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Vietnam

Country:

Vietnam

Year:

2016

Press Freedom Status:

Not Free

PFS Score:

85

Legal Environment:

30

Political Environment:

33

Economic Environment:

22

Overview

Vietnam's media environment is one of the harshest in Asia. Authorities continued to employ both legal mechanisms and physical harassment to punish and intimidate critical reporters in 2015, and discussed passing tougher restrictions on the rights of media professionals and outlets.

Key Developments

- Authorities targeted the *Nguoi Cao Tuoi* newspaper for corruption reporting, dismissing and prosecuting its editor and withdrawing its permission to publish online.
- Police harassed and detained journalists, bloggers, and employees of the newly established YouTube news broadcaster Conscience TV.
- According to the Committee to Protect Journalists, at least six journalists were behind bars as of December 2015, down from sixteen in December 2014.

Legal Environment: 30 / 30

Although the 1992 constitution recognizes freedom of expression, the criminal code prohibits speech that is critical of the government, which is led by the Communist Party of Vietnam (CPV). The definition of such speech is vaguely worded and broadly interpreted. The propaganda and training departments of the CPV control all media and set press guidelines. The government frequently brings charges under Article 88 of the criminal code, which prohibits the dissemination of “antigovernment propaganda”; Article 79, a broad ban on activities aimed at “overthrowing the state”; and increasingly under Article 258, which prohibits the “abuse of democratic freedoms” to undermine state interests. Reacting to increasingly vibrant reporting, a 2006 decree defined over 2,000 additional violations of the law in the areas of culture and information, with a particular focus on protecting national security. In 2011, the government issued a decree—Sanctions for Administrative Violations in Journalism and Publishing—to restrict the use of pseudonyms and anonymous sources and to exclude bloggers from press freedom protections. The Decree on the Management, Provision, and Use of Internet Services and Internet Content Online, in effect since 2013, prohibits the sharing of news articles and other information on social media.

In February 2015, in a case under Article 258, a court sentenced three activists to imprisonment ranging from 12 to 18 months for covering anti-China protests on Facebook. Separately, in March, the Ministry of Information and Communications (MIC) dismissed Kim Quoc Hoa, editor in chief of the *Nguoi Cao Tuoi* newspaper, for allegedly distorting facts and slandering individuals in reports about state corruption. In May, police charged him with revealing state secrets and violating Article 258. The paper also lost its permit to publish online due to the case.

Under the 1999 Law on Media, the press is prohibited from reporting information that is “untruthful, distorted, or slanderous and harmful” to an individual or organization. Although prison terms are not prescribed for defamation, various other speech-related offenses carry the potential for jail time under the penal code, including those referencing government figures.

The judiciary is not independent. Individuals are held for months or longer in pretrial detention and are sometimes not released after completing their sentences. Many trials related to free expression last only a few hours. The right to access information is not mandated by law, and access to official information and sources is heavily restricted in practice.

Political Environment: 33 / 40 (↑1)

The CPV generally views the media as a tool for the promotion of party and state policy, and authorities often intervene directly to either place or censor content. Calls for democratic reform and religious freedom, reports on high-level corruption, reports on land rights disputes, and criticism of relations with China are the issues that most commonly draw official censorship or retribution. Journalists are permitted to report on corruption at the local level when such coverage serves the interests of the party’s national anticorruption platform, but open criticism of the state is not tolerated. Due to the threat of dismissal or legal action, many journalists engage in self-censorship.

International periodicals, while widely available, are sometimes censored. All foreign news, education, and information content on television must be translated into Vietnamese and approved by the MIC before airing. The Vietnamese-language services of the British Broadcasting Corporation (BBC), Voice of America, and Radio Free Asia are blocked intermittently.

Censorship of online content is increasingly common. Internet service providers (ISPs) are legally required to block access to websites that are considered politically unacceptable, and in 2008, the MIC formed an agency to monitor online information and news platforms. While many users report that the government's monitoring and censorship capacities remain limited, malicious programs attached to downloadable Vietnamese-language software and distributed denial-of-service (DDoS) attacks frequently target politically sensitive websites. In September 2015, several news websites removed reports about an espionage trial in which Ha Huy Hoang, a journalist who had previously worked for a government publication, received a six-year prison sentence for unlawfully sharing information with a Chinese national. It remained unclear why permission to cover the trial was withdrawn.

Foreign reporters are sometimes denied entry into the country after covering politically sensitive topics. However, the government in 2012 issued a decree that expanded visa permissions for foreign journalists and allowed, for the first time, foreign press agencies to establish a presence outside Hanoi.

Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics. In May 2015, security forces detained blogger Dung Mai for several hours after he returned from a workshop in Singapore on citizen journalism. On several occasions during the year, security forces harassed and detained employees of Conscience TV, an independent news service broadcasting on YouTube. In 2015, there were numerous reports of physical attacks against bloggers and journalists. In one such case in April, assailants assaulted a blogger with bricks outside of his home in Hanoi.

Although politically motivated arrests and prosecutions continued in 2015, the Vietnamese government also released several journalists, allowing some to go into exile. In September, prominent blogger Ta Phong Tan was released; she had served three years of a 10-year sentence for reporting on alleged rights abuses. Blogger Truong Duy Nhat was released in May after serving two years in prison under Article 258. In June, ahead of CPV leader Nguyen Phu Trong's trip to the United States, officials released journalist and writer Le Thanh Tung months before the end of his four-year prison term for antistate propaganda. According to the Committee to Protect Journalists, there were at least six journalists behind bars as of December, down from sixteen in December 2014.

Economic Environment: 22 / 30

The CPV, government institutions, or the army own or control almost all of Vietnam's 850 print media outlets. Independent outlets are prohibited, though some companies are permitted to maintain private newspapers; news outlets that have covered sensitive topics may have their operating licenses confiscated. Several newspapers—including *Thanh*

Niên, *Người Lao Động*, and *Tuổi Trẻ* (owned by the CPV Youth Union)—have attempted to become financially self-sustaining. Along with the popular online news site VietnamNet, they have a fair degree of editorial independence, but are ultimately subject to the CPV's supervision. Several underground publications have recently launched, including *Tự Do Ngôn Luận* (*Free Speech*), whose former editor, the priest and dissident Thadeus Nguyễn Văn Lý, remained behind bars in 2015.

Radio is controlled by the Voice of Vietnam or other state entities. State-owned Vietnam Television is the only national television provider, although cable services do carry some foreign channels for those who can afford them. Many homes and local businesses in urban areas have satellite dishes, allowing access to foreign programming.

The internet continues to be the main outlet for free expression despite a growing crackdown by the state. Approximately 53 percent of the population had access in 2015, with the vast majority using internet cafés and other public providers. Rising internet penetration has created opportunities for discussion and debate about salient public issues, a situation that has generated tension between the CPV's distinct goals of promoting new technology and restricting online criticism. Internet service providers are either wholly or partly state-owned. The state-owned Vietnam Posts and Telecommunications Group dominates the fixed-line broadband market.

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