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Recent Results of Vietnam's Human Rights Diplomacy and Remarkable Evidence

Abstract. Vietnam's human rights protection in general and human rights diplomacy in particular have achieved many positive results in recent years. However, some Western reports issued in early 2024 still make unobjective comments about Vietnam's efforts. This article is made to clarify Vietnam's views and achievements in human rights diplomacy over the past time, in which the results of vaccine diplomacy during the COVID-19 pandemic to realize the statement "Leave No One Behind" and the settlement of international issues on religion-human rights will be analyzed in detail to prove it. The article also draws some relevant experiences and implications to further improve the effectiveness of human rights diplomacy in Vietnam in the coming time.

Keywords: human rights, Vietnam, vaccine diplomacy, COVID-19.

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Вьетнамская дипломатия в области прав человека: последние достижения и впечатляющие примеры

Аннотация. Защита прав человека во Вьетнаме в целом и дипломатия в области прав человека в частности за последние годы достигли многих положительных результатов. Однако некоторые западные отчеты по-прежнему содержат необъективные комментарии об усилиях Вьетнама. Авторы статьи представляют последние достижения вьетнамской дипломатии в области прав человека, анализируя результаты вакцинной дипломатии во время пандемии COVID-19 и урегулирование международных вопросов с правами человека в области религии. В статье также предлагаются актуальные меры для дальнейшего повышения эффективности дипломатии в области прав человека во Вьетнаме.

Ключевые слова: права человека, Вьетнам, вакцинная дипломатия, COVID-19.

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Introduction

Vietnam has made remarkable achievements in protecting human rights (HR) at home and abroad in recent years. As a late domestic study has confirmed, Vietnam is one of the fastest growing Asian economies, which, combined with the effective policies of the Vietnamese Government, has created a favorable basis for significantly improving the people's welfare, raising GDP per capita, reducing poverty rates, expanding health insurance coverage, and continuously improving the human development index (HDI). In terms of foreign affairs, Vietnam has become a signatory to many international conventions on HR with most international articles successfully codified. Vietnam at the same time has shown an active role in international forums on HR. These developments show that ensuring HR in Vietnam is an inseparable part of the goal of building a society of "Rich People, Strong Country, Democracy, Justice, and Civilization" as stated by the Communist Party of Vietnam [Uhalov, Lukin 2024]. However, in recent HR reports, the US (April 22, 2024) and the European Union (May 29, 2024) still made some unobjective comments about Vietnam's situation, causing a negative impact on Vietnam's image in the international arena.

This reality certainly generates different opinions in political and research communities inside and outside Vietnam. Over the last decades, there have been many theoretical and empirical studies on human rights throughout the world, among which the human rights diplomacy is more and more topical. Internationally, the study by D. Griffiths has recently become notable [2023]. The study argues that "The multilateral human rights system offers important resources for tackling the overlapping crises and threats facing the world. <...> Human rights diplomacy is a term that describes the interactions among states on human rights. It has existed in various forms for over 75 years — since human rights were inscribed in the 1945 UN Charter and articulated in the Universal Declaration of Human Rights in 1948" [Griffiths 2023: 2]. Through this research paper, D. Griffiths also proposes policy directions to improve the effectiveness of human rights diplomacy in the context of a highly-polarized world. In Vietnam, since 2016 the series of Vietnam Diplomatic Blue Books has continuously analyzed and updated Vietnam's notable human rights diplomacy-related activities. Along with that, Vietnamese researchers have further clarified the Vietnam-specific awareness of human rights and human rights diplomacy. Politically, the Communist Party of Vietnam (CPV) issued *the Politburo's Conclusion No. 57-KL/TW dated June 15, 2023 on continuing to*

improve the quality and efficiency of foreign communication in the new situation, including important contents on the advantages and limitations of Vietnam's human rights diplomacy and a number of significant policy orientations.

In order to clarify Vietnam's recent positive results in HR protection in general and HR diplomacy in particular, this article will review the efforts of Vietnamese public organizations to overcome difficulties in Vietnam's vaccine diplomacy to protect people's health during the fight against the COVID-19 pandemic and the settlement of international issues on religion-human rights. On that basis, the article draws some experiences and implications to further improve the effectiveness of Vietnam's HR diplomacy.

Generalizing Vietnam's awareness of HR

First of all, it can be affirmed that Vietnam's official position on HR is consistent with the inseparable relationship between human dignity and HR, which has been officially recognized in the *Universal Declaration of Human Rights* (UDHR) (1948) as follows: "Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" [United Nations 1948]. Particularly and academically, on the basis of the Vietnamese context, some scholars have actively provided definitions of HR, including a statement that "A human right is a moral right, the conditions for exercise of that exist in all countries of the world [...] According to the definition of HR, in justifying a human right we first have to justify that it is a moral right, then to argue that the conditions for its exercise exist in all countries of the world" [Vũ Xuân Minh 2011: 83]. Many Vietnamese scholars also agree upon the basic characteristics of HR (including universality, inalienability, indivisibility, relatedness, and interdependence) and the history of HR encompassing three generations, namely the first with civil and political rights, the second with economic, social and cultural rights, and the third with collective rights such as national self-determination, right to development, right to live in a healthy environment [Võ Khánh Linh: 67–68].

Legally, Vietnam's HR protection is affirmed by ratifying and strengthening the internalization of international conventions on HR protection. Notable documents include the following (Table 1).

The 2013 Constitution of Vietnam, most significantly in *Chapter II: Human rights, rights and obligations of citizens*, made great progress in the recognition and implementation of international conventions on HR in Vietnam. Specifically, Chapter II for the first time recognized a number of rights defined in many international conventions, to which Vietnam is a member [Phạm Hồng Thái 2016: 586–599], e.g. right to life (Article 19), cultural rights (Article 41), rights of identification (Article 42), right to live in a healthy environment (Article 43), etc. Along with the process of constitutional reform, other laws and policies in Vietnam have also gradually transformed toward perfecting the mechanism to protect and promote human dignity and HR. This is shown consistently first through the building of *the Criminal Code* in Vietnam from 1985 to the present (specifically, the editions of 1985, 1999, and 2015

Table 1. Vietnam and Basic International Conventions on Human Rights

No.	Titles	Ratification date by the UN	Ratification/accession date by Vietnam
1	Convention on the Prevention and Punishment of the Crime of Genocide	09/12/1948	09/06/1981
2	International Convention on the Elimination of All Forms of Racial Discrimination	21/12/1965	09/06/1981
3	International Covenant on Civil and Political Rights (ICCPR)	16/12/1966	24/09/1982
4	International Covenant on Economic, Social and Cultural Rights (ICESCR)	16/12/1966	24/09/1982
5	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	26/11/1968	06/05/1983
6	International Convention on the Suppression and Punishment of the Crime of Apartheid	30/11/1973	09/06/1981
7	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	18/12/1979	17/02/1982
8	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10/12/1984	7/11/2013
9	UN Convention on the Rights of the Child	20/11/1989	28/02/1990
10	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	25/05/2000	20/12/2001
11	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	25/05/2000	20/12/2001
12	Convention on the Rights of Persons with Disabilities	13/12/2006	20/10/2007

Source: [Nghia 2019: 69—70].

together with the amendments in 1989, 1991, 1992, 1997, 2009, and 2017) when the right to life, the right to respect and protect people's dignity, honor, life and health have always held a special position (in second place on the list of criminal offenses). In *the Criminal Code* No. 100/2015/QH13 (amended and supplemented by Law No.12/2017/QH14 dated June 20, 2017), Chapter XIV (Offences against human life, health, dignity and honor) includes 33 offences specified from Article 123 to Article 156, e.g. murder (voluntary and involuntary manslaughter), deliberate infliction of bodily harm upon another person, abuse, rape, sexual abuse, employment of a person under 16 for pornographic purposes, human trafficking, trading and appropriation of human tissues or body parts, slander, etc. [Quốc hội Việt Nam 2015]. In addition, for the past decade

or so, many similar positive changes have been taking place in Vietnam's legal system in the aspect of economic rights, rights of the vulnerable, rights of religion and belief, etc. [Tạ Ngọc Tấn, Đặng Chí Dũng, Hoàng Văn Nghĩa 2016: 151—156, 484—485].

Recent overall results of Vietnam's HR diplomacy

In addition to the special efforts to fight COVID-19, in recent years, Vietnam's multilateral foreign policy has always focused on protecting and promoting HR and human development in the region and the world. The first to mention is that Vietnam was elected to the UN Human Rights Council (UNHRC) twice.

In the 2014—2016 term, Vietnam fulfilled its membership of the Council with lots of achievements. On June 20, 2014, in Geneva, Switzerland, the UNHRC approved the second cycle of the report on the situation of ensuring HR in Vietnam within the framework of the Universal Periodic Review Mechanism (UPR) with the witness of all 192 United Nations member states, international organizations and non-governmental organizations. In 2015, as a proactive, active and responsible member of the UNHRC, Vietnam provided substantive inputs to the UNHRC discussions, resolutions and other important documents that helped better protect and promote HR across the world. In the spirit of dialogue and cooperation, Vietnam worked closely with other states and international organizations to promote priorities for protection of vulnerable groups such as women, children, persons with disabilities, socio-economic and cultural rights, impacts of climate change, etc. [Ministry of Foreign Affairs 2016: 47] In 2016, the last year of its 2014—2016 term, Vietnam fulfilled its membership of the UNHRC. Vietnam proposed many initiatives and organized discussions on The Rights of Persons with Disabilities (March), The Rights of Maritime Workers (June), Strengthening the education of women and girls against human trafficking (September); together with the Philippines and Bangladesh co-sponsored the Resolution on the negative impacts of climate change on children's rights (June). Vietnam was elected as a member of the Working Group on the status of the Human Rights Council Complaint Procedure (OHCHR), performed an effective role as the coordinator in ASEAN [Ministry of Foreign Affairs 2017: 38—39].

In the period 2017—2021, Vietnam's participation and contribution to resolving bilateral and multilateral international issues related to HR continued to improve. In 2017, Vietnam continued to hold HR Dialogues with Norway (February) and welcomed the delegation of the Special Rapporteur on the Right to Food of the UN Human Rights Council (November). Vietnam conducted HR dialogues with the US (May 2018) and Australia (August 2018), which helped enhance mutual understanding and bilateral relations. In 2020, Vietnam continued to effectively implement the Vietnam — EU Human Rights Dialogue in Hanoi (February), organized an international workshop on introduction of the Master Plan for the implementation of the recommendations accepted under the UNHRC's General Periodic Review Mechanism III cycle and another workshop on protecting and promoting HR in the context of the COVID-19 pandemic (September). Vietnam actively participated in and made substantial contributions to the joint efforts of the international community in promoting HR,

including the UN's main forums on HR such as summits, meetings of the UNHRC, Committee on Social Development (CSOCD), Committee on Drug Control, UN Commission on the Status of Women. Vietnam joined the 25th round of the Vietnam-US Human Rights Dialogue online (October 2020). In 2021, Vietnam successfully organized 46 annual Human Rights Dialogues with the US (November) and Australia (December), maintaining exchanges with other partners such as Canada, Switzerland, Norway, New Zealand, etc.

On October 11, 2022, Vietnam was re-elected to the UNHRC for the 2023–2025 term at the 77th session of the UN General Assembly. The election result showed that Vietnam's active participation in the UNHRC's activities and its strong commitment and efforts in promoting and protecting HR won the acknowledgment and appreciation of the international community. With a seat in the UNHRC, Vietnam will have more opportunities to promote HR on the basis of impartiality, cooperation, and dialogue. From then on, Vietnam has proactively participated in many international activities on HR, namely High-Level Meeting and Regular Sessions of the UN Security Council, the adoption of the *Resolution on Climate Change and Food Rights*, the meetings of General Assembly, etc. Regarding very complicated issues between Ukraine and Russia, Vietnam's point of view also clearly shows its attention to HR. Vietnam's consistent position is to call for an end to conflicts, restoration of peace, protection of security and safety of the people and essential infrastructure; at the same time, persistently promote dialogue and negotiation to find a lasting peaceful solution to disagreements on the basis of appropriate and thorough respect for international law and the UN Charter, taking into account legitimate interests of the parties concerned.

Vietnam in the face of international issues on religion-human rights

From the early 90s, American politicians began to include human rights issues in the US foreign policy. For example, in 1994, the US House of Representatives passed a resolution to designate May 11 every year as "Vietnam Human Rights Day". On May 14, 1998, the US Congress passed the *International Religious Freedom Act*. This was the first time that the United States had publicly legitimized its bases in international religious policy. With this move, the US officially raised the international issues on religion-human rights in international relations. This is essentially the politicization of religion in international context, creating an additional tool for the US and many Western countries to enforce their foreign policy. The fact that they have been self-assessing the level of religious freedom worldwide annually and unobjectively has caused many challenges to the development of many countries, including Vietnam.

Facing this international pressure, Vietnam has calmly and persistently responded in the spirit of goodwill and cooperation with the highest goal of protecting legitimate religious freedom. That attitude has helped Vietnam gradually realize the essence of the international issues on religion-human rights raised by the West. Accordingly, the essence of this phenomenon should be to internationalize all religion-human rights-related issues, thus facilitating the development and spread of American and Western Protestant denominations around the world. In addition, capitalizing on

religious pluralism and religious globalization after the Cold War, these Western countries and Western-friendly entities aims to change the geo-religious map of the world, creating more social bases conducive to the implementation of global policy from the West [Đỗ Quang Hưng 2022: 243].

Not only identifying the nature of these issues in theory, Vietnam has gradually dealt with the phenomenon with specific and practical actions. After *the Ordinance on Belief and Religion* (2004), the Prime Minister's *Directive No. 01/2005/CT-TTg on a number of Protestant works in Vietnam* was a remarkable step forward with the official recognition of legal Protestant denominations. At the 10th CPV Congress (2006), the direction of constructing the rule of law on religion was designated, enhancing religious policy renewal as well as the legal system on religion in Vietnam. The appearance of *Chapter II (Human rights, rights and obligations of citizens)* in the *2013 Constitution of Vietnam* placed a solid legal basis for protecting the right to freedom of religion. More notably, in November 2016, the National Assembly of Vietnam passed *the Law on Belief and Religion* with essential articles on freedom of religion in Vietnam being institutionalized more firmly, such as the people's right to freedom of belief and religion (Article 6), the rights of religious organizations (Article 7), foreigners' freedom of religious belief (Article 8), etc.

Along with this process of domestic religious reconfiguration, Vietnam has also constantly strived to increase the compatibility between Vietnamese law and international conventions related to protecting freedom of religion and belief (partly shown in Table 1). Vietnam has been incorporating these issues into the process of joining major international forums and events to help the international community better understand Vietnam's awareness and achievements in protecting freedom of religion and belief.

“Leave no one behind” in dealing with COVID-19: Vietnam protects human rights via vaccine diplomacy

In June 2020, during a meeting with voters in Hai Phong, the then-Prime Minister Nguyen Xuan Phuc affirmed that “No one should be left behind during the pandemic”. Along with “fighting the pandemic is like fighting an enemy”, this has been considered one of the guiding principles for the entire fight against COVID-19 in Vietnam since 2020, clearly expressing the Vietnamese perspective on human dignity as analyzed above. One of the most prominent foreign policies to put this humanist motto into practice is vaccine diplomacy. Vaccine diplomacy can be defined as “all of the interactions and relations among international actors to achieve national interests in vaccines and to solve the relevant international issues” [Hương Giang, Tuấn Dũng 2022: 519]. In Vietnam, vaccine diplomacy has been carried out with the participation of many subjects with the Vaccine Diplomacy Team headed by the Minister of Foreign Affairs as the core. It was also identified as one of the 3 main pillars of Vietnam COVID-19 Vaccine Strategy in addition to the establishment of the Vaccine Fund and the implementation of large-scale vaccination for people.

Although the heat of vaccine diplomacy has recently waned along with the general backdrop of the pandemic, there is no denying that it garnered various international

forces' attention throughout 2020 and 2021. In particular, with the exception of Cuba and Kazakhstan, the countries that produce and have COVID-19 vaccines used in at least two countries are all regional and world powers, namely the US (4 types), China (4 types), Russia (3 types), India (2 types), and UK (1 type). Among them, only the US, China, and the UK have been providing the vaccines included in the WHO's Emergency Use List (EUL) and distributed by the COVAX mechanism [WHO Team 2022].

The Sino-US competition for vaccine diplomacy in Southeast Asia has been clearly reflected in diplomatic figures and developments. For instance, by the late 2023, 13 out of around 16 COVID-19 vaccines used in at least 2 countries have appeared in Southeast Asian countries. However, by origin, only Chinese vaccines (3 types) appeared in all 11/11 countries in the region, second was the US vaccines (3 types) with 10/11 (similar to the Oxford/AstraZeneca vaccine). The others (including Novavax, Sputnik Light, Sputnik V, Covaxin, and Abdala) were used by some countries with smaller scale [Mathieu et al. 2024].

In the face of competition among international forces and the urgent pandemic situation, Vietnam still steadfastly implemented vaccine diplomacy to create best conditions for domestic people to have access to vaccines. Instead of passively receiving external support, vaccine diplomacy was soon considered and realized as a spearhead diplomatic front during the pandemic, paving the way for the very proactive actions of the Vietnamese Government. As the result, "through the diplomatic route, from a country with slow access to COVID-19 vaccines and the lowest vaccination rate in the region, Vietnam has turned the situation around, becoming one of the countries with the highest and fastest vaccination in the world, basically achieving herd immunity sooner than planned. More importantly, this is the premise for one of the most open economies in the region like Vietnam to be reopened gradually" [Huong Giang, Tuấn Dũng 2022]. Specific data shows that "by November 29, 2022, the total number of injections in Vietnam has been over 264 million shots; the rate of 1st and 2nd shots for people aged 12 and older has reached approximately 100 %; the rate of 3rd and 4th shots for people aged 18 and over has reached 79.7 % and 86.9 % respectively. The rate of 1st dose for children from 5 to under 12 years old was 91.5 %. Vietnam has been one of the countries with high large-scale and diverse vaccination. The World Health Organization recognizes and assessed that Vietnam's vaccine strategy is appropriate and effective with the commitment of the entire political system and people" [Ministry of Health 2022].

Moreover, in practice, the scope of Vietnam's vaccine diplomacy has been increasingly expanded to mobilize partners and international organizations to provide aid, cooperate in the production and transfer of vaccines, drugs, equipment and medical supplies against the COVID-19 pandemic. This expansion helps Vietnam receive medical equipment support from more than 30 countries, territories, international organizations and overseas Vietnamese communities (with a total value of about 80 million USD, equivalent to 2 trillion VND), and promote AstraZeneca Group to invest 90 million USD to develop the pharmaceutical sector in Vietnam, making Vietnam become one of 5 countries (raised to 15 countries as of May 2024) announced by WHO to receive mRNA vaccine production technology [Ibid.].

Not only supporting domestic people, Vietnam also actively carried out external activities to support other countries to fight COVID-19. As the Chair of ASEAN for 2020, Vietnam actively promoted regional solidarity and mutual support during pandemic. Vietnam donated medical equipment to Laos and Cambodia (more than VND 7 billion each), including protective clothing, medical masks, antibacterial masks, testing systems and SARS-CoV-2 virus test kits. Vietnam devoted part of national resources to support many countries outside the region in dealing with the COVID-19 pandemic. For example, the donation of 550,000 masks to France, Germany, Italy, Spain, and the United Kingdom on April 7, 2020; the program of 1 million masks against the COVID-19 supported by the Vietnamese community and Vietnamese Representative Missions in South Africa to support the people of South Africa and several neighboring countries in the Southern African region in July 2021.

Experiences and implications

First, although the role of vaccine support from major countries is very important, it should be affirmed that the anti-pandemic achievements that many countries around the world, including Vietnam, have achieved should be mainly determined by domestic initiative and accuracy in planning and implementing vaccine diplomacy. More broadly, Vietnam's HR diplomacy also needs to continue being proactively and consistently implemented in the face of international pressures to minimize the risk of being politicized by external forces. Despite many positive results, Vietnam's ability to support other countries through vaccine diplomacy has been limited still. With the goal of becoming a middle power, Vietnam needs to more clearly demonstrate its role as a facilitator with HR diplomacy activities in the coming time, which will help better promote the country's image and spread Vietnam's views on HR to the international community.

Second, Vietnam has not yet made great progress in international commitments to realizing some Sustainable Development Goals (SDGs), including those directly related to human dignity and human rights. Accordingly, there are still major challenges to reach national and global targets for certain indicators, especially the early childhood development indicator (SDG 4), early marriage rate (SDG 5), safely managed water and sanitation taking into account challenges related to climate change and environmental degradation (SDG 6), and significant challenges to achieve the punishment by caregivers' rate (SDG 16). These are areas where Viet Nam needs to intensify its efforts or made fundamental changes to meet the targets, especially for the most vulnerable children (including ethnic minority children, those with disabilities and children from poor migrant families) [UNICEF Viet Nam 2022].

Third, ineffective implementation of some foreign policies leads to poor results, even legal loopholes and corruption, in some aspects. A recent example of this is the "rescue flights" for overseas Vietnamese citizens during the COVID-19 pandemic. Along with the success of vaccine diplomacy, the policy of "rescue flights" could have contributed to highlighting the HR-orientation aspect of Vietnam's foreign policy. However, many Vietnamese citizens' successful repatriation could not fill the loopholes

behind these “rescue flights”, leading to lots of extremely serious corruption cases that have been being tried in Vietnam. This is indeed a wake-up call to the CPV and the Vietnamese State about corruption, people’s trust and prestige in the international community. Therefore, improving the effectiveness of the ongoing fierce anti-corruption fight in Vietnam will certainly make a remarkable contribution to the substantive betterment of Vietnam’s domestic and foreign policies on human rights in the coming time.

Fourth, the ineffectiveness of communication leads to the existence of false and/or outdated information about the achievements on HR protection in Vietnam, generating misunderstanding about Vietnam’s efforts within the international community. This issue can be clearly seen in the protection and promotion of freedom of belief and religion in Vietnam. Currently, the religious and belief life of many countries has been facing global challenges, making national policies on the protection and enforcement of freedom of religion and belief (as one of the basic human rights) is not only domestic but also external. Vietnam is not out of this trend. Basically, among many challenges, the difference in approaches has led to debates, and even tensions, in Vietnam’s international relations concerning the protection and enforcement of freedom of belief and religion. Objectively, although there are still certain problems, perspective and practical implementation of freedom of belief and religion in Vietnam have been going in a positive direction. However, Vietnam’s efforts and improvements in freedom of religion and belief in particular and human rights in general have not been fully recognized by part of the international community, causing many complicated problems in foreign relations. In order to gradually solve this problem, besides joining international bilateral and multilateral forums as a UNHRC member in the term 2023—2025, Vietnam needs more convincing proofs from the domestic policy on human dignity and human rights.

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