

## **VIETNAM LAW ON HUMAN RIGHTS AND HUMAN RIGHTS EDUCATION**

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**Abstract:** Human rights are one of the highest human values that countries around the world uphold and protect. As a member of international conventions on human rights, the State of Vietnam always strives to fulfill its commitments, and actively cooperates with other countries and international organizations in many activities in the world. field of human rights. The first effect is that the State of Vietnam has protected human rights by law and implemented human rights education activities in the national education system. In this article, the author tries to give an overview and overview of the provisions of Vietnamese law on human rights as well as human rights education.

**Keywords:** human rights, education, human rights, Vietnamese law

### **1. Preamble**

In Vietnam, since the August Revolution in 1945 won the victory, the human rights and fundamental freedoms of the Vietnamese people have been respectfully enshrined in the Declaration of Independence prepared by President Ho Chi Minh. drafted and published on September 2, 1945. In the Declaration of Independence, President Ho Chi Minh said: "All nations in the world are born equal, every nation has the right to live and to be happy. and freedom". It can be said that this is an important milestone marking the moment when the Vietnamese people regain and protect human rights. Before becoming a member of the United Nations, Vietnam has voluntarily acceded to many international humanitarian law conventions, such as the "Geneva Convention on the Protection of Civilians in War" (accessed in 2004).

1957), “The Geneva Convention on the Treatment of Prisoners of War (accessed in 1957)... After that, Vietnam also acceded to many international conventions on human rights such as the “international conventions”. on civil and political rights", "International Covenant on Economic, Social and Cultural Rights"... Up to now, Vietnam has joined most of the basic international conventions on human rights. , and has codified those conventions in the national legal system. Within the scope of this article, the author will refer to the provisions of Vietnamese law on human rights and human rights education on the basis of a number of legal areas.

## **2. Contents**

### **2. 1. Constitution**

The Constitution is the foundation for the legal system and state organization of most countries. The 2013 Constitution is the highest legal document of the State of Vietnam that solemnly, clearly and comprehensively recognizes human rights and is reflected throughout the chapters and sections of the Constitution, especially are focused on in Chapter II on human rights, basic rights and obligations of citizens. The 2013 Constitution with a new approach to rights marked a significant milestone in Vietnam's constitutional history in terms of ensuring and protecting human rights, fully expressing the idea of people's sovereignty, promoting democracy and clearly shows the Party's views on human rights “The State respects and guarantees human rights and citizens' rights; take care of each person's happiness and free development. Citizens' rights and obligations are prescribed by the Constitution and the law”<sup>1</sup>.

Unlike previous constitutions<sup>2</sup>, Article 16 of the 2013 Constitution has recognized a very basic problem, by absorbing human values of human rights, enhancing fairness and justice for the people. “everyone” (including Vietnamese

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<sup>1</sup> Document of the 11th National Congress of the Communist Party of Vietnam, Publishing House. National Politics, Hanoi, 2011, p.85

<sup>2</sup> In Vietnam, since 1945, there have been 5 constitutions, including: Constitution of 1946, Constitution of 1959; Constitution of 1980, Constitution of 1992 and Constitution of 2013

citizens and foreigners and stateless people), expanding the audience to enjoy the fairness “Everyone is equal before the law. No one shall be discriminated against in political, civil, economic, cultural or social life”<sup>3</sup>. The principles of the basic legal status of citizens recognized by the Constitution include: citizenship is inseparable from civic duties; everyone has an obligation to respect the rights of others; citizens have the responsibility to perform their obligations towards the State and society; the exercise of human rights and citizens' rights must not infringe upon the national interests, the nation, and the lawful rights and interests of others<sup>4</sup>. These principles are concretized by regulations on specific groups of rights and obligations of citizens.

The first is a group of rights and obligations in the political field, which is the participation of citizens in the exercise of state power and also the expression of citizens' responsibility for this activity. Exercising rights and obligations in the political field, citizens demonstrate their role as subjects of state power in society, and demonstrate their contributions to the common work of the community. This group includes the following specific rights and obligations: the right to participate in state and social management; the right to participate in discussions on national and local issues; the right to make recommendations to state agencies; the right to vote when the State holds a referendum; the right to vote and stand for election to the National Assembly and the People's Council; the right to complain and denounce; duty of loyalty to the Fatherland; obligations and rights to defend the Fatherland; military service and participation in the construction of all-people national defense; obligation to abide by the Constitution and laws, participate in the protection of national security, social order and safety, preserve national secrets, and observe the rules of public life.

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<sup>3</sup> Article 16 of the 2013 Constitution

<sup>4</sup> Article 15 of the 2013 Constitution

The second group of civil rights shows the respect of the State and society for individual freedom (space). This group includes basic rights such as: freedom of movement and residence in the country; the right to go abroad and return home from abroad according to the provisions of law; freedom of speech, freedom of the press; right to information; the right to assemble, form associations, and demonstrate according to the provisions of law; the right to freedom of belief and religion; inviolability of the body; the right to be protected by law in terms of life, health, honor and dignity; the right to be presumed innocent; inviolability of domicile; the right to ensure safety and secrecy in correspondence, telephone and telegrams; the right to compensation for material damage and restoration of honor when caught, detained, prosecuted, tried illegally or because of illegal acts of other subjects...

The third is a group of economic, cultural and social rights and obligations that represent the assurance of the quality of life of each person in society (the right to development). This group includes basic rights and obligations such as: learning rights and obligations; labor rights and obligations; freedom of business; ownership and inheritance rights; the right to scientific and technical research; the right to create literature and art and participate in other cultural activities; Copyright; Industrial property rights; the right to enjoy the health protection regime; housing rights; equal rights between men and women; the right to be protected by the State on marriage and family; children's rights; rights of wounded soldiers, sick soldiers, families of martyrs, people and families with meritorious services to the country, the elderly, the disabled and orphans); the obligation to respect and protect the State's property and public interests; tax obligations and community labor...

## ***2.2. Law on civil and political rights***

Basic civil and political rights include the right to life, freedom of movement, residence, freedom of speech, freedom of religion, freedom to vote, property ownership, and inviolability. about body, honor, dignity... These rights have been

concretized in specialized laws in many fields of our state such as: Penal Code 2015, Civil Code 2015, Criminal Code Criminal Procedures 2015, Housing Law 2014, Residence Law 2020, Belief and Religion Law 2016...

The right to life is the most basic right of every individual, no one can be arbitrarily deprived of his life. The right to life is recognized in many specialized legal documents, but perhaps, the regulations that clearly show the nature as well as the most specific and detailed about this right are those in the Penal Code. In the Penal Code, the human right to life is protected through the state defining acts that cause damage or threaten to cause substantial damage to this right as crimes and prescribe penalties. applies to the person who committed the offence.

In addition to the right to life, human beings also have the inviolability of body, honor and dignity. In the 2015 Penal Code, there are also many provisions to ensure these rights such as provisions on groups of crimes infringing on human life, health, honor and dignity such as: Intentionally causing injury or causing harm Damage to the health of others, Crime of rape, Crime of human trafficking, Crime of humiliating others, Crime of tormenting others...

Everyone is equal before the law and has the right to equal protection of the law without any discrimination. It can be said that equality is a very broad concept. The State of Vietnam prohibits any discrimination on the basis of race, color, sex, language, religion, birth or other status... For ethnic minorities, in addition to being guaranteed basic civil rights are also the right to have their own cultural life, the right to use their own language. This policy of our state is concretized in many provisions of specialized laws such as: Article 3 of the 2015 Civil Code stipulates the principle of equality as follows: “All individuals and legal entities are equal. , must not use any grounds for discrimination; are equally protected by law in terms of personal and property rights”. Or article 9 of the 2015 Criminal Procedure Code stipulates the principle of ensuring the equal rights of all citizens before the law: “Criminal

proceedings are conducted on the principle that everyone is equal before the law. discriminating against ethnicity, gender, belief, religion, social class, and social status. Any person who commits a crime will be dealt with according to the law” or the Law on Nationality also stipulates that the State of Vietnam is a unified state of all ethnic groups living in the Vietnamese territory, all members of these ethnic groups. are equal in the right to have Vietnamese nationality.

In the marriage law, human rights are also protected in many aspects. The law recognizes and protects the right of citizens to get married, equal rights of husband and wife in the marriage relationship, recognizes and protects the right to divorce of husband and wife, the right to father, mother and child, public recognize and protect personal and property rights between parents and children as well as other family members. Every individual who is eligible for marriage has the right to get married in Vietnam. Any acts of deception, coercion or obstruction in marriage are strictly prohibited and handled. Vietnam regulates and maintains monogamy. In that relationship, the wife's role has been recognized and affirmed by law in an equal position with her husband in terms of rights and obligations in the field of property or in raising and educating children as well as in guardian for minor children or adult children who have lost their civil act capacity.

### ***2.3. Law on economic, social and cultural rights***

Basic economic, social and cultural rights of human beings include the right to property, the right to freedom of business, the right to protection of intellectual property, the right to education, the right to cultural and scientific activities ... These rights are recognized and protected in many specialized legal documents such as the Civil Code, the Penal Code, the Enterprise Law, the Investment Law, the Housing Law, the Residence Law, the Education Law, Law on protection of people's health, Law on Social Insurance, Law on Cultural Heritage, Law on Cinema...

It can be said that property ownership is one of the most concerned rights in the group of economic rights. People having the right to own property also means that people have the right to possess, use and dispose of the property under their ownership. The highest level of protection of these rights is the State's regulation of acts that cause damage or threaten to cause damage to property relations as crimes recognized in many articles of the Penal Code and regulations governing the use of property. use the most severe sanctions, especially punishments for those who have committed such crimes. Specifically, Chapter XVI of the Penal Code stipulates 13 crimes related to the act of infringing on property relations (from Articles 168 to Article 180), which clearly shows the position of our State that not only recognizes but also protects the island exercises these rights. In addition to the Penal Code, human property rights are also regulated in the Civil Code into a separate section titled Property and ownership.

People's right to freedom of business is regulated quite specifically and in detail in the Enterprise Law. Accordingly, enterprises have the right to conduct business in sectors and trades not prohibited by law, to conduct business on their own and to choose a form of business organization; proactively select industries, professions, geographical areas and business forms; proactively adjust the scale and business lines<sup>5</sup>... Not only stipulated in the Law on Enterprises, but the right to freedom of business is also recognized and guaranteed in many provisions of the Law on Investment 2020.

#### ***2. 4. Legislation on the rights of vulnerable groups***

Vulnerable groups often mentioned are: women, children, people with disabilities, the poor, ethnic minorities... These are the subjects that are always concerned and protected by the state with many regulations. in law in many specialties.

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<sup>5</sup> Article 7 Enterprise Law 2020

Children are the future owners of the country, an object of special interest in the world community in general and in Vietnam in particular. On February 20, 1990, Vietnam was the first country in Asia and the second country in the world to ratify the Convention on the Rights of the Child (adopted by the United Nations on November 20, 1989 and has effective September 2, 1990). After ratifying this Convention, the Vietnamese state has made great efforts to protect children in many socio-economic and legal aspects. Child rights protection has been institutionalized in many branches of law such as the Law on Children in 2016, the Education Law in 2019, the Penal Code in 2015... Children under Vietnamese law are people under 16 years of age, this provision is uniformity in all specialized legal documents. Article 37 of the 2013 Constitution stipulates: “Children are protected, cared for and educated by the State, family and society; be involved in children's issues. Infringement, torture, ill-treatment, neglect, abuse, labor exploitation and other acts infringing upon children's rights are strictly prohibited. The Penal Code also has many provisions protecting the rights of children. Specifically, the Penal Code guarantees the human rights of children through the regulation on the age of criminal responsibility. According to Vietnam's criminal law, not anyone who commits an act dangerous to society specified in the Penal Code shall be held criminally responsible, but only those aged full 14 years or older. criminal liability and criminal liability in these cases also have a division. Specifically, offenders from full 14 years old to under 16 years old only have to bear penal liability for very serious crimes or especially serious crimes in some types of crimes such as murder, intentional crimes. causing injury or causing harm to the health of others, robbery, etc. Children, even though they are very small, have the potential to violate the criminal law. But if they commit a crime when they are under the minimum age of criminal responsibility, they are definitely considered not guilty and in Vietnam that age is 14. Not only the age of responsibility is regulated. The Penal Code also ensures the human rights of



children through regulations on not applying life imprisonment or death penalty to children committing crimes. All child sentences are for educational purposes to release the child, reintegrate into society and be able to assume an active role in society. In addition, the Penal Code also has many laws regulating children's human rights such as regulations on principles and ways of handling when children commit crimes, regulations on sanctions to be applied. For children committing crimes, it is specified that the child victim is an aggravating circumstance for criminal liability and an aggravating circumstance that is framed in many specific crimes...

In addition to children, women are also identified as one of the subjects protected by the law, especially pregnant women. There are many regulations showing this concern of the State such as the Law on Gender Equality, the Ordinance on Prostitution Prevention and Control, the Penal Code, etc. The introduction of the Law on Gender Equality has made an important contribution to affirming its position. Therefore, the role of women in modern society, against customs and views that favor men and women, has existed for a relatively long time. Not only recognizing but also prohibiting acts that infringe upon the equal rights of women in general, and give priority to pregnant women in particular.

Other subjects such as the elderly, people with disabilities, ethnic minorities... also receive special attention from the state. This interest is recognized in many legal documents such as the Law on the Elderly 2009, the Law on Persons with Disabilities 2010, the Labor Code, the Law on Prevention of Viruses that Cause Acquired Immune Deficiency Syndrome. (HIV/AIDS) in 2020, regulations on social relief, social protection...

### ***2.5. Law on human rights education***

Although human rights is not an easily understood category, human rights education to a certain extent and by appropriate methods is necessary and possible. Human rights education, at a relative level, can be understood as an organized and

oriented activity of the subject of education on the object of education in order to form in them (object) knowledge, ideas, awareness and responsibility for human rights and their behavior orientation in respecting and protecting human rights in life<sup>6</sup>. Reality in the world has proved the usefulness and effectiveness of forming individuals' awareness and respect for human rights from a young age through the implementation of human rights education for general students. In Vietnam, Vietnam has always identified human rights education as one of the measures to exercise human rights because education is a tool to convey basic beliefs about human rights and form a sense of respect for human rights<sup>7</sup>. In Vietnam, human rights education has also been carried out for a long time in schools, mainly through the subject of ethics. However, since the renovation until now, human rights education activities in high schools in Vietnam have been strengthened by a new step, with the integration of many specific principles and standards of the law. international human rights into the educational curricula of schools, especially in the subject of Citizenship Education.

For elementary school students, the Ethics subject includes lessons to guide them to respect others such as respecting foreign guests, respecting other people's letters and property, respecting women... In these lessons, although the specific concepts of rights have not been used and the new knowledge and information conveyed are at a simple level, it is clear that through the above lessons, students can understand some basic principles of human rights and the obligation to respect the human rights of relevant target groups.

At the lower secondary level, the number of human rights lessons in the curriculum has increased, the lessons contain broader and deeper knowledge of human rights. However, similar to the primary level, the human rights lessons at the

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<sup>6</sup> Vu Anh Tuan (2016), Some factors affecting human rights education today, *Journal of Legislative Research*, No. 9, p.19

<sup>7</sup> Nguyen Thi Hong Yen, La Minh Trang (2020), Propaganda, education and awareness raising about human rights in Vietnam, *Journal of Legislative Studies*, No. 21, p.3

lower secondary level are still designed through the contexts of daily life and are appropriate to students' social perceptions according to the age, to help them understand the sometimes complex concepts and categories in the field.

In the upper secondary education curriculum, the subject of Citizenship Education has a high theoretical and general nature, with many relatively abstract contents for teenagers. Students have access to a variety of content related to citizenship such as the Constitution, civil rights, procedural rights and a number of rights in specific areas such as land, tax, administrative law. main...

It can be seen that Vietnam has paid much attention to human rights education. The design of human rights lessons in the civic education program has taken into account the cognitive and psychological levels of students at each age. In addition, human rights are also studied and taught at universities majoring in law, political science, international relations, etc. In these universities, students can study rights content. Human rights are integrated into the curriculum of a number of related law disciplines, mainly international law, Vietnamese constitutional law, foreign constitutional law, etc. Some other institutions have a separate subject on child rights. People.

Not only does it include teaching activities in schools, but human rights education in Vietnam also includes training and information dissemination activities outside the national education system. Training and propaganda on human rights outside, although not as systematic and formal as in schools, also make an important contribution to raising people's awareness of human rights.

### **3. Conclusion**

The Constitution and laws of Vietnam have fully demonstrated all the basic and universal human rights enshrined in the 1948 Universal Declaration of Human Rights and other international conventions of the United Nations on human rights. . This proves the great progress and great efforts of the State of Vietnam in respecting,

protecting and ensuring human rights in the context that Vietnam is still in the process of building a rule of law. , when the economic and social situation of the country is still difficult. At the same time, it is an affirmation for the recognition and guarantee of human rights by the State of Vietnam. On the other hand, it is also the clearest evidence to extinguish and smash all distorting propaganda on human rights issues and human rights exercise in Vietnam by hostile objects and organizations.

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