

**UNFAIR ELECTIONS IN VIETNAM
HOW THE COMMUNIST PARTY
MANIPULATES THE PROCESS**

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EXECUTIVE SUMMARY

This report provides an insight into the 2016 legislative elections in Vietnam, with an analysis of the political system and electoral process and how they are used to restrict the citizens' right to participation.

It also gives factual accounts of harassment and rights violations against the independent candidates who, for the first time in the country's history, courageously speak out against the repressive system by employing social media and standing for an election in which they see no chance to win.

Restriction of freedoms of movement, expression and assembly, intimidation and harassment by the police, defamation by the propagandists and the biased media are some among many forms of rights violation. Besides, the independent candidates are subjected to public haranguing in "meetings with constituents" which appear to be a procedure unique to China and Vietnam.

The analysis and accounts highlight the conclusion that the legislative elections in Vietnam are not free and fair under the rule of the Vietnamese Communist Party. Steps should be taken to bring about a legal and political reform in the country to ensure promote human rights, of which the rights to participation are crucial.

I. POLITICAL BACKGROUND

The legislative body in Vietnam

The Vietnamese Constitution stipulates that "The National Assembly [in Vietnamese: Quốc hội] is the highest representative body of the people and the highest body of state power of the Socialist Republic of Vietnam. The National Assembly exercises constitutional and legislative powers, decides significant national affairs and exercises supreme control over all activities of the State."

The National Assembly is a unicameral body elected to a five-year term. According to the Law on Organization of the National Assembly, the total number of its deputies [in Vietnamese: đại biểu Quốc hội] shall not exceed 500. Meetings are convened twice per year, one month for each.

The National Assembly has a standing body, an ethnic council, and nine committees: (1) Committee on Laws; (2) Committee on Judicial Affairs; (3) Committee on Economic Affairs; (4) Committee on Financial and Budgetary Affairs; (5) Committee on National Defense and Security; (6) Committee on Culture, Education, Adolescents, and Children; (7) Committee on Social

Affairs; (8) Committee on Science, Technology, and Environment; and (9) Committee on Foreign Affairs.

As Vietnam is a single-party state, there is only one ruling party, the Vietnamese Communist Party (VCP) with no opposition, and at least 95% of the National Assembly deputies are communists. The rest may be non-communists at the time they are elected, but often they will be recruited at a later date.

Under the Constitution, “the People’s Council is the local body of state power; it represents the will, aspiration and mastery of the local people; it is elected by the local people and is accountable to them and to the superior state bodies.” “The People’s Council shall decide on local issues provided by the law; supervise conformity to the Constitution and the laws at local level and the implementation of the resolutions of the People’s Council.” “The People’s Committee elected by the People’s Council is the latter’s executive body, the body of local state administration, and is accountable to the People’s Council and superior state bodies.”

The political system in Vietnam

The Vietnamese political system comprises three components: 1. The VCP; 2. The State; and 3. The Central Committee of the Vietnam Fatherland Front.

The VCP is authorized to lead the state and the civil society sector (or “political-social organizations as they put it) by adopting communist ideology and codifying its lines, resolutions and instructions into national laws. Furthermore, the VCP maintains its authority to recommend its “cadres” for election or appointment into public offices and political-social organizations.

The VCP system runs the same way as the state hierarchy does. In every public office, there is a party cell which is responsible to the local party cell, be it at the provincial or district level. In the military and the police force, there are party cells operating in compliance with the VCP’s charter and instructions and national laws.

The State comprises the National Assembly, the President, the Government, the Supreme People’s Court, the People’s Supreme Procuracy, and local governments.

The Vietnam Fatherland Front, according to the Constitution, is “a political alliance and a voluntary union of political organizations, social organizations and individuals representing their social classes and strata, ethnicities, religions, and overseas Vietnamese.” “The Labour Federation, the Peasant Society, the Ho Chi Minh Communist Youth Union, the Women’s Association and the Veteran Society are socio-political organizations that cooperate with other members of the Fatherland Front and unify the activities of the Fatherland Front.”

So, the Fatherland Front acts like a token “civil society” organization that unifies other civil society organizations in the country. It plays a major role in the National Assembly elections, as will be shown in the later parts of this report.

II. LEGAL GROUNDWORK FOR THE ELECTIONS

Laws governing the elections

On principle, there are three basic laws that govern the 2016 elections to the National Assembly and the People's Council, including:

- The 2013 Constitution;
- The 2015 Law on the election of deputies of the National Assembly and the People's Council, shortly referred to as "Election Law";
- The 2014 Law on the organization of the National Assembly.

With regard to the 2016 election to the 14th National Assembly (2016-2021), however, there are at least 24 political and legal documents issued by the VCP and its public offices to regulate the elections, including but not restricted to:

1. Instruction 51-CT/TW dated January 4, 2016 by the Politburo on "leading the elections to the 14th National Assembly and the People's Council terms 2016-2021";
2. Resolution 105/2015-QH13 by the National Assembly on the polling day and the establishment of the National Election Commission;
3. Instruction 01/CT-TTg dated January 13, 2016 by the Prime Minister on the election to the 14th National Assembly and the People's Council term 2016-2021;
4. Resolution 1129/2016/UBTVQH13 dated January 14, 2016 by the Standing Committee of the National Assembly announcing the polling day;
5. Resolution 1132/2016/UBTVQH13 dated January 16, 2016 by the Standing Committee of the National Assembly "guiding to set the number and structure of the 14th National Assembly and the People's Council term 2016-2021";
6. Resolution 1134/2016/UBTVQH13 dated January 18, 2016 of the National Assembly "elaborating on and guiding the organization of the meetings with constituents and the recommendation of nominees for the National Assembly and the People's Council."
7. Resolution 1135/2016/UBTVQH13 dated January 22, 2016 by the Standing Committee of the National Assembly "setting the number and structure of the 14th National Assembly and the People's Council term 2016-2021";
8. Etc.

The electoral process

Step 1

The Standing Committee of the National Assembly works with the Fatherland Front to "negotiate" the structure of the National Assembly to be elected and the representatives of each

office or organization. This step is called “the first round of negotiation” and it is reserved only for candidates “expected to be nominated” by offices and/or organizations.

These offices and organizations should be state/ Party entities, such as public offices, political-social organizations under the Fatherland Front, and state-owned corporations. Anyone nominated by the private sector is deemed to be an independent candidate.

Independent candidates are not yet involved in this step, however.

Step 2

The Standing Committee of the National Assembly decides the number of constituencies (184 for the 2016 election) and the number of deputies to be elected for each constituency, then informs these numbers to concerned offices or organizations and constituencies.

The concerned offices or organizations, upon receiving the information and instructions from the Standing Committee and the Fatherland Front, shall nominate candidates; the list of candidates shall be submitted to the Fatherland Front, which is formally the organizer of the elections.

At the same time those who run for the post as independent candidates, i.e. not being recommended by any state/Party entity, need to register at the local branch of the Fatherland Front. These people are currently referred to as “self-nominees” in all official documents pertaining to the elections; the VCP’s propagandists seem to avoid the term “independent” or “free”.

Step 3

The Fatherland Front holds the “second round of negotiation”, whose main component is the “meeting the constituents” procedure. This procedure appears to be unique to elections in China and Vietnam. It involves vetting meetings where constituents are asked to give their direct assessments on the candidates in their residencies and organizations, and to confirm whether the candidates are eligible to run for the National Assembly and/or the People’s Council.

In reality, these “negotiations” become public denunciations where the candidates, especially the independent ones, are subject to fierce criticism by voters in public sites. Most importantly, they are often rejected for such simple reasons as “they do not regularly attend Party-held meetings in the residency,” or “they do not say hi when they see us pass by,” etc.

The vetting meetings thereby evoke memories of the land reform in China and Vietnam in the mid-20th century, where those accused of being “exploitative landlords” would be taken to “people’s courts” for violent public denunciation before being executed.

Evidence shows that the Fatherland Front and the local organizers of these “negotiations” often employ people from other areas nearby to the event and have them join the local people in disparaging candidates not favoured by the VCP.

The candidates’ supporters, if any, are usually not permitted to attend an event organized by local authorities and the Fatherland Front.

Step 4

In this “third round of negotiation”, the Fatherland Front reviews the list of candidates and rejects those they consider to be unqualified. These meetings are conducted quietly by the Fatherland Front and other relevant authorities in the candidates’ absence.

The final list of official candidates, or those chosen to be named in the official ballot on the polling day as candidates for the National Assembly and the People’s Council, shall only be released after these three rounds of negotiations.

Step 5

After the final list of official candidates is approved by the Fatherland Front and concerned state bodies, until the polling day the Fatherland Front shall organize “conventions with constituents” for the candidates to meet constituents and launch their “election campaign” which is now legally accepted. The state-owned press may also be present at these conventions and conduct interviews with the candidates.

Once the final list of official candidates is approved, however, these conventions are mostly symbolic procedures. Candidates are asked to present their agenda to an audience who are carefully selected by the authorities and unlikely to give any opinion against the candidates.

(See Annex 1 for a short description of the process)

III. ANALYSIS ON THE LEGAL GROUNDWORK

No meaningful choices

Elections in Vietnam work on the basis of “the Party nominating, the people electing” [in Vietnamese: Đảng cử dân bầu]. The problem is that there is only one political party in the country, the VCP, and the elections provide no real choice for voters. Citizens are not permitted to form parties and put forth candidates.

Possibly this is the root of all rights violations during the electoral process.

No recognition of independent candidates

None of the existing laws refers to independent candidates, not to mention recognizing or encouraging them. Pursuant to Article 27 of the Constitution and Article 2 of the Election Law, any Vietnamese citizen over 21 years old has the right to run for the National Assembly and/or the People's Council. However, laws pertaining to elections in Vietnam only focus on the candidates who are nominated by the VCP's political organizations, socio-political organizations, the people's armed forces (ie. the military and the police), and public offices at state and local levels. In this report, these candidates are referred to as the "Party-nominated candidates."

Accordingly, the term "independent candidates" may be defined in this report as those who are not recommended by the VCP's political organizations, socio-political organizations, the people's armed forces (i.e. the military and the police), and public offices at state and local levels.

Notably, even independent candidates may be categorized into two (02) types:

1. Designated independent candidates, or those who are arranged by the Fatherland Front and its affiliates to run for the National Assembly and the People's Council as independent; and
2. Purely independent candidates, or those who voluntarily run for the National Assembly and the People's Council without any prior arrangement or recommendation.

Both of them are officially referred to as "self-nominees" by the mainstream press and in all official documents issued by the VCP and the state.

In the 2016 election, prior to the second round of negotiations, there are 162 independent candidates of both types in Vietnam, including 48 in Hanoi and 50 in Ho Chi Minh City. The activists doubt that some of these candidates are actually designated to be independent ones, or those who feign independence.

For the sake of clarity, this report shall focus mainly on the second type of independent candidates, or the purely independent.

Samples fail to represent the population



Picture 1
(See captions in Notes)

Traditionally the vetting meetings held by the Fatherland Front are where prospective candidates have their qualifications evaluated by a small group of constituents who are selected by the VCP proxy and local authorities and, in many cases, are old people with little education, having no idea about the candidates. As a result, they only focus on personal attack rather than give fair and rational assessments. Sometimes the constituents are even hostile to self-nominees and the vetting meetings bring back bitter memories of the land reform in northern Vietnam in the 1940s and 1950s, where farmers were prompted to criticize landlords as strongly as they could before executing them.

In any case, the sample is too small to represent the population and the qualifications of the chosen constituents are highly doubtful.

Worst of all, this procedure has successfully ruled out many independent candidates, including the elite intellectual who gain great public support elsewhere in the country.

No recognition of independent enforcement and supervising bodies

None of the existing laws refers to independent law enforcement bodies or a mechanism to independently observe and monitor the electoral process.

Public offices are required by laws and the VCP's lines to comply with the Party's policies regarding the elections.

“The National Assembly and its affiliates, the Government and its affiliates, the Central Committee of the Fatherland Front, party organizations at all levels, the National Election Commission, provincial election commissions... shall actively and closely cooperate in leading, guiding and organizing the elections to the 14th National Assembly and the People's Council term 2016-2021 to make sure they will be of great success.”

Instruction 51-CT/TW dated January 4, 2016 by the Politburo

IV. HUMAN RIGHTS VIOLATIONS IN THE 2016 ELECTIONS

General assessments

The pre-election period is a critically important basis to assess whether an election is free and fair.

In the part below, the 2016 legislative election in Vietnam will be assessed on two aspects: freedom and fairness for purely independent candidates (the second type of “independent”) before the polling day of May 22.

Freedom	
Freedom of movement	Independent candidates are tightly watched by the police. (1)
Freedom of speech and expression	Independent candidates are not allowed to seek support. They must not talk to the public or distribute advocacy/advertisement materials. (2) The media (both mainstream press and independent, non-official media) are obstructed from meeting independent candidates. (3)
Freedom of assembly	Independent candidates and their supporters are not allowed to meet in public places. (4)
Freedom of information	Voters, especially young ones and human rights activists, are not informed of the meetings with constituents, especially those of the independent candidates. (5)
Freedom from any kind of coercion	Voters are pressured, even threatened, by the police and local authorities in some constituencies. (6) Many independent candidates are threatened by plainclothes police, local authorities and government supporters. (7)
Fairness	
Transparency	The media (both mainstream press and independent, non-official media) are not allowed to report on the Party-nominated candidates, especially their assets and property. Independent candidates, on the contrary, are subject to slanderous accusations and defamation by the government supporters, including the government-hired <i>du luan vien</i> (Vietnamese for “public opinion shapers”). (8)
Fair laws regulating elections	The laws only mention the Party-nominated candidates and give absolute advantages to them as opposed to their unrecognized independent rivals. (9)
Independent and impartial supervising body	There is no such body to observe or monitor the electoral process. (10)
Fair treatment to all candidates	Most independent candidates are treated by the police, military, courts, and public offices at all levels as if they were criminals. (11)
Equal opportunities to run for office	Independent candidates are obstructed right from the registration process which requires them to clearly state whether they are members of any non-communist political organization or any unrecognized religious group. (12)
Equal access to resources	Independent candidates are not allowed to run any election campaign.

	Independent candidates are not allowed to raise or access to any kind of funding. (13)
Possibility of complaint	There is little possibility for complaints regarding elections to be handled. (14)

Typical cases of rights violation

(1) Independent candidates are tightly watched by the police.

Their phones are tapped, and they are followed by plainclothes police on a round-the-clock basis. Dr. Nguyen Quang A, one of the most respected and influential intellectual dissidents, was seen followed by different teams of police, each team consisting of 2-3 persons working on each shift. He was followed even when he was going to meetings with diplomats in Western embassies.

(2) Independent candidates are not allowed to seek support.

They must not talk to the public or distribute advocacy/advertisement materials.

Vetting meetings are held closed, and candidates' supporters are barred from entering the venue. In all of the "meetings with constituents", the individual candidates are confronted with the crowd fiercely criticizing them before casting votes of no confidence against them.

At 8pm on March 31, a neighbour and supporter of independent candidate Dang Bich Phuong, Ms. Cao Thi Hoe, was prevented and threatened by a local police, Do Manh Khai, and the head of their residential unit, Ms. Nguyen Thi Lan, while she was collecting signatures in support of Dang Bich Phuong. The local police grabbed the flyers from her, shouted at her and said she must not collect any signature to support Phuong. Subsequently, only with the candidate's determination to "rescue" her that Ms. Hoe was able to avoid trouble.



Picture 2

In Ho Chi Minh City, on March 28, some 50 supporters of independent candidate Hoang Van Dung (a.k.a. Hoang Dung, a popular political facebooker and member of the Vietnam Path Movement), were denied entry to his meetings with constituents. They were physically barred at the entrance by dozens of police officers backed by "dan phong" or civil order defenders. Even his wife was initially refused entry, and she only managed to get through the gate after a harsh debate with the police and "dan phong".



Picture 3

Worse, while Dung was subjected to the public haranguing by constituents selected by the Fatherland Front, a group of young men drove by on motorcycles and rained down bags of the oozy and pungent shrimp sauce on the crowd of Dung’s supporters who were gathering outside the meeting venue.

(3) The media are obstructed from meeting independent candidates.

Both the mainstream press and independent, non-official media could hardly access the independent candidates. A source at one of the leading daily newspapers in Vietnam told the author of this report that when he and other journalists called the Fatherland Front and its affiliates to ask for independent candidates’ contacts, their requests were refused. Authorities in these offices told them that those candidates were “very complicated and sensitive cases.”

(4) Independent candidates and their supporters are not allowed to meet in public places.

On March 23, the Hanoi People’s Court sentenced prominent blogger Ba Sam, who himself used to stand for the National Assembly in 2002, to five years in prison for “abusing democratic freedoms” to lower the State’s prestige.

Two independent candidates, including Dr. Nguyen Quang A and jurist Nguyen Dinh Ha, were detained and held for questioning, and at least three other self-nominees were accused of and later fined for “disrupting public order”, when they gathered outside the court to express support to the defendants.

The unanswered question was why these candidates were detained or fined while there were hundreds of other people gathering outside the court. It is therefore widely believed that they were caught in a trap set up by the authorities to prevent them from running for office, when even a misdemeanor may turn them unqualified.



Picture 4

Nguyen Tuong Thuy, deputy chair of the Association of Independent Journalists, and his wife were threatened by a group of young men on their way to a meeting with the activists and the Swedish Embassy on March 29. One of these young men told him, “Stop going out or you will be beaten up.” Thuy is believed to be one of the candidates deliberately targeted by the police. He was rejected in the vetting meeting with his residents for “bad behavior”, such as “writing many things against the Party’s policies.”

(5) Many voters are not informed of the meetings with constituents.

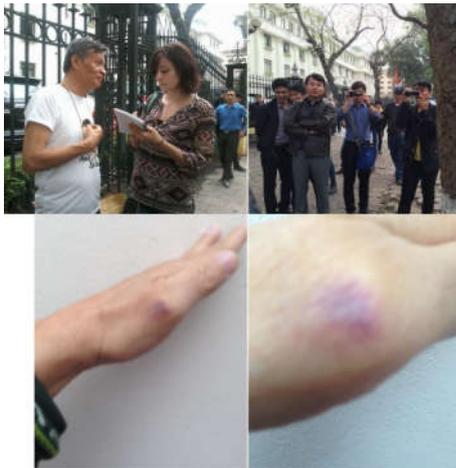
Reportedly almost all of the constituents who attended vetting meetings were old and middle-aged people. Young people appeared to be excluded.

Independent candidate Do Nguyen Mai Khoi, 33, a famous pop singer (or “Vietnamese Lady Gaga” as her fans put it), wrote on her page that “the average age of the constituents was 60.” Khoi herself was rejected after the constituents said she was “too young to stand for the election.”

Human rights activists who were known to the authorities as those who tend to record and film social gatherings they attend were also excluded from such meetings. None of the activists in Hanoi and Ho Chi Minh City was notified of the vetting session in their residency.

(6) Voters were put under pressure by the police and local authorities.

K.D., one constituent in Dr. Nguyen Quang A’s residency, said on the condition of anonymity that local authorities had several times sent “cadres” to households in the area (Gia Thuy ward, Long Bien district, Hanoi) and urged people not to vote for Dr. A.



Picture 5

At the same time, there are groups calling themselves “du luan vien” (public opinion shapers) taking charge of “fighting the anti-state band.” They went to Dr. A’s neighbourhood, interviewed and filmed people who defamed him. The filmed interview would later be edited and broadcast on dozens of anti-democracy websites launched by the police and propagandists.

The most famous among these groups, Viet Vision, launched a website of their own. This website focused on attacking human rights and democracy activists in Vietnam, particularly Hanoi. A member of this group, Nguyen Chi Duc, even threatened to assault Dr. A when he refused to give him an interview.

Even the authorities seemed to violate Article 126 of the Penal Code, “Infringement upon citizens’ right to vote, to stand for election”, by preventing Dr. A from becoming a candidate: Mr. Tran Van Bai, the head of Dr. A’s residential unit, disseminated a libelous article published by the Viet Vision, entitled “The sin journey of Nguyen Quang A”, to every household in the unit. Asked by Dr. A later as why he did so, Bai said, “I must enlighten the people about you in preparation for the upcoming election.”

But his active involvement before and during the vetting meeting against Dr. Nguyen Quang A suggests that Tran Van Bai must have done it under some instructions from his

superiors. Traditionally the Vietnamese people, made indifferent and apolitical in the grip of the VCP, are not that enthusiastic about “enlightening” others to prepare for a political event.

(7) Many independent candidates are threatened.

In the past years, independent candidates were often asked to stop running for office. Many abandoned their plans after some secrets visits with by local authorities and the police. For those who declined to give up, they would sooner or later be out of race after the “second round of negotiation” or the vetting meetings in their residency and organization.

Nguyen Huu Vinh (a.k.a. Ba Sam, the blogger now serving a five-year sentence of imprisonment for “lowering the State’s prestige) used to be rejected in one such vetting meeting in 2002. Lawyer Le Cong Dinh, a famous intellectual dissident, was also rejected in 2007. In 2009, he was arrested and imprisoned for five years under charge with “conducting propaganda against the state.” Lawyer Le Quoc Quan got rejected in 2011. The 2011 National Assembly election also marked the overwhelm defeat by some other famous people independently running for office: Scholar Nguyen Phuc Giac Hai, social activist Nguyen Cong Hung (dead in 2012), and Nguyen Canh Binh, the founder and CEO of a widely-known publishing company in Vietnam.

A minority who stayed on after this second round would certainly be rejected in the third round of negotiation where the candidates were not allowed to attend. In 2011, human rights lawyer Vo An Don was rejected even though he got 100% consenting votes in the previous vetting meetings. Don ran for office again this year (2016) and failed to go through to the third round: He was rejected in two vetting meetings with the local people in his hometown Phu Yen (a province in the centre of Vietnam) and the Phu Yen Bar Association.

Don refused to give interview to the author of this report on February 22, saying he was under much pressure from the police and if he gave interviews, it would badly affect his work.

Nguyen Thuy Hanh, senior staff for an Indian company based in the centre of Vietnam, encountered great pressure when the police came to her company and ask her boss not to support her running for the National Assembly. When the Indian CEO declined, local authorities immediately came in to inspect the firm’s tax issues. However, Hanh still got 100% consenting votes in the vetting meeting with her company and was only rejected in the meeting in her residency, where most of the constituents were strangers to her despite her previous demand for a list of the attendants presented to her beforehand. Hanh was accused of “disrupting peace” for her involvement in some anti-China protest rallies in the recent years.

The same thing happened to Nguyen Kim Mon, a business owner in Hanoi. His company has been continuously inspected by tax officers since he publicly stated his intention to stand for the National Assembly. He was rejected in the residential vetting meeting, where he was accused of “not cleaning the sewer.”

(8) Biased media

Both the mainstream press and the independent, non-official media are not allowed to report on the Party-nominated candidates, unless it is to appreciate them running for the legislative election. Assets and property of these candidates are a “taboo” topic for the official media, as are the assets and property of political leaders in Vietnam.

The registration procedure for legislative election, however, requires prospective candidates to fill in a form with their personal information (including work history, occupation, incomes, property, etc.) and submit it to the local election commission or the National Election Commission. The issue is that these personal data are read only in the vetting meetings held by the Fatherland Front to the constituents, and that such meetings are restricted to only a selected audience.

A facebook page, “Transparency is not frightening” [in Vietnamese: Công khai có gì mà ngại], was launched in mid-March, calling on people to sign an online petition requesting all National Assembly deputies to public information on their private property. The page apparently gained little public attention.

On the contrary to the Party-nominated candidates, independent ones are continuously subject to slanderous accusations and defamation by the government supporters, including the government-hired *du luan vien*. Many were described as paranoids, lawbreakers, or indecent people. The above-mentioned Viet Vision even handed out flyers accusing Dr. Nguyen Quang A of being “anti-state” and a “national traitor” for he used to be involved in overseas campaigns advocating human rights in Vietnam.

In early March, Petro Times, a state-owned newspaper, published a series of articles defaming independent candidates, including Dang Bich Phuong, Nguyen Tuong Thuy, Nguyen Thuy Hanh, and Nguyen Cong Vuong, a well-known folklore performer. The columnist, using the pseudonym of Dai Anh, allegedly said that Vuong was a member of the Viet Tan, an exiled political party labeled by the VCP as a “terrorist group”, and that by standing for the election, the “arrogant Vuong” only wanted to polish up his image.

Vuong sent a letter of complaint to the editor-in-chief of the Petro Times, asking for an apology, but his request was never accepted. Worse, police kept visiting his hometown and spreading rumours that he was a tax evader. In the end, Vuong gave up his effort to run for office.

(9) Biased laws and regulations

Officially, legal documents in Vietnam only mention the Party-nominated candidates and give absolute advantages to them as opposed to their unrecognized independent rivals.

A few days after rejected in the “second round of negotiation”, on April 14, Dang Bich Phuong received a letter dated April 1 from the National Committee for the Advancement of

Women (NCFW), inviting her to a seminar “enhancing knowledge and skills” for female Party-nominated candidates held in Hanoi on April 14-15. Although it was too late to register, Phuong called the organizers and was told that they had mistakenly sent the invitation to her as a self-nominee.

Such a capacity building workshop has always been unheard and unknown to independent candidates in years.

(10) No independent supervising body

The National Election Commission [in Vietnamese: Hội đồng Bầu cử Quốc gia] was established under Resolution 105/2015/QH13 of the 13th National Assembly, consisting of 21 members, all being high-rank officials of the VCP and the State, including the then-minister of public security Tran Dai Quang and Minister of Information and Communication Nguyen Bac Son.

Their independence and impartiality seems highly doubtful.

Questions were continuously raised about the impartiality of vetting meetings where only a small number of voters are allowed to attend, assess and vote on the eligibility of prospective candidates. Secrecy of the ballot was not guaranteed when in some meetings, voters were asked to raise their hands instead of casting the votes. Even when the votes were taken secretly, counting procedure remained improper when there was no independent body to observe or monitor how it was conducted.

Dr. Nguyen Xuan Dien, an independent candidate, said it took thirty minutes for the vote counting team in a vetting meeting against him to count only 58 votes. The long process gave a hint that the counting team had to wait for the authorities to decide whether Dien was eligible to stand for election.

Lawyer Pham Van Viet on April 12 lodged a complaint to the election commission and fatherland front of Hanoi, denouncing the organizer of his vetting meeting, Mr. Tran Van Tiep, to have hindered him from speaking in the event, even disseminated flyers against him.

Residents also filed complaint in the case of independent candidate Nguyen Canh Binh, saying the organizers of his vetting meeting had intervened and distorted the result of the meeting.

(11) Unfair treatment of the candidates by the police, the courts, and other state bodies

Most independent candidates are treated by the police, military, courts, and public offices at all levels as if they were criminals.

A member of a sub-committee of the National Election Commission on March 15 even told the press that “there is an anti-state organization staying behind the campaign of self-nomination, even financially sponsoring the self-nominees to win votes.”

Some independent candidates were so furious that they sent letters to the National Election Commission asking to clarify the names of those self-nominees and the “anti-state organization” that abetted them. One month later, Nguyen Hanh Phuc, General Secretary of the National Assembly, admitted this was just the opinion of one individual and did not reflect the views of the Commission.

Freelance writer Pham Chi Thanh was forcibly taken to the vetting meeting in his constituency despite his objection and boycott of the election. Police and civil order defenders were surrounding the meeting venue, filming and threatening to beat up any of his supporters.

(12) Impediments in the registration procedure

Independent candidates are obstructed right from the electoral register which requires them to clearly state whether they are members of any non-communist political organization or any unrecognized religious group.

Pastor Nguyen Trung Ton, a former prisoner of conscience in the northern province of Thanh Hoa, had his application documents rejected after the local election commission told him that he belonged to an unregistered group and his application would only be accepted if he resigned or denied his membership.

Young jurist and activist Nguyen Dinh Ha was also hindered when local authorities denied to approve his application document, citing the reason that he was member of the outlawed Democracy Party and had been charged with “disrupting public order” several times when he took part in anti-China protests. After much debate and complaints, Ha managed to go through the electoral register, but he was rejected later in the “second round of negotiation.”

In the northern province of Yen Bai, engineer Nguyen Viet Hung, member of the Rally for Democracy and Pluralism, a France-based political organization working to promote liberal democracy and enhance political awareness of the Vietnamese people, was denied candidature right from the electoral register. He said local police had searched the hotel where he stayed on a business trip and tried to delay him submitting his application documents. A policeman even told him frankly, “You will never be elected,” and denied to give him the confirmation in written form.

(13) Independent candidates are not allowed to run electoral campaigns.

Article 68 of the Election Law provides that candidates are prohibited from “taking advantage of electoral campaigns to raise fund for themselves or for their organizations,” and “giving or promising to give money, property or material benefits to potential supporters.”

The Party-nominated candidates, however, are guaranteed at least some support and free time on television, either at national or local level, after they pass the three rounds of negotiations, which is almost certain. As there is only political party ruling the nation and adopting the communist ideology, these selected candidates are not expected to present any different views to the selected audience.

(14) No possibility of complaint

Pursuant to the 2015 Election Law, complaints can only be handled by the National Election Commission, which itself is established by and consists of the VCP leaders. The courts are not authorized to resolve complaints regarding the elections, such as vote counting or election results.

So far, complaints by independent candidates Pham Van Viet, Nguyen Tuong Thuy, and Nguyen Xuan Dien have failed to be handled. Prior petitions by Phan Van Phong, Nguyen Thuy Hanh, and Nguyen Dinh Ha were opposed.

V. CONCLUSION

Following the electoral register, there were 48 independent candidates in Hanoi. 14 of them withdrew their candidature in the face of strong pressure; 29 were overwhelmingly rejected after the fierce public denunciation procedure. Therefore, only 5 independent candidates were able to enter the third round of negotiation, including journalist Tran Dang Tuan, former deputy director of the state-owned national television VTV and the founder of a famous non-state charity. He seemed to be the last hope for those who support independent candidates.

On April 15, the Hanoi branch of the Fatherland Front convened for the third round of negotiation which, under Vietnamese laws, takes place in the absence of the candidates. In the end, even Tran Dang Tuan was rejected. Only two self-nominees passed the strict test of the Fatherland Front.

So, 46 out of 48 independent candidates wishing to “stand” in the constituency of Hanoi were rejected. At the same time, 36 out of 39 Party-nominated candidates were chosen.

Likewise, in Ho Chi Minh City, 46 out of 48 self-nominees were rejected. The two eligible ones are members of the VCP, one of whom is also a member of the People’s Council of the city.

The distinct difference highlights the VCP’s want to maintain their monopoly control of a legislature already dominated by the communists.

This result and the rights violations committed during the pre-election period described above demonstrate that the legislative elections in Vietnam are not free and fair. Citizens are

denied most political and civil rights, and this will not change as long as the VCP remains the only political party in the country.

VI. RECOMMENDATIONS

The VCP's monopoly on power can hardly be challenged, but that is actually what democracy supporters inside and outside Vietnam must do to protect and promote human rights in the country. In particular, it is strongly recommended that:

1. The system of "negotiations" be abolished;
2. A party-list system is built with the presence of more than one political party in the country;
3. The Vietnam Fatherland Front and its affiliates be disbanded, or they must stop organizing the legislative elections under the instructions of the VCP;
4. Freedom of the media is guaranteed so that the media can publish information about each candidate to provide the basis for voters' choices, and independently observe and monitor the electoral process;
5. Freedom of expression and assembly is guaranteed so that the voters, the press and the candidates can express their support or opposition;
6. Equal treatment of all candidates.

NOTES

Picture 1: Attendants to vetting meetings are mostly middle-aged or old people. In this photo, 69 residents at Unit 13, Gia Thuy ward, Long Bien district, Hanoi, successfully rejected Dr. Nguyen Quang A for “not attending regular residents’ meetings in his unit” and “making no contribution to the nation.” Dr. A had previously collected more than 5000 signatures from assenters inside and outside of the country. Photo by Pham Doan Trang.

Picture 2: Despite claims that the process is impartial, some 50 of Hoang Van Dung’s supporters were denied entry to the meeting, which was held at a school near his home. Photo courtesy of Suong Quynh page.

Picture 3: Le Xuan Dieu, one of Hoang Van Dung’s supporters, kept smiling after getting doused with the oozy shrimp sauce. Photo courtesy of Suong Quynh page.

Picture 4: A masked young man kept following and threatening independent candidate Nguyen Tuong Thuy and his wife when they were going to a meeting at the Swedish Embassy on March 29. Photo by Nguyen Tuong Thuy himself.

Picture 5: Dr. Nguyen Quang A was giving interview to a Western journalist under the siege of dozens of plainclothes police. The police then pushed Dr. Nguyen Quang A into their vehicle and took him to the Gia Thuy post for questioning, accusing him of “disrupting peace.” They robbed him of his cell phone and bruised his hand.

ANNEX 1
The electoral process

Number	Description	Level	Organizer(s)	Attendants
1	The first round of negotiation to set the structure of the National Assembly	National (central)	The Vietnam Fatherland Front	The Vietnam Fatherland Front, the National Election Commission, the Standing Committee of the National Assembly, the Government
		Provincial (local)	The local branch of the Fatherland Front	Local affiliates of the Fatherland Front, local election commissions, local people's committees, local people's councils.
2	Candidate nomination (independent candidates not mentioned)		Leaders of the organizations that put forth candidates.	The executive board of the organization's labor union.
	Meetings with constituents at the candidate's organization (independent candidates not mentioned)			
3	The second round of negotiation to make a draft list of candidates.	National and provincial	The Fatherland Front and its local branches	Similar to the first round of negotiation
	Vetting meetings with constituents at the candidate's residency (including independent candidates) Vetting meetings with constituents at the independent candidate's organization	Provincial level	Local branches of the Fatherland Front, local people's committees	Local Party officials, local government officials, at least 55 voters for constituencies with more than 100 registered constituents (or all voters for constituencies with less than 100 registered constituents). Local authorities and leaders of the local Fatherland Front are to decide the voters to be present.
4	The third round of negotiation to finalize the list of eligible candidates.	National and provincial	The Fatherland Front and its local branches	Similar to the first round of negotiation. Voters and candidates are not allowed to attend.

5	Chosen candidates meet with voters in their constituencies, presenting their agendas, meeting the press, etc.	Provincial	The Fatherland Front and its local branches	
6	Polling day		The Fatherland Front and its local branches	

ANNEX 2

Qualifications for membership of the National Assembly

Pursuant to Article 22 of the 2014 Law on the organization of the National Assembly, a person shall be qualified for election as a National Assembly deputy if he/she:

- is loyal to the Fatherland, the People and the Constitution of Vietnam, committed to the Doi Moi (reform) cause for the purpose of attaining “wealthy people, strong country, just, democratic and civilized society.”
- is virtuous, diligent, thrifty, honesty, righteous, straightforward, impartial; brave and determined to fight corruption, prodigality, every sign of bureaucracy, imperiousness, authoritarianism, and other unlawful behavior.
- has enough education, expertise, capacity, health condition, working experience and credibility to perform the duties of a National Assembly deputy.
- stays in close contact with the People, listening to the People, and is trusted by the People.
- has sufficient conditions to participate in the National Assembly’s activities.

ANNEX 3

Statistical data on independent candidates

Prior to the second round of negotiation, there were 39 Party-nominated and 48 independent candidates in Hanoi. The former included Hoang Trung Hai, Head of the Hanoi Party Cell, Deputy Prime Minister, and Nguyen Thi Bich Ngoc, Chairwoman of the Hanoi People’s Council, Head of the Hanoi Election Commission. After the second round, 36 over 39 Party-nominated candidates were chosen to be named on the official ballot.

For Ho Chi Minh City, there were 40 Party-nominated candidates and 50 independent ones, two of whom retreated afterwards. Another big city, Da Nang, had 12 Party-nominated and 3 independent candidates.

48 independent candidates in Hanoi were:

1. Nguyen Quang A, Ph.D., senior expert on economics and ICT;
2. Cao Hai Anh, hotel cook;
3. Phan Van Bach, taxi driver;
4. Nguyen Canh Binh, businessman, founder and CEO of Alpha Books;
5. Vu Ngoc Binh, expert on human rights and gender equality;
6. Nguyen Xuan Dien, Ph.D., linguist;
7. Nguyen Tat Dat, Hanoi University of Domestic Affairs;
8. Tran Minh Dao, businessman;
9. Nguyen Quang Diep, businessman;
10. Nguyen Dinh Ha, jurist;
11. Nguyen Thuy Hanh, senior business staff;
12. Dinh Van Hien, businessman;
13. Do Minh Hien, freelancer;
14. Dinh Trung Hieu, project manager;
15. Tran Thi Hoa, medical doctor;
16. Tran Manh Hong, law student;
17. Nguyen Quang Huan, businessman;
18. Nguyen Tien Hung, project manager;
19. Vuong Xuan Hung, retired;
20. Hoang Van Huong, lawyer;
21. Do Viet Khoa, high school teacher;
22. Dao Ngoc Ly, businessman;
23. Ninh Van Minh, freelancer;
24. Nguyen Kim Mon, businessman;
25. Nguyen Dinh Nam, businessman;
26. Nguyen Hai Nam, project manager;
27. Nguyen Hoai Nam, freelancer;
28. Bui Ba Nghiem, Ministry of Industry and Trade;
29. Nguyen Van Nhon, provincial inspector;
30. Nguyen Huu Ninh, a high-rank official at the government-controlled Vietnam Union of Science and Technology Associations;
31. Phan Van Phong, businessman, member of the No-U football club (an anti-China, unregistered civil society group);
32. Ta Hong Phuc, businessman;
33. Dang Bich Phuong, retired, member of the No-U football club;
34. Nguyen Hong Son, police;
35. Phan Dinh Thai, businessman;
36. Pham Chi Thanh, freelance writer, member of the Association of Independent Journalists;
37. Nguyen Trong Thang, business staff;
38. Do Van Thang, inspector;

39. Luong Thi Phuong Thao, freelancer;
40. Venerable Thich Minh Thinh, Dien Phuc pagoda;
41. Nguyen Tuong Thuy, veteran, member of the Association of Independent Journalists;
42. Nguyen Van Tin, post-graduate student;
43. Nguyen Anh Tri, secretary of the Party Cell at the National Institute of Hematology and Blood Transfusion;
44. Nguyen Huu Trinh, lecturer at the University of Science and Technology;
45. Nguyen Doan Trung, reporter for the Life and Law newspaper;
46. Tran Dang Tuan, former deputy director of the National Television VTV;
47. Pham Van Viet, lawyer;
48. Nguyen Cong Vuong, folklore performer.

Following the third round of negotiation, only two of them, Nguyen Huu Ninh and Nguyen Anh Tri, were chosen to be eligible for candidature.

48 independent candidates in Ho Chi Minh City were:

1. Nguyen Thanh Ca, economist;
2. Nguyen Thi Hong Chuong, high school teacher, head of the Tan Tuc school's Party cell;
3. Vo Ngoc Du, economist;
4. Hoang Van Dung, social activist;
5. Nguyen Tin Dung, businessman;
6. Nguyen Tien Dung, businessman;
7. Phan Tin Dung, jurist;
8. Vo Hoang Duy, engineer;
9. Mai Thanh Ha, educator;
10. Le Thi Thu Ha, business staff;
11. Vu Hai Ha, businessman;
12. Tran Thi Hoang Hiep, jurist;
13. Nguyen Trung Hieu, CEO;
14. Nguyen Thi Kim Hoa, business staff at Vietnam Airlines;
15. Nguyen Van Hoe, engineer;
16. Nguyen Van Hung, economist;
17. Pham Minh Hung, project manager;
18. Le Dinh Hung, movie actor;
19. Tran Giang Huong, lawyer;
20. Su Hong Kiet, expert on electronics;
21. Nguyen Quoc Ky, businessman;
22. Le Khanh Luan, university lecturer;
23. Lam Ngan Mai, actress;
24. Nguyen Trang Nhung, expert on finance and banking, legal activist;
25. Nguyen Bach Phuc, Ph.D., HCMC Institute of Electricity and Energy;

26. Hoang Van Phuc, project manager;
27. Hoang Huu Phuoc, businessman, incumbent National Assembly deputy;
28. Tran Van Phuong, business staff;
29. Lam Thieu Quan, CEO, member of the HCMC People's Council;
30. Chau Huy Quang, lecturer on law;
31. Nguyen Truong Sa, Ph.D., educator;
32. Nguyen Xuan Sanh;
33. Pham Hong Son, CEO;
34. Dang Thanh Tam, jurist, businessman;
35. Tran Phuoc Tan, engineer;
36. Chu Van Than, expert on innovation;
37. Do Van Thang, Ph.D., economist;
38. Nguyen Duc Thanh, CEO;
39. Vo Van Thon, retired civil servant;
40. Ho Truc Anh Thuy, CEO;
41. Nguyen Van Tru, businessman;
42. Lai Thu Truc, business staff;
43. Vu Quang Trung, businessman;
44. Nguyen Chi Trung, businessman;
45. Nguyen Van Truong, freelancer;
46. Bui Anh Tuan, CEO;
47. Le Minh Tuyen;
48. Nguyen Viet Xo, architect.

Following the third round of negotiation, only two of them, Nguyen Thi Hong Chuong and Lam Thieu Quan, were chosen to be eligible for candidature.

ANNEX 4

The approved structure of the 14th National Assembly

Pursuant to Resolution 1135/2016/UBTVQH13, issued by the Standing Committee of the 13th National Assembly on January 16, 2016, the 14th National Assembly shall have 500 deputies, including 198 deputies at the national level and 302 deputies at the provincial level.

Of these 198 deputies at the national level:

- 11 are representatives of Party organizations;
- 3 from the Office of State President;
- 18 from the Government and government offices;

15 from Ministry of National Defense;
3 from Ministry of Public Security;
31 from the Fatherland Front and its affiliates;
1 from the Supreme People's Court;
1 from the Supreme People's Procuracy;
1 from the State Auditing Office;
Etc.

The number of non-communist deputies is fixed at between 25 and 50 for the whole country.

ANNEX 5

Milestones in the 2016 self-nomination campaign

January 4: The Politburo issues Resolution 51-CT/TW on “leading the election to the 14th National Assembly and the People's Council term 2016-2021”.

January 22: The Standing Committee of the National Assembly issues Resolution 1135/2016/UBTVQH13 to establish the structure of the 14th National Assembly.

February 5: Dr. Nguyen Quang A declares to stand for the legislative election if he “obtains 5000 signatures of support” or if the Party General Secretary, Mr. Nguyen Phu Trong “is to be re-nominated to the National Assembly even without any signature from seconders.” Both conditions will later be met.

February 8: “To advocate running for the 2016 legislative election” [in Vietnamese: Vận Động Ứng Cử Đại Biểu Quốc Hội 2016], a facebook page to support the independent candidates, is launched.

March 1-3: Independent candidates Dang Bich Phuong and Nguyen Tuong Thuy face impediments in their electoral register.

March 2: The Petro Times publishes an editorial defaming independent candidates. On the same day, the Phu Yen police summons lawyer Vo An Don for questioning him on what he writes on his personal facebook page.

March 7: Lawyer Vo An Don is questioned by the local police of Phu Yen province. He defends himself by denying the page is his.

March 8: In a high-rank meeting with constituents of the Ba Dinh district, Hanoi, prior to the last plenary session of the 13th National Assembly, Mr. Nguyen Phu Trong, General

Secretary of the VCP, says, “We must not let ‘those bad guys’ creep into the National Assembly and other senior public offices of the Party and the State. Hopefully voters will make a wise choice.” He does not speak in detail who “those bad guys” are but, given the emerging self-nomination campaign, his public address sends a clear message that independent candidates are not welcome in the race to parliament.

March 12: Nguyen Dinh Ha, a 28-year-old jurist in Hanoi, is hindered from filing his application documents. Ha sparks a debate with the local authorities and police, which attracts public attention on facebook, and passes the registration process at the last minute.

March 15: An anonymous member of the sub-committee on public security and order, under the National Election Commission, tell the press that “there is an anti-state organization staying behind the campaign of self-nomination, even financially sponsoring the self-nominees to win votes.”

March 19: Tran Van Bai, the head of the 13th residential unit at Dr. Nguyen Quang A’s residency, disseminates flyers smearing Nguyen Quang A. The flyers are based on materials provided by Viet Vision, a group of government supporters.

March 23: Nguyen Quang A and Nguyen Dinh Ha are temporarily arrested when they are standing outside the court against blogger Ba Sam. Both are taken to police stations for questioning, where they are accused of “disrupting public order.” Subsequently, at least three other independent candidates face the same charge.

March 28: The so-called “outrageous mass” throw pungent shrimp sauce at supporters of Hoang Van Dung, who is the first independent candidate to be rejected in the vetting meeting procedure. He gets 4 favorable over 57 votes.

March 31: Do Nguyen Mai Khoi, a widely-known pop singer, “Vietnamese Lady Gaga”, is rejected in the vetting meeting in her hometown of Khanh Hoa. On the same day in Ho Chi Minh City, a popular facebooker, Lam Ngan Mai, is rejected in a humiliating meeting, when she is criticized for “using facebook to spread anti-state thoughts” and “working as a street vendor selling lotteries.” Her eyewitness account of the meeting stirs up public anger in the social media networks.

April 1: Poet Bui Minh Quoc, former prisoner of conscience, boycotts the local vetting meeting when the angry crowd strongly criticizes him for “demanding a multi-party regime and challenging the rule of the VCP.” On the same day, legal activist Nguyen Trang Nhung gets none of the 63 votes at her vetting meeting, which she later describes in tears as “a real public denunciation.”

April 4: At least four independent candidates file a petition to the National Assembly, the Fatherland Front and the National Election Commission, requesting them to public the list of

constituents attending the vetting meetings in advance and to allow the media to observe the meetings.

April 7: Local branches of the Vietnam Fatherland Front responds that they will not public the requested list or allow anyone, even families and friends of the independent candidates, to attend the meetings “because there is not any stipulation concerning this.”

In the evening, doctor Dinh Duc Long encounters 46 voters in his meeting with residential constituents in Go Vap district, Ho Chi Minh City. Most of the attendants are unknown to him. He suggests the meeting be cancelled for it fails to reach the required minimum of 55 people as stipulated by a legislative regulation, and faces vigorous opposition. Some attendants even threatened to beat him if he “deliberately delays the procedure.” The chair of the meeting eventually declares to cancel the meeting.

April 8: Nguyen Thi Kim Anh, an independent candidate very popular with her hometown of Bien Hoa city, Dong Nai province, is rejected. She receives 2 favorable over 80 votes. On the same day in the northern province of Bac Ninh, prominent human rights lawyer Le Van Luan gets 10 favorable over 71 votes.

The page “To advocate running for the 2016 legislative election” conducts an online poll for voters to elect their representatives without regard to the Party-dominated electoral procedures.

April 9: Dr. Nguyen Quang A is overwhelmingly rejected for “not attending regular residents’ meetings in his unit” and “making no contribution to the nation.” He gets 7 consenting votes over the total of 75. Previously he has received more than 5000 signatures from assenters across Vietnam.

At the same time, Dr. Nguyen Xuan Dien wins 6 out of 66 votes in his meeting with local constituents. Another meeting with his organization has been held the day before, when it takes the vote counting team thirty minutes to count only 58 votes.

Do Viet Khoa, a teacher famous for his efforts to fight corruption in the education system, is rejected when his colleagues say they simply don’t want him to stand for the legislative election.

In the evening, Nguyen Kim Mon gets 3 over 81 votes. He is criticized for “not cleaning the sewer.”

Halfway through the local vetting meetings against them, Nguyen Thuy Hanh, Nguyen Tuong Thuy and Pham Chi Thanh declare their decision to boycott the humiliating procedure.

April 10: The vetting meeting against teacher Do Viet Khoa, held in his residency, is held with half of the attendants being plainclothes policemen sent from elsewhere. The organizer says filming or recording is strictly banned. The head of his residential unit accuses him of “letting his

dog foul a neighbor's garden." He still receives 13 consenting votes from his real neighbors, however, over 75 votes, before being rejected.

April 11: Residents at the 25th unit, Nam Dong ward, Dong Da district in Hanoi, file a complaint to the Hanoi Election Commission, protesting at the results of the vetting meeting against Nguyen Canh Binh.

April 12: Lawyer Pham Van Viet lodges an urgent appeal to the Hanoi Fatherland Front and Election Commission, accusing Tran Van Tiep, chairman of the local front, to have restricted his right to expression during his local vetting meeting. The lawyer also requests that the unfair result should therefore be eliminated.

April 14: Mrs. Pham Thi Lan, the wife of candidate Nguyen Tuong Thuy, denounces that she and her husband were smeared at the local vetting meeting, where they both were rudely told to "keep mouth shut."

The page "To advocate running for the 2016 legislative election" launches the online writing contest "On Free and Fair Elections."

April 15: The Hanoi Fatherland Front convenes the third round of negotiation and rejects three out of five independent candidates who have managed to pass the second round. In Ho Chi Minh City, only two of the independent candidates are accepted; both are members of the VCP.