

ANNEXE 2

Related Vietnamese Laws and Regulations

The Press Law: The 1990 Press Law provides: “*The press in the Socialist Republic of Vietnam constitutes the voice of the Party, of the State and social organizations*” (Article 1). “*No one shall be allowed to abuse the right to freedom of the press and freedom of speech in the press to violate the interests of the State, of any collective group or individual citizen*” (Article 2:3). Article 15 on the “*rights and obligations of journalists*” provides that journalists have the obligation “*to defend the Party’s lines, directions and policies and the State’s laws*”. Chapter V of the Press Law on “*State management over Press*” defines the contents of State management, such as: “*organizing the provision of information for the press; managing the press’s information*” (Article 17:3).

The Publishing Law. The 1993 Publishing Law provides: “*Publications with the following contents are strictly prohibited: “opposing the State of the Socialist Republic of Vietnam; destroying the people’s solidarity block; disseminating reactionary ideas and culture...; destroying fine customs and habits; divulge secrets of the Party, State, and security...; distorting history, denying revolutionary achievements, hurting our great men and national heroes, slander or hurting the prestige of organisations, honour and dignity of citizens”* (Article 22).

The role of the domestic media: The domestic media is a force to combat “*the false ideas and plans of enemy forces and other political opportunists, and to protect the ideas, agenda and fundamental leadership of the party.*” Do Quy Doan, Deputy Minister of Culture, 20 June 2008.

Ordinance 44: Ordinance 44 was adopted by the National Assembly’s Standing Committee shortly after the UN Human Rights Committee called for the repeal of Decree 31/CP, and became effective as of 1st October 2002. It empowers provincial and district-level People’s Committees to detain without trial, for periods of 6 months to 2 years, citizens “*who have violated laws on security, public order and social safety, but whose offence is not serious enough to justify prosecution*”. Whereas Decree 31/CP allowed for administrative detention only, Ordinance 44 authorizes detention in “*educational institutions*” (Article 25); internment in “*medical facilities*” (Article 26), or administrative detention (Article 27). “*Educational institutions*” are usually rehabilitation camps or Social Protection Centres where “*bad social elements*” such as prostitutes, drug addicts, street children or dissidents may be held without charge, often in inhumane conditions. “*Medical facilities*” include mental hospitals and psychiatric institutions.