

FREEDOM IN THE WORLD 2017

Vietnam

20

NOT FREE

/100

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

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 highly restricted. The authorities have increasingly cracked down on citizens' use of social media and the internet in general to spread uncensored information and galvanize dissent.

Key Developments in 2016

- In January, the ruling CPV held its 12th Party Congress and chose new leaders in a highly opaque manner.
- Legislative elections were held in May. Most independent candidates were prevented from running, though a handful managed to win seats.
- In April and May, large protests erupted over alleged pollution of Vietnamese waters by a Taiwanese-owned steel mill. The government eventually forced the company to pay a fine, but protests continued, and hundreds of demonstrators were detained.
- In July, an international tribunal ruled against China on its territorial claims in the South China Sea. The Vietnamese government attempted to quell celebratory anti-China demonstrations in response to the ruling.

Executive Summary

Nguyễn Phú Trọng was reelected as general secretary of the CPV at the 12th Party Congress in January 2016, while Trần Đại Quang was nominated to become state president and Nguyễn Xuân Phúc to become prime minister. The latter two were confirmed in office by the National Assembly in April. None of the three officials have expressed public support for a shift toward political reforms.

Vietnam held mostly pro forma legislative elections in May. Although the CPV dominated the new legislature, a handful of independent candidates were allowed to participate.

Also in May, U.S. president Barack Obama visited Vietnam in a sign of closer strategic ties between the two countries. Obama met with several civil society activists in Hanoi, but a number of prominent figures were barred from attending. Throughout 2016, the authorities continued to arrest and imprison well-known dissident bloggers, ordinary internet users who posted critical content, and members of religious groups that operate outside of CPV control.

Political Rights

A. Electoral Process

The CPV is the country's only state-recognized political party, and its Politburo and Central Committee are effectively the country's top decision-making bodies. The unicameral National Assembly, whose maximum of 500 members are elected to five-year terms, generally follows CPV dictates. 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.

Nominees for president and prime minister were chosen at the CPV's 12th Party Congress in January 2016, which also featured the reelection of Nguyễn Phú Trọng as the party's general secretary. He apparently defeated a bid for the position by former prime minister Nguyễn Tấn Dũng, though the process was largely opaque. In April, the National Assembly formally confirmed Trần Đại Quang as president and Nguyễn Xuân Phúc as prime minister.

In the tightly controlled May 2016 elections for the National Assembly, the CPV took 473 seats, candidates vetted by the CPV but technically independent took 19 seats, and the remaining 2 winners were self-nominated. More than 100 independent candidates, including many young civil society activists, were barred from running in the elections.

B. Political Pluralism and Participation

The CPV enjoys a monopoly on political power, and no other parties are allowed to operate legally. Leaders and members of illegal opposition parties are subject to arrest and imprisonment. 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.

Splits between factions within the party exist, but they are not openly aired. In January 2016, infighting over who would be chosen as general secretary was revealed to the public in part through a series of leaks and counterleaks to various Vietnamese media.

Although ethnic minorities are represented within the CPV, they are rarely allowed to rise to senior leadership positions. A law that took effect in 2015 requires 18 percent of the final candidates for National Assembly elections to be ethnic minorities. Ethnic minorities held about 17 percent of seats in the National Assembly after the 2016 elections, and occupied one position in the cabinet.

C. Functioning of Government

The CPV leadership determines and implements government policy, but it is not freely elected or accountable to the public, and it operates with considerable opacity. Membership in the CPV is widely viewed as a means of enhancing one's personal wealth and connections, and corruption and nepotism are ongoing problems within the party.

CPV and government leaders have acknowledged growing public discontent with corruption, and the authorities periodically prosecute high-profile officials and businessmen for malfeasance. However, observers argue that enforcement is selective and often linked to political rivalries, and those who attempt to independently expose corruption continue to face censorship and arrest.

The National Assembly passed an access to information law in April 2016, but it barred disclosure of information on “politics, defense, national security, foreign relations, economics, technology, or any other areas regulated by the law.” Information would also be withheld if it could harm “the interests of the state, national defense and security, social security, and the health of the community.” Human rights groups criticized the sweeping restrictions, as well as a ban on citizens using or disseminating information that could damage the state, public order, or social morality, or that would amount to defamation. Implementation was not expected until 2018.

Civil Liberties

D. Freedom of Expression and Belief

The state controls all print and broadcast media, and authorities actively silence critical journalists and bloggers through arrest, prosecution, and other means of harassment. 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. In April 2016, the National Assembly passed an ambiguous media law—to take effect in 2017—that banned prepublication censorship of print and broadcast media and criminalized threats or other actions that interfere with journalistic activities, among other provisions, but also introduced several vaguely worded new offenses that could be used to punish journalists.

New arrests, criminal convictions, and physical assaults against journalists and bloggers continued to be reported during 2016. Among a number of other cases, two prominent bloggers who had been in detention since 2014, Nguyễn Hữu Vinh and Nguyễn Thị Minh Thúy, were sentenced in March to five and three years in prison, respectively, for infringing upon the interests of the state. In a separate case that month, freelance journalist and blogger Nguyễn Đình Ngọc (also known as Nguyễn

Ngọc Giã), who had also been detained since 2014, was sentenced to four years in prison—later reduced to three years on appeal—and three years of probation for propagandizing against the state.

Three Vietnamese reporters were beaten by security forces in July while investigating an alleged spill of toxic chemicals in the northern Phú Ninh district. In August, two members of an online dissident group, Nguyễn Hữu Quốc Duy and Nguyễn Hữu Thiên An, were sentenced to three and two years in prison, respectively, for allegedly disseminating antigovernment propaganda, including on Facebook. In October, dissident blogger Nguyễn Ngọc Như Quỳnh, also known as Mẹ Nấm (Mother Mushroom), was arrested for allegedly “propagandizing against the state,” and she remained in incommunicado detention at year’s end. Blogger Ho Van Hai was arrested on similar charges in November. There were at least eight journalists behind bars in Vietnam as of December, according to the Committee to Protect Journalists.

Foreign media representatives must notify authorities if they travel outside Hanoi, and the government has at times refused visas for foreign journalists who report on sensitive topics. Satellite television is officially restricted to senior officials, international hotels, and foreign businesses, though many private homes and businesses have satellite dishes.

A 2003 law bans the receipt and distribution of antigovernment e-mail. Websites considered reactionary are blocked, and owners of domestic websites must submit plans for their content for official approval. Internet cafés are required to register the personal information of users and record the sites they visit. Internet service providers face fines and closure for violating censorship rules.

Despite government restrictions on internet activity, many Vietnamese use the web and social media to participate in political debate, often employing technical circumvention methods to avoid censorship and maintain anonymity. The authorities have deployed progovernment social media users to manipulate public opinion online.

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 law on belief and religion passed by the National Assembly in November 2016 reinforced registration requirements, allowed extensive state interference in religious groups' internal affairs, and gave the authorities broad discretion to penalize religious activity.

The Roman Catholic Church selects its own bishops and priests, but they must be approved by the government. Christians continue to be persecuted, particularly outside of major cities and among ethnic minority groups. In one incident in April 2016, the wife of an imprisoned Vietnamese Mennonite pastor was reportedly beaten by security forces after meeting a delegation of U.S. diplomats investigating religious freedom issues. Members of unregistered Christian, Hoa Hao, Cao Dai, and other groups also face regular arrests and harassment from local and provincial authorities, and dozens of prisoners are believed to be behind bars in connection with their religious beliefs.

Academic freedom is limited. University professors must refrain from criticizing government policies and adhere to party views when teaching or writing on political topics. Although citizens enjoy more freedom in private discussions than in the past, authorities continue to punish those who openly criticize the state.

E. Associational and Organizational Rights

Freedoms of association and assembly are tightly restricted. Organizations must apply for official permission to assemble, and security forces routinely use excessive force to disperse unauthorized demonstrations. Among other incidents during 2016, police broke up national protests against land seizures in February, and detained hundreds of people beginning in April while attempting to suppress a series of large protests sparked by pollution from a Taiwanese-owned steel mill that had allegedly caused fish kills in coastal waters. Those protests were accompanied by multiple reports of police beating demonstrators and activists, including when they were in custody. In July, the authorities intervened to block anti-China demonstrations following a ruling by the Netherlands-based Permanent Court of Arbitration in favor

of the Philippines in a case on China's territorial claims in the South China Sea. Activists gathering to hold such demonstrations were quickly arrested.

Private organizations outside the umbrella of the VFF are discouraged. A small but active community of nongovernmental groups promotes environmental conservation, land rights, women's development, and public health, but human rights organizations and other private groups with rights-oriented agendas are generally banned. Land tenure has become one of the most contentious issues in the country. In March 2016, two land rights activists were sentenced to three years in prison, and a third received a four-year sentence, for holding an antigovernment protest in Ho Chi Minh City in 2014. In May, the government allowed some civil society activists to meet with the visiting U.S. president, but used security forces to prevent other activists from leaving their homes to attend. Both police and thugs in civilian clothes frequently assault civil society activists and other perceived opponents of the government with impunity.

The Vietnam General Conference of Labor (VGCL) is Vietnam's only legal labor federation and is controlled by the CPV. Vietnam agreed in principle to allow the formation of independent unions as part of the Trans-Pacific Partnership trade agreement, but those commitments were in doubt at the end of 2016, as the United States appeared likely to withdraw from and thus scuttle the pact. In recent years the Vietnamese government has permitted hundreds of independent "labor associations" without formal union status to represent workers at individual firms and in some service industries. Strikes by these associations are relatively common, despite being technically illegal. Farmer and worker protests against local government abuses, such as land confiscations and unfair or harsh working conditions, have also become more common. The central leadership often responds by pressuring local governments and businesses to comply with tax laws, environmental regulations, and wage agreements.

F. Rule of Law

Vietnam's judiciary is subservient to the CPV, which controls the courts at all levels. Defendants have a constitutional right to counsel, but lawyers are scarce, and many are reluctant to take on human rights and other sensitive cases for fear of state

harassment and retribution, including arrest. 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.

The police are known to abuse suspects and prisoners, sometimes resulting in death or serious injury, and prison conditions are poor. New police regulations that took effect in 2014 codified rules for police investigations and prohibited police coercion during interrogations. Some human rights groups praised the measure as a step forward, but critics raised concerns about enforcement and argued that the reforms failed to protect due process rights.

Ethnic minorities, who often adhere to minority religions, face discrimination in mainstream 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.

The law does not prohibit discrimination based on sexual orientation or gender identity, and societal discrimination remains a problem. However, there is no ban on same-sex sexual activity, and the government has been relatively open to calls for equal rights for LGBT (lesbian, gay, bisexual, and transgender) people in recent years. Annual LGBT pride events were held across the country for a fifth year in August 2016.

G. Personal Autonomy and Individual Rights

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. In April and May 2016, eight people were sentenced to between two and four years in prison after being intercepted at sea by Australian forces and returned to Vietnam in 2015.

All land is owned by the state, which grants land-use rights and leases to farmers, developers, and others. The seizure of land for economic development projects is often accompanied by violence, accusations of corruption, and prosecutions of those who protest the confiscations.

Women generally have equal access to education, and men and women receive similar treatment in the legal system. Women secured 132 seats in the National Assembly in the 2016 elections. Although economic opportunities have grown for women, they continue to face discrimination in wages and promotion. Domestic violence against women reportedly remains common, and the law calls for the state to initiate criminal as opposed to civil procedures only when the victim is seriously injured.

In 2015, Vietnam repealed a legal ban on same-sex marriages, but the government still does not officially recognize such unions. A revised civil code passed that year recognized transgender people's right to legally change their gender identity, but only after undergoing sex reassignment surgery.

Enforcement of labor laws covering child labor, workplace safety, and other issues remains poor. Vietnamese women seeking work abroad are subject to sex trafficking in nearby Asian 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.



On Vietnam

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Global Freedom Score

19/100 ● Not Free

Internet Freedom Score

22/100 ● Not Free

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