

Freedom in the World 2016

Vietnam

Freedom Status: Not Free
Aggregate Score: 20
Freedom Rating: 6.0
Political Rights: 7
Civil Liberties: 5

OVERVIEW

Several high-profile bloggers and activists were arrested or assaulted in 2015, and state control of the media, restrictions on religious freedom, and crackdowns on political dissidents continued.

Vietnam's relations with neighboring China have been strained over disputed territory in the South China Sea, and groups of anti-China protesters gathered in Ho Chi Minh City and other cities on a number of occasions, at times prompting police violence and detentions. However, the government tolerated some demonstrations during the year, including environmental protests in Hanoi.

In July, the head of the Communist Party of Vietnam (CPV) made a landmark trip to the United States and met with President Barack Obama in a sign of increasingly close U.S.-Vietnam relations. Shortly before the trip, Hanoi released a prominent political activist from prison.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 3 / 40

A. Electoral Process: 0 / 12

The CPV is the 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 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.

In tightly controlled 2011 elections for the National Assembly, the CPV took 454 seats, officially vetted nonparty members secured 42 seats, and self-nominated candidates won the remaining 4. In July 2011, the legislature elected Trương Tấn Sang as president and approved Nguyễn Tấn Dũng, prime minister since 2006, for a second term. Nguyễn Tấn Dũng had been chosen as CPV general secretary at a party congress in January 2011.

B. Political Pluralism and Participation: 1 / 16

The CPV enjoys a monopoly on political power, and no other parties are allowed to operate legally. 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 and have become more noticeable than in the past, but public discussion of internal dissent is actively suppressed.

Leaders and members of illegal opposition parties are subject to arrest and imprisonment. Lê Thanh Tùng, a member of the banned reformist political coalition Bloc 8406, was granted amnesty in June 2015, shortly before the CPV general secretary's U.S. visit. However, he had been due to complete his four-year prison sentence for "propaganda against the state" about six months later, and other political dissidents were arrested during the year.

Although ethnic minorities are represented within the CPV, they are almost never allowed to rise to senior leadership positions. A law that took effect in June 2015 requires 18 percent of the final candidates for National Assembly elections to be ethnic minorities. Ethnic minorities held about 16 percent of seats in the incumbent National Assembly and occupied one position in the 28-member cabinet.

C. Functioning of Government: 2 / 12

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. In July 2015, for example, Nguyễn Xuân Sơn was removed as chairman of the state-owned oil firm PetroVietnam and arrested for alleged fraud at his previous post as chief executive of a bank that had since failed. 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.

Reducing corruption and improving transparency at underperforming state-owned enterprises has been an economic priority for the government in recent years. The CPV announced plans in 2013 and 2014 to shed light on the finances of state enterprises, clean up their debts, and make them more efficient. In 2015, the government proceeded with an effort to offer shares in hundreds of state-owned enterprises to private investors.

Civil Liberties: 17 / 60

D. Freedom of Expression and Belief: 4 / 16

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 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 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.

While some jailed journalists and bloggers completed their sentences or otherwise won release during 2015, new arrests, criminal charges, and physical assaults continued to be reported. Among several other cases during the year, plainclothes police attacked activist blogger Trịnh Anh Tuấn with bricks in April, and the government in May charged Kim Quốc Hoa, editor of the newspaper *Người Cao Tuổi*, with disseminating false information and revealing confidential security-related information after the paper published several articles on official corruption.

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. Those who fail to register their activity with the state are often arrested and harassed, and several religious freedom advocates remained behind bars in 2015. The Roman Catholic Church selects its own bishops and priests, but they must be approved by the government. Although the CPV has sought to improve its relations with foreign religious leaders in recent years, Vietnamese Christians continue to be persecuted, particularly outside of major cities; in 2014 and 2015 the government increased its repression of ethnic minority Christians in the Central Highlands, according to a Human Rights Watch report released in June. A bill under discussion in the National Assembly during 2015 included onerous registration requirements and would give the government extensive control over religious groups' internal affairs.

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: 1 / 12

Freedoms of association and assembly are tightly restricted. Organizations must apply for official permission to assemble. In March 2015, the government tolerated environmental protests in Hanoi. Demonstrators took to the streets and Facebook to oppose a government plan to cut down thousands of trees in the capital. Later that month, the city government jettisoned the plan. In a climate of increasing tensions with Beijing over disputed territory in the South China Sea, the authorities also sometimes tolerate anti-China protests. However, security forces beat and detained demonstrators who gathered in Ho Chi Minh City in November to protest a visit by Chinese president Xi Jinping.

Private organizations outside the umbrella of the VFF are discouraged. A small, active community of independent nongovernmental groups promote environmental conservation, land rights, women's development, and public health, but they face government restrictions and complex registration requirements. Land rights activists in particular are frequently arrested. In May 2015, the government permitted a U.S. delegation to meet with representatives of Vietnamese civil society organizations during a U.S.-Vietnam human rights dialogue in Hanoi, though police detained several would-be participants and prevented them from attending.

The Vietnam General Confederation of Labor (VGCL) is Vietnam's only legal labor federation and is controlled by the CPV. 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, such as land confiscations and 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. More than 250 illegal strikes took place during 2015, according to official figures. In March, thousands of workers at factories that make footwear for prominent international brands went on strike to protest a revision of the national social insurance law. The strike ended when the government agreed to reconsider the change.

F. Rule of Law: 4 / 16

Vietnam's judiciary is subordinate 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, and prison conditions are poor.

New police regulations that took effect in August 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. At least 14 people were killed in police custody during 2015, according to the U.S. State Department. In March, members of the National Assembly expressed skepticism over a Ministry of Public Security report claiming that a majority of 226 people said to have

died in police custody between October 2011 and September 2014 had committed suicide or succumbed to illnesses.

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. Human rights organizations criticized the government in 2015 for deploying security forces to suppress unapproved religious activity and political dissent among ethnic minority communities in the highlands.

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. In August 2015, the fourth annual LGBT pride parade took place in Hanoi, and related events were held in other cities.

G. Personal Autonomy and Individual Rights: 8 / 16

Although freedom of movement is protected by law, authorities have restricted the movement of political dissidents and ethnic minorities. Human rights organizations have accused Vietnam of pressuring Cambodia's government to return ethnic minority refugees who fled persecution in the highlands.

Land rights have become one of the most contentious issues in the country. All land is owned by the state, which grants land-use rights and leases to farmers, developers, and others. Among other high-profile incidents during 2015, a group of farmers who had traveled to meet a land rights activist being released from jail in north-central Vietnam were reportedly attacked by plainclothes police on their way home in June. In July, a woman was seriously injured by a bulldozer while protesting the confiscation of farmland to build an industrial park. In September, a woman arrested after protesting the seizure of her family farm received an 18-month prison sentence for disturbing public order.

Women generally have equal access to education, and men and women receive similar treatment in the legal system. Women secured 122 seats in the National Assembly in the 2011 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 January 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 in November 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. Vietnam is a source country for human trafficking. Vietnamese women seeking work abroad are subject to sex trafficking in countries including China, Cambodia, and Laos, 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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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