



Freedom in the World 2018 - Vietnam

Publisher [Freedom House](#)

Publication Date 28 May 2018

Cite as Freedom House, *Freedom in the World 2018 - Vietnam*, 28 May 2018, available at: <https://www.refworld.org/docid/5b2cb83326.html> [accessed 10 December 2018]

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Freedom Status: Not Free

Aggregate Score: 20 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.0 (1 = Most Free, 7 = Least Free)

Political Rights: 7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 5 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 92,700,000

Capital: Hanoi

GDP/capita: \$2,107

Press Freedom Status: Not Free

Net Freedom Status: Not Free

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.

Key Developments in 2017:

- Arrests, criminal convictions, and physical assaults against journalists, bloggers, and human rights activists continued in 2017. At the end of the year, more than 100 people were in prison for criticizing the government, protesting, or joining unsanctioned religious or civil society organizations, according to Human Rights Watch (HRW).
- In May, a senior Politburo member was dismissed as head of the state firm PetroVietnam in connection with allegedly illegal business deals, and was arrested in connection with the matter in December.
- Amendments to the penal code approved in June include a provision under which defense lawyers can be held criminally liable for failing to report certain types of serious crimes committed by their own clients.

POLITICAL RIGHTS: 3 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

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 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. In April 2016, the National Assembly formally confirmed Trần Đại Quang as president and Nguyễn Xuân Phúc as prime minister.

A2. 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 May 2016 polls. Candidates vetted by the CPV, but technically independent, 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. 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 CVP dominates every election and controls the political system.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. 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 they are not openly aired. Members of illegal opposition parties are subject to arrest and imprisonment.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Opposition parties are illegal. 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. Independent candidates vetted by the CPV are allowed to run for election. The body banned numerous reform-minded candidates from running in the 2016 elections.

B3. 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? 0 / 4

The overarching dominance of the CPV effectively excludes the public from any genuine and autonomous political participation.

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

Although ethnic minorities are represented within the CPV, they are rarely allowed to rise to senior leadership positions, and the CVP 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: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The CPV leadership determines and implements government policy, but it is not freely elected or accountable to the public.

C2. Are safeguards against official corruption strong and effective? 1 / 4

CPV and government leaders have acknowledged growing public discontent with corruption, and there was an increase in corruption-related arrests and prosecutions against senior officials in 2017. Notably, in May, a senior Politburo member was dismissed as head of the state firm PetroVietnam, in connection with allegedly illegal business deals and loans which led to financial losses; he was arrested in connection with the matter in December. This punishment for a top Politburo member was extremely unusual.

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

C3. 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, which is set to take effect in 2018. 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.

CIVIL LIBERTIES: 17 / 30

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 1 / 4

Although the constitution recognizes freedom of expression, journalists and bloggers are constrained by numerous repressive laws and decrees. Those who dare to speak out 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.

Authorities actively silence critical journalists and bloggers, and new arrests and criminal convictions against them continued to be reported throughout 2017. In June, prominent blogger Nguyễn Ngọc Như Quỳnh, known as Mother Mushroom, was convicted to ten years in jail. In July, another blogger, Trần Thị Nga, was sentenced to nine years in jail; both were jailed for disseminating antigovernment propaganda. Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics. At year's end there were 10 journalists and bloggers in Vietnamese jails, according to the Committee to Protect Journalists (CPJ).

D2. 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 expected to take effect in 2018 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 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. 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. 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 punish those who openly criticize the state. The government conducts surveillance on private online activity.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. 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. The use of social media platforms to organize protests has prompted the government to periodically block access to them.

E2. 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 authorities perceive as hostile or unwanted risk arrest and imprisonment. At the end of 2017, approximately 100 people were in prison for criticizing the government, protesting, or joining religious or civil society organizations that were not approved by the government.

Violence against activists persisted in 2017. A June 2017 HRW report detailed over 30 attacks on activists between January 2015 and April 2017, and urged the government to hold the assailants responsible.

E3. 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. 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.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Vietnam's judiciary is subservient to the CPV, which controls the courts at all levels.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are generally not upheld. 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. 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 June 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 will take effect in 2018.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

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 and in 2017, a government website unexpectedly published a report revealing a very high execution rate in the country's prisons: 429 prisoners were executed from August 2013 to June 2016. The report also revealed a high rate of other kinds of detainee deaths, and that jailed rights activists were engaged in "vocational programs" thought to amount to forced labor.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The law does not prohibit discrimination based on sexual orientation or gender identity, and societal discrimination remains a problem. However, the government has been somewhat receptive to calls for equal rights for LGBT people in recent years. Annual LGBT pride events were held across the country for a sixth year in September 2017.

Ethnic minorities 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.

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

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. 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. 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. In April 2017, farmers clashed with authorities in Dong Tam over a land dispute, resulting in the police arresting some of the farmers. In retaliation, some of the villagers detained over 30 policemen, and the standoff lasted a week before authorities agreed to revisit the farmers' complaints.

G3. 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 social freedoms. 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.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Human trafficking remains a problem in Vietnam. The U.S. State Department's 2017 *Trafficking in Persons Report* noted that while the Vietnamese government was working to identify more victims and provide guidance to local authorities to implement an antitrafficking plan, a lack of coordination between agencies, insufficient statistics, and inadequate funding are significant issues in Vietnam's 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. Enforcement of labor laws covering child labor, workplace safety, and other issues remains poor.

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