

## Government of Viet Nam Needs to Protect Digital Freedom

The Government of Viet Nam (GoV) needs to meet the demands of the ICCPR and the Human Right Committee’s List of Issues in relation to the Fourth Periodic Report, specifically those laid out in paragraphs 19, 21, and 22 related to digital rights, freedom of expression, and right to privacy.

Issues	Recommendations
<b>1. Criminalization of Online Expressions</b> <ul style="list-style-type: none"> <li>Articles 109, 117, and 331 of the Penal Code criminalize peaceful political activism and dissent: <ul style="list-style-type: none"> <li>Article 109: <u>up to life sentence</u> for “acts against government”</li> <li>Article 117: <u>up to 12 years</u> for spreading “distorted information”</li> <li>Article 331: up to 7 years for “<u>abuse of democratic freedoms</u>”</li> </ul> </li> <li>Over 160 people have been imprisoned under these provisions, primarily independent journalists and peaceful political activists.</li> <li><u>Evident lack of press freedom</u>: Viet Nam ranked 178/180 on the 2023 RSF Press Freedom Index.</li> </ul>	<ol style="list-style-type: none"> <li>Abolish Penal Code Article 331 since it is too vague in clear violation of the legality requirement of Article 19 of the ICCPR.</li> <li>Reform the language in Penal Code Articles 109 and 117 to remove vague and excessive prohibitions and better allow healthy criticism of the government.</li> <li>Reform the prison sentences imposed in Penal Code Articles 109, 117, and 331.</li> <li>Release all peaceful activists and journalists imprisoned for exercising free speech.</li> </ol>
<b>2. Suppression of Online Content</b> <ul style="list-style-type: none"> <li>2018 Cybersecurity Law and Decree No. 147/2024/ND-CP give authorities the power to order removal of content <u>within 24 hours without judicial oversight</u> and impose severe penalties on platforms that fail to comply.</li> <li>In 2022, Facebook blocked 2751 posts, Google removed 7935 videos from YouTube, and Tik Tok blocked/removed 329 videos.</li> <li>Google reported that 95% of GoV’s removal requests during July - December 2022 were related to <u>government criticism</u>.</li> </ul>	<ol style="list-style-type: none"> <li>Reform the Cybersecurity Law Articles 16 and 26 and Decree No.147/2024/ND-CP Articles 23, 33-35, and 80 to cease the mass removal of online content by the government, ease the stringent 24-hour compliance requirement, and implement an <i>ex ante</i> independent review process.</li> <li>Abolish Decree No. 147/2024/ND-CP Article 23(5b) that penalizes platforms for non-removal within 24 hours; allow due process.</li> </ol>
<b>3. Website Blocking and Internet Shutdown</b> <ul style="list-style-type: none"> <li><u>Blocking of websites</u>: In 2022, the Ministry of Public Security blocked over 2705 websites.</li> <li><u>Internet shutdowns in targeted areas</u>: 2018 Cybersecurity Law Articles 21, 22, and 26 allow internet shutdowns under broad “national security” justifications. During the Dong Tam incident in 2020, internet access was reportedly cut off in the area, disrupting the villagers' social media-based communication and resistance.</li> <li>The GoV threatened to shut down Facebook in 2020 and Tik Tok in 2023, forcing them to comply with content restrictions.</li> </ul>	<ol style="list-style-type: none"> <li>Limit blocking powers under Cybersecurity Law Article 26(c) to case-specific, content-specific measures, with independent oversight mechanism.</li> <li>Refrain from disrupting internet services (full or regional internet shutdowns) during political unrest.</li> </ol>
<b>4. Surveillance Regime Without Independent Oversight Mechanism</b> <ul style="list-style-type: none"> <li>Contrary to the GoV’s claims that processing personal data (including sensitive data) without consent under Decree No. 13/2023/ND-CP Article 17 is limited to urgent, life-threatening situation, the law allows <u>overly broad exceptions</u>, including for <u>contractual obligations and “government operations as prescribed by law.”</u></li> <li>2018 Cybersecurity Law, Decree No. 53/2022/ND-CP, and Decree No. 147/2024/ND-CP require companies to provide data to the GoV upon request, <u>lacking procedural safeguards or oversight mechanisms</u>.</li> </ul>	<ol style="list-style-type: none"> <li>Enact procedural safeguards against excessive governmental monitoring of private online communication and unfettered government access to internet user data, by requiring warrants issued by independent public officers, time limits, and effective remedies for affected users.</li> <li>Restrict state access to personal data only under clearly defined, proportionate conditions.</li> </ol>
<b>5. Mandatory Real-name Identity Registration for Social Media Users</b> <ul style="list-style-type: none"> <li>Under Decree No. 147/2024/ND-CP, all social media users must register using their real names and phone numbers. This mandate applies to <u>all users, including those outside Viet Nam</u>.</li> <li>State-affiliated actors like Force 47 (the army’s online information warfare unit) are unlikely to face the same restrictions, allowing them to continue disinformation campaigns while silencing civil society.</li> </ul>	<ol style="list-style-type: none"> <li>Abolish Decree No. 147/2024/ND-CP Articles 23(3) and 27(3) that require all platforms to verify the identity of all users.</li> <li>Protect the users’ right to speak anonymously online.</li> </ol>