

FREEDOM IN THE WORLD 2019

# Vietnam

**20**

NOT FREE

/100

<u>Political Rights</u>	3/40
<u>Civil Liberties</u>	17/60

LAST YEAR'S SCORE & STATUS

20 /100 ● Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



# Overview

Vietnam is a one-party state, dominated for decades by the ruling Communist Party of Vietnam (CPV). Although some independent candidates are technically allowed to run in legislative elections, most are banned in practice. Freedom of expression, religious freedom, and civil society activism are tightly restricted. The authorities have increasingly cracked down on citizens' use of social media and the internet.

## Key Developments in 2018

- Arrests, criminal convictions, and physical assaults against journalists, bloggers, and human rights activists continued during the year. Human rights groups reported that there were 244 prisoners of conscience in the country as of December.
- In June, the legislature passed a new cybersecurity law, set to come into force in 2019, that was expected to boost censorship of online content, force major companies like Google and Facebook to store information on Vietnamese users within Vietnam, and compel technology companies to share information about users with the Vietnamese government.
- Also in June, massive anti-China protests were sparked by an ongoing dispute over territory in the South China Sea, the possibility that Hanoi would create special economic zones with long-term leases to Chinese investors, and broader Vietnamese concerns about China's growing regional dominance.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

**Was the current head of government or other chief national authority elected through free and fair elections?**

0/4

The president is elected by the National Assembly for a five-year term, and is responsible for appointing the prime minister, who is confirmed by the legislature. However, all selections for top executive posts are predetermined in practice by the CPV's Politburo and Central Committee.

In 2016, nominees for president and prime minister were chosen at the CPV's 12th Party Congress in January, which also featured the reelection of Nguyễn Phú Trọng as the party's general secretary. In April of that year, the National Assembly formally confirmed Trần Đại Quang as president and Nguyễn Xuân Phúc as prime minister.

President Trần Đại Quang died in September 2018, and the National Assembly confirmed Nguyễn Phú Trọng as his replacement in October; Trọng retained the post of party general secretary.

**A2** 0-4 pts

**Were the current national legislative representatives elected through free and fair elections?**

0/4

Elections to the National Assembly are tightly controlled by the CPV, which took 473 of the body's 500 seats in the 2016 balloting. Candidates who were technically independent but vetted by the CPV took 21 seats. More than 100 independent candidates, including many young civil society activists, were barred from running in the elections. Voter turnout of over 99 percent was recorded by the government, but there were reports that authorities stuffed ballot boxes in order to inflate this figure.

**A3** 0-4 pts

**Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?**

0/4

The electoral laws and framework ensure that the CPV, the only legally recognized party, dominates every election. The party controls all electoral bodies and vets all candidates, resulting in the disqualification of those who are genuinely independent.

## B. Political Pluralism and Participation

**B1** 0-4 pts

**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

0/4

The CPV enjoys a monopoly on political power, and no other parties are allowed to operate legally. Splits between factions within the party exist, but in general they are not openly aired. Members of illegal opposition parties are subject to arrest and imprisonment. Several alleged members of banned political organizations received lengthy prison sentences during 2018.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

0/4

The structure of the one-party system precludes any democratic transfer of power. The Vietnam Fatherland Front (VFF), responsible for vetting all candidates for the National Assembly, is ostensibly an alliance of organizations representing the people, but in practice it acts as an arm of the CPV. The body banned numerous reform-minded independent candidates from running in the 2016 elections.

**B3** 0-4 pts

<b>Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable?</b>	<b>0</b> / 4
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The overarching dominance of the CPV effectively excludes the public from any genuine and autonomous political participation.

<b>B4</b> 0-4 pts	
<b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b>	<b>1</b> / 4

Although ethnic minorities are nominally represented within the CPV, they are rarely allowed to rise to senior positions, and the CPV leadership’s dominance prevents effective advocacy on issues affecting minority populations. While Vietnam has enacted policies and strategies aimed at boosting women’s political participation, in practice the interests of women are poorly represented in government, and societal biases discourage women from running for office.

# C. Functioning of Government

<b>C1</b> 0-4 pts	
<b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b>	<b>0</b> / 4

The CPV leadership, which is not freely elected or accountable to the public, determines government policy and the legislative agenda.

<b>C2</b> 0-4 pts	
<b>Are safeguards against official corruption strong and effective?</b>	<b>1</b> / 4

CPV and government leaders have acknowledged growing public discontent with corruption, and there has been an increase in corruption-related arrests and prosecutions against senior officials in recent years. Notably, a former senior Politburo member who had managed the state oil and gas firm PetroVietnam was arrested on corruption charges in late 2017 and sentenced in January 2018 to 13 years in prison. He was tried on other charges in March and sentenced to an additional 18 years. Also in January, another former high-level PetroVietnam official—whom Vietnamese authorities allegedly had abducted in Germany in 2017—was sentenced to life in prison on corruption-related charges. In June, the government arrested four more current and former PetroVietnam subsidiary executives amid allegations of embezzlement. Many additional former senior managers at state firms, including banks, have been arrested and charged with financial malfeasance.

Despite the crackdown, enforcement of anticorruption laws is generally selective and often linked to political rivalries, and those who attempt to independently expose corruption continue to face censorship and arrest.

**C3** 0-4 pts

**Does the government operate with openness and transparency?**

**1/4**

The CPV leadership operates with considerable opacity. The National Assembly passed an access to information law in 2016, but its provisions are relatively weak. It bars disclosure of information on “politics, defense, national security, foreign relations, economics, technology, or any other areas regulated by the law.” Information can also be withheld if it could harm state interests or the well-being of the nation. The government has attempted in recent years to introduce more e-government services to slightly improve transparency.

## **Civil Liberties**

# D. Freedom of Expression and Belief

**D1** 0-4 pts

**Are there free and independent media?**

**1/4**

Although the constitution recognizes freedom of the press, journalists and bloggers are constrained by numerous repressive laws and decrees. Those who dare to report or comment independently on controversial issues also risk intimidation and physical attack.

The criminal code prohibits speech that is critical of the government, while a 2006 decree prescribes fines for any publication that denies revolutionary achievements, spreads “harmful” information, or exhibits “reactionary ideology.” Decree 72, issued in 2013, gave the state sweeping new powers to restrict speech on blogs and social media. Websites considered reactionary are blocked, and internet service providers face fines and closure for violating censorship rules. The state controls all print and broadcast media.

In June 2018 the National Assembly approved a restrictive cybersecurity law that will, among other provisions, force companies like Facebook and Google to store information about Vietnamese users in Vietnam, making it potentially more accessible to state authorities. The law, which was set to come into force in January 2019, could also lead technology companies to censor content and otherwise cooperate with state investigations.

New arrests, beatings, criminal convictions, and cases of mistreatment in custody involving journalists and bloggers continued to be reported throughout 2018. In July, authorities detained an independent journalist who often worked for US media outlets; he was still being held in pretrial detention at the end of the year. In August, authorities beat a jailed videographer affiliated with Radio Free Asia, possibly to

compel him to testify against an environmental activist who was then on trial. Also in August, a well-known blogger and activist, Phạm Đoan Trang, who had been detained multiple times during the year, was one of at least three people who were singled out for beatings after a police raid on a dissident singer's concert. In October, under intense foreign pressure, Hanoi released prominent blogger Nguyễn Ngọc Như Quỳnh, known as "Mother Mushroom," from prison, where she was serving a 10-year term. She went into exile, and said the next month that the Vietnamese government has a concerted strategy of pushing bloggers and other online writers to go into exile. As of December, the Committee to Protect Journalists reported that 11 journalists were behind bars in Vietnam as a result of their work.

**D2** 0-4 pts

**Are individuals free to practice and express their religious faith or nonbelief in public and private?**

**1** / 4

Religious freedoms remain restricted. All religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities. A 2016 Law on Belief and Religion, which has been gradually rolled out, reinforced registration requirements, will allow extensive state interference in religious groups' internal affairs, and gives authorities broad discretion to penalize unsanctioned religious activity. Members of unregistered Christian, Hoa Hao, Cao Dai, and other religious groups also face regular arrests and harassment from local and provincial authorities, and dozens of people are believed to be behind bars in connection with their religious beliefs.

**D3** 0-4 pts

**Is there academic freedom, and is the educational system free from extensive political indoctrination?**

**1** / 4

Academic freedom is limited. University professors must refrain from criticizing government policies and adhere to party views when teaching or writing on political topics. There have been reports that university students who participated in human rights advocacy have been prevented from graduating.



**D4** 0-4 pts

**Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?**

**1/4**

Although citizens enjoy more freedom in private discussions than in the past, authorities continue to attack and imprison those who openly criticize the state, including on social media. The government engages in surveillance of private online activity.

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

**Is there freedom of assembly?**

**1/4**

Freedom of assembly is tightly restricted. Organizations must apply for official permission to assemble, and security forces routinely use excessive force to disperse unauthorized demonstrations. After nationwide anti-China protests in June 2018, during which dozens of participants were assaulted and arrested, the courts convicted well over a hundred people of disrupting public order, and many were sentenced to prison terms. The protests were driven in part by opposition to a draft law allowing long-term leases of land in special economic zones that critics said would be dominated by Chinese companies. The legislation in question was postponed and still pending at year's end.

**E2** 0-4 pts

**Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?**

**0/4**

A small but active community of nongovernmental organizations (NGOs) promotes environmental conservation, land rights, women’s development, and public health. However, human rights organizations are generally banned, and those who engage in any advocacy that the authorities perceive as hostile or unwanted risk arrest and imprisonment.

Criminal prosecutions and violence against activists persisted in 2018. Among other incidents during the year, in June and July unknown assailants repeatedly attacked the home of a prominent labor activist. In August, a farmer and activist who had joined the June anti-China protests died after reportedly being beaten by police. Separately that month, environmental activist and blogger Lê Đình Lượng was sentenced to 20 years in prison after a five-hour trial on charges of attempting to overthrow the government and cause social disorder.

Foreign human rights activists also face restrictions. In September, for example, authorities detained and deported the secretary general of the International Federation for Human Rights after she arrived in the country to attend a World Economic Forum event.

**E3** 0-4 pts

**Is there freedom for trade unions and similar professional or labor organizations?**

**0/4**

The Vietnam General Conference of Labor (VGCL) is Vietnam’s only legal labor federation and is controlled by the CPV. The right to strike is limited by tight legal restrictions. In recent years the government has permitted hundreds of independent “labor associations” without formal union status to represent workers at individual firms and in some service industries. However, independent labor activists remain subject to harassment, travel restrictions, and heavy prison sentences.

## **F. Rule of Law**

**F1** 0-4 pts

<b>Is there an independent judiciary?</b>	<b>1/4</b>
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Vietnam’s judiciary is subservient to the CPV, which controls the courts at all levels. This control is especially evident in politically sensitive criminal prosecutions, with judges sometimes displaying greater impartiality in civil cases.

<b>F2</b> 0-4 pts	
<b>Does due process prevail in civil and criminal matters?</b>	<b>1/4</b>

Constitutional guarantees of due process are generally not upheld. Defendants have a legal right to counsel, but lawyers are scarce, and many are reluctant to take on cases involving human rights or other sensitive topics for fear of state harassment and retribution. Defense lawyers do not have the right to call witnesses and often report insufficient time to meet with their clients. In national security cases, police can detain suspects for up to 20 months without access to counsel.

Amendments to the penal code approved in 2017 included a provision under which defense lawyers can be held criminally liable for failing to report certain kinds of crimes committed by their own clients. The new code took effect in January 2018.

The combination of vaguely defined offenses and politicized courts has resulted in the imprisonment of large numbers of people for peacefully exercising their rights. A coalition of international and Vietnamese civil society groups reported that there were 244 prisoners of conscience in Vietnam at the end of 2018, including bloggers, lawyers, labor or land rights activists, political dissidents, and religious believers.

<b>F3</b> 0-4 pts	
<b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b>	<b>1/4</b>

There is little protection from the illegitimate use of force by state authorities, and police are known to abuse suspects and prisoners, sometimes resulting in death or serious injury. Prison conditions are poor.

The new penal code reduced the number of crimes that can draw the death penalty, though it can still be applied for crimes other than murder, including drug trafficking and corruption. Authorities carried out at least 85 executions during 2018, making Vietnam one of the world's most prolific users of the death penalty.

**F4** 0-4 pts

**Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

**1/4**

Ethnic minorities face discrimination in Vietnamese society, and some local officials restrict their access to schooling and jobs. Minorities generally have little input on development projects that affect their livelihoods and communities. Members of ethnic and religious minorities also face monitoring and harassment by authorities seeking to suppress dissent and suspected links to exile groups. The government has reportedly exerted pressure, via family members, on minorities who flee to neighboring countries; those who return are subject to mistreatment by authorities.

Men and women receive similar treatment in the legal system. Women generally have equal access to education, and economic opportunities for women have grown, though they continue to face discrimination in wages and promotions.

The law does not prohibit discrimination based on sexual orientation or gender identity, and societal discrimination remains a problem. Nevertheless, annual LGBT (lesbian, gay, bisexual, and transgender) pride events were held across the country for a seventh year in 2018.

## **G. Personal Autonomy and Individual Rights**

**G1** 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?**

**2/4**

Although freedom of movement is protected by law, residency rules limit access to services for those who migrate within the country without permission, and authorities have restricted the movement of political dissidents and ethnic minorities on other grounds. Vietnamese citizens who are repatriated after attempting to seek asylum abroad can face harassment or imprisonment under the penal code.

**G2** 0-4 pts

**Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?**

**1/4**

All land is owned by the state, which grants land-use rights and leases to farmers, developers, and others. Land tenure has become one of the most contentious issues in the country. The seizure of land for economic development projects is often accompanied by violence, accusations of corruption, and prosecutions of those who protest the confiscations.

**G3** 0-4 pts

**Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?**

**3/4**

The government generally does not place explicit restrictions on personal social freedoms. Men and women have equal rights pertaining to matters such as marriage and divorce under the law. In 2015, Vietnam repealed a legal ban on same-sex marriage, but the government still does not officially recognize such unions. A revised civil code passed in 2015 recognized transgender people's right to legally change their gender identity, but only after undergoing sex reassignment surgery.

Domestic violence against women remains common, and the law calls for the state to initiate criminal as opposed to civil procedures only when the victim is seriously injured.

Societal preferences for male children have contributed to a significant imbalance in the sex ratio at birth.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**2/4**

Human trafficking remains a problem in Vietnam. The US State Department's 2018 *Trafficking in Persons Report* noted that while the Vietnamese government was working to provide guidance to local authorities on implementation of an antitrafficking plan, a lack of coordination between agencies, insufficient statistics, and inadequate funding were significant obstacles in the fight against trafficking. Vietnamese women seeking work abroad are subject to sex trafficking in nearby countries, and internationally brokered marriages sometimes lead to domestic servitude and forced prostitution. Male migrant workers are also vulnerable to forced labor abroad in a variety of industries. Within the country, enforcement of legal safeguards against exploitative working conditions, child labor, and workplace hazards remains poor.



#### On Vietnam

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Global Freedom Score

**19/100** ● Not Free

Internet Freedom Score

**22/100** ● Not Free

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2024



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1850 M St. NW Floor 11  
Washington, DC 20036  
(202) 296-5101

GENERAL INQUIRIES

[info@freedomhouse.org](mailto:info@freedomhouse.org)

PRESS & MEDIA

[press@freedomhouse.org](mailto:press@freedomhouse.org)

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