

FREEDOM ON THE NET 2023

# Vietnam

**22**

NOT FREE

/100

A. <u>Obstacles to Access</u>	12 /25
B. <u>Limits on Content</u>	6 /35
C. <u>Violations of User Rights</u>	4 /40

LAST YEAR'S SCORE & STATUS

22 /100 ● Not Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).



# Overview

Internet freedom remained restricted in Vietnam. The government continued to enforce stringent controls over the country's online environment and introduced new internet regulations concerning data localization and personal data protection. Authorities aggressively pressured global internet companies to comply with content moderation and user data requests. Activists and ordinary people are often punished for their online activities, while media outlets face punitive fines in relation to their reporting.

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, 2022 - May 31, 2023

- Undersea internet cables malfunctioned throughout early 2023, interrupting connectivity for people across Vietnam (see A1).
- Government officials forced social media platforms to remove posts expressing political dissent and threatened to ban TikTok over its content moderation practices (see B2 and B3).
- In August 2022, authorities issued Decree 53, detailing procedures for removing the broad range of content deemed illegal under the Cybersecurity Law (see B3 and B6).
- Authorities imposed prison sentences on human rights defenders and everyday internet users for their online activities, including an eight-year sentence issued to Facebook influencer Bùi Văn Thuận (see C3).
- Vietnamese authorities abducted Thailand-based political YouTuber Thái Văn Đường in April 2023 (see C7).

# A. Obstacles to Access

**A1** 0-6 pts

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

**4/6**

According to the Ministry of Information and Communications (MIC) more than 73.2 percent of the Vietnamese population use the internet daily as of the end of 2022. **1** The MIC reported 93.5 million smartphone subscribers, or approximately 73.5 percent of adults, as of March 2022. **2**

Fixed broadband remains a relatively small market segment, while mobile broadband has played a significant role in increasing access to faster internet service. As of May 2023, the median mobile download speed stood at 47.27 megabits per second (Mbps) while the upload speed stood at 19.77 Mbps, according to Ookla's Speedtest Global Index. The median fixed broadband download speed was 93.31 Mbps and upload speed was 93.60 Mbps. **3**

As of December 2021, fourth-generation (4G) mobile signal covered 99.8 percent of Vietnam's territory. **4** At the start of 2023, 40 cities and provinces in the country had fifth-generation (5G) coverage. **5**

Severe disruptions to submarine internet cables, which are pivotal for connecting to the international internet, took place during the coverage period. Starting in November 2022, four of five Vietnam's submarine internet cables malfunctioned simultaneously; the fifth malfunctioned in February 2023. The cable breaks disrupted people's connectivity across the country. **6** Authorities deployed land cables to Cambodia, Thailand and Singapore as an interim replacement. **7** Two of the submarine cables were repaired as of the end of the coverage period, with the remaining repairs expected to continue through the summer. **8** Subsequent cable disruptions were reported in June 2023, after the coverage period. **9** Two other cable disruptions occurred July and September 2022. **10**

Two new cables are expected to come into operation by the end of 2023. <sup>11</sup> In February 2023, the government announced plans to lay down three new undersea internet cables by 2025, <sup>12</sup> bringing the total number to 10. <sup>13</sup>

**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.

Although 61 percent of the population in Vietnam is considered rural, <sup>14</sup> high internet penetration rates contribute to relatively low disparities based on geographic region. <sup>15</sup> According to a 2023 UNICEF report, Vietnam has achieved gender parity in internet use. <sup>16</sup>

The most inexpensive monthly mobile data plan cost around \$2 in 2023, <sup>17</sup> while a fixed-line package cost around \$10. <sup>18</sup> The average monthly wage was 6.7 million dong (\$283) in 2022, according to the General Statistics Office. <sup>19</sup>

**A3** 0-6 pts

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

**4/6**

There were no significant intentional disruptions to internet or mobile networks during the coverage period. Authorities have sometimes employed periodic throttling and restricted access to the internet for political or security reasons in the past.

Most recently, Reuters reported that Facebook's country-based servers were taken offline in February 2020, significantly slowing Facebook, Instagram, and WhatsApp services for users in Vietnam (see B1). <sup>20</sup> Access was restored in early April 2020,

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. Those firms make up two of the three major providers servicing internet exchange points (IXPs), which allocate bandwidth to service providers. **21**

**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 participating in the market. According to the MIC’s White Paper on Information Technology and Communication Vietnam 2021, the three largest broadband providers were Viettel (which controlled 39.5 percent of the market), VNPT (38.5 percent), and the private FPT (15.6 percent) as of 2020. **22**

In the mobile sector, Viettel commanded 52.5 percent of mobile subscriptions in 2021, while VNPT and MobiFone rank second and third with 23.8 percent and 18.5 percent, respectively. These three providers combined controlled over 90 percent of the telecommunications market in almost all types of services. Smaller companies that lack the infrastructure to provide quality service and coverage, such as Vietnamobile and Gmobile, struggle to compete. **23**

**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 MIC, is responsible for managing, allocating, supervising, and promoting the use of internet domain names, IP addresses, and autonomous system numbers. <sup>24</sup> Two ministries—the MIC <sup>25</sup> and the Ministry of Public Security (MPS) <sup>26</sup>—manage the provision and usage of internet services. In practice, censorship of online content could be ordered by any government body.

## B. Limits on Content

**B1** 0-6 pts

**Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?**

**2/6**

The Vietnamese authorities have established an effective content-filtering system. However, social media and communications apps remained available during the coverage period, 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 discussion of social unrest or 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 that the state sees as a potential threat—including Buddhism, Roman Catholicism, and the Cao Đài group—is blocked to a lesser but still significant degree. Websites critical of the government, such as Luật Khoa, The Vietnamese, Việt Nam Thời báo, Báo Tiếng Dân, Diễn đàn Xã hội Dân sự, Viet-Studies, and Bauxite Vietnam, are generally inaccessible. Access to international websites such as those of Human Rights Watch (HRW) and the Vietnamese editions

of Radio Free Asia (RFA), Voice of America (VOA), and the British Broadcasting Corporation (BBC) has been unstable and unpredictable. <sup>27</sup>

According to a MIC report, the ministry blocked over 2,705 fraudulent or law-violating websites in 2022. The MIC also stated that authorities had blocked 529 similar websites between January 1 and February 15, 2023. <sup>28</sup>

Social media and communications platforms were not blocked during the coverage period. In November 2020, the Vietnamese government reportedly threatened to shut down Facebook’s service in Vietnam should the company refuse to comply with the government’s request for a larger scale of content restrictions. <sup>29</sup> A *Washington Post* investigative report published in October 2021 confirmed that Facebook had been threatened by the government and decided to comply with its demands. <sup>30</sup> In April 2023, the MIC announced a possible ban on TikTok due to its inaction on various forms of “toxic” content (see B2). <sup>31</sup>

**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, particularly material that is protected by international human rights standards?**

0 / 4

Content was removed at an alarming rate during the coverage period, and the government used the Cybersecurity Law, which took effect in January 2019, to pressure social media companies to comply with content removal requests. <sup>32</sup> 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.

Authorities have imposed heavy fines on online publications for publishing “false information.” The online magazine *Thương hiệu và Công luận* was fined 57.5 million dong (\$2,431) for its reporting on misuse of forestland in Lam Dong province. <sup>33</sup> The authorities also fined news site *Người Cao Tuổi* 45 million dong (\$1,900) for publishing purported misinformation about a construction project. <sup>34</sup> Throughout 2022, the Ho Chi Minh city government issued fines totaling 780 million dong

(\$33,000) against media outlets in 24 cases for publishing “illegal content,” including online. **35**

Social media platforms, including Facebook and Google, restricted content at the government’s request. According to the MIC, Facebook blocked or removed 2,751 posts that the MIC labeled “false, anti-CPV, anti-state, and defaming brands, individuals, organizations” in 2022. The MIC also reported that Google removed 7,935 videos from YouTube and geoblocked 7 “reactionary” channels containing over 1,500 videos and TikTok blocked and/or removed 329 videos. **36** Google reported that 95 percent of the removal requests it received from the Vietnamese government from July 2022 to December 2022 related to government criticism. **37** Facebook disclosed that the platform removed 982 pieces of content pursuant to requests from the MIC under Decree 72 on the Management, Provision, Use of Internet Services and Internet Content Online. **38**

Netflix removed a Korean drama from viewing in Vietnam in October 2022 under pressure from the government over its depictions of the Vietnam War. **39** In July 2023, after the coverage period, Netflix removed a Chinese series after Vietnamese authorities took issue with depictions of a map of the South China Sea. **40**

Activists, dissidents, and online commentators, including those living outside of Vietnam, have increasingly had their Facebook accounts suspended for violating the platform’s community standards. **41** The MIC reported that in 2022, for the first time, Facebook blocked 07 accounts that published “false information, distorted and anti-CPV, anti-state information”; TikTok similarly removed 10 accounts that published anti-CPV, anti-state content. **42** For instance, political commentator Phan Châu Thành reported that his accounts were suspended several times during the coverage period, with suspensions lasting days or weeks. **43**

The government also pressures people to remove their content. For instance, officials reported that a Facebook user was summoned by police and forced to remove content concerning his criticism of government officials. **44**

Other entities with financial and political influence may exert control over online content or discourage free expression. For example, in August 2022, the online



magazine Doanh nghiệp & Kinh tế xanh removed an article about Vingroup and billionaire Pham Nhat Vuong from their website a few hours after published. The article asserted that Vingroup is deep in debt and has been fined for violations of tax law. **45** In January 2023, a TikTok user was also fined 7.5 million VND (\$320) for publishing “false information” about Vingroup and its chairman Pham Nhat Vuong. A similar case occurred on July 11, 2022, when a social media user was fined 7.5 million VND for sharing “false information” about the company. **46** That same month, the government also fined a Facebook user and forced them to remove posts related to the CPV’s disciplinary actions against government officials. **47**

Intermediary liability was formalized in 2013 with Decree 72, and was further developed with the 2018 Cybersecurity Law and the Decree 53/2022/ND-CP (see B3). 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 a circular 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 MPS, 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.

The Cybersecurity Law requires social media companies to remove content upon request from the authorities within one day (see C2 and C6). <sup>48</sup> Any content the government deems “toxic” or offensive is subject to removal under the law. <sup>49</sup> In August 2022, authorities issued Decree No. 53/2022/ND-CP, which details implementation of the Cybersecurity Law and took effect in October 2022. Decree 53 details procedures for removing content that is illegal under the Cybersecurity Law—including content that infringes on national security, undermines traditions and customs, distorts facts, or involves insult or slander—and designates the MPS, the MIC, and the Ministry of Defense as authorities to serve takedown orders. Decree 53 also empowers MPS to suspend information systems and revoke domain names on national security and cybersecurity grounds. <sup>50</sup>

In July 2021, authorities issued Decree 70/2021/ND-CP, which requires foreign and domestic websites that host advertisements—including international social media platforms—to comply with Vietnamese online content regulations, including the prohibitions on illegal content under the Cybersecurity Law. Decree 70 requires websites to remove illegal content within 24 hours and provide the advertisers’ information to the government upon requests, <sup>51</sup> with penalties including administrative fines. <sup>52</sup>

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.

The government uses legal threats, investigations, and other forms of pressure to compel compliance with its restrictions on the internet. In February 2023, the MIC threatened to block crossborder television service providers such as Netflix if they did not open an office in the country. Netflix reportedly planned to fulfill the demand in 2023. <sup>53</sup> In May 2023, the government reportedly investigated TikTok’s legal entities in Vietnam in relation to the platform’s compliance with local laws and regulations, including censorship requirements. <sup>54</sup> Subsequent reporting on the

issue indicated that the government required TikTok sign an admission of wrongdoing and work to remedy identified problems. **55**

**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.

For example, Vietnam's mainstream media did not report on actor Ke Huy Quan's reference in a March 2023 award acceptance speech to his experience as a refugee fleeing the country after the Vietnam War. **56** Media outlets did not report critically on the deaths by suicide of two women who were sexually assaulted while students at a military training center in Ho Chi Minh City. **57** During the previous coverage period, the mainstream media did not report on a scandal about the MPS minister Tô Lâm dining at an expensive restaurant in November 2021. **58** Neither did they publish critical content on two major controversies relating to the conglomerate Vingroup. **59**

The arrests and convictions of prominent NGO leaders—including Mai Phan Lợi, Bạch Hùng Dương, **60** Đặng Đình Bách, **61** Nguyễn Thị Khanh, **62** and Hoang Thi Minh Hong **63**—in 2021, 2022 and 2023 further spurred the closing of civic space in Vietnam, potentially driving self-censorship 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. Furthermore, amidst the COVID-19 pandemic, the government issued a number of directives to news outlets clarifying how they should report on the virus.

**64**

The government also actively seeks to manipulate public opinion online. An investigative report by BBC News Vietnam published in April 2021 confirmed an expansion of Force 47—a military unit of over 10,000 people who are tasked with fighting “wrong, distorting opinions online”—into the district military branches of numerous provinces. **65** In November 2022, authorities in a Ho Chi Minh City district reported that their Force 47 unit had successfully “prevented” and “brought down” Facebook accounts over purported antistate content. **66**

Members of the network are encouraged to use their real or fake 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. An investigative report by the Intercept published in December 2020 outlined how the network targets dissidents, activists, and critics. For instance, members of an invitation-only Facebook group of progovernment actors called “E47” identify targets to report en masse for violating the platform’s community standards. **67** This group was removed by Facebook in late 2021. **68**

In 2018, the Communist Party established Task Force 35 to counter purported propaganda against the state, including online information. **69** The task force recruits agents and contributors from government employees, progovernment political groups and among civilians and directs them to manipulate online discussions and

coordinate information operations; those operations continued during the coverage period. **70**

In June 2021, the state introduced a national set of guidelines on social media behavior. The guidelines prohibit posts that affect state interest and violate national law, and ask users to promote “the beauty of Vietnam’s scenery, people and culture, and spread good stories about good people.” The guidelines apply to Vietnamese users, social media companies, and state organizations, though it remains unclear how they will be implemented and enforced. **71**

**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.

Government pressure on international social media companies to restrict content impacts online advertising. Decree 70, which was issued in July 2021, requires websites to comply with laws on the removal of illegal content with regard to online advertising (see B2), **72** limiting the functioning of outlets that rely on advertising for revenue. The MIC released a list of 171 websites on which advertisers were prohibited from running advertisements in March 2022, and a list of over 2,600 websites on which it encouraged advertisements in March 2023. **73** At least 15 organizations and individuals and 73 websites were fined in 2022 for violating online advertising regulations. **74**

Controls on advertising extend to social media platforms. An October 2020 MIC report to the National Assembly emphasized that Facebook had agreed to block

political advertisements from pages for and accounts owned by organizations deemed reactionary and terrorist—frequently nonviolent opposition groups (see B1). Google also agreed to not sharing advertising revenue for “content that violates Vietnam’s law” upon the ministry’s requests. **75** Similar pressure to remove “toxic” content, was seen during the coverage period, when several domestic and multinational companies withdrew or suspend advertising from popular social media platforms like Facebook and YouTube at the request of Vietnamese government ministries. **76** The 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. **77** By May 2023, at least 20 companies had been fined by the MIC for displaying ads next to “toxic content” on major platforms. **78**

A circular issued in 2014 tightened procedures for registering and licensing new social media sites. Among other requirements, the person responsible for a platform must have at least a university degree.

Online outlets and ordinary users can be subjected to fines and suspensions based on content they post (see B2). A 2020 decree introduced administrative fines of up to 100 million dong (\$4,230) for anyone who stores or spreads information that is deemed to be false, distorting, and fictitious. **79** These fines can be applied for offenses not serious enough to merit criminal prosecution. In July 2022, online outlet Pháp luật Việt Nam newspaper was fined 325 million dong (\$13,740) and had their press license suspended for three months after publishing purportedly false and inappropriate information. **80**

**B7** 0-4 pts

**Does the online information landscape lack diversity and reliability?**

**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. So-called general information websites, like Kenh 14 and Vietcetera, are owned by private entities and granted permission by the MIC to republish content from state media.

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. <sup>81</sup> Tools for circumventing censorship are well known among younger, tech-savvy internet users in Vietnam. <sup>82</sup>

**B8** 0-6 pts

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

**2/6**

While digital tools largely remain available, draconian prison sentences for online activism, invasive state surveillance, and general hostility from the government make many users wary of mobilizing online. Despite this, certain activists have continued to use digital tools in the course of their work and have amassed notable online followings. <sup>83</sup> As the government has increasingly pressured Facebook to remove content, internet users have turned to other platforms, like Telegram, to disseminate information and connect with one another. <sup>84</sup>

The increasing persecution of dissidents, activists, nongovernmental organization (NGO) leaders, and regular internet users has curtailed online organizing in Vietnam. The most prominent openly organized political effort took place during the coverage period was an online fundraiser organized by the Sống Foundation for reforestation activities. <sup>85</sup> Vietnam's LGBTQ+ community continues to leverage the internet to organize online and offline Pride Month activities, as it did in October 2022. <sup>86</sup>

A crackdown on candidates using social media to campaign ahead of the 2021 legislative elections presented heightened restrictions to online political organizing. <sup>87</sup> In previous years, digital mobilization in Vietnam tended to be local, rather than

national, in scale, and often revolved around environmental issues, as well as concerns about the expansion of China's influence. However, such efforts have not been observed since 2018 due to the increasingly constrained political climate for organizing or mobilizing online. <sup>88</sup>

## C. Violations of User Rights

**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 affirms the right to freedom of expression, but the CPV has strict control over the media in practice, using both formal measures such as laws and regulations and informal measures such as verbal directives. 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.

A series of regulations have extended controls on traditional media content to the online sphere (see B3 and C2). <sup>89</sup> The laws and regulations are designed to impose censorship, control the media environment, and punish those who are deemed to spread content “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, particularly those that are protected under international human rights standards?**

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 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. <sup>90</sup> In addition, websites and individual social media pages are prohibited from posting content that is critical of the state or that causes public disorder (see B3).

Under the penal code, Articles 109, 117, and 331 are commonly used to prosecute and imprison bloggers and online activists for subversion, antistate propaganda, and abusing democratic freedoms. <sup>91</sup> The amendments also contain vaguely worded provisions that criminalize those preparing to commit crimes with penalties of one to five years in prison. 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. <sup>92</sup>

In April 2020, Decree 15/2020/ND-CP replaced a decree from 2013 that regulates administrative fines in the post and telecommunications industry, as well as for communication technologies and e-commerce. <sup>93</sup> The decree 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. In January 2022, authorities amended Decree 15 to increase administrative fines, including for online speech. For instance, the amendments increased fines on media outlets for publishing purported false information and for using domain names not included in their operating licenses. <sup>94</sup> Fines for individuals range from 10 million to 20 million dong (\$423 to \$846).

**C3** 0-6 pts

**Are individuals penalized for online activities, particularly those that are protected under international human rights standards?**

**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 April 2023, 208 activists were held in detention for exercising their fundamental rights, including freedom of expression. <sup>95</sup>

Several journalists, activists and dissidents were handed severe prison sentences during the coverage period. In October 2022, citizen journalist Lê Mạnh Hà was sentenced to eight years in prison allegedly “disseminating antistate materials” in relation to social media posts about land grabs and government corruption. <sup>96</sup> Blogger Bùi Văn Thuận was sentenced to eight years in prison in November 2022 for antistate speech under the Article 117 of the penal code, in relation to his online commentary about the government. <sup>97</sup> Nguyễn Như Phương received a sentence of five years in prison in December 2022 for sharing recorded discussions about the government’s COVID-19 prevention efforts online. <sup>98</sup> Prominent activist Nguyễn Văn Thắng was sentenced to six years in prison in April 2023, in part due to his online activities, <sup>99</sup> while YouTuber and activist Bùi Tuấn Lâm was sentenced to five and a half years imprisonment in May 2023. <sup>100</sup>

Everyday users are also prosecuted for their online activities. In October 2022, Vũ Bích Vân and Ong Thị Thuý were arrested and charged under Article 331 of the penal code. <sup>101</sup> They allegedly published video clips of people protesting a residential project built on their seized land to Facebook. Six members of the Tinh That Bong Lai temple were sentenced between three to five years of imprisonment in July 2022 for publishing YouTube videos that purportedly “defamed the dignity” of local police and Buddhist leaders. <sup>102</sup>

**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 requiring

technology companies to verify the identities of their users. <sup>103</sup>

In July 2023, after the coverage period, the government released a draft decree to replace Decree 72 that would require social networks to verify users' identity (see C6). The draft decree would also force domestic social networks to allow only verified accounts to produce content such as posts, comments, and livestreams. Unverified accounts would not be able to post content and would risk being blocked from the networks. <sup>104</sup> A letter signed by 20 human rights organizations in August 2023 criticized the draft decree, calling its identity verification rule "a direct and substantial threat to the enjoyment of rights to privacy, freedom of expression and information, and non-discrimination of all social media users in Vietnam." <sup>105</sup>

In April 2023, the MIC began to restrict phone numbers for which the registered personal information did not match Vietnam's national residence database, known as unverified numbers. <sup>106</sup> At least 3.5 million numbers were said to be unverified at the time. <sup>107</sup> In May 2023, the government shut down almost 1 million phone numbers after users did not verify their information. <sup>108</sup>

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, though reports during the coverage period indicate that the government has expanded its capacity to conduct surveillance. The country's legal framework, including the Cybersecurity Law, enables authorities to infringe on the privacy rights of citizens with relative ease.

In July 2021, Israeli human rights lawyer Eitay Mack reported that the Israeli firm Cellebrite had sold phone-hacking technology to the MPS. The technology is said to have the capacity to extract data from locked mobile phones. <sup>109</sup> In December 2020, Canadian research group CitizenLab published a report that identified Vietnam as a

likely client of Circles, an NSO Group–affiliated surveillance firm. Circles provides two separate systems to access a phone’s geolocation, calls, and texts without hacking the device itself; one system connects to the infrastructure of local telecommunications companies and the other to telecommunications companies globally. <sup>110</sup> In 2013, Citizen Lab identified FinFisher software—which has the power to monitor communications and extract information, including contacts, text messages, and emails, from other computers without permission—on servers in Vietnam. <sup>111</sup>

Recent efforts to expand government data collection have raised privacy concerns, particularly in light of the lack of a personal data protection framework (see C6). In 2021, the MPS issued chip-based identity cards to citizens for which data will be stored in a centralized government database and accessible to officials, despite major concerns over personal data protection. <sup>112</sup> The new ID card is reportedly used to access public services, make financial transactions, access services such as banking <sup>113</sup> and cash machines, <sup>114</sup> vehicle registration, and social welfare registration. <sup>115</sup> As of December 2022, 76 million ID cards had been issued. <sup>116</sup> The chip-based ID cards are expected to replace existing identification cards progressively. <sup>117</sup> In June 2021, the MPS established the Research and Application Center for Residents Data (RAR) to provide services using a National Database of Residents, which includes personal data and biometric data. <sup>118</sup>

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 Ocean Lotus, or APT32, with targets including overseas-based Vietnamese journalists and private- and public-sector organizations in Vietnam. 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.” <sup>119</sup>

**C6** 0-6 pts

**Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?**

**0 / 6**

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 dramatically increased requirements for companies to aid the government in surveillance by introducing data retention and localization provisions.

Decree 53, which took effect in October 2022, requires all domestic companies and some foreign companies—including social media platforms, telecommunications services, payment providers, and gaming platforms—to store personal data on Vietnamese users within the country for at least 24 months and provide that data to the government on request. <sup>120</sup> Personal data under Decree 53 is broadly defined, and the regulations also covers data associated with users’ accounts, like IP addresses, usernames, and registered phone numbers. <sup>121</sup>

In April 2023, authorities issued Decree 13/2023/ND-CP concerning personal data protection, which took effect in July. <sup>122</sup> Most of the decree’s provisions are in line with the international standards for data privacy. However, the decree establishes broad exceptions for the government use of personal data, including for law enforcement purposes, raising concerns that it will not curtail privacy abuses. <sup>123</sup> The Cabinet has instructed the MPS to draft a data protection law in 2024. <sup>124</sup>

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. 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, 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.

Facebook reported that it received two requests for two users' data in the period from July to December 2022, and provided information in one case. **125**

Decree 72 also requires domain name registrars to collect and store identifying information on all owners of domain names. Owners of international domain names who run news sites and social networks must inform the MIC about their operations. Owners are responsible for the accuracy of the information provided, facing fines should they provide inaccurate information. **126**

In July 2023, after the coverage period, the MIC published new draft amendments to Decree 72 for public feedback. The draft would replace Decree 72 and obligate platforms to identify users by default, among other requirements (see C4). The Global Network Initiative raised concerns with the Draft Decree, including its “extremely expansive and unclear scope,” “provisions on mandatory user identification,” and “proactive monitoring obligations.” **127**

The Law on Information Security came into effect in 2016. **128** 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. **129**

Under a 2014 circular, 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. **130**

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. **131** A regulation requiring prepaid mobile phone subscribers to provide their ID details to the operator is enforced consistently. **132**

Bloggers and online activists are subject to frequent physical attacks, job loss, severed internet access, travel restrictions, and other rights violations. As a result, numerous activists in Vietnam have been forced to go into hiding or flee the country.

In April 2023, YouTuber Thái Văn Đường was allegedly abducted by Vietnamese security forces in Thailand and brought back to Vietnam to face charge of “illegally entering” the country from Laos. <sup>133</sup> He had lived in Thailand as a refugee since 2019 and ran a popular channel on Vietnamese politics.

Reports of physical abuse and torture in detention are common. In October 2021, police reportedly tortured Youtuber Lê Chí Thành—who was sentenced to two years imprisonment for videos relating to police corruption, among other details (see C3)—including by hanging him upside down for seven days. <sup>134</sup> Journalist Phạm Thị Đoan Trang was held in pretrial detention for more than a year in 2021, during which she was not permitted family and lawyer visits and was denied medical attention despite serious illness. <sup>135</sup>

Nguyễn Thúy Hạnh—a human rights activist who frequently fundraised online for families of political prisoners and shared her views on Facebook—was arrested and charged with antistate propaganda in April 2021, and was subsequently also denied family and lawyer visitation for more than a year. She was forcibly transferred to a mental health facility in December 2021 <sup>136</sup> and again in April 2022, possibly due to lack of treatment for depression while in detention. <sup>137</sup> Her case was indefinitely suspended as of the end of the coverage period.

Threats against the families of journalists have led them to cease their coverage in the past. In March 2020, Berlin-based blogger Người Buôn Gió announced he would stop writing due to government harassment of his relatives in Vietnam, particularly his mother. <sup>138</sup>

Prominent bloggers and online activists experienced de facto house arrest several times during the previous coverage period. Plainclothes police guarded their homes

for days without warrants, to block them from leaving, particularly during times of major events such as the CPV's Congress and political trials, <sup>139</sup> and during a solidarity event at the Ukrainian Embassy in Hanoi in March 2022. <sup>140</sup> Others reported being summoned by police without warrants, or with warrants that provided no reasons or legal grounds, as another form of harassment in retaliation for online activities. <sup>141</sup>

**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**

Although no cyberattacks linked to the Vietnamese government against human rights defenders and media sites were publicly disclosed during the coverage period, past reports suggest that the government and its affiliates are likely to have continued to employ the tactic.

Cybersecurity researchers reported in May 2023 that the hacker group Dark Pink launched a cyberattack against a Vietnam-based nonprofit in December. <sup>142</sup> The group reportedly also targeted religious organization in Vietnam in June 2022, <sup>143</sup> and is known to target governments, militaries, and civil society organizations in the Asia-Pacific region. In March 2023, Check Point Research revealed that the China-based group SharpPanda had been running a cyberespionage campaign targeting the governments of Vietnam, Thailand, and Indonesia.” <sup>144</sup>

In February 2021, Amnesty International reported evidence of cyberattacks by Ocean Lotus against a Germany-based Vietnamese human rights defender and a Philippines-based Vietnamese NGO. They were targeted with phishing emails containing malicious spyware between 2018 and November 2020. <sup>145</sup>

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.



## Footnotes

- 1 VNA. (2022, December 7). 25 years of internet access marked in Vietnam | Sci-Tech | Vietnam+ (VietnamPlus). VietnamPlus; VietnamPlus. <https://en.vietnamplus.vn/25-years-of-internet-access-marked-in-vietnam...>
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- 3 “Vietnam
- 4 VnExpress. (2021, December 22). Việt Nam triển khai thương mại 5G năm 2022. Vnexpress.net; VnExpress. <https://vnexpress.net/viet-nam-trien-khai-thuong-mai-5g-nam-2022-440668...>
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More footnotes [+](#)



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### Country Facts

Global Freedom Score

**19/100** ● Not Free

Internet Freedom Score

**22/100** ● Not Free

Freedom in the World Status

**Not Free**

Networks Restricted

**No**

Social Media Blocked

**No**

Websites Blocked

**Yes**

Pro-government Commentators

**Yes**

Users Arrested

**Yes**

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