Summary
Citing national security, the Socialist Republic of Vietnam's National Assembly has issued legislation limiting the right to access information.

The Access to Information Law, passed on April 6, 2016, specifies the type of information Vietnamese citizens are able to obtain -- and what information Vietnamese citizens are not permitted to request.

Rather than having greater freedom to access information, Vietnamese citizens are prevented from accessing government and state agency documents until they are considered declassified by the authorities. Citizens are not permitted to obtain information under broad areas including politics, economics, and technology.

The legislation, which will likely go into effect in 2017, allows authorities to penalize activists and citizen journalists found sharing public information deemed critical of the state.

Key provisions of the Access to Information Law

The following are some of the key provisions that affect freedom of information in Vietnam:

Limited access to information
The legislation lists a range of documents and information that citizens cannot access, including government documents regarding “politics, defense, national security, foreign relations, economics, technology or any other areas regulated by the law.” Vietnamese citizens are also prohibited from accessing information that may be considered as “harming the interests of the State, national defense and security, social security and the health of the community.”

The vague categories found in the new law limit the ability of Vietnamese citizens to request or obtain government documents.

Prohibited behaviour
The law states that citizens are prohibited from providing or using information which may be used against the State, considered to harm public order and social morality, or seen as spreading “slanderous” information harmful to individuals and organisations.
The conditions for requesting and obtaining information make it illegal to post or comment on any documents which are considered critical of the Vietnamese communist party and state and its policies.

**Unequal rights to freedom of information**
Not all citizens are permitted to obtain government documents and information. Article 6 of the law states that only select individuals who need to access information as a matter of duty are permitted to access information pertaining to politics, national security and defense, foreign and economic policy.

**Implications**

**Freedom of Information**
Despite Hanoi authorities labeling this legislation as a step forward for the public’s right to information, the law limits the public’s access to government and state agency documents.

The law also provides an opportunity for the Vietnamese authorities to prosecute individuals who are found to be sharing public information which is critical of the regime or considered “harmful to national security.”

**Rule by Law**
The new legislation is yet another example of “rule by law” in Vietnam. The legislation initially states that “all citizens are equal and there will be no discrimination in the right to access information.” However, it later states that citizens who request documents must be doing so as a “matter of duty.”

This new law on information -- along with the earlier Decree 72, which prohibits the sharing of news articles and other information on social media -- prevents citizens from disseminating any information that can be regarded as “a threat to national security.” Vague and arbitrary descriptors provide opportunities for authorities to arbitrarily arrest and detain citizens.

**Looking Forward**
Vietnamese authorities continue to restrict basic rights including the freedom to seek, receive, and impart information. Human rights advocates should pressure the Vietnamese authorities to respect its obligations under international law and allow citizens the right to freedom of information. In addition, the international community should advocate for specific cases of Vietnamese activists who have been detained under the Access to Information Law and other arbitrary decrees restricting free expression.

**About Viet Tan**
The mission of Viet Tan is to overcome dictatorship, build the foundation for a sustainable democracy, and demand justice and human rights for the Vietnamese people through a nonviolent struggle based on civic participation.