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Freedom Of The Press - Vietnam (2010)

Status: Not Free

Legal Environment: 28

Political Environment: 32

Economic Environment: 22

Total Score: 82

The Vietnamese government in 2009 continued a crackdown on journalists and other dissidents that had begun in 2008. As more reporters have turned to the internet to criticize the state on politically sensitive issues, online censorship has increased, with bloggers being specifically targeted for harassment and detention.

Although the 1992 constitution recognizes freedom of opinion and expression, the propaganda and training departments of the ruling Communist Party of Vietnam (CPV) control all media and set press guidelines. In addition, a 1999 law requires journalists to pay damages to individuals or groups found to have been harmed by press articles, even if they are accurate. Reporting that is considered threatening to the CPV's legitimacy can bring charges under defamation laws and the criminal code, including the commonly used Article 88, which punishes the dissemination of "antigovernment propaganda." The judiciary is not independent, and many trials related to free expression last only a few hours. In response 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, imposing hefty fines for offenders, with a particular focus on protecting "national security." The types of content that are most often targeted for censorship or repression include criticism of government leaders, advocacy of political reforms or the creation of a multiparty democracy, discussion of national security issues, and the questioning of government policy on human rights, religious freedom, and border disputes with neighboring China.

The CPV generally views the media as a tool for the dissemination of party and state policy. Although journalists cannot cover sensitive political and economic matters or openly question the CPV's monopoly on power without fear of reprisal, they are sometimes allowed to report on crime and official corruption at the local level; such reports have become increasingly common in recent years. Concerns driven by civil society, such as those relating to the environment or business, also are given more leeway. However, as detailed below, at least four journalists were detained during 2009 for using personal websites to criticize the government on long-running border disputes with China. In October, nine bloggers were charged with antigovernment propaganda and sentenced to prison terms ranging from two to six years. Human rights activists criticized the CPV for delaying their sentencing until after Vietnam took over the presidency of the UN Security Council. Some journalists have been dismissed from their jobs for personal blogging. In one highly publicized case, newspaper reporter Huy Duc was fired from

the government-run *Saigon Tiep Thi* after writing in a personal blog about human rights abuses committed by Vietnam's former Communist ally, the Soviet Union.

Foreign reporters continued to be monitored closely. Their movements within the country were restricted, and they faced disciplinary action from the propaganda department. However, most foreign journalists are relatively free to write critical analysis on a narrow range of subjects that are usually more of interest to a foreign audience.

There is only one national television station in the country, state-owned Vietnam Television, although cable services do carry some foreign channels. Vietnam launched its first telecommunications satellite in 2008, indicating that access to television, telephone service, and the internet may increase in rural areas in the coming years. While satellite television is officially restricted to senior officials, international hotels, and foreign businesses, many homes and local businesses in urban areas have satellite dishes, in some cases allowing them to access foreign programming. There is an ever-widening space for popular culture, such as Vietnamese-made comedy and films, but more politically provocative issues, such as high-level corruption, remain strictly off limits, and reporters who test these boundaries are subject to arrest and discipline.

Almost all print media outlets are owned by or under the effective control of the CPV, government organs, or the army. Several of these newspapers—including *Thanh Nien*, *Nguoi Lao Dong*, and *Tuoi Tre* (owned by the Youth Union of the CPV)—have attempted to become financially self-sustaining and end their reliance on state subsidies. They, along with the popular online news site VietnamNet, also have a fair degree of editorial independence, though this autonomy is constantly tested. Several underground publications have been launched in recent years, including *Tu Do Ngon Luan*, *To Quoc*, and *Tu Do Dan Chu*; they reportedly continue to circulate despite recent arrests of staff members. Radio is controlled by the government-run Voice of Vietnam or other state entities.

A new law obliges foreign publishers to reapply annually for a distribution license. Foreign periodicals, though widely available, are sometimes censored, and the broadcasts of stations such as Radio Free Asia are periodically jammed.

Rising internet penetration has posed problems for the CPV, which seeks to both promote new technology and restrict criticism in online forums. More than 27 percent of Vietnamese reportedly had internet access at the end of 2009. Website operators continue to use internet-service providers (ISPs) that are either publicly or semipublicly owned, like Vietnam Data Communications, which is controlled by the Ministry of Post and Telecommunications and serves nearly a third of all internet users. ISPs are required by law to block access to websites that the government considers politically unacceptable. These are mainly Vietnamese-language sites, including those belonging to opposition political parties; many foreign news sites remain accessible. Due to an increase in blocked sites in 2009, the OpenNet Initiative, a research project on internet censorship, ranked Vietnam along with Burma and China among the nations in Asia that "continued to block content with the greatest breadth and depth."

The Ministry of Information and Communications in 2008 formed an agency responsible for monitoring the internet and bloggers. Some 300 cybercafes have software that tracks visits to banned websites and records the personal information and browsing activities of users. According to new regulations enacted in 2008, blogging platforms operating in Vietnam are required to remove harmful content, report to the government every six months, and provide information about individual bloggers as requested. In August 2009, the Singapore-based platform Yahoo! 360°—used by the majority of Vietnamese bloggers—shut down due to glitches, forcing many bloggers to move their sites to WordPress or Facebook. However, access to Facebook had become patchy by year's end following an official directive ordering ISPs to block the application.

The Committee to Protect Journalists named Vietnam as one of the 10 worst countries to be a blogger in 2009. In addition to the nine bloggers sentenced in October, Nguyen Van Hai remained behind bars after being sentenced in 2008 to 30 months in prison for tax evasion, and two other bloggers were temporarily detained in August 2009 for allegedly jeopardizing national security through their writings. The first, Bui Thanh Hieu, who blogs under the name Nguoi Buon Gio, was detained after commenting on the Vietnam-China maritime dispute, a controversial bauxite mining project in the Central Highlands, and the June arrest of human rights lawyer Le Cong Dinh. According to the Free Journalists' Network of Vietnam, police confiscated two computers and other personal belongings after taking Hieu away for questioning. A day later, police arrested Pham Doan Trang, a reporter for VietnamNet who had blogged about Vietnam's maritime border dispute with China. After Trang's arrest, the government blocked access to several of her articles.