

## **Vietnam's National Assembly Vote: A Futile Gesture**

The May 23 election is designed to affix a rubber stamp to the Vietnamese Communist Party's monopoly on political power.

**By Mu Sochua**

On May 23, Vietnam will hold elections to elect members of the 15th National Assembly, and the People's Councils at the local level. A total of 868 candidates will contest 500 seats in the National Assembly.

As in previous elections, the Vietnamese Communist Party (VCP), which runs one of the few remaining single-party states in the world, is expected to dominate the polls and extend its rule for the next five years. Voter turnout on polling day is also expected to be high, if previous elections are anything to go by, despite an intensified crackdown on human rights over the last few years.

### **Will the election be free and fair?**

No. Vietnam falls drastically short of that standard. Free and fair polls must fulfil a range of criteria, including an accountable, fair, and transparent electoral process that reflects the will of the people, and the casting of votes without intimidation in an environment that respects human rights.

Similarly to its neighbor Laos, Vietnam is a single-party state led by the VCP, which tightly controls the electoral process. There is no independent agency overseeing the election, and a lengthy process for selecting candidates ensures that those deemed unfavorable to the party are filtered out, preventing citizens from freely participating in public affairs and any real opposition voices from being heard.

For example, the National Election Commission, established by the National Assembly and responsible for organizing the election, is headed by the Chair of the National Assembly, a high-ranking party member who is also contesting this month's poll. The candidacy process is closely vetted by the VCP-led mass organization, the Vietnamese Fatherland Front, through several rounds of consultations, in which it uses an opaque process to review and reject candidates who are considered "unqualified." This year, of the 868 candidates, only nine are self-nominated, six of whom are reportedly VCP members.

Moreover, with key leadership positions and the overall composition of the upcoming National Assembly, including seat quotas for Central Committee members and other groups, already predetermined several weeks before the poll, voters do not have a meaningful choice at the ballot box.

### **Why are there so few independent candidates?**

In addition to a vetting process that favors VCP members, at least two independent candidates have been arrested, and several others intimidated, for their involvement in the upcoming vote, including a human rights defender who was made to sign a statement promising not to compete in the election. Both candidates, Le Trong Hung and Tran Quoc Khanh, have been charged under Article 117 of the Criminal Code for "making, storing, or spreading

information, materials, or items” against the state, which carries a penalty of up to 20 years’ imprisonment. Others who had similarly expressed their intention to run as a candidate, or discussed the election on Facebook, have been subjected to days of police questioning and physical assault.

Such reprisals undermine the right to take part in the elections without fear or intimidation, as well as the legitimacy of the vote. Even if these tactics are not enough to scare candidates from withdrawing their nomination, it is unlikely they will make it through the strict vetting process, as seen in the rejection of most of this year’s 77 self-nominated candidates. This is a reflection of the ruling party’s intolerance to opposing views and criticisms.

### **What can we expect on voting day?**

Based on previous polls, on election day we can expect an extremely high voter turnout of close to 100 percent. While the vote is essentially a non-event in Vietnam, one explanation for the high participation is due to the practice of proxy voting, whereby one person can vote for an entire family, defying the concept of universal and equal suffrage. According to a 2015 report, the national average of such a practice in village elections is 28 percent, with women being more than twice as likely as men to have someone else vote on their behalf.

As the VCP is keen to create the perception of an almost unanimous mandate, local authorities are under pressure to ensure a high voter turnout and allow such voting practices to go ahead.

### **In its last National Assembly, Vietnam had a relatively solid proportion of women representatives (according to IPU, 26.7 percent), including a woman as its previous chair. Do these numbers convert to women’s meaningful participation in politics?**

No, because the National Assembly is a rubber stamp legislature that endorses the decisions of the VCP. As the real holders of power belong to members in the party’s Politburo and Central Committee, greater analysis into the party’s structure and composition gives us a better reflection of women’s inclusion in politics. Currently, 9.5 percent of the Central Committee’s members are women, while the 18-member Politburo has only one woman, who heads the Committee’s relatively minor Central Mass Mobilization Department. Hence, women’s actual leadership and political participation is in fact chronically underrepresented within a power structure that is inherently male-centric.

### **How is the human rights situation in Vietnam?**

Appalling and getting worse. Under one-party rule, Vietnam has systematically violated fundamental freedoms; it maintains tight control over the media and has zero tolerance for dissent. The last five years under VCP General Secretary Nguyen Phu Trong has seen an intensified crackdown on dissent, including a marked increase in people arrested for “anti-state” activities. According to rights organization The 88 Project, 2020 saw dozens prosecuted for their peaceful activism, more arrests of women and journalists, and longer jail sentences for those tried under so-called national security laws. There are currently 235 political prisoners in Vietnam, and hundreds more at risk for exercising their basic rights.

The months leading up to the VCP’s January Congress, a quinquennial gathering to determine Vietnam’s top leaders and policy direction, saw a spate of arrests and prosecutions. This included three members of the Independent Journalists Association who were sentenced to

harsh prison terms, from 11 to 15 years, under Article 117 of the Criminal Code. According to the U.N., these sentences came amidst an increasing clampdown on freedom of expression.

While online repression is not new, internet freedoms are also increasingly under attack as more people turn to the net and social media to share opinions. According to Amnesty International, the landscape of harassment in Vietnam has shifted significantly to target expression online, including physical attacks, the use of state-sponsored cybertroops, as well as the growing complicity of tech giants, such as Facebook and YouTube, which are increasingly complying with the regime's censorship demands. In 2020, of the 27 political prisoners designated prisoners of conscience by Amnesty, the group found that 21 were targeted for their online expression.

The atmosphere of the upcoming election will be highly oppressive. Authorities' actions of locking away critics and shutting down independent voices, within an electoral system that guarantees a VCP victory, only cements the fact that the poll will not be meaningful, and rather a process used to serve the regime's interests, and ensure their continuity in power. Legitimacy can only be achieved when its people are allowed to choose their own leaders through free and fair elections, something that requires, among other things, the unconditional release of all political prisoners, an end to the relentless harassment of those peacefully exercising their human rights, the reform of election laws, and invitations to independent observers to monitor the elections. Only then will the legitimacy the VCP seeks be truly genuine.

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