

“We Will Not Be Silenced”

Bloggers and the Human
Rights Movement in Vietnam

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About Civil Rights Defenders – Sweden’s international human rights organisation

Civil Rights Defenders is an independent expert organisation that defends people’s civil and political rights and empowers human rights defenders at risk. Civil Rights Defenders monitors state authorities and demands accountability when people’s human rights have been violated. The organisation also works with influencing public opinion as well as with advocacy activities to share knowledge and empower individual human rights defenders through various types of security and communication training programmes.

I. Executive Summary

In this briefing paper, Civil Rights Defenders highlights the rapid spread of information and communications technology (ICT) in Vietnam, its transformative and empowering impact on human rights activism and access to information, and the government's repressive response to Internet based activism.

Since the founding of the Socialist Republic of Vietnam in 1975, the country has been under uninterrupted one-party rule. Print and broadcast media are under effective state control and authorities exercise prior and post-publication censorship. Over the years, the Government of Vietnam has introduced policy and administrative measures, and invoked repressive provisions under domestic law, to criminalise and impose overly broad limits on peaceful expression online and offline.

Activists and unauthorised civil society groups and networks face grave risks of state repression and reprisals for their peaceful human rights work and advocacy. Bloggers and other Internet activists, an increasing number of whom are women, have faced surveillance, arbitrary detention, physical and cyber attacks, criminal prosecution, and imprisonment.

Despite repressions and restrictions, Civil Rights Defenders is encouraged to witness the growth of human rights networks within civil society in Vietnam during the

last five years, which is partly fuelled by opportunities made possible by the expansion of ICT in Vietnam. Greater inter-connectivity has challenged the government's monopoly on information and countered its attempts to isolate and weaken civil society groups and activists.

Empowered by the Internet, bloggers, citizen journalists and civil society groups in Vietnam, many of them human rights defenders, now have far greater reach to the public and can mobilise public opinion on an unprecedented scale. Increasing access to the Internet and other ICT tools has also contributed to the lowering of the level of isolation and fear among activists, and enabled them to strengthen their ties with the international community and expand their networks and collaborations with fellow human rights defenders and human rights groups inside and outside of Vietnam.

Civil Rights Defenders calls on Vietnam to end its persecution of bloggers, human rights defenders and other peaceful activists, to amend or repeal repressive legislations, and take positive steps to ensure genuine protection of all human rights in compliance with international human rights law and standards. We also call on Vietnam's key partner countries and ICT companies to take proactive steps to challenge censorship and ensure the full enjoyment of fundamental human rights in Vietnam.

II. The Internet, The Blog, and a Rising Civil Society

Expanding Access Fuels Information Pluralism

Increasing Internet penetration has provided a potent tool for a growing civil society in Vietnam, despite tight state information controls. The number of Internet users in Vietnam has grown rapidly from just above 200,000 in 2000 to just under 40 million in 2014. This represents an Internet penetration rate of 43% in a population of 93.4 million.¹ According to 2014 statistics, Vietnam ranked 15th in the world, 6th in Asia, and 2nd in Southeast Asia in terms of the number of Internet users.²

The spread of mobile phones, especially smartphones, has also fuelled the expansion of Internet access. Ac-

cording to recent statistics, there are approximately 134 million active mobile subscriptions in Vietnam, with an astonishing mobile subscription penetration rate of 145%.³ Research has shown that 80% of households in Vietnam have a mobile phone and 76% use smartphones to access the Internet.⁴ 54% of Vietnam's population is under the age of 30 and 95% of people between the age of 15 and 24 have access to the Internet.⁵

Before the age of the Internet, human rights advocacy and the sharing of related information was not only dangerous but also costly. Compared to the state-controlled media machine, human rights defenders had little resources and virtually no platforms to share information widely. The rise of the Internet has dramatically lowered

1 Internet Live Stats, "Vietnam Internet Users," <http://www.internetlivestats.com/internet-users/vietnam/>.

2 Internet Live Stats, "Internet Users by Country (2014)", <http://www.internetlivestats.com/internet-users-by-country/>.

3 We Are Social, "2014 Asia-Pacific Digital Overview," 16 January 2014, www.slideshare.net/wearesocialsg/social-digital-mobile-in-apac.

4 Dezan Shira & Associates' Vietnam Briefing, "Increasing Mobile Internet Use in Vietnam to Open Up New Market Areas, 17 September 2014, www.vietnam-briefing.com/news/increasing-mobile-vietnam-open-market-areas.html/

5 We are Social, "Social, Digital, and Mobile in Vietnam," <http://wearesocial.net/blog/2012/10/social-digital-mobile-vietnam/>.

barriers for creating, accessing and disseminating information.

Blogs Empower Human Rights Campaigners

Blogs and social media have empowered activists in Vietnam to document and report abuses, mobilise public opinion, campaign for reforms, and build networks nationally and internationally. Vietnam has a 97% adult literacy rate (female: 96.8%; male: 97.4%)⁶ and its people are avid consumers of information. In tandem with the rapid increase in Internet access, the introduction of blogs in the mid 2000s has allowed Internet users to not only access information from independent sources, but also to create and impart content quickly and widely. Some of the most popular blogging platforms include Blogspot, Multiply, Wordpress, and Zing. There are over a million blogs in Vietnam.

Influential blogs cover a diverse range of human rights and related issues, including land seizures, police abuse, discrimination, corruption, pollution, and restrictions on fundamental freedoms. They carry original writings as well as compilations of other resources and links. The number of followers and visits to these blogs range from hundreds of thousands to millions, making them an especially potent tool for campaigns.

The use of blogs for human rights campaigning in Vietnam is both a means and an end. Documentation of abuses and facts that point to government failures or complicity fills in information gaps, galvanizes public opinion and eventually generates domestic pressure on the authorities. Moreover, the very fact that citizens of all social backgrounds in large and increasing numbers are accessing information via blogs, creating content, translating foreign materials, and engaging in debate and analysis is itself an achievement and an empowerment process.

Campaigns

Blogging as an empowerment process is exemplified in several important human rights campaigns launched by the Network of Vietnamese Bloggers (NVB) in recent years, targeting repressive legislations, advocating for greater guarantees for the right to access to information, and urging Vietnam to comply with its obligations under international human rights law.

Abolish Article 258

In September 2013, over 100 bloggers launched a campaign for the right to freedom of expression and highlighted in particular the use of **Article 258** (“abusing democratic freedoms to infringe upon the interests of the State”) in the Penal Code. In a statement, they took aim at the vaguely worded Article 258 as enabling criminalisation of freedom of expression, and called for its repeal. The bloggers argue that the article is in breach of Vietnam’s obligations under the International Covenant on Civil and Political Rights (ICCPR), which it has ratified. The campaign was launched strategically during Vietnam’s campaign for a seat on the UN Human Rights Council. The campaign has received widespread attention, both at home and abroad.⁷

Article 258 is frequently invoked to silence and imprison bloggers and activists. Nguyen Huu Vinh, a prominent blogger better known by his online alias Anh Ba Sam, was detained in May 2014 and charged with violating Article 258 along with his assistant Mrs Nguyen Thi Minh Thúy. Since he began blogging in 2007, Vinh quickly became one of the most influential bloggers, managing several blogs and independent news websites.⁸

Vinh’s blogs aim to build up an informed civil society by compiling daily news on topics on public affairs from diverse sources, including local NGOs, foreign news outlets, state-owned media, other independent blogs, overseas Vietnamese dissident groups, and personal writings by activists. His blogs and websites also provide links to many online guides on online censorship circumvention. Anh Ba Sam’s blogs continue to receive hundreds of thousands of views per day.⁹

Following his detention, the authorities shut down two of his websites. However, his other popular blogs, including the news site basam.info, continue to operate to this day thanks to his colleagues, who issued a statement five days after Vinh’s detention vowing to carry on Anh Ba Sam’s work.¹⁰

Vinh is the son of a prominent Communist Party official and diplomat, a former public security officer, and a former civil servant at the Department of Overseas Vietnamese. As other bloggers have pointed out, Vinh’s family background not only enabled him to obtain information from key government sources, but also helped him to build up a large readership that includes intellectuals, ex-officials, and current Communist Party members.¹¹ Fellow bloggers believe that Vinh’s potential influence over the ruling elite, on whose loyalty the Communist

6 UNESCO Institute for Statistics, “Vietnam Country Profile,” <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=VNM®ioncode=40515>.

7 Civil Rights Defenders, “Vietnamese bloggers initiate a unique campaign for freedom of expression,” 11 September 2013, www.civilrightsdefenders.org/news/vietnamese-bloggers-initiate-a-unique-campaign-for-freedom-of-expression/.

8 See anhbasam.wordpress.com, anhbasamnews.info, and basam.info.

9 “Anh Ba Sam Breaks the Chain of Oppression,” 13 November 2014, <http://www.slideshare.net/phamdoantrang/abs-english-41542409>.

10 Pham Doan Trang, “Anh Ba Sam’s News Blog Marches on Despite His Arrest,” 31 January 2015, vietnamrightnow.com/20150131/depth-anh-ba-sam-s-news-blog-marches-despite-his-arrest.

11 Ibid.

Party depends to shore up its grip on political power, triggered the sudden raid of his office and his detention. Bloggers expect that, if convicted, the sentence against him would be harsh.

Right to Know

In September 2014, ahead of the International Right to Know Day on 28 September, bloggers across Vietnam launched a campaign demanding the people's constitutional right to information.¹² While the campaign was in part triggered by allegations of Vietnam's past concessions to China in territorial disputes, the campaign itself strongly asserts the right of everyone to government-held information concerning state actions and policies both past and present, not just on foreign policy issues but also on domestic issues that affect people's daily lives. The campaign is also strategically timed as the National Assembly, Vietnam's legislature, is scheduled to consider a draft Information Access Law in 2015.

Testimony in support of the Right to Know Campaign in 2014:

"The people must have the right to access government information in an open channel which is a government initiative, and via legitimate requests.

The Right to Know is the basis on which people could appraise the transparency and fairness of all government's activities.

This is a need and a basic right that must be implemented for all citizens. It is also an integral part of a democracy and an indicator that the country enjoys a law-based governance.

The Right to Know belongs to all citizens."

Ms Nguyen Ngoc Nhu Quynh (aka Me Nam)
Blogger and human rights defender

Source: <http://danlambaovn.blogspot.com/2014/09/we-want-to-know-its-our-right-to-know.html>

Bloggers and activists in the campaign took photos of themselves holding up placards with their messages and circulated the photos online via their blogs and other social networking platforms, triggering the same action by other Internet users. This bold and visual approach, marrying online and offline actions, demonstrates that indi-

vidual activists are willing to publicly identify themselves with a cause. By so doing, they work to normalise activism and contribute to a gradual decline in the threshold of fear among activists and ordinary citizens.

We Are One

In early March 2015, bloggers launched a year-long "We Are One" campaign by sending an open letter to member and observer states of the Human Rights Council as well as its special procedure mandate holders.¹³ The letter was signed by over 20 civil society groups and networks mostly in Vietnam as well as over 100 individuals working on issues ranging from the environment to religious freedom to women's rights.

The "We Are One" campaign calls for the release of all prisoners of conscience, an end to harassment and surveillance of activists, and the repeal of repressive legislations. The launch was strategically timed with the on-going 28th session of the UN Human Rights Council, where Vietnam's records on freedom of religion and cultural rights are scrutinised by two UN special rapporteurs who visited the country.¹⁴

Under this latest campaign, bloggers and activists across Vietnam and overseas will meet with local embassies and international organisations to report on abuses and urge them to prioritise human rights in their relationships with Vietnam. Solidarity events are also planned worldwide, culminating in public marches on International Human Rights Day on 10 December 2015 in Vietnam and globally. In their open letter launching the campaign, the bloggers anticipate state repression and imprisonment, and ask members of the international community to hold Vietnam to account for any crackdowns. This campaign is another indication of the growing fearlessness and sophistication of Vietnam's nascent civil society, using the opportunities afforded by international human rights mechanisms.

The campaign also exemplifies the use of blogs and online platforms to facilitate not only access to information within the country, but also communication between local activists and international actors. Before the age of the Internet, international actors wishing to take action for human rights in Vietnam were hampered by the lack of credible and on-the-ground reporting. The Internet and the proliferation of human rights related blogs changed this.

An increasing number of bloggers and other volunteers now write and translate human rights materials, such as information about arrests, detention and trials of

12 Dan Lam Bao, "We want to know! It is our RIGHT to KNOW," <http://danlambaovn.blogspot.com/2014/09/we-want-to-know-its-our-right-to-know.html>.

13 Open Letter to the United Nations' Human Rights Council and its Mechanisms Concerning Vietnam's Human Rights Abuses and The People's Human Rights Campaign for 2015, 10 March 2015, danlambaovn.blogspot.com/2015/03/open-letter-to-united-nations-human.html

14 Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, Mission to Viet Nam (21 to 31 July 2014), UN Document A/HRC/28/66/Add.2, 30 January 2015; Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, Mission to Viet Nam (18-29 November 2013), UN Document A/HRC/28/57/Add.1, 29 January 2015.

human rights defenders, into English or another foreign language. The growing availability of information about Vietnamese human rights cases in foreign languages contributes to more effective mobilisation of international human rights groups, foreign governments and other actors who can use such information in their own human rights engagement with the Vietnamese government.

A Democratic Space Online

The space for the public exercise of the rights to freedom of expression, peaceful assembly and association remains heavily restricted in Vietnam. However, the spread of the Internet and the proliferation of blogs and the emergence of other Internet platforms have created a precious online democratic space where free debate and the sharing and production of unfiltered information are flourishing.

Since 2012, Facebook has emerged as the most dominant social networking platform in Vietnam. According to a survey in 2014, 93.9% of Internet users in Vietnam have a Facebook account and 56.9% of these

account holders, or approximately 30 million people, are active users.¹⁵ The Vietnamese social networking site ZingMe is a distant second, actively used by only 12.5% of Internet users. Twitter, LinkedIn, Instagram and Pinterest are other top social media sites in Vietnam.

Facebook has been intermittently blocked in Vietnam in recent years, but the block appears to have been eased, evidenced by the rapid increase in its penetration rate. A majority of users are able to circumvent blockage with relative ease.¹⁶ Most bloggers are also active Facebook users and activists take advantage of Facebook's unique features to organise events, share news and analyses, conduct group discussions, and provide links to blogs and other resources on human rights, democracy and other issues of public interest.

While recognising the importance of the ICT sector to innovation and economic growth, the authorities in Vietnam are increasingly wary of the potential threat Internet use poses to its monopoly of political power. This wariness has led to a series of policies and actions to extend state control over the Internet, carry out government propaganda via online platforms, and punish online speech deemed critical of the government.

III. Restrictions on and Violations of Fundamental Freedoms

The Vietnamese Constitution protects fundamental rights, including the right to freedom of expression and access to information. In reality, restrictive laws, policy, and practices gut this constitutional protection. Broadly and vaguely worded provisions in the Penal Code, and other laws and decrees are used to intimidate and prosecute human rights defenders and others whose opinions the authorities do not tolerate. Internet service providers are also under pressure to comply with a growing number of local regulations that enable surveillance and state control over access and content.¹⁷

Since Freedom House began ranking Internet freedom in 2011, Vietnam has been labeled as 'not free' every year, giving the country low scores on limits to content and violations of users' rights.¹⁸ Similarly, Vietnam has been labeled as an "Enemy of the Net" by Reporters Without Borders, which consistently ranked the country in the

bottom 5% of the countries surveyed in its annual World Press Freedom Index since 2002.¹⁹

Vietnam's judiciary is politically pliable and trials of bloggers, human rights defenders, and political activists fall far short of international standards. Sentences handed down can be heavy and prison conditions harsh. According to the Committee to Project Journalists, 14 journalists have been arrested, detained or jailed in 2014, making it the world's third worst jailers of journalists. 12 of these were targeted for their online reporting or expression. Human rights groups estimate that there are between 150 – 200 political prisoners in Vietnam.²⁰ Many of these were targeted mainly or partially for their blogging or online expression.

Prior to Vietnam joining the World Trade Organisation (WTO) in 2007, human rights groups urged key governments to press for human rights progress as a

15 BDG Asia, "Vietnam's Top Social Media Sites in 2014," 12 June 2014, www.bdg-asia.com/vietnams-top-social-media-sites-2014/.

16 TechAsia, "Vietnam's Facebook penetration hits over 70%, adding 14 million users in one year," 25 September 2013, <https://www.techinasia.com/vietnams-facebook-penetration-hits-70-adding-14-million-users-year/>.

17 New York Times, "As Technology Entrepreneurs Multiply in Vietnam, So Do Regulations," 8 February 2015, www.nytimes.com/2015/02/09/business/as-technology-entrepreneurs-multiply-in-vietnam-so-do-regulations.html?_r=0.

18 Freedom House, Vietnam chapter in Freedom on the Net 2014, <https://freedomhouse.org/report/freedom-net/2014/vietnam>.

19 Reporters Without Borders, Vietnam chapter in 2015 World Press Freedom Index, <http://index.rsfi.org/#!/index-details/VNM>.

20 Human Rights Watch, Vietnam chapter in World Report 2014, <http://www.hrw.org/world-report/2014/country-chapters/vietnam>.

pre-condition for Vietnam's accession to the world body. However, there has been a clear trend of repression and restrictions of free speech and human rights activism since 2007. The authorities introduced a series of policy measures aimed at regulating Internet activities, invoked repressive laws to prosecute bloggers and activists, and harassed and intimidated those who used the Internet to engage in human rights and democracy advocacy. This trend is the government's reaction to and a barometer of the growing strength of civil society, fuelled by the proliferation of ICT technology among ordinary citizens and activists.

Vietnam's Human Rights Obligations

Vietnam's responsibilities and obligations to respect and protect fundamental freedoms, including freedom of expression, arise from domestic and international law, as well as commitments made at the UN.

Article 69 of the 1992 Constitution and Article 25 of the current Constitution as amended in 2013 protect the right to freedom of speech, access to information, freedom of the press, freedom of assembly and association, and the right to demonstration. However, the articles are accompanied by qualifying clauses that open the door to legal restrictions. Moreover, Article 14(2) of the current Constitution allows limits on constitutional rights on the grounds of "national defense, national security, social order and safety, social morality and community well-being."

In practice, Vietnam's state-controlled judiciary and public security officials interpret these vague terms to justify arbitrary detention and to impose overly broad limits on human rights protected under international human rights law.

As a State party to the International Covenant on Civil and Political Rights (ICCPR) since 1982, Vietnam is obligated under its Article 19 to respect and protect everyone's right to freedom of expression through any media of his or her choice. The UN Human Rights Committee,

charged with reviewing state compliance with the ICCPR, issued an authoritative interpretation in 2011 that any restrictions of freedom of expression, including online expression, must conform to the strict tests of necessity and proportionality and that they "must be formulated with sufficient precision" to enable people to regulate their conduct accordingly.²¹ The Committee further stated that when a state party to the ICCPR invokes a legitimate ground for restriction of freedom of expression, "it must demonstrate in specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken."²²

In July 2012, the UN Human Rights Council adopted resolution 20/8 and reaffirmed that fundamental rights, particularly the right to free speech, must be protected not only offline but also online.²³

In 2014, the UN body responsible for reviewing compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR) examined Vietnam's record and recommended that it "bring restrictions on freedom of expression into line with international standards, including by abolishing related prison sentences."²⁴

At its first Universal Periodic Review (UPR) at the UN Human Rights Council in 2009, Vietnam accepted four recommendations calling on it to ensure the people's full enjoyment of freedom of expression, in compliance with Article 19 of the ICCPR.²⁵ In its second UPR in 2014, Vietnam accepted 31 recommendations calling for the respect and protection of freedom of expression and an enabling environment for civil society (see Annex II).²⁶

In its voluntary commitments made during its campaign for a seat on the UN Human Rights Council in 2013, Vietnam cited the rapid development of information technology and the Internet as an achievement. It committed to implement accepted recommendations from the 2009 UPR.²⁷ At the adoption of Vietnam's 2014 UPR outcome report, the country's delegation again expressed commitment to implement the accepted recommendations.²⁸

21 UN Human Rights Committee, General Comment 34, UN Document CCPR/C/GC/34, 21 July 2011, <http://bangkok.ohchr.org/programme/documents/general-comment-34.aspx>.

22 Ibid.

23 UN General Assembly, Resolution on "The promotion, protection and enjoyment of human rights on the Internet," UN Document A/HRC/20/L.13, 29 June 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.L.13_en.doc.

24 UN Committee on Economic, Social and Cultural Rights, "Concluding observations on the second to fourth periodic reports of Viet Nam," UN Document E/C.12/VNM/CO/2-4, 15 December 2014.

25 UN Human Rights Council, "Addendum to the Report of the Working Group on the Universal Periodic Review of Viet Nam: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," UN Document A/HRC/12/11/Add.1, 16 September 2009.

26 UN Human Rights Council, "Addendum to the Report of the Working Group on the Universal Periodic Review of Viet Nam: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," UN Document A/HRC/26/6/Add.1, 20 June 2014.

27 UN General Assembly, "Viet Nam's candidacy to the United Nations Human Rights Council for the term 2014-2016: voluntary pledges under resolution 60/251," 28 August 2013, pg 5.

28 Opening remarks by H.E. Thanh T. Nguyen, Ambassador, Permanent Representative, Head of the Delegation of Viet Nam to the Adoption Session of the UPR Working Group Report on Viet Nam, 26th Session of the Human Rights Council, 20 June 2014, http://www.upr-info.org/sites/default/files/document/viet_nam/session_18_-_january_2014/vietnam_oralstatement_adoption_2014.pdf.

State Regulations of Internet Activities

A number of laws, decrees and decisions since 2004 impose broad restrictions on freedom of expression, including online expression, and grant state agencies sweeping and discretionary power to monitor, investigate and prosecute online expression. Taken together, the deployment of this arsenal of measures can have a chilling effect on human rights defenders, bloggers and other Internet activists.

The 2004 Law on National Security (Law No. 32/2004/QH11²⁹) empowers state agencies responsible for protecting national security to “examine communication equipment or computers and computer networks and materials of individuals and organisations if there is any reasonable suspicion of a breach of national security.”³⁰ The law does not spell out any requirements for judicial review or approval for such examination.

In August 2008, the Ministry of Information and Communication (MIC) issued **Decree No. 97/2008**³¹, which prohibits “abuses” of the Internet for purposes including “opposing the State,” “undermining national security and social order and safety,” and “destroying national fine customs and traditions.” In December of the same year, the MIC issued Circular No. 7 to guide the implementation of the decree, which details prohibited acts. For example, it prohibits bloggers from providing links to information deemed as “opposing the state” or “spreading information that distorts, slanders and hurts the prestige of organisations”. It also imposes obligations on Internet service providers to hand over user data to the government on request, as well as to block and remove content deemed unlawful or in violation of Decree No. 97.

In April 2010, the Hanoi People’s Committee issued **Decision No. 15/2010**, ordering thousands of Internet cafes and other Internet access providers in the capital city to install a government-supplied software on computers that many believed would enable the authorities to track user activities and block access to webpages.³² The Decision is aimed at implementing Decree No. 97 and other regulations and empowers local authorities to inspect Internet cafes.

In February 2011, a new media decree (**Decree No. 2**) went into effect. The new decree empowers various state agencies to impose fines on journalists for violating vaguely defined provisions. Fines could also be imposed if journalists fail to reveal their sources.³³

On 12 September 2012, Prime Minister Nguyen Tan Dung issued **Administrative Order No. 7169/VPCP-NC** and threatened “sanctions” against three leading blogs:

- Danlambao (Citizens’ Journalism)
- Quanlambao (Officials Doing Journalism)
- Biendong (East Sea)

These blogs carry news and analyses on human rights and democracy, official corruption, and foreign policy issues. In a defiant public response on its blog, Danlambao vowed that they would not be silenced by such threats and said that their blogs received 500,000 page views the day after the decree was announced.³⁴ Although it appears that the government did not follow through with its threat against these three sites, authorities have continued to harass and persecute bloggers, as evidenced by the detention and criminal prosecution of activists explained below.

In April 2012, the MIC announced the drafting of a new decree on the “Management, Provision, and Use of Internet Services and Information on the Network” to replace Decree No. 97/2008. **Decree No. 72** was signed by Prime Minister Nguyen Tan Dung in July 2013 and went into effect on 1 September 2013.³⁵ The new decree is vaguely worded and grants unchecked power to MIC, the Ministry of Public Security, and other state agencies. The decree holds that social media, including blogs, can only be used to “provide or exchange private information” and effectively bans users from posting news articles and links to these articles.

Article 5 of Decree No. 72 prohibits online activities on broadly worded and ill-defined grounds, including:

- Opposing the Socialist Republic of Vietnam; threatening national security, social order and safety; and sabotaging national fraternity
- Contradicting national tradition
- Revealing state secrets, military, economic, diplomacy secrets, and other secrets defined by the State
- Providing false information

The Decree also imposes legal liability on intermediaries for failing to regulate comments made by third-party users. It requires news websites operators or managers to establish at least one server inside the country for “inspection, storage and provision of information at the

29 See English translation of full text of the law provided by the Ministry of Justice: http://www.moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?itemID=7310.

30 Business Software Alliance, Vietnam country profile in the 2013 BSA Global Cloud Computing Scorecard, <http://cloudscorecard.bsa.org/2013/countries.html>.

31 Ministry of Information and Communication of Vietnam, Decree No. 97/2008/ND-CP on the Management, Provision and Use of Internet Services and Electronic Information on the Internet, 28 August 2008.

32 Reporters Without Borders, Vietnam chapter in *Enemies of the Net – Special Edition: Surveillance*, 2012, <http://surveillance.rsf.org/en/vietnam/#ftnt14>.

33 Human Rights Watch, “Vietnam: New Decree Punishes Press,” 23 February 2011, www.hrw.org/news/2011/02/23/vietnam-new-decree-punishes-press.

34 Danlambao Editorial Team, “We will not be silenced,” September 2012, <https://www.cpj.org/blog/2012/09/danlambao-we-will-not-be-silenced.php>.

35 See English translation of the full text of Decree No. 72/2013 at http://www.itpc.gov.vn/investors/how_to_invest/law/Decree_No.72_2013/mldocument_view/?set_language=en.

request of competent authorities” (article 24.2). Article 22 requires foreign companies to comply with the decree, but its vague language provides no clarity as to the precise nature of foreign companies’ liabilities or Vietnam’s options in cross-border law enforcement. The decree triggered an avalanche of criticisms from human rights groups at home and abroad, ICT companies³⁶, as well as world governments.³⁷

In August 2014, the government issued **Circular No. 09**, which guides the implementation of Decree No. 72. The circular requires news websites and social networks to put in place mechanisms to remove content deemed in violation of the decree within three hours of self-discovery or upon request by a competent government agency.³⁸ Neither the decree nor its implementation circular provides for independent oversight, judicial or otherwise, over the powers granted to government ministries. It appears state agencies do not need a court order to request user data and content removal or to conduct inspection.

Introduced in November 2013 and effective since January 2014, **Decree 174** imposes administrative fines of 100 million Vietnamese Dong (or around 40,000 Swedish Kronas) on authors of criticisms of or propaganda against the government and the Party on social media.

There is a need to closely monitor, document and report on how the authorities are implementing these recent decrees and the impact on the rights to freedom of expression and access to information. The compliance of these decrees with Article 19 of the ICCPR and other international human rights standards will be subject to intense scrutiny when Vietnam presents its third periodic report to the UN Human Rights Committee, which has been over-due since August 2004.

The Penal Code

Several national security or public order crimes as defined in the Penal Code are frequently invoked to charge, prosecute and convict bloggers, human rights defenders, and other activists. These articles are vaguely worded and impose harsh prison terms as penalties.

Article 79 criminalises persons who carry out “activities aimed at overthrowing the people’s administration” and those convicted under this article face between 5 and 20 years of imprisonment, life imprisonment or even

the death penalty. According to documentation by local human rights groups, at least 40 persons were sentenced or serving jail terms in 2014 after being convicted under Article 79.³⁹

Bloggers and activists sentenced to prison terms under Article 79 include human rights lawyer Mr **Le Cong Dinh** (5 years); Catholic bloggers Mr **Paulus Le Van Son** (4 years), Mr **Nguyen Van Duyet** (3.5 years), and **Ngo Hao** (15 years); pro-democracy activist and former soldier Mr **Tran Anh Kim** (5.5 years); religious environmental activist Mr **Phan Van Thu** (life imprisonment); and pro-democracy entrepreneur and blogger Mr **Tran Huynh Duy Thuc** (16 years).

In January 2010, the Ho Chi Minh City People’s Court, at the end of a one-day trial, sentenced Tran Huynh Duy Thuc to 16 years’ imprisonment followed by five years of house arrest. Thuc was once a successful businessman who founded and led an ICT company that provided Internet and telecommunications services in Vietnam. He managed several blogs on which he posted his analyses and writings on economic and social issues.⁴⁰ Thuc refused to admit guilt.

Thuc’s case is particularly powerful because entrepreneurs-turned-activists are rare in Vietnam. In Vietnam, entrepreneurs can ensure their success and benefit from economic growth if they do not challenge the government or vested interests among the political elites. Diversification of civil society to include other sectors of society that are normally not activist may be perceived as a particular threat to the authorities, something that appears to be reflected in the harsh sentence.

Article 88 criminalises persons who conduct “propaganda against the Socialist Republic of Vietnam” and those convicted under this article face between 3 to 20 years of imprisonment. In 2014, at least 19 activists were sentenced or serving jail terms under this article.⁴¹ Prominent bloggers sentenced to prison terms under this article include environmentalist Mr **Dinh Dang Dinh** (6 years), Catholic activist Ms **Ta Phong Tan** (10 years), blogger Mr **Nguyen Van Hai, aka Dieu Cay** (12 years), blogger Mr **Pham Thanh Hai** (3 years), and blogger and land rights activist Ms **Ho Thi Bich Khuong** (5 years). Dieu Cay was released from prison and hurriedly forced into exile in October 2014.⁴² Dinh Dang Dinh’s health deteriorated in prison and he died of cancer in April two weeks after he was ‘amnestied’ by the Vietnamese president.

36 Asian Internet Coalition (AIC), Statement on Vietnam’s Internet Services Mgt Decree No. 72, 5 August 2013, www.asiainternetcoalition.org/aic-statement-on-vietnams-internet-services-mgt-decree-no-72/.

37 Freedom Online Coalition Joint Statement on the Socialist Republic of Vietnam’s Decree 72, 26 August 2013, www.state.gov/r/pa/prs/ps/2013/08/213505.htm.

38 Ministry of Information and Communications, Circular No. 09/2014/TT-BTTTT on the management, provision and use of information on websites and social networks, issued on 19 August 2014 and effective since 3 October 2014, [english.mic.gov.vn/vbqpp/Lists/Vn bn QPPL/DispForm.aspx?ID=6407](http://english.mic.gov.vn/vbqpp/Lists/Vn%20bn%20QPPL/DispForm.aspx?ID=6407).

39 Former Vietnamese Prisoners of Conscience et al, “Vietnam: Member of the UN Human Rights Council and Human Rights Violations 2014, 31 January 2015, <http://fvpsc.org/2015/01/31/24-vietnamese-csos-report-on-human-rights-violation-2014-in-vietnam/>.

40 The 88 Project, Profile of Tran Huynh Duy Thuc, 28 September 2014, <http://the88project.com/2014/09/28/profile-of-tran-huynh-duy-thuc/>.

41 Former Vietnamese Prisoners of Conscience et al.

42 Civil Rights Defenders, “Prominent Vietnamese blogger freed but forced into exile,” 26 October 2014, www.civilrightsdefenders.org/news/prominent-vietnamese-blogger-freed-but-forced-into-exile/.

Article 245 criminalises persons who cause “public disorder” and those convicted under this article face a fine of between one million dong and ten million dong, non-custodial reform for up to two years or between three months and two years of imprisonment. If the circumstances of the crime are deemed “more serious,” the penalty is between two and seven years of imprisonment. In 2014, at least 18 activists were sentenced or serving jail terms under this article,⁴³ including activist Ms **Bui Thi Minh Hang**, who was sentenced in December 2014 to 3 years’ imprisonment along with fellow protesters Mr **Nguyen Van Minh** and Ms **Nguyen Thi Thuy Quynh**.⁴⁴

Despite constant harassment of her and her family and a six-month arbitrary detention in a ‘re-education camp’ in 2012, Bui Thi Minh Hang has shown extraordinary bravery and fearlessness in her online writings and offline activism. Hang has advocated against land grabs, arbitrary detention of human rights defenders, and violations of the right to peaceful assembly. She is one of a growing number of women human rights defenders who are increasingly vocal and visible in Vietnam’s burgeoning civil society. An online tribute to Hang’s bravery summed up the respect many had for her:

“Fighting from a virtual blog all the way to the streets is the typical Bui Thi Minh Hang. Fighting not only with a pen but also by protest, marching forward, standing up straight with her head held high is Bui Thi Minh Hang.”⁴⁵

Article 258 criminalises persons who “abuse democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organisations and/or citizens,” such as freedom of expression and freedom of association. Those convicted under this article face a prison term up to seven years.⁴⁶ In 2010–2014, 23 activists were charged, sentenced or serving jail terms under this article,⁴⁷ including blogger Mr Dinh Nhat Uy (15 months’ suspended sentence), Hoa Hao Buddhist activist Mr Nguyen Van Lia (5 years), blogger Mr Truong Duy Nhat (2 years), blogger Mr Pham Viet Dao (15 months), and blogger Mr Nguyen Huu Vinh, aka Anh Ba Sam (pre-trial detention).

In June 2013, three months before the campaign against Article 258, police arrested three bloggers under the article, including Dinh Nhat Uy.⁴⁸ Dinh Nhat Uy was arrested for posting statements on Facebook appealing for the release of his imprisoned brother, as well as writings critical of the government. Uy was convicted in October the same year and sentenced to a 15-month suspended prison term, effectively releasing him from detention into house arrest.

Other vaguely worded provisions under the Penal Code used to criminalise peaceful actions include Article 87 (undermining the unity policy), Article 91 (fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration), and Article 257 (resisting persons in the performance of their official duties).

Other Measures Against Online Activism

Revelations since 2009 have pointed to Vietnam’s increasing technological sophistication in surveillance, censorship, and cyberattack techniques against online activists both inside and outside of Vietnam.

In 2010, Google and McAfee’s investigations uncovered the use of malicious software affecting tens of thousands of Vietnamese users as well as human rights-related or dissident blogs and websites.⁴⁹ Blogs and websites deemed intolerable have often been blocked, subjected to Distributed Denial of Service (DDoS) attacks, or infected with malicious spyware. Blogger Truong Duy Nhat’s blog was taken offline shortly after his arrest in 2013 but was soon reactivated as an apparent trap, where those who visited the blog experienced attempts to download a malware onto the viewers’ computers.⁵⁰

In 2013, Vietnamese officials admitted to having created a team of ‘rapid response journalists’ to promote the government’s positions. These government cyber-troops and other pro-government ‘public opinion shapers’ (known as *du luan vien* in Vietnamese) monitor the Internet and blogosphere for online dissent, attack and intimidate prominent Internet activists, and produce articles and opinion pieces supporting the government.⁵¹ Bloggers have alleged that police often collude with the *du luan vien* to launch smear campaigns against bloggers and other activists, including the use of private

43 Former Vietnamese Prisoners of Conscience et al.

44 Civil Rights Defenders et al, “Appeal Trial of Vietnamese Activists: Bui Thi Minh Hang & Others,” 11 December 2014, www.civilrightsdefenders.org/news/joint-statement-urging-the-vietnamese-authorities-to-respect-its-human-rights-obligations/.

45 Vu Dong Ha (translated by Dang Thanh Chi), “Bui Thi Minh Hang,” August 2012, http://danlambaovn.blogspot.com/2014/08/bui-thi-minh-hang_26.html.

46 See English translation of the full text of the Penal Code at: http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=610.

47 Former Vietnamese Prisoners of Conscience et al.

48 Civil Rights Defenders, “Prosecution of peaceful bloggers and other civil society activists must end,” 8 November 2013, <http://www.civilrightsdefenders.org/news/statements/prosecution-of-peaceful-bloggers-and-other-civil-society-activists-must-end/>

49 British Broadcasting Corporation, “Google says Vietnam mine opponents under cyber attack,” 31 March 2010, news.bbc.co.uk/2/hi/asia-pacific/8596846.stm.

50 Ars Technica, “Vietnamese blogger arrested, blog becomes booby-trapped with malware,” 30 May 2013, arstechnica.com/tech-policy/2013/05/vietnamese-blogger-arrested-blog-becomes-booby-trapped-with-malware/.

51 Asia Sentinel, Media Censorship in Vietnam, 24 July 2014, www.asiasentinel.com/society/media-censorship-vietnam/.

information obtained from electronic devices confiscated from activists.

These cybertroops also exploit social networking sites' 'abuse reporting' functions to target prominent bloggers and activists. Some activists' Facebook accounts or pages were shutdown after alleged cybertroops hit the 'Report Abuse' buttons in large numbers.⁵² The same tactics have spread to other increasingly popular platforms such as Twitter and Tumblr.

These tactics speak to the government's own realisation that blocking or removing content alone is no longer sufficient. In January 2015, state media reported that Vietnamese Prime Minister Nguyen Tan Dung told senior officials at a meeting that it is "impossible" to ban social media sites like Facebook and instead urged officials to take to social media to propagate government messages.⁵³

These examples are the tip of the iceberg of Vietnam's attempts to control the online space. However, the spread of ICT technology, digital security trainings, and secure communications tools have also kept pace with the authorities' increasing technological sophistication, enabling bloggers and activists to continue their online activism.

Assaults, Harassment and Restrictions

In the last two years, in addition to criminal prosecution, bloggers and activists face physical attacks, harassment at their residence and workplace, and restrictions on their freedom of movement.

In 2014 alone, local activists have documented at least 31 instances of physical assaults against bloggers and activists, many resulting in serious injuries. Reports about these brazen acts identify state security agents, plainclothes agents and unidentified thugs as the perpetrators.⁵⁴ In some instances, the victims reported the attacks to the police but to date there are few indications that any credible and impartial investigations have been conducted.

In particular, women activists and their family members face harassment and threats. The Vietnamese Women for Human Rights (VNWHR), a local civil society group, documented at least 42 incidents of such harassment, attacks and threats in 2014.⁵⁵ These incidents included disruption of a family member's funeral; arrests, deten-

tion, and criminal prosecution; physical attacks; illegal raids and searches of private residences, as well as seizure of personal belongings; travel bans; police inaction against attacks by unidentified persons; and summonses for police interrogation.

Activists also report harassment of and pressure on their employers or landlords, which often result in the termination of employment and rental contracts. This has led to economic pressure on bloggers and activists.

Another type of harassment is restrictions on freedom of movement. Article 23 of the 2013 Constitution guarantees the right to move freely within, to exit, and to return to the country. In reality, freedom of movement is not protected for everyone.

Increasing Internet penetration has made it easier for civil society actors in Vietnam to deepen and widen their interactions with the international community, including other human rights groups and experts. This inter-connectivity has led to more opportunities for local bloggers and activists to go abroad for trainings, study visits, and other events. These interactions are also essential to mitigating the sense of isolation felt by activists in Vietnam and helping international actors to gain a deeper understanding of the local situation, which in turns helps to inform their human rights advocacy towards Vietnam.

In response to this growing exchange, the authorities have imposed restrictions on activists' freedom of movement and intimidated those who attempt to go overseas or have returned from activities abroad. Without prior warnings, activists have had their passport confiscated at the airport just before their flight. Others report unusual delay in the renewal of their passports or the issuance of a new one.⁵⁶ The authorities do not furnish any written official documents with legal justifications for these restrictions, which seriously interrupt activists' legitimate activities and result in considerable financial loss.

Ms Nguyen Hoang Vi (aka An Do Nguyen), a blogger, has suffered several incidences of harassment and beatings. On 9 December 2014, a day before International Human Rights Day, a group of people stopped her in the street near her home in southern Vietnam, pulling her by the hair and punching her. Security forces nearby reportedly did not intervene. Vi was also beaten along with other activists in Ho Chi Minh City in December 2013 for planning activities celebrating International Human Rights Day.⁵⁷ In late 2013, she also had her passport

52 The Verge, "Facebook's Report Abuse button has become a tool of global oppression," 2 September 2014, www.theverge.com/2014/9/2/6083647/facebook-s-report-abuse-button-has-become-a-tool-of-global-oppression.

53 Agence France-Presse, "Vietnam PM Nguyen Tan says impossible to ban social media: Report," 19 January 2015, http://economictimes.indiatimes.com/articleshow/45909523.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

54 Former Vietnamese Prisoners of Conscience et al.

55 Vietnamese Women for Human Rights, "Report on Human Rights Violations against Women in Vietnam in 2014, Vietnamese Women for Human Rights," 4 January 2015, vnwhr.net/2015/01/05/vietnamese-women-for-human-rights-report-on-human-rights-violations-against-women-in-vietnam-in-2014/.

56 Network of Vietnamese Bloggers, "Bloggers Prohibited to Exit the Country, Passports Seized," December 2013, danlambaovn.blogspot.com/2013/12/bloggers-prohibited-to-exit-country.html.

57 Radio Free Asia, "Vietnamese Blogger Harassed, Beaten by Plainclothes Police," 10 December 2014, www.rfa.org/english/news/vietnam/harassed-12102014165915.html.

confiscated at the airport when she attempted to travel abroad. In December 2012, the police detained Vi as she attempted to attend the appeal hearing in the case against three fellow bloggers. While in police custody, she was stripped, restrained and subjected to a vaginal cavity search. Far from being intimidated, Vi posted on a blog a defiant first-person account of the incident and wrote that at the end of her ordeal, she told the police:

“I want to let you know that while it is true that violence and your vile acts may cause people to surrender before you, but that only works for the weak. With people like me those acts only strengthen my spirit and my determination. You should convey my words to those who ordered you to carry out these vile acts. And don’t forget to add that your skills are poor and inferior to a woman like me that you had to rely on those dirty tricks.”⁵⁸

V. Conclusions and Recommendations

When it ran for a seat on the UN Human Rights Council in 2013, Vietnam stated in its candidacy document that:

“The mechanisms for the promotion and protection of human rights in Viet Nam are developed in accordance with the principle of a rule-of-law State of the people, by the people and for the people under the motto “people know, people discuss, people do, people check”.⁵⁹

Bloggers, human rights defenders and other activists contribute to the development of a people-centered society where everyone, without discrimination, can freely debate ideas, express opinions, press for official transparency and accountability, and participate in public life. Vietnam’s long-term stability and prosperity depends on the nurturing of such a society.

However, Vietnam’s restrictions and criminalisation, in law and in practice, of bloggers and other activists for peacefully exercising their fundamental freedoms and human rights not only are in breach of its obligations as a State party to nine human rights treaties (see Annex I), but also of its commitment to a society of the people, by the people and for the people.

As a State party to the ICCPR, Vietnam has clear obligations to respect and protect fundamental freedoms and human rights, including the right to freedom of opinion, expression and information both online and offline.

While the right to freedom of expression is not absolute, restrictions on this right are only permissible to the extent that they are compatible with the strict conditions expressly prescribed by Article 19(3) of the ICCPR and in the UN Human Rights Committee’s General Comment No. 34 (2011). The Covenant places high value on the right to

freedom of expression and any permissible restrictions must be seen as an exception rather than the rule.

Vietnam’s broadly worded and vague laws, decrees and policies restrict freedom of expression and are used to criminalise those who exercise this right peacefully. The authorities have failed to demonstrate the precise nature of the threat purportedly caused by the activities or writings of the bloggers and activists. Neither have the authorities demonstrated the necessity and proportionality of the prosecution and punishment meted out. The repressive laws in the Penal Code clearly do not meet the strict thresholds prescribed in Article 19(3) of the ICCPR and General Comment No. 34.

Therefore, Civil Rights Defenders makes the following recommendations to the Government and other stakeholders in a respectful and constructive manner, with a view to support human rights defenders within civil society, such as bloggers engaging in human rights activism.

Civil Rights Defenders calls on the Government of Vietnam to:

1. Release immediately and unconditionally all bloggers, journalists, human rights defenders and other persons detained, under house arrest, or imprisoned solely for the peaceful exercise of their freedom of expression, assembly and association;
2. Amend or repeal decrees and provisions under domestic law that are inconsistent with the ICCPR and other international human rights instruments ratified by Vietnam, including Decree 72 and Articles 79, 87, 88, 257, and 258 of the Penal Code;
3. Cease and desist from all forms of surveillance, harassment, detention, cyber-attacks, restrictions of freedom of movement, and intimidation of bloggers

58 Nguyen Hoang Vi, “What happened on the day of the Appeal Hearing for the members of The Free Journalist Network,” January 2013, danlambaovn.blogspot.com/2013/01/what-happened-on-day-of-appeal-hearing.html#.UOpXQolessE.

59 UN Human Rights Council, “Addendum to the Report of the Working Group on the Universal Periodic Review of Viet Nam: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” UN Document A/HRC/12/11/Add.1, 16 September 2009.

and other civil society activists, and conduct prompt, independent, impartial and effective investigations into abuses against them to identify perpetrators and hold them accountable;

4. Conduct broad-based consultations with and incorporate input from independent civil society actors and bloggers in the formulation of its third periodic report to the UN Human Rights Committee, describe in the report the implementation of legislations, decrees and policies that affect freedom of expression, and explain steps taken or planned to align them with the ICCPR and other international human rights standards; and
5. Invite and facilitate visits to the country by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on the situation of human rights defenders, solicit their technical advice in amending or formulating legislations or policies that impact on freedom of expression, and implement the rapporteurs' recommendations in good faith.

Civil Rights Defenders calls on key countries, including Members of the Freedom Online Coalition, the EU and its Member States, ASEAN and its Member States, Australia, Canada, Japan, New Zealand, Norway, Switzerland and the US to:

1. Continue to call on Vietnam to immediately release all bloggers, journalists, human rights defenders and other persons detained or imprisoned solely for the peaceful exercise of their freedom of expression, assembly and association, and end all forms of harassment and intimidation against them;
2. Provide effective and timely support and protection to, and publicly recognise the work of bloggers, human rights defenders, journalists, and other activists. In particular, the European Union, its Member States and their diplomatic missions in Vietnam should proactively implement its guidelines on human rights defenders;
3. Publicly and privately call on Vietnam to amend or repeal all laws, policies and decrees that are inconsistent with international human rights law and that criminalise or restrict peaceful expression and human rights activities, including Decree 72 and Articles 79, 87, 88, 257, and 258 of the Penal Code;
4. Mainstream human rights into and across all sectors of bilateral relations with Vietnam, to ensure any trade and investment agreements under negotiation or already adopted do not undermine fundamental human rights, and put in place robust monitoring mechanisms and safeguards to redress any human rights violations arising from such agreements;
5. Consistently monitor, report on and press for Vietnam's good-faith implementation of accepted UPR

recommendations and recommendations issued by UN treaty bodies, special rapporteurs, and civil society concerning fundamental human rights, including freedom of expression, assembly and association; Internet freedom; and civil society development; and

6. Monitor and take effective actions to prevent, mitigate and redress any violations of the right to freedom of expression and privacy in which companies from their countries are found to be complicit.

Civil Rights Defenders calls on information and communication technology companies, both foreign and domestic, to:

1. Comply with the UN Guiding Principles on Business and Human Rights, the Global Network Initiative Principles on Freedom of Expression and Privacy, and other progressive international freedom of expression and privacy standards with a view to respect human rights in their operations
2. Proactively raise concerns with the government concerning the formulation or implementation of any legislations, policies or administrative or technological measures that are inconsistent with international human rights law and standards
3. Conduct broad-based and regular consultations with civil society, including non-authorized groups, on the development, implementation and refinement of company strategies concerning the protection of freedom of expression and privacy; and
4. Be transparent and periodically publish statistics of government requests for content removal or user data and the companies' responses to these requests.

Civil Rights Defenders calls on the ASEAN Intergovernmental Commission on Human Rights (AICHR) to:

1. Exercise its power under article 4.10 of its Terms of Reference to seek and review information from Vietnam concerning its compliance with Article 19 of the ICCPR and the status of its implementation of related recommendations emanating from civil society, the UPR, UN treaty bodies, and UN special rapporteurs, and publish any information received
2. Call on Vietnam to immediately release all bloggers, journalists, human rights defenders and other persons detained, under house arrest, or imprisoned solely for the peaceful exercise of their freedom of expression, assembly and association, and end all forms of harassment and intimidation against them; and
3. Encourage Vietnam to amend or repeal all laws, policies and decrees that are inconsistent with international human rights law and that criminalise or restrict peaceful expression and human rights activities, including Decree 72 and Articles 79, 87, 88, 257, and 258 of the Penal Code.

Annex I: International Human Rights Instruments Ratified by Vietnam

No	Treaty	Date of Signature	Date of Ratification/Accession
1	Convention on the Elimination of All Forms of Discrimination against Women	29 July 1980	17 February 1982
2	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)		9 June 1982 (a)
3	International Covenant on Civil and Political Rights (ICCPR)		24 September 1982 (a)
4	International Covenant on Economic, Social and Cultural Rights (ICESCR)		24 September 1982 (a)
5	Convention on the Rights of the Child (CRC)	26 January 1990	28 February 1990
6	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)	8 September 2000	20 December 2001
7	Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC)	8 September 2000	20 December 2001
8	Convention on the Rights of Persons with Disabilities (CRC)	22 October 2007	5 February 2015
9	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)*	7 November 2013	5 February 2015

* Vietnam has not accepted the inquiry procedure under article 20 of CAT.

For the latest status of Vietnam's treaty reporting status, please see: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=VNM&Lang=EN.

Annex II: Relevant Universal Periodic Review (UPR) recommendations supported by Vietnam

No	Recommendations	Recommending States
From the first UPR in 2009		
1	44. Take the necessary steps to ensure that citizens can fully enjoy the rights to freedom of expression and freedom of religion	Argentina
2	45. Fully guarantee the right to receive, seek and impart information and ideas in compliance with article 19 of ICCPR	Italy
3	46. Introduce and seek prompt passage of access-to-information legislation	Canada
4	47. Take steps to ensure that full respect for the freedom of expression, including on the Internet, is implemented in current preparations for media law reform	Sweden
5	52. Strengthen efforts in the areas of civil and political freedoms, including freedom of expression and the press and freedom of religion	Republic of Korea
From the second UPR in 2014		
1	143.4. Ensure that any law governing the Internet is in compliance with the international human rights obligations of Viet Nam as a State party to ICCPR	Belgium
2	143.74. Respond positively to the requests of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for a visit	Mexico
3	143.144. Further implement measures aimed at promoting freedom of expression and association and freedom of the media in line with the most advanced international standards	Italy
4	143.145. Take all necessary action to respect and promote the right to freedom of expression, peaceful assembly and association in line with its international human rights obligations	Lithuania
5	143.146. Actively promote steps to guarantee freedom of expression, as well as the freedom and independence of the press, including on the Internet	Japan
6	143.147. Ensure that Viet Nam complies with its international obligations regarding freedom of expression, religion and assembly	Belgium
7	143.148. Allow bloggers, journalists, other internet users and non-governmental organizations (NGOs) to promote and protect human rights specifically by ensuring that laws concerning the Internet comply with the freedom of expression and information	Netherlands

8	143.149. Protect and guarantee respect for freedom of information and expression, particularly for journalists, bloggers and human rights defenders, and undertake a review of legislation governing the press to ensure its compliance with international standards	Luxembourg
9	143.150. Take steps to amend its Penal Code to ensure that it cannot be applied in an arbitrary manner to prevent freedom of expression	Finland
10	143.153. Protect freedom of expression both offline and online by bringing legislation such as Decrees 2 and 72 into compliance with international human rights law	New Zealand
11	143.154. Revise “Decree 72” and “Decree 174” relating to the management, provision and use of the Internet, to ensure their consistency with international human rights obligations, and in particular with Articles 19, 21 and 22 of ICCPR	Ireland
12	143.155. Ensure that Decree 72, concerning the management, provision and use of Internet services and information online, is implemented in a manner that does not limit individuals’ rights to voice their opinions online	Finland
13	143.156. Give space to non-state media, and that (sic) make Criminal Code Articles 79, 88 and 258 more specific and consistent with international human rights obligations on freedom of expression	Australia
14	143.157. Amend the provisions concerning offences against national security which could restrict freedom of expression, including on the Internet, particularly articles 79, 88 and 258 of the Penal Code, to ensure its compliance with Viet Nam’s international obligations, including ICCPR	Canada
15	143.158. Take the necessary measures to protect freedom of expression and press freedom, including through the Internet	Brazil
16	143.159. Undertake measures enabling unrestricted access and use of the Internet to all citizens and undertake measures to guarantee the freedom of opinion and expression to everyone, as well as the freedom of press and media in the country	Estonia
17	143.161. Guarantee the right to freedom of expression both offline and online, and bring Decree 72 into line with international human rights obligations	Austria
18	143.162. Give individuals, groups and organs of society the legitimacy and recognition to promote human rights and express their opinions or dissent publicly	Norway
19	143.163. Ensure that its legal framework allows for free and independent operation of national and international media in accordance with its international human rights obligations under ICCPR	Norway
20	143.164. In line with its previous commitments, take all measures to ensure that freedom of expression, including on the Internet, is fully guaranteed in law and practice by bringing its legislation in line with the obligations of Viet Nam under ICCPR	Hungary
21	143.165. Create conditions favourable to the realization of freedom of expression, both online and offline, freedom of association, and freedom of religion and belief	Poland
22	143.166. Ensure that freedom of expression is protected both offline and online and amend or remove vague provisions in the penal code, as well as new legislation to make sure that limitations on freedom of expression are strictly in line with ICCPR	Sweden
23	143.167. Ensure a favourable environment for the activities of human rights defenders, journalists and other civil society actors	Tunisia
24	143.168. Implement in a more effective manner the recommendations guaranteeing the right to freedom of expression	Chile
25	143.169. Encourage strengthening of NGOs by promoting a legal, administrative and fiscal framework in which such institutions can be created and developed and perform their activities without any obstacles and with freedom of expression	Spain
26	143.170. Maintain the momentum of development of the mass media, including the Internet, so as to protect freedom of expression	Pakistan
27	143.171. Fulfil its obligation under ICCPR and fully guarantee the freedom of assembly and freedom of expression on the Internet as well as offline to all its citizens	Germany
28	143.172. Take measures to ensure freedom of association, peaceful assembly and demonstration	France
29	143.173. Facilitate the development of a safe and enabling environment for all civil society actors to freely associate and express their views by ensuring that national legislative provisions are not invoked to stifle legitimate and peaceful dissent	Ireland
30	143.174. Take concrete steps to create a friendly environment for NGOs, including by easing their registration requirements	Czech Republic
31	143.175. Enact laws to provide for and regulate freedom of assembly and peaceful demonstration in line with ICCPR	Australia

* The number preceding each recommendation refers to the paragraph number in the original reports of the Working Group on the Universal Periodic Review of Viet Nam: A/HRC/26/6 (2014) and A/HRC/12/11 (2009).



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