

FREEDOM OF THE PRESS

Vietnam

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Despite expectations that the government would loosen restrictions after the Communist Party Congress in January, Vietnam narrowed the space for press freedom in 2011. Officials grew increasingly intolerant regarding calls for democracy and criticism of Vietnam's policy toward China. Legal protections for journalists and bloggers deteriorated with the passage of Decree No. 2, which imposes stiff penalties on journalists who refuse to reveal sources.

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 propaganda and training departments of the ruling Communist Party of Vietnam (CPV) control all media and set press guidelines. The government frequently levies charges under Article 88 of the criminal code, which prohibits the dissemination of "antigovernment propaganda," as well as Article 79, a broad ban on activities aimed at "overthrowing the state." Reacting to increasingly vibrant reporting by both the traditional and internet-based news media, the government issued a decree in 2006 that 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 January 2011, Prime Minister Nguyễn Tấn Dũng signed Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing. The decree restricts the use of pseudonyms and anonymous sources, and distinguishes between credentialed journalists and citizen bloggers, ostensibly to exclude the latter from press freedom protections.

The judiciary is not independent. Individuals are held for months or longer in pretrial detention and sometimes not released after completing their sentences. Many trials related to free expression last only a few hours. In November 2011, two broadcasters, Vũ Đức Trung and Lê Văn Thành, were found guilty of transmitting Falun Gong programming into China and sentenced to three years and two years in prison, respectively. Though officials originally charged both with minor administrative violations, they were upgraded to criminal charges after significant pressure from China.

The CPV generally views the media as a tool for the dissemination of party and state policy. Criticism of government leaders and Vietnam's policy toward China, as well as calls for religious freedom and democratic reforms, are the topics most commonly targeted for official censorship or retribution. Journalists are sometimes permitted to report official corruption at the local level, as it serves the interests of the CPV's national anticorruption platform, but they are increasingly silenced for reporting on higher-level misdeeds. Foreign reporters are often required to remain in the capital, Hanoi, and face disciplinary action from the propaganda department for covering politically sensitive topics. In July 2011, police detained and questioned reporters from Japanese newspaper *Asahi Shimbun* and Japanese television broadcaster NHK for covering public protests against China's territorial claims in the South China Sea. *Guardian* reporter Dustin Roasa was denied entry to Vietnam in October due to a story he wrote in January about the country's crackdown on prodemocracy activism on the internet. In addition, two of Roasa's Vietnamese sources fled the

2012 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

84

LEGAL ENVIRONMENT

28

POLITICAL ENVIRONMENT

34

ECONOMIC ENVIRONMENT

22

country after authorities threatened them with imprisonment for their involvement in the article. Foreign journalists were not permitted to enter the village of Huổi Khon in May after reports surfaced that the military had dispersed an ethnic Hmong religious gathering, leaving dozens killed or injured.

Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics. Búi Chát, head of the publishing house Giấy Vụn, was detained for questioning a number of times after returning to Vietnam in April 2011, having traveled to Argentina to accept the Freedom to Publish Prize from the International Publishers Association. He remained under close surveillance by the authorities at year's end. Several raids of homes and offices occurred during the year. In November and again in December, police raided the home of cyberactivist Huỳnh Ngọc Tuấn, confiscated mobile telephones, cameras, and a computer, and fined his family 270 million đồng (\$13,000).

Almost all print media outlets are owned or controlled by the CPV, government institutions, or the army. Several of these newspapers—including *Thanh Niên*, *Người Lao Động*, and *Tuổi Trẻ* (owned by the Youth Union of the CPV)—have attempted to become financially self-sustaining. Along with the popular online news site VietnamNet, they also have a fair degree of editorial independence, though ultimately they are still subject to the CPV's supervision. Several underground publications have been launched in recent years, including *Tổ Quốc*, which continues to circulate despite harassment of staff members, and *Tự Do Ngôn Luận*, whose editor, Father Nguyễn Văn Lý, was rearrested in July 2011 after being granted temporary medical parole 16 months earlier. Radio is controlled by the government-run Voice of Vietnam or other state entities. State-owned Vietnam Television (VTV) is the only national television provider, although cable services do carry some foreign channels. Many homes and local businesses in urban areas have satellite dishes, allowing them to access foreign programming. In May, Decision 20/2011 came into effect, requiring all foreign news, education, and information television content to be translated into Vietnamese and censored by the Ministry of Information and Communications (MIC) before airing. The decision will place onerous demands on foreign stations and is expected to cause several foreign outlets to withdraw from broadcasting in the country. International periodicals, though widely available, are sometimes censored.

Rising internet penetration has posed problems for the CPV, which seeks to promote new technology as well as restrict online criticism. Approximately 35 percent of the population accessed the internet in 2011, with the vast majority utilizing internet cafés and other public providers. Website operators continue to use internet service providers (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. ISPs are legally required to block access to websites that are considered politically unacceptable. Foreign news sites remain intermittently accessible. The Vietnamese-language services of the British Broadcasting Corporation (BBC), Voice of America (VOA), and Radio Free Asia (RFA) were repeatedly blocked in 2011. In 2008, the MIC formed an agency to monitor the internet and blogosphere. Though the government has denied using cyberattacks to monitor and prevent dissident activity, 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.

Vietnam has one of the largest numbers of bloggers behind bars worldwide, and conditions for cyberactivists and online journalists continued to deteriorate during 2011. Former high-level party member Vi Đức Hồi was sentenced in January to eight years in prison followed by five years of house arrest (later reduced to five years in prison and three years of house arrest by an appeals court) for posting online commentaries that were critical of the government. French-Vietnamese blogger Phạm Minh Hoàng was found guilty in August of "undermin[ing] national security," having been arrested in 2010 for writings that call for democracy in Vietnam. He was sentenced to three years in prison followed by three years of house arrest, though in November strong international pressure prompted an appeals court to reduce his prison term to

17 months. Within weeks of each other in July and August, Đặng Xuân Diệu, Hồ Đức Hòa, Nguyễn Văn Duyệt, and Paulus Lê Sơn, all contributors to *Vietnam Redemptorist News*, an online outlet covering the persecution of Roman Catholics, were arrested under Article 79 of the criminal code for activities aimed at overthrowing the government. Also in August, an appeals court upheld a seven-year prison sentence for blogger and activist Cù Huy Hà Vũ and sentenced opposition blogger Lư Văn Bảy to four years in prison plus three years of house arrest. Both trials lasted less than one day, and Bảy was not permitted access to a lawyer. Popular blogger Nguyễn Văn Hải, who blogs under the name “Điều Cây,” continued to be held incommunicado after completing a 30-month prison sentence in 2010 on trumped-up tax evasion charges. The status of his health and whereabouts were unknown. Blogger Phan Thanh Hải, arrested in 2010 for writings that were critical of Vietnamese-Chinese relations and advocated changes to restrictive provisions in the criminal code, also remained in detention without formal charges at year’s end.

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