



Viet Nam Human Rights

CSO recommendations

Part 1 - Civil and political rights

1.1

Freedom of expression, online and offline

1.2

Freedom of peaceful assembly and association

1.3

Restrictions of civic space, including harassment and targeting of HRDs and EHRDs

Part 1 - Civil and political rights

1.4

Torture and ill-treatment in places of deprivation of liberty_

1.5

Independence of the judiciary and fair trial

1.6

Death penalty, including for drug related offences
Drug detention

1.7

Freedom of religion or belief

Free and fair election

1.9

**Enforced and involuntary disappearances,
transnational repression**

1.1. Freedom of expression, online and offline

Freedom of expression (FoE), including press freedom and access to information, has been severely restricted and undermined in Viet Nam.



“not free”

19/100

Freedom House
(2023)



24.58/10

World Press Freedom Index
Reporters Without Borders
(2023)



1.1 - Freedom of expression, online and offline

Legal reforms

None of the recommendations issued by UN Treaty Bodies and UPR to revise or repeal national legislation for better protection of the FoE has been implemented by Viet Nam.

No meaningful reform was made, especially concerning the controversial **2018 Cybersecurity Law**, problematic provisions of the 2015 Penal Code, the **2016 Press Law**, and the **2016 Law on Access to Information (LAI)**.

In particular, **articles 109, 116, 117 and 331 of the Penal Code** continue to be repeatedly used by the authorities to silence critical voices.

1.1 - Freedom of expression, online and offline

Legal reforms

The Decree 72/2013/ND-CP, the Decree No. 27/2018/ND-CP, and a new draft Decree set to replace the Decree 72/2013/ND-CP, for public consultation, which could be used to restrict the FoE further online.

The Decree 174/2013/ND-CP provides for new and increased penalties than the previous one on the FoE online. It imposes administrative fines on websites and users. **Higher fines are imposed on social media users for disclosure of information classified as state or other secrets** for which criminal proceedings are not applicable.

1.1 - Freedom of expression, online and offline

Legal reforms

Decree 53/2022/ND-CP: removal of illegal or false online information violating national security, social order, and the safety, rights and legitimate interests of agencies, organizations and individuals; the collection of electronic data related to these activities; the **suspension or request for decommissioning of the information system;** and the **revocation of domain registration.**



CSO recommendations

1.1 - Freedom of expression, online and offline

Persecution of Human Rights Defenders (HRDs), journalists and other critical voices continues in Viet Nam. The 88 Project's database of persecuted activists in Viet Nam recorded **372 at-risk activists** as of 4 September 2023, including **102 activists targeted for exercising their FoE**. In particular, the **article 117 and 331 of the Penal Code** has been applied to charge and imprison individuals for "**spreading anti-state propaganda**".

The article 331 was also applied to Facebook users who exercise their freedom of expression online for "**abusing democratic freedoms**".

1.1 - Freedom of expression, online and offline

Access to information

The Global Right to Information Rating, a tool assessing the overall legal framework on the right to information, gave **Viet Nam's 2016 LAI the grade of 76/150 and ranked it 88th of the 138 countries assessed**, deeming various provisions incompatible with international standards such as the **limited scope of the obligation to disclose information**, too broad and **vaguely defined scope of exceptions**, **complicated procedure to request information**, **discrimination against some particular groups**, and the **lack of an independent body to monitor the implementation of the LAI and receive complaints**.



CSO recommendations

1.1 - Freedom of expression, online and offline

Access to information

An annual assessment on the implementation of the LAI led by a civil society organization shows that of the **438 state agencies' e-portals reviewed in 2023:**

- **74.9%** did not establish any section on the access to information
- **80.6%** did not make any list of information to be disclosed,
- **80.6%** did not upload regulations on information provision to citizens
- **77.6%** did not publish information on focal points for information provision on their e-portals



CSO recommendations

1.1 - Freedom of expression, online and offline

Access to information

Land map and land use plans are the most difficult type of information to access.

The 2018 Law on Protection of State Secrets does not stipulate that state secrets are an exception, but the scope of information classified as state secrets is very wide.



1.1 - Suggested questions

01

Please elaborate the compatibility of the articles 109, 116, 117 and 331 of the Penal Code with the article 19 of the ICCPR.

02

Please clarify why State Party selectively uses the articles 109, 116, 117 and 331 of the Penal Code as a tool for political retaliation and to arbitrarily arrest, detain and convict human rights defenders, dissidents, members of religious groups, ethnic minorities and members of non-governmental organizations.

03

Please indicate the number of persons convicted under these provisions and any measures taken towards their release.

04

Please provide steps taken to solve problem that state agencies at all levels do not fulfil their obligations to disclose information and provide information upon the requests of citizens.

05

Please provide steps taken to eliminate censorship in licensing publications, artistic performance or displays.

1.1 - Recommendations

01

Amend the 2016 Law on Access to Information and the 2018 Law on Protection of State Secrets to ensure the principles of non-discrimination, maximum disclosure and enabling procedures in line with Article 19 ICCPR and international standards on rights to information. It should require the obligation of all public and private entities that use public resources to disclose information and provide information upon the requests of citizens.

02

Consider the establishment of a national independent mechanism to oversee the implementation of the Law on Access to Information as well as to protect and promote the right to information.

03

Invest in a more efficient and inclusive access-to-information infrastructure to ensure the right to information of vulnerable groups such as people of ethnic minority and people with disabilities.

04

Develop and implement training programs to improve the capacity of government officers in state agencies at all levels about the spirit of freedom of information in accordance with ICCPR, contents and measures to implement the Law on Access to Information.