Contents

Foreword ix Preface xiii Acknowledgments xiv Introduction: International Human Rights Standards as a Framework for Analysis 1 Standards: The Integrity of the Person 5 Standards: Equality or Nondiscrimination 14 Standards: Civil and Political Rights 17 Standards: Economic, Social, and Cultural Rights 25 Standards: Securing Government Compliance 29 Context: The Political-Legal System of Traditional Vietnam 36 Methodology and Purposes of This Study 43 Chapter 1. The Integrity of the Person 46 No Arbitrary Deprivation of Life? 46 50 Freedom from Bondage? **Compulsory Service** 50 Slavery or Servitude? 52 Imprisonment for Contract Liability? 53 Security of the Individual in a Regularized Legal Process? 54 Nulla Poena Sine Lege? 54 No Arbitrary Arrest or Detention? 61 Security of Home and Correspondence? 65 Security from Unlawful Attack on Honor and Reputation? 66 Presumption of Innocence? No Cruel, Inhuman Treatment or Punishment? 67 Separate Treatment of Juveniles? 76 Fair Public Trials by Independent and Impartial Tribunals? 77 Right to Appeal? 86 No Double Jeopardy? 91 Exceptions to the Usual Guarantees on the Grounds of State Security? 92

Contents

Chapter 2. Equality or Discrimination? 99 Inequality on the Basis of Family Status 100 Inequality on the Basis of Social Status 102 The Privileged Classes 102 The Underprivileged Classes 106 Sex Discrimination or Equality? 110 The Lesser Status of the Wife 110 Equality Between Men and Women in Civil Rights: Personal and Property Rights 116 Special Protective Measures for Women 129 Racial Discrimination or Equality? 132 Equal Treatment by the Tribunal in the Legal Process 132 Administrative Autonomy and Economic-Cultural Rights 134 Some Discrimination in the Enjoyment of Civil and **Political Rights** 136 Conclusion 138 Chapter 3. Civil and Political Rights 142 Freedom of Movement? 142 Freedom to Choose Residence and to Move Within One's Country? 142 Any Freedom to Leave One's Country? 144 Right of Asylum? 145 Freedom of Thought? 146 Freedom of Religion? 149 Freedom of Expression? 176 Freedom of Collective Action? 180 Freedom of Assembly and Association? 180 The Right to Take Part in Government and to Have Equal Access to Public Offices? 185 Chapter 4. Economic, Social, and Cultural Rights 192 **Economic Rights?** 192 Social Security? 193 Medical Care? 194 Freedom from Hunger? 195 Protection of Property Rights? 203 Social and Cultural Rights? 212 Family Rights 212 **Educational Rights** 219 Chapter 5. XXDegree of Government Commitment and the Problem of Enforcing Government Compliance 223

Summary of the Degree of Government Commitment to Human Rights 223

Contents

Enforcing Government Compliance: Judicial and Administrative Remedies 225
Judicial Remedy Against Violations of Rights 226
Administrative Remedy Against Violation of Rights 232
Conclusion 233

Notes 235

Bibliography 279

Index 283