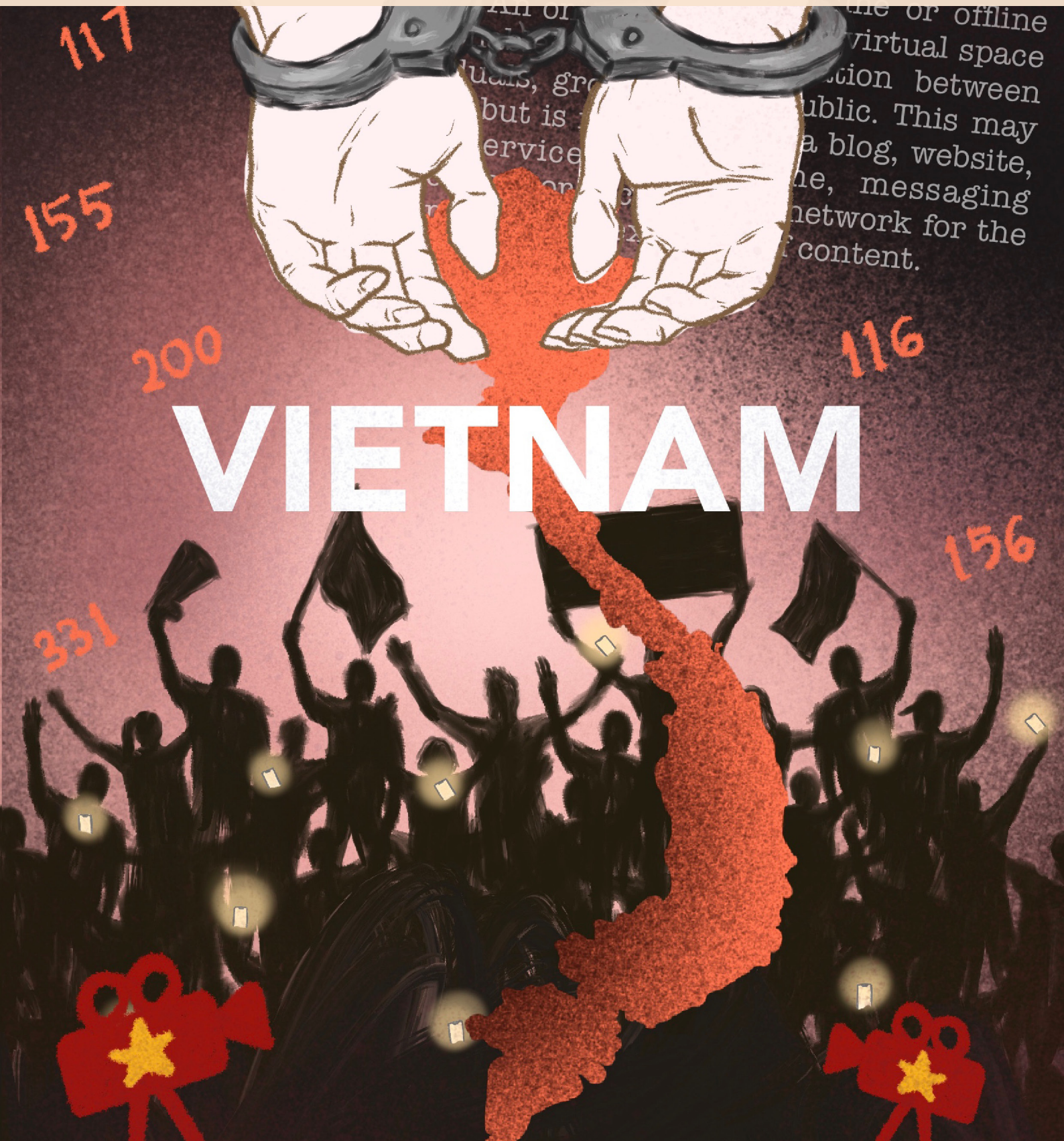


**DAWN OF DIGITAL DICTATORSHIP:
WEAPONISING THE LAW AGAINST ONLINE SPEECH**

VIETNAM



What is the ASEAN Regional Coalition to #StopDigitalDictatorship?

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We tell our realities from the ground, and we develop solutions together.

Our truths. Our Stories. Our Solutions. Our Liberation.

Fighting back online authoritarianism in Southeast Asia is, and shall always be, decolonial, grounded on feminist values, centred on our voices and our collective power.

Listed alphabetically, members of the Coalition include: ALTSEAN-Burma, Cambodian Center for Human Rights, ELSAM, Free Expression Myanmar, Foundation for Media Alternatives, ILGA Asia, Manushya Foundation, The Rohingya Maiyafuñor Collaborative Network, SAFEnet, Viet Tan, and Women's Peace Network.

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Citation:

ASEAN Regional Coalition to #StopDigitalDictatorship, Dawn of Digital Dictatorship: Weaponizing the Law against online speech in Southeast Asia, (March 2024)

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List of Abbreviations

ASEAN	Association of Southeast Asian Nations
CPV	Communist Party of Vietnam
DCHCP	Department of Cybersecurity and High-tech Crime Prevention
DCJE	Department of Civil Judgment Enforcement
EVFTA	European Union-Vietnam Free Trade Agreement
HRD	Human rights defender
ICCPR	International Covenant of Civil and Political Rights
MEC	Media in Educating Community
MIC	Ministry of Information and Communication
MPS	Ministry of Public Security
NGO	Non-governmental organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
SLAPP	Strategic lawsuit against public participation
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNWGAD	United Nations Working Group on Arbitrary Detention
VCP	Vietnamese Communist Party
VND	Vietnamese dong
VNNIC	Vietnam Internet Network Information Center

Acknowledgements

Manushya Foundation and the ASEAN Regional Coalition to #StopDigitalDictatorship would like to sincerely thank everyone who offered their untiring support and unique insight into the digital rights situation in Southeast Asia, and helped to make this report complete and possible.

For the section on Vietnam, we acknowledge the collaborative efforts and contributions of Project88 as the sole author and anonymous reviewer.

Additionally, Manushya Foundation, would like to express its deep appreciation to all ASEAN Regional Coalition members for their invaluable support and inputs throughout the phases of the research, from identifying the human rights issues to documenting, collecting, and analysing data for various cases, and developing this report, over the past four years. Our heartfelt gratitude extends to members, who have played critical roles in resisting digital dictatorship and advancing democratic values. Listed alphabetically, they include: **ALTSEAN-Burma, Cambodian Center for Human Rights, ELSAM, Free Expression Myanmar, Foundation for Media Alternatives, ILGA Asia, Jean Linis-Dinco, Ph.D., Manushya Foundation, The Rohingya Maiyafuñor Collaborative Network, SAFEnet, Viet Tan, and Women's Peace Network.**

Manushya Foundation and the members of the ASEAN Regional Coalition to #StopDigitalDictatorship express particular gratitude to Manushya's Digital Rights Team for their coordination, review, editing, and finalisation of the report. Overseen by Emilie Palamy Pradichit (Founder & Executive Director, Manushya Foundation), and Ni Putu Candra Dewi (Advocacy and Campaign Associate on Democracy and Digital Rights, Manushya Foundation), the team includes: Tricia Ho Sze Mei, Ploypitcha Uerfuer, Luna Marciano, Fitri Lestari, Delasari Krisda Putri, Deena Bhanarai, and Arianne Joy Fabregas.

The visual aids within this report, including data visualisations, trend summaries, case study profiles, and theme overviews, were developed by Luna Marciano and Deena Bhanarai. Additionally, the graphics and illustrations you see would not have been possible without the patience and artistry of our designers. We extend our gratitude to Putu Deoris and Yansanjaya, who were responsible for the layout, case study design, and the creation of all the data visualisation graphics, as well as to Ivana Kurniawati, who illustrated our report and chapter cover pages.

Special gratitude is extended to the former team researchers, volunteers, and interns of Manushya Foundation, who played significant roles through their engagement in conducting desk research and monitoring cases of human rights violations over the past four years. This appreciation is particularly directed to Letitia Visan, Preeyanun Thamrongthanakij, Felicity Salina, Amalia Tihon, and Margaux Bonnard.

We also extend our deep appreciation to Ma Thida from PEN Myanmar, who made significant contributions to the work of the coalition before the illegitimate military coup in Myanmar.

We extend thanks and appreciation to the numerous activists and human rights defenders across the region who have mobilised to defend fundamental human rights with immense courage, often risking their lives in the face of authoritarianism. The debt we owe them has never been greater. Their altruism and courage have been an inspiration for us and a reason more to document the gross human rights violations in the digital space.

This project would not have been possible without the help of the authors below, as well as reviewers who asked to remain anonymous, in validating our desk-research and in some cases, contributing content that informed this report.

Chapter I.

Introduction

The digital space is quickly emerging as one of the key spaces in which human rights are threatened. In Southeast Asia, the internet is no longer a free, safe, and secure space for expression. Restrictive legislation, intimidation, and even the murder of human rights defenders, activists, and journalists tarnishes the commitment to freedom of expression of the countries in the region. In this light, the need for our rights to be respected, including online, becomes greater.

This report is the outcome of the collaborative work of the ASEAN Regional Coalition to #StopDigitalDictatorship (“the Coalition”). After its establishment in 2020, with the coordination of Manushya Foundation, virtual discussions were initiated to discuss challenges faced, while determining collaborative and inclusive efforts to assess, amend, and monitor implementation of legislations affecting digital rights. The Coalition has established itself as a leading regional expert voice on digital rights in the region and is now a key player, powering local and regional voices to speak their truth to power and to resist digital dictatorship.

A core group of members of the Coalition has collectively developed the research and analysis framework of a regional ASEAN Study, which is divided into three thematic reports. This report is part of the series of three thematic reports and focuses on the right to freedom of speech and expression in the digital space.

The aim of this report goes far beyond merely analysing the legal framework related to freedom of expression online and documenting rights violations in the nine Southeast Asian countries covered. The main goal is to increase public understanding of how important digital rights are to everyone’s lives and to strengthen netizens’ knowledge of those rights. But there is more to consider. As intersectional feminists, we recognise the internet is not equal for everyone. While the digital realm offers immense opportunities, it is far from being neutral or egalitarian, and it remains susceptible to persistent backlash against the rights of women and LGBTIQ+ people. Like other social spaces, it reflects and reproduces power relations and inequalities, including those related to gender.

Coalition members dedicate their work to make Asia a safe and peaceful place for all. While they have different goals and perspectives, the cultivation of an open, safe, and inclusive digital space for all is a key priority for them. At **Manushya Foundation**, we place “equality” at the core of our activities, apply a gender lens to all of our work, and focus on powering women activists and human rights defenders, youth, and LGBTIQ+ individuals to tell their very own stories in a powerful manner for their advocacy. Likewise, **ILGA**

Asia, a regional federation of more than 204 member organisations, works for the equality of all people regardless of sexual orientation, gender identity, and sex characteristic, as well as liberation from all forms of discrimination and stigmatisation. **Women’s Peace Network** has “equality” as one of its core visions and works to protect the rights and increase the inclusion of marginalised women, youth, and communities in the Rakhine state and across Myanmar. **The Foundation for Media Alternatives** focuses on the intersection between information and communication technology (ICT) and gender rights, including tech-related gender-based violence.

We also recognise that gender inequality intersects with other forms of oppression, such as race, class, sexuality, and disability, and women exposed to intersecting forms of discrimination are particularly vulnerable to violence in the digital world. Understanding the intricate ways in which power operates, we apply an intersectional feminist lens to explore and tackle the multifaceted dynamics within the digital realm. With this report, we shed light on this and the patriarchal power dynamics that hold our world back from fulfilling a society where everyone is treated with fairness and dignity.

However, that is not where our work ends. The ultimate objective is to call, as a strong and unified voice, on governments, policy-makers, and tech companies to move the needle forward from commitments on paper to concrete measures to respect their international human rights obligations—in order to restore our only democracy. Recommendations are also extended to civil society, which provides a critical foundation for holding governments and businesses accountable, and promoting human rights and democracy.

Following **Chapter II: Methodology**, which will clarify our research and compilation process, **Chapter III: Summary of International Human Rights Laws and Standards** will provide important context for the rest of the report with a table addressing the right to freedom of expression; the rights of human rights defenders; the right to privacy; and the right to effective remedy, and indicates the ratification status by country of each convention, where appropriate. Following, **Chapter IV: Country Overviews (Analysis)** is originally split into

nine sections, each one focused on a specific country: **Cambodia, Indonesia, Lao PDR (Laos), Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.** Each section explains how laws and legal frameworks are being used to target free expression and information online, censor or regulate content, and monitor online activities. Each section includes cases of individuals arrested and charged for their online activities, as well as instances of online censorship, monitoring, and surveillance.

However, in this booklet, the focus is solely on Vietnam.

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In this booklet, a section is dedicated to the impact of COVID-19 and democracy in Vietnam. Although the pandemic has brought the world grinding to a halt, Southeast Asian governments took it as an opportunity to tighten their grip over civic space and implemented self-serving laws and policies. Under the banner of safeguarding public health, governments exploited emergency powers and other legal tools, including “fake news” laws, in restrictive and repressive ways, to advance

their authoritarian agendas, suppress freedoms and critical speech, silence political opponents, control the flow of information, and attack media freedoms. While national circumstances differed in how the pandemic was governed, the states covered in this report had national circumstances differed in how the pandemic was governed, the states covered in this report had extensive repressive powers and used COVID-19 as a pretext to limit democratic space both offline and online.

Further, each country section draws particular attention to cases of online gender-based violence and harassment experienced by women, including those who are more susceptible to online violence because of their jobs, race, religion, or identity, such as women activists and human rights defenders, women journalists, women belonging to religious or ethnic minorities, young women, women with intersecting identities (Indigenous, ethnic and minority, migrant women; lesbian, bisexual, transgender and intersex women; women with disabilities).

The report concludes with a number of **recommendations** for the primary actors identified as holding key functions in enhancing the state of digital freedoms in Southeast Asia, specifically that of online expression. Governments, members of Parliament, tech companies, and civil society have—each one to a different extent—a crucial role to play to uphold human rights and fundamental freedoms in the digital space. Since civil society civil groups are front and centre in representing the factual needs of the people and they can power citizens by providing civic education on human rights, a series of recommendations is likewise made to them. People are more likely to resist attempts to suppress their rights if they are aware of them.

Creating a safe internet space for everyone is crucial for promoting inclusivity, respect, and equal opportunities.

Only together can we foster a more inclusive and respectful internet culture where everyone can engage, express themselves, and participate without fear of discrimination or harassment. None of us are free until we are all free.

Chapter II.

Methodology

This Thematic Report is a culmination of four years of monitoring, research, writing, reviewing, and examining the digital rights space in nine ASEAN countries: Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, The Philippines, Singapore, Thailand, and Vietnam. Our research does not cover Brunei Darussalam and Timor-Leste due to the lack of coalition members in these countries. As mentioned previously, this booklet will, however, focus solely on Vietnam.

The methodology used in this report encompasses both primary and secondary sources. Primary data was gathered by Manushya Foundation, together with organisation members of the ASEAN Regional Coalition to #StopDigitalDictatorship. We have entrusted our coalition members to write thorough country-specific analyses, based on their expertise in the digital rights landscapes of their respective countries. It must thus also be noted that as these coalition members are specialists in their own rights, with a wealth of information obtained through lived experiences and field research, not every source will be cited, as a lot of information was first-handedly provided by the author and not obtained from elsewhere. We included voices from the ground and experts' insight from panel discussions, including sessions we held as part of RightsCon, such as the 2022 "Thailand: Digital Authoritarianism Rising" session, the 2021 "Online Freedom Under Attack: Weaponising Misinformation, Disinformation, and 'Fake News' for Censorship in Southeast Asia" session, as well as a series of other webinars hosted by the Coalition. Participants of the webinars and discussions consisted of citizens, experts, representatives of academia, and civil society groups. For some countries, our Coalition members also conducted independent investigations and compiled data from open sources published by the relevant authorities, government agencies and the judiciary. The report's coverage spans the years 2020 through 2023, except for the chapter on Laos (**Chapter IV, 3. Lao PDR**), where egregious human rights breaches instances prior to 2020 are

also included. Similarly, for Myanmar (**Chapter IV, 5. Myanmar**) and Cambodia (**Chapter IV, 1. Cambodia**), countries for which we are also incorporating elements from 2024 due to the rapidly evolving events. We focused our inquiries on different target areas, which were ultimately synthesised into primary themes featured in the reports in this series: criminalisation of defamation and lack of human-centred cyber laws and policies; online monitoring and content moderation; threats to privacy and data protection; harassment of activists and human rights defenders (HRDs); and internet shutdowns.

This report is also composed on the basis of desk research, including a systematic literature review of relevant legislation and regulations; reports, studies, and recommendations by UN human rights mechanisms and NGOs; online news articles; policy and white papers; and independent publications. Data was also obtained from studies and external civil society organisations. We carried out interviews with a wide range of stakeholders to receive the most accurate insight on the state of digital rights on the ground relating to the target areas specified above. The study's ultimate objective is to provide a comprehensive analysis on the state of digital rights in the Southeast Asia region, including during the COVID-19 pandemic, by looking at existing national laws, policies and measures; recorded cases of violation; as well as previous recommendations or proposals made in line with international human rights laws and standards.

Chapter III.

Summary of International Human Rights Laws and Standards

Fig. G: Summary table of international human rights laws and standards.

FREEDOMS OF EXPRESSION AND TO HOLD OPINION		
International Human Rights Instruments	Relevant Provisions and Interpretations	Ratification/Voting/Adoption Date and Status
UDHR	Article 19: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”	NOT Binding but serves as a cornerstone for the development and evolution of international human rights law. as a matter of customary international law
ICCPR	Article 19: Upholds the right of every individual to freedom of expression, including the freedom to “seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media” without interference.	Ratified Cambodia (May 26, 1992) Indonesia (Feb. 23, 2006) Lao PDR (Sept. 25, 2009) Philippines (Oct. 23, 1986) Thailand (Oct. 29, 1996)
	Article 19(3): Articulates a three-part test, stipulating that any restrictions on expression must be “provided by law”, proportionate, and necessary for “respect of the rights and reputations of others,” “for the protection of national security or of public order, or of public health and morals.”	General comment no. 34: Article 19 (freedoms of opinion and expression): States that criminalize defamation must decriminalize it given that “imprisonment is never an appropriate penalty” for, and is neither necessary nor proportionate to the aim of protecting others. ²
UDHR	Article 12: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”	NOT Binding but serves as a cornerstone for the development and evolution of international human rights law. Binding as a matter of customary international law

Fig. G: Summary table of international human rights laws and standards.(continuous)

<p style="text-align: center;">ICCPR</p>	<p>Article 17: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.” It also upholds the right of persons to receive legal protection from such interference or attacks.</p> <hr/> <p>General comment no. 16: Article 17 (right to privacy): This Article is intended to protect against said infringements, both by states and private individuals. Further, “interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the Covenant.” The principles of legality, necessity and proportionality also apply to privacy limitations.³</p>	<p>Ratified Cambodia (May 26, 1992)</p> <p>Indonesia (Feb. 23, 2006)</p> <p>Lao PDR (Sept. 25, 2009)</p> <p>Philippines (Oct. 23, 1986)</p> <p>Thailand (Oct. 29, 1996)</p> <p>Vietnam (Sept. 24, 1982)</p> <p>Not signed or ratified Malaysia, Myanmar, Singapore</p>
<p>Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2016) juncto Report of the OHCHR on the right to privacy in the digital age (2014)</p>	<p>Legitimate surveillance, where intended to limit the freedom of expression, requires states to demonstrate the risk that the expression “poses to a definite interest in national security or public order.”⁴ All interference with the right to privacy must also be authorised by an independent oversight body through careful review, and be accompanied with an assurance of effective remedy in case of a breach.⁵</p>	<p>Non-binding (interpretive)</p>
<p>RIGHTS OF HRDS</p>		
<p>International Human Rights Instruments</p>	<p>Relevant Provisions and Interpretations</p>	<p>Ratification/Voting/Adoption Date and Status</p>
<p style="text-align: center;">UN Declaration on Human Rights Defenders</p>	<p>Article 6: Provides for the right of persons to seek, obtain, receive and hold information about all human rights and fundamental freedoms; freely publish or impart or disseminate information and knowledge on all human rights and fundamental freedoms; and to study, discuss and hold opinions on the observance of these rights.</p> <p>Article 7: “Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.”</p> <p>Article 9: Everyone whose rights or freedoms pursuant to the Declaration are allegedly violated must be able to access an effective remedy and have their complaint heard by an independent, impartial and competent authority.</p>	<p>NOT Binding but serves as a cornerstone for the development and evolution of international human rights law</p>

Fig. G: Summary table of international human rights laws and standards.(continuous)

RIGHT TO AN EFFECTIVE REMEDY		
International Human Rights Instruments	Relevant Provisions and Interpretations	Ratification/Voting/Adoption Date and Status
UDHR	Article 8: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.	NOT Binding but serves as a cornerstone for the development and evolution of international human rights law
ICCPR	Article 2(3): Provides for the obligation of states to ensure that those individuals whose rights have been violated have access to an effective remedy whether the violation(s) were committed by a person acting in their official capacity. Further, the effective remedy is to be determined by a competent judicial, administrative, legislative or other authority as mandated by the national legal system. The bottomline is that, regardless of the authority in charge, remedy must actually be granted.	<p>Ratified</p> <p>Cambodia (May 26, 1992)</p> <p>Indonesia (Feb. 23, 2006)</p> <p>Lao PDR (Sept. 25, 2009)</p>
	General comment no. 31 (the nature of the general legal obligation imposed on States Parties to the Covenant): Judicial and administrative mechanisms must be set in place to “investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.” Reparation to individuals can take the forms of “restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.” ⁷	<p>Philippines (Oct. 23, 1986)</p> <p>Thailand (Oct. 29, 1996)</p> <p>Vietnam (Sept. 24, 1982)</p> <p>Not signed or ratified Malaysia, Myanmar, Singapore</p>

Chapter IV.

Country Analysis

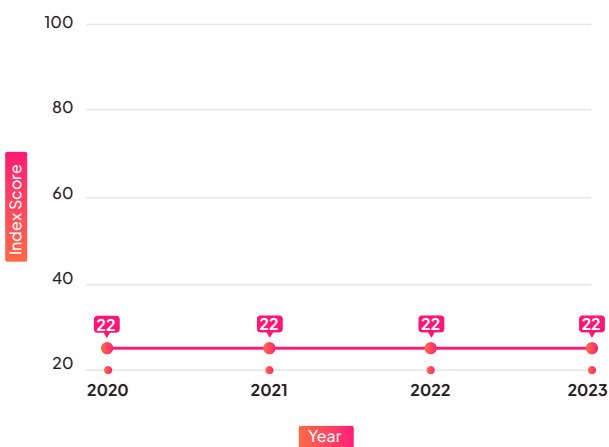
4. Vietnam¹

YEAR	DEMOCRATIC STATUS OF THE COUNTRY <small>(according to the Freedom In The World index)</small>	DIGITAL SPACE & ONLINE FREEDOM STATUS OF THE COUNTRY <small>(Digital Space Status)</small>	PRESS & MEDIA FREEDOM STATUS OF THE COUNTRY <small>(according to the World's Press Freedom Index)</small>
2020	20/100 <small>NOT FREE</small>	22/100 <small>NOT FREE</small>	175/180 (25,29) <small>VERY SERIOUS</small>
2021	19/100 <small>NOT FREE</small>	22/100 <small>NOT FREE</small>	175/180 (21,54) <small>VERY SERIOUS</small>
2022	19/100 <small>NOT FREE</small>	22/100 <small>NOT FREE</small>	174/180 (26,11) <small>VERY SERIOUS</small>
2023	19/100 <small>NOT FREE</small>	22/100 <small>NOT FREE</small>	178/180 (24,58) <small>VERY SERIOUS</small>



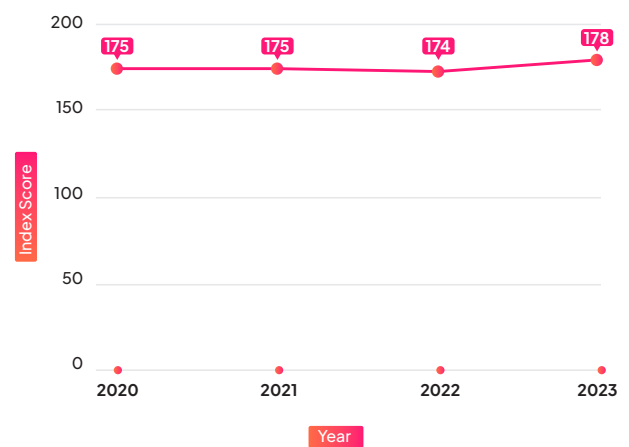
Fig. 4.1: Summary of freedom ratings for Vietnam, 2020-2023.²

Digital Space & Online Freedom Status: Vietnam



Freedom House, *Explore the Map*, (n.d.), available at: <https://freedomhouse.org/explore-the-map?type=fiw&year=2023>

Media & Press Freedom Status: Vietnam



Reporters sans frontières, *Classement*, (n.d.), available at: <https://rsf.org/fr/classement>

Fig. 4.2: Digital Space & Online Freedom Status (Freedom on The Net) and Media & Press Freedom (World Press Freedom Index) Ratings for Vietnam over the years, 2020-2023



Vietnam employs a variety of administrative, economic, and criminal tactics—not just detention and arrests—to repress online political speech. The result of these combined tactics is a sophisticated, secretive government ecosystem that preempts, prohibits, and punishes free speech online.

- Kaylee Uland, Co-Director the Project88 Vietnam

Introduction

Vietnam uses various means to regulate political speech online. Since the popularisation of the Internet in the country during the early 2000s, an elaborate policy framework has been developed to limit political speech in virtual spaces. Drawing on an analysis of policy documents and media reports, this chapter identifies relevant policies, highlighting their aims, scope, means of implementation, and implications. We argue that while some measures, such as the Law on Cyber Security or certain provisions of the Criminal Code (2015), have received a lot of international media attention, policies such as the Law on the Press or Party Resolution 35, are more consequential for freedom of expression. Further, although there has been an uptick in criminal prosecutions and arrests linked to online activity in recent years, criminal law tends to be used in a minority of cases and as a measure of last resort.

Conceptualising the Issue: Regulating Political Speech Online

Political speech refers to any form of expression, spoken or written, that relates to politics, government, government policy, how government should be run and the organisation of society. An example of political speech in Vietnam is citizens' public criticism of state leaders. Political speech may take place in online or offline spaces. An online space is any virtual space that enables the communication between individuals, groups or the public. This may include but is not limited to a blog, website, cloud service, online game, messaging application, or social media network for the dissemination or exchange of content.

The Vietnamese State's Policy Framework Regulating Political Speech Online

Vietnam's policy framework for regulating speech online spans the party-state apparatus: encompassing the agenda-setting policies of the Vietnamese Communist

POLICY TOOL	Criminal sanctions, police summons	Economic sanctions	Procedural regulations	Agenda setting policies, propaganda, social mobilisation
KEY POLICY ACTORS	MPS	MPS and MIC	MPS and MIC	VCP
POLICY INSTRUMENTS	The Criminal Code (2015) The Criminal Procedural Code The Ordinance of Communal Public Security Forces	Decree 15/2020/NĐ-CP Decree 14/2022/NĐ-CP	Law on Cybersecurity (2019) Law on the Press (2016) Decision 1418/QĐ-BTTTT Law on Telecommunication Law on Information Technology (2006) Decree 72/2013/NĐ-CP Circular 38/2016/TT-BTTTT	Political Bureau Resolution 35-NQ/TW October 22 2018 (XII) National Plan No. 14 - KH/TW March 25 2019 (XII) issued by the VCP Secretariat Political Bureau Decision 169-QĐ/TW Directive 47/CT-CT t1198/QĐ-TTg
CHARACTERISTICS	Intrusive, punitive.	Deterrent, cost-imposing.	Procedural, controlling.	Manipulative, disguised.

Fig. 4.3 Policy Framework.

party (VCP or “party”), as well as policymaking by executive branches of government. While the party sets political agendas within which government policy is developed, the government has developed policy on crime, media, and telecommunications that aims to regulate online speech. The following table provides an overview of the Vietnamese state’s policy framework for regulating political speech online.

The three main actors that oversee this policy framework are: the Ministry of Public Security (MPS), the Ministry of Information and Communication (MIC), and the party. The MPS - which oversees the police force in Vietnam - invokes criminal law to criminalise certain forms of speech. Its methods are the most violent and intrusive, as summons, arrests and prosecutions directly restrict basic rights to freedom of expression and freedom from arbitrary detention. The MIC, by contrast, focuses on administrative punishments and the regulation of platforms where political speech is disseminated.

The MIC has the mandate to regulate the content of social media platforms, establish registration processes for news websites, and issue administrative fines against individuals who are deemed to have violated norms of acceptable speech. Finally, the party sets political agendas within which state policy is made, while also mobilising its base and propaganda apparatus to manipulate public opinion. While this division of powers is useful for the purpose of analysis, in practice, responsibilities and powers overlap. For instance, the MPS often requires the MIC’s “expert” assessment to conclude if someone has violated norms of online speech. At the same time, both the MPS and MIC have party cells inside their own institutional structures.

Policies Criminalising Political Speech Online

Criminal sanctions for political speech involve direct interactions between online users, commentators,

and government authorities (i.e. detention, arrests, summons, etc.). These sanctioning policies rely on state power to set norms for appropriate online conduct, and impose sanctions for inappropriate conduct. The involvement of law enforcement agencies incites fear in citizens, discouraging them from participating in online activities that the government has labelled as punishable. While in recent years, the Criminal Code has been increasingly used to silence political speech online, it tends to be used as an option of last resort and continues to be used in a minority of cases.

The MPS oversees criminal sanctions for political speech with its power to impose judicial punishments. The same articles of the Criminal Code that have traditionally been used to punish political speech offline have also been used to punish political speech online. Specific provisions used in criminal prosecutions of people for their online speech include:

1. Article 116 on “Sabotaging national unity”;
2. Article 117 on “Making, storing, disseminating and propagating documents...opposing the Socialist Republic of Vietnam”;
3. Article 155 on “Insulting another person”;
4. Article 156 on “Defamation”;
5. Article 200 on “Tax evasion”;
6. and Article 331 on “Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organisations and/or citizens.”³

These six crimes constitute the basic web of charges used to criminalise speech, with the majority of criminal prosecutions for online political speech in recent years involving one of these charges. Article 117 and Article 331 remain the two most popular provisions used to police free speech online in Vietnam.

Article 117 is frequently used against various individuals in the population, regardless of their activity or profession. This article is primarily used

against HRDs and their fellow activists. The case of Nguyen Ngoc Anh demonstrates an in-practice example of the use of Article 117. According to an investigation into this case by the United Nations Working Group on Arbitrary Detention, Anh’s case demonstrates multiple international law violations, including arbitrary arrest and wrongful conviction. The Vietnamese blogger and human rights defender was detained in 2018 due to his livestreams and posts, attempting to expose the government’s poor management of social issues and violations of freedom of expression. While being held incommunicado for 6 months at his pretrial detention, he was reportedly assaulted by inmates. and received death threats as a form of intimidation to stop his appeal. In 2019, he was sentenced to six years in prison and five years under house arrest after a 4 hour trial hearing, which only allowed those ‘with invitations’ to attend; ultimately, only attended by state media were the only ‘outside’ attendees. In 2022, Anh has launched a sit-down and hunger strikes to protest the terrible conditions that political activists are subjected to.⁴

Nguyen Thuy Hanh, a human rights activist, is known for founding the 50K fund to support political prisoners and for her active involvement in defending human rights. On April 7, 2021, she was arrested without clear legal justification and charged under Article 117 of the 2015 Penal Code for anti-state propaganda. Unfortunately, while in detention, Nguyen Thuy Hanh is currently battling depression and stage 2 cervical cancer without access to treatment. Her health is deteriorating, particularly given the conditions of prisoners in Vietnam. Indeed, her husband has stated that Nguyen Thuy Hanh has been ill-treated and deprived of adequate nutrition and hydration. The authorities restricted her access to five bottles of water and five cans of milk a month from the prison canteen, forcing her to drink dirty water used by prisoners to shower. For a whole year in prison, she was not allowed visits from her family or lawyers, nor was she allowed to receive any parcels.⁵

Struggles, Legislation, and Repression in Vietnam (2020–2023)



LEGEND:

⚠️ : Alleged offense + (articles/provisions invoked against the individual)
 - "Unknown": Either information is not available or no articles/provisions have been cited by the judiciary

🔒 : Legal and extralegal consequences
 - "Status Unknown": Current status of the individual is unknown (detained, convicted, deceased, etc).

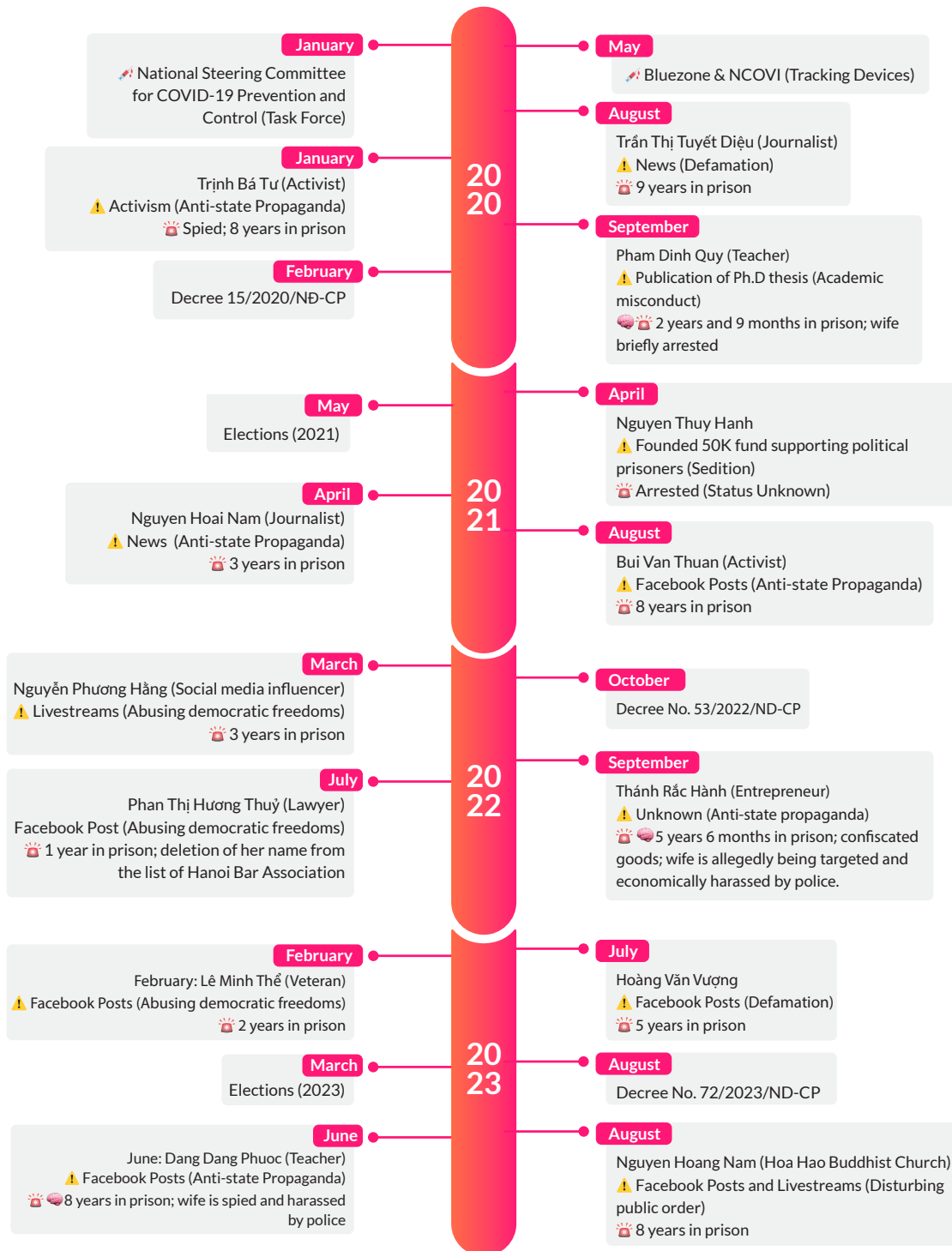


Fig. 4.4A: Summary timeline for Vietnam, 2020-2023.



Country	Event	Contextualisation
 VIETNAM	 Decree 15/2020/NĐ-CP	It criminalises the dissemination of false and misleading information, insulting reputations, damaging moral or social values, and revealing state secrets.
	 Decree No. 53/2022/ND-CP	The decree imposes stricter requirements on internet service providers and social media platforms to monitor and remove content deemed to be harmful or illegal, particularly content related to national security, public order, and social morality.
	 Decree No. 72/2023/ND-CP	The decree imposes stricter requirements on social media companies operating in Vietnam, including the establishment of local representative offices and the appointment of local representatives responsible for compliance with Vietnamese laws. It also mandates that social media platforms must remove content deemed to be illegal or violating Vietnamese laws within 24 hours of receiving a request from competent authorities.
	 Elections (2021)	Luong The Huy and pro-democracy forces scored a surprising victory in Vietnam's May 2021 general elections, dealing a significant blow to military-backed incumbents. The progressive Move Forward Party, led by Pita Limjaroenrat, is projected to win 151 seats, while the populist Pheu Thai is expected to secure 141 seats, collectively holding at least 292 out of 500 seats in the House.
	 Elections (2023)	Vietnam's National Assembly appointed Vo Van Thuong as the new president in a leadership reshuffle amid an anti-graft campaign. Thuong, 52, secured the position with 98.38% of the votes in the largely ceremonial role. His appointment follows the abrupt resignation of his predecessor Nguyen Xuan Phuc in January, linked to alleged "violations and wrongdoing." Thuong, a Politburo member and anti-corruption advocate, pledged to continue the fight against corruption. Seen as close to General Secretary Nguyen Phu Trong, Thuong's election is considered a step towards leadership stability, reassuring investors and signaling continuity in foreign and economic policies.

Fig. 4.4B: Contextualisation for Vietnam's timeline, 2020-2023.

Bui Van Thuan, an activist known for running a Facebook meme page critical of corruption, was arrested on August 30, 2021, after being seen in public wearing a t-shirt with perceived anti-state symbolism. Subsequently, he was accused of spreading propaganda against the state and charged under Article 117 of the 2015 Criminal Code. Thuan was sentenced to eight years in prison with an additional five years under probation. During Thuan's trial, the prosecution called 12 witnesses, but only one witness, Le Quoc Quyen, showed up in court. The defence argued that the witness could not provide concrete details about the charges against Thuan. Despite a request to bring criminal charges against the witness for false testimony, the judge denied the request.⁶

Activist Trinh Ba Tu received an eight-year prison sentence in 2021 for spreading propaganda against the state, charged under Article 117 of the 2015

Criminal Code. Similarly, his mother, Can Thi Theu, and his brother, Trinh Ba Phuong, both advocates for land and human rights, were also sentenced. Can Thi Theu received eight years' imprisonment with three years' probation, while Trinh Ba Phuong was sentenced to ten years in prison with five years' probation. The family utilised social media to advocate for land rights and other causes. Trinh Ba Tu reportedly faced repercussions for exposing conditions in the prison where he was detained, enduring alleged beatings and solitary confinement with chained feet. He resorted to a hunger strike to protest his treatment. Amnesty International has urged Vietnamese authorities to drop the charges against the family and secure their immediate release.⁷

In September 2022, noodle vendor Bui Tuan Lam was sentenced to 5 years and 6 months in prison for charges related to anti-state propaganda under

Article 117. The incident stemmed from a video he posted on social media, raising questions about how government officials in Vietnam could afford luxurious items while on modest salaries. When summoned by the police, Lam denied mocking the minister. However, authorities claimed that Lam had been warned multiple times against posting content that insulted leaders or their reputation. They also accused Lam of being associated with several “civil society organisations” considered anti-state groups. Following his arrest, Lam’s goods were confiscated, and his wife reportedly faced police targeting and economic harassment. The specific details leading to Lam’s arrest were not immediately disclosed.⁸

Article 117 has also been used to silence journalists. For instance, journalist Tran Thi Tuyet Dieu was sentenced to eight years in prison for her writings deemed “anti-state” under defamation charges. Arrested in August 2020, she managed a Facebook profile called “Tuyết Babel” and a YouTube account under the name “Tuyết Diệu Trần.” According to the indictment, she disseminated 25 news stories and nine videos deemed to be against the state, and stored seven other anti-state stories on her laptop. Additionally, she published online materials in support of democracy activist Nguyen Viet Dung, violating Article 117 of the Vietnamese penal code. Following her arrest, she was not allowed to contact anyone for months and could only meet her lawyer in November 2020.⁹ Similarly, Le Van Dung, an activist and independent journalist, was charged under Article 117 of the 2015 Criminal Code and sentenced on January 7, 2021 to five years in prison, while his 66-year-old uncle received an 18-month suspended sentence for hiding him from police.¹⁰ An indictment alleged that Dung posted 12 video clips online between March 2017 and September 2018 that defamed the government, spread false news, and insulted Party and State leaders. Dung’s social media posts addressed corruption, land confiscations, and various political and social issues.¹¹

Non-political individuals who do not necessarily identify as ‘activists’ are not safe from Article 117 either. Nguyen Phuong Hang, a well-known social media influencer in Vietnam, received a three year prison sentence in March 2022 for allegedly abusing democratic freedoms under Article 331 of the 2015 Criminal Code. She was accused of using abusive language and insults during livestream discussions on YouTube and TikTok, targeting the honour and dignity of various politicians and celebrities. Despite her family’s application for bail, citing her charitable activities and health concerns, their request for her release on a 10 billion dong bail (\$400K) was rejected.¹²

Dang Dang Phuoc, a music instructor from Dak Lak Province, received an 8-year prison sentence under Article 117 of Vietnam’s Penal Code in September 2022 for disseminating “anti-state propaganda” via his Facebook content. Despite repeated admonitions from local authorities, Phuoc persisted in sharing material deemed distorted and anti-government. Notably, one of his recent posts referenced the arrest of activist Bui Tuan Lam, which occurred a day prior to Phuoc’s apprehension. Over the past decade, Phuoc has campaigned against local corruption and advocated for enhanced safeguards of civil and political liberties, including freedom of expression, assembly, and religion. He has openly criticised Vietnam’s stringent 2018 cybersecurity legislation. Phuoc has endorsed various pro-democracy initiatives, such as Petition 72, which called for constitutional reforms to enable multi-party elections, and the Free Citizens’ Declaration, aimed at abolishing Article 4 of the 1992 Vietnamese Constitution, granting the Communist Party of Vietnam sole authority.¹³

In August 2023, Nguyen Hoang Nam, a former political detainee and member of the Hoa Hao Buddhist Church in An Giang province, was arrested for allegedly using social media to undermine the state, leading to an 8-year imprisonment sentence under Article

117 of Vietnam's Penal Code. Specifically, Nam was accused of managing four Facebook accounts to distribute content critical of the ruling Communist Party and the state, including satirical live streams and posts ridiculing local authorities. Despite efforts to secure witnesses, logistical challenges prevented their attendance at the trial. Additionally, Nam's family sought legal representation from a Ho Chi Minh City attorney, but restrictions imposed by the law firm's head prevented the attorney from meeting Nam before the trial or participating in the proceedings.¹⁴

As mentioned earlier, Article 331 is also frequently used against the Vietnamese people. Journalist Nguyen Hoai Nam was arrested on April 2, 2021, and initially received a three and a half-year prison sentence under Article 331 of the Criminal Code. Nam's indictment mentioned his investigative article about the Vietnam Inland Waterway Administration in 2018, in which he exposed corruption within the public agency. Additionally, in a Facebook post, Nam accused Lieutenant General Tran Van Ve and several investigators from the Ministry of Public Security's Investigative Agency of corruption and bribery. However, the court of appeals later reduced his sentence to two years, citing a change in attitude, acknowledgment of wrongdoing, and contributions by his family to the revolution.¹⁵

In July 2022, Lawyer Phan Thị Hương Thuy was sentenced to 1 year in prison and removed from the Hanoi Bar Association's list for "abusing democratic freedoms" under Article 331 of the Criminal Code. Initially, in March 2018, she accused Nguyen Van Chien of financial misconduct and lacking qualifications to join the Hanoi Bar Association. However, the Vietnam Bar Federation found no merit in her claims. Subsequently, Thuy allegedly posted 3 Facebook posts insulting Nguyen Van Chien's personal prestige, leading to her conviction.¹⁷ In February 2023, Le Minh The, a veteran, received a two-year prison sentence for Facebook posts that

authorities deemed to violate democratic freedoms under Article 331. Although the specific content of his Facebook posts was not specified by authorities, his recent posts included various content related to Vietnam, such as information, images, and videos, along with discussions on topics like Vietnam's VinFast electric cars and a recent RFA report about a former fortune-teller who became a Catholic priest under dubious circumstances. Additionally, a police summons was issued to Le Thi Binh, The's younger sister, regarding her livestream videos. The wife was permitted to attend the trial but had to observe the proceedings via CCTV from a separate room.¹⁸

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We are deeply disturbed at the continued use of Article 117 of the [Vietnamese] Criminal Code which is overly broad and appears to be aimed at silencing those who seek to exercise their human right to freely express their views and share information with others.

- UN Special Rapporteurs Irene Khan, Mary Lawlor, Karima Bennouna, Clément Voule

Charged under Article 331 of the Penal Code, Le Thach Giang, a political commentator and land rights defender, was sentenced to three and a half years in prison for documenting abuse of power by the Vietnamese authorities including coercion and confiscation of lands.¹⁹ In addition to the harsh prison term, Vietnam prisons are known for their abhorrent living conditions and denial of medical attention for political prisoners, that leads to worsening health conditions despite being perfectly healthy prior to their incarceration. An example of this is Do Cong Duong, a journalist also exposing land rights abuses and corruption, who had died in prison after contracting many diseases since being detained. His family had reportedly protested to allow Duong to access medical care, however the authorities refused and only hospitalised him when he was near death.²⁰

Article 116 is used specifically when a minority group or individuals question or challenge policies of the government, in relation to different ethnic groups. If the local authorities deem it necessary, they can also invoke Article 155 and Article 156 to prosecute minor and insignificant instances of expression. Using curse words against public officials, or calling public officials an unpleasant name, such as “pig” or “dog”, can amount to the “crime” of ‘insult’ or ‘defamation’ under these Articles. For instance, Nguyen Van Nhanh was arrested in January 2021, sentenced under Article 155 to one year of imprisonment for publicly criticising officials on livestream.²¹ On a similar note, university lecturer Pham Dinh Quy was arrested on September 25, 2020, without a formal arrest order and charged under Article 156 of the 2015 Criminal Code. His arrest followed allegations he made against Bui Van Cuong, the party secretary of Dak Lak Province, accusing Cuong of plagiarising his doctoral thesis. This accusation led to Quy being charged under Article 156 of Vietnam’s Penal Code and sentenced to 2 years and 9 months in prison.²²

Article 200 ‘tax evasion’ charges have also been commonly used against civil society leaders and

NGO professionals using the Internet and social media to build coalitions and engage in policy activism. The MPS has successfully jailed at least five individuals for tax evasion since 2021. The most well-known case of use of Article 200 is the Vietnam Four; though their cases go beyond only digital rights matters, it is important to acknowledge their high-profile cases and the ways in which Article 200 was employed against them. The Vietnam Four refers to four prominent climate activists: Dang Dinh Bach, Nguy Thi Khanh, Mai Phan Loi, and Bach Hung Duong. They campaigned for Vietnam to pledge to achieve net zero carbon emissions by 2050, resulting in a substantial energy transition agreement with the G7. This case is widely seen as a crackdown on civil society in Vietnam, as the activists were charged with tax evasion in what many perceive as an attempt to silence and intimidate others.²³

Nguy Thi Khanh, a prominent environmental activist in Vietnam, was apprehended by Hanoi police for suspected “individual income tax evasion” under Article 200 of the 2015 Criminal Code. Although her arrest took place in January 2022, it was formally announced by authorities in February of the same year. Subsequently, in June 2022, Khanh received a two-year prison term for the tax evasion charges, which were linked to her failure to settle around \$18,000 in taxes associated with the Goldman Environmental Prize she was awarded in 2018. Khanh was silently released from prison in May 2023, five months before the end of her sentence. While the exact reasons for her early release were not disclosed, it coincided with Vietnam’s pursuit of international financing to advance its decarbonization objectives.²⁴

Mai Phan Loi, the founder of the Center for Media in Educating Community (MEC), encountered legal consequences when he was also charged under Article 200 of the 2015 Criminal Code and handed a four-year prison sentence in January 2022, alongside a significant fine of nearly 2 billion dong (\$90K USD). This action was perceived as a politically motivated

act targeting individuals critical of the Vietnamese Communist Party's stance on press freedom and freedom of expression. Loi's advocacy for free speech and critical thinking, exemplified through his work with MEC and the Young Journalists Forum, had already led to the revocation of his press card in 2016. Some believe his arrest may be linked to his endeavours to establish an NGO network under EVFTA regulations. Alongside Loi, his alleged accomplice, Bach Hung Duong, was also accused of involvement in tax evasion related to financial contributions received by MEC, facing sentencing around the same period as Loi.²⁵

Despite not being given an arrest warrant, Bach's arrest and charge announcements were given in July, coinciding with Mai Phan Loi's case. On January 24, 2022, Bach was sentenced to five years in prison under Article 200, accompanied by a significant fine. Since January 10, 2023, he has been on a hunger strike, protesting against his extended detention and lack of family visits, with concerns arising about his declining health, evident by his weight dropping below 45 kg by April 2023. During a visit on March 17, 2023, Bach faced strict monitoring by officials, with guards limiting conversations and traditional medicine for his asthma. Moreover, personal items such as his reading light, battery charger, and alarm clock were confiscated since July, worsening his condition. Bach was transferred to a new prison without his family's knowledge, discovered only during an attempted visit by his wife, Thao. Facing financial strain, Thao encountered threats from the local government to freeze her bank accounts and sell her assets, compounded by Bach's frozen accounts and locked credit cards, leading to difficulties in managing finances and even utility disconnection threats. As of February 2024, the authorities have withheld the family's "pink book," which is the legal document allowing a citizen to rent or use land or property. Thao and her family are now closer than ever to becoming unhoused.²⁶

On January 11, 2022, the Hanoi People's Court handed down a 30-month prison sentence to Bach Hung Duong for "tax evasion" under Article 200 of the 2015 Criminal Code, which was later reduced to 27 months on appeal. Duong served as the Director of the non-profit Media in Educating Community (MEC) from 2014 to 2021. MEC is a prominent NGO known for promoting free and critical thinking, freedom of information, and civic education, with partnerships including the Embassy of the United Kingdom and the United States of America in Vietnam. During his tenure, Duong allegedly supported the aforementioned Mai Phan Loi, the founder of MEC, in evading taxes on financial contributions amounting to nearly 20 billion dong (US\$ 880,200) received from domestic and foreign donors between 2014 and 2021. While Duong did not personally benefit from these activities, he faces a ban on undertaking managerial positions and practising or working in the field of taxation for five years following his release. Expected for release on September 24, 2023, Duong's whereabouts remain unknown as of February 2024.²⁷

While arrests make up only a small portion of the overall repression of political speech online, it is important to note that arrests of online activists and bloggers have increased over time.²⁸ In 2019, online users made up less than half of political arrests. By 2022, they accounted for over 80%. There is no legal threshold for applying relevant sanctions to criminalise online political speech in Vietnam. In some cases, a single social media post is enough to land someone behind bars.²⁹ Activists with a long history of speaking out online often receive lengthy prison sentences.³⁰

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The arrest, detention, prosecution, conviction and harsh sentencing of individuals simply for exercising their right to freedom of expression to report on human rights issues is an arbitrary deprivation of liberty under international human rights law.³¹

- UN Human Rights experts

Other Types of Criminal Sanctions

Apart from arrests, the MPS has also exploited their eligibility to ‘summon’ individuals for questioning regarding their public expressions, enabled by the Law on the Organisation of the Investigating Agencies (2015) and the Criminal Procedural Code (2015 version, and earlier versions; see Article 37).³² The definitions and regulations are very vague in these codes. Summoning is used when Public Security forces claim to need information from other individuals who are not necessarily under

investigation or directly involved in a crime. Further, through a series of legal instruments, such as the Ordinance of Communal Public Security Forces and the Law on Public Security Forces, the legal system has extended the power of the criminal investigation agencies to the local police, which previously had no role in the process of criminal investigations. These policy changes enable all levels of police to use summoning as a tool of intimidation

An example of how this occurs is exhibited through how Article 9.9 in the Ordinance allows communal public security forces “to request organisations and individuals in the commune to cooperate in local activities, provide information and perform tasks related to ensuring social security, order, and safety.” Police departments can apply this tool at their discretion, without needing to consult with other authorities. Thus, in addition to the power to summon, authorities can also weaponise their power to demand information and cooperation from people, to intimidate them out of freely expressing themselves online..

Several geographic divisions and actors, of varying levels of authority, have the power to summon individuals, including the local (commune-level) police, the MPS Department of Cybersecurity and High-tech Crime Prevention (usually at the district level), and the MPS Security Investigating Agency.

1. Local police can summon residents within its jurisdiction without providing a reason. As demonstrated by Project88’s Database, the majority of political prisoners in Vietnam have been summoned for various cited reasons, for example, posting parody videos, or managing a fund that supports human rights defenders.³³
2. The MPS Department of Cybersecurity and High-tech Crime Prevention (DCHCP), generally considered to be at the district level, can summon residents within its jurisdiction any time, using the accusation that residents have violated the

‘order and safety’ of the internet environment. According to the record of the Communist Online Newspaper (directly provided by the DCHCP), from the end of 2020 to September 2021, the DCHCP alone summoned over 1,800 individuals who posted content criticising the government or discussing COVID-related information. These individuals were given warnings about their online activity, and forced to delete any posts seen as unacceptable.³⁴ These numbers do not reflect the number of actual arrests; only a small portion of people who are summoned are actually arrested. This suggests why summoning works as such an effective method of suppressing unwanted political speech. The process intimidates and inconveniences people without necessarily leading to their arrest making people less likely to repeat their behaviour.

3. Finally, criminal investigation agencies (most often the Security Investigating Agency) are also legally eligible to summon individuals for official investigations regarding their public expressions.

Overall, it is evident that the summoning process is exploited by the Vietnamese governing system as an effective tool to deter people from, and punish people for, expressing ‘political speech’ that is seen as threatening by the regime.

Understanding the MPS, MIC, and Economic Sanctions

Another mechanism of overt control of ‘political’ online speech is that of economic sanctions. Economic sanctions refer to the direct imposition of financial penalties against individuals whose online speech is considered unacceptable. Two government-issued instruments, Decree 15/2020/NĐ-CP³⁵ and Decree 14/2022/ND-CP,³⁶ provide the legal basis for these sanctions.

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This decree [Decree 15/2020/NĐ-CP] provides yet another potent weapon in the Vietnamese authorities’ arsenal of online repression.³⁷

- Tanya O’Carroll, Director of Tech at Amnesty International

Any prohibited act of online expression is subject to a fine, according to the aforementioned policies. Prohibited acts include a wide range of vaguely-defined activities,³⁸ such as:

1. “Providing and sharing fake information, or information that distorts, slanders, or insults the reputation of governmental agencies or organisations, honour and dignity of individuals;
2. Providing and sharing information promoting customs, superstitions, lewdness, debauchery, all of which are not suitable with the national customs and traditions;
3. Providing and sharing information detailing the action of slashing, murdering, and horror in general;
4. Providing, sharing fabricated information, causing public confusion; inciting violence, crimes, social evils, or gambling;
5. Providing or sharing journalistic, literary, artistic or published works generally without the consent

- of the intellectual property right holder, or works that have not yet been allowed to circulate or have been banned from circulation;
6. Advertising and sharing information about banned goods and services;
 7. Providing and sharing images of Vietnam’s map that does not rightly reflect the national sovereignty;
 8. Providing and sharing links to online information with prohibited content.”

Importantly, the definition of “prohibited content” has not been made clear in the Decree. Consequently, the sharing of any links, posts, or videos that are deemed “inappropriate” or “dangerous” by either the MPS or the MIC is potentially subject to a fine.

There is a lack of data to fully illustrate the economic sanctions on political speech online. However, a conservative estimate puts government-issued administrative fines for online speech at 114 incidents in 2022, totalling fines of 1.9 VND (~\$81,000).³⁹ In addition, during the early COVID-19 Pandemic, the MIC published a separate section on their website titled “Information on Administrative Fine” (thông tin xử phạt), as an attempt to show much it costs to publish ‘fake, wrong, and unlawful’ information on social, likely to encourage citizens to be intimidated out of doing this.⁴⁰ Administrative fines for “prohibited” speech are an important tool in the government’s toolbox for regulating political speech online.

Policies Regulating the Information Environment

In addition to criminal law-based coercive measures, the Vietnamese government also uses general policies to regulate general use of technology. While an exhaustive review of these regulations – which span policy domains of telecommunications, media, and cybersecurity – is beyond the scope of this chapter, we have identified key policies that regulate the structure of the online press publishing environment, as well

as the general online environment. These include:

1. The Law on the Press 2016⁴¹ (along with Decision 1418/QĐ-BTTTT⁴²);
2. The Law on Telecommunication (2009)⁴³;
3. The Law on Information Technology (2006)⁴⁴;
4. Decree 72/2013/NĐ-CP⁴⁵ and Circular 38⁴⁶

In the following section we discuss each of these policies in turn:

The Law on the Press not only allows the government a lot of control over state-made, print-based media; it also regulates online newspapers, and even online publications from international outlets. Articles 31 and 33 of the Law give the MIC complete control over which media organisations, whether Vietnamese or non-Vietnamese, can circulate online publications. They also regulate how these news publications should be edited and published.

In response to the recent proliferation of news websites and journalistic activities online, the MIC issued Decision 1418/QĐ-BTTTT. The decision limits which organisations can act as ‘official’ sources of online news, preventing non-official sources from competing with state media organisations. It imposes sanctions for a range of practices, including:

1. Websites that use journalistic language that might mislead readers or viewers, such as: “daily news,” “daily digest,” “television,” “tv,” “hot news,” “breaking news,” or “online”;
2. Academic institutions and journals that employ a disproportionate number of “journalists” in relation to their mission or have too many local “correspondents”; and
3. Websites that send “journalists” or “representatives” on field assignments to collect news and information.

Decision 1418, as with the Law on the Press, seeks

to perpetuate the government’s monopoly on journalism. Recently, a draft proposal has emerged that, if adopted, would impose a classification system dividing social media accounts into “normal accounts” and “abnormal accounts.” “Abnormal accounts” would be defined as accounts that amass over 10,000 unique visitors per month. According to the proposal, these abnormal accounts would be required to register with the MIC, and would be subjected to regulations over live streaming and annual reporting.⁴⁷

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In Vietnam, the media are seen as a tool of the ruling party and government. They lose their function of creativity and criticism, as they are closely controlled by the Communist Party of Vietnam’s Central Commission on Education and Communications. The media are only allowed to tell one-sided stories, especially in human rights cases.

- Anonymous human rights lawyer from Vietnam

While the Law on the Press allows the MIC to control online news media, the Law on Telecommunication allows the MIC to control the architecture of the internet itself. Internet resources such as IP address, domain names, and the “.vn” extension, are all subject to official registration procedures set by the MIC.

The Vietnam National Internet Center (VNNIC) is the administrative agency responsible for internet affairs under the MIC. It manages almost all aspects of Vietnam’s internet operations, including the allocation of IP addresses and domain names. IP addresses can only be obtained by government-sanctioned entities, limiting who can access the internet and share information. VNNIC also oversees the administration of domain names. VNNIC’s official mouthpiece, ICT Vietnam, provides guidelines to the public: “It is necessary to check the domain name of the website that publishes information. Very often, websites in Vietnamese that have foreign domain names (.com, .org) are the source of toxic and fake news. Websites with Vietnam’s domain name (.vn) are more reliable sources of news.”⁴⁸ This demonstrates the extent to which the Vietnamese government regulates online political speech. Not only does it try to regulate the citizens’ use of the internet, it also regulates the structure of the Vietnamese internet jurisdiction itself.

While the Law on Telecommunication governs broad internet setup procedures, the Law on Information Technology, Decree 72, as well as Circular 38, provide the framework for more specific, user-centric registration processes and data storage rules. The Law on Information Technology and Decree 72 focus on general procedures concerning the registration of websites, the obligations of online search engines, and storage of personal information. Circular 38, on the other hand, exclusively deals with cross-border sharing of information. While it is not possible to review all of these policies in depth here, key registration requirements that online businesses and internet users must adhere to include:

1. Requirements for search engines to register and submit to control (according to Article 19, The Law on Information Technology). Companies operating search engines have to exclude every search result that the government considers illegal.
2. Requirements concerning the registration and control over electronic information (according to Article 20, The Law on Information Technology). These regulations require that every piece of electronic information circulated under the Vietnamese jurisdiction must be seen as lawful by the Vietnamese state.
3. Registration and control over electronic information pages and social media platforms (Section 2, Decree 72). Website owners and social media companies have various responsibilities and duties to the MIC, including proving that they have adequate human resources, providing periodic reports, moderating content, and immediately responding to requests from the MIC (e.g. by taking down information or providing users' information). Yet, there are virtually no procedural safeguards for online businesses or their users, making it a very difficult and unregulated job for website moderators and social media companies.
4. Organisations or individuals who disseminate "public information" over international borders are all required to register with the MIC (Article 3, Circular 39/2016/BTT-TT). This is considered a random, unenforceable requirement. It even regulates content disseminators from outside of Vietnam; for example, even bloggers and content creators who live outside of Vietnam, but have Vietnamese audiences, must register with the MIC.

This complex web of policies has far-reaching implications for freedom of expression.

Policies of the Communist Party of Vietnam

Resolution 35 (35-NQ/TW)

The most consequential policy of the party for online speech in recent years has been Resolution 35, which was passed by the Politburo on October 22, 2018. While the full text of the Resolution has not been made public, it has been reported on widely in state media.⁴⁹ Resolution 35 can be understood as a massive propaganda effort to uphold the supremacy of the Communist Party. It purportedly aims to "[protect] the ideological foundation of the Party" and "fight against wrong and hostile views in the new era." The policy also alleges that it was influenced by "Marxist-Leninist" and "Ho Chi Minh thought," likely to assure citizens that these policies are rooted in the party's Communist agenda, and thus essential.

Plan 14 on implementation of Resolution 35-NQ/TW (14-KH/TW)

Plan 14, issued by the Central Party Committee, provides guidance on how Resolution 35 should be interpreted and implemented. Key aims of the plan involve increasing "positive information" and "fighting against and limiting toxic information and wrongful and hostile views in communications media, especially on the Internet," in order to "defeat all plots and countermeasures of hostile and reactionary forces."⁵⁰ The plan is comprised of six parts:

1. Creating and training ideological defence committees in "all provinces, cities, ministries, industries";
2. Revising the policy framework on the press, publication, the internet, and social media;
3. Planning for news agencies;
4. Creating training programs on Marxist-Leninist thought, socialism, Ho Chi Minh's ideology, and the history of the Communist Party in popular education;
5. Introducing new responsibilities for teachers of

political doctrine on protecting the ideological foundation of the Party and fighting against wrong and hostile views; and

6. Protecting state secrets.

Party organisations at all levels of society are responsible for implementing the plan, and the Propaganda Committee of the Central Party Committee is charged with providing direction to these organisations.

Future plans, such as Decision 169-QD/TW, issued by the Politburo on January 7, 2019, would establish the institutional framework through which these goals could be achieved. Decision 169, although not in the public domain, reportedly establishes a series of committees (each committee is referred to as a ‘Committee 35’) to implement Resolution 35, from the central level down to provincial, district, and even commune/ward levels. This therefore also involves regulating ministries, committees, and mass community organisations (farmer’s unions, women’s groups, etc.). These committees (Ban Chỉ Đạo 35 or Committee 35) have been characterised as groups of shapers of public opinion and were assigned a role in the government’s response to the COVID-19 pandemic.⁵¹

Mandatory Social Media Users Identification

In November 2023, an Amended Telecommunications Law was passed by the Vietnamese Government, with one of its key objectives allegedly being to reduce scams and other “telecommunications waste,” by mandating regulatory firms to ‘verify’ information more strictly, and to require more user authentication.⁵² The implementation of this measure has the potential to intensify restrictions on freedom of expression online.

In addition, the Ministry of Information and Communications introduced Drafting Decree Number 72/20132013/ND-CP in July of 2023.⁵³ If passed, this draft amendment to the decree would transform the digital sphere into a zone of pervasive surveillance

and control.⁵⁴ In an effort to combat human trafficking and fraud, it mandates that social media accounts be verified with actual names and contact information. Nonetheless, this intrusive approach flagrantly violates a fundamental right: the right to privacy, which is intrinsically linked to the protection of human autonomy and individual identity.⁵⁵

It was initially anticipated that by the end of 2023, the amendment to Decree 72, which addresses the management, provision, and use of internet services and online information, would have been formally enacted. This amendment would have closely paralleled Decree 53, also known as the Cybersecurity Guidance Law, which went into effect in October 2022. Under Decree 53, international platforms must store data within Vietnam’s borders and establish local offices at the request of the Vietnamese government.⁵⁶ Collectively, these measures represent a concerted effort by the Vietnamese government to exert control over the digital sphere, which raises concerns not only regarding freedom of expression but also the erosion of online privacy and autonomy. Ultimately, Decree 72 has yet to be legally amended.

Activities of Committees 35 at the Sub-National Level

Reports on implementation of Resolution 35 by sub-national party organisations provide insights into the activities of these organisations. One official report from a district-level propaganda department describes how its Committee 35 set up “reporting” teams and groups of “social opinion shapers” on platforms like Zalo and Facebook, in order to bring online content that they deem concerning to the attention of higher-up government committees. The report also states that in 2022, the committee shared 42,105 images and 11,549,143 news pieces and videos on social media, and made 103,543 comments against wrongful views. It then goes on to detail how 12 articles written by members of the committee included “fighting against arguments that distort the prosecution of Pham Thi Doan Trang”

and "Vietnam's election to the UN Human Rights Council dispels distortions about the human rights situation in Vietnam."

An investigation by The Intercept in 2018 provides some insight into how various Committee 35 groups operate in practice.⁵⁷ The investigation exposed the operation of E47, a secret Facebook group named after Force 47, that was set up at the end of 2017. One of the group's administrators, Huyen Nguyen, describes the organisation as "not a space for free, democratic and pluralistic debate but rather an army battalion." E47 served several functions, which include silencing criticism of the government and Communist Party, manipulating public opinion by spreading disinformation, and acting as a tool of state surveillance and harassment. Strategies used by the group to achieve these aims include compiling lists of activists and dissidents to troll and harass, abusing Facebook's Community Standards (particularly its content moderation rules) to have posts deleted and accounts banned, running disinformation campaigns,

and reporting government critics to the police. Before it was taken down, E47 had over 3,000 members and was run by a group of six administrators with connections to the government and the party. Many members were allegedly employed by the state (police, military, media) and primarily motivated by ideology. Importantly, Facebook was aware of the group's activities since at least October 2018, yet it only took the group down (without closing accounts of the groups administrators or members) in 2021, after the company changed its policy on harmful behaviour.⁵⁸ E47 is thought to have been one of the most active groups working to implement party Resolution 35.

It is also within the context of Resolution 35 and Decision 169 that groups like Force 47, a group within the Vietnamese army dedicated to fighting "wrong views," "hostility" and "political opportunity" online, were established. Force 47 was first announced by General Vu Trong Nghia (now the Communist Party's chief propagandist), who claimed that the

NĂM THỨ 61
SỐ: 1854
THỨ HAI
12
THÁNG 4 - 2021
Ngày 01 tháng Ba năm Tân Sửu

Quân khu Bốn

CƠ QUAN CỦA ĐẢNG ỦY - BỘ TƯ LỆNH QUÂN KHU
TIẾNG NÓI CỦA LỰC LƯỢNG VŨ TRANG QUÂN KHU

TRỤ SỞ BAN BIÊN TẬP
191 - LÊ DUẨN - TP. VINH - NGHỆ AN
ĐIỆN THOẠI: 069.789.579
069.789.580
02383.556.264
FAX: 02383.556.264
EMAIL: baogk4@gmail.com
dientubqk4@gmail.com

HỌC TẬP VÀ LÀM THEO TƯ TƯỞNG, ĐẠO ĐỨC, PHONG CÁCH HỒ CHÍ MINH

BƯỞI NGHỊ QUYẾT MỆH HẸN XÃ HỘI VÀO CUỘC SỐNG

Phát triển văn hóa trở thành nền tảng tinh thần của xã hội

Báo Quân khu 4

TRONG quan điểm chỉ đạo, Nghị quyết Đại hội XIII của Đảng xác định rõ: "... gắn kết chặt chẽ và triển khai đồng bộ các nhiệm vụ, trọng điểm phát triển kinh tế, xã hội là trung tâm; xây dựng Đảng là then chốt phát triển văn hóa là nền tảng tinh thần; bảo đảm quốc phòng, an ninh là trọng yếu, thường xuyên".

Nhìn lại chặng đường 5 năm thực hiện Nghị quyết Đại hội XIII của Đảng, bằng sự nỗ lực và phấn đấu không ngừng, toàn Đảng, toàn dân, toàn quân đã đạt được nhiều kết quả rất đáng khích lệ trên mọi lĩnh vực của đời sống xã hội, trong đó phải kể đến những thành tựu về văn hóa.

Nghị quyết Đại hội XIII của Đảng chỉ rõ: "Lĩnh vực văn hóa, xã hội chứa có nhiều đột phá, hiệu quả chưa cao; đời sống của một bộ phận Nhân dân còn khó khăn". Từ đánh giá này của

Thủ tướng Bộ Tư lệnh Quân khu đón nhận Kỷ niệm chương "Vì sự nghiệp biên giới, lãnh thổ quốc gia"

Thủ ủy quyền, Trung tướng Nguyễn Đoàn Anh, Ủy viên Ban Chấp hành Trung ương Đảng, Tư lệnh Quân khu, đón tiếp, trao thưởng cho Thủ tướng Bộ Tư lệnh Quân khu.

Danh sách chủ trì của Trung tướng Nguyễn Đoàn Anh, Ủy viên Ban Chấp hành Trung ương Đảng, Tư lệnh Quân khu, Bộ Tư lệnh Quân khu và tổ chức Hội nghị rút kinh nghiệm huấn luyện tháng thứ nhất năm 2021. Trung tướng Trần Văn Dũng, Chính ủy Quân khu; các đồng chí trong Thường vụ Đảng

HƯƠNG TỎI BẦU CỬ QUỐC HỘI KHÓA XV VÀ HỘI ĐỒNG NHÂN DÂN CÁC CẤP NHIỆM KỲ 2021 - 2026

Triển khai công tác bảo vệ bầu cử

Bộ Tham mưu Quân khu vừa tổ chức Hội nghị giao nhiệm vụ bảo vệ bầu cử đại biểu Quốc hội Khóa XV và đại biểu Hội đồng Nhân dân các cấp nhiệm kỳ 2021 - 2026 tại điểm bầu cử cơ quan Quân khu. Thủ tướng Trần Khắc Bang, Phó Tham mưu trưởng Quân khu chủ trì Hội nghị.

(Xem tiếp trang 2)
HỒ TRĂNG

Lực lượng vũ trang Quân khu chủ động đấu tranh trên không gian mạng

(Xem tiếp trang 4)
Tên. ảnh: HOÀNG THÁI

TRUNG TƯỚNG TRẦN VĂN DŨNG, BÍ THƯ ĐẢNG ỦY, CHÍNH ỦY QUÂN KHU TRAO BẢNG KHEN TẶNG CÁC TẬP THỂ, CÁ NHÂN VÌ THÀNH TÍCH XUẤT SẮC TRONG THỰC HIỆN CHỈ THỊ 47.

An article about a ceremony marking five years since implementing Directive 47/CT-CT (Source: Báo Quân khu 4).

group, which operated within the army, had 10,000 members.⁵⁹ Nevertheless, while much has been written about Force 47 in the international media, it is only one manifestation of Resolution 35 and not necessarily the most significant; we must also pay attention to other manifestations. It is also worth noting that in 2017, Decree 1198/QĐ-TTg of the Prime Minister established a whole division of the army dedicated to cyber operations. Like Force 47, little is known about the operations of this division and what role it plays in efforts to regulate political speech online. Overall, it can be witnessed that even on a sub-national level, many formalised and non-formalised entities exist, working in cooperation with official, national bodies, further complicating and systemizing restrictions of freedom of online speech under the Vietnamese jurisdiction.

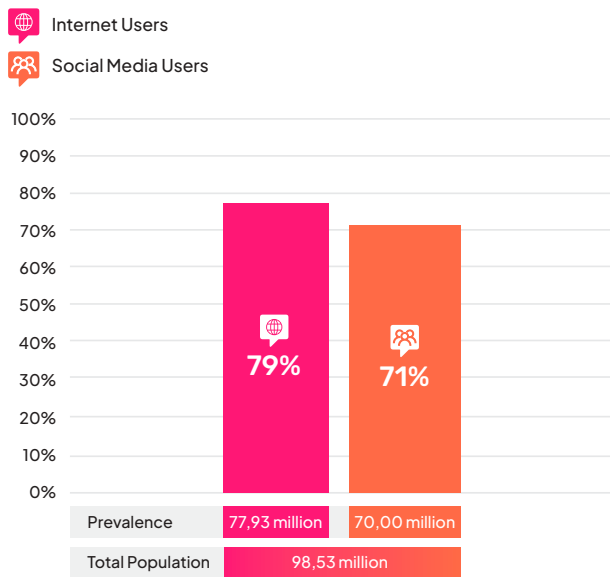


Fig. 4.5: Percentage of Internet and Social Media Users in Vietnam, 2023.

Tech companies complicit of digital dictatorship

The government regularly restricts critical content online by pressuring social media companies to comply with content removal requests deemed unlawful in Vietnam. In 2020, Meta restricted access to 3,039 items related to content allegedly violating the Decree No. 72/2013/ND-CP, including content

opposing the CPV and the government, as well as COVID-19 misinformation.⁶⁰ In November 2020, a Facebook’s official told Reuters that the government had threatened to shut its entire service down in Vietnam if Facebook did not agree to comply with the government demands for increased compliance with its content restriction requests.⁶¹ In the same month, Mark Zuckerberg, the CEO of Meta, admitted to the US Senate that Facebook “might have” suspended postings of land rights activists after the Vietnamese government demanded it.⁶² In 2021, Facebook declared its agreement to substantially enhance its adherence to governmental mandates pertaining to the restriction of access to content deemed unlawful in Vietnam. Following the government’s threat to disable Facebook’s services in the country if the company failed to comply, this decision was reached. Facebook CEO Mark Zuckerberg acquiesced to the Vietnamese government’s censorship demands for posts containing anti-state rhetoric in 2020, facing the prospect of forfeiting an approximate annual revenue of \$1 billion from the nation. Facebook justified the Vietnam decision in a statement to the Washington Post, stating that it was necessary “to ensure our services remain accessible to the millions of individuals who depend on them daily.”⁶³

Throughout 2021, access to 2,005 items was restricted by Meta on Facebook and Instagram, 987 of which were allegedly in violation of Decree No. 72/2013/ND-CP, including content critical of the CPV Party and the Government, and 885 items on COVID-19 misinformation.⁶⁴ The first half of 2022 saw a decrease in restrictions on both Facebook and Instagram, with a total of 998 items being restricted, out of which 982 allegedly violated Decree No. 72/2013/ND-CP.⁶⁵

“

*It's very easy for a dictatorial government to abuse Facebook's policies. They pay these people to report my posts, saying I'm spreading hate.*⁶⁶

- Nguyen Van Hai, Vietnamese blogger

Likewise, Google reported that it received requests from the authorities to remove 13,123 items in 2020, with a 73.7% compliance rate in the first half of the year and 91.2% in the second. The vast majority of requests were based on content classified as “government criticism.” In 2021, it received requests to remove 19,984 items, of which 92% were related to “government criticism.” Between January and June 2022, authorities requested the removal of 7,470 items, with 84% of them being labelled under “government criticism.” Google complied with 80.8% of the requests.⁶⁷

Out of all the countries analysed in this report, Vietnam is the only one which reported a significant number of requests to ban and limit access on TikTok, being also the only global social media company to have an office in Vietnam. While few requests were recorded in 2020 and 2021, there was a major increase in requests in the second half of 2021. Requests were made in relation to 1,780 items, out of which 1,064 were removed or restricted or

allegedly violating local laws. From January to July 2022, the government made 16 requests referring to 292 items, out of which 184 were either removed or restricted on the same grounds.⁶⁸

Since February 2023, state-controlled media has begun to blame TikTok for promoting “anti-government” and “offensive” content.⁶⁹ Few months later, the Ministry of Information and Communications launched a probe into TikTok to ensure the platform’s adherence to Vietnamese law. The investigation spans eight government departments and covers censorship, user authentication, and algorithm distribution of the content, among others. The Ministry stated that “toxic” content on the platform “poses a threat to the country’s youth, culture and tradition,” and warned of a complete ban of the company.⁷⁰ The results of the findings are expected to be made public in July 2023.⁷¹

“

*[TikTok] was generally non-political. However, as it has attracted more users, and as Facebook and YouTube have come under heavy censorship, there has been a surge in political content. That has created unease among the censors.*⁷²

- Nguyen Khac Giang, an expert on Vietnamese politics and a visiting fellow at the ISEAS–Yusof Ishak Institute



INTERSECTIONAL GENDER ANALYSIS: ONLINE GENDER BASED VIOLENCE IN VIETNAM

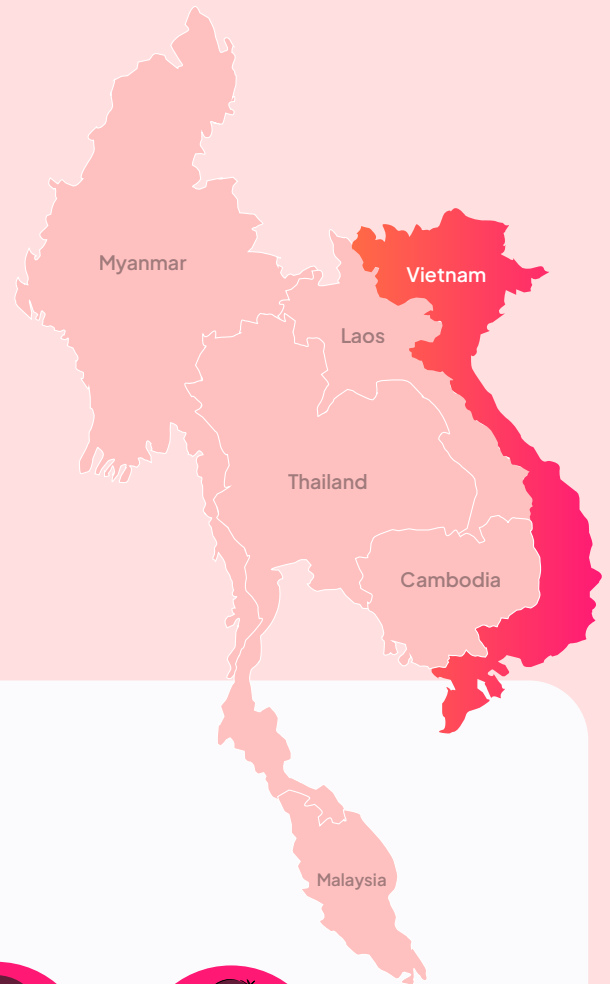
Vietnam is moving in the right direction to reduce gender-based inequalities in the internet sector. In 2006, Vietnam already enacted the Law on Gender Equality, guaranteeing equal access to science and technology for men and women. The year 2020 is of particular importance, as this is when three key digital transformation documents were published, namely the National Strategy on Industry 4.0 to 2030 (2020), the National Digital Transformation Programme to 2025, with a vision to 2030 (2020), and the Business Support Programme for Digital Transformation in 2021-2025.⁷³ Various initiatives have been launched, in particular by the SecDev Foundation, which has set up two programmes. The first initiative aimed to support women with disabilities. The goal was to strengthen the digital resilience of a cohort of 258 Vietnamese women with disabilities, while using this experience to better understand the specific threats they face online. Another initiative, entitled “Online Safety 4 Girls”, focused on woman-identifying students (aged 14 to 19) at two ethnic minority boarding schools in the provinces of Thai Nguyen and Viet Bac.⁷⁴ In 2023, across its 63 provinces, there are few marked gender disparities in terms of access to information and communication technologies (ICTs), media exposure, mobile phone use, and mastery of basic ICT skills. Mobile phones are used by 91.1% of women and girls in Vietnam.⁷⁵

However, the disparities between girls and boys pursuing careers in technology are particularly marked.⁷⁶ The government is therefore placing particular emphasis on increasing the number of women entrepreneurs with digital skills working in the technology sector.⁷⁷ For example, the “4M Solution” programme has been developed to support micro-entrepreneurs from ethnic minorities. This project guides them in meeting professionals,

establishing e-commerce partnerships and obtaining mentoring from partners, in order to help their businesses grow. After being successfully tested and replicated in four Vietnamese provinces (Bac Kan, Dak Nong, Lao Cai and Son La), this initiative has proved successful. Thanks to the new skills acquired, many women entrepreneurs have been able to expand their activities, with an increase in turnover of at least 30% for 100 cooperatives, benefiting more than 13,000 women.⁷⁸

However, it is important not to forget the women who are persecuted online, particularly activists and more specifically the wives of activists.⁷⁹ According to Project88, in January 2024, 103 women and 477 men were arrested. The Project also documented various forms of mistreatment and harassment against these women, ranging from former political prisoners to the wives of jailed activists and ordinary citizens.⁸⁰ For instance, the renowned pop star Mai Khoi, utilised her fame to advocate for LGBTIQ+ rights, feminism, and free speech. Her outspokenness on human rights led to authorities detaining her for eight hours upon her return from a European tour in 2018. Subjected to ongoing online harassment, Mai Khoi now resides in the US.⁸¹ Additionally, two activists’s wives had the courage to confide in Radio Free Asia. Trinh Thi Nhung, the wife of Bui Van Thuan, was summoned several times by the police in Thanh Hoa province without any clear explanation, and questioned about a Facebook account using her husband’s photo as a profile picture. Similarly, Le Thanh Lam, the wife of Bui Tuan Lam, earns a living selling food to support her children and her imprisoned husband. However, she has been harassed by police and market authorities in Da Nang, who have confiscated her goods and fined her for unknown offences.⁸²

VIETNAM



2023 Political Overview

One-Party Communist Republic in theory, authoritarian regime in practice.

Head of State, Head of Government

General Secretary of the Communist Party of Vietnam (CPV) Nguyễn Phú Trọng (de facto power); Prime Minister Phạm Minh Chính; President Nguyễn Xuân Phúc (up to January 2023) and Võ Văn Thưởng (current).

#BuiVanThuan #BuiTuanLam

#TrinhThiNhung #LeThanhLam

CASE STUDY

The intimidation of the loved ones, such as the wives, of prominent human rights defenders is a clear example of **how identity-based violence** goes hand-in-hand with **Digital Dictatorship**

WHO

Trinh Thi Nhung...

...wife of Vietnamese activist Bui Van Thuan, imprisoned for being seen wearing t-shirts with symbols on them deemed to be critical towards the Vietnamese and/or Chinese establishments. ●

Le Thanh Lam...

...wife of Vietnamese activist Bui Tuan Lam, imprisoned for posting a satirical video. 🗣️

WHERE

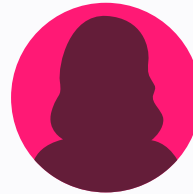
Da Nang and Thanh Hoa, Vietnam

WHEN

30 August 2021 (Bui Van Thuan arrested); 7 September 2022 (Bui Tuan Lam arrested); early February 2024 (escalation of police harassment of the two women)

WHY/WHAT

🗣️🗣️🗣️🗣️ Prominent Vietnamese activists Bui Van Thuan and Bui Tuan Lam are currently still serving their prison sentences. In the meantime, their respective wives Trinh Thi Nhung and Le Thanh Lam, have become the targets of constant harassment and surveillance by Vietnamese police.



Trinh Thi Nhung



Le Thanh Lam

HOW

⚠️ How Digital Dictatorship has caused the violation of Nhung and Lam's human rights:

🗣️🗣️ Both Nhung and Lam have been constantly questioned, intimidated, and surveilled by the police.

🗣️🗣️ The implications of this harassment extend beyond the activists and their wives. Lam, for example, has dependents to take care of including three small children, along with a small food business, as well as her imprisoned husband. She told RFA of how a police officer once directly addressed her at her husband's trial, saying "I will not leave you and your mother alone," openly admitting that they were going to use intimidation against her family. Digital Dictatorship does not just affect dissident individuals; they affect the entire community.



RFA, *Wives of jailed Vietnamese activists claim constant harassment*, (20 February 2024), available at: <https://www.rfa.org/english/news/vietnam/wives-harassed-02202024212439.html>.

Arrests, litigation, and the other forms of harassment mentioned in this case study are just some examples of how Digital Dictatorship has affected the individual(s) mentioned, as well as Southeast Asian society as a whole. HRDs and/or journalists, including the one(s) in this case study, are often perpetually targeted by Digital Dictatorship in numerous ways that go beyond just what is discussed here.

Access to Remedy

The Vietnamese Constitution contains provisions pertaining to access to redress for human rights violations; Article 30 allows citizens to lodge complaints for violations of their rights and Article 31 provides for the presumption of innocence in trial reparation, the right of a fair trial and to legal representation.⁸³ However, in practice, individuals, HRDs and organisations whose rights have been violated barely have access to an independent judicial or redress mechanism.

The Vietnamese law states in theory that citizens can file complaints about administrative decisions or acts, and sue the government over the same. However, in reality, citizens' complaints and lawsuits on online speech cases almost always carry no weight in court, and are often not taken seriously. This renders individuals and organisations subject to content restrictions with no real opportunity to challenge decisions made by the authorities. Furthermore, procedural safeguards, as well as independent and effective oversight, are non-existent in the legal framework.

Victims detained and prosecuted for online activities are prevented from seeking redress due to the heavy political influence, endemic corruption, bribery, and inefficiencies which mark the judicial system. Individuals are often denied the right to a fair and public trial and due process rights. The practice of incommunicado detention is so pervasive in Vietnam that in 2022 alone at least half of people arrested for political crimes were held incommunicado from their lawyer, families, or both prior to trial.

Blogger Nguyen Lan Thang⁸⁴ was held incommunicado⁸⁵ from his arrest in July 2022 until February 2023. His lawyers were notified on March 30 that his closed trial would take place on April 12, giving them only 13 days to prepare. His wife, Le Bich Vuong, did not receive any notification of the trial. In a one-day proceeding that lasted only a few hours, Thang was

convicted of distributing “anti-state propaganda” and sentenced to six years of prison plus two years of probation. Like many other political prisoners in Vietnam, Nguyen reports being psychologically terrorised by authorities in confinement; in December 2023, his wife alleged to Project88 that he is being psychologically abused in Prison No. 5, where he was transferred to mid-2023.⁸⁶

Although convicted persons have the right to appeal, the appeals process seldom results in sentence reduction, and outright overturning of sentences is exceedingly rare. In most cases, successful appeals are the result of guilty pleas or family connections to the Communist Party of Vietnam. In Nguyen Lan Thang's case, he decided in June 2023 not to appeal, in order to “lessen the pressure on [his] family” and because he believed that “appeals never change the result but only lengthen the time he has to suffer the terrible conditions.”⁸⁷ This demonstrates that political prisoners such as Nguyen are very aware that justice is unlikely, so much that they would decide against pursuing these so-called ‘remedy’ channels, believing that they would actually cause them further harm.

Of the people tried in 2022 who appealed their sentences, only four were known to have received any type of sentence reduction. One of these in the fourth instances was the of a sentence reduction in 2022 case of, journalist Nguyen Hoai Nam,⁸⁸ who had his sentence reduced from three and a half to two years. In Nam's case, the reasons given⁸⁹ were that he had a “change in attitude,” “recognized his wrongdoings,” and because his family “contributed to the revolution.”

The three other cases involve the high profile environmentalists Mai Phan Loi, Nguy Thi Khanh, and Bach Hung Duong, three of the ‘Vietnam Four.’ All three chose to plead guilty to “tax evasion” charges against them. NGO leader Dang Dinh Bach of the ‘Vietnam Four,’ was convicted of the same charges as the other three; he, however, did not plead guilty,

and thus did not have sentence reduced.⁹⁰ For those who do decide to lodge an appeal, prison authorities often make it difficult for prisoners to send and receive documents necessary for the appellate process or to petition for mistreatment behind bars.⁹¹ Many political prisoners also report no desire to attempt an appeal, due to a lack of trust in the procedure.

In November 2022, Facebook user Bui Van Thuan was sentenced to eight years in prison plus five years of probation for spreading “anti-state propaganda” – one of the top two longest prison sentences handed down to activists in 2022.⁹² In his closing statement at trial, he maintained his innocence and said he would not appeal the verdict because he had no faith in the system. His expected release is August 2029.⁹³

Overall, while judicial remedy is written into Vietnamese law, it is both highly inaccessible and highly partisan due to the systemic repression of fair trial safeguards, as well the lack of an independent mechanism for appointing judges.⁹⁴

Whistleblowers and Anti-SLAPP Protection

Whistleblowing protections are also minimal in Vietnam.⁹⁵ The Law on Denunciations states that public authorities who receive complaints/denunciations are obliged to protect the complainant/denouncer from retaliation by the denounced individual(s). The specific obligations include the following: protect the whistleblower’s personal information; protect the business and employment of the whistleblower within their capacity to do so; and protect the life, health, property, honour and dignity of the whistleblower.⁹⁶ While laws are used by the government to ‘justify’ its wrongful acts towards its people, individuals are unable to use the law to protect themselves against the government. The definition of SLAPP, referring to lawsuits brought by individuals and powerful actors who want to silence critical voices and undermine scrutiny, along with anti-SLAPP provisions is still missing in the existing framework.

Non-Judicial Grievance Mechanisms

There is no national human rights institution in Vietnam as a State-based non-judicial grievance mechanism. While many states have called for the establishment of a national human rights institution during the Universal Periodic Review cycles, no follow-up action has been taken.⁹⁷

“

*Now the kinds of reprisals and intimidation that they [individuals who try to cooperate with the UN] face can include harassment, travel bans, loss of employment, physical attacks as well as arbitrary arrest, detention and torture... So, it is very important for us to send an alarm on this.*⁹⁸

- Ravina Shamdasani, OHCHR Spokesperson

Further, HRDs are often targeted with reprisals when they attempt to access existing international grievance mechanisms. For example, Tran Phuong Thao, wife of political prisoner Dang Dinh Bach, has faced intensive intimidation that threatens her family's living situation.⁹⁹ The Department of Civil Judgment Enforcement (DCJE) of Hanoi called Thao in January 2023 and told her to pay the alleged tax amount owed of VND 1,381,093,134 (\$58,059).¹⁰⁰ The representative said that if the money was not paid, the department would confiscate property belonging to the family. Over the following months, the DCJE continued to harass Thao and her family. In March, she reported to Project88 that the DCJE specifically threatened to freeze her bank accounts and force her to sell her house, her car, and other possessions if she refuses to pay the tax. In April, DCJE officers even went to her home to make a list of assets. Bach's bank accounts have been frozen and his credit cards locked since his conviction, so Thao does not have the means to comply with the DCJE request even if desired. Thao has been a vocal advocate for her husband's release and has advocated extensively with foreign governments and the UN.¹⁰¹

Evidently, there are many issues regarding Vietnam's remedy systems to safeguard its citizens' digital rights. These issues include a lack of an appeals process for online content moderation; insufficient legal safeguards for both detention periods and trials; minimal whistleblower protections; disinterest in creating domestic non-judicial grievance mechanisms; as well as disinterest in facilitating access to international non-judicial grievance mechanisms. Having laws and systems in place to restrict people's digital freedoms in the name of 'cybersecurity' is one issue. Not having laws in systems in place to provide effective access to remedy is another issue. Both demonstrate key concerns regarding the overall digital rights landscape in Vietnam.

Conclusion

Overall, many complex, concerning legislative measures exist in Vietnamese Law, enforced by the Vietnamese government and other collaborating regulatory entities. Vietnam uses various means to regulate political speech online. Since the popularisation of the Internet in the country during the early 2000s, an elaborate policy framework has been developed to limit political speech in virtual spaces. The Criminal Code is the most visible punitive instrument used to suppress online political speech, with the potential to completely silence individuals and isolate them from society. Although there has been an uptick in criminal prosecutions and arrests linked to online activity in recent years, criminal law tends to be used in a minority of cases and as a measure of last resort. Administrative fines and police summons are more common. The power of the Law on Cybersecurity, by contrast, is sometimes exaggerated by mainstream narratives; this legislation plays a novel and important complementary role, but contains no substantive provision to punish or discipline political speech online. More troubling policies exist that regulate the architecture of the online environment, such as registration requirements for online newspapers and IP addresses under the Law on Telecommunications and the Law on the Press, that do not receive as much attention. The role of the Vietnamese Communist Party and its various organisations also appears to be important, though it unsurprisingly remains shrouded in secrecy. For this reason, it is difficult to assess its role.

Chapter V.

Recommendations

In this chapter, we will discuss recommendations regarding the governance of the digital space in Vietnam. These recommendations are addressed to different stakeholders.

Recommendations to Governments

- 1 Repeal or amend substantially Article 155 and 156 of the Criminal Code, to decriminalise defamation and libel, bringing them in line with Article 19 of the International Covenant on Civil and Political Rights;
 - a. Clarify or reform vague terms, such as “insulting another person”, and “defamation” so that they are written in ways that are comprehensible and accessible to all members of society, so that all society members are aware of their responsibilities, protections and the consequences of not abiding. The repeal or amendment process should include effective public consultation (in particular, taking into account historically marginalised opinions);
 - b. Clarify legal responsibility under civil and administrative law for what constitutes ‘online gender-based violence (OGBV),’ ‘hate speech,’ ‘hateful conduct,’ ‘harassment,’ ‘doxxing,’ and other key terms, while simultaneously upholding the right to freedom of expression and opinion. Enable people of marginalised groups (e.g. women, LGBTIQ+, disabled peoples, people marginalised based on ethnicity, Indigenous peoples, etc.) to guide and participate in the development of reasonable definitions for terms used in legislation that disproportionately affect them. Ensure that reports of OGBV are subject to systematic and consistent investigation, and offer assistance to individuals or groups affected;
 - c. Expand any definitions of ‘personal information’ and/or ‘private information’ to protect (if not already protected) an individual’s full legal name; date of birth; age; gender/legal sex; LGBTIQ+ identity; places of residence, education and work; private personal information of family members and relatives; descriptions and pictures depicting an individual’s physical appearance; and screenshots of text messages or messages from other platforms. These should be considered when investigating cases of doxxing, smear campaigns, and other instances of online violence that weaponise an individual’s personal/private information against them. Ensure that reports of doxxing campaigns and other forms of violence on the digital space are subject to systematic and consistent investigation, and offer assistance to individuals or groups affected.
- 2 When punishing expression as a threat to national security under Article 116, 117 and 331 of the Criminal Code, the scope of incitement should be specified, and the government must demonstrate, with evidence, that:
 - a. the expression is “infringing upon the interest of the state”
 - b. the expression is infringing upon lawful rights and interests of organisations or citizens
 - c. the expression is intended to incite imminent violence;
 - d. it is likely to incite such violence; and
 - e. there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence, in line with the Johannesburg principles;
- 3 Amend the Law on Denunciations, and enforce its implementation for individuals to protect themselves against strategic lawsuits against public participation (SLAPP) aiming at

silencing dissent, and from judicial harassment by the state and corporations, and;

- a. include the definition of SLAPP, and anti-SLAPP provisions in the framework.

- 4 Repeal or substantially amend the Law on the Organisation of the Investigating Agencies and the Criminal Procedure Code (2015), the Ordinance of Communal Public Security Forces, and Law on Public Security Forces, which use 'summons' administered by the government, and local police to obtain information and intimidate human rights defenders, to enable HRDs, journalists, civil society members, ordinary users, lawyers and academics, without providing a reason or justification.
 - a. If amended, the reason cited should be supported with evidence of the content's illegality in line with the Criminal Code.
- 5 Ensure human rights activists are able to safely carry out their legitimate online activities to spread awareness for human rights violations without fear or undue hindrance, obstruction, judicial harassment, and/or online harassment (e.g. OGBV and general OBV, hate speech campaigns, or doxxing);
- 6 Repeal or amend substantially the Law on the Press (2016), particularly Article 31 and 33, the Law on Telecommunications (2009), Law on Information Technology (2006) and Section 2 of Decree 72, which all establish full government control over the media, requiring search engines, accounts, domain names, IP addresses and 'vn' extension to register officially through the MIC, and website owners and social media companies to be monitored, instead opting for a self-regulation model.
- 7 Amend the economic sanction system, imposed by Decree 15/2020/ND-CP and Decree 14/2022/ND-CP, clarifying the definition of "prohibited content" specified in the decree so it is comprehensible and accessible to all members of society, and members are aware of their responsibilities, protections and the consequences of not abiding.
- 8 Guarantee transparency and access to information, both offline and online, particularly where such information relates to the public interest and impacts upon the individual's right to public participation, including by amending existing laws or adopting a law to enable provision of such access. Implement measures to enhance transparency in political advertising, including clear disclosure of funding sources and target audiences to promote accountability and integrity, and combat disinformation.
- 9 Working with responsible MPs and with tech companies, enforce social media policies to prevent harmful effects of doxxing, while considering applicable regulations in relevant countries. Establish a committee, if not already in place, to ensure compliance with these regulations, with a particular focus on moderating or removing illicit content.
- 10 Cease the targeting and criminalisation of legitimate online speech by opposition activists, journalists, HRDs, and other dissenting voices solely in the exercise of their rights to free expression online, through the abuse of laws and administrative regulations;
- 11 Prevent acts of harassment and intimidation against, the placement of arbitrary restrictions on, or arrests of journalists, activists and human rights defenders who merely criticise public officials or government policies;
- 12 Recognise online and technology facilitated OGBV as a human rights violation and include it in laws to criminalise and prohibit all forms of violence in digital contexts. Enhance the capabilities of law enforcement agencies to effectively investigate and prosecute such crimes;
- 13 Strengthen collaboration with the technology industry, feminist organisations, civil society, and national and regional human rights bodies to bolster measures and policies aimed at promptly and effectively providing remedies to victims of OGBV;

- 14 Implement an immediate moratorium on the export, sale, transfer, servicing, and use of targeted digital surveillance technologies until rigorous human rights safeguards are put in place to regulate such practices. In cases where such technologies have been deployed, ensure both targeted individuals and non-targeted individuals whose data was accessed as a result of someone else's surveillance are notified, implement independent oversight, and ensure targets have access to meaningful legal remedies;
- 15 End all legal proceedings against individuals facing investigation, charges or prosecution initiated by state authorities for engaging in legitimate activities protected by international human rights law or for addressing violations. Cease all violence against independent media and journalists allowing them to freely report on the emerging situation in the country and stop all efforts to restrict independent information from reaching people;
- 16 Legally recognise human rights defenders and provide effective protection to journalists, HRDs and other civil society actors who are subjected to intimidation and attacks owing to their professional activities;
- 17 Ensure that all measures restricting human rights that may be taken in response to mass-distabilising events, including public health emergencies such as a global pandemic, are lawful, necessary, proportionate and non-discriminatory. Review the measures taken in response to the pandemic, including Section 5 to 9 & 27, Emergency Decree on Public Administration in Emergency Situation (2005), Decree 15/2020/ND-CP, the National Steering Committee for COVID-19 Prevention and Control (Task Force, January 2020), Bluezone & NCOVI (Tracking Device, 2020), in order to ensure that a clear and sufficient legal framework exists for the response to any future pandemic, and take a cautious, progressive approach to emergency measures, adopting those that require derogation only as a last resort when strictly required because other, less restrictive options prove inadequate;
- 18 Take immediate steps to ensure and protect the full independence and impartiality of the judiciary and guarantee that it is free to operate without pressure and interference from the executive;
- 19 Facilitate the participation, leadership, and engagement of a diverse range of people of marginalised communities in government. Create task forces to take proactive initiatives to safeguard marginalised communities (e.g. women, LGBTIQ+, people marginalised based on ethnicity) from specific forms of abuse, (e.g. hate crimes, smear campaigns, the sharing of intimate images online including revenge porn), doxxing, hate speech, and overall gender-based violence.
- 20 Carry out routine assessments of the state of digital rights under the jurisdiction. Facilitate the creation of task forces, consisting of individuals trained in the safeguarding of digital rights, to investigate these affairs.
- 21 Set up accessible and appropriate, judicial and non-judicial grievance mechanisms including a national human rights institution; Provide, among the remedies, fair treatment, just compensation or satisfaction, and the establishment of sufficient grounds to avoid its repetition. Also, implement an evaluation system that regularly screens the existing mechanisms.
 - a. Include an appeals process for online content moderation, safeguards for detention periods and trials, and whistleblower protections.
- 22 Integrate subjects related to OGBV and healthy relationships, consent, bullying and online safety in school curricula, through a Department of Education campaign against OGBV.
- 23 Provide gender training for law enforcement officers for them to investigate OGBV cases and prosecute perpetrators.

Recommendations to Members of Parliament

- 1 Propose amendments to the Criminal and Penal Codes and other laws to address all shortcomings in line with international human rights standards such as UDHR and the ICCPR; and gather consensus among other MPs to ensure these amendments are adopted into the text of the law;
- 2 Hold the government accountable by ensuring that the steps taken by government bodies and agencies in the legal framework are evaluated and analysed on an individual as well as regular basis, applied only in cases where there is a risk of serious harm and cover both the enterprises in the public and private sector without discrimination, particularly when such a step could result in the violation of rights of individuals affected;
- 3 Build discussion and debate around digital rights with specific attention paid to the Vietnam context as well as good practices adopted regionally and internationally, with the general public actively involved in providing the grassroots perspective;
- 4 Adopt and enforce national laws to address and punish all forms of gender based-violence, including in the digital space. Legal and policy measures to eradicate OGBV should be framed within the broader framework of human rights that addresses the structural discrimination, violence and inequalities that women and other communities marginalised based on gender (e.g. the LGBTIQ+ community) face. Policies should also highlight specific forms of abuse that people marginalised based on gender often face online (e.g. doxxing, non-consensual sharing of intimate pictures online, the spread of deep fakes);
- 5 Adopt specific laws and measures to prohibit new emerging forms of OGBV, as well as specialised mechanisms with trained and skilled personnel to confront and eliminate online gender-based violence;
- 6 Organise and take responsibility for task forces that will take proactive initiatives to safeguard marginalised communities (e.g. women, LGBTIQ+, people marginalised based on ethnicity) against specific forms of abuse (e.g. hate crimes, smear campaigns, the sharing of intimate images online including revenge porn), doxxing, hate speech, and overall gender-based violence.
- 7 Ensure that the opposition parties are allowed to fully participate in drafting and passing legislation to enable them to fully represent their constituents.

Recommendations to Tech Companies

- 1 Ensure the companies' terms of services and policies are uniform and in compliance with international standards on freedom of expression, which are reviewed regularly to ensure all circumstances and situations that may arise have been addressed, while also addressing new legal, technological, and societal developments, in line with the obligation to respect human rights under the UNGPs;
- 2 Drop the for-profit business model that revolves around overcollection of data. Such business models are being utilised by the government and are violating data rights.
- 3 Adopt the Global Network Initiative Principles on Freedom of Expression and Privacy;
- 4 Clearly and completely explain in guidelines, community standards, and terms of services what speech is not permissible, what aims restrictions serve, and how content is assessed for violations;
 - a. Ensure tech companies recognise gendered hate speech as hate speech,
 - b. Ensure profanities and slang in Singaporean local languages directed against human rights defenders are considered hate speech, including less common words or phrases which convey the same threat of serious harm as "kill", "murder" or "rape".
- 5 Ensure the integrity of services by taking proactive steps to counteract manipulative tactics utilised in the dissemination of disinformation, including the creation of fake accounts, amplification through bots, impersonation, and the proliferation of harmful deep fakes.
- 6 Prioritise prediction of, preparation for, as well as protection against digital dictatorship and online-based violence when launching, revolutionising, or reforming products, services, and initiatives. The guidelines of the Center for Countering Digital Hate (CCDH) 'STAR Framework' should be urgently considered, which include: safety by design; transparency in algorithms, rules enforcement, and economics; accountability systems implementation; and corporate responsibility. In addition, these predictive, preparative, and protective factors must take into account and implement the input of marginalised communities (e.g. LGBTIQ+ peoples, women, and those marginalised based on ethnicity) who often become targets of online violence that is often unregulated or even perpetuated by existing systems;
- 7 Products, services, and initiatives must have consumer safety in mind from the very beginning of conception. This means that product, service, and initiative developers, as well as high-level executives, must all take all possible measures to ensure that their products are safe, by design for all users, including marginalised communities (e.g. including LGBTIQ+ peoples, women, and those marginalised based on ethnicity). Not only does far-sighted consideration ensure user safety and the safeguarding of human rights, but it will also increase the longevity of these products, services, and initiatives in a rapidly changing economy where people are becoming increasingly aware and adamant about the protection of their human rights. Ensuring safety by design includes the practice of performing thorough risk assessments, and educating developers as well as executives to recognise their responsibilities to uphold human rights standards during the development as well as execution processes;
- 8 Promote transparency. CCDH specifically highlights the need for transparency

in “algorithms; rules enforcement; and economics, specifically related to advertising.” Though transparency is more of a ‘preparative’ factor rather than a ‘preventive’ one, it will make civic engagement and corporate accountability much more effective, ultimately amounting to increased ‘prevention’ efficacy;

- a. Transparency in algorithmic development, for example, is essential; though algorithms are not responsible humans, they were created by responsible humans. This same logic can be applied to Artificial Intelligence (AI); though AI is not human, it was created by humans. If algorithms and AI are developed and/or trained by humans with harmful biases (e.g. misogynistic, anti-LGBTIQA+, ableist, racist biases), they are accordingly likely to cause and perpetuate harm (e.g. misogynistic, anti-LGBTIQA+, ableist, racist harm). Transparency in the development of algorithms, AI, and other technologies is essential so that any harm being perpetuated by these non-human systems can be flagged, and accordingly addressed.
- b. The same logic can be applied to company regulation development processes, as well as advertising strategy. For example, if company regulations were formulated in a way that disproportionately excludes marginalised voices (e.g without any adopted input from a diverse range of people of intersectional identities, such as women, LGBTIQA+ people, disabled people, or people marginalised based on ethnicity), those regulations are more likely to cause or perpetuate human rights violations. Companies should implement measures to enhance transparency in advertising, including clear disclosure of funding sources and target audiences to promote accountability and integrity, and combat disinformation;

9 Transparency goes hand-in-hand with effective corporate regulatory and

accountability systems. The people who run and work for tech companies, like consumers, are humans, who must be proportionately held accountable for their actions if they intend to create products, services, and initiatives for consumption by civil society. Companies and their stakeholders (particularly senior executives) must recognise they hold a lot of economic, political, and social power by virtue of being in their positions, and thus naturally hold more responsibility than the average consumer. This means that though consumers have their own responsibilities, companies cannot put responsibility disproportionately on the consumer to regulate their own use of the companies’ products, services, and initiatives, if these companies genuinely intend to safeguard human rights. Thus, companies must implement regulatory systems that put people above profit, in order to allow themselves to be held accountable, and in order to facilitate their self-regulation;

- 10** Enable people of marginalised groups (e.g. women, girls, LGBTIQA+ people, disabled people, people marginalised based on ethnicity), to participate and lead in the technology sector to guide the design, implementation, and use of safe and secure digital tools and platforms.
- 11** Commit to eradicating OGBV and allocate resources to information and education campaigns aimed at preventing ICT-facilitated gender-based violence. Additionally, invest in raising awareness for the intersection between human rights and digital security, demonstrating how human rights must be taken seriously in both the offline and online spaces. This can come in many forms, including working closely with local communities and human rights organisations (e.g. feminist groups, LGBTIQA+ groups) to

facilitate dialogue and sensitivity training regarding the needs of people marginalised based on gender and/or other factors;

- 12 Implement and communicate stringent user codes of conduct across their platforms, ensuring their enforcement. Additionally, establish uniform content moderation standards that can effectively identify and address nuanced forms of online violence, while remaining sensitive to diverse cultural and linguistic contexts;
- 13 Improve the systems for reporting abuse so that victims of OGBV and racial discrimination can easily report it and track the progress of the reports;
- 14 Publish regular information on official websites regarding the legal basis of requests made by governments and other third parties and regarding the content or accounts restricted or removed under the company's own policies and community guidelines, and establish clear, comprehensive grievance mechanisms that allow governing bodies and civil society members to dispute restrictions or removals of content and accounts. Aside from being clear and comprehensive, these mechanisms must have efficient, effective, and bias-trained systems of humans and/or electronic systems ready to receive and handle the grievances.;
- 15 When appropriate, consider less-invasive alternatives to content removal, such as demotion of content, labelling, fact-checking, promoting more authoritative sources, and implementing design changes that improve civic discussions;
- 16 Engage in continuous dialogue with civil society to understand the human rights impacts of current and potential sanctions, and avoid overcompliance in policy and practice;
- 17 Ensure that the results of human rights impact assessments and public consultations are made public;
- 18 Ensure that any requests, orders and commands to remove content must be based on validly enacted law, subject to external and independent oversight, and demonstrates a necessary as well as proportionate means to achieve one or more aims.
- 19 Organise task forces and initiate proactive initiatives to safeguard LGBTIQ+, women, girls and other concerned minorities against specific forms of abuse, (e.g. the non-consensual sharing of intimate images, including revenge porn), doxxing, hate speech, and overall gender-based violence.
- 20 Carry out routine assessments of human rights impacts and provide comprehensive transparency reports on measures taken to address the against marginalised communities (e.g. e.g. hate crimes, smear campaigns, the sharing of intimate images online including revenge porn).
- 21 Conduct assessments and due diligence processes to determine the impact of business activities on users, with respect to online freedom. Ensure meaningful and inclusive stakeholder engagement, with no one left behind.

Recommendations to Civil Society

- 1 Set up an independent multi-stakeholder body with the cooperation of various sectors to monitor and provide recommendations on trends in, and individual cases of digital rights abuses;
- 2 Work alongside the government and other stakeholders, to generate dialogue on issues and ensure accountability of government measures especially when it comes to issues related to democracy and human rights;
- 3 Support the independent evaluation and analysis of substantive aspects, including the use of the principles of necessity and proportionality through established global standards, and the impact of responses on society and economy;
- 4 Hold implementing authorities and officials liable for the misuse of their powers or information obtained, while carrying out their duties in the existing legal framework;
- 5 Strengthen understanding and solidarity among underprivileged people (e.g. class solidarity, solidarity among women and others marginalised based on gender, understanding among different ethnic groups within a jurisdiction);
- 6 Promote a safe and respectful environment for free online expression;
- 7 Continue to increase knowledge on digital security through training and capacity building programs, and actively carry out training on media literacy, including how to verify information to be true;
- 8 Continue to conduct awareness campaigns to educate individuals and communities about the various forms of gender-based violence, its impact on survivors, and the importance of promoting a safe and respectful online environment;
- 9 Advocate for the implementation and enforcement of robust laws and policies that criminalise all forms of gender-based violence, including OGBV.
- 10 Develop and implement digital literacy programs that equip individuals, especially women and marginalised communities, with skills to navigate online platforms safely, recognise and respond to online harassment, and protect their privacy;
- 11 Create and participate in grassroots, community-led initiatives to safeguard LGBTIQ+, women, girls and other concerned minorities against specific forms of abuse (e.g. the non-consensual sharing of intimate images, including revenge porn), doxxing, hate speech, and overall gender-based violence. Wherever possible, mobilise these initiatives to hold governments, MPs, and corporations accountable.
- 12 Have specialised support services and helplines for the survivors of OGBV, including counselling. Advocate for data collection and collect disaggregated data on OGBV when running prevention and response programmes.
- 13 Collaborate with social media platforms and technology companies to develop and enforce policies and mechanisms that effectively address OGBV.

Endnotes

1. NB: At the request of its author, this chapter has not been standardised to uphold the same organised structure as our other chapters have, and thus has this unique structure. It will still provide the same categories information as our other chapters, just not organised by subsection (i.e. Legal Framework, Challenges and Cases, and Access to Effective Remedy).
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