Freedom House

FREEDOM ON THE NET 2020

Vietnam

NOT FREE

22

/100

A. Obstacles to Access	**11** /25
B. Limits on Content	**7** /35
C. Violations of User Rights	**4** /40

LAST YEAR'S SCORE & STATUS

24 /100 **Not Free**

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom declined to an all time low in Vietnam, as the government continued to impose stringent controls over the country's online environment. In an effort to scrub any trace of critical or "toxic" speech online, the state continued mandating companies to remove content, suspended online newspapers, and imposed draconian criminal sentences for online expression. A deliberate disruption to connectivity amid a violent land dispute, as well as a reported throttling of Facebook's local servers by state-owned telecommunications companies, further constrained internet freedom.

Vietnam is a one-party state, dominated for decades by the ruling Communist Party of Vietnam (CPV). Although some independent candidates are technically allowed to run in legislative elections, most are banned in practice. Freedom of expression, religious freedom, and civil society activism are tightly restricted.

Key Developments, June 1, 2019 – May 31, 2020

- Connectivity was disrupted, and Facebook and YouTube restricted content, amid a land dispute that involved security forces and residents of Đồng Tâm, a village on the outskirts of Hanoi, in January 2020; that dispute led to the killing of the village leader along with the deaths of three security officers (see A3 and B2).
- State-owned telecommunications companies reportedly took Facebook's local servers offline between February and April 2020, until the company allegedly agreed to remove "antistate" content; Facebook, Instagram, and WhatsApp services were significantly slowed for Vietnamese users in the interim (see A3, B1, and B2).
- A new decree, first drafted in February 2020 and implemented in April, instituted fines for vaguely defined offenses including the dissemination of false and misleading information, insulting reputations, damaging moral or social values, and revealing state secrets (see C2).
- Several activists, bloggers, and individuals were handed severe prison sentences for their online speech; a music teacher received an 11-year term for alleged "antistate" posts on Facebook, while Radio Free Asia (RFA) blogger Trương Duy Nhất received a 10-year sentence (see C3).
- Invasive surveillance continued, with the cybersecurity law that took effect in January 2019 contributing to a repressive environment in which private companies are forced to comply with government demands for user data without any oversight, transparency, or other democratic safeguards (see C6).

A. Obstacles to Access

The cost of internet access has continued to decrease. During the coverage period, internet and mobile networks were reportedly disrupted at the local, or commune level, while Facebook's local servers were reportedly throttled by state-owned telecommunications companies. State– and military-owned companies dominate the telecommunications market.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	**4**/6

The internet penetration rate increased to 61 percent by the end of 2019, according to Statista. [1] Mobile broadband has played a significant role in increasing access to faster internet service. As of March 2020, the mobile download speed stood at 34 Mbps while the upload speed stood at 17.8 Mpbs, placing Vietnam at 48th place in a global ranking of 148 countries. [2] One source estimated smartphone penetration at 41 percent in 2019. [3] Fixed broadband remains a relatively small market segment.

In the first quarter of 2017, VinaPhone became the first provider to roll out a 4G network in Hanoi, Ho Chi Minh City, and 11 other provinces. [4] By the end of 2019, it covered 100 percent of the population with its 4G signal. [5] In April 2019, mobile service provider Viettel began the first pilot for a 5G network. [6] As a first step, Vietnam plans to cover all high-tech parks, innovation centers, and smart factories with a 5G signal in 2020. [7]

Disruptions to the Asia-America Gateway in November 2019 and April 2020, as well as to the Inter Asia and Asia-Europe-1 cable in December 2019, affected all internet service providers (ISPs) and disrupted service. [8] [9] The cables are pivotal for connectivity to the international internet.

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	**2**/3

Access to the internet has become more affordable for most segments of the population, including those in rural areas, but connectivity remains out of reach for those living in extreme poverty, which is found in many communities of minority ethnicities in mountainous areas. The

most inexpensive monthly mobile data plan cost around $4 in 2020, while the average monthly income was $500. [10]

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	**3**/6

Score change: This score declined from 4 to 3 due to a reported temporary connectivity disruption in Đồng Tâm in January 2020, as well as the throttling of Facebook's country-based servers from February to April 2020.

Authorities have sometimes employed periodic throttling and restricted access to the internet for political or security reasons during the coverage period.

Connectivity was previously restricted in 2017, when 3G access and a phone signal were unavailable for several hours in Đồng Tâm commune, Hanoi, where villagers held 38 police officials and district government officials hostage for several days in a violent conflict over land. In January 2020, a similar disruption was reported amid another violent clash over the land dispute. [11] Internet service in the area was suspended immediately before security officers launched a raid in the commune. [12]

Reuters reported that in February 2020, Facebook's local servers were taken offline, significantly slowing Facebook, Instagram, and WhatsApp services for users in Vietnam (see B1). [13] Access was restored in early April, after the company allegedly agreed to remove significantly more "antistate" content (see B2).

The government retains the ability to restrict connectivity because of its technical control over infrastructure. While several companies have licenses to build infrastructure, the state-owned Vietnam Posts and Telecommunications Group (VNPT) and military-owned Viettel dominate the country's telecommunications sector. Three out of four providers servicing internet exchange points (IXPs), which allocate bandwidth to service providers, are state– or military-owned (VNPT, Viettel, and SPT). [14]

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	**2**/6

Though any firm is allowed to operate as an ISP, informal barriers prevent new companies without political ties or economic clout from disrupting the market. The three largest ISPs are VNPT, which controls 46.1 percent of the market; Viettel (26.1 percent), and the private FPT (18.6 percent). [15]

In the mobile sector, Viettel commands 50.5 percent of mobile subscriptions, while VinaPhone and MobiFone rank second and third with 24.6 percent and 21.1 percent, respectively. These three providers controlled a combined 96.2 percent of mobile subscriptions in 2019, a 1-percent increase over their 2018 share. Smaller companies that lack the infrastructure to provide quality service and coverage, like Vietnamobile and Gmobile, struggle to compete. [16]

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	**0** / 4

Various government agencies regulate and oversee digital technology in an ad hoc, nontransparent manner, without public consultation. Guidelines for regulating the telecommunications sector are provided by the CPV, compromising the independence of regulatory bodies.

The Vietnam Internet Network Information Center (VNNIC), an affiliate of the Ministry of Information and Communications (MIC), is responsible for managing, allocating, supervising, and promoting the use of internet domain names, IP addresses, and autonomous system numbers. Three ministries—the MIC, the Ministry of Public Security (MPS), and the Ministry of Culture, Sport, and Tourism (MCST)—manage the provision and usage of internet services. Nominally, the MCST regulates sexually explicit and violent content, while the MPS oversees political censorship. In practice, censorship of online content could be ordered by any government body.

B. Limits on Content

Critical websites remain censored, while authorities increasingly compelled Facebook and Google to remove internet content deemed critical of the state. Even people living abroad have had their content removed from online platforms, with many activists' Facebook accounts suspended due to alleged violations of the platform's community standards.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?	2 / 6

With fewer resources devoted to online content control than China, the Vietnamese authorities have nevertheless established an effective content-filtering system. Access to Facebook's local servers were limited during the coverage period, and its services were slowed. Otherwise, social media and communications apps remained available, despite being periodically blocked in previous years.

Censorship frequently targets high-profile blogs or websites with many followers, as well as content considered threatening to the rule of the CPV, including social unrest, political dissent, advocacy for human rights and democracy, and criticism of the government's reaction to border and maritime disputes with China. Content promoting organized religions such as Buddhism, Roman Catholicism, and the Cao Đài group, which the state considers a potential threat, is blocked to a lesser but still significant degree. Websites critical of the government are generally inaccessible, such as Talawas, Dân Luận, Luật Khoa, Dân Làm Báo, Diễn đàn Xã hội Dân sự, and Bauxite Vietnam. Access to international sites such as Human Rights Watch (HRW), RFA's Vietnamese-language site, and Vietnamese BBC, has been unstable and unpredictable.

Social media and communications platforms were not blocked in full during the coverage period. However, Reuters reported that in February 2020, state-owned telecommunications companies took Facebook's local servers offline, significantly slowing services across Facebook, Instagram, and WhatsApp for Vietnamese users (see A3). [17] Access was restored in early April after the company allegedly agreed to remove significantly more "antistate" content (see B2).

Previously, in 2016, access to Facebook and Instagram was interrupted during protests in Hanoi and Ho Chi Minh City against an environmental disaster caused by a steel plant owned by Formosa, a Taiwanese company. Demonstrators criticized Formosa for discharging toxic chemicals that led to millions of fish washing up dead along the central coast, and the government for failing to adequately respond to the crisis. The mainstream media failed to cover the rallies, which increased Facebook's importance as a means of sharing information and organizing public events (see B8). Operators of at least three tools used to circumvent blocking reported a dramatic spike in the number of Vietnamese users on the day social media platforms reportedly became inaccessible; the platforms had likely been blocked. [18] Some mobile users also reported that they were unable to send short-message service (SMS) messages about the rallies.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content?	0 / 4

The regular removal of content has led users to employ the common practice of sharing screenshots of online articles that they think are likely to be removed later, rather than sharing their URLs. Content was removed at an alarming rate, and the government is using the cybersecurity law, which took effect in January 2019, to pressure social media companies to comply with content removal requests. [19]

Authorities have imposed heavy fines and suspended online publications due to critical comments on their platforms. In May 2020, the government fined the newspaper *Phụ nữ TPHCM* (*Ho Chi Minh City Women*) 55 million dong ($2,400) and suspended its website for a month, alleging the outlet published "wrongful information" about the Sun Group, a real-estate development company, in a series of investigative articles about the company's damaging impact on the environment. [20] In July 2018, before the current coverage period, the online publication of *Tuổi Trẻ*, one of Vietnam's most prestigious newspapers, was forced to close down for three months, in addition to receiving a fine of 220 million Vietnamese dong ($9,300), for a reader's comment that was seen as damaging to the "great national solidarity," and for an article that the authorities claimed was false and divisive. [21] The comment and article were removed before the site was reinstated.

Social media platforms and technology companies remove content upon request from the government. In early April 2020, full access to Facebook's local servers was restored only after the company agreed to remove significantly more "antistate" content (see A3 and B1). [22] That same month, Facebook removed two posts linking to RFA's Vietnamese-language news site, citing local law. The posts cited RFA articles criticizing the Vietnamese government's COVID-19 and corruption policies. In August 2019, the minister of information and communications announced that Facebook was meeting 70 to 75 percent of the government's removal requests, up from a reported 30 percent. [23] Another government report noted that Facebook deleted 200 antigovernment pages as of May 2019. [24]

Google has been praised by the minister of information and communications for being "collaborative." The company was said to have removed over 7,000 videos and 19 YouTube channels of "malicious, illegal" content as of May 2019, just before the current reporting period. [25]

Amid a deadly land clash between security forces and villagers in Đồng Tâm in January 2020, some Facebook users reported that their profiles were restricted to Vietnam-based accounts

"due to legal requirements." [26] Similarly, RFA was unable to upload content to its Vietnamese YouTube channel for seven days for allegedly "violating community guidelines." [27] Days after the incident, an MIC representative praised Google and YouTube for quickly responding to government requests following the incident, and complained that Facebook took too long. [28]

The government has also requested that technology companies remove the content of critical civil society groups. The democracy organization Việt Tân, for example, had at least seven Facebook posts removed in May 2019 due to "local legal restrictions." [29] Posts relating to the health of President Nguyễn Phú Trọng on the group's Facebook page were unavailable to local users beginning in April 2019. [30] In early 2018, before the current coverage period, the MIC had worked with Facebook to remove 670 accounts it condemned as "spreading reactionary, anti-Party, antistate information, defaming Vietnamese leaders and the state," with the ultimate goal of removing 5,000 accounts. [31]

Activists, including those living outside of Vietnam, have increasingly had their Facebook accounts suspended for violating the platform's community standards. [32] In November 2018, before the current coverage period, Berlin-based journalist Khoa Trung Le, who manages the online outlet Thoibao.de, had his account suspended shortly after he posted about an upcoming interview with Vietnamese blogger and democracy activist Nguyễn Văn Đài. Upon appealing the case to Facebook, Khoa Trung Le discovered that someone had made his account an administrator of a page sharing objectionable content. As many as 23 similar incidents were discovered in 2019, including the case of a Berlin-based Vietnamese blogger whose account has repeatedly been banned. [33]

The government also pressures individuals to remove their content. Amnesty International reported that police summoned users to police stations between January and March 2020 and forced them to remove posts discussing COVID-19 (see C3). [34]

Other entities with financial and political influence may exert control over online content or discourage free expression. In 2016, online reports of an animal welfare crisis at a safari park on Phu Quoc island in southern Vietnam operated by Vingroup, one of the country's largest conglomerates, led to a Facebook campaign questioning the importation and treatment of wild animals. Shortly thereafter, Facebook temporarily deactivated the accounts of users who had previously discussed the issue, and a post by a Facebook page administrator asserted that they must cease posting about the case "for security reasons," according to the BBC Vietnamese service, leading observers to believe that users could face reprisals from Vingroup or its supporters. [35] Vingroup denied reports that thousands of animals had died at the park and that workers had quit in protest. [36] In 2017, influential Facebook posts and online radio

interviews about real estate projects managed by Vingroup and other conglomerates were also removed. Similarly, in May 2018, before the current coverage period, an activist claimed that he was detained for 15 hours at Ho Chi Minh City's airport, during which he was questioned about Facebook posts criticizing Vingroup and was asked to delete them. [37]

Intermediary liability was formalized in 2013 with Decree 72 on the Management, Provision, Use of Internet Services and Internet Content Online. It requires intermediaries—including those based overseas—to regulate third-party contributors in cooperation with the state, and to "eliminate or prevent information" that opposes the republic, threatens national security and the social order, or defies national traditions, among other broadly worded provisions. The decree holds cybercafé owners responsible if their customers are caught surfing "bad" websites. The regulation process was articulated in Circular 09/2014/TT-BTTTT, issued in 2014, which requires website owners to eliminate "incorrect" content "within three hours" of its detection or receipt of a request from a competent authority in the form of an email, text message, or phone call.

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	**0** / 4

The MIC, the Central Propaganda Committee, and various other authorities regularly instruct online outlets to remove content they perceive as problematic, through nontransparent, often verbal orders. These requests often have no legal footing, and are therefore not proportional to the alleged "harm" the government deems the content creates. Even if a content removal request is delivered through official channels, there is no appeals process, independent or not.

The cybersecurity law, which went into effect in January 2019, requires social media companies to remove content upon request from the authorities within one day (see C2 and C6). [38] Any content the government deems "toxic" or offensive is subject to removal under the law. [39] A draft decree to clarify the law's implementation was still under consideration as recently as August 2019. [40]

In December 2019, the government announced that it plans to introduce "tougher measures" that would "strengthen management" of platforms like Facebook and Google to "comply with the Vietnamese laws." [41]

In general, censorship is carried out by ISPs, rather than at the backbone or international gateway level. Specific URLs are generally identified for censorship and placed on blacklists. ISPs

use different techniques to inform customers of their compliance with blocking orders. While some notify users when an inaccessible site has been deliberately blocked, others post an apparently benign error message.

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	**1** / 4

Economic and social penalties, in addition to the risk of criminal prosecution, lead to a high degree of self-censorship online. The unpredictable and nontransparent ways in which topics become prohibited make it difficult for users to know what areas might be off-limits, and bloggers and forum administrators routinely disable commenting functions to prevent controversial discussions. A number of draconian laws and decrees have a chilling effect on the online speech of activists, journalists, and ordinary users (see B6 and C2). Vague clauses found in the country's cybersecurity law, for example, have compelled online journalists to exercise even greater caution while posting or commenting online.

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	**0** / 4

The government exercises a high degree of control over content published online. All content produced by newspapers and online news outlets must pass through in-house censorship before publication. In weekly meetings, detailed instructions handed out by a CPV committee to editors dictate areas and themes to report on or suppress, as well as the allowed depth of coverage. Furthermore, amidst the COVID-19 pandemic, the government issued a number of directives to news outlets clarifying how they should report on the virus. [42]

The government also actively seeks to manipulate public opinion online. According to a report from the Oxford Internet Institute (OII), which was released in September 2019, Vietnam employs a cybertroop of approximately 10,000 people that manipulates information on Facebook and YouTube. At least one government agency is involved. [43] The report found evidence that cybertroops are encouraged to use their real accounts to disseminate propaganda and the government's preferred messaging, troll political dissidents, attack the opposition, and suppress unwanted content, including through mass reporting content to social media platforms for removal.

The OII report reaffirmed earlier evidence of teams that manipulate online content. At the end of 2017, General Nguyễn Trọng Nghĩa, at the CPV's national conference on propaganda, introduced Force 47, a new military unit with over 10,000 staff, "well qualified and loyal to the revolution," whose task is to fight "wrong, distorting opinions" online. Critics contend that Force 47's main objective is to spread smear campaigns aimed at opponents of the government. [44] In 2013, Hanoi's head of propaganda, Hồ Quang Lợi, revealed that the city has a 900-person team of "internet polemicists" or "public opinion shapers" who are tasked with spreading the party line. [45] Following the violence in Đồng Tâm, these progovernment commentators posted forced confessions of villagers, who were brandished as terrorists and were alleged to have created weapons to attack police, on social media platforms (see A3 and B2). [46]

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	**0**/3

Constraints on advertising place an economic strain on online outlets, and stringent government regulations severely limit users' ability to publish content online. In a corrupt environment, informal connections to high-ranking government officials or powerful companies offer economic and political protection to online media outlets and service providers. Media outlets are careful not to be seen as associated with antigovernment funders or advertisers. Likewise, advertisers avoid online outlets critical of the CPV and the government.

The government's 2017 move to pressure international social media platforms to remove "toxic" content impacted online advertising. The Vietnamese branches of several multinational companies withdrew advertising from popular social media platforms like Facebook and YouTube at the request of Vietnamese government ministries. [47] Vietnamese companies also pulled advertising after government representatives said that ads appeared next to content violating local laws, including some uploaded by dissidents who criticized the government. [48]

Circular 09/2014/TT-BTTTT, issued in 2014, tightened procedures for registering and licensing new social media sites (see B3). Among other requirements, the person responsible for the platform must have at least a university degree.

Online outlets and ordinary users can be subjected to fines and suspended based on content they post (see B2). Decree 174, effective since 2014, introduced administrative fines of up to 100 million Vietnamese dong ($4,300) for anyone who "criticizes the government, the party, or national heroes" or "spreads propaganda and reactionary ideology against the state" on social

media. These fines can be applied for offenses not serious enough to merit criminal prosecution. The decree outlined additional fines for violations related to online commerce.

In February 2019, for example, *the Consumer*, an online publication, was forced to close for three months and pay a fine of 65 million Vietnamese dong ($2,800) for an article critical of high-ranking leaders of Ho Chi Minh City, which authorities claimed was spreading misinformation. [49] In July 2018, the online version of the newspaper *Tuổi Trẻ* was also suspended for three months and forced to remove critical comments (see B2).

B7 0-4 pts

Does the online information landscape lack diversity?	**1** / 4

Internet content producers face a range of pressures that affect the quality and diversity of online information, including the in-house censorship process imposed upon newspapers and online news outlets (see B5). Further, disinformation from both progovernment and antigovernment actors has increasingly distorted the online space, limiting the diversity of content and the democratic potential of social media.

Although government-run outlets continue to dominate, new domestic online outlets and social media platforms are expanding the media landscape. Young, educated Vietnamese people are increasingly turning to blogs, social media platforms, and other online news sources for information, rather than state television and radio broadcasters. [50] Tools for circumventing censorship are well known among younger, tech-savvy internet users in Vietnam, and many can be found with a simple Google search. [51]

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	**3** / 6

While digital tools largely remain available, draconian prison sentences for online activism, invasive surveillance, and general hostility from the government make many users wary of online mobilization. Despite this, certain activists have continued to use digital tools in the course of their work. Some activists have tens of thousands of followers on their social media pages, even in the face of intensifying government pressure (see B2 and C3). [52] For example, Phạm Đoan Trang, a leading dissident and recipient of 2018 Homo Homini Prize for democracy

and human rights defenders, had 66,000 followers on her Facebook page as of April 2020. Her blog receives nearly 20,000 visitors per day. **53**

Digital mobilization in Vietnam tends to be local, rather than national, in scale, and often revolves around environmental issues, as well as concerns about the expansion of China's influence. In January 2019, before the current coverage period, a group of environmentalists created the Facebook page Save Tam Đảo to protest a project by the real estate developer Sun Group in the Tam Đảo National Park. The page received thousands of likes and followers within a few weeks. **54** In late 2017, online protests flared following reports that FLC, a large Vietnamese corporation, had been conducting a feasibility study for a cable car project in Phong Nha-Ke Bang National Park, a UNESCO World Heritage Site. **55**

In June 2018, before the current coverage period, protests broke out across the country against two proposed laws: the cybersecurity bill (see C2 and C6) and a bill that aims to allow foreign investors to lease land in special economic zones for up to 99 years. Critics fear the latter bill will enable further Chinese encroachment on Vietnam's territory. Social media platforms including Facebook and Twitter were used to organize the demonstrations. **56** Social media platforms have also helped activists document police abuses. **57**

C. Violations of User Rights

The government's severe crackdown on online speech continued into 2020. A new decree implemented in April created fines for vaguely defined categories of offenses related to online speech, while bloggers, activists, and ordinary users received years-long prison sentences. In addition to increased criminal prosecutions, the cybersecurity law dramatically increased authorities' ability to access user data.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	**0** / 6

The constitution, amended in 2013, affirms the right to freedom of expression, but the CPV has strict control over the media in practice. The judiciary is not independent, and trials related to free expression are often brief, and apparently predetermined. Police routinely flout due process, arresting bloggers and online activists without a warrant or retaining them in custody

beyond the maximum period allowed by law. Vietnam's cybersecurity law also imposes sweeping restrictions on freedom of expression online (see B3, C2, and C6). [58]

Since 2008, a series of regulations have extended controls on traditional media content to the online sphere. Decree 97, passed in 2008, ordered blogs to refrain from political or social commentary and barred them from disseminating press articles, literary works, or other publications prohibited by the Press Law. In 2011, Decree 2 gave authorities the power to penalize journalists and bloggers for a number of infractions, including publishing under a pseudonym. [59] Decree 72 on the Management, Provision, Use of Internet Services and Internet Content Online replaced Decree 97 in 2013, expanding regulation from blogs to all social media networks. Article 5 of the decree prohibits online activity found to be "opposing the Socialist Republic of Vietnam," inciting violence, revealing state secrets, and providing false information, among other broad provisions that restrict freedom of expression online.

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?	**0** / 4

Legislation, including internet-related decrees, the penal code, the Publishing Law, the cybersecurity law, and the 2018 Law on Protection of State Secrets, can be used to fine and imprison journalists and netizens.

The cybersecurity law, which went into effect in January 2019, prohibits a wide range of activities conducted online, including organizing opposition to the CPV; distorting Vietnam's revolutionary history and achievements; spreading false information; and harming socioeconomic activities. [60] In addition, websites and individual social media pages are prohibited from posting content critical of the state or that causes public disorder (see B3).

In January 2018, amendments to the 2015 penal code took effect. Under the amended law, articles 109, 117, and 330 of the penal code are commonly used to prosecute and imprison bloggers and online activists for subversion, antistate propaganda, and abusing democratic freedoms. [61] The amendments also contain vaguely worded provisions that criminalize those preparing to commit crimes with penalties of one to five years in prison, meaning that a person can be sentenced to five years in prison for preparing to criticize the state online. The new law also holds lawyers criminally responsible for failure to report clients to the authorities for a number of crimes, including illegal online activities, effectively making attorneys agents of the state. [62]

In April 2020, Decree 15/2020/NĐ-CP, first drafted in February, replaced Decree 13/2013 in regulating administrative fines in post and telecommunications, communication technologies, and e-commerce. The decree notably covers speech on social media, instituting fines for vaguely defined offenses including creating and disseminating false and misleading information, insulting reputations, damaging moral or social values, and revealing state secrets. Fines range from 10 million to 20 million Vietnamese dong ($420 to $850). [63]

C3 0-6 pts

Are individuals penalized for online activities?	**0** / 6

Vietnam continues to experience a substantial crackdown against online speech. Prosecutions for online activities were common during the coverage period, and some bloggers and human rights defenders received lengthy prison sentences. As of December 2019, 274 activists were held in detention for exercising their freedom of expression. [64]

Several individuals were handed severe prison sentences during the coverage period. In March 2020, Trương Duy Nhất, a blogger for RFA, former journalist, and vocal government critic, was handed a 10-year jail sentence under Article 356 of the penal code for "corruption" and "abusing his position and power" during his time running a state-owned newspaper's office in Đa Năng. Previously, in January 2019, he was disappeared while seeking asylum in Bangkok (see C7). [65] In 2014, Trương Duy Nhất was convicted of "abusing democratic freedoms" in critical blog posts and was sentenced to two years in prison. [66]

Article 117 of the penal code was deployed frequently to sentence netizens to prison during the coverage period. In September 2019, activist Nguyễn Văn Công Em was sentenced to five years in prison over his Facebook posts. In November 2019, music teacher Nguyễn Năng Tĩnh was convicted for authoring "antistate" Facebook posts and was sentenced to eleven years in prison. That same month, blogger Phạm Văn Điệp was sentenced to nine years' imprisonment for authoring Facebook posts "distorting information defaming" the government, and Facebook user Nguyễn Chí Vững was sentenced to six years in prison for offenses that included joining Facebook groups allegedly discussing protests, livestreaming "distorted information," and encouraging others to protest "during national holidays." [67]

In June 2020, after the coverage period, a user known as "Dr. Haircut" was sentenced to six years in prison for violating Article 117, by livestreaming information criticizing the government. [68] In July 2020, also after the coverage period, Facebook user Nguyễn Quốc Đức Vượng was

convicted to eight years in prison for posting videos and other content in which he allegedly "defamed" political leaders. [69] Nguyễn Quốc Đức Vượng had often shared information in support of democracy in Vietnam along with news of prodemocracy protests in Hong Kong.

In June 2019, Nguyễn Ngọc Ánh, a shrimp-farming engineer and environmental activist, was sentenced to six years in prison for using Facebook to "make, store, disseminate or propagandise materials and products that aim to oppose the state of the Socialist Republic of Vietnam." [70] The posts reportedly called for peaceful protest. In November 2019, the Higher People's Court in Ho Chi Minh City rejected Nguyễn Ngọc Ánh's appeal. The hearing lasted only a few hours, while his wife and friends were not permitted to enter the courtroom. [71]

In the wake of the COVID-19 pandemic, a number of internet users were summoned to police stations and fined for their online content (see B2). [72] Some content that led to fines allegedly included misleading or false information. [73] Separately, at least one Facebook user was fined 12.5 million Vietnamese dong ($530) for posting content criticizing and mocking the authorities' policies and handling of the disease. [74]

In January 2020, in the week following the deadly Đồng Tâm land clash (see A3 and B2), several activists were arrested due to their social media posts about the conflict. [75]

In October 2018, during the previous coverage period, an appeals court in Hanoi rejected the appeal of human rights defender and environmentalist Lê Đình Lượng. It upheld his 20-year prison sentence, one of the harshest imposed on an online activist in recent years, for "conducting activities aiming to overthrow the people's administration," outlined in Article 79 of the 1999 penal code. The lower court convicted him after a one-day trial. [76] The conviction was in part based on Lê Đình Lượng's Facebook posts criticizing the government. [77] In another example, Nguyễn Trung Trực, cofounder of the association Brotherhood for Democracy, which has an online presence, was sentenced to 12 years in prison for allegedly trying to overthrow the state. [78]

In a rare positive development, blogger Trần Thị Nga was released after serving three years of a nine-year jail sentence in January 2020 (see C7). [79]

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	**1** / 4

The cybersecurity law restricts anonymity online by requiring users to register for accounts on various social media platforms with their real names, and for technology companies to verify the identities of their users. [80] There are no restrictions on encryption or the use of encryption tools, although some laws require that authorities be given decryption keys on request (see C6).

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	**1** / 6

Limited information is available about the surveillance technology used by Vietnamese authorities, but the legal framework, including the cybersecurity law, enables authorities to infringe on the privacy rights of citizens with relative ease.

In October 2018, authorities announced that the government had established a new national unit to monitor daily social media and other web content. Authorities assert that the center is equipped with software that can analyze, evaluate, and categorize millions of posts. [81]

According to FireEye, a California-based cybersecurity company, Vietnam has developed considerable cyberespionage capabilities in recent years. Since 2014, the company tracked at least 10 separate attacks from a group called OceanLotus, or APT32, with targets including overseas-based Vietnamese journalists and private– and public-sector organizations in Germany, China, the United States, the Philippines, the United Kingdom (UK), and Vietnam itself. While there is no direct link between APT32 and the Vietnamese government, FireEye contended that the accessed personnel details and data from the targeted organizations were of "very little use to any party other than the Vietnamese government." [82]

In 2013, Citizen Lab, a research group based in Canada, identified FinFisher software on servers in 25 countries, including Vietnam. Promoted by British distributor Gamma International as a suite for lawful intrusion and surveillance, FinFisher has the power to monitor communications and extract information from other computers without permission, including contacts, text messages, and emails. Citizen Lab noted that the presence of such a server does not indicate who is running it, though it is marketed to governments. Separately, in 2015, leaked documents showed that Italian company Hacking Team sold surveillance tools to Vietnam. [83]

C6 0-6 pts

Are service providers and other technology companies required to aid the government	**0** / 6

in monitoring the communications of their users?	

Score change: The score declined from 1 to 0 due to the cybersecurity law and the deteriorating environment in which private companies are forced to comply with government demands for user data without any oversight, transparency, or other democratic safeguards.

Service providers and technology companies are required by law to aid the government in monitoring the communications of their users in a number of circumstances. The cybersecurity law, which went into effect in January 2019, dramatically increased requirements for companies to aid the government in surveillance by introducing data retention and localization provisions. A previous draft decree guiding the law's implementation would have required online platforms —including large entities such as Facebook and Google, as well as smaller platforms such as payment services and game companies—to store data on Vietnamese users locally and to provide that data to the government upon request. [84] Data, including names, birth dates, nationality, identity cards, credit card numbers, biometrics files, and health records, would have also been stored for as long as a service operates within Vietnam. Additionally, content of communications and contact lists would have been stored for 36 months. Foreign companies that serve over 10,000 local customers are also required to have offices in Vietnam. [85]

In August 2019, the government released a revised draft decree that narrowed data localization requirements; the law would only be triggered when certain companies do not abide by Vietnamese law, which includes vague provisions criminalizing online speech and imposing intermediary liability. [86] The draft decree notes that companies impacted by the requirements include those which provide services on the internet, telecommunications networks, or otherwise cyberspace. There were no publicly available updates at the end of the coverage period.

Decree 72 requires providers such as social networks to "provide personal information of the users related to terrorism, crimes, and violations of law" to "competent authorities" on request, but lacks procedures and adequate oversight to discourage abuse. It also mandates that companies maintain at least one domestic server "serving the inspection, storage, and provision of information at the request of competent authorities," and requires them to store certain data for a specified period (see B3). The decree gives users the ambiguous right to "have their personal information kept confidential in accordance with law." Ministers, heads of ministerial agencies and government agencies, the provincial people's committees, and "relevant organizations and individuals" can use the decree, leaving anonymous and private communications subject to intrusion by almost any authority in Vietnam. In mid-2016,

"correspondence from the Saigon Post and Telecommunications Service Corporation" was the basis of Nguyễn Đình Ngọc's indictment for disseminating antigovernment propaganda. [87]

The Law on Information Security, which introduced new cybersecurity measures, came into effect in 2016. [88] Among its more troubling provisions, the law requires technology companies to share user data without their consent at the request of competent state agencies (Article 17.1.c), mandates that authorities be given decryption keys on request, and introduces licensing requirements for tools that offer encryption as a primary function, threatening anonymity. [89]

Certain websites are also required to retain and localize data. Under Circular 09/2014/TT-BTTTT, Vietnamese companies that operate general websites and social networks, including blogging platforms, are required to locate a server system in Vietnam and to store posted information for 90 days, and certain metadata for up to two years. [90]

Cybercafé owners are required to install software to track and store information about their clients' online activities, and citizens must also provide ISPs with government-issued documents when purchasing a home internet connection. [91] The regulation requiring prepaid mobile phone subscribers to provide their ID details to the operator is enforced consistently. [92]

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?	**1** / 5

Bloggers and online activists are subject to frequent physical attacks, job loss, severed internet access, travel restrictions, and other rights violations.

In January 2020, blogger Trần Thị Nga, who was released from prison after serving three years of a nine-year sentence, was forced into exile with her family in the United States (see C3). [93] Nga alleges that she was tortured while in custody, and was forced to confess to criminal behavior.

In January 2019, Trương Duy Nhất, a journalist and commentator who was jailed from 2013 to 2015 on charges of "conducting propaganda against the state," disappeared in Thailand, after he submitted an asylum claim at the UN High Commissioner for Refugees (UNHCR) office there. He was reportedly abducted in Thailand and taken into custody in Vietnam, which authorities have denied. In June, authorities raided his home and opened a criminal investigation for "misuse of power" during the time he worked for the newspaper *Đại Đoàn Kết*. [94] He has since

been sentenced to prison, and there has been no clarification over the circumstances leading to his return to Vietnam (see C3).

In March 2020, Berlin-based blogger Người Buôn Gió announced he would stop writing due to government's harassment of his relatives in Vietnam, particularly his 86-year-old mother. **95**

In October 2019, police in Hanoi, Ho Chi Minh City and Huế, as well as in several other provinces, harassed and intimidated dozens of people linked to the Liberal Publishing House, a local independent online publisher (see C8). People were forced to sign statements promising to restrain from buying books from the publishing house. In one case, the police detained and allegedly tortured an individual to force him to confess working for the publisher. **96**

Additionally, in August 2018, during the previous coverage period, government officials and plainclothed individuals raided a concert in Ho Chi Minh City and severely beat Nguyễn Tín, a singer and rights activist, and Phạm Đoan Trang, a prominent blogger and dissident. **97** In March 2018, police physically blocked Nguyễn Tường Thụy, a blogger and vice president of the Independent Journalists Association of Vietnam, from leaving his house to meet with representatives from the Office of the UN High Commissioner for Human Rights (OHCHR). **98**

Editors and journalists risk postpublication sanctions including imprisonment, fines, disciplinary warnings, and termination of employment. In 2016, the press credentials for Mai Phan Lợi, head of the Hanoi bureau of the *HCMC Law Newspaper,* were revoked after he used a word deemed "not respectful to the military" in a Facebook post discussing the crash of a Vietnamese maritime patrol aircraft, in which Lợi asked why the plane had "exploded into pieces." **99** A day later, then Minister of Information and Communications Trương Minh Tuấn warned that journalists should be considerate when using social networks. **100**

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	**1** / 3

Activists in Vietnam and abroad have been the target of systematic cyberattacks. Research published in September 2018 reported several distributed denial-of-service (DDoS) attacks against the website of Việt Tân and independent news outlet Tiếng Dân between April and June 2018. **101** In February 2019, the Facebook page of the Liberal Publishing House was attacked, which led to the page's closure. In November 2019, amid enhanced intimidation and harassment, the publishing house's website was targeted with multiple technical attacks (see C7). **102**

The websites of two other critical outlets, Luật Khoa and *the Vietnamese*, were attacked amid large-scale protests against the cybersecurity law in June 2018. **103** Previous research from 2017 revealed that hackers conducting coordinated cyberespionage campaigns targeted two Vietnamese media organizations in 2015 and 2016 and the Vietnamese diaspora in Australia in 2017, as well as corporations with interests in Vietnam. **104**

For several years, activists have been subject to account takeovers, including spear-phishing emails disguised as legitimate content, which carry malware that can breach the recipient's digital security to access private account information. Starting in 2013, attacks using malware to spy on journalists, activists, and dissidents became more personal. The California-based Electronic Frontier Foundation and Associated Press journalists reported receiving infected emails inviting them to human rights conferences or offering academic papers on the topic, indicating that the senders are familiar with the activities and interests of the recipients.

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19 /100 **Not Free**

Internet Freedom Score

22 /100 **Not Free**

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Not Free

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Yes

Social Media Blocked

Yes

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes

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