

VIETNAM

ISSUE:

The human rights situation in Vietnam is mixed and remains a concern to the Canadian government.

BACKGROUND:

Vietnam remains one of the world's last communist states, currently undertaking sweeping economic but much more limited administrative and political reforms. The human rights situation has continued a trend of modest improvement over the last several years. As a result of the reform process, limited freedom of speech, religion and political discussion are now tolerated. Despite these modest positive trends, Vietnam's overall performance continues to be mixed and the human rights situation is far from satisfactory. The 8th Congress of the Vietnamese Communist Party in June 1996 while continuing and expanding economic reform policies, rejected political pluralism and confirmed the commitment to one-party rule. An extensive and pervasive security apparatus remains in place. However, it should be noted that there have been no serious accusations of political killings, while violence committed against those in police custody is under increasing scrutiny. Capital punishment exists for a variety of crimes, including drug dealing, corruption and fraud, and is frequently carried out.

Vietnam promulgated a new constitution in 1992 which notes that human rights in all aspects, political, civic, economic, cultural and social are respected. The constitution also guarantees the customary personal freedoms of speech, movement, association, belief and practice of religion, press, ownership of lawful income, and even the right of self-expression. The caveat, however, is that all of these freedoms must be practiced in accordance with the law. This permits the incarceration of dissidents, for example, for openly advocating a multi-party system. The lack of an independent judiciary also limits the possibility of individuals from exercising these rights or challenging state contraventions of individual rights.

Although Vietnamese authorities insist that all detainees are subject to due process, the process involved is heavily weighted towards a presumption of guilt. It is common for individuals to be incarcerated for as long as three years while the case against them is still in the investigatory stage. When the trial finally takes place, there seems little doubt that the verdict has been pre-ordained.

While the law protects both women and minority groups and guarantees them equal participation in governing the country, they are woefully under-represented. The past year has seen a rhetorical recognition of this fact but little in substance.

The cumulative impact of ten years of "doi moi" or "renovation" has been most evident in the expansion of economic rights. There is a palpable sense of improvement as Vietnam's economy becomes based on market principles. The introduction of a Civil Code is meant in part to address the lack of protection for the individual in the economic sphere, but it is too soon to judge its effects.