

FREEDOM IN THE WORLD 2020

# Vietnam

**20**

NOT FREE

/100

<u>Political Rights</u>	3/40
<u>Civil Liberties</u>	17/60

LAST YEAR'S SCORE & STATUS

20 /100 ● Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



# 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 tightly restricted. The authorities have increasingly cracked down on citizens' use of social media and the internet.

## Key Developments in 2019

- Arrests, criminal convictions, and physical assaults against journalists, bloggers, and human rights activists continued during the year. Amnesty International reported that the number of prisoners of conscience in Vietnam was up by roughly 33 percent over 2018.
- A new, tough cybersecurity law that could seriously restrict online speech came into effect in January. The measure forces companies like Facebook and Google to store information about Vietnamese users in Vietnam, potentially making it accessible to state authorities. It also allows the government to block access to content deemed dangerous to national security.
- Vietnam continued to make some strides in fighting corruption, which has been endemic in the past. The government reported that in 2019 that it had disciplined over 53,000 officials and CPV members for graft, and that multiple senior officials, including two members of the Central Committee, had faced discipline including jail time. However, enforcement of anticorruption measures remains politicized and selective.
- President and party general secretary Nguyễn Phú Trọng enjoyed more centralized, personalized power than any recent Vietnamese leader. Vietnam specialists have expressed concern that Trọng could create a personalized and sustained autocracy, like Xi Jinping, though he has not consolidated power on anywhere near that level.

## Political Rights

# A. Electoral Process

**A1** 0-4 pts

**Was the current head of government or other chief national authority elected through free and fair elections?**

0/4

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. However, all selections for top executive posts are predetermined in practice by the CPV's Politburo and Central Committee.

In 2016, nominees for president and prime minister were chosen at the CPV's 12th Party Congress, which also featured the reelection of Nguyễn Phú Trọng as the party's general secretary. In April of that year, the National Assembly formally confirmed Trần Đại Quang as president and Nguyễn Xuân Phúc as prime minister.

President Trần Đại Quang died in September 2018, and the National Assembly confirmed Nguyễn Phú Trọng as his replacement in October; Trọng retained the post of party general secretary.

**A2** 0-4 pts

**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 the 2016 balloting. Candidates who were technically independent but vetted by the CPV took 21 seats. More than 100 independent candidates, including many young civil society activists, were barred from running in the elections.

**A3** 0-4 pts

**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 CPV, the only legally recognized party, dominates every election. The party controls all electoral bodies and vets all candidates, resulting in the disqualification of those who are genuinely independent.

## **B. Political Pluralism and Participation**

**B1** 0-4 pts

**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. Members of illegal opposition parties are subject to arrest and imprisonment.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**0/4**

The structure of the one-party system precludes any democratic transfer of power. 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.

**B3** 0-4 pts

<p><b>Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b></p>	<p><b>0/4</b></p>
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The overarching dominance of the CPV effectively excludes the public from any genuine and autonomous political participation.

<p><b>B4</b> 0-4 pts</p>	
<p><b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b></p>	<p><b>1/4</b></p>

Although ethnic minorities are nominally represented within the CPV, they are rarely allowed to rise to senior positions, and the CPV 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.

# C. Functioning of Government

<p><b>C1</b> 0-4 pts</p>	
<p><b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b></p>	<p><b>0/4</b></p>

The CPV leadership, which is not freely elected or accountable to the public, determines government policy and the legislative agenda.

<p><b>C2</b> 0-4 pts</p>	
<p><b>Are safeguards against official corruption strong and effective?</b></p>	<p><b>1/4</b></p>

CPV and government leaders have acknowledged growing public discontent with corruption, and there has been an increase in corruption-related arrests in recent years. The government reported that in 2019 that it had disciplined over 53,000 officials and other party members for graft. Multiple senior officials, including two members of the Central Committee, have faced discipline including jail time.

Despite the crackdown, enforcement of anticorruption laws is generally selective and often linked to political rivalries. Many top officials who have been detained or jailed belonged to a different political faction than Trọng.

**C3** 0-4 pts

**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, but its provisions are relatively weak. Information can also be withheld if it is deemed to threaten state interests or the well-being of the nation.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

**Are there free and independent media?**

**1/4**

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

or comment independently on controversial issues 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. The state controls all print and broadcast media.

In June 2018, the National Assembly approved a restrictive cybersecurity law that will, among other provisions, force companies like Facebook and Google to store information about Vietnamese users in Vietnam, making it potentially more accessible to state authorities. The law, which also allows the government to block access to a broad range of content that could be defined as dangerous to national security, came into force in January 2019.

New arrests, beatings, criminal convictions, and cases of mistreatment in custody involving journalists and bloggers continued to be reported throughout 2019, with dozens arrested during the year. At a human-rights dialogue with Vietnam in May, US diplomats expressed concern over the rising number of prosecutions of writers and activists in Vietnam. In July, Trương Duy Nhất, blogger for Radio Free Asia, was charged with “abusing his position.” He had been apparently abducted from Thailand earlier in the year by Vietnamese agents. Blogger and activist Lê Anh Hùng was involuntarily committed to a mental hospital, and, according to reports, forced to take a range of medicines. In August, state media produced a documentary that portrayed writers and activists as spreading “fake news” designed to overthrow the ruling party. In November, the security forces arrested six bloggers and writers in one day. In December, a Vietnamese activist serving a 13-year jail sentence in connection with Facebook postings died in jail, and was quickly buried.

**D2** 0-4 pts

**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, which has been gradually rolled out, reinforced registration requirements, will allow extensive state interference in religious groups' internal affairs, and gives authorities broad discretion to penalize unsanctioned religious activity. In its annual report for 2019, the US Commission on International Religious Freedom recommended that Vietnam be placed back on the US State Department's list of countries that are the worst abusers of religious freedom in the world, since conditions have not measurably improved since the country was taken off the list 13 years previously.

**D3** 0-4 pts

**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. In March 2019, a prominent Vietnamese historian, Ông Trần Đức Anh Sơn, was kicked out of the Communist Party, a major punishment, for questioning Vietnam's policies toward China.

**D4** 0-4 pts

**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 attack and imprison those who openly criticize the state, including on social media. The government engages in surveillance of private online activity.

# E. Associational and Organizational Rights

**E1** 0-4 pts

**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. After nationwide anti-China protests in June 2018, during which dozens of participants were assaulted and arrested, the courts convicted well over a hundred people of disrupting public order, and many were sentenced to prison terms. In June 2019, a court sentenced a man who had become known during the 2018 protests for bringing bread and water to demonstrators to eight years in jail for “disrupting public security.”

**E2** 0-4 pts

**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 that the authorities perceive as hostile risk imprisonment.

Criminal prosecutions and violence against activists persisted in 2019. Among other incidents, in July 2019, seven activists were sentenced to jail for protesting a new toll road plan. The same month, family members of activists who tried to visit a jail in Nghệ An Province were beaten by a mob of assailants. Earlier, in June, a Vietnamese court sentenced an American activist to 12 years in jail for allegedly trying to

overthrow the Vietnamese government, and also sentenced two Vietnamese activists who had been trying to recruit antigovernment protestors.

**E3** 0-4 pts

**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. The right to strike is limited by tight legal restrictions.

In November 2019, the National Assembly voted to change the Labor Code. These changes, demanded by Vietnam's free trade deals, will theoretically allow workers to form independent unions and hold strikes.

## F. Rule of Law

**F1** 0-4 pts

**Is there an independent judiciary?**

**1**/4

Vietnam's judiciary is subservient to the CPV, which controls the courts at all levels. This control is especially evident in politically sensitive criminal prosecutions, with judges sometimes displaying greater impartiality in civil cases.

**F2** 0-4 pts

**Does due process prevail in civil and criminal matters?**

**1**/4

Constitutional guarantees of due process are generally not upheld. Defendants have a legal right to counsel, but lawyers are scarce, and many are reluctant to take on cases involving human rights or other sensitive topics. 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 that took effect in 2018 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.

**F3** 0-4 pts

**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. In May 2019, Amnesty International reported that Nguyễn Văn Hoá, a former Radio Free Asia blogger serving a seven-year jail sentence for reporting on protests over a toxic waste spill, had been tortured in prison.

The new penal code reduced the number of crimes that can draw the death penalty, though it can still be applied for crimes other than murder, including drug trafficking. In June 2019, the public security minister suggested the government was considering making drug use a crime again, rather than treating drug users via rehab. In the past, detention centers for drug users were criticized by rights groups as brutal labor camps.

**F4** 0-4 pts

**Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

**1/4**

Ethnic minorities face discrimination in Vietnamese 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. Members of

ethnic and religious minorities also sometimes face monitoring and harassment by authorities seeking to suppress dissent and suspected links to exile groups.

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

The law does not prohibit discrimination based on sexual orientation or gender identity, and societal discrimination remains a problem. Nevertheless, annual LGBT+ pride events were held across the country for an eighth year in 2019.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

**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.

**G2** 0-4 pts

**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 is one of the most contentious issues in the country, and is the subject of regular protests. The seizure of land for economic

development projects is often accompanied by violence, accusations of corruption, and prosecutions of those who protest.

**G3** 0-4 pts

**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 personal social freedoms. Men and women have equal rights pertaining to matters such as marriage and divorce under the law. In 2015, Vietnam repealed a legal ban on same-sex marriage, but the government still does not grant such unions legal recognition.

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** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**2/4**

Human trafficking remains a problem in Vietnam, although the government has made some efforts to boost antitrafficking efforts. Internationally brokered marriages sometimes lead to domestic servitude and forced prostitution. Male and female migrant workers are vulnerable to forced labor abroad in a variety of industries. Enforcement of legal safeguards against exploitative working conditions, child labor, and workplace hazards remains poor.



## On Vietnam

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## Country Facts

### Global Freedom Score

**19/100** ● Not Free

### Internet Freedom Score

**22/100** ● Not Free

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2024



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#### ADDRESS

1850 M St. NW Floor 11  
Washington, DC 20036  
(202) 296-5101

#### GENERAL INQUIRIES

[info@freedomhouse.org](mailto:info@freedomhouse.org)

#### PRESS & MEDIA

[press@freedomhouse.org](mailto:press@freedomhouse.org)

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