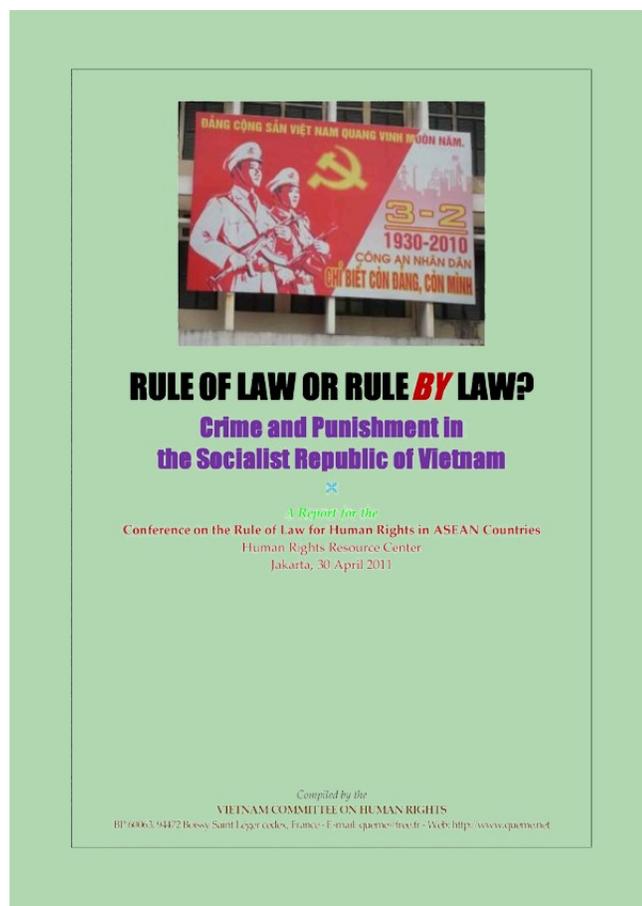


VCHR - Rule of Law or Rule by Law, Crime and Punishment in the Socialist Republic of Vietnam (Report)

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Report "Rule of Law or Rule by Law, Crime and Punishment in the Socialist Republic of Vietnam"

EXECUTIVE SUMMARY

Despite

Vietnam's accession to core human rights treaties and its adoption of extensive new legislation, serious gaps remain between international norms and Vietnamese laws and practices. Vietnam continues to adopt laws that restrict the exercise of human rights, and imprisons peaceful critics under vague "national security" provisions. Legislation on administrative detention empowers local police to detain suspected "national security offenders" without any due process of law.

Vietnam is

currently receiving millions of dollars from the World Bank, the ADB, UNDP and a host of donor countries to finance programmes of legal reform. Yet it continues to adopt restrictive laws in violation of the UN treaties to which it adheres. If the international community takes firm steps to ensure that this funding is used to bring domestic legislation into line with international human rights law, these legal reform programmes could have a real impact on human rights protection in Vietnam. If not, then international donors could well be helping Vietnam to build a legal stronghold that will stifle fundamental freedoms and rights, and move not towards the rule of law, but the rule by law – the use of the law to suppress alternative expression and reinforce the one-Party State.

This report

examines the restrictions in Vietnam's legislation and the inconsistencies with the UN treaties that it has ratified, and makes recommendations to the Vietnamese government, the

Quê Me

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international community and member states of ASEAN. We hope that it may contribute to the common goal of advancing the rule of law in Vietnam and in the ASEAN community, in conformity with the provisions of the ASEAN Charter and international human rights instruments.

See: [On 36th Anniversary of the End of the Vietnam War, Vietnam must reform its Legal System says report on “Crime and Punishment in the Socialist Republic of Vietnam” \(VCHR, 30 April 2011\)](#)