

## Freedom in the World 2014

### Vietnam

#### 2014 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 6.0

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 7

#### OVERVIEW

In 2013, Vietnam continued its intense crackdown on free expression online, in print, and in the public. The state convicted more than twice as many dissidents for activities like "conducting propaganda against the state" in 2013 than it did in 2012. In September, the state introduced a new law, Decree 72, that restricted all websites and social media from publishing anything that "provides information that is against Vietnam," an incredibly broad provision that could essentially permit the government to arrest any Internet user in the country.

The repression did not stop the public from venting its anger – through social media and other forums – at perceptions of nepotism and vast corruption within the Communist Party of Vietnam (CPV), and at the slowing economy. Party leaders, including President Truong Tan Sang, acknowledged this anger and criticized some of the government's actions, but did not enact meaningful reforms to stop corruption or promote political pluralism.

Despite the overall worsening climate for civil liberties and political freedoms, the CPV decided in November to lift its ban on gay marriage. Though it did not officially legalize same-sex marriage, Vietnam is the first country in Asia to allow same-sex unions.

The country also enhanced its strategic ties with influential democracies in 2013, including Japan and the United States, which hosted Vietnam's president for a White House visit and launched a "comprehensive partnership" with Vietnam. Vietnam also joined the negotiations for a major regional free trade deal, the Trans-Pacific Partnership.

#### POLITICAL RIGHTS AND CIVIL LIBERTIES

**Political Rights:** 3 / 40 (+1)

*A. Electoral Process:* 0 / 12

The CPV, Vietnam's 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 president, elected by the National Assembly for a five-year term, appoints the prime minister, who is confirmed by the legislature.

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 4. In July 2011, the legislature approved Nguyễn Tấn Dũng, the prime minister since 2006, for another term, and elected Trương Tấn Sang as the state president.

#### *B. Political Pluralism and Participation: 1 / 16*

The CPV is the only legally allowed party in Vietnam. The Vietnam Fatherland Front, essentially an arm of the CPV, vets all candidates for the National Assembly. Membership in the Party is now primarily seen as a means to business and societal connections.

Although splits within different factions of the party have become more noticeable to outsiders and some educated Vietnamese, they are not openly aired, and websites or other media in Vietnam that discuss these splits are shut down and prosecuted. Many urban Vietnamese participate in political debate by using remote servers and social media to criticize nepotism and mismanagement by party leaders.

#### *C. Functioning of Government: 2 / 12 (+1)*

Vietnam's government has become increasingly saddled by corruption, splits, and an inability to manage the country's problems. Although the CPV has since the late 1980s overseen a long period of economic expansion, growth has slowed in the past four years, and the government has failed to address serious problems, including a widening wealth gap and vast debts within state-owned enterprises. Splits within the CPV have become slightly more open, and the government has failed to seriously address corruption within the party or nepotism in the Party and state companies.

Although senior CPV and government officials have acknowledged growing public discontent, they have not responded with comprehensive reforms. Government decisions are still made with little transparency. A plan announced in spring 2013 to make state companies more transparent was not put into practice.

### **Civil Liberties: 17 / 60**

#### *D. Freedom of Expression and Belief: 4 / 16*

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 legally cannot travel outside Hanoi without government approval, though they often do in practice. The CPV or other 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 2013, the government increased its repression of print and online journalists, jailing more than twice as many writers and bloggers in 2013 as it did the previous year. In June, the government arrested Pham Viet Dao, perhaps the best-known blogger in Vietnam, and charged him with "abusing democratic freedoms." In September, the state introduced Decree 72, which restricted all websites and social media from publishing anything that "provides information that is against Vietnam," an incredibly broad provision. The law also bans anyone using social media from writing about anything but "personal information," and requires foreign Internet companies, like Google and Yahoo!, to maintain servers inside Vietnam, making it easier for Hanoi to censor any information that appears on their sites.

Religious freedom also 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. Catholic leaders continued to be arrested around the country in 2013, and in September, Vietnamese authorities forcibly broke up a protest by Catholics in a town south of Hanoi, injuring at least 40 people.

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.

#### *E. Associational and Organizational Rights: 1 / 12*

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. Land rights activists are frequently arrested; in April 2013, a court sentenced a group of fish farmers who fought back against land eviction to two to five years in jail. Occasional protests have erupted in major cities against China in the past two years, but these demonstrations are encouraged by the Vietnamese government and closely monitored. Human rights organizations and other private groups with rights-oriented agendas are banned. In early 2013, Vietnam allowed a representative of Amnesty International to visit the country for the first time in decades for a "dialogue," but that discussion has thus far produced no tangible results.

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.

*F. Rule of Law: 4 / 16*

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. After an 18-month hiatus to re-examine the death penalty, Vietnam resumed using capital punishment in August 2013.

*G. Personal Autonomy and Individual Rights: 8 / 16*

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.

Despite the overall worsening of the climate for political rights and civil liberties in Vietnam, over the past two years the government has allowed increasingly open displays of Lesbian, Gay, Bisexual, and Transgender (LGBT) rights. LGBT supporters held pride days in 2012 and 2013 in Vietnam, and the country's state media aired a gay-themed sitcom. In November 2013, the government passed a law removing its ban on gay marriages, though it stopped short of recognizing same-sex unions.

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.

**Scoring Key: X / Y (Z)**

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year