

Decree 51/2002/ND-CP on 26 April 2002 by the Government

Stipulating in detail the implementation of the Law on the Press, the Law on the Amendment and Supplementation of the Law on the Press

(Excerpt)

Article 1. Interpretation of terms

In this Decree, the hereinafter terms shall be interpreted and understood as follows:

1. "Press" is the common term for printed press, visual press, voice press and electronic press.

2. "Printed press" is the term for the press category transmitted by the means of printing (newspapers, magazines, news bulletins, newsletters).

3. "Voice press" is the term for the press category transmitted by radio waves (radio programs).

4. "Visual press" is the term for the press category transmitted by television waves (television programs, audio-visual news programs transmitted by various means).

5. "Electronic press" is the term for the press category transmitted on computerized information network (Internet, Intranet).

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Article 2. Responsibilities of the press agencies

1. Press agencies shall execute freedom of the press and shall be responsible to ensure citizens' freedom of the press and freedom of speech in the press under Vietnamese laws.

2. Press agencies shall be responsible to receive, publish, and broadcast citizens' petitions, criticism, news, articles, photographs and other journalistic works according to the guiding principles, targets, objectives, and information orientations, without breach of Article 10 of the Law on the Press and specific regulations in this Decree. In case of a refusal of publication and broadcast, within 30 days at the latest, the press agencies shall be responsible to give answers in writing to the authors or convey answers in the press in the form of letter-box or messages.

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Article 4. Correction in the press

1. When competent governmental authorities come to the conclusion in writing that the press has conveyed untrue or distorted information, slandered or infringed upon the prestige of organizations, the honor and dignity of individuals, the press bodies shall have to issue or broadcast the said conclusion verbatim together with the apologies from the said press bodies or the authors. The press bodies shall have to issue or broadcast the said conclusion in the same position and with the same font and size (for printed and electronic press), or in the same broadcast programs (for voice and visual press) where the press has issued or broadcast the aforesaid information.

After receiving the written conclusion, the press bodies shall, within five days (for daily newspapers, radio and television stations) and ten days (for weekly newspapers) and in the latest issue (for magazines), issue or broadcast the said conclusion. For magazines published over 30 days/issue, apart from issuing the conclusion in their latest issue, the said magazines shall, at their costs and expense, be required to issue or broadcast the conclusion through a daily newspaper or radio/television station with a similar issuance/broadcast range.

2. In case the press bodies or authors can discover untrue or distorted information or works, slandering the prestige of organizations, infringing upon the honor and dignity of individuals,

they shall have to correct and apologize in their press and send a written correction and apology to the said organizations or individuals.

The form of correction and apology in the press is stipulated in Clause 1 of this Article.

3. The press bodies upon receiving the written statements from organizations or individuals on the contents of information in the press if having grounds to believe that the press has given untrue or distorted information, slandered or infringed upon them, shall have to issue or broadcast the said statements in the same position or columns or programs where the press has transmitted or broadcast such information. The statements shall not exceed the area and duration in which such information has been issued or broadcast.

If disagreeing with the statements from organizations or individuals, the press bodies shall have the right to further clarify their opinions. If after three times of publication or broadcast of the statements of the said organizations or individuals and the press bodies, no agreement can be obtained between the two sides, the competent governmental authorities in charge of the press shall have the right to request a cessation of the issuance or broadcast of information from the concerned entities. The organizations or individuals shall have right to lodge their complaints to the parent agencies of the said press bodies or the competent governmental authorities in charge of the press or initiate legal proceedings at a court.

The form and time of publication or broadcast of the statements of such organizations or individuals shall be stipulated in Clause 1 of this Article.

The press bodies shall have the right not to publish or broadcast the statements from such organizations or individuals if the said statements are illegal or infringe upon the press bodies' and the authors' prestige and honor. In this case, the press bodies shall send a notice in writing to the said organizations or individuals to explain the reason and send a report in writing to the competent governmental authorities in charge of the press.

Article 5. Items for which no information shall be given in the press

The followings are specific regulations in Article 10 of the Law on the Press:

1. Not to publish or broadcast journalistic, artistic, literary works or illegal documents with contents against the Socialist Republic of Vietnam or undermine the all-people's unity;
2. Not to describe in detail obscene or repugnant actions in news, articles, and illustrations about cases and crimes; not to publish or broadcast news, articles, photos, pictures, nude paintings which arouse sexuality, or look unaesthetic and are unsuited to Vietnamese good habits and customs;
3. Not to publish or broadcast photos of individuals without clear captions, slandering the prestige and honor of such individuals (except photos of open meetings, public activities, working days, artistic performances, sports and gymnastic activities, wanted criminals, open trials conducted by the courts, the sentenced offenders in criminal cases);
4. Not to convey or broadcast information and articles creating a bad impact on private life; not to make public private documents or letters without consent of the writers, receivers or legal owners of such documents or letters. For private documents or letters related to criminal or illegal cases, the press bodies shall apply the regulations in Clause 6 of this Article.
5. Not to convey or broadcast information or articles spreading bad habits and superstition. For information about new scientific or mystical issues without final conclusion, the quotation of origin (source, place of publication, time) shall be required.
6. The use of documents of Party and State agencies and organizations shall be conducted under the regulations in Ordinance on the Protection of State Secrets on 28 December 2000.

For documents of organizations or private letters of individuals related to cases under investigation, the press bodies shall be entitled to exploit their own source of information and shall be responsible to the law for the contents of such information.

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**On behalf of the Government
Prime Minister**

Phan Van Khai

(signed)