

My name is Vi Tran, and I am the executive director of Legal Initiatives for Vietnam. This statement is addressing:

**Vietnam's Internet Freedom:**

In Vietnam, the internet, a platform for free expression and information exchange, faces significant restrictions under the guise of national security and social order. The internet in Vietnam is the only civic space we may use to exercise our rights.

Vietnam, trying to criminalize citizens' internet use by applying its Penal Code, particularly Articles 109, 117, and 331, starkly illustrates the government's approach to criminalizing online dissent. These penal codes impose severe penalties on political activism and criticism of the government and cast a wide net over what constitutes opposition, imprisoning over 160 individuals, primarily journalists and activists. This aggressive stance places Vietnam near the bottom of the World Press Freedom Index, overshadowed only by nations notorious for their suppression of free speech, like North Korea and China.

The 2018 Cybersecurity Law, particularly Articles 16 and 26, further exacerbates the situation, which empowers the government with broad censorship capabilities. The law's vague criteria for content removal and its swift enforcement mechanism have led to significant takedowns of online content, affecting thousands of posts and videos across major platforms like Facebook, Google, and TikTok and blocking entire websites.

Moreover, under this legal framework, the government's surveillance and privacy invasion capacity is alarming. Practices such as data localization and retention, restrictions on anonymity, and warrantless access to user data infringe on the right to privacy and undermine the principles of freedom of expression. Without sufficient oversight and judicial safeguards, these

measures highlight a systemic effort to control the digital narrative and monitor dissenting voices.

This internet freedom landscape in Vietnam raises profound concerns regarding the compatibility of such restrictive measures with international human rights standards, particularly those outlined in the ICCPR. The necessity for a legitimate aim, the proportionality of restrictions, and the importance of judicial oversight are principles often sidelined in the Vietnamese context. The suppression of online content, criminalization of dissent, and pervasive surveillance practices underscore a critical need for reform, dialogue, and international scrutiny to safeguard the fundamental freedoms enshrined in global human rights instruments.

**Recommendations:**

1. Actively enforce its current treaties, particularly trade agreements such as the EVFTA, to guarantee a free and open internet within Vietnam, along with the availability of cross-border services to ensure that internet access and services in Vietnam align with international standards and agreements.
2. Amend current legislation to ensure consistency with freedom of expression and right to privacy. Specifically, we recommend the abolishment or revision of the following laws:
  - Vietnam Penal Code (2015) - the removal of Articles 109, 117 and 331
  - Cybersecurity Law (2018), especially Article 16 and 26

Thank you.