Vietnam remained one of Asia’s harshest environments for the media in 2014. Authorities employed both legal mechanisms and physical harassment to punish and intimidate critical journalists, and the government increased its arrests of bloggers and other online reporters of news.

Legal Environment

Although the 1992 constitution recognizes freedom of expression, the criminal code prohibits speech that is critical of the government. The definition of such speech is vaguely worded and broadly interpreted. The government frequently brings charges under Article 88 of the criminal code, which prohibits the dissemination of “antigovernment propaganda”; Article 79, which imposes a broad ban on activities aimed at “overthrowing the state”; and Article 258, which prohibits the “abuse of democratic freedoms” to undermine state interests. A 2006 governmental decree defined more than 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 Decree No. 2—Sanctions for Administrative Violations in Journalism and Publishing—to restrict the use of pseudonyms and anonymous sources and exclude bloggers from press freedom protections. The 2013 Decree on the Management, Provision, and Use of Internet
Services and Internet Content Online, or Decree No. 72, prohibits the sharing of news articles and other information on social media. Decree No. 72 also requires social networks to provide user information upon request for broadly defined reasons, and includes harsh measures designed for online surveillance. In November 2014, the government arrested blogger Hong Le Tho, and in December it arrested blogger Nguyen Quang Lap, charging both with “abusing freedom and democracy” for writing blogs containing uncensored news and opinions.

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 in practice access to official information and sources is heavily restricted.

In 2014, the government allowed several foreign embassies to hold seminars on journalism and human rights, though it reportedly blocked some Vietnamese journalists from attending.

**Political Environment**

The ruling Communist Party of Vietnam (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. The CPV’s propaganda and training departments control all media and set press guidelines. Calls for democratic reform, religious freedom, and land rights, as well as criticism of relations with China, are the issues that most commonly attract official censorship or retribution. Journalists are occasionally permitted to report on corruption at the local level, as it 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. Decision 20/2011, which came into effect in 2013, requires all foreign news, education, and information content on television to be translated into Vietnamese and censored by the Ministry of Information and Communications (MIC) before airing. At least 21 stations, including the British Broadcasting Corporation (BBC), the U.S.-based Cable News Network (CNN), and Channel News Asia, were blocked from retransmission into Vietnam in 2013 until they agreed to comply with the decree. The Vietnamese-language services of the BBC, Voice of America, and Radio Free Asia are blocked intermittently.

For a time, the Vietnamese press were able to extensively cover anti-China protests that broke out in May 2014 after China moved an oil rig into disputed waters in the South China Sea. However, as the protests became more violent and threatened to target Hanoi,
the government cracked down and reporting decreased. Vietnamese press also failed to report that the protests not only aired grievances against China but also, in some instances, condemned harsh labor conditions and the lack of regulation in Vietnamese factories. Later in the year, some Vietnamese news outlets freely reported on anti-China, prodemocracy protests in Hong Kong. Officials from the Chinese embassy in Hanoi reportedly called Vietnamese publications on more than one occasion to complain about coverage of Beijing.

Censorship and monitoring of online content is increasingly common. The MIC formed an agency in 2008 to monitor the internet and blogosphere. Internet service providers (ISPs) are legally required to block access to websites that are considered politically unacceptable. However, many users report that the government’s capacity to censor the internet remains limited.

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

At the end of 2014, a total of 16 journalists were behind bars in Vietnam, fifth-most in the world, according to the Committee to Protect Journalists. During the year, the government’s arrests of bloggers, online reporters, and other online writers increased, part of a growing campaign to crack down on online dissent. In March, blogger Truong Duy Nhat was sentenced to two years in prison for a post discussing territorial disputes with China. In August, a Vietnamese court sentenced blogger Bui Thi Minh Hang to three years in prison on charges of “causing public disorder” for traveling to visit a prominent former political prisoner. In November, blogger Nguyen Huu Vinh and his assistant Nguyen Thi Minh Thuy were charged with “abusing freedom and democracy to infringe upon the interests of the state” for posting articles critical of the government; if convicted, they could be jailed for up to seven years. In late December, the government arrested blogger Nguyen Dinh Ngoc, who had written numerous articles about other online and print journalists in Vietnamese jails. Another blogger, Nguyen Quang Lap, was held in jail for “anti-state” writings despite previously having suffered a stroke and reportedly suffering from serious health complications as a result.

Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics. Several prominent journalists have fled into exile in the past five years. In 2014, there were numerous reports of assailants physically attacking bloggers and authorities preventing family members of defendants from attending trials. In November, journalist Truong Minh Duc was reportedly beaten unconscious by plainclothes police in Ho Chi Minh City. In December, plainclothes police reportedly attacked blogger Nguyen Hoang Vi and several friends in Ho Chi Minh City, beating them extensively.

Malicious programs attached to downloadable Vietnamese-language software and distributed denial-of-service (DDoS) attacks, which overwhelm servers and websites with traffic, frequently target politically sensitive websites.
Economic Environment

Almost all of Vietnam’s 850 print media outlets are owned or controlled by the CPV, government institutions, or the army. Independent outlets are prohibited, though some companies are permitted to maintain private newspapers. Several of these 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, though ultimately they are subject to the CPV’s supervision. Several underground publications have been launched in recent years, including Tự Do Ngôn Luận (Free Speech), whose former editor, Father Nguyễn Văn Lý, is currently serving an eight-year prison sentence.

Radio is controlled by the Voice of Vietnam (VOV) or other state entities. State-owned Vietnam Television (VTV) is the only national television provider, though 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 them to access foreign programming.

The internet continues to be the main outlet for free expression, despite a growing crackdown by the state. Nearly 50 percent of the population accesses the web, 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 a permanent tension between the CPV’s distinct goals of promoting new technology and restricting online criticism. Website operators continue to use ISPs that are either wholly or partly state-owned. The largest is Vietnam Data Communications, which is controlled by the state-owned Vietnam Posts and Telecommunications Group and serves nearly a third of all internet users. One study released in 2014 suggested Vietnam has roughly 25 million Facebook users.

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