

NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, 28 December 1989
(as amended 12 June 1999)

LAW ON MEDIA

In order to protect the freedom of the media and the right of freedom of speech of citizens through the media in conformity with the interests of the State and of the people;

In order to develop the role of the media in the establishment and protection of the Socialist Vietnam Fatherland in accordance with the policy of renovation of the Vietnamese Communist Party;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

This Law makes provisions in relation to the media.

CHAPTER I

General Provisions

Article 1 *Role and function of the media.*

The media operating within the Socialist Republic of Vietnam is the essential means of providing public information in relation to social life; is the mouth piece of Party organizations, State bodies and social organizations (hereinafter called *organizations*), and a forum for the people.

Article 2 *Guarantee of freedom of the media and freedom of speech through the media.*

The State shall create favourable conditions for the media to develop its proper role and for citizens to exercise their rights in relation to freedom of the media and freedom of speech through the media.

The media and journalists shall operate within the legal framework and be protected by the State; no organization or individual is permitted to limit or obstruct the operation of the media or journalists. No one shall be permitted to abuse the rights of freedom of the media or freedom of speech of citizens through the media, where to do so would violate the interests of the State, collectives or citizens.

The media shall not be subjected to censorship prior to printing or broadcasting.

Article 3 *Types of media.*

The media as referred to in this Law means the Vietnamese media, including printed media (newspapers, magazines, current affairs news, news bulletins from news agencies); audio media (radio programs); visual media (television programs, audio and visual programs on current events made by various technical means); electronic media (by way of the computer information network), in the Vietnamese language, in languages of minority ethnic groups of Vietnam or in foreign languages.

CHAPTER II

Rights to Freedom of the Media and Freedom of Speech of Citizens through the Media

Article 4 *Rights to freedom of the media and freedom of speech of citizens through the media.*

Citizens shall have the following rights:

1. To be informed through the media of all aspects of domestic and world current affairs;
2. To contact and provide information to media organizations and journalists; to send news, articles, photographs, and other work to the media without being subjected to censorship by any organization or individual, and to be responsible before the law for the content of information provided;
3. To express opinions on domestic and world current affairs;
4. To express constructive opinions on how the aims, objectives and policies of the Party and the laws of the State should be implemented;

5. To contribute ideas and comments, submit petitions and complaints and make allegations through the media in respect of Party organizations, State organizations and social organizations and their members.

Article 5 *Responsibilities of the media in respect of the rights of freedom of the media and freedom of speech of citizens through the media.*

Media organizations shall have the following responsibilities:

1. To publish or broadcast the work and opinions of citizens; in the event that the media do not publish or broadcast the work or opinions of a citizen they shall advise the citizen and state the reason therefor;
2. To advise or request relevant organizations or individuals to respond by mail or through the media to the petitions, complaints, or allegations which have been sent by citizens.

CHAPTER III

Responsibilities and Rights of the Media

Article 6 *Responsibilities and rights of the media.*

The media shall have the following responsibilities and rights:

1. To provide truthful information on domestic and world current affairs in conformity with the interests of the country and its citizens;
2. To disseminate, publicize and contribute to the establishment and protection of the strategies and policies of the Party, the laws of the State, and the achievements of the country and the world in accordance with the guiding principles and aims of media organizations; to contribute to political stability; to improve intellectual levels; to satisfy wholesome cultural demands; to protect and develop fine national traditions; to establish and develop socialist democracy; to unify all of the people, to strengthen and protect the Socialist Vietnam Fatherland;
3. To report and guide public opinion of society; to provide a forum for citizens to exercise their right of freedom of speech;
4. To seek out and set examples of good people, good works and initiatives; to fight against illegal and other anti-social activities;
5. To contribute to maintaining the purity of the Vietnamese language and of the languages of the minority ethnic groups of Vietnam;

6. To broaden mutual understanding between countries and their peoples, to participate in the work of citizens of the world for peace, independence, democracy and social progress.

Article 7 *Provision of information to the media.*

Organizations shall have the right and obligation to provide information to the media and to assist the media in providing accurate and up-to-date information and shall be responsible before the law for the content of information provided within the scope of their rights and obligations.

In respect of court cases which are under investigation or are pending hearing, an organization which is involved in legal proceedings may choose not to provide information to the media, however, the media shall remain entitled to rely on their own sources and report the matter to the public and shall be responsible before the law for the content of the information provided.

The media shall have the right and obligation not to disclose the names of persons providing information where it is possible that such disclosure may cause harm to those persons, except in cases where a request is made by the director of the people's inspectorate or the chief judge of the people's courts at provincial level or equivalent or superior bodies and disclosure is necessary for the investigation and judging of serious offences.

Article 8 *Response through the media.*

The head of a media organization may request relevant organizations or officials to respond to issues which are raised by citizens; the relevant organizations and officials shall then be responsible for so responding.

Organizations and citizens may request that media organizations respond to the matters of which they have been informed; the media organizations shall then be responsible for so responding.

In the event that media organizations discover or receive complaints or allegations from citizens in relation to matters which may involve a breach of the law, they shall immediately report such matters in writing to the organization responsible for investigation or to the Public Prosecution; the organization responsible for investigation or the Public Prosecution shall then be responsible for proceeding with the cases and notifying the media of the measures which will be taken in the resolution of those matters.

Article 9 *Corrections through the media.*

1. Where the media reports information which is untruthful, distorted, or slanderous and harmful to the reputation of an organization or to the reputation and dignity of a citizen, it shall print or broadcast a correction and

an apology by the media organization and the author. Where an authorized State body has reached a conclusion, the media organization must print or broadcast that conclusion.

2. Organizations and individuals shall have the right to express in writing their opinion about the matters mentioned in the media when there are grounds for believing that the media has reported information which is untruthful, distorted, or slanderous and harmful to them. The media organization must print or broadcast the opinion of the organization or individual in respect of the earlier printing or broadcast.

The opinion of such organization or individual must not be offensive to the media organization or to the reputation or dignity of the author.

The media organization must print or broadcast the opinion of such organization or individual within the following number of days from the date of its receipt: within five days in the case of daily newspapers, radio and television; within ten (10) days in the case of a weekly newspaper; and in the next edition in the case of a magazine.

3. The correction and apology of the media organization and of the author and the opinion of the organization and individual provided for in clauses 1 and 2 of this article must be printed and broadcast corresponding to the original news item published by the media organization in accordance with regulations of the Government.
4. Where the media organization does not make a correction or an apology, or does not do so properly in accordance with the provisions of this Law, and where it does not print or broadcast the opinion of the organization or individual, then the latter organization or individual shall have the right to lodge a complaint with the media managing body and with the State management body responsible for the media or to institute legal proceedings.

Article 10 *Matters on which the media is not permitted to report.*

In order to exercise properly freedom of speech by way of the media, media organizations shall comply with the following principles:

1. To abstain from inciting the people to rebel against the State of the Socialist Republic of Vietnam and damage the unification of the people;
2. To abstain from inciting the use of violence, from disseminating propaganda relating to war, from creating hatred between ethnic groups and people from different countries, from encouraging obscenity, depravity and crime;
3. To abstain from disclosing State secrets including: military, security, economic, foreign relations, and other secrets stipulated by law;

4. To abstain from disseminating information which is untruthful, distorted, or slanderous and harmful to the reputation of organizations or the reputation and dignity of citizens.

CHAPTER IV

Organization of the Media and Journalists

Article 11 *Media organizations.*

Media organization means an organization performing activities in relation to any type of the media referred to in article 3 of this Law.

Article 12 *Media managing body.*

Media managing body means the body which applies for a licence to perform media activities and which exercises direct control over the management of the media organization.

A media managing body shall have the following rights and obligations:

1. To determine and provide directions for the media organization in the implementation of its principles and aims, about its audience and its principal scope of distribution, on its capacity, schedule, frequency and broadcasting range, and on the languages to be used as provided for in its licence;
2. To direct the media organization in implementing its tasks, orientations and plans of operations, in establishing its operational apparatus and in building its team of media staff;
3. To appoint, remove or dismiss the head of the media organization under its authority after first exchanging views with the State management body responsible for the media;
4. To inspect the activities of the media organization;
5. To provide the conditions necessary to facilitate the activities of the media organization;
6. To be responsible before the law for breaches of its duties and powers in relation to the errors and breaches of the media organization under its control.

Article 13 *Head of a media organization.*

1. The head of a media organization shall be its general editor (printed media) or general director or director (radio station, television station, unit producing audio and visual programs on current events).
2. The head of a media organization must be a person who has Vietnamese citizenship and a permanent resident address in Vietnam and who has satisfied the political, moral and media professional standards which are regulated by the State.
3. The head of a media organization shall lead and manage the organization in all aspects and ensure observance of its guiding principles and aims and shall be responsible before the head of the media managing body and before the law for all of its activities.

Article 14 *Journalists.*

Journalists must be persons who have Vietnamese citizenship and a permanent resident address in Vietnam, who have satisfied the political, moral and media professional standards regulated by the State, who are working with, or contributing regularly to, a Vietnamese media organization, and who have been issued with journalist cards.

Article 15 *Rights and obligations of journalists.*

1. Journalists shall have the following rights:
 - (a) To carry out media activities within the territory of the Socialist Republic of Vietnam; to carry out media activities overseas in accordance with regulations of the Government;
 - (b) To seek out and to be supplied with information in the course of media activities in accordance with provisions of the law;
 - (c) To refuse to write or to participate in the compilation of a media work that is contrary to the laws on media;
 - (d) To receive training and encouragement to improve their professional media standards; to enjoy a number of preferential regimes which are necessary in the performance of media activities as regulated by the Government;
 - (dd) To be protected by the law in the conduct of their profession. No person shall be permitted to threaten or intimidate the life of or to damage the reputation and dignity of journalists, to destroy or detain

facilities or materials, or to prevent journalists from conducting their profession properly and in accordance with law.

2. Journalists shall have the following obligations:

- (a) To report truthfully domestic and world current affairs in conformity with the interests of the country and its citizens; to report the opinions and the legitimate aspirations of citizens; to contribute to the exercise of freedom of the media and the right of freedom of speech of citizens through the media;
- (b) To protect the guidelines and policies of the Party and the laws of the State; to seek out and protect positive initiatives; to fight against wrong ideology and wrongful conduct;
- (c) To undertake regular study and training to improve their political standards and their ethical and professional media standards; not to abuse their position as journalists to cause trouble or to breach the law;
- (d) To correct and apologize where they report information which is untruthful, distorted, or slanderous and harmful to the reputation of an organization or to the reputation and dignity of an individual;
- (dd) To be responsible before the law and before the head of their media organizations for the material in their media releases and for actions which breach the laws on media.

Article 16 *Vietnamese Journalists Association.*

The Vietnamese Journalists Association shall have the right and obligation to participate in the establishment, and to contribute to the implementation, of the information - media policy and to protect the rights and legal benefits of journalists.

CHAPTER V

State Management of the Media

Article 17 *State management of media.*

State management of media shall include:

- 1. To establish and to provide instructions for implementation of strategies, policies and plans for the development of the media profession;

2. To promulgate and organize the implementation of legislation relating to the media; to establish systems and policies for the media;
3. To organize information for the media; to manage information of the media;
4. To provide training and re-training to improve the political, professional and ethical standards of media staff;
5. To organize and manage scientific and technological activities in media affairs;
6. To issue and revoke operating licences for the media and journalist cards;
7. To manage international co-operation in media affairs, to manage the activities of the Vietnamese media in its contact with overseas countries and the activities of the foreign media in Vietnam;
8. To inspect media copy deposits; to manage the safekeeping of media copy deposits;
9. To organize and direct the task of rewarding in media activities;
10. To guide and inspect the implementation of the systems, policies and plans for development of the media and the implementation of the laws on media; to implement measures to prevent unlawful media activities; to resolve complaints and denunciations and deal with breaches in media activities.

Article 17a *State management body responsible for the media.*

1. The Government shall unify State management of the media.
2. The Ministry of Culture and Information shall be responsible to the Government for carrying out State management of the media.
3. Ministries, ministerial equivalent bodies and Government bodies shall, within the scope of their respective duties and powers, be responsible to carry out State management of the media in accordance with regulations of the Government.

The Government shall provide specifically for the responsibilities of ministries, ministerial equivalent bodies and Government bodies in co-ordinating with the Ministry of Culture and Information to carry out unified State management of the media.

4. People's committees of provinces and cities under central authority shall carry out State management of the media within their respective localities in accordance with the powers delegated to them by the Government.

Article 17b *International relations in media activities.*

The State shall expand international relations in media activities on the basis of the principles of respect for independence, national sovereignty, equality and mutual benefit.

The Government shall provide specific regulations dealing with international relations in media activities.

Article 17c *Financing of media organizations.*

1. The State policy shall be to provide financial assistance to facilitate the development of the media.

The media managing body shall be responsible to arrange the financial sources necessary for the activities of the media organization.

A media organization shall receive and use effectively any grants of voluntary financial assistance received from organizations and individuals in conformity with its aims and in accordance with regulations of the Government.

2. Media organizations may carry out commercial activities and services consistent with their specialist and professional skills and in accordance with regulations of the Government and all other provisions of the law in order to create additional sources of income to re-invest in the development of the media. Media organizations shall carry out their taxation obligations in respect of such commercial activities and services.

Media organizations shall be entitled to preferential treatment with respect to taxes and other fees in connection with media publishing and circulation in accordance with law.

3. Media organizations must implement systems for accounting, statistics, inspection and financial investigation in accordance with provisions of the law.

Article 17d *Media publication and circulation to provide services to a number of recipients.*

The State policy shall be to provide financial assistance to facilitate media publication and circulation to citizens in areas with difficult socio-economic conditions and in areas with very difficult socio-economic conditions and for the Vietnamese public overseas.

Article 17dd *Media inspection.*

Media inspection means specialized inspection of the media.

The Government shall regulate the organization and activities of specialized inspection of the media.

Article 18 *Requirements for performing media activities.*

Any organization which wishes to establish a media organization shall be required to satisfy the following requirements:

1. It must be able to provide from within its organization a person who satisfies all of the criteria necessary for him or her to be the head of the media organization in accordance with the provisions of article 13 of this Law;
2. It must specify clearly the name, guiding principles, aims, target audience, principal area of publication, capacity, schedule, frequency, broadcasting range and language to be used by the media organization;
3. It must have an official office and other facilities necessary to ensure the proper performance of the activities of the media organization.

Article 19 *Granting of a licence to perform media activities.*

1. The granting of a licence to perform media activities shall be based on the conditions stipulated in article 18 of this Law and must be in conformity with the plan for development of the media.
The Ministry of Information and Culture shall grant licences to perform media activities.

Applications for a licence to perform media activities shall comply with the regulations provided by the Ministry of Information and Culture.

2. A media organization must have a licence granted by the State management body responsible for the media prior to commencement of its operations. Where a licence is not granted, the State management body responsible for the media shall reply in writing clearly stating its reasons for refusal within thirty (30) days from the date of receipt of an application. An organization which has had an application refused shall have the right to complain to the authorized body or to institute legal proceedings.

Article 19a *Establishing representative and resident offices of a media organization.*

1. A media organization wishing to establish a representative or resident office in Vietnam must satisfy all conditions with respect to its personnel and its office, must have the written agreement of the people's committee of the

province or city under central authority in which the office it is applying to establish is to be located, and must inform the Ministry of Culture and Information.

2. The Government shall provide specific regulations in relation to the establishment of representative or resident offices of the Vietnamese media overseas and in relation to the establishment of representative or resident offices of foreign media in Vietnam.

Article 20 *Effect of a licence.*

A media organization shall perform exactly in accordance with the provisions of its licence. In the event that the media organization wishes to change its name, guiding principles, aims, target audience, language used, principal area of publication or frequency of publication, it must re-apply for a new licence.

In determining or changing its capacity, schedule, frequency, or broadcasting range, the media organization shall be required to obtain a permit from the State management body responsible for control of radio frequency.

The assignment to other organizations or bodies of a licence to perform media activities shall not be permitted.

Article 21 *Implementation of other media forms, publication of other printed materials, and broadcasting of special and additional programs.*

1. A media organization may implement other media forms consistent with its functions and responsibilities only if it satisfies all of the conditions provided for in article 18 of this Law and if it is so licensed by the Ministry of Culture and Information.
2. An organization wishing to publish a special issue or a media organization wishing to publish an additional, supplementary or special issue or broadcast a special or additional program must obtain a licence from the Ministry of Culture and Information.

Article 22 *Printing of newspapers, broadcasting of radio and television programs, and publishing of electronic newspapers by way of the computer information network.*

Printers shall be responsible for performing their contracts and ensuring that newspapers are printed on time. Printers shall not be permitted to print unlicensed newspapers or to re-print articles the circulation of which has been prohibited by the State management body responsible for the media.

The technical broadcasting units of radio or television stations shall be responsible for ensuring that broadcasts reach the area permitted.

Radio and television stations and units producing audio and visual current affairs programs shall not be permitted to broadcast the content of media items which have been prohibited or confiscated.

Electronic newspapers shall be published by way of the computer information network in accordance with regulations of the Government.

Article 23 *Copy deposit.*

In accordance with regulations provided by the Government, the printed media shall be required to lodge a copy of all materials prior to their publication and the audio media and visual media shall be required to retain drafts, films, tapes and discs recording sound or picture.

Article 24 *Publication of the media.*

A media organization may publish, or delegate the task of publishing, to organizations or individuals being registered publishers. No person shall be permitted to obstruct the publication of newspapers or magazines to readers, except where there is an order in force which prohibits their circulation.

Organizations and individuals shall not be permitted to circulate any newspapers or magazines in respect of which a licence to publish has not been issued or the circulation of which has been prohibited.

Article 25 *Advertisements.*

The media shall be permitted to publish and broadcast advertisements and to collect advertising fees. The contents of advertisements must be distinct from the contents of propaganda and must not violate the provisions of article 10 of this Law.

Article 26 *Media conferences.*

Any organization or citizen wishing to hold a media conference shall be required to give notice in advance to the State management body responsible for the media. Where the content of the media conference is in breach of the provisions of article 10 of this Law, it shall be prohibited.

CHAPTER VI

Rewards and Dealing with Breaches

Article 27 *Rewards.*

Media organizations and bodies and journalists and citizens having achieved good results and devoted themselves to media activities shall be rewarded in accordance with the provisions of the State. Any journalist who has performed outstandingly shall have bestowed upon him or her an honorary title by the State.

Article 28 *Dealing with breaches.*

1. Any media organization or body which commits breaches of the provisions of its licence to perform media activities, of the information prohibited from being published on the media as stipulated in article 10 of the *Law on Media*, in the correction it makes by way of the media or other provisions of the laws on media shall, depending on the nature and seriousness of the breach, be warned, fined or ordered to withdraw publication or be subject to confiscation of its printing material, tapes, sound and pictures, temporary suspension of its publication, withdrawal of its licence in accordance with provisions of the law.

The managing body shall be responsible before the law within the scope of its duties and powers in respect of the errors made by the media organization under its control.

Any media organization, journalist, organization or individual causing damage to the legitimate interests of other organizations or individuals by the act of providing information shall compensate for the damage in accordance with the provisions of the civil laws.

2. Heads of media organizations, journalists or other people engaged in professional media activities who breach the provisions in clause 1 of this article shall, depending on the seriousness of the breach, be disciplined, have their journalists cards revoked, or be subject to administrative penalty or criminal prosecution.
3. Any person who breaches the provisions in relation to provision of information, response through the media, establishment of media organizations, publication, advertising, media conferences, obstruction of media activities, damaging the reputation and dignity of journalists, destroying and damaging facilities or materials or any other provisions of this Law shall, depending on the seriousness of the breach, be disciplined or be subject to administrative penalty or criminal prosecution.

CHAPTER VII

Final Provisions

Article 29

This Law shall replace Law 100-SL-L002 dated 20 May 1957 regulating the media. All previous provisions which are inconsistent with this Law are hereby repealed.

Article 30

The Government shall make detailed provisions for the implementation of this Law.

This Law was approved by Legislature VII of the National Assembly of the Socialist Republic of Vietnam at its 6th session on 28 December 1989.

President of the National Assembly
LE QUANG DAO

The Law on Media dated 28 December 1989 was amended by Law 12-1999-QH10 passed by Legislature X of the National Assembly of the Socialist Republic of Vietnam at its 5th Session on 12 June 1999:

Article 3

This Law shall be of full force and effect as of 1 September 1999. All previous provisions which are inconsistent with this Law are hereby repealed.

The Government shall amend and add to the detailed legislation and guidelines implementing the *Law on Media* in order that they shall be consistent with this Law.

Chairman of the National Assembly
NONG DUC MANH