

Vietnam Human Rights Thought In The History And Achievements Of Human Rights Development In Vietnam Today

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Abstract:

In the history of the national Vietnam construction and defense, human rights values reflect in the state humanitarian policy, which bases on the standards of morality and indigenous beliefs and traditions of religion to deal with people. Vietnam's human rights are in line with international standards and principles, especially those in international conventions on human rights to which Vietnam is a member. The correct awareness of human rights issues has contributed to helping the Party and the State of Vietnam come up with valuable guidelines to shape the successful development of policies suitable to the people, deepening the advancement of human rights in the economic, cultural, social, political and civil spheres of Vietnam. By applying qualitative, historical, and statistical methods, the article analyzes Vietnamese human rights thought in history from the founding of the country, focusing on the development of achievements in politics, economics, culture, and society from the Doi moi period (1986) to the present. From the arguments raised at the outset about human rights in the Eastern and the Western and the results obtained in the study, it displays human rights in Vietnam derive from the state to the people. Human rights in Vietnam reflect the guidelines and leadership of the Communist Party of Vietnam and the concretization in the state policies towards the people. It shows that collectivism dominates Vietnamese society, unlike many Western, which always start from individualism.

Keywords: Vietnamese human rights, human rights activities, Vietnamese history, human rights theory, Communist Party of Vietnam

Introduction

In the history of Vietnam, the idea of human rights expresses the state's tolerant and humanitarian opinion and actions towards the people. Human rights belong to the state and stem from the history of thousands of years of solidarity and resilience against natural disasters and foreign invasions by individual Vietnamese in a unified state. The long history and harsh life have molded the cultural and spiritual values

typical for the whole nation of Vietnam. ([Anh, 2017](#)) It is diligence, patience, and perseverance in labor; the spirit of solidarity, endurance, and sacrifice for the community; the indomitable will to fight against foreign aggression; kindness, generosity, and selflessness in dealing with mistakes, and even invaders.

In another approach from the Western, human rights are created primarily through the development of concrete concepts of society,

individuality, self-determination, freedom, authority, and religion. Those concepts laid the groundwork for human rights - or, as they were called at the time – the rights of man. As those revolutionary ideas gained significant influence, they began appearing in political literature and became known as a statement on human rights. (Goodhart, 2009)

It can also show that, up to now, in Western society, many questions have not been answered accurately like that: whether human rights are considered sacred, moral, or legal rights; whether they confirm intuition, culture, customs, social contract, principles of fair distribution, or as prerequisites for happiness; whether they are irrevocable or partially recoverable; and whether their number and content are expanded or limited. (Fichard Falk, 2008)

Through understanding and theoretical debates about human rights, it is clear that human rights have been understood differently in different societies. (Nghia, 2009) The study does not focus on theoretical analysis of human rights values but rather contributes to clarifying the perception of human rights in different civilizations by clearing up the movements on human rights issues in Vietnam. Therefore, we try to use historical and qualitative methods, analysis, and statistics to strongly affirm the efforts of Vietnam to overcome barriers and promote positive values in the past to integrate into the world.

HISTORICAL VALUES OF HUMAN RIGHTS IN VIETNAM

From the time the Hung Kings built the country, the Vietnamese dynasties paid attention to the combination of "human rule" with a "rule by law" between "rule of the country" and "peace of the people." Most Vietnamese people are familiar with folk songs and aphorisms such as "love people as if love yourself," "revenge for grace," "hit those who run away, not those who run back," and "choice, love and take care of yourself." Most Vietnamese people believe that life has "cause and effect," "you reap what you sow," so there is a sense of "cultivating virtues to get virtues" for themselves and their children to have a peaceful life in the future.

In the Middle Ages, under the Ly dynasty (1010-1225), the king promulgated the law of

Hinh Thu (1042) displaying very high humanity. This code includes regulations to limit the abuse of power, and oppression of good people by the aristocratic bureaucracy, especially many provisions rich in humankind as prohibiting the sale and arrest of boys for slavery and did not prescribe the death penalty. (Vinh, 2015) Tran Dynasty (1225-1400) with Dien Hong Conference (1248) especially vividly expressed the spirit of taking the people as the root. With a 10-year resistance war (1418-1427), The early Le Dynasty demonstrated tolerance and humanity towards the enemy. After the enemy surrendered, the insurgents not only did not kill but also provided horses, vehicles, and boats so that the enemy generals and 100,000 Minh troops could safely withdraw back to the country. But the most typical in terms of humanity in the Le dynasty was the Hong Duc Code; This code is on par with famous laws in the world, containing many provisions to affirm and protect human rights. (Thanh, 2008)

In the feudal period of Vietnam, human rights thought was repeated in the democratic tradition in many fields. Typically in community management, recruitment, and the use of talents, including discussion and determining national affairs. (Shiro, 2013)

During the French colonial period (1884-1945), the primary rights of the nation and each Vietnamese people were stripped or severely restricted. However, during this period, the ideas of freedom, equality, and charity of the French bourgeois revolution, the "three values for peoples" thought of independence, freedom, happiness, and the national liberation, and class liberation of the Russian October Revolution has been spread into Vietnam. It creates enormous influences on the development of human rights ideology, law, and practice.

The August 1945 Revolution in Vietnam successfully brought independence and self-determination for the whole nation, citizenship of an independent country, and vital human rights for everyone. It also opens a new era of ideology, law, and practice to ensure human rights in Vietnam. The Declaration of Independence of the Democratic Republic of Vietnam, compiled by Ho Chi Minh, cited immortal arguments on human rights and national independence in the Declaration of Independence of France and the

United States, that President Ho Chi Minh remarkably "extracted," were turned into the norm of modern international law by the World Conference on Human Rights held on June 25, 1993. The Conference declared: "The right of peoples to self-determination cannot away," denying the right of people to self-determination is a violation of human rights. The 1946 Constitution of Vietnam contained very advanced provisions on human rights in the form of civil rights, many of which until 1948 in the Universal Declaration of Human Rights. (Hòe, 1998) The constitution, and the decrees of the Democratic Republic of Vietnam, brought human rights issues to a new, during this time. In addition to property rights, the right to protection of dignity increasingly expanded as the right to inviolability of the body, freedom of belief, etc. (Diễn, 2007) Vietnam entered the resistance war against the French colonist to protect the national sovereignty and human dignity. Shortly after independence, with the determination: "better sacrifice everything than be lose the country, and be a slave." Due to war conditions, in nine years (1946-1954), although the ideas on human rights in the 1946 Constitution were still progressive inherited, the development of human rights and citizenship in Vietnam certain limitations are unavoidable.

In 1954-1975, Vietnam tore into two regions with two different regimes. In the North, the economic, social, and cultural rights focused on ensuring and achieving achievements. In the South, the people took a war of national liberation and reunification. In the temporarily occupied area, influenced by the rule of law from capitalist countries, the rights and individual freedoms in that time are also formally recorded. During this period, the Saigon government was highly militarized and caused human rights violations, especially among those who participated in the resistance.

After reunifying the country (1975), Vietnam joined the United Nations in 1977 and started participating in international treaties on human rights from the early 1980s. In just three years (1981 - 1983), Vietnam Nam has acceded to and ratified seven international human rights treaties by the United Nations. That demonstrates the openness and high determination of Vietnam

in integrating into the international community in the field of human rights. (Cuong, 2017)

DEVELOPING HUMAN RIGHTS ACHIEVEMENTS IN VIETNAM TODAY

From Doi moi (1986) up to now, based on respecting, protecting, and developing human rights, the State of Vietnam has been making great efforts to ensure human rights are respected and realized. The 6th Congress of the Communist Party of Vietnam (1986) affirmed: "Implement socialist democracy, respect and guarantee civil rights." At this congress, this is the first time the slogan is formally stated: "people know, people discuss, people do, people check; all for the people and by the people." (Vietnam, 1987)

During this period, one of the crucial activities of Vietnam was to perfect the legal system on human rights under international principles and standards, especially stated in the international convention on human rights to which Vietnam is a signatory. That proves the enormous efforts of Vietnam in respecting, protecting, and guaranteeing human rights in the context that Vietnam is in the process of building a rule of law state, and the socio-economic situation is still powerless with many difficulties. (Maass, 2012) However, Vietnam is still facing challenges in protecting and promoting human rights, reflected in the situation of violations of some human rights, and civil rights in places, sometimes it still happens.

In 2013, Vietnam promulgated a new constitution. It is the second in the doi moi period. The unique thing about this is that it has a separate chapter on human rights, fundamental rights, and obligations of citizens, which particular and fully recognizes civil and political rights. (Vãn, 2021) The constitution also does not allow sub-laws to make provisions restricting human rights. And even legislation of the National Assembly may not introduce human rights restrictions on any person for any other reason other than those provided by the constitution. Vietnam has issued more than 100 new laws and ordinances related to the guarantee of human rights and civil rights, in line with the 2013 Constitution. The constitution and new legal documents all adhere to the following two basic socialist rule of law principles: first, "The State guarantees and promotes the master of

people right; recognize, respect, protect and guarantee human and citizen rights; realize the goal of rich people, strong country, democracy, justice, civilization, ... (Article 3); Second, "The Communist Party of Vietnam - The vanguard of the working class, at the same time the vanguard of the working people and the Vietnamese nation, a faithful representative of the interests of the working class, working people and the whole nation, taking Marxism-Leninism and Ho Chi Minh Ideology as the ideological foundation, is the leading force of the state and society; The Communist Party of Vietnam is closely associated with the People, serves the People, is subject to the supervision of people, and is accountable to the people for its decisions." (Article 4) That is the result of 35 years of Doi moi, a particular legal guarantee for everyone to have the opportunity and favorable conditions to enjoy human rights. ([Trang, 2020](#))

The Doi moi has brought enormous changes in political, economic, cultural, and social life and created conditions for everyone to enjoy more and more fully human rights. ([Cúc, 2014](#))

The social policies are improving the material life of the members of society and ensuring the minimum needs of people (food, clothing, shelter, travel, study, rest, medical examination, and treatment, and improving physical fitness). The Party and State identify priority issues such as: better ensuring social welfare; creating more and more jobs for workers; focusing on doing well the work of hunger eradication and poverty reduction; ([Điệp, 2013](#)) promoting social insurance; ensuring health care; improve physical health; implement family planning; effectively fight against social evils; prevent and reverse pandemics (such as HIV/AIDS, influenza, COVID-19); environmental protection; timely response to climate change; focus on perfecting the social protection mechanism. The authority identifies the promotion of social policies (such as poverty reduction, job creation, health care, education and training, and strengthening the social security system) as national priorities in protecting and promoting human rights. ([Dân, 2020](#))

At forums of the United Nations, ASEAN, APEC, and ASEM, Vietnam has affirmed achievements in protecting and promoting human rights but made substantial contributions to the

joint effort to promote human rights values, in the context of the international community promoting the formulation and implementation of global agendas such as sustainable development, response to climate change, etc. climate, gender equality, migration, etc.

Vietnam also continues to show its active and active role and make substantive contributions to the struggle of most countries in the world to protect the basic principles in approaching human rights. Those are principles of respecting independence, sovereignty, territorial integrity, non-interference in internal affairs, and non-politicization of human rights issues. From its own experience, Vietnam strongly affirms that dialogue and cooperation are effective ways when consider human rights issues.

At the regional level, Vietnam is also an active member chairing many activities within the ASEAN framework on human rights, including the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Committee on Promoting the Protection of rights of women and children. It has hosted many important events on gender equality and promotes child development in the Asia-Pacific region.

The sovereignty of the Vietnamese people is in the right to vote and stand for election. The results of the election for the XV National Assembly (term of 2021-2026) have shown this. There were 69,243,604 voters (99.60% of the total number of voters) who went to the polls, compared to the total number of voters for the XIV term, this time increased by more than 2 million. Delegates are non-Party (2.81%); For the first time in the National Assembly terms, the proportion of National Assembly deputies who are women is 30.26%, the highest ever. ([Tuổi, 2021](#))

It also is noted that Vietnam is still developing; The life of part of people, especially in mountainous, remote, and disaster-prone areas, still faces many difficulties. Moreover, the market economy brings innovation and rapid development, honors creative labor values, affluence, and wealth, and satisfies the increasing material and spiritual needs of human beings, it entails social problems and directly affects the operation of mechanisms to ensure the

implementation and development of human rights. The government has given many priorities to the development of troublesome areas through poverty reduction programs, legal aid, credit, free education, and other priority policies, still the limited and lacking resources of the country, in many localities such as the physical facilities of the health, education, science, culture, information, sports, etc. Affecting the enjoy the rights of the people.

Currently, Vietnam focuses on economic growth that must go hand in hand with fairness and equality. The development of the market economy must be closely linked with social progress and the development of a rich and forceful country; poverty reduction; towards zero poor households to realize and develop human rights. The authority has mobilized social resources to achieve a sustainable poverty reduction goal, in poverty reduction activities, especially in remote, isolated, and ethnic minority areas facing burdensome conditions. By the end of 2018, the poverty rate was 5.2-5.7%, down 1-1.5% (troublesome districts decreased by over 4%); Per capita income has continuously increased, of poor households have increased from 15 to 20%. Vietnam is one of the first countries to achieve the Millennium Development Goals on hunger eradication and poverty reduction, ten years ahead of the Millennium deadline of the Declaration. (Duyên, 2019)

In the period 2011-2020, the macro-economy of Vietnam maintained firm stability. Inflation was controlled at a low level, creating an environment and driving force for socio-economic development. (In 2011-2015, the growth rate of gross domestic product (GDP) averaged 5.9%/year, In 2016-2020 is estimated at 6.8%/year.) Foreign exchange reserves from 12.4 billion USD in 2010 to over 80 billion USD in 2020. (Đàng, 2020)

Addressing labor and employment is also a national priority direction, which has fundamental significance in the human development strategy. The State of Vietnam respects all economic sectors. Capable and qualified people in all economic sectors facilitate the development process. In implementing the policy of reducing troubles for people, the authorities have cut (estimated) 50% of

administrative procedures. Simplify 61% of proceeding and business conditions and 60% of specialized inspection procedures for import and export goods. In the first 11 months of 2019, there were 126.7 thousand newly registered enterprises with a total registered capital of 1,574.4 trillion dongs and a total number of registered employees of 1,137.1 thousand employees. The 4.5% in the number of enterprises, 27.5% in registered capital, and 11.8% in the number of employees over the same period in 2018. (Duyên, 2019)

Along with that is the implementation of policies to take care of people's health as: ensure the quality of people's rights to life, and improve people's physical and health; step up the proactive prevention and control of social diseases and dangerous epidemics; uphold the responsibility of protecting and taking care of people health; ensure the supply of clean water and environmental sanitation services to the people, ensure food hygiene and safety following advanced regional and international standards; give priority to support health care services for the poor, policy families, ethnic minority areas and areas with particular difficulties. Ethnic minorities and poor households are entitled to 100% health insurance (HI), while 2,327,000 near-poor families participate in health insurance. The reform of medical examination and treatment procedures and procedures creates the most favorable conditions for health insurance to access high-quality medical services. In 2019, it spent about 32,300 billion VND (accounting for medical expenses, about 35%) to support the poor and policy beneficiaries participating in health insurance, to the June 2020 health insurance coverage rate of nearly 89% of the population.

Up to the present, the Party and the State of Vietnam have issued 118 policies related to hunger eradication, poverty reduction, socio-economic development, improvement of life, and security assurance for ethnic minorities. Thanks to the synchronous implementation of these policies, the multidimensional poverty rate in Vietnam decreased from 9.88% (in 2015) to 3.73% (in 2019).

Prioritize education, considering education development as the top national policy to improve knowledge for people, train human resources, and foster talents. In addition, the authority also: encourages and protects the

legitimate rights and interests of domestic and foreign organizations and individuals investing in education; creating conditions for children of ethnic minorities, children of families in areas with troublesome socio-economic conditions, beneficiaries of social policies, disabled people to exercise their rights to study; implementing social justice policies in education, creating conditions for everyone to class. Everyone in society, regardless of ethnicity, religion, belief, male or female, family origin, social status, or economic situation, is entitled to equal learning opportunities.

Regard to freedom of speech, press, and freedom to use the internet has been guaranteed not only in ideology, and politics but also in terms of technical basis (invested by the authority). Currently, Vietnam has 858 printing press agencies, 105 electronic news agencies, and 207 websites of general information of press agencies. In 2018, the National Assembly of Vietnam promulgated the Law on Cybersecurity (effective from January 1, 2019). This law ensures a secure environment for state agencies, businesses, and people on the internet and social networks. The law affirms the right to access information for Vietnamese people and foreigners living and working in Vietnam. In Vietnam today, there are waves of major news agencies and newspapers such as CNN, BBC, TV5, NHK, DW, Australia Network, KBS, Bloomberg, etc. Through the internet, Vietnamese people can continue to access news and articles from foreign news agencies and the press, such as AFP, AP, BBC, Reuters, Kyodo, etc. (Duyên, 2019) According to a report by internet research organization - We Are Social, Vietnam has a population of approximately 96.9 million people, January 2020, there are 68.17 million internet users, accounting for 70% of the people, and up to 65 million social network users, accounting for 67% of the population. With this rate, Vietnam is one of the leading countries in Southeast Asia in terms of internet and social network usage.

According to the "Human Development Report 2019" published by the United Nations Development Program (UNDP) on December 9, 2019, with an HDI of 0.63, Vietnam ranks 118th out of 189 countries. The average life expectancy of Vietnamese people increased by 4.8 years, the

average number of years of schooling increased by 4.3 years, and the per capita income increased by over 354%, Vietnam is in the group of countries with the highest HDI growth rate in the world. According to Ms. Caitlin Wiesen, UNDP Resident Representative in Vietnam: "Vietnam has achieved remarkable growth in human development since 1990. It proves that Vietnam has made progress in implementing the policy of taking care of comprehensive human development." (Dân, 2020)

The Party and State of Vietnam guarantee human rights on the basis of the determination: human rights are value of all mankind; human rights are both universal and specific, depending on the traditions, characteristics and levels of economic, cultural and social development of each country; primary human rights and ethnic rights are unified; human rights have natural origin but must be regulated by law; human rights are inseparable from obligations and responsibilities; human rights should be equally respected and guaranteed; respecting, protecting and promoting human rights is first and foremost the responsibility of each country; protection and promotion of human rights associated with the protection and promotion of peace, stability, security, equality and prosperous life in each country and in the world; dialogue and international cooperation to narrow differences and increase understanding in each approach to human rights, on the basis of respect for independence, sovereignty, territorial integrity, equality, mutual mutual benefit and respect, and at the same time resolutely oppose any manifestation of imposition or use of democracy and human rights issues to pressure and interfere in the internal affairs of other countries. (Nguyễn Đăng Dung, 2015) (Vietnam's, 2018)

Vietnam is a multi-ethnic and multi-religious country with a unique harmony between the main religions in the nation. Currently, the State of Vietnam has 43 organizations belonging to 16 religions with 60 religious training institutions belonging to Buddhism, Catholicism, Protestantism, Hoa Hao Buddhism, and registration level with more than 55,000 dignitaries, 145,000 positions jobs, 29,000 places of worship. 95% of the population of Vietnam has a religious life, of which 26 million followers, account for 27% of the country's population;

there are more than 8,000 religious belief festivals every year, attracting the populous participation of believers and the masses. As of 2018, there are 12 newspapers and magazines related to religion. Most religious organizations have their websites. (Cuong et al., 2021) The birth of religious organizations reflects the Vietnamese interest in consistently exercising the right to freedom of belief and religion. And affirms that Vietnam does not distinguish between whether the person has a believer, religious or not; does not discriminate or discriminate against any religion whether endogenous or transmitted from abroad, whether it is a long-established religion or a newly recognized religion. (Mới, 2016) Religious organizations are a particular channel contributing to putting the guidelines and policies of the Party and the state laws into practice. Religions actively responded to participate in the construction of government at all levels; Many prestigious religious dignitaries were elected National Assembly, People Councils at all levels, Vietnam Fatherland Front, and member organizations. (An, 2020)

However, it should also see that, for a long time, Vietnam has had to deal with many wars that have exhausted the economy, destroyed the environment, and have small resources, affecting the implementation of many goals in social policy related to human rights. Recently, along with positive socio-economic development results, Vietnam has to address human rights issues. However, the resources of Vietnam are still limited in ensuring human rights. Moreover, socio-economic development is not uniform across regions and population groups. Vietnam faces a shortage of resources for evolution, especially in implementing policies to support and guarantee the rights of disadvantaged and vulnerable groups in society. The risks of climate change, natural disasters, epidemics, and other non-traditional security issues, remain a significant challenge for Vietnam, especially for vulnerable groups. Some outdated customs and practices hinder women and vulnerable groups such as children, people with disabilities, and ethnic minorities from actively protecting their rights. The idea of respecting men, disrespecting women, and domestic violence still exists, especially in places with low educational attainment. These problems affect each citizen in

enjoying their rights and also challenge state agencies in formulating and implementing policies to improve the material and spiritual life of people. Along with the lack of resources, despite many efforts, the coverage of the current social security system is still modest, affecting the full enjoyment of economic and social rights and the culture of the people.

We have seen the results of the development of human rights in Vietnam above. It reflects the welfare policies of the state toward the people. People can exercise their rights in fields that range from economic, civil, cultural, political, and social. And especially, the policy gives priority to the disadvantaged, ethnic minorities, and people living in remote and isolated areas. That demonstrates the sharp role of the state in distributing wealth and resources in society and ensuring human rights. Behind those advances, however, is a less-than-positive consequence. It is the expectation, dependence, fear of the government, and fear of fighting against the wrong expressions of the rulers. This side of human rights in Vietnam that this article has not done.

Conclusion

The idea of human rights in Vietnam shows the authority behaves toward the people. Therefore, human rights ideology is closely associated with the government and its responsibility. It reflects the value of human rights in the East originating from the state and different from the Western view. Human rights form according to the laws of nature, so people are responsible for each other and with God. It is the difference between the tradition of collectivism in Vietnam and the value of individualism in the West.

Throughout the history of the nation, human rights values in Vietnam gradually formed. It starts with the humanitarian and moral consciousness of people. Through each feudal dynasty, the value of human rights became coherent through the law. It inherited the precious humanistic tradition of the nation, combining human rule and the rule of law. Despite many limitations of the times, it is undeniable that Vietnam has been conscious of protecting human rights since its founding. Following that tradition, along with the humanistic of the world and humanitarian values in modern times and the

process of opening up and integrating, Vietnam is increasingly showing itself as a country that respects human rights. The behavior of authority towards people is increasingly improved to ensure the primary values of human rights, it recognized in human rights conventions around the world. These efforts of Vietnam recognize by the world and are the driving force for Vietnam to promote exchanges and integration globally.

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