

National Network of Indochina Activists

Merle E Ratner & Ngo Thanh Nhan¹

Universal Periodic Review Submission – Vietnam for January, 2014

Introduction

We are pleased to be able to submit this report in relation to the United Nations Human Rights Council Universal Periodic Review submission of the Socialist Republic of Vietnam.

We represent a network of activists living in cities and towns across the United States who have been doing voluntary, nonprofit work with the Vietnamese people for many years. Some of us started our activities during the United States war in Vietnam in the 1960's and 1970's and others of us have become more recently involved in social justice and humanitarian work focusing on issues such as Agent Orange, women's and labor rights, and poverty alleviation. We have organized and participated in wide range of people to people exchanges including arranging delegations of veterans, faith communities, workers, etc.

The authors of this submission travel frequently to Vietnam, most recently in January, 2012-February, 2013. Over the years, particularly in the past five years, we have traveled to more than 40 of the 63 provinces in Vietnam and have visited lowland and highland areas, coastal and forested regions, rural and urban areas from the south to the north of the country.

As our organization includes a spectrum of people in the U.S. including Vietnamese Americans, we have access to wide networks in many communities in Vietnam.

Over the years we have visited Vietnam, we have seen positive developments in assuring the human rights of its people. This is true from both the governmental and grass roots level since the Vietnamese political system includes a strong role for peoples' organizations and activities. Moreover, the Vietnamese people, who have sacrificed so much to achieve their independence from such an extended period of colonialism and imperialism, are quite proactive in maintaining and defending the rights that they fought so hard to achieve!

Below are some conclusions our members have drawn from our engagement with Vietnam over the past five years.

Economic, Social and Cultural Rights

Poverty Alleviation and Standard of Living:

Vietnam has become a world leader in poverty alleviation, according to the UN's own figures.

¹ Co-Coordinators, National Network of Indochina Activists; Dr. Ngo Thanh Nhan is a visiting scholar at New York University, Linguistics String Project and Fellow at Temple University Center for Vietnamese Philosophy, Culture & Society; Merle Ratner and Ngo Thanh Nhan are Co-Coordinators of Vietnam Agent Orange Relief & Responsibility Campaign. They are both citizens of the United States.

For a country which survived more than one hundred years of colonialism, war and devastation, emerging as one of the poorest countries in the world, its progress in improving the lives of its people is very impressive!

When our members first visited Vietnam after the U.S. war the poverty was endemic, people were hungry and lacked adequate housing. In the past five years, there have been dramatic improvements in the standard of living of the people.

In the cities, shantytowns have almost entirely been replaced by modern housing. In the countryside, more and more of the earthen houses are being replaced by brick houses and many women headed and Agent Orange affected families have had new houses built for them by their communities with help from the government. For example, in several provinces visited over a period of three years, earthen houses had almost entirely been replaced by brick houses with indoor plumbing.

Vietnam has long achieved food sufficiency and has eliminated starvation. The level of malnutrition has declined rapidly.

Basic health care and primary and secondary education are universally available in every area of Vietnam down to the commune level and are provided at fairly low or no cost to all Vietnamese.

Women's and Children's Rights:

Vietnam actively works to empower and protect women and children. Through the work of the Vietnam Women's Union, which has chapters in every single commune in the country, women are supported and encouraged to gain equality in all aspects of society from the workplace to the home. Serious attention is paid to combatting domestic abuse, trafficking in women and other forms of violence against women and children. Great attention is paid to the development of the girl child and to fostering the education of girls. Thus literacy among women is quite high.

Rights of Nationalities:

Vietnam, a country with 54 nationalities, takes the rights of each nationality quite seriously. We have traveled to national minority mountainous areas and found consistent affirmative action programs implemented to provide jobs, housing and other services. Particular emphasis is placed on assisting national minority groups to preserve, maintain and develop their unique cultural heritages. Vietnamese linguists have worked with such nationalities to help them develop written languages. The contributions of Vietnam's nationalities are celebrated throughout the country on national days.

Labor Rights:

Defending the dignity and labor rights of working people is at the core of economic and social rights and Vietnam has an active and militant labor movement that represents its working people. Vietnamese law provides that workers have the absolute right to form unions in every workplace and the right to strike. The Vietnam General Confederation of Labour (VGCL) and its grass roots activists are developing mechanisms for collective bargaining and negotiation. Workers in many enterprises where the official bargaining procedures do not proceed quickly enough often engage in impromptu strikes. The VGCL and the Vietnamese government usually step in to

mediate and in nearly every instance, the workers win at least part of their demands. In the current international climate, we believe that Vietnam's labor movement is one of the most successful in demanding and gaining decent pay and working conditions.

Civil and Political Rights

Vietnam's law on civil and political rights has been developing from the post-war period to the current period of the socialist oriented market economy. The Constitution of Vietnam is now being re-written to guarantee even more rights to the people, after a lengthy period of public input and comments.

From our work with Vietnam, it is clear that Vietnamese people feel free to speak their minds on the issues that affect their lives. They are quite outspoken about policies they disagree with and about leaders who they trust and do not trust. Demonstrations about land and community issues are frequent and are tolerated if not welcomed.

The Vietnamese press has been similarly outspoken about exposing corruption and malfeasance in government, even at the highest levels.

Civil and political rights are meaningful not as symbolic measures but only if they are effective! What we have experienced in Vietnam is that there is a great deal of real, grass roots power that communities can and do leverage to gain what they need and to stop what they deem detrimental to their interests. This is accomplished through the mass organizations, through local governments and through other types of peoples' organizations.

The National Assembly has also become more and more of a forum for expressing and making real the peoples' will. Recently, the Assembly held a vote of confidence for the country's highest officials and the results (including very low totals for some of the top leaders) will have real consequences for both future election slates and current policies.

Like every other country, Vietnam must maintain its security, stability and sovereignty. Like all countries, Vietnam enforces its laws to do so. While there are certainly some grey areas, many of those deemed "political prisoners" by critics of Vietnam have admitted engaging in actions which would be crimes in any country. Nonetheless, Vietnam has a much lower percentage of its population in prison and in the criminal justice system than the United States.

Agent Orange – a U.S. Human Rights Violation Thrust Upon Vietnam

The United States war against Vietnam left a legacy of chemical and other warfare that continues to affect the Vietnamese people today. Land mines and other unexploded ordinance still kill and maim Vietnamese children and farmers. The most enduring stain left by the war upon the land and people of Vietnam is the U.S.' use of the chemical weapon, Agent Orange. Containing dioxin, the most toxic chemical known to science, Agent Orange has affected from 3 to 4.8 million Vietnamese people and contaminates the land in a number of toxic hot spots.

The use of Agent Orange by the United States constitutes a severe violation of the human rights of the Vietnamese people – a violation that the U.S. has yet to acknowledge, accept responsibility for or repair.

It has been left to the Vietnamese people to address the human rights of the millions of victims. Agent Orange has killed, sickened and maimed four generations of Vietnamese. The littlest victims are still dying in utero or being born with the most horrific birth defects.

These victims have lost their right to life, or at least, in many cases, a life worthy of the name. Many of the children lie in their beds, lacking any consciousness for their entire lives. Many others are born without eyes, ears, legs and arms.

The organization representing these victims in Vietnam, the Vietnam Association for Victims of Agent Orange/dioxin (VAVA) advocates for and takes care of these victims in almost every province in Vietnam. The Vietnamese government also provides significant funds to help the poorest victims as does the Vietnamese population.

Caring for these victims impoverishes families and communities and places an enormous burden upon Vietnamese society. Yet, Vietnam is taking up the challenge of insuring the human rights of these victims!

A Final Comparative Note

Nothing in this submission should be meant to imply that our Network believes that everything in Vietnam is perfect or that there are no issues that remain for the Vietnamese people to address. Every country, even those who have made tremendous progress in the achievement of human rights, can do more.

But we note that some criticisms of Vietnam's human rights record constitute cynical attempts by those outside Vietnam to unlawfully interfere in the internal affairs of Vietnam and to violate Vietnam's sovereignty. It is also quite ironic that the United States, which has often been in the forefront of such criticisms, has yet to take responsibility for its own extremely serious violations of the human rights of the Vietnamese people or to provide adequate funds to heal the wounds of war they created, as explained above.

It is furthermore ironic that the world's richest and most powerful nation, the United States, criticizes a country which has made such great progress while the U.S. itself fails to meet core human rights standards (and indeed has failed to ratify many of the core human rights treaties.) A lengthy discourse on the U.S. failures, in this regard, is outside of the scope of this submission. We remind the Human Rights Council that the United States has among the highest infant mortality rates in the developed world, that the U.S. is one of the only countries without guaranteed health care for all, without the right to paid vacation or sick leave. It is estimated by the United Nations that more than 1 in 5 U.S. children live in poverty and United States had the second lowest rank, 34th of the 35 developed countries surveyed, in poverty rates for children.²

² <http://www.washingtonpost.com/blogs/worldviews/wp/2013/04/15/map-how-35-countries-compare-on-child-poverty-the-u-s-is-ranked-34th/>

With the advent of the U.S.A. Patriot Act and recent revelations of government spying on our citizens, the national security state degrades our civil liberties.

The United States government has shown a similar lack of regard for the rights of prisoners it holds in Guantanamo, scores of whom languish for years without charges or the right to a trial.

The United States is also unique in the world in the amount and scope of foreign military and economic intervention in the affairs of other countries from the U.S. war in Vietnam in the 60's to the U.S. sponsored coup in Chile in the 70's to the more than 40 year blockade against Cuba to the current wars in Iraq and Afghanistan, among many others. These wars and interventions are human rights violations on a grand scale, costing the lives of literally millions of people around the globe, not to mention the U.S. soldiers that are sent to enforce this odious policy.

Human rights norms must be applied and enforced in an equal manner. Thus it is imperative that those nations who are responsible for such egregious human rights violations against the Vietnamese and other peoples must address their own failings and inadequacies rather than claiming the moral high ground!

Conclusion

Based upon the foregoing, we submit that Vietnam is working hard to guarantee the human rights of its people. We believe that Vietnam and its empowered citizens will address any shortcomings they may find in this regard and will work together with the United Nations to strengthen, in law and practice, the realization of human rights for all.