

## Proposed UPR Recommendations for Vietnam, prepared by the University of California, Irvine International Justice Clinic, Open Net Association, and Legal Initiative for Vietnam

THEME	[#] RECOMMENDATION
A41 Constitutional and legislative framework D43 Freedom of opinion and expression	[1] Abolish Penal Code Article 331 which criminalizes “abuse of freedom of speech”, because it is too vague in clear violation of the legality requirement of Article 19 of the International Covenant on Civil and Political Rights.
D43 Freedom of opinion and expression D45 Freedom of association H1 Human rights defenders	[2] Allow non-governmental organizations (NGOs) to operate in Viet Nam and online toward the goal of promoting human rights, and adopt measures in line with international standards to ensure the safe and free operation of NGOs and human rights defenders.
D42 Freedom of thought, conscience, and religion D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association H1 Human rights defenders	[3] Release from detention and ensure the safety of journalists, peaceful political or religious dissenters or activists, and human rights defenders from criminal prosecution based on the free expression of their views, opinions, or political or religious beliefs and related association.
A41 Constitutional and legislative framework D43 Freedom of opinion and expression D46 Right to private life, privacy	[4] Enact procedural safeguards against excessive governmental monitoring of private mail and communication and the unfettered government access to internet user data by requiring warrants issued by independent public officers for such monitoring or access.
A41 Constitutional and legislative framework D43 Freedom of opinion and expression	[5] Refrain from disrupting internet services during political unrest and limit the scope of and the reason for the website blocking under Article 26 (c) of the Cybersecurity Law ensure the blocking meets the test of necessity in line with obligations under Article 19 of the International Covenant on Civil and Political Rights.
A41 Constitutional and legislative framework D43 Freedom of opinion and expression	[6] Reform the 2018 Cybersecurity Law Articles 16 and 26 to cease the mass removal of online content on the basis of government criticism such as Article 16 clause 1, ease the stringent 24-hour compliance requirement of Article 16, and implement an ex ante independent review process for content takedown requests by the government.
A41 Constitutional and legislative framework D43 Freedom of opinion and expression H1 Human rights defenders	[7] Reform the prison sentences imposed in Penal Code Articles 109, 117, and 331 so that no decade-long prison time can be given for the peaceful exercise of free expression.
A41 Constitutional and legislative framework D43 Freedom of opinion and expression D44 Right to peaceful assembly H1 Human rights defenders	[8] Reform the language in Penal Code Articles 109 to remove vague prohibitions such as “acting against the people’s government” to better allow healthy criticism of the government in line with obligations under Article 19 of the International Covenant on Civil and Political Rights.
A41 Constitutional and legislative framework D43 Freedom of opinion and expression H1 Human rights defenders	[9] Reform the language in Penal Code Article 117 to remove excessive prohibitions such as “spreading distorted information about the people’s government” to better allow healthy criticism of the government in line with obligations under Article 19 of the International Covenant on Civil and Political Rights.
A41 Constitutional and legislative framework D43 Freedom of opinion and expression D46 Right to private life, privacy	[10] Protect the freedom of expression and ensure online anonymity and privacy of citizens by rejecting the Proposed Decree 72 that includes mandatory identification requirements for social media use.
A42 Institutions & policies – General D43 Freedom of opinion and expression	[11] Stop the harassment, stalking, surveillance, and imprisonment of journalists as this violates their rights to the freedom of expression under General Comment 34 and Article 19 of the International Covenant on Civil and Political Rights.

