

Vietnam

| | 2016 | 2017 | | |
|----------------------------------|-----------------|-----------------|-----------------------------------|--------------|
| Internet Freedom Status | Not Free | Not Free | Population: | 92.7 million |
| Obstacles to Access (0-25) | 14 | 14 | Internet Penetration 2016 (ITU): | 46.5 percent |
| Limits on Content (0-35) | 28 | 28 | Social Media/ICT Apps Blocked: | No |
| Violations of User Rights (0-40) | 34 | 34 | Political/Social Content Blocked: | Yes |
| TOTAL* (0-100) | 76 | 76 | Bloggers/ICT Users Arrested: | Yes |
| | | | Press Freedom 2017 Status: | Not Free |

* 0=most free, 100=least free

Key Developments: June 2016 – May 2017

- Blogger prosecutions intensified in 2017, culminating in a 10-year prison sentence for the activist using the penname Mother Mushroom in June (see “**Prosecutions and Detentions for Online Activities**”).
- Civilian groups attacked bloggers and police obstructed protests organized using digital tools (see “**Intimidation and Violence**”).
- Legal measures which could undermine encryption came into effect in July 2016 and a draft cybersecurity law threatened further restrictions on internet freedom (see “**Surveillance, Privacy, and Anonymity**” and “**Legal Environment**”).

Introduction

Internet freedom was undermined in 2017 as arrests and intimidation intensified, although there was no repeat of the Facebook disruptions documented in 2016.

The coverage period was dominated by the May 2016 environmental disaster and fish kill attributed to pollution from the Formosa Steel Factory located in Ha Tinh province. The disaster destroyed the livelihood of hundreds of thousands of people in four central provinces, sending the region's fishing and tourism industries into decline and the whole country into crisis. Intimidation and arrests of activists went hand in hand with enduring online and offline protests, which continued into 2017.

The new government under Prime Minister Nguyen Xuan Phuc, in power since mid-2016, has made no attempt to improve the environment for internet freedom. After the release of some bloggers as Vietnam negotiated the TPP agreement, arrests ramped up in the second half of 2016. By April 2017, at least 19 individuals were in detention for online activities, according to Reporters Without Borders, and a fresh crackdown was reported in summer 2017.

Obstacles to Access

Availability and Ease of Access

| Key Access Indicators | | |
|---|----------|----------|
| Internet penetration (ITU) ^a | 2016 | 46.5% |
| | 2015 | 52.7% |
| | 2011 | 35.1% |
| Mobile penetration (ITU) ^b | 2016 | 128% |
| | 2015 | 131% |
| | 2011 | 142% |
| Average connection speeds (Akamai) ^c | 2017(Q1) | 9.5 Mbps |
| | 2016(Q1) | 5.0 Mbps |

^a International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2016," <http://bit.ly/1cblxxY>.

^b International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2016," <http://bit.ly/1cblxxY>.

^c Akamai, "State of the Internet - Connectivity Report, Q1 2017," <https://goo.gl/TQH7L7>.

Internet penetration continued to grow in early 2017, according to an International Telecommunication Union estimate, and Akamai reported that the average connection speed improved significantly (see "Key Access Indicators").

Mobile broadband has played a significant role in increasing access to faster internet service. One source estimated smartphone penetration at nearly 30 percent in 2017.¹ Fixed broadband remains a relatively small market segment. Fixed broadband services have been largely based on DSL technology; more recently, faster fiber-based broadband services are starting to replace it, with

¹ Statista Digital Market Outlook, "Smartphone penetration rate as share of the population in Vietnam from 2015 to 2022," Statista 2017, <https://www.statista.com/statistics/625458/smartphone-user-penetration-in-vietnam/>

FTTH subscriptions overtaking DSL subscriptions for the first time in 2015.² The cost of service is not prohibitive for the majority; a sample monthly mobile data plan cost around US\$10 in 2017, while the average monthly income was US\$500.³

The 3G network operating since 2009 is growing fast. As of July 2016, Vietnam had 38 million 3G users, up from 15.7 million in 2012.⁴ In late 2016, The Ministry of Information and Communication has provided 4G licenses for all mobile service providers. 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.⁵

Restrictions on Connectivity

While several companies have licenses to build infrastructure, the state-owned Viet Nam Post and Telecommunications Corporation (VNPT) and military-owned Viettel dominate the country's telecommunications sector. Three out of four providers servicing Internet Exchange Points (IXP), which allocate bandwidth to service providers, are state- or military-owned (VNPT, Viettel, and SPT; the fourth, FPT, is private).⁶

Authorities may employ periodic throttling or restrict access to the internet for political or security reasons. During the coverage period of this report, 3G signal was restricted locally to prevent the use of SMS and social media in at least one case. Around April 19, 3G and phone signal was unavailable for several hours in Dong Tam commune, Ha Noi, where villagers held 30 police official and district government officials hostage over several days in a violent conflict over land.⁷

In early 2017, the Inter-Asia (IA) and Asia-America Gateway (AAG) submarine cables, which carry international traffic, were damaged, significantly impairing the speed and quality of access for several weeks.⁸

ICT Market

The three biggest internet service providers (ISPs) are VNPT, which controls 41 percent of the market; Viettel (40 percent); and the private FPT (10 percent).⁹ Though any firm is allowed to operate an ISP, informal barriers prevent new companies without political ties or economic clout from

² "Telecom agency: still room for new FTTH service providers," *Vietnam Breaking News*, October 20, 2016, <https://www.vietnambreakingnews.com/2016/10/telecom-agency-still-room-for-new-ftth-service-providers/>.

³ 3G plan from Vinaphone: <http://3gvinaphone.vn/cac-goi-cuoc-3g-vinaphone-khong-gioi-han-luu-luong-mien-phi/>; World Bank, "GDP per capita, PPP (current international \$)," International Comparison Program Database, <http://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD>

⁴ "Vietnam 3G subscriptions soar to 38 million: data", *Thanh Nien News*, July 13, 2016, <http://www.thanhniennews.com/tech/vietnam-3g-subscriptions-soar-to-38-million-data-64133.html>

⁵ "Cuộc đua 3G đang nóng tại Việt Nam" <The 3G race is heating up in Vietnam>, *Zing*, March 21, 2017, <http://news.zing.vn/cuoc-dua-4g-dang-nong-tai-viet-nam-post730022.html>

⁶ Website of the Ministry of Information and Communication, <http://bit.ly/1oVnHuy>

⁷ Personal accounts from activists reporting on the outskirts of Hanoi, 2017; "Vụ Đồng Tâm có thêm diễn biến phức tạp" <Complications in the Dong Tam case>, *BBC Vietnamese*, April 20, 2017, <http://www.bbc.com/vietnamese/vietnam-39646209>

⁸ "Cáp quang Liên Á lại lỗi, Internet ra nước ngoài vẫn chậm" <InterAsia cable damaged again; connection to abroad still slow>, *VNExpress*, March 3, 2017, <http://sohoa.vnexpress.net/tin-tuc/doi-song-so/cap-quang-lien-a-lai-loi-internet-ra-nuoc-ngoai-van-cham-3549675.html>

⁹ "So kè giành thị phần cáp quang" <Fighting for optic cable market share>, *Đầu Tư*, February 7, 2017, <http://baodautu.vn/so-ke-gianh-thi-phan-internet-cap-quang-d58454.html>

disrupting the market.

In the mobile sector, Viettel commands 49.5 percent of mobile subscriptions; MobiFone and Vinaphone rank second and third with 25 percent and 16 percent, respectively. Smaller players which lack infrastructure to provide quality service and coverage, like Vietnamobile and Gmobile, struggle to compete.¹⁰

Regulatory Bodies

The Vietnam Internet Network Information Center (VNNIC), an affiliate of the Ministry of Information and Communications, is responsible for managing, allocating, supervising, and promoting the use of internet domain names, IP addresses, and autonomous system numbers (ASN). Three additional ministries—information and culture (MIC), public security (MPS), and culture, sport, and tourism (MCST)—manage the provision and usage of internet services. On paper, the MCST regulates sexually explicit and violent content, while the MPS oversees political censorship. In practice, however, guidelines are issued by the Vietnamese Communist Party (VCP) in a largely non-transparent manner.

Limits on Content

Blocking and Filtering

With fewer resources devoted to online content control than in China, the Vietnamese authorities have nevertheless established an effective content filtering system. Social media and communications apps are periodically blocked, but Facebook and Instagram, which were blocked during protests in May 2016, were otherwise available during the coverage period.

Access to Facebook and Instagram appears to have been interrupted as hundreds of people protested against an environmental disaster in Hanoi and Ho Chi Minh City in May 2016. Demonstrators criticized Formosa, a Taiwanese steel plant they held responsible for millions of fish washing up dead along the central coast, and the government for failing to respond to the crisis. The mainstream media failed to cover the rallies, adding to Facebook's importance as a means of sharing information and organizing public events (see "Digital Activism"). Operators of at least three tools used to circumvent blocking reported a dramatic spike in the number of their Vietnamese users on May 15, coinciding with reports that social media platforms were inaccessible and indicating that the platforms had been blocked.¹¹ Some mobile users also reported that they were unable to send SMS messages about the rallies.

Censorship is implemented by ISPs rather than at the backbone or international gateway level. Specific URLs are generally identified for censorship and placed on blacklists. Censorship targets high-profile blogs or websites with many followers, as well as content considered threatening to Communist Party rule, including political dissent, human rights and democracy, as well as websites

10 "Việt Nam hiện có hơn 128,3 triệu thuê bao điện thoại di động" <Vietnam currently has over 128,3 million mobile phone subscribers>, *ICT News*, September 6, 2016, <http://ictnews.vn/vien-thong/viet-nam-hien-co-hon-128-3-trieu-thue-bao-dien-thoai-di-dong-142931.ict>

11 Sarah Perez, "Facebook blocked in Vietnam over the weekend due to citizen protests," *TechCrunch*, May 17, 2016 <http://tcrn.ch/28KKrG2>

criticizing the government's reaction to border and sea disputes with China. Content promoting organized religion such as Buddhism, Roman Catholicism, and the Cao Dai 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, whether they are hosted overseas, such as *Talawas*, *Dan Luan* and *Dan Chim Viet*, or domestically, like *Dan Lam Bao*, *Dien Dan Xa Hoi Dan Su*, or *Bauxite Vietnam*. Access to international sites such as Human Rights Watch, U.S.-funded Radio Free Asia's Vietnamese-language site, or Vietnamese BBC, has been unstable and unpredictable.

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.

Content Removal

The Party's Department for Culture and Ideology and the Ministry of Information and Culture (MIC) regularly instruct online outlets to remove content they perceive as problematic, through nontransparent, often verbal orders.

In February 2017, the government tightened pressure on international companies to remove content the authorities categorized as "toxic." The Vietnam-based operations of several multinational companies withdrew advertising from popular social media platforms Facebook and YouTube at the request of Vietnamese government ministries.¹² Vietnamese companies also pulled advertising after government representatives said the advertising appeared next to content violating local laws, including some uploaded by dissidents that criticized the government.¹³ The impact of the measure on content was not immediately clear. State media said officials had asked YouTube to remove thousands of clips, but Google, which owns YouTube, was quoted as saying it had received fewer than 50 official takedown requests, and reported only 5 total government removal requests between 2009 and December 2016 in its transparency report.¹⁴

Other entities with financial and political influence may exert control over online content to discourage free expression. In 2016, online reports of inadequate animal welfare at a safari on Phu Quoc island in southern Vietnam, led to a Facebook campaign questioning the importation and treatment of wild animals. The Vinpearl safari is operated by Vingroup, one of the country's biggest conglomerates. Shortly afterward, Facebook users who had previously discussed the issue temporarily deactivated their accounts, and a Facebook page administrator posted that they had to stop reporting on the case "for security reasons," according to the BBC Vietnamese service, leading observers to believe that they feared reprisals from Vingroup or its supporters.¹⁵ Vingroup denied reports that thousands of animals had died at the park and workers had quit in protest.¹⁶ In 2017,

12 Michael Peel, "Vietnam targets multinationals in social media censorship drive," *Financial Times*, March 17, 2017, <https://www.ft.com/content/853db6f2-0ae1-11e7-97d1-5e720a26771b>

13 Ma Nguyen, "Vietnam leverages Google, YouTube hate speech failings," *Asia Times*, March 27, 2017, <http://www.atimes.com/article/vietnam-leverages-google-youtube-hate-speech-failings/>

14 Google Transparency Report, "Government requests to remove content: Vietnam," July 2016 to December 2016, <https://transparencyreport.google.com/government-removals/by-country/VN>

15 "Safari Phú Quốc 'chưa nhập tê giác'" <Phu Quoc Safari "not imported rhinos yet">, *BBC Vietnamese*, February 27, 2016, <http://bbc.in/1Tkwnaw>; "Safari Phú Quốc 'nên minh bạch'" <Phu Quoc Safari 'should be transparent'"> *BBC Vietnamese* February 26, 2016, <http://bbc.in/1LL7koS>

16 "Reports of mass animal deaths at Vietnam safari zoo are false: authorities," *Tuoi Tre News*, February 24, 2016, <http://tuoitrenews.vn/society/33384/reports-of-mass-animal-deaths-at-vietnam-safari-zoo-are-false-authorities>

other activists who posted on Facebook about Vingroup's real estate projects in Hanoi removed content in similar circumstances.

Content removal instructions cover social as well as political content. In 2015, for example, MIC officials ordered local media production company Monday Morning Ltd. Co. to stop producing episodes of the YouTube celebrity gossip series "Bitches in Town," for using offensive language and causing public outrage.¹⁷

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" prohibited under Article 5. It holds cybercafe owners responsible if their customers are caught surfing "bad" websites. This process was articulated in Circular 09/2014 TT-BTTTT, issued in October 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 email, text message, or phone call. The circular also tightened procedures for registering and licensing new social media sites. Among other requirements, the person responsible for the platform should have a university or higher degree. It also requires Vietnamese companies who operate general websites and social networks, including blogging platforms, to locate a server system in Vietnam and to store posted information for 90 days and certain metadata for up to two years.¹⁸ It is not clear how much service providers removed content for fear of possible reprisals before the decree was introduced, so its immediate impact was not possible to gauge. Further, it did not outline clear penalties for non-compliance.

Media, Diversity, and Content Manipulation

Internet content producers face a range of pressures that affect the quality of online information. All content needs to pass through in-house censorship before publication. In weekly meetings, detailed instructions handed out by a Party Committee to editors dictate areas and themes to report on or suppress, as well as the allowed depth of coverage. In 2017, President Tran Dai Quang called for new measures "to prevent news sites and blogs with bad and dangerous content," but none had been introduced in mid-year.¹⁹

Editors and journalists also risk post-publication sanctions including imprisonment, fines, disciplinary warnings, and job loss. On June 20, 2016, an announcement on the MIC website said the ministry had revoked press credentials for Mai Phan Loi, head of the Hanoi bureau of the *HCMC Law Newspaper*, based on the online publication of a single word deemed "not respectful to the military." Loi had discussed the crash of a Vietnamese maritime patrol aircraft in a journalists' group on Facebook the previous week. The post asked why the plane had "exploded into pieces."²⁰ On June 21,

17 "Những kẻ lảm lỏi" bị yêu cầu tạm ngừng vì xúc phạm người khác" <"Bitches in Town" was required to stop for offending others>, *Tuoi Tre*, November 25, 2015 <http://bit.ly/1MhXdgl>

18 Mong Palatino, "Corporate Critics Say Vietnam's New Tech Regulations Are Bad for Business," *Global Voice Advocacy*, November 3, 2014, <http://bit.ly/1LtKLK4>

19 Reuters, "Vietnam's president calls for tougher internet controls," August 20, 2017, <https://www.reuters.com/article/us-vietnam-internet/vietnams-president-calls-for-tougher-internet-controls-idUSKCN1B00JW>

20 "Vietnam reporter's press card revoked for insulting military," *AP* June 20, 2016 <http://apne.ws/28OXZRg>

Minister of Information and Communications Truong Minh Tuan warned that journalists should be considerate when using social networks.²¹

Decree 174, effective since January 2014, introduced administrative fines of up to VND 100 million (US\$4,700) 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 fine for violations related to online commerce. In 2015, the Ministry of Information and Communications reported imposing VND 777 million (\$38,000) in 18 cases involving violations of rules governing the provision and use of information on the internet.²² The local government in southwestern An Giang province was forced to withdraw one sanction that attracted national attention in 2015. A secondary school teacher was fined VND 5 million (\$220) for describing the provincial chairman as “arrogant” on Facebook. Two other individuals were fined and received disciplinary warnings from the party for “liking” and sharing the post. The incident attracted dozens of media representatives to press conferences before the fines were withdrawn.²³

These economic and social penalties, in addition to the risk of criminal prosecution, foster self-censorship. The unpredictable and nontransparent ways in which topics become prohibited make it difficult for users to know what might be off-limits, and bloggers and forum administrators routinely disable commenting functions to prevent controversial discussions.

The government has also taken steps to manipulate public opinion online. In 2013, Hanoi’s head of propaganda Ho Quang Loi revealed the city has a 900-strong team of “internet polemicists” or “public opinion shapers” who are tasked with spreading the party line. The “teams of experts” had set up some 18 websites and 400 online accounts to monitor and direct online discussions on everything from foreign policy to land rights, he said at the time.²⁴ There were no official statements regarding this matter in 2017, but internet users continued to observe signs of possible manipulation in online forums.

In October 2015, the government opened an official Facebook page to provide timely information about the government and the prime minister.²⁵ Other government agencies, such as the Ministry of Health or the Hanoi People’s Committee have also started to reach out to citizens on Facebook, apparently signaling a shift away from the perception of such platforms as oppositional, towards more digital engagement for propaganda purposes and improving governance.

Although government-run media continue to dominate, new domestic online outlets and social media sites are expanding the traditional media landscape. Young educated Vietnamese are increasingly turning to blogs, social media, and other online news sources over state TV and radio.²⁶ While some important alternative blogs have stopped operating following the prosecution of their owners, like *Que Choa* in 2014, new Facebook pages and other sites continue to emerge. In 2015, independent broadcaster Conscience TV began producing YouTube videos on human rights issues

21 Nhà báo phải cân nhắc khi sử dụng mạng xã hội < Journalists should consider when using social networks >, *Vietnamnet*, June 21, 2016, <http://bit.ly/28KtOKa>

22 “VND1.5 billion fines imposed on press agencies in 2015”, *VietnamNet*, December 31, 2015, <http://bit.ly/1Tk2JCf>

23 “Chê Chủ tịch tỉnh ‘kênh kiệu’ trên Facebook: ‘Chúng tôi xử phạt không sai’ <Criticising Provincial Chairman “cocky” on Facebook: ‘Our fine was not wrong,’ *Thanh Nien online*, <http://bit.ly/1MtVdwn>

24 “Vietnam’s propaganda agents battle bloggers online”, *Bangkok Post*, January 19, 2013, <http://bit.ly/1L21XH8>

25 “Vietnam sets up its own Facebook page to reach its young,” *AP*, October 22, 2015, <http://apne.ws/1Tkz6AH>

26 Paul Rothman, “Media Use in Vietnam: Findings from BBG and GALLUP”, *Cima* June 10, 2015, <http://www.cima.ned.org/blog/media-use-vietnam/>

in Vietnam.²⁷ Tools for circumventing censorship are well known among younger, technology-savvy internet users in Vietnam, and many can be found with a simple Google search.²⁸

Activists continued to use social media during the reporting period, some with tens of thousands of followers, even in the face of intensifying pressure (see “Content Removal” and “Prosecutions and Detentions for Online Activities”).²⁹ In mid-2016, Mai Khoi, a singer who ran for the National Assembly as an independent member, described social media as the only platform where she could speak freely, though she also said her Facebook account had been disabled twice during her campaign. She suspected that individuals aligned with the security forces reported her account to Facebook in order to silence her.³⁰

Digital Activism

Digital mobilization is local rather than national in scale, compared to some other countries in Asia. In 2016, the mass deaths of fish in central coastal provinces sparked a wave of protest on Facebook, which led to street rallies in Hanoi and Ho Chi Minh City demanding more transparency from the government.³¹ The protests continued through October 2016 and proved to be a challenge to the government on how to deal with crisis.³² Facebook was restricted when the protests were at their peak (see “Blocking and Filtering”).

In March 2015, a Hanoi government plan to remove thousands of trees lining the city’s thoroughfares spawned outrage on Facebook in a campaign which gathered 20,000 supporters in 24 hours, some of whom speculated that officials were motivated by the chance of selling the valuable timber. Authorities reversed the plan later that month, after a rare protest where residents took to the streets following several online campaigns by different social groups.³³ The previous year, a plan to build a cable car near the UN-recognized world-heritage site Phong Nha-Ke Bang was also stalled by Facebook critics whose page amassed over 33,000 likes, and a petition of over 71,000 signatures.³⁴

27 Bita Eghbali and Lakshna Mehta, “Vietnam Police Detain Six Over Web Videos,” *Global Journalist*, September 29, 2015, <http://globaljournalist.org/2015/09/vietnam-police-detain-six-over-web-videos/>; Reporters Without Borders, “Citizen-journalist Nguyen Van Dai badly beaten,” via IFEX, December 11, 2015, https://www.ifex.org/vietnam/2015/12/11/citizen_journalist_attacked/; Radio Free Asia, “Authorities in Vietnam Crack Down on New Independent Broadcast Service,” September 25, 2015, <http://www.rfa.org/english/news/vietnam/authorities-in-vietnam-crack-down-on-new-independent-broadcast-service-09252015152145.html>

28 The Sec Dev Foundation, “Circum-what? Circumvention Widely Employed, Poorly Understood in Vietnam,” February 1, 2016, <https://secdev-foundation.org/circum-what-circumvention-widely-employed-poorly-understood-in-vietnam/>

29 Matthew Tostevin, “Vietnam’s Facebook dissidents test the limits of Communist state,” *Reuters*, August 29, 2017, <https://www.reuters.com/article/us-vietnam-internet/vietnams-facebook-dissidents-test-the-limits-of-communist-state-idUSKCN1B92UQ>

30 Matthew Clayfield, “Vietnam’s National Assembly elections plagued by biased vetting, intimidation,” *ABC News*, May 20, 2016, <http://www.abc.net.au/news/2016-05-20/vietnam-national-assembly-elections-plagued-by-bias/7430010>

31 “Rare rallies in Vietnam over mysterious mass fish deaths,” *Reuters* May 1, 2016, <http://reut.rs/23gFOI7>

32 “Outrage Over Fish Kill in Vietnam Simmers 6 Months Later,” *New York Times*, October 3, 2016, https://www.nytimes.com/2016/10/04/world/asia/formosa-vietnam-fish.html?_r=

33 “If a tree falls... online, will the Communist Party hear anything?” *The Economist*, April 18, 2015, <http://econ.st/1DqEUy2>

34 “Son Doong Saved From Cable Car: No Development Until 2030,” *Caving News*, February 13, 2015, <http://bit.ly/1OLzzDY>

Violations of User Rights

Legal Environment

The Constitution, amended in 2013, affirms the right to freedom of expression, but in practice the VCP has strict control over the media. Legislation, including internet-related decrees, the penal code, the Publishing Law, and the State Secrets Protection Ordinance, can be used to fine and imprison journalists and netizens. 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.

Articles 79, 88, and 258 of the penal code are commonly used to prosecute and imprison bloggers and online activists for subversion, antistate propaganda, and abusing democratic freedoms. Vietnam's National Assembly amended the penal code on November 27, 2015.³⁵ The amendments were supposed to become effective on July 1, 2016 but were postponed for further revision, with no developments as of mid-2017.³⁶ Under the amended law, Article 79, "carrying out activities aimed at overthrowing the people's administration," would become Article 109, and Article 88, "making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam," would become Article 117.³⁷ The amendments newly criminalized preparing to commit those crimes with penalties of one to five years in prison. Article 258, which punishes "abuse of democratic rights to infringe upon the interests of the State, the legitimate rights and interests of organizations and citizens," would become Article 330.

Since 2008, a series of regulations have extended controls on traditional media content to the online sphere. Decree 97 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 02 gave authorities power to penalize journalists and bloggers for a series of infractions, including publishing under a pseudonym.³⁸ 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 prohibits broad categories of online activity including "opposing the Socialist Republic of Vietnam," inciting violence, revealing state secrets, and providing false information.

An information security law passed in November 2015 and came into effect on July 1, 2016 (see

35 "HRW Submission to EU on Bilateral Dialogue with Vietnam," *Human Rights Watch*, December 13, 2015 <http://bit.ly/1WTky8Q>.

36 "Vietnam legislature to postpone revised penal code as implementation day nears," *Tuoi Tre News*, June 28, 2016, <http://tuoitrenews.vn/society/35591/legislature-to-postpone-revised-penal-code-as-implementation-day-nears>.

37 Human Rights Watch, "Vietnam's Proposed Revisions to National Security Laws," November 19, 2015, <https://www.hrw.org/news/2015/11/19/vietnams-proposed-revisions-national-security-laws>.

38 OpenNet Initiative, "Vietnam," August 7, 2012, <http://bit.ly/1Z4zX9m>; The Ministry of Information and Communication, Decree No 97/2008/ND-CP of August 28, 2008, *Official Gazette* August 11-12, 2008, <http://bit.ly/1j9Ejf5>; Ministry of Information and Communications, Circular No. 07/2008/TT-BTTTT of December 18, 2008, *Official Gazette*, January 6-7, 2009, <http://bit.ly/1FSWgs7>; Article 19, "Comment on the Decree No. 02 of 2011 on Administrative Responsibility for Press and Publication Activities of the Prime Minister of the Socialist Republic of Vietnam," June 2011, <http://bit.ly/1JPbb1x>; Decree 02/2011/ND-CP, [in Vietnamese] January 6, 2011, available at Committee to Protect Journalists, <http://cpj.org/Vietnam%20media%20decree.pdf>

"Surveillance, Privacy and Anonymity").³⁹ A separate draft cybersecurity law was presented in mid-2017.⁴⁰

Prosecutions and Detentions for Online Activities

Reporters Without Borders documented 19 individuals detained for online activity in Vietnam as of April 2017.⁴¹ Vietnam released 14 bloggers and activists under pressure from the US in 2014 and 2015, in the midst of negotiations over the Trans-Pacific Partnership (TPP),⁴² though those released were not pardoned.⁴³ Several new arrests were reported in 2016, and 2017 saw an intensifying crackdown on government critics,⁴⁵ exemplified by the harsh 10-year sentence handed to the blogger known as "Mother Mushroom" in June.⁴⁶

Mother Mushroom, or Nguyen Ngoc Nhu Quynh, was one of several bloggers and activists jailed in late 2016 under Articles 70, 88, or 258 of the penal code (see "Legal Environment"). Other examples include Nguyen Danh Dung, who was arrested in Thanh Hoa in December for his alleged involvement with Thien An TV, a YouTube channel critical of the government; and blogger Ho Hai in Ho Chi Minh City for his online criticisms of the government.⁴⁷

More cases were reported in January. Tran Thi Nga (pen name Thuy Nga), 40, was arrested on January 21, and charged with accessing the internet "to post a number of video clips and articles to propagandize against the Socialist Republic of Vietnam" under article 88 of the Penal Code.⁴⁸ Former political prisoner and citizen journalist Nguyen Van Oai was arrested the same month for allegedly violating his probation. In 2011 he was sentenced to four years in prison for alleged involvement with the overseas political organization Viet Tan and was placed on probation for another four years.⁴⁹ On January 11, Nguyen Van Hoa, a human rights activist, was arrested by police in Ha Tinh province and charged with "abusing the rights to freedom and democracy to infringe upon the

39 Tilleke and Gibbons, "Legal Update: New Regulations in the ICT Sector in Vietnam, March 2016, http://www.tilleke.com/sites/default/files/2016_Mar_New_Regulations_ICT_Sector_Vietnam.pdf; Rouse, "New Law On Cyber Information Security And Its Impact On Data Privacy In Vietnam," March 30, 2016, <http://www.rouse.com/magazine/news/new-law-on-cyber-information-security-and-its-impact-on-data-privacy-in-vietnam/>.

40 Baker McKenzie, "New Draft Cybersecurity Law 2017," July 31, 2017, <https://www.lexology.com/library/detail.aspx?g=b3fd124e-e230-4859-84a4-e7fe623e57df>.

41 Reporters Without Borders, "Violations of press freedom barometer," accessed April 2017, <https://rsf.org/en/barometer>

42 "Vietnam: Widespread 'National Security' Arrests", *Human Rights Watch*, November 19, 2015, <http://bit.ly/1OVc8y0>

43 Article 19, "Interview: Activist Le Quoc Quan, one day after his release from prison," via IFEX, June 30, 2015, https://www.ifex.org/vietnam/2015/06/30/interview_le_quoc_quan/.

44 Human Rights Watch, "Vietnam: Events of 2015," *World Report*, <https://www.hrw.org/world-report/2016/country-chapters/vietnam>; Reuters, "Vietnam frees anti-state blogger, U.S. calls for more releases," September 20, 2015, <http://www.reuters.com/article/us-vietnam-dissident-idUSKCNORK0D320150920>

45 Bennett Murray, "Vietnam's harsh summer: state launches largest crackdown on dissidents in years," *The Guardian*, September 25, 2017, <https://www.theguardian.com/world/2017/sep/26/vietnams-state-largest-crackdown-on-dissidents-years>

46 Associated Press, "Vietnamese blogger jailed for 10 years for 'defaming' regime," *The Guardian*, June 29, 2017, <https://www.theguardian.com/world/2017/jun/29/vietnamese-blogger-jailed-for-10-years-for-defaming-regime>

47 "Vietnam: New Wave of Arrest of Critics", *Human Rights Watch*, January 27, 2017, <https://www.hrw.org/news/2017/01/27/vietnam-new-wave-arrests-critics>

48 "Vietnam: New Wave of Arrest of Critics", *Human Rights Watch*, January 27, 2017, <https://www.hrw.org/news/2017/01/27/vietnam-new-wave-arrests-critics>

49 "Vietnam: New Wave of Arrest of Critics", *Human Rights Watch*, January 27, 2017, <https://www.hrw.org/news/2017/01/27/vietnam-new-wave-arrests-critics>

interests of the State,” under Article 258 of the Penal Code. He had campaigned against the Formosa Steel Company for their role in the mass death of fish in April 2016 (see “Digital Activism”)⁵⁰

Surveillance, Privacy, and Anonymity

Limited information is available about the surveillance technology available to Vietnamese authorities, but the legal framework enables officials to undermine privacy

Decree 72 requires providers like 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 or oversight to discourage intrusive registration or data collection. 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 store certain data for specified periods (see “Content removal”). The decree gave users themselves the ambiguous right to “have their personal information kept confidential in accordance with law.” Implementation is at the discretion of ministers, heads of ministerial agencies and governmental agencies, the provincial People’s Committees, and “relevant organizations and individuals,” leaving anonymous and private communication subject to invasion from almost any authority in Vietnam. In mid-2016, “correspondence from the Saigon Post and Telecommunications Service Corporation” was the basis of Nguyen Dinh Ngoc’s indictment for disseminating antigovernment propaganda; he was charged under Article 88 of the penal code.⁵¹

The Law on Information Security passed in November 2015 and came into effect on July 1, 2016, introducing some cybersecurity protections.⁵² In more troubling provisions, the law allows the sharing of users’ personal information without 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 anonymity⁵³

Real-name registration is not required to blog or post online comments, and many Vietnamese do so anonymously. However, Vietnamese authorities do monitor online communication and dissident activity. Cybercafe 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.⁵⁴ In late 2009, the MIC requested all prepaid mobile phone subscribers to register their ID details with the operator and limited each to three numbers per carrier. As of 2017, however, the registration process is not linked to any central database and could be circumvented using a fake ID. Pay-per-use, SIM cards, can be easily purchased without IDs.

In 2013, Citizen Lab, a research group based in Canada, identified FinFisher software on servers in

50 “Vietnam Seeks to Calm Waters One Year after Environmental Disaster”, *Vietnam Human Right Defenders*, April 11, 2017, <http://www.vietnamhumanrightsdefenders.net/2017/04/12/vietnam-seeks-to-calm-waters-one-year-after-environmental-disaster/>.

51 Human Rights Watch, “Vietnam: 7 Convicted in One Week,” April 4, 2016, <https://www.hrw.org/news/2016/04/04/vietnam-7-convicted-one-week>.

52 Tilleke and Gibbons, “Legal Update: New Regulations in the ICT Sector in Vietnam, March 2016, http://www.tilleke.com/sites/default/files/2016_Mar_New_Regulations_ICT_Sector_Vietnam.pdf; Rouse, “New Law On Cyber Information Security And Its Impact On Data Privacy In Vietnam,” March 30, 2016, <http://www.rouse.com/magazine/news/new-law-on-cyber-information-security-and-its-impact-on-data-privacy-in-vietnam/>

53 Michael L. Gray, “The Trouble with Vietnam’s Cyber Security Law,” *The Diplomat*, October 21, 2016, <http://thediplomat.com/2016/10/the-trouble-with-vietnams-cyber-security-law/>; “Vietnamese Cyber Security Law Threatens Privacy Rights and Encryption,” September 8, 2016, <https://www.tiasangvietnam.org/vietnams-cyber-security-law-threatens-privacy-rights-and-encryption/>.

54 “Internet Censorship tightening in Vietnam,” *Asia News*, June 22, 2010, <http://bit.ly/1y1goHk>

25 countries worldwide, including Vietnam. Promoted by United Kingdom-based distributor Gamma International as a suite for lawful intrusion and surveillance, FinFisher offers the power to monitor communications and extract information from other computers without permission, such as contacts, text messages, and emails. Citizen Lab noted that the presence of such a server did not prove who was running it, though it is marketed to governments.

Intimidation and Violence

Bloggers and online activists have been subjected to physical attacks, job loss, severed internet access, travel restrictions, and other rights violations. In June 2017, Human Rights Watch reported 36 attacks targeting activists between January 2015 and April 2017, sometimes in police stations or in view of police who did not intervene.⁵⁵ Examples include Nguyen Trung Ton, a Protestant pastor and blogger who was beaten by a group of men armed with iron rods in February 2017, and prodemocracy blogger To Oanh, who in July 2016 was intercepted while driving a motorcycle by a man who forced him to crash.

Police also responded violently to protests that were organized using digital tools (see “Digital Activism”). In February 2017, police stopped hundreds of protesters from undertaking a 180 km march north from Ha Tinh province to Nghe An province, to present compensation claims against Formosa Steel Factory over the 2016 fish kill. Several protesters were beaten or arrested.⁵⁶ Police broke up a related protest in Ho Chi Minh City in March, dispersing about 200 people and arresting several participants. In Hanoi, police prevented activists to assemble after a call for protest was posted on social media.⁵⁷

Other prominent activists and bloggers such as Pham Doan Trang or Nguyen Quang A were put under house arrest so they could not attend a specific event, such as a meeting with foreign diplomats or a protest.⁵⁸

Technical Attacks

Activists in Vietnam and abroad have been the target of systematic cyberattacks. Research published in 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, among other targets, largely corporations with interests in Vietnam.⁵⁹

When the activity was first documented in 2009, the attackers used Vietnamese-language programs to infect computers with malicious software to carry out distributed denial-of-service (DDoS) attacks on blogs and websites perceived as critical of the government. Google estimated that “potentially

55 Human Rights Watch, “No Country for Human Rights Activists,” June 18, 2017, <https://www.hrw.org/report/2017/06/18/no-country-human-rights-activists/assaults-bloggers-and-democracy-campaigners>

56 “Vietnam police stop fishermen marching to make claims at steel fish farm,” *Reuters*, February 14, 2017, <http://uk.reuters.com/article/us-vietnam-protest-formosa-plastics-idUKKBN15T1MK>; “VietNam: Police violently attacked priest and faithful during Formosa protest,” *VietCatholic News*, February 18, 2017, <http://www.vietcatholic.net/News/Html/214343.htm>

57 “Formosa protesters defy police threats,” *Vietnam Right Now*, March 5, 2017, <http://vietnamrightnow.com/2017/03/formosa-protesters-defy-police-threats/>

58 “Vietnam: End Crackdown on Bloggers and Activists,” *Human Rights Watch*, January 12, 2017, <https://www.hrw.org/news/2017/01/12/vietnam-end-crackdown-bloggers-and-activists>

59 Nick Carr, “Cyber Espionage is Alive and Well: APT32 and the Threat to Global Corporations,” *FireEye*, May 14, 2017, <https://www.fireeye.com/blog/threat-research/2017/05/cyber-espionage-apt32.htm>

tens of thousands of computers” were affected, but Vietnamese authorities took no steps to find or punish the attackers.

Activists have since been subject to account takeovers, where spear-phishing emails disguised as legitimate content carry malware which 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. California-based Electronic Frontier Foundation (EFF) 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.