

VIETNAM

ISSUE

The human rights situation in Vietnam remains a matter for concern despite some improvements.

BACKGROUND

Vietnam, one of the world's last remaining Communist countries, has embarked on **extensive economic reform** but much more limited administrative and political reforms. Recent years have seen continued modest improvement in the human rights situation. Thanks to these reforms, some degree of **freedom of expression** has begun to take hold and discussion is now tolerated so long as it does not challenge existing political institutions or touch on matters of religion.

Despite these modest improvements, **the human rights situation remains generally uneven and far from satisfactory**. The existing policies have been confirmed by both the Vietnamese Communist Party's sixth plenary meeting in October 1998 (following its 8th Congress) and the opening and closing sessions of the 10th National Assembly, which elected a new and economically more progressive leadership. While continuing the economic reform policies, the new party leadership has rejected political pluralism and confirmed its commitment to one-party rule. The vast and ubiquitous **security apparatus** remains in place. There have been no charges of political executions, but allegations of violence committed against those in police custody have come under increasing investigation. Persons found guilty of a variety of crimes including drug trafficking, corruption and fraud are potential subject to **capital punishment**, which is frequently carried out.

The 1992 constitution guarantees respect for human rights, whether political, civic, economic, cultural or social. It also guarantees the customary freedoms of expression, movement, assembly, belief and religion, press, ownership of property, lawful income, and even the right of self-expression. However, **these freedoms can be practised only in accordance with Vietnamese law**, which, for example, permits the incarceration of dissidents openly advocating a multi-party system. The lack of an independent judiciary also limits the possibility of exercising individual rights or challenging state violations of these rights.

Despite the Vietnamese authorities' insistence that all detainees are subject to due process, the facts reveal a strong tendency towards the **presumption of guilt**. It is not unusual for defendants to be held in detention for three years awaiting completion of inquiries into their cases. When a trial finally takes place, the conclusion seems to have been pre-determined. Vietnam also has a regulation for "**administrative**" or "**preventive detention**" which enables the authorities to hold persons suspected of committing offences that are not felt to be serious enough to entail legal proceedings. Periods of detention in such cases can vary from six months to two years.

**The rights of women, children, minority groups and persons with disabilities remain weak**. Though the law provides some protection for women and minority groups and guarantees them equal participation in governing the country, they remain under-represented on decision-making