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Background Briefing:

Press Freedom in Vietnam

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We are preparing a report on the status of
press

freedom in Vietnam. Vietnam's tight control and strictness over the media was clearly visible in February when Vietnam hosted the second Trump-Kim summit, according to journalists. Last week, the Press Freedom Index placed Vietnam towards the bottom of the list. We request your assessment of the following issues:

Q1. Why has Vietnam been so rigid and tight with press freedom?

ANSWER: The Vietnam Communist Party (VCP) has been a Marxist-Leninist party from its inception. The press has always been viewed as an instrument of class warfare. The VCP views an independent press as a threat to its legitimacy. This was evidenced in 1956, two years after partition and the establishment of the Democratic Republic of Vietnam in Hanoi, when a group of intellectuals took issue with the current party line and published their views in a newly created journal, *Nhan Van-Giai Pham*. This movement, variously known as the Humanism Movement or 100 Flowers Movement, was repressed.

Communist Vietnam has never permitted private ownership of the press. All the press in Vietnam is state or party-owned. Also, an independent press is viewed as a conduit for "peaceful evolution" or the plot of hostile forces outside Vietnam to overthrow its one-party regime by attracting supporters inside Vietnam.

Q2. In Vietnam newspapers have been shut down and journalists have been detained. Has this become a norm against anyone who doesn't tow the line?

ANSWER: Yes, this has been the norm since formal reunification in 1976. Vietnam's Penal Code contains articles that make conducting propaganda against the state, "taking advantage of democratic freedoms and rights to violate the interests of the state or lawful rights and interests of organizations or individuals," and "sowing divisions between religious and nonreligious peoples" as crimes against national security.

The VCP's Propaganda and Education Commission determines what can and cannot be published. The Ministry of Information and Communications enforces VCP guidelines. Reportedly, editors meet on a weekly basis to determine current restrictions on hot or sensitive topics. These guidelines are then passed down the chain of command.

Transgressors are invariably warned, fined and – if they persist – suspended or even jailed. A recent case in point involved the newspaper *Tuoi tre Online*. In July 2018, the paper was fined the equivalent of US \$10,00 and was suspended from publishing for three months for undermining national unity for attributing remarks to the president that the authorities claim he did not make.

Bloggers and independent journalists who publish on the Internet are treated in similar fashion.

Q3. How strong is the opposition to the government's aim of silencing and restricting press freedom?

ANSWER: In 2018, when Vietnam's National Assembly tabled two draft laws, one on Special Administrative and Economic Zones and the other on Cyber Security, massive protests broke out across Vietnam. The protestors were mainly focused on the possibility of China gaining control of the Special Economic Zones. But the protests also included opposition to provisions in the Law on Cyber Security that could be used to suppress and punish freedom of expression on the Internet.

It appears there is widespread disgruntlement by urban intellectuals about restrictions on the use of the Internet. The Internet is a more vibrant and diverse source of information than the state-controlled press. It is my estimation that the vast majority of Vietnamese know and are mindful of the limits – or redlines – on what can and cannot be discussed in the state press.

The number of individuals who agitate for freedom of expression, including freedom of the press, are small in number. Their protests have waxed and waned over the years but have not got traction and coalesced into a movement that threatens one-party rule.

Q4. What needs to be done within Vietnam and from the outside to ensure freedom of expression and speech?

ANSWER: It must be acknowledged that the degree to which Vietnamese citizens can express their views in public, in writing, or on the Internet has increased greatly since the 1980s.

The state Constitution makes provision for freedom of expression and freedom of the press but these freedoms are undermined by vaguely worded articles in the Penal Code and other laws. One step towards ensuring freedom of speech would be to amend these laws by making them clearer and more explicit on what is prohibited. This problem arises in liberal democracies that promote freedom of speech but outlaw vilification and hate speech.

Governments should continually press Vietnam to change its laws so that peaceful advocacy is not outlawed or punished.

Q5. Vietnam has never had a truly independent media. Will that ever change given the present circumstances?

ANSWER: Years ago Vietnam's National Assembly turned down a proposal to allow private ownership of the press. Vietnam might conceivably experiment with private press ownership. This could be promoted by an expanding younger middle class that

already has access to the Internet and social media. However, juxtaposed to this are increased efforts by Vietnam's party-state to impose further controls on the Internet.

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