

# THE ESTABLISHMENT OF HUMAN RIGHTS INSTITUTE THE FOUNDATION FOR THE RESEARCH, TEACHING AND CONTRIBUTION TO THE DEVELOPMENT AND COMPLETION OF THE POLICY AND THE LAWS TO ENSURE HUMAN RIGHTS IN VIETNAM

• Assoc.Prof. Ph.D. Hoang Hung Hai\*

***Abstract:** The Human Rights Institute was established on September 17, 1994. This is the first institution in Vietnam that has been officially assigned by the Party and the State to research, teach, disseminate, and consult on policies and laws on human rights. This event can be considered as the first step for the strong development of education and training, contributing to the completion of policies, laws and human rights in Vietnam.*

***Keywords:** Institute of Human Rights, human rights, guarantee of human rights.*

Human right is a precious value that is deeply paid attention to by nations, peoples and human communities. Today, human right is considered as a measure of the progress and civilization of societies, regardless of political regimes, development levels and cultural identities. According to the common conception of the international community, human right, as a moral value, is a basic and inherent social value of human beings. These values include respect for dignity, freedom,

equality, humanitarian spirit, tolerance and a sense of responsibility of individuals towards the community and of the state and community towards individuals. As a legal value, human right is a lawful regulation (in national and international laws) to protect the dignity, material and spiritual needs of all walks of life, together with the obligation of each individual to the state and society.

History shows that, after the issuance of the Declaration of

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(\*) Deputy Director of Human Rights Institute, Ho Chi Minh National Academy of Politics.

Independence of the United States (1776) and the Declaration of the Rights of Man and of the Citizen (1789), the people from colonized countries in general and the Vietnamese in particular still had to live in slavery and under the rule of colonialism and feudalism.

Under the old regime, the precious value of human rights was largely denied. The Vietnamese hardly knew about the natural rights bestowed upon by heaven and earth for all people born on the earth. The August Revolution was successful, which remarked important milestones and turned over a new leaf in the restoration the human rights of all Vietnamese people. The most important milestone was that in the first meeting of the Government, President Ho Chi Minh had set out an urgent mission: to build a Constitution to declare the rights of the people for the people. Only one year later, the first Constitution of Vietnam was issued. Since then, human rights have been mentioned more often.

Inheriting good values from the national tradition, adhering to international laws, demonstrating a sense of responsibility towards the international community, Vietnam attaches great importance and attempts to ensure and promote human rights, and always learn and explore ways to better ensure human rights, including promoting human rights education.

In the context that the world and Vietnam underwent many changes, to orient the protection and promotion of human rights in Vietnam, the Secretariat of the Central Committee of the Party issued Directive No. 12/CT/TW (dated 12 December 1992). This is an important document that sets the foundation for the establishment of the Human Rights Institute. Not long after that, on 17 September 1994, the Center for Human Rights Studies (currently being the Human Rights Institute), an affiliate of Ho Chi Minh National Academy of Politics (“**HCMA**”), was established. That the Party and State assigned HCMA to establish a specialized agency on human rights demonstrated a political determination and strategic vision for human rights in Vietnam

In the early days of its establishment, despite the favorable support from the Party and State and HCMA, the Institute encountered many difficulties because it was a new agency with a new major in Vietnam. The most important task at that time was to focus on building a group of staff along with preparing databases and documents for human rights research and teaching.

Then, in 2005, the Center for Human Rights Studies was renamed into Institute of Human rights Research. Pursuant to Decision No. 770/QĐ-HVCT-HCQG dated 31 March 2009, the Director of HCMA assigned the Institute to perform the following functions and tasks:

1. Regarding scientific research

a) Study theoretical issues, international and national laws on human rights, including: Marxism-Leninism, Ho Chi Minh's Thought, viewpoints, directions and policies of the Party and the State on human rights; human rights theories and human rights matters around the world; International laws, experiences of other countries and national laws on human rights; Summarize practical experiences, develop theories, and provide scientific evidence for the formulation and completion of the direction of the Party, policies and laws of the Government, positively contributing to the implementation of the Party's ideology.

b) Research and develop programs and contents; write and revise textbooks, learning materials and reference materials on the subject of human rights.

2. Regarding education and training for the officials, state officers, public employees

a) Participate in education and training for officials of all classes according to plan of HCMA on human rights

b) Training the officials with political theories and postgraduate certificates (Masters, PhD) on human rights for HCMA, political schools of provinces and centrally administered cities, training schools of ministries, departments, central organizations, research institutes, universities and

colleges throughout the country

c) Foster the knowledge and research methodology on researching and teaching human rights for the state officials who research and teach the specialized majors of HCMA, political programs of provinces and centrally administered cities.

d) Participate in training leaders, managers and political officials for some foreign Parties and countries.

3. Actively participate in the fight against hostile and wrong conception in the field of human rights.

4. Inform and publish scientific research results on human rights in scientific bulletin in accordance with the laws and regulations of the Director General, HCMA.

5. Advise the Director General of HCMA on the programs, contents, training, fostering and scientific research on human rights.

6. Cooperate with domestic and foreign organizations in researching and training on human rights in accordance with the laws and regulations of the Director General, HCMA.

After the establishment of the Institute, within a short period of time to prepare the necessary conditions for the introduction of the subject of human rights into teaching at HCMA, since 1998, the subject of Human Rights Theories has been taught at HCMA. Four years later, the first Human Rights Theories textbook was published in

Vietnam and written by lecturers of the Institute. Based on this textbook, many new contents were revised, supplemented and updated later, which leads to the publication of new textbooks.

At the beginning, there was not much knowledge, experience and materials for teaching and research. In the course of doing scientific research and improving the quality of teaching, the HRI made arguments and was assigned an independent state-level topics "Ensuring human rights in the renovation era in Vietnam: Achievements, reality and solutions" (2001-2005). The staff of the Institute were mobilized to participate in the implementation of the topic. The implementation process and research results initially contributed positively to the teaching of human rights at that time.

In the early days of establishment, the subject of Human Rights Theories was taught for undergraduates and students with advanced political theory level in HCMA. Afterwards, this subject was included in the curriculum of classes of HCMA opened in the provinces and centrally administered cities and then the contents of human rights were taught in the intermediate political theory level. Since the establishment of the Institute up to now, millions of leaders and managers have been learning about human rights

The research and teaching activities are constantly being fostered and developed. At first, human rights are only taught for classes of HCMA; now, the teaching of human rights has expanded nationwide. At first, human rights are only taught for undergraduates or students with advanced political theory level; now, the Institute has been teaching Master's programs education and then will offer Ph.D. programs about laws on human rights.

In addition, hundreds of officials and scientific researchers have been educated, trained, and attended conferences and seminars on human rights. Besides, the Institute also participates in the compilation of advanced political theory textbooks for Lao students and organizing human rights training courses for Lao officials in Vietnam and Laos.

The Institute sets out plans and strategies for scientific research in which human rights are focused. Research topics concentrate on theoretical issues combined with solving practical human rights issues in Vietnam in accordance with the progress of innovation and international integration.

Along with the implementation of scientific research topics, the Institute has published the Human Rights bulletin which creates a space for the its staff to publish their scientific research results, disseminate theoretical and practical knowledge of ensuring

human rights in Vietnam in particular and all over the world in general. The results of scientific research activities continue to be improved by the fact that the Institute was allowed to publish the Laws on human rights journal. Although the journal has just been released recently, it has received enthusiastic support from leaders, managers, theoretical researchers.

The topics the Institute pays attention to and includes in the curriculum and the exchange with leaders, managers concurrently being students of the Institute are both long-term and urgent matters, for example: the ideology of Human rights in the Vietnamese tradition, Marxism-Leninism, Ho Chi Minh's Thought on human rights, human rights in the current international context, international laws and Vietnamese laws on human rights, ensuring human rights in the construction of the Rule of Law and a socialist-oriented market economy.

Along with the proactive and active implementation of research and teaching tasks, the Institute has organized and participated in many national and international conferences on human rights. The Institute has organized many seminars to make contribution to the construction and completion of the direction, policies and laws pursuant to the criteria of ensuring and promoting human rights. Previously,

many topics that were considered sensitive such as the right to access to information, human rights in judicial management, anti-torture conventions were actively discussed and argued in national-level conferences organized by the Institute. The conferences have the attendance of many scientists, leaders, managers, officials, state officers and public employees performing tasks directly related to human rights and the results of the conferences made a widespread impact on the community. Although the research and teaching results are still limited compared to the practical needs, those results have more or less made impression in the progress of building, amending and supplementing regulatory documents (Constitution, Criminal Code, Criminal Procedure Code, Law on Access to Information ...), national reports of Vietnam at the United Nations on human rights.

The first of November 2018 marked an important milestone in the construction and development of the Institute. On that day, the Director General of HCMA issued Decision No. 6580-QD/HVCTQG defining the functions, tasks and organizational structure of the Institute. Since then, the Institute of Human Rights Research has been renamed into Human Rights Institute and performed its functions and duties as follows:

1. Education and training for officials

a) Participate in education and training for officials under human rights classes in accordance with the plan of HCMA;

b) Teach post-graduate programs specialized in laws on human rights;

c) Participate in education, training and fostering the knowledge of human rights for officials, state officers, public employees of committees, ministries, sectors and localities according to the programs, plans, projects approved by competent authorities;

d) Provide guidance on the contents of teaching, learning and researching on human rights for the lecturers of HCMA; political schools of provinces and centrally administered cities; fostering schools for officials of committees, ministries, sectors, and central groups, and human rights education for different levels and grades in the national education system.

## 2. Scientific research

a) Research the theoretical issues, international laws and national laws on human rights, including:

- Marxism-Leninism, Ho Chi Minh's Thought, viewpoints, directions, policies of the Party and State on human rights.

- Perspectives and doctrines on human rights and new issues related to human rights in the world

- International laws, laws and practical experiences promoting and protecting human rights of regional

countries and in the world.

- To summarize the practical experiences, develop the theories and provide scientific evidences for the construction and completion of the direction of the Party, policies and laws of the Government on human rights, the fight against hostile and wrong conceptions, which actively contributes to the implementation of ideology and theories of the Party.

b) Develop programs and contents, compile and revise textbooks, learning materials and references on the theory and law of human rights.

c) Participate in researching, developing and compiling program contents, textbooks, and reference materialson human rights education in the national education system.

3. Implement programs, plans and projects on scientific research cooperation and participation in educating, training and fostering staff of national and foreign agencies, organizations and education and training institutions on human rights in accordance with the laws and regulations of HCMA.

4. Inform and publish scientific research results on human rights in scientific bulletin in accordance with the laws and the regulations issued by the Director General of HCMA

5. Advise the Director General of HCMA on the programs, contents, training, fostering and scientific

research on human rights.

6. Cooperate with competent agencies and organization in the dialogue, fighting and criticism of wrong conceptions in the field of human rights in Vietnam.

7. Build, manage the groups of officials, state officers and public employees, staff of the Institute in all aspects; implementing regimes, policies, emulation - commendation and discipline policies for officials, state officers, public employees and staff of the Institute within its competence; to prevent and fight against corruption, negativity and squandering in accordance with laws; manage finance and assets as decentralized by the Director of the Academy.

8. Perform other tasks assigned by the Director General of HCMA.

Compared to the past, the Institute is now having a number of new additional functions and tasks: Guiding the teaching, learning, and researching on human rights for the lecturers of HCMA, political schools of provinces and centrally administered cities, fostering schools for officials of committees, ministries, sectors, and central groups; publish a legal journal on human rights; cooperate with relevant ministries to include the contents of human right into the national education system.

The theoretical research and training for group of officials closely

comply with international human rights standards, protect the foundational ideology of the orientation towards socialism, and refute the claims that distort the human rights situation in Vietnam. In addition to the implementation of the mission of researching and teaching, the staff of the Institute has responded to radio and television agencies to clarify the results of human rights protection in Vietnam. Up to now, the staff of the Institute have published and posted dozens of books and hundreds of articles on human rights, contributing to raising awareness of human rights and ensuring better human rights in Vietnam.

The establishment of Human Rights Institute expresses a consistent ideology and a great attention of the Party and State in ensuring and promoting human rights in Vietnam and the responsibility of Vietnam towards the international community. Although the results are still limited compared with practical needs, the results of scientific research, teaching and training of the Institute have made a certain impression on the respect, protection and implementation of human rights in general, contributing to the completion of policies and laws on human rights in particular.■