

# Opportunities and constraints on human rights education when academic freedom is not guaranteed: the case of Vietnam

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DOI: <http://doi.org/10.7577/hrer.3466>

ISSN 2535-5406

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### **Introduction**

In Vietnam, as in other single-party states, most notably China (and indeed in quasi-democratic Southeast Asian states such as Cambodia and Myanmar), academic freedom in the Western democratic sense is not guaranteed. This is especially so in relation to politically sensitive subjects such as human rights. In 2011 the United Nations General Assembly adopted a resolution that underlined the significance of human rights education and training (UN, 2011).<sup>1</sup> Prior to this resolution, however, and in the context of earlier UN protocols, the Communist Party of Vietnam's (CPV) guidance on human rights education emphasised a 'combination of universality and particularity of human rights in understanding and solving of human rights issues.' The CPV further noted that 'human rights and national rights are similar' and that 'human rights depend on economic, social and cultural traditions of the nation' (Ho Chi Minh Political Academy, 2002). These quotations provide a good illustration of ambiguities about universal concerns and particular, domestic ones. Nevertheless, CPV guidance has encouraged the establishment of degree programmes in human rights as well as courses in human rights in other degree programmes (typically in law and the social sciences).

The first part of this paper describes how human rights education (HRE) has been developed and delivered in Vietnam with special reference to the nation's first degree-level programme, Vietnam National University's LLM. The second part of the

paper discusses the role of government in the approval process for programmes and courses that are within these programmes, as well as research projects and publications. There is a focus on matters of academic freedom. Reference is made to the ways in which political sensitivities have been raised and addressed and the on-going monitoring role of the state. In broad terms it may be argued that there has been a genuine softening of the ideology that, in a socialist state, 'human rights' is an alien concept.

## **Development of human rights education in Vietnam**

### *Historical context*

The communist-led so-called August Revolution in 1945, against French colonial rule, led to the development of highly centralized political and economic systems in the northern region of the country where the CPV had its strongest military presence. The first (CPV-promulgated) Constitution, in 1946, unilaterally (that is, without the consent of the Vietnamese people as a whole) proclaimed a Communist state in the former French colonies of Tonkin, Annam and Cochin (the parts of the present-day state of Vietnam). In 1954, after nine years of fighting a guerrilla war against the communist Vietminh, the French finally vacated their claim to Vietnam. However, because large parts of the population, especially in the south, were non-communist, the 1954 Geneva Accord split the former French colony into Northern and Southern parts at the 47th parallel. The Accord specified that within two years there would be a free and fair election to determine the government of the entire country, but this was never held. The consequent two decades of civil war between North and South Vietnam ended in 1975. Since then the unified state of Vietnam has been led by the CPV, which continues to be underpinned by a Marxist-Leninist ideology that affects all aspects of social and political life, the economy and systems of governance. The Constitutions of 1959 and 1980 were entirely socialist in nature and Vietnam, to this day, remains a socialist state under one-party rule. The nation continues to be state-centric within a framework of 'socialist democracy,' a form of government in which various social groups are represented but where political parties other than the CPV are proscribed and where there is no direct election to a legislative body of citizens under a universal franchise.

In 1986, in the light of Vietnam's poor economic performance and consequent low standards of living under soviet-style central economic planning, collectivization of agriculture and the elimination of private property rights, *Doi Moi* (Economic Renovation) was proclaimed. The parallel collapse of socialism and political fragmentation in the USSR saw Vietnam shift radically to an 'open-door' economic policy aiming for economic integration on a global scale. This policy was based on principles of market economics but operated within the political context of a one-party socialist state.

### *Human rights discourse*

After *Doi Moi* was proclaimed, the Vietnamese state engaged in international human rights discourses and acceded to a number of UN human rights instruments. To date, Vietnam has ratified eight out of nine core international human rights conventions.<sup>2</sup> Changes in Vietnamese society brought about by *Doi Moi* and Vietnam's progressive integration into the global economic system have created an increased demand for human rights education at the higher levels of the education system. The CPV and Government have responded to these needs by opening up education institutions to

ensure greater understanding of human rights. This is seen as supplementing, rather than replacing, the understandings of human rights in the Marxist-Leninist political ideology already entrenched in the education system. With this caveat, the CPV recognises human rights as universal values (CPV, 1992). Furthermore, CPV Assembly Resolution IX confirms an official commitment: ‘To care for people, to protect rights and legitimate benefits of everyone, [and] to respect and implement the international human rights conventions on human rights that Vietnam ratifies’ (CPV, 2004, my translation).<sup>3</sup> This commitment is further expounded to the international community in a speech given by the Vietnamese delegation to the 1993 Vienna Conference and Programme of Action. CPV Resolution (Term XI) provides further perspectives on human rights that respect and protect human rights and dialogues with other countries (CPV, 2011b).

Despite these ‘openings in political space,’ as understood by many Vietnamese, Western conceptions of human rights remain controversial (Ngo, 2016). At the Association of Southeast Asian Nations (ASEAN) meeting in 1998, for example, Vietnam joined with Singapore and other (non-communist) states in upholding the principle of ‘non-interference’ in the internal affairs of states. ASEAN further highlighted the ‘significance of national and regional particularities and various historical, cultural and religious backgrounds’ (ASEAN, 1993). These caveats on the acceptance of the notion of universal human rights underpin the so-called ‘Asian Values’ debate (Ngo, Vu & Nguyen, 2018). Nevertheless, pressure to adopt and retain commitments to human rights led political leaders, including then Prime Minister Nguyễn Tấn Dũng, to publicly assert Vietnam’s commitment to human rights (Nguyễn, 2014). This commitment is espoused in Vietnam’s Economic Development Plan (2011-2020), which aims ‘to ensure human rights and citizen rights for overall development’ (CPV, 2011a, my translation).<sup>4</sup> Notably, the Constitution of Vietnam was amended in 2013 to include a Chapter 2 on Human Rights and Citizen Rights; this includes the fundamental civil, political, economic, social and cultural rights that align with other international human rights conventions.

The Vietnamese State thus recognises the need to enhance popular awareness of and education in human rights and citizen rights, in the context of Vietnam’s ratification of international human rights conventions. Changes in Vietnamese society, together with Vietnam’s integration into the global economic system, have created an increasing demand for human rights protection and education (CPV, 2010). The CPV and the government it controls have responded to these needs by authorising educational institutions to ensure dissemination of international (as well as domestic) understandings of human rights. Human rights education is unambiguously regarded as falling within the domain of state policies and human rights are affirmed as the fundamental rights of human beings. As a corollary, human rights education aims to increase awareness of national laws and policies (CPV, 2011: pp. 116-117, 126). Importantly, as noted above, such knowledge is seen as being in addition to rather than supplanting traditional curriculum content on human rights. Despite this general support, the Vietnam government has yet to provide clear guidance on a practical level for the development of human rights education in higher education. Vietnam’s higher education system is subject to many new problems of an administrative, financial, pedagogical, and ideological nature (Ngo, 2015).

*The Universal Periodical Report as a trigger*

In 2009, Vietnam accepted the United Nations Universal Periodic Review (UPR) recommendations on human rights education (Ministry of Foreign Affairs, 2009: para. 11). The second phase of the World Programme for Human Rights Education (2010-2014) was adopted by the Human Rights Council (UN Human Rights Council, 2010), its focus being on HRE in higher education and on human rights training for teachers, civil servants, law enforcement officials and military staff. The Government of Vietnam was elected a member of the Human Rights Council in 2013. This was the trigger for Vietnam National University (VNU Hanoi) establishing the nation's first HRE programme. Planning and preparation for a Master's degree in Human Rights Law (LLM) had actually been underway prior to 2009 and had formed part of Universal Periodic Review (UPR) preparations in Vietnam. A group of academics, ministry staff and National Assembly members had been quietly advocating that HRE be offered in Vietnamese universities. Following the acceptance of the UPR recommendations, a VNU proposal for work to begin on HRE was presented to the Prime Minister's office for approval. In 2010, the Prime Minister signed the agreement, and the project was launched.

It might have been assumed that once the signature and support of a Prime Minister had been secured, implementation would be smooth sailing. However, it took almost two more years of planning and preparation before teaching commenced in November 2011. Surrounding the project were (are) multiple stakeholders with diverse interests and agendas that needed to be considered. During 2018, Vietnam reported to the 3rd Cycle of the UPR and submitted its Initial State Party Report to the UN Committee of Convention Against Torture (CAT) (OHCHR, 2018), and the 5/6th State Report to the UN Committee of Convention on the Rights of the Child (CRC) (Government of Vietnam, 2018). Vietnam had earlier submitted its 3rd report on ICCPR in November 2017. In 2018, Vietnam published the White Book on Human Rights, in both Vietnamese and English (Ministry of Foreign Affairs, 2018). In this document, the Government of Vietnam prioritised human rights education for citizens and law enforcement officials, in order to ensure that fundamental rights align with Vietnamese laws and international human rights standards. This shows the Government's commitment to human rights education as part of an effort to improve the quality of education for human resource development, and its determination to raise awareness of human rights in law enforcement agencies and the general citizenry. The pressure on government to adopt and retain commitments to human rights accordingly increased.

*The VNU vanguard LLM Programme*

VNU's LLM Programme aims to provide students with a theoretical and practical understanding of global and regional human rights systems, including international human rights laws, mechanisms and standards. The programme also aims to enhance political and philosophical understandings of human rights in Vietnam with regard to the embodiment of human rights in Vietnamese law. The programme consists of four modules: (1) international human rights laws and mechanisms; (2) regional mechanisms, with a special focus on ASEAN and its constituent nations' experiences; (3) Vietnamese policies and law regarding human rights; and (4) human rights in other branches of the law and the current development of human rights (VNU – School of Law, 2015).

The planning and implementation of VNU's LLM programme exemplifies the different expectations of diverse constituencies (Mahidol University et al. 2013; 2019). The curriculum has been benchmarked against international programmes, notably those of the University of Oslo (Norway), Lund University (Sweden) and Mahidol University (Thailand). The University of Oslo provided financial support between 2010 and 2016. This support was important in enabling academics from foreign universities to travel regularly to Hanoi to teach. Monash University (Australia) now supports the programme in the same way. The programme was designated by VNU as a pilot programme but in 2017, after a favourable review by the Asian University Network's Quality Assurance Program (AUN QA), it was formalised as an on-going element of VNU education.

Some expect that the programme will be a driver of democratization in Vietnam. However, it is not surprising, given the political implications, that this is not a stated objective. Another expectation is that the programme will promote cooperation in research and education between universities. So far, international cooperation with academic institutions, both in teaching and in research, has been greatly strengthened, as we see to be the case in many other academic institutions that address human rights (Axinn, 1984). Lecturers and researchers have benefitted from courses run by international universities and a range of research is conducted at national level. A new generation of lecturers and researchers has been actively participating in designing new programmes and courses in their respective universities. From a broader perspective, human rights education has been incorporated into the education strategy of VNU Hanoi. Programmes and courses are embedded in law and in other programmes, using an interdisciplinary approach (VNU, 2015). Since its inception, the LLM programme has been revised, following the recommendations of AUN QA for greater interdisciplinarity.

#### *Subsequent human rights education programmes*

The success of the VNU programme encouraged other educational institutions to offer Master's programmes, notably those of the Vietnam Academy of Social Science (VASS), commencing in 2014, and the Ho Chi Minh Political Academy, commencing in 2015. This expansion of teaching in human rights, not only in law schools but also in the social and political sciences, has provided more opportunities for students from all specializations to study human rights. In addition, human rights courses are integrated in the design of degrees programmes in subjects other than law. Seven law universities and law schools offer human rights courses.

It should be noted too that VASS has been authorized by the government to develop HRE across all levels of the education system. This will, however, require major resourcing and, as such, implementation is likely to take many years.

The Graduate Academy of Social Sciences (GASS)<sup>5</sup> of VASS was established during a restructuring of the many existent research institutes of VASS. All graduate training and education are now managed by GASS instead of by individual institutes, in order to avoid separation and duplication of research and education functions. The VASS Master's Programme on Human Rights was approved in 2012 and is currently being taken by a fourth intake of students.

Hanoi Law University is the largest law university in Vietnam and was established with the support of the Ministry of Justice. The University does not have a specific human rights programme or course.<sup>6</sup> Instead, human rights studies are mainstreamed into Public International Law, including courses on the International

Criminal Court; private international law; child rights; domestic violence; gender equity and persons with disabilities. The course on international human rights law that had been taught since 2003 was removed when the Faculty of International Law was renamed the Faculty of International Economic Law in 2006.

Ho Chi Minh Law University, the leading law university in the south of Vietnam, currently has four human-rights related courses taught in the Faculty of International Law (private international law, international human rights law, public international law) and the Faculty of Administrative Law (citizen rights and human rights). In 2006 the University established a Centre for Human Rights and Citizen Rights with a mandate to conduct research and support teaching in the field of human rights in cooperation with the Danish Institute of Human Rights. Up to now this collaboration has focussed more on research than on human rights education.

The Diplomatic Academy of Vietnam supports both undergraduate and post-graduate programmes in four main fields: international relations, international law, international economics and international communication. The Academy has strengthened its capacity to deliver education in international relations via cooperation with Victoria University (New Zealand). Courses on human rights and peace studies are offered. However, the peace studies curricula are restricted to topics of international security and conflict resolution, in theory and practice, at the regional level. Most courses are offered as electives. Located in the International Law Faculty, a number of courses are offered: human rights protection mechanisms (post-graduate); and, at undergraduate level, security and conflicts after the Cold War; security in the Asia-Pacific region; theories of international security; international conflicts; security cooperation mechanisms; and international human rights law.

There is no doubt that Vietnam is taking human rights education seriously. The national education strategy at university level requires a basic knowledge of human rights. Human rights programmes can be proposed and developed by universities themselves and be given a pilot implementation for a limited period. They can then receive official approval and become part of the public education system, as in the case of VNU-SL. Currently, most law schools/universities now include compulsory courses or course material on human rights in their curricula. Programmes and courses generally take an interdisciplinary approach (Government of Vietnam, 2012, 2017). Human rights education is also being developed at lower levels of the educational system (Hoan, 2006), suggesting it is possible to include HRE in the continuing professional development of teachers. This opens up a potential space for its future expansion beyond higher education. The 2017 Government Plan states that human rights education be provided in all formal official schools by 2025 (Government of Vietnam, 2017).

#### *Impact of HRE programmes*

It is difficult to assess the impact of HRE programmes on the human rights situation in Vietnam, given they have only been recently implemented. But the potential for graduates to have a positive impact on support for human rights is indicated by their numbers and their employment roles. In the case of VNU's LLM, 125 students have been enrolled in six cohorts. Graduates work in state agencies, international organisations, social organisations and the private sector. Thirty graduates work in universities. Some are human rights lawyers, and some do legal work in ministries. Bi-annual programme evaluations by VNU include information from employers about the quality of graduates. These numbers do not of course indicate any direct

impact on the human rights situation but, at the least, they attest to an emerging critical mass of graduates well-suited to bring about progress. They also indicate that employers recognize the need for human rights-trained employees.

### **Academic freedom in human rights education**

Academic freedom has been articulated as a universal right of scholars. This right implies the capacity to teach and conduct research unrestricted by political doctrine, freedom to disseminate the results of research, freedom to express opinions about the institutions and systems in which scholars work, freedom from institutional censorship, and freedom to participate in professional or representative academic bodies (UNESCO, 1997: para. 27). UNESCO's (1974) *The Recommendation on the Status of Scientific Researchers* also reminds us that:

open communication of ... results, hypotheses and opinions - as suggested by the phrase - 'academic freedom' - lies at the very heart of the scientific process, and provides the strongest guarantee of accuracy and objectivity of scientific results. (UNESCO, 1974: preamble).

The 2017 revised UNESCO Recommendation, which supersedes the 1974 recommendation, not only codifies the goals and value systems by which science operates, but also emphasises that researchers need to be supported and protected if science is to flourish (UNESCO, 2017).

Many nation states have acknowledged international treaty obligations that include, *inter alia*, protection for academic freedom and related values in higher education. Academic conduct and content are clearly protected as specific forms of opinion and expression. The Special Rapporteur on the Right to Freedom of Opinion and Expression cites examples of violations of academic freedom as violations of freedom of opinion and expression, including 'suppression of research on such controversial topics as a national independence movement that was active in the past; a ban on campuses of any independent organizations that are considered political; refusal of permission to hold a seminar on human rights' (UN Commission on Human Rights, 2000: para. 37).

Academic freedom does not mean that university teachers and researchers are free of professional constraints on their activities. Teaching and research programmes should be subject to approval processes within universities and research funding bodies, but these processes should be limited to ethical and technical considerations. Approval processes should also respect the principle of peer judgement as to the value and validity of curriculum and course content and research projects. Peer-reviewed publication protocols are designed to ensure that published work has used sound research methods and is based on established academic literature. Whilst there is debate as to the precise nature of academic freedom, scholars working in the Western democratic tradition would generally support a common paradigm that embodies the above criteria (see, for example, Finkin & Post, 2009). In essence, if an academic speaks or writes from a position of authority that is acknowledged by peers, any speech or publication should be free from political interference. This does not mean, of course, that what academics might say or write cannot be challenged by politicians or members of the general public. But being challenged does not mean being censored or proscribed in the 'court of public opinion.' When academics stray into public debates, however well based their

opinions may be, they may expect to be subject to vigorous and sometimes poorly informed criticism. They are nevertheless entitled to express their views. When academics speak outside of their areas of expertise they should be seen as speaking as members of the public rather than from their university positions.

In relation to the right to education, as stated in Article 13 of the International Covenant on Economic Social and Cultural Rights (UN, 1966b), nation states are obligated to take affirmative action and to achieve as full a realisation of the right to education as resources permit. The Committee on Economic Social and Cultural Rights (CESCR) observes that States are obligated not only to respect but to promote academic freedom as a prerequisite to the delivery of high-quality education, noting that the right to education can only be enjoyed if 'staff and students throughout the education sector are entitled to academic freedom' (CESCR, 1999: para. 38). Furthermore:

The Committee also notes the relationship between articles 13(2)(e), 2(2), 3 and 6-8 of the Covenant, including the right of teachers to organise and bargain collectively ... and urges State parties to report on measures they are taking to ensure that all teaching staff enjoy the conditions and status commensurate with their roles (CESCR, 1999: para. 27).

In Vietnam, as described above, programmes and courses with a human rights focus are still relatively new. This means that the Government wants to assess the effectiveness and relevance of programmes and courses. It also wants to prevent any anti-government action that may occur if there is abuse of human rights and democracy. Moreover, most academic institutions choose to integrate human rights topics into their currently approved curricula rather than establishing separate programmes on human rights. This limited approach arguably reduces the effectiveness of HRE. The lack of an officially sanctioned framework and guidelines for the design of HRE programmes and courses also remains a challenge to their implementation. This creates difficulties for universities and other higher education institutions attempting to have programmes approved by the relevant authorities. Most programmes include international law, standards and norms, and mechanisms on human rights, but they also need to be aligned with the laws and policies of the Vietnamese state.

The Vietnamese university system operates under the oversight of the Ministry of Education and Training. However, research institutes and academies in fields such as social sciences, law, and the humanities are independent and have the authority to design their own education programmes. Interestingly, academic systems may also be established by particular government ministries or organs such as the judicial, police, and military sectors. Such arrangements have the aim of developing the competence of staff in realising the goals of the ministries they work in. Umbrella universities such as Vietnam National University Hanoi, Vietnam National University Hue, and Vietnam National University Ho Chi Minh City operate and approve the programmes and courses for their subordinate universities and schools. This practice increases academic freedom at the university level, in particular when it comes to designing human rights courses. Academic freedom has increased over the years in several areas: the development and amendment of syllabi; cooperation and exchange with international lecturers; production of learning materials; publications; teaching methods; research; and international

cooperation. At the same time, academics enjoy greater independence in developing textbooks and reference books about human rights and related fields. The content of human rights publications intended for teaching and learning in higher education are not subject to censorship. All that is required is that they follow the publishers' standard guidelines and copyright rules. Given Vietnam's special history and socio-political conditions, the Joint Programmes and internationalisation in higher education have had an unexpected socio-political impact; lecturers from international universities can introduce new and updated reading materials and syllabi. Effectively, they have supported the creation of special free academic zones (Ngo, 2015).

In general, curriculum design and the work of academics is founded on international standards. This freedom is expressed in the structure of curricula, the content of courses and international collaboration. There are, however, as noted below, instances where the state has moved to curtail certain behaviours that are outside of the formal education process. It is also true that academics are quite aware of implicit constraints on any overt criticism of Vietnam's system of government in their teaching, publications and public engagement.

#### *Freedom in curriculum and course design*

From 2006, Vietnam National University Hanoi, under Instruction No. 775/DT, required all new and existing courses to conform to a university-wide credit-based system in which expected learning outcomes were integrated across teaching programmes. Accordingly, VNU Law School has revised its HRE courses in conformity with this regulation. The training objective of each course is clearly defined in relation to expected learning outcomes and translated into parts of the expected learning outcomes. Course outlines specify and regulate a number of things: content and levels of knowledge; hard and soft skills; personal, professional and social ethics; the knowledge and skills that learners should be able to deploy after course completion. The School of Law annually reviews and implements amendments to course syllabi to ensure they continue to fit programme goals. The LLM programme has been amended to take a more interdisciplinary approach. This process shows that teaching programme and course development are very much in the hands of the School of Law and not subject to micro-management by the University or the State.

#### *Teaching materials*

Another important indicator of academic freedom in HRE has been the proliferation of published teaching materials. For example, since 2005 three public institutions have published textbooks and reference books on human rights and related subjects. These are VNU (School of Law), VASS, and the Institute of Human Rights Research in the Ho Chi Minh Political Academy, which was the first human rights institution established under the political training agenda of the CPV. Initially the Academy researched and published books on human rights based on Marxist-Leninist ideology. But over the past decade the Academy has taken a broader view, consistent with government mandates on HRE, and has published, among other documents, translations of the UDHR, and other conventions such as the Convention on the Rights of the Child (UN, 1989) and the Convention on the Elimination of all Forms of Discrimination Against Women (UN, 1979).

The other two academic institutions have more freely developed text books and reference books, including translations of international human rights

conventions and updates of research and articles on different human rights themes. VNU has itself published over 30 books which are translations of international human rights documents, recommendations and general comments, textbooks and reference books. The books also cover ideology and human rights philosophy and specific topics such as: human rights and the death penalty; human rights for vulnerable groups; human rights in international criminal law; the rights of migrant workers under international and Vietnamese law; promotion and protection of human rights in ASEAN; access to information; and constitutions and international experiences. In addition to a library of over 1,000 books, the School of Law runs an online digital learning database, in both English and Vietnamese, that shares documents on international laws and Vietnamese laws related to human rights. To date, this is the only open source digital learning system for human rights education in Vietnam.

There is a great need for teaching materials, such as textbooks on human rights, in Vietnamese. Long before VNU launched the first cohort of its LLM, in 2010, the university had conducted research and developed reading materials and textbooks in Vietnamese. Since Vietnamese is the native language of students and teachers there still is, however, a lack of academic publications on human rights subjects available for teaching and learning. Translations of international academic books and papers has therefore been a priority, although much more needs to be done. VNU aims to continue updating its library with materials in English and Vietnamese. Compendia of writings are developed as learning materials to support each course. In addition, international and Vietnamese research papers are included in the teaching material. VNU is making good progress in digitising teaching and learning materials. The programme syllabi and reading materials for each course and each cohort are uploaded online.

#### *Teaching methods*

Lecturers in higher education determine their own teaching methods, without active intervention from university management. In this respect, their practice follows international standards. Lecturers can apply learner-centred methods in order to encourage their students' participation and building of knowledge. Lecturers are facilitators/guides who provide orientation in class so that learners can think creatively. In addition, students are required to take responsibility for self-learning, by reading, researching and preparing class contributions, and working in groups to develop their analytical, debating and presentation skills.

#### *International cooperation*

In Vietnam's academic institutions, both teaching and research have been notably strengthened in recent years. The growing understanding of international standards of human rights may help to modify the dogmatic understanding of human rights based on Marxist-Leninist ideology. The new generation of lecturers and researchers has been actively participating in designing new programmes and courses in their respective universities. Teaching exchanges with universities in other countries is now common. Since its inception, VNU's LLM in human rights has been supported by regular one-week teaching visits by distinguished academics from Europe, Australia and Southeast Asia. These visitors bring international perspectives and, in the author's experience, the content of their teaching is unconstrained by government or the university.

*Research and policy advocacy*

In line with international standards, academic performance in Vietnam is increasingly measured by publications and there are now several research publications by Vietnamese academics in international journals and books. These contributions are invaluable to the field of human rights, because it has not been easy for international colleagues to gain insights into legal and political debates in Vietnam.

One visible measure of success in HRE is the increasing robustness of Vietnamese academics in actively engaging in debates and disagreements, even on policy-making processes. Notable examples of this include the process of Constitutional Amendment, 2011-2012, and the formulation of new chapter on human rights into the 2013 Constitution. These activities indicate a degree of political pluralism.

There is still a certain amount of freedom to conduct human rights research into politically sensitive topics such as freedom of expression, freedom of association, and fair trials. But engagement in policy advocacy by academics is limited. In order to organize workshops and seminars on human rights, it is necessary to have the approval of the Prime Minister's office. The freedom to conduct workshops and seminars to share research findings independently is also limited and, to some level, curtailed. A number of cases illustrate how teaching and research in the field of human rights and, indeed, the distribution of human rights material, as a form of HRE, are curtailed. The case of Nha Thuyen (real name Do Thi Thoan) of Hanoi University of Pedagogy is especially salutary. She was removed from teaching and, in 2014, had her Master's degree candidature rescinded because her thesis was about a vocal oppositional group of poets (Mơ Mieng group) (BBC News, 2014). Another case concerns the University of Forestry, which required academic and general staff and students to stop voicing opinions on the preservation of trees in Hanoi (University of Forestry, 2015).

Despite good progress in recognising academic freedom in human rights education, which mainly focuses on formal HRE programmes, there are still limits to academic freedom in engaging in human rights matters in the informal and public spheres. The participation of academics in the 'public space' is very restricted, even when it comes to sharing and writing about human rights issues of public interest or expressing a political opinion. One example is the arrest in 2013 of young people for sharing and learning about the Universal Declaration of Human Rights in a park in Ho Chi Minh City. Rights activists Nguyen Hoang Vi (a.k.a. An Do Nguyen) and Vu Quoc Anh (a.k.a. August Anh), who were the planned moderators for the discussion in Ho Chi Minh City, were detained shortly after they distributed copies of the Universal Declaration of Human Rights to people in the park. Both the distribution of the UDHR and organization of a public discussion were deemed to be against the wishes of the State and the CPV (Human Rights Watch, 2013).

These examples show that challenges remain in achieving the academic freedom and realisation of HRE regarded as the norm in democracies. Restrictions to academic freedom are not, however, systematic across all educational institutions and universities.

**Conclusion**

International human rights commitments by the Government of Vietnam have led to a softening of the ideology that 'human rights' is an alien concept in a socialist state.

To put it more accurately, human rights, in the Western sense, are accepted in Vietnam as long as they do not conflict with traditional Marxist-Leninist conceptions or authorise direct criticism of the political system. The need for human rights education and academic freedom is recognised. However, HRE was initiated and is still largely restricted to institutions of higher education, in order to control its implementation. There remain institutional challenges in undertaking human rights education, but changes have been made. Firstly, both the state and the party have adopted policies that support human rights. Secondly, academic institutions can open up to international cooperation, both in teaching and in research. Third, lecturers and researchers have studied in foreign universities and a range of research is conducted at national level. A new generation of lecturers and researchers can design and deliver new programmes and courses and develop text books in their respective universities.

Due to international cooperation and the competence of academics, Vietnam's programmes and courses in human rights have been modelled on international best practice. They have been adapted to local circumstances and this, to some degree, has restricted a full acceptance of human rights norms. Associated with this restriction are definite, if informal, constraints on academics and students engaging in the public domain outside of official channels. A corollary of this constraint is the limited scope to research human rights abuses, especially those construed to have arisen from the actions of government agencies and employees. As noted in the introduction to this paper, Western conceptions of academic freedom are not unconstrained. The essential notion is that knowledge propounded in teaching and publications must be based on objective, peer-reviewed processes. There is also the question of when academics speaking/writing in the public domain base statements on personal expertise as opposed to the general opinion. In the latter case, academics should not be seen as speaking as academics but as members of the general public. In such cases Western universities would generally frown upon an academic identifying him/herself as an employee of the university. In the public domain and informal education sector, human rights education is still not popular or well-organized. There are challenges ahead to mainstream and scale up human rights education in formal official schools at all levels. While the Party and Government have given human rights education high priority, setting out a long-term strategy and plan, Vietnam continues to face challenges in realising HRE due to limited qualified personnel, teaching materials and understanding of teaching methodologies appropriate to all levels of education.

## Notes

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<sup>1</sup> The United Nations declared 1995-2004 as the Decade for Human Rights Education, followed by adoption of the World Programme for Human Rights Education, the first phase of which (2005-2009) focused on primary and secondary education. The second phase of the World Programme for Human Rights Education (2010-2014) was adopted by the Human Rights Council in its resolution 15/11 (30 September 2010), with the focus on HRE for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military staff.

<sup>2</sup> In 1982, four years before *Doi Moi* was proclaimed, Vietnam ratified the International Covenant on Economic, Social and Cultural Rights (CESCR) (UN, 1966b), the International Covenant on Civil and Political Rights (CCPR) (UN, 1966a), the International Convention on the Elimination all Forms of Racial Discrimination (UN, 1965), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (UN, 1979).

<sup>3</sup> Original in Vietnamese: ‘Chăm lo cho con người, bảo vệ quyền và lợi ích hợp pháp của mọi người; tôn trọng và thực hiện các điều ước quốc tế về quyền con người mà Việt Nam đã ký kết hoặc tham gia’ [translation: Caring for people, protection of legitimate rights and benefits of every one, respect and implement international human rights conventions that Vietnam ratifies].

<sup>4</sup> Original in Vietnamese: ‘Quyền con người, quyền công dân và các điều kiện để mọi người được phát triển toàn diện’ [translation: Human rights and citizen rights provide the conditions that ensure that everyone enjoys full development]. (CPV, 2011a). See also <http://www.xaydungdang.org.vn/Home/vankientulieu/2011/3511/CHIEN-LUOC-PHAT-TRIEU-KINH-TEXA-HOI-20112020.aspx>

<sup>5</sup> Currently, VASS/GASS is cooperating with the Danish Institute of Human Rights, Norwegian Centre of Human Rights of University of Oslo and Konrad Adenauer Foundation, Germany in conducting research on human rights. There is as yet no cooperation or joint education program on human rights established at GASS.

<sup>6</sup> Despite the fact that Hanoi Law University (HLU) has 10 years of cooperation with Lund University and has sent more than 30 lecturers to Lund to study at Master’s and PhD level on international law and human rights and related issues, it has yet to establish a programme on human rights or a research centre on human rights.

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