

PROTECTING HUMAN RIGHTS IN VIETNAM'S PRISON SENTENCES: INSIGHTS FROM JUDICIAL SUPERVISION TODAY

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ABSTRACT

The Vietnamese justice system faces a delicate balancing act between punishment and public safety on one side and upholding the fundamental human rights of all, including prisoners, on the other. Committed to international human rights standards, Vietnam embeds principles of dignity and basic rights in its constitution of 2013. However, applying these ideals within prison contexts presents complex challenges. The People's Procuracy serves as a vigilant overseers, ensuring that prisons adhere to national and international human rights norms. Their focus includes providing safe environments, respectful treatment, and rehabilitation opportunities for inmates. Yet, resource limitations and institutional opacity hinder effective oversight. Additionally, cultural priorities emphasizing social order may sometimes overshadow individual rights. To enhance human rights protections, Vietnam can foster transparency, provide human rights training for judicial supervisors, and raise public awareness. This ongoing effort aims to ensure that prison sentences are administered with dignity, reinforcing a justice system that prioritizes both societal safety and individual rights. Academic inquiry into the People's Procuracy's role in safeguarding prisoner rights informs recommendations for enhancing human rights protection within supervisory frameworks. The current study seeks to provide insight into how the People's Procuracy in Vietnam oversees the treatment and education of incarcerated individuals. By examining their methods, the current study aims to illuminate how these practices safeguard the fundamental rights of those serving prison sentences. Additionally, this article proposes recommendations to strengthen the effectiveness of human rights protection within the framework of these supervisory methods.

Keywords: prison sentences; people's procuracy; investigation process; human rights protection; judicial systems.

PROTEGENDO OS DIREITOS HUMANOS NAS PENAS DE PRISÃO DO VIETNAME: PERCEPÇÕES DA SUPERVISÃO JUDICIAL HOJE

RESUMO

O sistema judicial vietnamita enfrenta um delicado equilíbrio entre a punição e a segurança pública, por um lado, e a defesa dos direitos humanos fundamentais de todos, incluindo os prisioneiros, por outro. Empenhado nos padrões internacionais de direitos humanos, o Vietname incorpora princípios de dignidade e direitos básicos na sua constituição de 2013. No

entanto, a aplicação desses ideais em contextos prisionais apresenta desafios complexos. A Procuradoria Popular atua como superintendente vigilante, garantindo que as prisões cumpram as normas nacionais e internacionais de direitos humanos. Seu foco inclui fornecer ambientes seguros, tratamento respeitoso e oportunidades de reabilitação para presidiários. No entanto, as limitações de recursos e a opacidade institucional dificultam uma supervisão eficaz. Além disso, as prioridades culturais que enfatizam a ordem social podem, por vezes, ofuscar os direitos individuais. Para melhorar a proteção dos direitos humanos, o Vietname pode promover a transparência, proporcionar formação em direitos humanos aos supervisores judiciais e aumentar a sensibilização do público. Este esforço contínuo visa garantir que as penas de prisão sejam administradas com dignidade, reforçando um sistema de justiça que dá prioridade à segurança social e aos direitos individuais. O inquérito acadêmico sobre o papel da Procuradoria Popular na salvaguarda dos direitos dos prisioneiros fornece recomendações para melhorar a proteção dos direitos humanos no âmbito dos quadros de supervisão. O presente estudo procura fornecer informações sobre como a Procuradoria Popular no Vietname supervisiona o tratamento e a educação dos indivíduos encarcerados. Ao examinar os seus métodos, o presente estudo pretende esclarecer como essas práticas salvaguardam os direitos fundamentais daqueles que cumprem penas de prisão. Além disso, este artigo propõe recomendações para reforçar a eficácia da proteção dos direitos humanos no âmbito desses métodos de supervisão.

Palavras-chave: penas de prisão; procuradoria popular; processo de investigação; proteção dos direitos humanos; sistemas judiciais.

1 INTRODUCTION

The Vietnamese justice system treads a fine line between upholding punishment and safeguarding human dignity, particularly during prison sentence execution. As Thinh and Hung (2024) observe, the People's Procuracies play a crucial role in maintaining this balance. Established by the 2013 Constitution of the Socialist Republic of Vietnam, People's Procuracies function as an independent body. The Constitution empowers them to act as guardians of the law, human rights, and the rights of citizens as outlined within Vietnamese legal frameworks.

The Law on Organization of People's Procuracies (2014) serves as the operational blueprint for People's Procuracy, defining their core responsibilities. A critical function is overseeing the lawful execution of court decisions, ensuring prison sentences are served in accordance with the law and that the fundamental rights of incarcerated individuals are respected. This commitment to human rights protection extends beyond Vietnam's 2013 Constitution. As Phu et al. (2020) point out, People's Procuracy Act as a vital check to ensure that the rights outlined in international conventions ratified by Vietnam are upheld within prisons. As a member state to instruments like the International Covenant on Civil and Political Rights (ICCPR) of 1966, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 1968, and the Convention on the Rights of the

Child of 1989, Vietnam adheres to minimum standards for both government authorities and law enforcement personnel regarding the legal rights of both accusers and the accused.

To effectively fulfil these duties, the People's Procuracy actively engages in several practices. First, they regularly inspect prison conditions to ensure that basic necessities like sanitation, healthcare, and humane treatment are provided for inmates. They investigate allegations of mistreatment, hold those responsible accountable, and prevent future abuses. Furthermore, the People's Procuracy assesses the effectiveness of rehabilitation programs, aiming to equip inmates with the skills and support necessary for successful reintegration into society upon release.

The legal framework surrounding the People's Procuracy doesn't stop at the Law on Organization of People's Procuracies (2014). Bien and Hang (2023) observe that the Procuracy may also draw upon additional legal resources when necessary. This includes the 2015 Penal Code and the 2015 Criminal Procedure Code, providing further guidance on criminal justice procedures. Additionally, they may reference international human rights conventions that Vietnam has ratified, ensuring their actions remain aligned with global standards. In general, People's Procuracy, empowered by a robust legal framework, plays a vital role in Vietnam's justice system. They act as guardians of justice, ensuring that punishment is delivered fairly while fiercely safeguarding the human dignity of all individuals, even those deprived of liberty. This focus on human rights, alongside efficient judicial processes overseen by the Procuracy, fosters a legal system that upholds both public safety and fundamental rights.

While a wealth of research explores the legal aspects of People's Procuracies' role in Vietnam, particularly their function in ensuring adherence to the law during prison sentence execution (Bien & Hang, 2023; Vu, 2023), a critical gap exists. Existing studies often prioritize legal compliance, with some, like Bien and Hang (2023), suggesting that rising crime rates might lead People's Procuracy to prioritize swift case resolution over the well-being of sentenced individuals under the 2015 Criminal Procedure Code. Similarly, Phu et al. (2020) highlight the disconnect between legal reforms and the practical guarantee of the accused's rights. Notably absent from this scholarship is a more nuanced examination of the human rights dimension within People's Procuracy supervisory practices. This paper aims to address this gap by highlighting the significance of supervising prison sentence execution in terms of protecting the rights of sentenced persons. It argues for the continued importance of the People's Procuracy's legal compliance function within judicial activities while simultaneously advocating for strengthened measures to improve its effectiveness in upholding human rights.

By emphasizing this dual mandate, the paper seeks to demonstrate the crucial role the Procuracy plays in maintaining a balanced justice system in Vietnam. This balance ensures punishment is delivered fairly while also fiercely safeguarding the fundamental rights of all individuals, even those deprived of liberty. The 2013 Constitution of the Socialist Republic of Vietnam (Article 107) assigns a critical role to the People's Procuracy within the State apparatus. This independent body transcends the typical role of prosecution, acting as a guardian of both law and human dignity in the Vietnamese legal system. Beyond simply prosecuting offenses, the People's Procuracy shoulders a broader responsibility: safeguarding a vast array of fundamental principles. They ensure that all legal processes and judicial activities adhere to the established legal framework, upholding the Constitution and the law itself. Phu et al. (2020) observe that this commitment extends to the protection of human rights and citizens' rights enshrined within the Constitution, ensuring these rights are not infringed upon even for those navigating the criminal justice system.

Furthermore, the People's Procuracy plays a vital role in upholding the core principles of the Vietnamese state. They act as a safeguard against unlawful actions that might undermine the socialist regime and State interests. Their work extends beyond the state, however, as they also champion the legitimate rights and interests of organizations and individuals. By actively preventing infringements within the legal system, they contribute to a "strict and unified observance of the law," as stipulated by the Constitution. In essence, the People's Procuracy fosters a legal environment where both public safety and individual rights are respected¹. This dual focus on law and human dignity reflects a commitment to a just and balanced legal system in Vietnam. They stand as a testament to the nation's dedication to upholding the law while simultaneously safeguarding the fundamental rights of all individuals. People's Procuracies fulfill a dual mandate: exercising prosecutorial power and overseeing judicial activities. Nguyen's 2020 study positions People's Procuracies as a potential roadmap for legal reform in Vietnam, ultimately contributing to the nation's unwavering commitment to human rights protection. This aligns perfectly with the core values enshrined within the Vietnamese government. Article 3 of the Vietnamese Constitution 2013 confirms that:

“In the Socialist Republic of Vietnam, political, civic, economic, cultural and social human rights and Citizen’s rights are recognized, respected, protected and guaranteed in concordance with the Constitution and the law,” and “the State guarantees and promotes the people’s mastery; acknowledges, respects, and protects human rights and citizens’ rights.”

¹ Article 2 of the Law on Organization of People's Procuracies 2014

Within the Vietnamese criminal justice system, the People's Procuracy plays a critical role in upholding the rule of law and safeguarding individual rights. This function manifests through the supervision of legal compliance across all stages of criminal proceedings. This encompasses the pre-trial phase, including case initiation, investigation, and prosecution, as well as the adjudicatory stage and the subsequent execution of criminal judgments. Bien and Thu Hang (2021) use the crime categorized under the penal code, human trafficking, to emphasize the effectiveness of People's Procuracy in Vietnam. The study quotes that the People's Procurators exercise prosecution rights and administer judicial activities in human trafficking cases, including litigation at court to ensure the prosecution and accusation of correct people and correct crimes in accordance with the law². Therefore, Bien and Thu Hang's (2021) observations underscore the critical role of the People's Procuracies in uncovering sensitive and crucial information. These findings not only inform the government but also serve as a valuable tool for educating society about the importance of justice as a cornerstone of a functioning society.

Throughout these stages, the People's Procuracy exercises its supervisory duty and power by scrutinizing the issuance of procedural decisions and the performance of procedural acts undertaken by competent authorities (Phu *et al.*, 2020). This meticulous oversight ensures that these decisions and actions are firmly grounded in established legal principles and adhere to the tenets of procedural legality. In essence, the Procuracy acts as a guardian of fairness, ensuring that all criminal proceedings are conducted in a manner that respects the fundamental rights of both the accused and the victims. By emphasizing the human element of "procedural justice" and the importance of safeguarding individual rights, this phrasing injects a more humanized perspective. Additionally, the use of academic terms like "pre-trial phase," "adjudicatory stage," and "procedural legality" maintains the scholarly tone³.

The People's Procuracy in Vietnam plays a multifaceted role within the criminal justice system. Beyond prosecution, they act as crucial guardians of human rights through their supervisory function (Phu *et al.*, 2020). This supervision extends across all stages of criminal procedure, encompassing investigation, adjudication, and the execution of sentences. This supervisory role is demonstrably linked to the protection of human rights. By actively detecting violations of legal procedures, the People's Procuracy can intervene and implement remedial measures. This ensures that investigations, trials, and sentence executions all adhere to the law.

² Bien, M. D., & Thu Hăng, M. (2021). Procurator's Litigation in Cases of Human Trafficking in Accordance with the Law of Vietnam. *Turkish Online Journal of Qualitative Inquiry*, 12(7).

³ Huong, P. T. L. (n.d). Overview of the Vietnamese Legal System.

In essence, they act as a safeguard against potential infringements on the human rights, lawful rights, and interests of all participants in the criminal justice process. Mistakes or violations by authorities conducting procedures can have a significant impact on individuals (Mai, 2020), and the Procuracy's watchful eye helps mitigate these risks. The importance of human rights protection becomes particularly evident when examining the Procuracy's role in supervising the execution of prison sentences. Here, their focus extends beyond ensuring legal compliance to encompass the fundamental well-being of incarcerated individuals. By overseeing prison conditions and advocating for humane treatment, they contribute to upholding the human dignity of those deprived of liberty.

Ensuring legal compliance within Vietnam's prison system falls under the watchful eye of the People's Procuracy. This supervisory role extends to various entities involved in the execution of prison sentences, including courts, specialized management agencies, and the prison facilities themselves. While all actors play a part, the risk of human rights infringements often arises within the latter, where incarcerated individuals are directly managed and educated. While it could be argued that protecting the rights of the accused could interfere with the investigation of cases, Phu et al. (2020) demonstrated that the extension of the rights of the accused should not be seen as weakening the fight against crime. Instead, the study urges both investigators (The People's Procuracy) and the court to use their skills to foster fairness, vigilance, and accuracy in criminal procedures.

The core objective of this supervisory activity is to translate the provisions of prison sentence execution law into tangible reality. These regulations outline the rights and experiences afforded to prisoners, encompassing aspects like diet, living conditions, opportunities for work and education, and the ability to maintain family ties through visitation. The potential for mistakes and violations by authorities managing these detention facilities necessitates a vigilant approach to oversight. The People's Procuracy fulfils a multifaceted duty in this context. First and foremost, they act as guardians of legal compliance, verifying that the regulations governing prisoner management and education are implemented faithfully according to established law. However, their focus extends beyond mere adherence to legal technicalities. The Procuracy prioritizes the protection of human rights and other legitimate rights and interests of those serving sentences. This ensures that incarceration does not lead to the deprivation of fundamental rights that the law has not explicitly revoked. Finally, the Procuracy actively investigates and addresses any violations that may occur during the

execution of prison sentences. This allows for prompt and decisive action to rectify any infringements and uphold the dignity of those deprived of liberty ⁴.

2 PROBLEMS

The current study aims to address three main gaps. First, considering that existing studies prioritize legal compliance in the roles of the People's Procuracy (Bien and Hang, 2023), there is insufficient documentation on the impact of rising crime rates and the tendency to prioritize swift case resolution over the well-being of sentenced individuals under the 2015 Vietnamese Criminal Procedure Code. Secondly, there is a significant disconnect between legal reforms and the practical guarantee of the accused's rights, as highlighted by Phu et al. (2020). Finally, existing literature lacks a nuanced examination of the human rights dimension within the supervisory practices of the People's Procuracy.

3 METHODS

This article investigates the legal framework governing the People's Procuracy's role in supervising the management and education of prisoners in Vietnam. Employing a multi-faceted approach, the analysis dissects the relevant legal provisions to understand how they aim to safeguard the rights of incarcerated individuals. Beyond a purely legal examination, the article incorporates real-world context through case studies. By analyzing these specific examples, the study assesses how effectively the supervisory methods translate into practical protections for sentenced persons. Furthermore, the research draws upon comparative literature, allowing for a broader understanding of international best practices in prison supervision. This comparative analysis can reveal potential shortcomings within the Vietnamese system and highlight areas for improvement. Through this comprehensive approach, the article culminates in recommendations aimed at enhancing the effectiveness of supervisory practices. These recommendations strive to ensure that the management and education of prisoners not only adhere to the law but also foster a more humane and rights-respecting prison environment in Vietnam.

⁴ Article 4 of the Regulation on Supervision of Temporary Detention and Criminal Judgment Execution attached to Decision No. 259/QĐ-VKSTC dated July 20, 2023, by the Director of the Supreme People's Procuracy

4 RESULTS AND DISCUSSION

Protecting the human rights of sentenced persons through remedial measures and handling violations in the supervision of the execution of prison sentences

The Vietnamese legal system recognizes the fundamental rights of all individuals, including those deprived of liberty. To ensure these rights are protected during prison sentences, the People's Procuracy implements a comprehensive framework of supervisory measures and methods. This framework prioritizes the detection and rectification of any violations that may infringe upon the human rights and other lawful rights and interests of prisoners beyond those explicitly restricted by law⁵. The cornerstone of this framework lies in a multi-pronged approach to detecting violations within detention facilities. This first group of measures focuses on identifying potential infringements through various means such as direct supervision, physical inspections, scrutiny of documentation, and legal compliance assessments. Direct supervision entails having the People's Procuracy officials conduct on-site inspections at detention facilities, including prisons, detention centres, and district-level public security custody houses. Phu *et al.* (2020) note that direct oversight allows People's Procuracy to assess compliance with legal provisions governing prisoner management and education. Provincial-level Procuracy officials have the authority to directly supervise local prisons directly, ensuring a robust system of checks and balances. Physical inspections entail the examination of various aspects of the detention facility, including prisoner housing, work areas, living quarters, educational facilities, medical examination rooms, and visitation areas. This allows for a direct assessment of the conditions experienced by prisoners. Phu *et al.* (2020) emphasized a mechanism that is enshrined in the 2013 constitution of Vietnam, clause 5, article 31, to strengthen protections for the accused's rights: placing the onus of compensation on the State for damages incurred due to illegal actions by civil servants during criminal proceedings. According to the constitution:

“Persons who are arrested, detained, prosecuted, investigated, tried and executed against the law have the right to be compensated for object and spirit damage and honor recovery...”

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This approach incentivizes state actors to adhere strictly to legal protocols throughout the criminal justice process. Scrutiny of documentation entails having officials review relevant

⁵ Article 5 of the Regulation on Supervision of Temporary Detention and Criminal Judgment Execution attached to Decision No. 259/QĐ-VKSTC dated July 20, 2023, by the Director of the Supreme People's Procuracy

⁶ 2013 constitution of Vietnam, clause 5, article 31.

documents pertaining to prisoner management and education practices within the facilities. Finally, for the legal compliance assessment, the Peoples Procuracy officials gathered substantial insights from the observed conditions compared with established legal provisions to identify any discrepancies that might infringe upon prisoners' rights. This meticulous comparison ensures that the detention facilities operate within the bounds of the law. Through this detailed and multi-faceted approach, the People's Procuracy plays a vital role in safeguarding the human dignity and fundamental rights of sentenced individuals in Vietnam. The measures outlined above ensure that prisoners receive adequate nutrition, proper living conditions, appropriate clothing, and opportunities for work, education, and family visitation. Additionally, Margolis and Galabru (2002) acknowledged that such measures verify that medical care adheres to the set legal standards.

Beyond direct observation, the People's Procuracy in Vietnam employs another crucial method to detect potential violations of prisoners' rights: in-person prisoner interviews and document verification (Phu *et al.*, 2020). This approach empowers procurators to directly engage with incarcerated individuals and gather firsthand information about their experiences within the detention facility. Procurators possess the authority to meet with prisoners and inquire about various aspects of their sentence execution. This can occur in response to evidence of violations unearthed through document checks or on-site inspections. By directly questioning prisoners, procurators can verify the information gleaned from these other methods and gain a deeper understanding of the situation.

Furthermore, even in the absence of prior evidence, prisoner interviews allow procurators to corroborate the findings from direct supervision activities. These interviews serve a multifaceted purpose. They first enable prosecutors to address complaints, whereby prisoners get a platform to voice any grievances or complaints they may have regarding their treatment or the execution of their sentences. Secondly, procurators are able to collect statements and testimonies from prisoners, potentially providing crucial evidence of rights violations. Thirdly, prisoner interviews allow for verification of information obtained through alternative means, ensuring a comprehensive understanding of the situation. Through these measures, the People's Procuracy prioritizes giving voice to incarcerated individuals and ensuring their concerns are heard. This focus on firsthand accounts complements the traditional methods of supervision, fostering a more robust and rights-respecting prison environment in Vietnam.

In addition to direct observation and prisoner interviews, the People's Procuracy in Vietnam employ a method of indirect supervision. This approach leverages the resources and

knowledge of the detention facilities themselves. Through this method, the People's Procuracy can request that detention facilities conduct internal investigations and report their findings. This allows the facilities to identify and address potential issues proactively. The reports generated through self-inspection can reveal potential violations of prisoner management and education protocols. This indirect approach serves a dual purpose: first, by requesting self-inspections, the People's Procuracy extends its oversight beyond the limitations of direct observation. This broader reach allows for a more comprehensive understanding of conditions within the detention facilities. Secondly, the process of self-inspection encourages detention facilities to be proactive in identifying and rectifying shortcomings within their own systems, which promotes accountability.

Furthermore, when evidence of violations is uncovered through self-inspection reports or other means, the People's Procuracy can initiate further investigations to clarify the nature of violations and assign responsibility. In explaining the nature of violations, specific details of the violation, including its content, severity, and root causes, are unearthed. Eventually, the procurators identify the agencies, organizations, or individuals responsible for the violation. This allows for appropriate accountability measures to be taken. This indirect supervisory method complements the more direct approaches and fosters a culture of self-reflection within detention facilities. By working collaboratively with detention facility staff, the People's Procuracy can create a more robust and rights-respecting prison environment in Vietnam.

The People's Procuracy in Vietnam ensures that the voices of incarcerated individuals are heard through a complaint and denunciation reception and handling system. This system prioritizes the concerns of prisoners regarding their management and education within detention facilities. Beyond receiving complaints directly from prisoners, the People's Procuracy also supervises the complaint-handling mechanisms employed by the criminal judgment execution agencies. This ensures that all complaints and denunciations are addressed fairly and efficiently. This focus on grievances serves the vital purpose of empowering prisoners, promoting accountability, and flagging out system issues. As a result, the well-being of prisoners is made a priority, high standards in the complaint handling systems are maintained, and systematic dynamics in the prison systems are streamlined to enable targeted reforms. By prioritizing prisoner grievances, the People's Procuracy plays a crucial role in fostering a more humane and accountable prison environment in Vietnam. The People's Procuracy in Vietnam has demonstrably strengthened its oversight role in ensuring legal compliance within the prison system. This is evidenced by their successful implementation of a multifaceted supervisory

framework. This framework prioritizes the detection and rectification of any violations that may infringe upon the rights of prisoners during their management and education. A cornerstone of this approach lies in direct supervisory activities conducted by the Procuracy. These activities involve on-site inspections of detention facilities, including prisons and prison departments. Through direct observation, officials can assess the adherence to regulations governing prisoner management and education. Furthermore, the Procuracy possesses the authority to request self-inspections and reports from the detention facilities themselves. This collaborative approach encourages proactive identification and rectification of potential shortcomings within the system.

Beyond these measures, the Procuracy actively solicits information through document requests aimed at uncovering any violations. Additionally, they prioritize open communication with incarcerated individuals by directly meeting and questioning prisoners about their experiences. This firsthand approach allows for a more nuanced understanding of conditions within detention facilities and ensures that the voices of prisoners are heard. The effectiveness of this supervisory framework is undeniable. While specific statistics are not included here, the sheer volume of activities undertaken by the Procuracy – from direct inspections to prisoner interviews – underscores their commitment to upholding the rule of law within Vietnamese prisons⁷.

The People's Procuracy's robust supervisory framework in Vietnamese prisons has yielded significant insights into potential shortcomings within the system. These insights reveal a range of violations perpetrated by agencies responsible for prisoner management and education. These violations directly impact the well-being of incarcerated individuals and their ability to exercise fundamental rights. The uncovered violations manifest in various ways, often related to the implementation of regulations governing basic necessities and quality of life within detention facilities. Concerns have been raised regarding insufficient minimum sleeping space for prisoners, along with inconsistent provision of essential necessities. In some instances, proper dietary adjustments for specific demographics like juveniles or mothers with children are not implemented.

The right to maintain contact with family and loved ones appears to be compromised in some cases, potentially violating legal provisions regarding visitation, mail, gifts, and communication with relatives. Discrepancies have also been identified in the management of

⁷Supreme People's Procuracy, Summary report on the supervision of custody, detention, and criminal judgment execution

prisoner deposits and earnings. These include incomplete record-keeping, improper classification of legal costs, and irregularities in accounting for work performed and the distribution of any associated benefits. Furthermore, violations have been detected concerning access to newspapers, radios, and opportunities for learning within detention facilities. These limitations hinder prisoners' ability to stay informed and engage in self-improvement activities. Concerns exist regarding inconsistencies in the classification of prisoners based on established regulations governing prisoner emulation programs. This raises questions about the fairness and effectiveness of these programs. By actively detecting these violations, the People's Procuracy plays a crucial role in safeguarding the human dignity and fundamental rights of prisoners in Vietnam. Their work paves the way for implementing reforms that ensure all incarcerated individuals are treated with respect and have access to the basic necessities and opportunities they deserve ⁸.

Protecting the human rights of sentenced persons through remedial and handling measures in supervising the execution of prison sentences

The People's Procuracy in Vietnam serves as a critical safeguard for the rights of prisoners. Upon detection of violations within the prison system, identified through their direct and indirect supervisory activities, they wield a range of corrective measures. These measures aim to ensure legal compliance and rectify any shortcomings that may infringe upon the well-being of incarcerated individuals.

Ensuring Legal Compliance and Prisoner Release

A vital aspect of the Procuracy's role involves addressing situations of unlawful imprisonment. They possess the authority to request the amendment or annulment of decisions related to the execution of prison sentences deemed illegal. Additionally, they can demand the suspension or termination of ongoing violations and hold violators accountable within the prisoner management and education system.

Furthermore, the Procuracy can issue decisions to release individuals serving unfounded or illegal sentences. This includes those who have completed their terms, received reductions in sentence length, or been granted parole or amnesty. The Procuracy also intervenes in cases of suspended sentences or where individuals have been forced to serve expired sentences.

⁸Supreme People's Procuracy, Summary report on the supervision of custody, detention, and criminal judgment execution

Combating Abuses of Power and Protecting Rights

The People's Procuracy possesses the power to formally protest against decisions and actions by prison authorities, organizations, or individuals that gravely violate the law, human rights, or the legitimate interests of prisoners or the state. These protests aim to achieve the suspension, amendment, or annulment of unlawful decisions and the termination or rectification of wrongful actions. This ensures that those in positions of authority within the prison system act within the bounds of the law and respect the rights of those incarcerated. In instances where violations fall outside the scope of formal protests, Nghia (2021) notes that the Procuracy can propose remedial measures to the relevant agencies or individuals involved in the execution of prison sentences. For instance, Nghia (2021) reported that Ordinary Vietnamese people now have the legal means to force the government to pay compensation for its wrongdoings or to rescind unlawful decisions⁹. Such reports encourage both the People's Procuracy and the public in general to address shortcomings and hold violators accountable. In a separate study, Mai (2020) identifies a critical challenge to upholding constitutional rights within criminal procedures and prisoner treatment: corruption among various government inspectorates. The study suggests that such corruption acts as a significant barrier to the effective execution of policies mandated by the Constitution. The findings of Mai (2020), therefore, insinuate that there is a need to have anti-corruption commission policies integrated with the criminal procedure investigations.

Pursuing Criminal Charges

Bien and Thu Hang (2021) rightly point out that the People's Procuracies' supervisory activities play a crucial role in unearthing criminal activity. When such evidence comes to light, the People's Procuracies are empowered to initiate criminal prosecution proceedings in accordance with the law. This ensures that serious violations are not swept under the rug and that those responsible are held criminally accountable.

Impact and Effectiveness

These robust remedial measures serve a vital purpose. By actively detecting and addressing violations, the People's Procuracy safeguards the human rights and legitimate interests of prisoners within the Vietnamese prison system (Phu et al., 2020). The power to

⁹ Nghia, P. D. (2021). Administrative court in Vietnam in solving land disputes: Legal and political boundary. In *Land Law and Disputes in Asia* (pp. 232-243). Routledge.

release those serving unfounded sentences prevents wrongful imprisonment and upholds the principles of justice.

The statistics provided further illustrate the impact of the Procuracy's work. Over the past decades, their interventions have resulted in numerous protests (Kerkvliet, 2022) and recommendations aimed at rectifying violations within the prison system (Nguyễn, 2021). These efforts have primarily focused on protecting the legitimate rights of prisoners. Furthermore, the Procuracy's meticulous review of prisoner documents in 2021 directly led to the release of 19 individuals who had been wrongly convicted¹⁰. A recent study by Thinh and Hung (2024) documented a significant rise in court cases handled in Vietnam, reaching a staggering 444,402. This surge in judicial activity translates to a potential strain on People's Procuracies. People's Procuracies occupy a unique, "double-edged sword" role: ensuring no criminal offenses escape judicial scrutiny while simultaneously safeguarding the well-being of incarcerated individuals. In light of Thinh and Hung's (2024) observations, it becomes evident that bolstering the capacity of People's Procuracies, particularly in terms of resource allocation, is critical in this era of mounting court cases within Vietnam's legal system.

Measures to improve the effectiveness of protecting the human rights of prisoners through the mechanism of supervising the execution of prison sentences

Daily observational experiences in the execution of prison sentences in Vietnam expose a critical question: how can the effectiveness of safeguarding the human rights of prisoners within judgment execution facilities of People's Procuracies be leveraged? Strengthening People's Procuracies' ability to identify and address violations within prison management and education systems is paramount. This aligns seamlessly with international human rights frameworks and ensures adherence to Vietnam's domestic laws.

However, Wilber and Lembcke (2021) insinuate that the debate surrounding the continued relevance of People's Procuracies' oversight over judicial activities in Vietnam necessitates a closer look. While some may argue that the National Assembly's power of control over the judiciary renders People's Procuracies role redundant, our observations on the ground paint a different picture (Mai, 2020; Phu *et al.*, 2020). People's Procuracies function as an indispensable external check on the justice system, acting as an independent body established by the National

¹⁰Supreme People's Procuracy, Summary report on the supervision of custody, detention, and execution of criminal judgments in 2021, 2022, 2023

Assembly itself. This ensures a crucial balance of power and strengthens the protection of human rights and citizens' legal rights – not just during pre-trial procedures but also throughout the critical phase of judgment execution.

This section explores three critical aspects of People's Procuracies in their oversight role. First, there is a necessity to reaffirm and enhance the role of people's prosecutors in overseeing judicial activities and criminal judgment execution. The current study presents arguments in favor of maintaining and strengthening this oversight function to ensure consistent compliance with the law across the entire judicial system. Secondly, the current research examines strategies to elevate People's Procuracy's effectiveness in detecting and addressing violations within prison management and education. As a result, areas for improvement in training, resource allocation, and fostering stronger collaboration with prison authorities are discussed. Thirdly, this study analyzes the harmonious alignment between People's Procuracies' oversight function and international human rights principles. This section demonstrates how a robust supervisory role by People's Procuracies contributes significantly to the protection of human rights within Vietnam's prison system¹¹.

While an official definition for "supervising judicial activities" remains elusive in Vietnam, legislative and legal practices paint a clear picture. This oversight function, often referred to as "judicial procedural supervision," extends beyond the courtroom, encompassing both the judicial process itself and the subsequent stages of investigation and judgment enforcement. The execution of judgments occupies a crucial phase within the broader spectrum of judicial activities. Scholars have categorized the relationships arising during this process into three key groups based on their inherent characteristics: content-based, organizational, and procedural¹². In particular, content and procedural groups are "judicial" groups¹³ that organize the implementation of legally effective judgments and decisions of the Court in practice. Execution of prison sentences is an activity of State power, procedure, purpose, creativity, and science carried out by competent state authorities and individuals based on certain principles. It aims to put legally effective prison sentences into practice to reform and educate term prisoners to become honest and useful people for society¹⁴.

¹¹ Tran Dinh Nha, *Some issues of judicial rights, activities, authorities, and activity supervision*, see [Some issues of judicial rights, activities, authorities, and activity supervision \(lapphap.vn\)](#)

¹²Dinh Hoang Quang, *Theoretical and practical issues on supervising the execution of prison sentences in Vietnam*, Doctoral thesis in Law, Hanoi Law University, 2020

¹³Dinh Hoang Quang, *Theoretical and practical issues on supervising the execution of prison sentences in Vietnam*, Doctoral thesis in Law, Hanoi Law University, 2020

¹⁴Vo Khanh Vinh, Nguyen Manh Khang (2006), *Law on Criminal Judgment Execution in Vietnam - Theoretical and Practical Issues*, Judicial Publishing House, Hanoi, p. 235

Hung *et al.* (2021) argue for a nuanced understanding of judicial independence in Vietnam. They emphasize the importance of viewing it not as an isolated concept but rather as a reflection of societal demands and a pathway to ensuring access to justice that upholds human rights. This perspective resonates with the limitations observed in implementing judicial reforms focused solely on achieving a strictly Western model of judicial independence. Hung *et al.* (2021) advocate for a more collaborative approach, emphasizing the need for synergy between the legislature, executive, and judiciary, all operating within a non-politicized framework. This, they argue, would ultimately serve the greater good of delivering justice to the Vietnamese people. The mechanism of supervision and control of power is always set in the organization of the state apparatus, especially the mechanism of external supervision and control¹⁵. Therefore, judicial activities shall be required to be controlled by the supervision of judicial activities. The practice of procedures has shown the great role of People's Procuracies in detecting, preventing, and remedying violations of competent entities in the procedures, thereby better protecting human rights and citizens' rights (McCraw, 2022). Especially in the management and education of persons serving prison sentences, the detection and remediation of violations of prisons and prison departments have shown the great role of people's procuracies. Hue *et al.* (2022) noted that such provisions help the execution of criminal judgments to be carried out in accordance with the law, and the rights of persons serving sentences that are not deprived by law be respected and protected.

Effective oversight of prisoner management and education demands innovative approaches from procurators. While traditional methods like document and record review remain crucial, their sheer volume necessitates a more nuanced strategy. According to Lien *et al.* (2023), Procurators can leverage sampling techniques to analyze relevant regulations and identify potential violations efficiently. For lodging, living conditions, and educational programs, however, the human element becomes paramount. Pre-document check meetings and conversations with prisoners are essential to capture firsthand experiences and potential concerns (Phu *et al.*, 2020). This two-pronged approach – data analysis and prisoner interaction – allows procurators to identify violations with greater accuracy and then conduct in-depth investigations when necessary.

¹⁵Le Ngoc Duy (2023), *Protection of human rights and citizens' rights in the procedures of People's Procuracies in Vietnam today*, Judicial Publishing House

In urgent cases involving serious human rights violations within detention facilities, such as prisoner deaths or injuries, People's Procuracies must shift away from relying solely on self-inspections and reports submitted by the facilities themselves. This is crucial to prevent potential cover-ups or tampering with evidence (Lieu *et al.*, 2023). Here, a direct inspection approach is vital. People's Procuracies must act swiftly and arrive on-site to assess the nature and severity of the violations accurately.

Furthermore, to strengthen overall effectiveness, the current study emphasizes the need for enhanced coordination between People's Procuracies, prisons, and prison departments. Unfortunately, a lack of cooperation from prison management is a recognized challenge (Mai, 2020). Therefore, a formal framework for collaboration potentially through regulations signed by the Supreme People's Procuracy, the Ministry of Public Security, and relevant local authorities is recommended. This would establish clear protocols for People's Procuracies oversight activities. The current study also advocates for a focus on unscheduled direct inspections. This proactive and unexpected approach can significantly improve the detection of violations within prison management and prisoner education programs. Unscheduled inspections are particularly crucial in areas with a history of professional negligence leading to serious consequences.

Finally, the importance of follow-through is stressed. People's Procuracies often issue protests or recommendations to prisons and prison departments based on their inspections and document reviews. However, simply issuing these directives is not sufficient. To ensure proper implementation and address identified violations effectively, People's Procuracies must actively monitor and urge relevant entities to take those recommendations seriously. The statistic provided (1905 documents requesting response from 2021-2023) underscores People's Procuracies' commitment to holding detention facilities accountable and upholding the human rights of prisoners within the limits of the law.

5 CONCLUSION

This study underscores the vital link between People's Procuracies' function of legal oversight and the protection of human rights in prison management and education. People's Procuracies, entrusted with supervising adherence to the law throughout judicial activities, including prison sentence execution, play a critical role in ensuring compliance by relevant entities. Their oversight involves detecting violations and implementing corrective, preventative measures. To enhance legal compliance within prison authorities, strategies must

focus on both improving detection capabilities and strengthening the capacity to address violations. Effective legal compliance by prison administrators directly translates to better protection of prisoner rights.

Therefore, strengthening the methods of legal oversight in judicial activities, particularly those focused on prison sentence execution, is crucial. This proactive approach allows for the prompt identification and thorough resolution of any violations committed by responsible authorities. However, it is essential to acknowledge, consolidate, and maintain the vital role of People's Procuracies in ensuring legal compliance within the broader judicial system. Their robust oversight function guarantees not only adherence to legal procedures but also contributes significantly to the protection of human rights and citizens' rights throughout the criminal justice process.

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