



## Ho Chi Minh's Thought on Human Rights

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**Abstract:** *Human rights are apparent and undeniable. In Vietnam, President Ho Chi Minh has made great contribution to the theory of human rights. This paper aims at analyze Ho Chi Minh's thought on human rights and the application of Ho Chi Minh's viewpoints on human rights in building and defending the Fatherland of our Party and State. The author also suggested some solutions to ensure the implementation of human rights in Vietnam*

**Keywords:** *human rights, Ho Chi Minh's thought, national rights, freedom, happiness.*

### 1. INTRODUCTION

Building and defending the Socialist Republic of Vietnam are the strategic tasks of the Vietnamese revolutions. In the context of internationalization, globalization and complex situation, Western countries and hostile forces do not give up the intention to oppose socialist countries and implement the conspiracy "peaceful evolution", taking advantage of the guise of democracy and human rights to fight against the revolution, infringing upon the right of self-determination of our people. Therefore, in Vietnam today, Ho Chi Minh's thought on human rights is enlightening and guiding the awareness and practical actions of our Party and State in the struggle to criticize the wrong allegations on human rights as well as in protecting, promoting and guaranteeing human rights.

### 2. HO CHI MINH'S THOUGHT ON HUMAN RIGHTS AND THE CONDITIONS TO ENSURE THE IMPLEMENTATION OF HUMAN RIGHTS

Ho Chi Minh's thought on human rights is the selective inheritance of patriotism of Vietnamese people and a creative, profoundly revolutionary application of cultural quintessence of humanity which made many contributions to human rights' theory. When speaking about human rights, in the work "the Declaration of Independence", Ho Chi Minh quoted the values of human rights in the Declaration of Independence in 1776 of the United States: "all men are created equal that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness"<sup>1</sup> and the Declaration of Human Rights and Civil Rights of the French Revolution in 1791: "Men are born and remain free and equal in rights"<sup>2</sup>. Ho Chi Minh has affirmed that man's natural rights are "undeniable truths"<sup>3</sup>. And the imperialist forces' aggression, oppression and exploitation of Vietnamese people are contrary to nature, a blatant violation of human rights recognized by the American bourgeois revolution and the French revolution. It can be said that the Declaration of Independence of President Ho Chi Minh is not only the statement of birth of a new country, Vietnam, but also the declaration of democratic freedom for all Vietnamese people; the manifesto of self-determination national rights, human rights - sacred rights, inviolable, indispensable of Vietnamese people.

Thus, the human rights in Ho Chi Minh's thought are the right to equality, the right to life, the right to freedom, the pursuit of happiness, the right to mastery, the right to be equal before the law, the right to be protected by law, the right to freedom of movement and residence, the civil rights, the right to marry and found a family, the right to own property, the right to freedom of thought, belief and religion.

### 2.1. Characteristics of Human Rights in ho Chi Minh's Thought

Firstly, the basic human rights are elevated to be the national rights on independence and self-determination. "All nations of the world are born equal, every nation has the right to life, the right to happiness and freedom"<sup>4</sup>, Ho Chi Minh asserted. Not only he claimed the rights of his own people but he also claimed the rights of all the oppressive peoples in the world. This is the development in Ho Chi Minh's thought, bringing new contents of human rights in the new era.

Secondly, human rights are attached to the right to be a happy man. Because human rights are not only basic rights including the needs of food, housing or traveling but also the rights to be improved and developed. They are rights to be studied, to be creative and pursuit happiness, freedom, civil rights, economic and political, cultural and social rights as well as the rights of special groups in society such as the rights of ethnic minorities, women's rights, children's rights, rights of groups of people with special and difficult circumstances that need attention from the society and help them to integrate into the social community. It can be seen that the content of human rights in Ho Chi Minh's thought was developed profoundly, creating a system of human rights from a scientific and revolutionary perspective.

According to Ho Chi Minh, to ensure the implementation of human rights, the following conditions must be fulfilled:

*Firstly, with regard to politics*, human rights must be attached to national rights including self-determination, and independence. After asserting the basic "human rights" of people, Ho Chi Minh has expanded and elevated them to a new level of self-determination of the nation. "All nations in the world are born with equal rights, all nations have the right to happiness and freedom"<sup>5</sup> This is an extremely important contribution of President Ho Chi Minh, a breakthrough, opening the revolutionary movement of national liberation that collapsed colonialism worldwide. For President Ho Chi Minh, national independence and sovereignty have always been the burning desire of every oppressed people, including the Vietnamese people. A slave nation cannot have free people and human rights can only be achieved by the way of revolutionary struggle against oppression, exploitation of colonialism to gain the national independence and to unite the entire people to build and defend the country. "Freedom for my people, independence for my country, that's all I want, that's all I understand"<sup>6</sup>, he said. Therefore, the struggle for freedom and democracy of the people must be attached to the struggle for national independence, in other words, national independence and sovereignty are the foundation and the most important things of human rights; only under the premise of national independence and socialism can human rights be guaranteed fully, completely and sustainably.

*Secondly, with regard to economy, culture and society*, in Ho Chi Minh's point of view, the people are the most noble, the leading political factor in his revolutionary doctrine. Therefore, the human rights in his thoughts are no different from the rights of all people to have food and clothes, the right to be educated. "We have sacrificed and strived for independence. We won freedom and independence, but the people were starving and freezing, then freedom and independence did nothing. People only know the values of freedom and independence when they are well fed and clothed"<sup>7</sup>, he said. Therefore, as a servant of the people, our Party, Government and every cadre must take care of people's lives, constantly improving the material and spiritual life of the people. He clearly stated the goals of the government:

1. "Help all people to have food
2. Help all people to have clothes
3. Help all people to have houses
4. Help all people to be educated"<sup>8</sup>

Thirdly, with regard to the management mechanism: building a socialist rule of law state of the people, by the people, for the people to ensure human rights. President Ho Chi Minh affirmed the nature of the socialist state was humane, the most superior and brought happiness to the majority of the people since "There is no regime that respects man, taking into consideration the right personal interests and ensuring that he is satisfied as socialist and communist regime"<sup>9</sup>. And individual interests belong to collective interests, which is a part of collective interests. The private interests of

the individual must submit to the common interests of the collective<sup>10</sup>. "Our country is a democratic country; all benefits are for the people; all powers are of the people"<sup>11</sup>, he said. For Ho Chi Minh, ensuring human rights is the responsibility of the Party and social organizations that constitute the political system, in which the main responsibility belongs to the Party and government. Building socialism to constantly improve the people's material and spiritual life, first of all, the working people's, is the actual realization of human liberation in accordance with the progressive humanistic ideals of the world.

Fourthly, legally, human rights must be protected by law. As the founder of Vietnam, President Ho Chi Minh was always interested in building the national legislation, especially the construction of the legal system to protect citizens and human rights. Immediately after winning independence, President Ho Chi Minh led and directed the construction of a new state under the leadership of the Communist Party in accordance with the rule of law. The Constitution (1946) was published, all the basic principles and institutions of a new state and society were established in which human rights principles such as equality, freedom and respect for human dignity were clearly stated and the rights of foreigners were protected. After that, there were three Constitutions (1959, 1980, 1992), but up to now the human rights in the 1946 Constitution have remained valid.

Sixthly, with regard to diplomacy, Ho Chi Minh required the spirit of international solidarity for peace, independence, democracy and social progress. Throughout his revolutionary life, in addition to asserting national independence and sovereignty, Ho Chi Minh always wanted to maintain and develop equal international relations with all nations, including countries that had invaded other countries like France and America. He said: "Regarding foreign policy: being friendly with foreigners, especially overseas Chinese. For the French, fighting only the colonists, and for the French expatriates who do no harm to our independence, we will protect their lives and property"<sup>12</sup>. In the struggle for national liberation, Ho Chi Minh always attached great importance to the peaceful methods in order to create favorable conditions to ensure more and more civil, economic, cultural, and social rights for the people.

When the Democratic Republic of Vietnam had just been established, President Ho Chi Minh declared that Vietnam was ready to "make friends with all democratic countries and do not cause resentment to anyone"<sup>13</sup>. He signed with France the Preliminary Agreement on 6 March 1946 and the temporary Convention on September 14, 1946. At the same time, as the President and Foreign Minister, in the appeal of the United Nations (December 1946), President Ho Chi Minh stated: "For democratic countries, Vietnam is ready to implement the open-door policy and cooperate in all fields"<sup>14</sup>. These are documents that express the concessions, goodwill and desire for peace most clearly in the foreign policy of President Ho Chi Minh and our people. According to him, national independence must be attached to international solidarity; taking the spirit of goodwill and peace to resolve disagreements on the basis of linking the national interests to the interests of regional countries and the common interests of progressive humanity. That thought has become a new trend of the world's development, and President Ho Chi Minh has made great contribution to the struggle for human rights, peace and advancement of humanity at the present time.

### **3. CURRENT SITUATION IN APPLYING HO CHI MINH'S VIEWPOINTS ON HUMAN RIGHTS IN THE CAUSE OF BUILDING AND DEFENDING THE SOCIALIST REPUBLIC OF VIETNAM TODAY**

Ho Chi Minh's thought on human rights is sound and profound. Currently in Vietnam, the Party and State are showing an attempt to fully grasp and apply Ho Chi Minh's thought on human rights in practice. Ensuring and promoting human rights are considered a consistent policy of the Party and State of Vietnam, an important factor for sustainable development towards the goal of building "Prosperous people-strong nation-equitable, democratic and civilized society" of Vietnam, specifically:

Politically, in the cause of renovation and integration, our Party advocates "Caring for the people, protecting their legitimate rights and interests, respecting and implementing international human rights treaties that Vietnam has signed or joined"<sup>15</sup>. Our Party affirmed that in the coming time, in the world, peace, cooperation and development are still big trends, but the situation continues to be complicated and hidden, causing many uncertain and unpredictable factors. The hostile forces have intensified their activities against our country in the field of politics, economy, ideology, culture, democracy, human rights, ethnicity and religion; propagating, inciting and implementing "peaceful evolution" with a view to changing the political regime in Vietnam. Therefore, our entire Party,

people and army need to proactively protect the Fatherland "early and from afar", "Resolutely and persistently fight to firmly defend the independence, sovereignty, unity and integrity of the territory of the Fatherland, defending our Party, State, people and socialist regime; maintain political security, social order and safety"<sup>16</sup>

With regard to economic, social and cultural areas, (1) In the economic field, the 1992 Constitution stipulates: "Labor is a right and a duty of all citizens. The state and society plan to create more and more jobs for workers"<sup>17</sup> (Article 55). The State has formulated and implemented a series of socio-economic policies and programs to promote the guarantee of working rights, focusing on the expansion and development of local industries, supporting the businesses, expanding international cooperation on vocational training and labor export. As a result, in 2018, the macroeconomic situation was stable, GDP growth reached 6.7%; major balances of the basic economy were guaranteed; State budget revenue exceeded 3% -5% of the estimate; public debt decreased, inflation was below 4%; labor productivity increased; the development of the country was ensured not only in quantity but also in quality<sup>18</sup>. People's lives have been improved, people's faith in the Party and State has been increasingly strengthened, and Vietnam has earned good international reputation. (2) In the field of education, the Platform for building the country during the transition to socialism established by the Party in 1991 identified education as the top national policy. This view is institutionalized in Article 35 of the 1992 Constitution. "Education and training are the top national policies". This is the ideological basis for realizing the people's rights to get access to education in the new period. In addition to the above provision, the 1992 Constitution also clearly states that education is a right and obligation of citizens (Article 59), and at the same time it defines the obligation of the State in ensuring this right (Article 36). On that basis, a series of other legal documents were issued to concretize the guarantee of the right to get access to education, the most important of which is the Education Law (1998). (3) Public health and social security have been guaranteed and strengthened. This is an important basis for human rights, especially the basic rights to be guaranteed. As a result, 43 million Vietnamese have escaped poverty; According to the new standard issued in 2017, the percentage of poor people reduced to 7%. Vietnam has completed the universalization of primary education in 2010 and preschool in 2017. People's health care has made great progress, the system of health facilities has been widely established throughout the country; the number of doctors and number of beds per ten thousand people is increasing rapidly. The quality of the health service system has been increasingly improved<sup>19</sup>. In addition, the State also spent a large budget to Program 135, aimed at developing essential technical infrastructure and public services, such as electricity, schools, clinics and clean water, thereby, contributing to improving the living conditions for the extremely difficult communes, ethnic minority and mountainous areas. This is a great effort of the Party and State of Vietnam that few countries in the condition of escaping from prolonged war can be achieved. In regard to the management mechanism, in the current cause of building and defending the Socialist Republic of Vietnam, the value of human rights in President Ho Chi Minh's thoughts continues to be inherited and creatively applied by our Party and State. Resolution of the 11th Party Congress affirmed: "The socialist society that our people build is a society: Rich people-strong nation-equitable, democratic and civilized society; owned by the people; in which all people enjoy an abundant, free and happy life and are given conditions for their comprehensive development. It is a socialist state ruled by law and of the People, by the People and for the People under the leadership of the Communist Party of Vietnam<sup>20</sup>. The nature and goals of Vietnam's socialist regime are all for people, they do not accept oppression, injustice, and create favorable conditions for people to comprehensively develop their virtues, intellect, bodies and beauties. Therefore, the Party always attaches great importance to the development of education, public health, hunger eradication, poverty reduction, gender equality, actively participates in and fully fulfills the obligations of international conventions on human rights. Vietnam has actively participated in UN human rights mechanisms such as the Human Rights Commission for the 2001-2004 term, the Socio-Economic Council for the 1998-2000 term, Human Rights Council for the 2014-2016 term. These are strong evidences on ensuring human rights in Vietnam and are widely recognized by the international community.

In the field of law, our Party believes that all democratic rights of the people must be institutionalized by the Constitution and laws. The legal system must ensure that the people's freedom, equality and democracy are respected in reality. Therefore, in the past years in the Constitution of 1946, 1959, 1980, 1992, our Party constantly supplemented and completed the regulations on civil rights. The 2013 Constitution is considered a charter of human rights in Vietnam because it fully and

comprehensively contains a modern system of human rights, a significant step forward in thinking about the rule of law state and institutionalizing human rights in Vietnam, in accordance with international human rights standards and conventions. In addition, in order to ensure the implementation of the people's economic, social and cultural rights in the new period, the State has issued many important legal documents, including the Civil Code (1995), Labor Code (1994), Education Law (1998), Law on Protection, Care and Education of Children (1991), Law on universal primary education (1991), Ordinance on the disabled disability (1998). It can be said that all guidelines of the Party, policies and laws of the State stem from the people's aspirations, rights and legitimate interests. The human rights provisions in the Constitutional chapters have created the highest legal basis to ensure that human rights are fully realized in practice such as new content, goals and motivation for developing a nation with prosperous people-strong nation-equitable, democratic and civilized society.

In the field of diplomacy, our Party has implemented foreign policy of international solidarity for peace, independence, democracy and social progress to ensure the human rights. With the policy "Consistent implementation of foreign policy of independence, autonomy, peace, cooperation and development; multilateralization, diversification of relations, proactive and active international integration; Vietnam is a friend, a reliable partner and a responsible member of the international community; creating a peaceful and stable environment for national construction and development"<sup>21</sup>. Our country is always open, ready to exchange, enhance dialogue and international cooperation on the basis of equality, construction, respect and mutual understanding. Currently, Vietnam is a member of the Human Rights Council (2014-2016), the Socio-Economic Council (2016-2018) and the UNESCO Executive Council (2015-2019), as well as within the framework of ASEAN's mechanism, towards a people-centered ASEAN community. Vietnam acceded to the Convention on Civil and Political Rights on September 24, 1982; Convention on Economic, Social and Cultural Rights on 24 September 1982; and signed Convention on the Elimination of All Forms of Discrimination against Women on July 29, 1980

#### **4. SOLUTIONS TO ENSURE THE IMPLEMENTATION OF HUMAN RIGHTS IN BUILDING AND PROTECTING THE SOCIALIST FATHERLAND IN VIETNAM TODAY**

*Firstly, the solution in the field of politics.* To protect the Fatherland and the rights of citizens, we have to continue to thoroughly grasp the Party's guidelines and Ho Chi Minh's thought to apply them creatively in practice in order to build a comprehensive and strong national defense to meet the requirements of firmly defending the Fatherland in the new situation.

We have to concentrate on successfully implementing resolutions, directives and decisions of the Party Central Committee, the Politburo, the Secretariat, the National Assembly and the Government on socio-economic development, ensuring national defense and security and improving the lives of people in strategic and key areas. We also have to well implement the guidelines, and policies of the Party and the State on ethnicity, religion, grassroots democracy, land and cadre policies. Besides, we must firmly grasp the thoughts and feelings of the masses, mobilizing people of all classes to uphold citizens' responsibilities, well solving conflicts arising within the people, building consensus in society so that demonstrations and riots would not occur and political stability would be maintained in all situations.

We must step up the fight to frustrate the conspiracy of hostile forces taking advantage of human, ethnic and religious issues to fight against the revolution of our country. It is necessary to speed up the work of hunger eradication and poverty reduction to raise the living standards of ethnic minorities, making changes in all socio-economic aspects in ethnic minority and mountainous areas. We have to strengthen national defense and security to ensure political stability, social order and safety, consolidating and improving the quality of the grassroots political system in ethnic minority and mountainous areas. We must continue to complete the legal system of religion, strictly abide by the Ordinance on Beliefs and Religions, prepare conditions for the development of the Law on Beliefs and Religions. It is necessary to take advantage of the support of the international public opinion on the religious policies of our Party and State as well as in the struggle on the field of religion - human rights. Especially, we must promote information and external propaganda.

*Secondly, economic, cultural and social solutions.* It is necessary to promote hunger eradication and poverty reduction and implement social justice since reducing the gap between rich and poor is the

foundation for sustainable development. Political instability, division and secession all stem from the unequal distribution of material interests, spiritual interests and the great rich-poor division in society. Therefore, the State needs to regulate, distribute benefits and ensure social welfare, focusing on social policy beneficiaries and remote areas; At the same time, it is necessary to have a strategy for regional economic development, ensuring that remote areas keep pace with cities and urban areas. The State must promote vocational training, lending, priority in education, training, investment ... for the poor, disadvantaged families, policy beneficiary families, children of farmers and farmers compatriots in remote areas and ethnic minorities. This must be considered as the first step in policy making at both macro and micro levels.

*Thirdly, the solution on perfecting the law.* In the immediate future, it is necessary to concentrate on building and perfecting the legal system to ensure human and political rights; economic, social and cultural rights; the rights of vulnerable groups in society such as children, women and elderly citizens. In order to do that, it is necessary to have comprehensive and profound research and summary of the current legal system, with an analysis and comparison with international regulations on human rights that Vietnam has acceded to.

We must strengthen the Party's leadership over justice agency. Ensuring the leadership of the Party is not to intervene in investigating, prosecuting and adjudicating activities, but ensuring that the leadership is implemented by major guidelines at the macro level; on building organization, apparatus, personnel work.

It is necessary to strengthen the supervision of the National Assembly, People's Councils at all levels to the judiciary.

We must also strengthen the supervision of mass organizations and socio-political organizations over judicial activities to ensure their participation in the field of crime detection and trial activities (juridical mechanism).

*Fourth, the solution on management mechanisms.* We must continue to build and perfect the state apparatus "of the people, by the people, for the people". The State's responsibility is to respect and ensure the exercise of human rights; and citizens must also fulfill the obligations arising from enjoying the rights provided by the Constitution and the law. Therefore, at present, we must continue to promote democracy, ensuring that the state power belongs to the people and creating conditions for people to actively participate in state affairs, including the participation of people in inspecting and supervising State activities and activities of State officials and public employees. This requires the State to report activities to the people, to ensure citizens are provided truthful and accurate information from the public authorities. State officials directly elected by the people must have regular contact with the people. We must strengthen the inspection and supervision of state officials and public employees and enhance the operation of the grassroots political system, especially the neighborhoods where officials and public employees' wife and children live and work.

*Fifth, the solution to ensure human rights in the field of diplomacy.* At the current stage of deeper and deeper international integration, international human rights cooperation between Vietnam and other countries as well as with international organizations is increasingly expanding, so we need to step up international cooperation, showing "active and proactive" spirit and "being a responsible member of the international community". We must seriously implement international commitments and obligations prescribed in international treaties on human rights that Vietnam has signed. Only when Vietnam seriously fulfills its signed commitments, will Vietnam contribute to the consistent implementation of the policy on the guarantee and promotion of human rights and support Vietnam's relations with other countries and international organizations, contributing to improving the position and image of our country in the international community.

## 5. CONCLUSION

In summary, the paper analyzes Ho Chi Minh's viewpoints on human rights. It also suggests some solutions to ensure the implementation of human rights in Vietnam in the new period. It can be said that Ho Chi Minh's viewpoint "Respecting and protecting human rights, associating human rights with the rights and interests of the nation, the country and the people"<sup>22</sup> is still valid until now. It is a source of great potential power and a strong motivation for our Party to apply and develop creatively in the struggle to ensure human rights and firmly protect the Fatherland.

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