.6% PhDs.

The proportion of communes and wards having obstetric nurses and midwives increased from 74.5% in 1997 to 88.1% in 2001. Accordingly, the average ratio of pregnancy check-ups per woman has increased from 1.6 to 2.1 times, of pregnant women vaccinated against tetanus more than two times, an increase from 83.5% to 88.6%. The rate of maternity care is rather high, up to 95.2%.

## 2. The rights of the child

Bearing in mind that children are the happiness of the family, future of the nation and the world, Vietnam considers protection and care of children the responsibility of the State, the entire society and each family. The Vietnamese Constitution and laws have provisions on the protection of the rights of the child, including 1992 Constitution, the Law on the Protection, Care and Education of Children (12 August 1991), the Law on Primary Education Universalization (12 August 1991), the Environment Protection

Law (27 December 1993), the State Budget Law (20 March 1996), the Education Law (2 December 1998), the Penal Code (21 December 1999), the Marriage and Family Law (9 June 2000) and etc. The National Assembly's Committee on Children has actively worked with relevant agencies to fully implement these policies and guidelines.

To ensure the exercise of the rights of the child, the Government has established a Ministerial-level agency, which is the Committee on Protection and Care of the Child (which is now the Committee Population, Family and Children) and adopted policies on healthcare for mothers and children, on nutrition, education, primary education universalization, social welfare for children in special difficult situations as well as policies on the cultural and spiritual development of children. On 31 May 1999, the Prime Minister issued a decision approving the 1999 – 2002 Plan of Action on protecting children in special difficult situations. This Plan of Actions contains five projects to prevent and address the abuses of street children, to prevent offences violating the honor and dignity of children, including sex abuse, prevent drug abuse among children and etc.

Vietnam is the first country in Asia and the second in the world that signed and ratified the International Convention on the Rights of the Child. Vietnam is actively implementing its commitments and broadening cooperation with the international community to improve children's welfare against the backdrop of the low level of income per capita. On 28 November 2001, Vietnam ratified the two Protocols to the International Convention on the Rights of the Child (Optional Protocol on the Sale of Child, Child Prostitution and Child Pornography; and Protocol on the Use of Children in Armed Conflicts).

Despite numerous difficulties, with unceasing efforts and thanks to great achievements recorded in the national socio-economic and cultural development in the last decade, Vietnam has made significant progress in improving children's living standards and in protecting, taking care of and educating children.

Almost all children's healthcare indicators have been improved during the period of 1997 – 2001. Vietnam has met a number of international targets and standards in the field. In 2000, Vietnam was internationally recognized for eliminating polios. Mortality rate of children under five was reduced from 58‰ in 1990 down to 32.8‰ in 2003 (target set for 2000 was 55‰); the rate



of children under five provided with liquid to compensate water loss due to diarrhea was 97% (target was 80%), vitamin A shortage addressed 100%; measles was reduced by 82.1% as against 1986, deaths from measles reduced by 97.3% as against 1986; the ratio of under 250 grams newborn babies was reduced from 14% down to 7.1% (target was 9%), rate of pregnant women suffering from anemia was only 30%. 70% of orphans are taken care of by the community, 100% of the children brought back home were taken care of and helped with re-integration; 80% of harelip and clef palate children has been included in the smile operations (871 children in 1997; 2,055 in 1998; 2,275 in 1999; 926 in 2000 and 1,101 in 2001, totaling 7,228 children in five years from 1997 to 2001).

Some targets have not been fully met, but remarkable achievements have recorded. For instance, malnutrition rate of children under five was reduced from 42% in 1993 down to 28.4% in 2003, mortality rate of children under one year of age reduced from 43.3% in 1995 down to 21% in 2003; maternal mortality down from 110/100,000 births in 1995 to 85/100,000 in 2004.

In education, many targets in the National Plan of Action for Children in 1991-2000 have been met and surpassed, including those of 37% of the 3-5 year-old children going to kindergartens against the target of 35-40%, 78% of children under five going to kindergartens against 70-80%, 90% of 14-year-old children finishing primary schools against 90%, 94% of children under 14 completing grade 3 against 90%, 3% of primary education repetition against below 5%, less than 4% of primary school drops-out against 6%, 93% of 6-year-old children going to primary school against 90%, 2% of junior secondary education repetition against 5%, 94% literacy at the age of 15 upward against 90%; and 60% of schools with physical education against 50%.

The State has adopted policies to improve children's cultural life. By the year 2000, 50.8% of districts had cultural establishments and play-grounds for children against the target of 50%. Some basic targets for children's cultural and recreational activities have been increased annually: the number of Children's Cultural Houses increased from 226 in 1997 up to 261 in 2001, radio programs for children increased from 365 in 1997 up to 708 in 2001 and TV programmes for children increased from 4,875 minutes in 1997 to 7,300 in 2001.

### **3. Rights of disabled people and agent orange Victims**

After decades of devastated wars, Vietnam now has nearly 5 million people with disabilities (PWDs), or 6% of the population of which 3 millions being war victims, 1.5 million with serious disabilities.

With the tradition of “remember the source when you drink water” for people with great contribution to the nation, “love thy neighbour as thyself” and “the better-off helps the needy”, it is the policy of Vietnam to promote economic development and address social issues simultaneously. The Government provides assistance and care to disadvantaged people, including the PWDs and ensures equal opportunities for them. The 1992 Constitution clearly states that: “the elderly, PWDs and orphans shall be assisted by the State and society. The State and society shall provide opportunities for disabled children to attend school and learn appropriate skills”. In 1998, the State promulgated the Ordinance on People with Disabilities, which stipulates: “The State shall encourage and create favorable conditions for people with disabilities to enjoy their equality in political, economic, cultural, and social rights and to develop their potential for stabilizing their life, integrating themselves into the community and participating in social activities. The State will provide the PWDs with access to healthcare and rehabilitation services, suitable jobs and other benefits as stipulated by law.” As stipulated in the Ordinance, the Day of 18 April is chosen as the Day for the PWDs (Article 31). The Labour Code stipulates that enterprises operating in Vietnam have the duty to employ PWDs up to the proportion of 2% to 3% of their total workforce. Those enterprises that cannot do so should contribute part of their profits to the Jobs Support Fund for the PWDs.

So far, over 38% of people with serious disabilities have received social subsidies on a regular basis. About 1% of them is taken care of at social support centers. There are now 200 centers of such kind, 75% of them having been established and financed by the State. The system of rehabilitation and orthopedic centers have provided many PWDs with orthopedic equipment and wheelchairs. Healthcare centers provide people with serious disabilities and handicapped children with free medical examinations and treatment. Over 6,000 handicapped children are enrolled in 70 special schools and more than 50,000 others gained access to normal education. National programmes on vocational training, job creation, and poverty reduction pay special attention to the PWDs, especially those living in remote or ethnic minority areas. Each year, the two vocational schools for the disabled under the Ministry of Labour, the Invalids and Social Affairs enroll about 1,000

students. Mass organizations such as the Vietnam Association for the Protection of Disabled People and Orphan Children, the Vietnam Sports Association for the Disabled and the Vietnam Association for the Vision-impaired actively help create jobs for the disabled. As a result, thousands of vision-impaired and disabled people have jobs. So far, there have been 400 businesses founded and managed by the PWDs employing 145,000 PWDs. They have received over VND 14 billion from the State budget. The hearing-impaired people have their own clubs and are provided with hearing aids, education and suitable jobs. With the care and assistance from the State and society, the PWDs have made great efforts to overcome difficulties and integrate into the community. They participate in sports and cultural activities. Many disabled athletes won medals in international sport competitions. Cultural and sports activities become one of the bridges that help the PWDs integrate into the community, build their confidence and ensure equal treatment by the society of these people.

Vietnam always actively participates in and responds to international activities for the PWDs. Vietnam signed the 1993 Declaration on the Full and Equal Participation of People with Disabilities in the Asian and Pacific Region. In December 2001, Vietnam hosted the Campaign in response to the Asian and Pacific Decade for Disabled Persons (1993-2002). In January 2001, the National Steering Committee for Disabled People under the Ministry of Labour, the Invalids and Social Affairs was established. Over the last four years, the Committee has made enormous contributions to the Government and relevant Ministries in the implementation of resolutions of the UN, UNESCAP, and the Plan of Action for Disabled People in the Asia-Pacific Region. It also promotes and monitors the implementation of policies for the PWDs and helps establish Vietnam's first set of standards for the building of PWDs-friendly projects to ensure their access and community integration. At present, Vietnam is one of the countries commended by UNESCAP for its plan of action to implement the "Framework of Actions towards an Integrated Society Free from Obstacles and in the Interest of Disabled People".

One of the most enduring and serious consequences of the war that the Government of Vietnam is trying to address is the effects of the Agent Orange (AO)/dioxin used by the US during the war in Vietnam. According to statistics of the U.S. Department of Defense, between 1961 and 1971, the US military sprayed over 72 million liters of toxic chemicals in Southern Vietnam, 44 million liters of which contained the agent orange composed of

170 kg of dioxin – a deadly chemical that causes genetic changes like cancer and birth deformities in the affected victims. All these can be passed down to the victims' next generations, again causing numerous severe diseases such as paralysis, mental retardation, blindness, deafness and deformities. In Vietnam, there are about 2 million people directly affected by the agent orange and about 200,000 deformed children. Most agent orange victims are suffering from serious diseases and agonizing in untold difficulties.

Proceeding from the humanitarian tradition of the Vietnamese people, the State has established Committee 10-80 to study the effects of the agent orange and Steering Committee 33 to help alleviate the consequences of the agent orange. On 24 July 1998, the Red Cross Society of Vietnam established the Agent Orange Victims Protection Fund with the participation of various mass organizations, such as Vietnam Association of Veterans, Confederation of Vietnam Labour Unions, Vietnam Farmers Association, Vietnam Women's Union, Vietnam Lawyers Association and the Ho Chi Minh Youth Union.

Besides, 57 AO Victims Protection Funds at provincial level have also been set up. During the six years since its establishment, the central Fund has raised VND 23 billion and provincial funds raised VND 50 billion. 300,000 agent orange victims have been provided with medical check-up, treatment, orthopedic surgeries, rehabilitation, education, vocational training, working tools, thousands of wheelchairs and houses of gratitude and etc. The 10th August each year is chosen as the National Day of Actions for the Agent Orange Victims, which is to mark the day of 10 August 1961 when the American military used H34 helicopters to spray herbicides along Highway 14, north of Kontum provincial town. On 10 January 2004, the Association of the Agent Orange Victims was established to mobilize the support of fellow countrymen and the international community. Fund-raising campaigns, like the "Join Hands", signatures collection and lotteries and etc. have attracted great attention and responses from the public.

#### **4. Rights of the elderly**

The elderly are an important social force, contributing significantly to the cause of reform and development of the country. In pursuance of the policy of caring for and promoting the role of the elderly, the State of Vietnam has issued a number of legal documents and policies to affirm the role and position of the elderly in the society as well as the responsibility of caring for

and promoting the role of the elderly in the family, State and society. These include the Ordinance on the Elderly issued in 2000 and the establishment of a National Committee on Elderly Affairs headed by a Deputy Prime Minister in 2004. The National Assembly also adopted a resolution on the formulation of a national action plan for the elderly.

Meeting the wish of the elderly, on 10 May 1995, the Association of the Elderly was founded. Only six months later, associations of the elderly were established in 70% of communes, wards and townships throughout the country with the participation of over 5 million people. After more than 10 years of the establishment of the Association, there are now elderly associations in 10,257 communes and wards in the country with the total membership of 6,469,454, accounting for 79% of the total number of elderly. Among the members of these associations, 8,000 are veteran revolutionaries, 1.4 million retired cadres, 1.7 million war veterans, 6,600 Vietnamese Heroic Mothers and 34,000 elderly people who used to be imprisoned by the past enemies.

### **Chapter III**

#### **International cooperation**

#### **in the protection and Promotion of human rights**

Along the line of “Vietnam is willing to be a friend and reliable partner of all countries in the world community, striving for peace, independence, cooperation and development”, Vietnam is for openness and interactions and stands ready to have constructive dialogue and cooperation with all countries on human rights issues on the basis of equality, mutual respect and understanding. In that spirit, Vietnam has participated actively in many bilateral as well as multilateral forums on human rights issues and obtained numerous significant results.

Acceding to international conventions on human rights is a consistent policy of Vietnam, which demonstrates its commitment and determination to ensure the implementation of international legal norms on human rights. Vietnam has become a party to most of the important UN conventions on human rights, namely the Covenant on Civil and Political Rights, the Covenant on Economic, Cultural and Social Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Rights of the Child and the two Protocols on the Involvement of Children in Armed Conflicts and on Children Trafficking, Child Prostitution and Child Pornography, the Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. Since becoming a member of the International Labor Organization, Vietnam has joined 15 international conventions on labor rights, including the important ones like Convention No. 5 Fixing Minimum Age for Admission of Children to Industrial Employment, Convention No. 100 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and Convention No 111 Concerning Discrimination in Respect of Employment and Occupation.

Vietnam fully honors its obligations under international conventions it accedes to. Vietnam has submitted and defended successfully all national reports on the implementation of international conventions on human rights. Specifically, Vietnam submitted and defended successfully its reports on the Implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) on July 11, 2001, the Convention on the Elimination of all Forms of Racial Discrimination (CERD) on August

15, 2001, two reports on the implementation of the Covenant on Civil and Political Rights (CCPR) (first report defended on July 12, 1990 and combined second and third reports on July 14, 2002), two reports on the implementation of the Convention on the Rights of the Child (first report submitted and defended on January 20, 1993 and the 2<sup>nd</sup> and 3<sup>rd</sup> combined report on January 12, 2003). Vietnam has now completed its fourth report on the implementation of the CEDAW and will defend it at the United Nations this year. The completion of a large amount of work for the timely submission of most of the reports is evidence to Vietnam's seriousness and full respect for its international commitments on human rights. This has been recognized and highly appreciated by Committees monitoring the implementation of the conventions and the international community.

Within multilateral arrangements, Vietnam has worked closely with other countries to promote human rights and protect fundamental principles of international law on human rights. Vietnam participated actively as a full member in a number of UN bodies on human rights such as the Commission on Human Rights for the term 2001-2003, Commission for Social Development for the term 2002-2004, ECOSOC for the term 2000-2002. At these multilateral forums, especially the Third Committee of the General Assembly and the UN Commission on Human Rights, Vietnam has worked closely with other countries to contribute to the protection and advancement of human rights and fundamental principles of international law on human rights.

In particular, Vietnam has been participating actively in the struggle against the politicization of and the "double standards" attitude towards human rights issues by some countries, opposing the use of resolutions on "human rights situation" in some countries to create pressure on, intervene in internal affairs and violate sovereignty of developing countries. Vietnam has worked hard to promote the implementation of economic, cultural, social rights as well as the right to development to the same level as that of civil and political rights, taking initiative in and co-authoring many draft resolutions aimed at promoting the implementation of economic, cultural and social rights, especially those on children's and women's rights, education, drug and crimes and etc. Vietnam has also taken part and made active contributions to the work of the Like-Minded Human Rights Group and Asian Group, helping to reiterate progressive views and positions on human rights at the UN. At the 42<sup>nd</sup> session of the Commission for Social Development (February 2004), with the assistance of a number of countries in the region, Vietnam proposed

the theme for the Commission's next session as "International Cooperation in Preventing and Containing Serious Epidemics". Vietnam was also one of the three developing countries which proposed the provision on "international cooperation" to be included in the draft Convention on the Rights of Disabled people as the basis for developing countries to work on during the deliberations of the special drafting committee of this Convention.

In parallel with its activities at multilateral forums, Vietnam is also willing to enter into bilateral dialogue and cooperation with other countries on human rights and social issues of mutual interests. Over the last years, Vietnam has held 10 rounds of dialogue with the United States (1994-2002), 4 rounds with the EU, 3 rounds with Australia and several rounds with Norway, Sweden and Switzerland. In 2004 alone, such dialogues were held with the EU, Australia and Norway. Vietnam's objective in these dialogues is to get better mutual understanding about each other's specific conditions such as policy systems, historical circumstances and cultural identities. The spirit that underlines these dialogues is to seek agreement and minimize differences, promoting the principles of objectivity, non-bias and non-politicizing human rights issues.

Besides, a number of UN rapporteurs and many foreign delegations have been invited to get a better understanding of the situation in Vietnam. In responding to the need for academic exchange and experience sharing among countries in ensuring human rights, Vietnam has hosted a number of international workshops and conferences on this issue, e.g., the Workshop on the Convention against Torture and other Cruel, Inhumane and Degrading Treatment and Punishment (December 2003), the Vietnam-EU Seminar on Capital Punishment (November 2004) and the 6<sup>th</sup> Human Rights Seminar co-sponsored by China, Norway and Canada and participated by more than 20 countries in the region (December 2004). In these events, international delegates had the opportunities to understand better Vietnam's general human rights policy and its specific policies in different areas of human rights protection. The workshops constituted genuine forums for open and frank discussions for greater mutual understanding.

Apart from exchange activities on human rights at the governmental level, Vietnam encourages academic exchange on this issue. As such, the Center for Human Rights Study under the Ho Chi Minh Political Academy has cooperated with Sweden, Switzerland and Canada to organize training courses on international law on human rights and humanity, with Denmark to



publish books on adolescence, with Australia to improve the quality of international law lecturers, with UNICEF to disseminate information on the rights of the child and with the International Red Cross to provide training on international law on humanity. It also exchanges experience in training on human rights traditions with China and the Lao PDR.

Activities to provide the international community with general information and information on human rights have been given greater attention. Vietnam's representative missions abroad have expanded communications about the country and its people. Every year, tens of thousands of publications are sent abroad, highlighting achievements on socio-economic development and on the improvement of people's material, cultural and spiritual life. In 2003 alone, the Ministry of Foreign Affairs sent out more than 250,000 newspapers and magazines, 6,000 leaflets, 2,500 photos and 8,500 books of all types about Vietnam. Many bulletins on human rights and the observance of religions and belief in Vietnam have also been issued. Through these activities, international friends have gained better understanding about Vietnam's foreign policy in general and its achievements in promoting human rights.

## **CHAPTER IV**

### **ABOUT A NUMBER OF FALSE ALLEGATIONS AGAINST VIETNAM IN THE AREA OF HUMAN RIGHTS**

On the strength of the above-mentioned achievements, the State and people of Vietnam deserve to be proud of the results obtained in the protection and promotion of human rights in Vietnam and the appreciation by the world public at large. However, a number of hostile, for their own political purposes, have used and continue to use all means to make fabrications and false allegations against Vietnam on issues related to human rights, democracy, religions and ethnicity.

They often allege that Vietnam violates civil and political rights and personal freedoms by restricting and suppressing freedom of speech and expression. They criticize that Vietnam does not follow international standard procedures in arresting and trying those whom they call “democracy and human rights fighters”. They distort Vietnam’s policy on solidarity and equality among religions and ethnicities. They often criticize the leading role of the Communist Party of Vietnam, demanding the removal of Article 4 of the 1992 Constitution on the position and role of the Communist Party of Vietnam in the national political system.

The contents of the previous chapters are a well-grounded rejection of those false allegations.

The terrorist organizations such as those led by Nguyen Huu Chanh or the “Montagnard Foundation Inc” (MFI) led by Ksor Kok under the sponsorship of the so-called the Transnational Radical Party (TRP) are harboured and supported. The “Montagnard Foundation Inc” is, in fact, a group of a small number of remnants of the FULRO (Front Unifie pour la Liberation des Races Opprimees or United Front for the Liberation of Oppressed Races) who fled to the United States after their looting activities were crushed in the early 1990s. Ksor Kok, claiming himself as the “President” of the so-called “Independent Degar State,” has been frenziedly promoting acts of secession and, for these purposes, has been falsely accusing Vietnam of suppressing, arresting and coercing ethnic minority people and forcing Protestants to renounce their religion in the Central Highlands. They also seek all means to divide and undermine the national unity, and instigate riots like the violent demonstrations and riots in the Central Highlands in 2001 and 2004 are .

The “Vietnam Commission for the Protection of Human Rights” led by Vo Van Ai is also a group of people, because of their bitterness about their defeat in South Vietnam in 1975, have been attempting sabotage and to tarnish the image of their own Motherland. Taking the advantage of his position as Vice President of the International Federation of Human Rights (FIDH), an INGO having the consultative status at the ECOSOC, Vo Van Ai has repeatedly opposed Vietnam at the UN Commission on Human Rights.

The above-said organizations are hiding under the mask of “democracy, human rights” and live on the support of a number of foreign forces. They are trying all means to protect a handful of people who are using the label of “fighting for freedom and human rights” to promote their personal ambitions and foreign interests in disregard of the voice of the majority. In a number of cases, they try to mislead people as to the law violators, turning these law violators into “freedom fighters.” In this connection, it is pertinent to say that the models the self-claimed “freedom and democracy” fighters want to impose on Vietnam are only poor copies of the alien models in countries having historical, cultural and economic conditions totally different from those in Vietnam. If they were really “patriotic,” they should not be putting themselves under the patronage of some foreign forces to cause difficulties to their own country.

Similarly, the above-said organizations and people care about “the religious freedoms” of only a small group of persons who just wrap themselves in the religious cloak to serve the interests of the outside forces; they do not care about the life of religion followers.

Vietnam is a unified and sovereign state, an equal member of the international community that is willing to be a friend and reliable partner of all countries in the world. The basis for a stable relationship between and among states can only be the principles of respect for each other’s independence and sovereignty, non-interference in each other’s affairs, equal and mutually beneficial cooperation and settling differences through dialogue.

In that spirit, Vietnam welcomes the commitments undertaken by other countries in the agreements that they have signed to respect the independence, sovereignty and territorial integrity of Vietnam. One of such agreements is the 21 June 2005 Joint Statement between the Socialist Republic of Vietnam and the United States of America, which clearly states

that the principles guiding the partnership between the two countries are “equality, mutual respect and benefit” and that the United States Government supports “Vietnam’s security and territorial integrity,” and “continuing an open and candid dialogue on issues of common concern, including human rights practices, conditions for religious believers and ethnic minorities”. The fulfillment of these commitments will create favorable conditions for narrowing down differences and promoting the mutually beneficial cooperation.

## CONCLUSIONS

The achievements recorded in the cause of protection and promotion of human rights in Vietnam derive from the combination of the superior and progressive nature of the socialist regime and the national tradition of humanity, of the State's consistent policy of elevating the human being to the center of the cause of national development and the scrupulous observance of the norms and obligations prescribed in the international conventions on human rights to which Vietnam has acceded.

Over the past 60 years since President Ho Chi Minh read the Declaration of Independence, giving birth to the first people's democratic state in Vietnam, the Vietnamese people have surmounted numerous challenges and hardships of wars, poverty and backwardness to build a solid foundation for a genuinely just, democratic and civilized society where fundamental human rights and freedoms are protected and continuously promoted. Together with civil and political rights, economic, cultural and social rights are promoted through the proactive and effective policies of the State. Vietnam's achievements in ensuring human rights, especially those in poverty reduction, health care, education and cultural development are widely recognized by the international community.

The reform (Doi Moi) process launched nearly 20 years ago has yielded important positive results in all fields: the rapid growth of the economy, the maintenance of peace and stability for the country, the notable improvement of the people's life, and especially the strengthening of the people's economic, cultural, social as well as civil and political rights. These achievements are a vivid manifestation of the State of Vietnam's will and determination to protect and promote fundamental rights of its people. At the same time, the success of the reform process also bears out the valuable lesson that if a State is indeed of the people, by the people and for the people and can establish a society in which each individual, while enjoying the rights and freedoms provided for by law, has a high sense of responsibility toward the community, that State can ensure a prosperous and happy life for its citizens. This lesson has been and will continue to be applied by the State of Vietnam in a consistent and effective manner.

The revolution in Vietnam has raised a people from slavery to the position of master of their own country. The *Doi Moi* process is bringing about

prosperity and happiness to the entire people and create more favorable conditions for them to enjoy the fundamental human rights enshrined in the UN Charter. This is the truth shining like the sunlight that cannot be blocked by the hands of any evil forces.