



# Freedom in the World 2013

## Vietnam

### 2013 Scores

Status **Not Free**

Freedom Rating **6.0**

Civil Liberties **5**

Political Rights **7**

### Overview:

**The government in 2012 continued its crackdown on dissent, particularly online, arresting and jailing additional bloggers and online columnists. Serious economic problems—including inflation and massive debts at state-owned enterprises—reportedly fueled turmoil within the ruling Communist Party and tighter controls on discussion of high-level party activities. Also during the year, the government drafted a decree that would expand the definition of speech crimes on the internet and force internet providers to block and filter content more thoroughly.**

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Vietnam won full independence from France in 1954, but it was divided into a Western-backed state in the south and a Communist-ruled state in the north. Open warfare between the two sides erupted in the mid-1960s. A 1973 peace treaty officially ended the war, but fighting did not cease until 1975, when the north completed its conquest of the south. Vietnam was formally united in 1976.

War and unsound economic policies mired Vietnam in deep poverty, but economic reforms that began in 1986 drastically transformed the country over the next two decades. Tourism became a major source of revenue, as did the export of foodstuffs and manufactured products. However, the ruling Communist Party of Vietnam (CPV) rejected any parallel political reforms that would threaten the one-party system.

In 2005 and 2006, as it sought to join the World Trade Organization (WTO), the government worked to address international concerns about its human rights record as well as domestic frustration with rampant corruption. Controls on religious groups were eased, the media were given freer rein to report on cases of graft, and freedom of expression in general improved somewhat.

However, after Vietnam secured entry into the WTO in 2007, the government embarked on an extended crackdown on peaceful dissent, steadily though not completely reversing the previous years' gains. Dozens of dissidents were arrested, and many were sentenced to lengthy prison terms. The process continued over the next several years, with a growing emphasis on government critics who expressed themselves online.

At the 11th Communist Party Congress in January 2011, party members generally approved the current policies of gradual economic opening and rejection of political reform. The congress chose hard-liner Nguyễn Phú Trọng as CPV general secretary and picked officials with strong security and military ties for other top positions, sidelining some more moderate figures.

Tightly controlled elections for the one-party National Assembly were held in May 2011, with the CPV taking 454 seats, officially vetted nonparty members securing 42 seats, and self-nominated candidates garnering the remaining four. In July 2011, the legislature approved Nguyễn Tấn Dũng, the prime minister since 2006, for another term, and elected Trương Tấn Sang as the new state president.

In 2012, there were numerous reports of power struggles within the CPV over how to handle the country's growing economic problems, which included high inflation, capital flight, revelations of huge debts at state-owned enterprises, and the September arrest of prominent banking mogul *Lý Xuân Hải* for alleged financial crimes. Many analysts argued that the banker's arrest was itself part of the power struggle, with certain party factions using it to pressure his allies in government.

Also during the year, the authorities continued to punish dissidents. Among other cases, the government in May tried four Catholic activists for distributing prodemocracy material; by year's end, three had been convicted and sentenced to between 18 and 42 months in jail. Also in May, the courts rejected appeals by human rights activists *Hồ Thị Bích Khương* and *Nguyễn Trung Tôn*, upholding prison sentences—five and two years, respectively—they received in December 2011 for “conducting propaganda against the Socialist Republic of Vietnam.” Separately, in September, the courts sentenced three bloggers to between four and 12 years in prison; they belonged to the Free Journalists Club, a group of writers who focused on political reforms and civil liberties and posted their work online.

Vietnam's territorial dispute with China over the Spratly and Paracel Islands in the South China Sea escalated in 2012, with each side taking steps to solidify its claims. For its part, Vietnam passed legislation in June that reasserted its sovereignty over the islands, and the authorities allowed rare protests against China in July. Meanwhile, the United States continued to upgrade its defense ties with Vietnam despite concerns about the country's poor human rights record.

## **Political Rights and Civil Liberties:**

Vietnam is not an electoral democracy. The CPV, the sole legal political party, controls politics and the government, and its Central Committee is the top decision-making body. The National Assembly, whose 500 members are elected to five-year terms, generally follows CPV dictates. The Vietnam Fatherland Front, essentially an arm of the CPV, vets all candidates. The president, elected by the National Assembly for a five-year term, appoints the prime minister, who is confirmed by the legislature.

Corruption and abuse of office are serious problems. Although senior CPV and government officials have acknowledged growing public discontent, they have mainly responded with a few high-profile prosecutions of corrupt officials and private individuals rather than comprehensive reforms. Government decisions are made with little transparency, and revelations of contracts with Chinese and other foreign companies for major mining or development projects have generated considerable controversy. In 2012, according to many analysts, Prime Minister Nguyễn Tấn Dũng came under intense criticism from fellow party leaders because of the expansion of corruption at state-owned enterprises since he took office in 2006.

The government tightly controls the media, silencing critics through the courts and other means of harassment. A 1999 law requires journalists to pay damages to groups or individuals found to have been harmed by press articles, even if the reports are accurate. A 2006 decree imposes fines on journalists for denying revolutionary achievements, spreading “harmful” information, or exhibiting “reactionary ideology.” Foreign media representatives in theory cannot travel outside Hanoi without government approval, though they often do in practice. The CPV or state entities control all broadcast media. Although satellite television is officially restricted to senior officials, international hotels, and foreign businesses, many homes and businesses have satellite dishes. All print media outlets are owned by or are under the effective control of the CPV, government organs, or the army.

The government restricts internet use through legal and technical means. A 2003 law bans the receipt and distribution of antigovernment e-mail messages, websites considered “reactionary” are blocked, and owners of domestic websites must submit their content for official approval. Internet cafés must register the personal information of and record the sites visited by users. Internet-service providers face fines and closure for violating censorship rules. In 2012, the government drafted a new Decree on Management, Provision, and Use of Internet Services and Information on the Network that would tighten restrictions on online criticism of the party and government. Internet monitoring organizations expressed concern that the decree, if enacted, would force internet companies, both Vietnamese and foreign, to cooperate in identifying users who could then be prosecuted. Vietnamese bloggers and writers reported that the government’s firewalls and other obstructions were becoming more sophisticated than in previous years, making them harder to evade through proxy servers.

Religious freedom remains restricted, having declined somewhat after a series of improvements in the mid-2000s. All religious groups and most individual clergy members must join a party-controlled supervisory body and obtain permission for most activities. The Roman Catholic Church can now select its own bishops and priests, but they must be approved by the government. Many restrictions on charitable activities have been lifted, and clergy enjoy greater freedom to travel domestically and internationally. However, harassment, arrests, and occasional attacks directed at religious minorities, activists, and Falun Gong practitioners continue to occur. Several Catholic organizations have been at the forefront of advocating for reform online and through leaflets, and in 2012 Catholic groups reported that authorities were still holding at least 17 Catholic activists who had been arrested in 2011 for advocating democracy; only fourteen apparently had come to trial by the end of 2012, but even that number was unclear because of the secretive nature of the trials.

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, the authorities continue to punish open criticism of the state.

Freedoms of association and assembly are tightly restricted. Organizations must apply for official permission to obtain legal status and are closely regulated and monitored by the government. A small but active community of nongovernmental groups promotes environmental conservation, land rights, women’s development, and public health. Human rights organizations and other private groups with rights-oriented agendas are banned.

The Vietnam General Conference of Labor (VGCL), closely tied to the CPV, is the only legal labor federation. All trade unions are required to join the VGCL. However, 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. Farmer and worker protests against local government abuses, including land confiscations and unfair or harsh working conditions, have become more common. The central leadership often responds by pressuring local governments and businesses to comply with tax laws, environmental regulations, and wage agreements. Enforcement of labor laws covering child labor, workplace safety, and other issues remains poor. Critics allege that the government has intentionally kept minimum wages low to attract foreign investment, although wages have been rising in practice as multinational companies migrate to Vietnam due to labor unrest in China.

Vietnam's judiciary is subservient to the CPV, which controls 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 harassment and retribution—including arrest—by the state. Defense attorneys cannot call or question witnesses and are rarely permitted to request leniency for their clients. Police can hold individuals in administrative detention for up to two years on suspicion of threatening national security. The police are known to abuse suspects and prisoners, and prison conditions are poor. Many political prisoners remain behind bars, and political detainees are often held incommunicado. In July 2012 Human Rights Watch reported that drug detention centers, which are supposed to offer noninvasive and voluntary treatment to drug users, have effectively become centers for torture and punishment in which users are beaten, subjected to forced labor, and shocked with electricity, among other abuses.

Ethnic minorities, who often adhere to minority religions as well, 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.

Land disputes have become more frequent as the government seizes property to lease to domestic and foreign investors. Affected residents and farmers rarely find redress in the courts, and their street protests often result in state harassment and arrests.

Women hold 122 seats in the National Assembly. Women generally have equal access to education and are treated similarly in the legal system as men. Although economic opportunities have grown for women, they continue to face discrimination in wages and promotion. Many women are victims of domestic violence, and thousands each year are trafficked internally and externally and forced into prostitution.