

VIETNAM

ISSUE

Vietnam's human rights record is mixed despite some improvements.

BACKGROUND

Vietnam remains one of the world's last one-party 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 and the opening session of the 10th National Assembly, which elected a new and economically more progressive leadership, have both entrenched existing policies. While continuing economic reform policies, the new party leadership rejected political pluralism and confirmed the commitment to one-party rule. An extensive and pervasive security apparatus remains in place. There have been, however, 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's 1992 constitution 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 practised "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 contravention of individual rights.

Although Vietnamese authorities insist that all detainees are subject to due process, the process 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.

The rights of women, children, minority groups and disabled persons continue to be weak. While the law protects both women and minority groups and guarantees them equal participation in governing the country, they are woefully underrepresented. The past years have seen a rhetorical recognition of this fact but little substantial action. Vietnam is a signatory to the Convention on the Rights of the Child, but children do not have any special protection in the judicial system. With the deterioration of the health and education system, especially in the rural areas, some are also increasingly disadvantaged. Widespread poverty