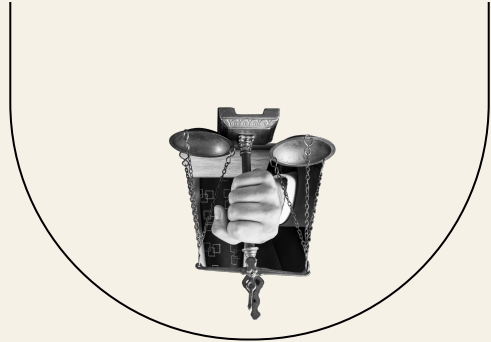




CIVIL SOCIETY OVERSIGHT IN VIETNAM

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INTRODUCTION

“dense network of groups, communities, networks, and ties that stand between the individual and the modern state”

Being considered as a “*sensitive*” issue in Vietnam, in spite of their important role, civil society organizations are now facing many challenges from the legal system and political, social dimensions.





01



The role of civil society as oversight mechanism and human rights protector in Vietnam





HISTORICAL VIEW

- **1945**

1945 -

1975

1986



Civil society movements and organizations had their initial development in Vietnam

North of Vietnam: was restricted
South of Vietnam: civil society still existed and developed

Civil society was not developed in Vietnam

The 1986 Renovation (“Đổi mới”) has been marked a new period of relative openness





ACCESS TO CIVIL SOCIETY IN VIETNAM



- ◆ 1986 “The Renovation”: political sense refers to the struggle for democracy against the authoritarian Vietnamese state
- ◆ The 1990s: a substantial number of international non-governmental organization (INGOs)
- ◆ 1998: The Grassroots Democracy Decree opened the space of for more active participation in decisions at the commune and village levels.
- ◆ 2018: Resolution No. 37 - NQ/TW on theoretical and research orientation to 2030 of The Communist Party of Vietnam mentioned “Civil Society” as an issue that needs to be studied in “promoting the people’s mastery in parallel with perfecting the political system”



The civil society in Vietnam has been experienced rapid growth



Human Rights

Civil society has given substantial attention to human rights, and the number of civil society organizations working in the field of human rights is increasing

Legal difficulties and obstacles

An organization is legally registered, they may also run into difficulties establishing project approval, if foreign funds are involved, and this may take months to resolve. Legal dealings with local CSOs are described as a “permission granting” regime which introduces a number of constraints and retards the growth of civil society



Civil society in Vietnam has contributed for an inclusive society:

1.

Civil society organizations contribute to maintain and protect the good values of society

2.

Civil society organizations reflect social issues to public policy-making agencies

3.

Civil society organizations participate in monitoring the behavior of government and administrative officials

4.

Civil society organizations participate in the assessment of public policies and the performance of the government and administrative agencies





— **02**
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Challenges of Civil Society as Social Oversight





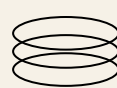
Terminology Issue



“Civil” is not a clear term in Vietnam

“Xã hội dân sự” / “Xã hội công dân” / “NGO”

“Civil society” is not widely used in academic and official discourse in Vietnam





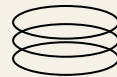
Constitutional rights



Freedom of association - fundamental human right in UDHR (1948) and ICCPR (1966)



Stipulated in Vietnam Constitutions: 1946, 1959, 1980, 1992, and 2013





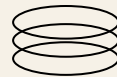
Constitutional rights



The latest 2013 Constitution is considered more progressive than its predecessors.



However, it is not the case in comparison with the 1946 Constitution.





Constitutional rights



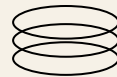
Right to access to information: Incompatible with OHCHR standards



Freedom of press: Limited by Committee Propaganda



Non-absolute rights - Illegal restrictions





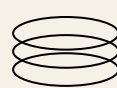
CPV Charters v. Constitution



Constitutionalize political power of the CPV (Article 4)

CPV's Charters and the Politburo

Civil society triggers pluralism: 'Peaceful evolution'





03

Enhancing Civil Society Oversight in Vietnam





Suggestions



1. Systemize regulations relating to associations and civil society
2. Broaden the concept of freedom of association
3. Apply flexible conditions for association establishment





Suggestions

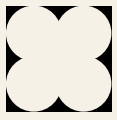


1. Install an independent mechanism to protect constitutional rights
2. Adopt Law on Association





CONCLUSION





Remarks



Social oversight is a signature of “democracy”

Since 1990s, recognition of civil society in Vietnam

Despite drawbacks, Vietnam is seeking for an improvement

Citizens - the most essential factor for a social movement





Thanks



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