



Joint Submission by the Committee to Protect Journalists, Freedom House, and Robert F. Kennedy Human Rights

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Việt Nam

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Executive summary

1. As organizations promoting freedom of expression and the rule of law, this submission focuses on Việt Nam's compliance with international human rights obligations impacting journalists and human rights defenders related to (i) freedom of opinion and expression, (ii) freedom of the press, and (iii) progress made since the last review in 2019.
2. In particular, the concerns raised in this submission relate to:
 - Death of journalists in detention due to neglect; ill-treatment and physical abuse of detained journalists;¹
 - Imprisonment and lengthy sentences of journalists;
 - Abduction of journalists;

- Denial of the right to a fair trial and appeals process;
- Incommunicado holding, house arrest, lengthy pre-trial and arbitrary detention, and restrictions on international travel of journalists;
- Harassment of journalists;
- Suspension of authorizations to work as journalists;
- Obstruction of access to information due to national internet restrictions; invocation of anti-state, “false news”, and cyber-security charges or fines against journalists.

Human rights instruments referred to in this submission

3. Article 12 of the 2013 Constitution of Việt Nam affirms the country’s conformity to the Charter of the United Nations and international treaties to which Việt Nam is a signatory.² Article 14 of the 2013 Constitution of Việt Nam affirms that “political, civic, economic, cultural and social human rights and citizen’s rights are recognized, respected, protected, and guaranteed in concordance with the Constitution and the law.”³ Article 25 of the Constitution further provides that “[t]he citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, to access of information . . .”⁴ The Constitution of Việt Nam therefore protects a fundamental right which includes principles of freedom of opinion and expression, and encompasses press freedom. However, the right is not unqualified, as the practice of such rights are “provided by the law” and hence may be limited to protect other rights.⁵
4. Article 19 of the Universal Declaration of Human Rights (proclaimed by the UN General Assembly in 1948) enshrines the principle of freedom of opinion and expression, noting that “the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Articles 8, 9, 10, and 11 protect the right to an effective remedy and to a fair trial, the presumption of innocence, and the prohibition on arbitrary arrest, detention, or exile.
5. Việt Nam ratified the International Covenant on Civil and Political Rights (the “**Covenant**”) in 1982. The Covenant sets forth the principle in its Article 19 that “[e]veryone shall have the right to hold opinions without interference” and to “freedom of expression” which includes “freedom to seek, receive and impart information.”⁶ Those rights are subject to restriction only as provided by law and necessary for the respect of rights or reputations of others or for the protection of national security, public order, public health or morals.⁷ Article 9(1) of the Covenant provides that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law. Article 9(2) of the Covenant requires that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest. Article 9(3) of the Covenant provides that: “Anyone arrested or detailed on a criminal charge shall be brought promptly before a judge or other

officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” Article 14 of the Covenant also sets forth a right to a fair trial before an independent and impartial court including a guarantee of legal assistance in criminal proceedings. General Comment No. 32 by the UN Human Rights Committee explains that Article 14 of the Covenant contains guarantees which signatories must respect, “regardless of their legal traditions and their domestic law.”⁸ Article 14 encompasses situations where attempts to access courts are “systematically frustrated de jure or de facto.”⁹ States are encouraged to provide free legal assistance for individuals who do not have sufficient means to pay, such as in instances of a constitutional review of irregularities in a criminal trial.¹⁰ Apart from exceptional circumstances, hearings must be open to the general public, including members of the media, and in any event, the judgment must be made public unless relating to matrimonial or guardianship issues.¹¹

6. In 2015, Việt Nam ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted by the UN General Assembly in 1984) (the “**Convention Against Torture**”). Article 1 of the Convention Against Torture defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” Article 2 requires each State Party to take “effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction” and requires that “no exceptional circumstances” exist to justify torture. Article 16 provides that each State Party must “undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture... when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” The United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court provide that statements and other evidence obtained as a result of torture or other cruel, inhuman or degrading treatment “shall not be invoked as evidence in any proceedings, except against a person accused of torture or other prohibited treatment as evidence that the statement was made or that other such acts took place.”¹²

Implementation of recommendations from previous review

7. Our commentary on the recommendations supported from the previous Universal Periodic Review (“UPR”) cycle are contained in the matrix of relevant recommendations in

Appendix 1. Four recommendations that were accepted or noted can be considered “partially achieved.” Those recommendations are contained in the following themes: (i) Recommendation 38.213 for Theme D43 Freedom of opinion and expression; (ii) Recommendation 38.204 for Theme A41 Constitutional and Legislative framework; (iii) Recommendation 38.192 for Themes A12 Acceptance of international norms, D42 Freedom of thought, conscience and religion, D43 Freedom of opinion and expression, and H1 Human rights defenders; and (iv) Recommendation 38.18 for Themes A54 Awareness raising and dissemination and D25 Prohibition of torture and cruel, inhuman or degrading treatment. However, several other recommendations relevant to freedom of expression and press freedom which were supported are “not implemented.”

Update on situation for freedom of expression since the last review

General observations

8. There are several areas of concern raised in this submission. Threats to freedom of expression and press freedom are occurring on multiple fronts: (i) death of journalists in detention due to neglect or ill-treatment and physical abuse of detained journalists, (ii) imprisonment and lengthy sentences of journalists, (iii) abduction of journalists, (iv) denial of the right to a fair trial and appeals process, (v) incommunicado holding, house arrest, lengthy pre-trial and arbitrary detention, and restrictions on international travel of journalists, (vi) harassment of journalists, (vii) suspension of authorizations to work as journalists, and (viii) obstruction of access to information due to national internet restrictions and invocation of anti-state, “false news”, and cyber-security charges or fines against journalists. All of these factors are limiting the right to freedom of expression and press freedom in Việt Nam. These issues must be simultaneously addressed by the state in order to ensure the aforementioned rights.

Specific issues of concern

9. For each of the themes below, a detailed list of incidents reported between 2018 and October 2023 is contained in Appendix 2.

Death of journalists in detention due to neglect; ill-treatment and physical abuse of detained journalists

10. The mistreatment and abuse suffered by journalists imprisoned for asserting their fundamental rights to expression and opinion is a pervasive issue in Việt Nam. Over the past five years, at least one journalist who also frequently commented on political affairs, including on social media platforms, died from an illness contracted in prison, despite numerous requests for medical treatment which went unheeded.¹³ At least seven other journalists detained during the reporting period suffered numerous instances of physical

beatings by prison officials and/or denial of medical treatment notwithstanding serious illness.¹⁴ One such case pertained to the beating and choking of a pregnant journalist who, while in prison, had advocated for other female prisoners and spoke out about prison conditions.¹⁵

11. Journalist Nguyễn Văn Hóa, a Catholic activist and regular contributor to Radio Free Asia, suffered numerous severe beatings, solitary confinement stays, and other incidents of mistreatment while serving seven years in prison following his arrest in January 2017. He was also denied medical attention for a tumor.¹⁶ He was forced to testify against other activists under duress of assault, causing him to later recant his statements. He is still being prevented from regularly calling or otherwise communicating with his family. Following a seven-year sentence, he will also serve three years of probation, which we understand to be house arrest.¹⁷
12. These instances violate Article 5 of the Universal Declaration of Human Rights, safeguarding individuals against torture and cruel, inhuman or degrading treatment or punishment. They are also in violation of the freedom of expression enshrined in Article 19 of the Universal Declaration of Human Rights and Article 19 of the Covenant. The denial of life-saving medical treatment and the infliction of conditions resulting in death in detention may amount to torture if not “cruel, inhuman or degrading treatment or punishment” as defined in the Convention Against Torture and strictly prohibited.
13. In the previous review, Việt Nam supported recommendations to protect journalists from all forms of violence and to ensure prompt, impartial, independent, and effective investigations into reports of unnecessary or excessive use of force and/or violations of human rights by the police or official authorities.¹⁸

Imprisonment and lengthy sentences of journalists

14. Over the past five years, there have been several reported incidents of journalists in Việt Nam, because of their reporting, being imprisoned and given lengthy sentences disproportionate to their alleged offences. One such journalist and president of the Independent Journalist Association of Việt Nam was sentenced to 15 years in prison on charges of alleged anti-state propaganda pursuant to Article 117 of the 2015 Criminal Code following his arrest after publishing commentary on the EU-Việt Nam trade deal.¹⁹ Article 117 of the 2015 Criminal Code penalizes “making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Social Republic of Vietnam” and there are several reported incidents of journalists being prosecuted and imprisoned for alleged anti-state propaganda and abuse of democratic freedoms.²⁰

15. Other journalists have been imprisoned for their social media posts which were alleged to constitute “anti-state” content.²¹ One such journalist was sentenced to eight years in prison pursuant to Article 117 of the 2015 Criminal Code for posting and sharing articles on Facebook which were alleged to defame the Vietnamese state and President.²² Human rights organizations have reported that none of the journalists’ social media posts “involve incitement to crime, violence, hate speech, or other content that can be subject to any criminal charge consistent with the right to freedom of expression.”²³
16. Writer and award-winning poet Trần Đức Thạch was arrested and sentenced to 12 years on charges of “anti-state propaganda” pursuant to Article 109 of the Criminal Code which penalizes “carrying out activities aimed at overthrowing the people’s administration” and is also often used to prosecute journalists.²⁴ Trần Đức Thạch writes about his experiences as a former North Vietnamese soldier and the war crimes he witnessed, and comments on the legal system in Việt Nam. His arrest was likely prompted by his posts on social media in support of the Brotherhood for Democracy, an association of activists and human rights defenders formerly imprisoned for their political beliefs with a mission of advancing human rights.²⁵
17. Acclaimed journalist Phạm Đoan Trang was sentenced to nine years in prison, a penalty harsher than that which was requested by the prosecution, for charges relating to propaganda against the state following her participation in a human rights conference and writings on political affairs.²⁶
18. These instances reflect a broader trend of state officials silencing and intimidating journalists for public engagement on issues of political consequence.

Abduction of journalists

19. Over the past five years, at least two journalists reporting on political affairs in Việt Nam were abducted from neighboring Thailand after visiting the Thai office of the UN High Commissioner for Refugees (the “**UNHCR**”).²⁷ The journalists were subsequently detained by Vietnamese officials in Việt Nam.
20. The threat of abduction underscores Việt Nam’s intolerance of dissent and has a chilling effect on press freedoms, deterring journalists and users of social media platforms from reporting on local and national affairs and stifling media freedom and freedom of expression. Abducting and relocating journalists following their visits to the UNHCR in another country may also be considered a violation of Article 14 of the Universal Declaration of Human Rights guaranteeing individuals the right to seek and enjoy asylum from persecution in other countries.

Denial of the right to a fair trial and appeals process

21. There have been at least two reports of journalists being subjected to a closed-door trial or an unfair process over the past five years.²⁸ Notably, journalist Phạm Đoan Trang was sentenced to nine years in prison following a one-day trial marked by procedural abuses and violations of her fundamental rights where her legal defense was prohibited from calling witnesses or meaningfully contesting the evidence relied on by the prosecution. The defense team was only given a few weeks to prepare for the trial notwithstanding 11,000 pages of evidence to review.²⁹ Article 11 of the Universal Declaration of Human Rights guarantees that each person charged with a penal offence has the right to a public trial at which they are afforded all necessary guarantees for their defense. In addition, Article 14 of the Covenant outlines the right to equality before courts and to a fair trial.³⁰

Incommunicado holding, house arrest, lengthy pre-trial and arbitrary detention, and restrictions on international travel of journalists

22. In the reporting period, there were at least three documented instances of journalists being held incommunicado, in violation of their right to legal counsel under Article 14 of the Covenant.³¹ In addition, one journalist was held for over four years in a psychiatric facility before being brought before a court.³² At least two journalists had their passports confiscated, preventing them from travelling out of the country. A lawyer and writer, as well as his family, was barred from boarding a flight to the United States due to his writing and advocacy in defense of political prisoners and victims of injustice.³³ These instances violate Article 13 of the Universal Declaration of Human Rights guaranteeing the right to freedom of movement including leaving and returning to one's country.
23. In the first half of 2023, at least 20 journalists, activists, and human rights defenders were arrested.³⁴ Journalists in Việt Nam have also been repeatedly subject to house arrest, often on national holidays or during visits by foreign state officials to prevent gatherings or the voicing of dissent.³⁵ At least three journalists have been placed under house arrest over the past five years. Many others reported not being informed of the reasons for their house arrest.
24. The use of these measures underscores the limits of freedom of expression in Việt Nam and the chilling effect such measures have on journalistic endeavors and the freedom of opinion more broadly. The arbitrary nature of many of these measures is also in violation of Article 9 of the Universal Declaration of Human Rights, which prohibits arbitrary arrest, detention or exile.

Harassment of journalists

25. In the last five years, journalists and their families were also repeatedly harassed by public officials for asserting their right to freedom of expression and media freedom.³⁶ The harassment included allegations of connections to the Independent Journalist Association of Việt Nam. As a result of the harassment, at least one journalist decided to stop writing.
26. Phạm Đoan Trang, an award-winning writer and journalist who reports widely on human rights-related issues, founded the local legal magazine *Luật Khoa*, and edits and writes for *The Vietnamese*, was forced to cut ties with her publisher due to police harassment. Members of the publishing house went into hiding to avoid harassment and maintain their publishing activities while dozens of other people were interrogated for purchasing and reading books by the publisher.³⁷
27. The harassment of journalists contributes to the chilling effect on journalistic endeavors in Việt Nam and the threat of such intimidation deters others from seeking and disseminating information on local and national affairs.

Suspension of authorizations to work as journalists

28. At least five journalists were found guilty of “abusing democratic freedom rights” under Article 331 of the 2015 Criminal Code for posts made to social media accounts, and banned from working as journalists for three years after serving sentences ranging from two to four and a half years in prison.³⁸ An online newspaper had its press license suspended for three months after publishing allegedly false and inappropriate information.³⁹ These penalties appear to have been imposed on publications and journalists publishing opinions contrary to state positions and therefore violate these individuals’ right to freedom of opinion and expression as guaranteed in Article 19 of the Covenant and Article 19 of the UN Declaration of Human Rights.

Obstruction of access to information due to national internet restrictions and invocation of anti-state, “false news”, and cyber-security charges or fines against journalists

29. In the last five years, the Vietnamese state significantly increased its control over the internet and social media platforms in its attempts to curb media freedom and the freedom of expression and opinion via draft Decree 72, which enforces mandatory user ID verification, increases privacy risks associated with the storage of sensitive data, enables cross-border monitoring and takedown of content, and expands the scope of government’s blocking powers.⁴⁰ Restricted access to information online significantly undercuts journalistic and press freedoms as many Vietnamese use social media platforms to communicate and report on political affairs. During the same time, at least 15 journalists were arrested and/or imprisoned under anti-state propaganda charges stemming from their activities on social media platforms.⁴¹ These instances violate Article 19 of the Covenant, which guarantees

“freedom to seek, receive and impart information.”

30. In January 2019, the Cybersecurity Law came into effect requiring social media companies to remove content deemed by state officials as offensive and giving 24 hours to comply.⁴² As a result of the Cybersecurity Law, the Ministry of Information and Communications announced that Google, YouTube, Facebook and TikTok removed large numbers of video clips, posts, links, and accounts which allegedly defamed the Communist Party of Việt Nam and government.⁴³ For example, the Ministry of Information and Communications reported that:
 - a. In 2019: Google removed nearly 8,200 video clips; YouTube blocked 19 YouTube channels; and Facebook blocked nearly 2,500 links, 249 fake accounts, and 249 links;
 - b. In 2021: Facebook blocked and/or removed 3,377 posts; Google removed 13,141 videos from YouTube; and TikTok blocked and/or removed 1,180 videos.⁴⁴
 - c. In 2022: Facebook blocked or removed 2,751 posts, which the Ministry of Information and Communications labeled “false, anti-Communist Party of Vietnam, anti-state, and defaming brands, individuals, organizations”; Google removed 7,935 videos from YouTube and geo-blocked seven reactionary channels containing over 1,500 videos; and TikTok blocked and/or removed 329 videos. Facebook also blocked seven accounts for publishing “false information, distorted and anti-Communist Party of Vietnam, anti-state information”; TikTok removed 10 accounts for publishing similar content.⁴⁵
31. The government also introduced fines for using social networks to “provide and spread misinformation.”⁴⁶
32. State officials also frequently blocked access to the internet. At the beginning of 2020, Facebook’s servers were taken offline, which slowed service for Facebook, Instagram, and WhatsApp in Việt Nam. The servers were not restored until three months later, after Facebook agreed to remove “antistate” content.⁴⁷ Journalists reported having their social media accounts suspended and posts blocked.⁴⁸ The Ministry of Information and Communications blocked 4,214 overseas-hosted websites that allegedly “published toxic and harmful information.”⁴⁹
33. Several newspapers were also fined for allegedly spreading misinformation and at least one was forced to close for three months while another had to cease operations.⁵⁰
34. By curbing access to information online and censoring the information already there, the Vietnamese government is actively stifling the right to freedom of opinion and expression. The restrictive measures undertaken by the government violate the international treaties to

which Việt Nam is a signatory. The result is a chilling effect on media and reporting and further self-censorship of journalists and non-journalists alike.

Recommendations to Việt Nam by the submitting organizations

Death of journalists in detention due to neglect; ill-treatment and physical abuse of detained journalists

35. Provide appropriate medical treatment to inmates, as obligated by Article 19 of the Universal Declaration of Human Rights and Article 19 of the Covenant.
36. End the use of excessive force, physical beatings, and lengthy solitary confinement against journalists and human rights defenders.
37. Train prison officers on their obligations under international law and hold perpetrators accountable for abuses of journalists and human rights defenders.

Imprisonment and lengthy sentences of journalists

38. Release all journalists arbitrarily detained or imprisoned for exercising their right to freedom of opinion and expression, and cease the practice of arresting journalists for such acts.
39. Take measures to end the practice of lengthy prison sentences disproportionate to the alleged offences with which journalists are charged and imprisoned.
40. Ensure all journalists are granted the right to legal counsel and appeal of their convictions.

Abductions of journalists

41. Take measures to end the abduction of journalists by state and non-state actors.
42. Promptly and effectively investigate threats and attacks against journalists.
43. Establish an effective mechanism to protect at-risk journalists, in particular those covering activities which differ from the official state policy, that is tailored to address the needs of journalists, with necessary budget and staffing allocations for its full implementation.
44. Guarantee individuals, including journalists, the right to seek and enjoy asylum from persecution in other countries in accordance with Article 14 of the Universal Declaration of Human Rights

Denial of the right to a fair trial and appeals process

45. Ensure that all journalists are granted the right to a fair trial before an independent and impartial court in a timely manner with access to legal assistance.

46. Ensure that the right of journalists to adequately prepare their defense is protected.
47. Ensure that the presumption of innocence of journalists is respected.
48. End the practice of closed-door trials and publish legal opinions, which should include a discussion of the evidence relied upon and legal analysis.

Incommunicado holding, house arrest, lengthy pre-trial and arbitrary detention, and restrictions on international travel of journalists

49. Take measures to end incommunicado holding and lengthy pre-trial detention of journalists.
50. Stop holding journalists in psychiatric facilities prior to trial.
51. Allow journalists the right to legal counsel at all stages of their detention and trial.
52. Release any journalists who continue to be held in lengthy pre-trial detention.
53. Abolish detention without trial and ensure that arrests and detentions comply with international human rights law.
54. Conduct an investigation of the circumstances surrounding the incommunicado holding and lengthy pre-trial detention of journalists and take appropriate measures against those responsible for the violation of rights.
55. Cease the practice of holding journalists incommunicado and detaining journalists for lengthy periods without trial.
56. Cease the practice of arbitrarily placing journalists under house arrest.
57. Cease the practice of confiscating the passports of journalists and their family members and otherwise preventing them from travelling outside of the country.

Harassment of journalists

58. Promptly and effectively investigate threats and attacks against journalists and their families.
59. Take measures to end intimidation, and threats to journalists and their families by state and non-state actors.

Suspension of authorizations to work as journalists

60. Reform the 2016 Freedom of the Press law in a manner that brings it into line with international standards, including reversing the power of the state having ultimate authority to determine who qualifies as a journalist.

61. End the government's control over all media outlets in order to foster a vibrant culture of freedom of the press.
62. Abolish the ban on working as a journalist for those accused of allegedly "abusing democratic freedom rights" or similar charges following publication of unfavorable opinions and information.
63. Reinstate the press licenses for any publications suspended for allegedly publishing unfavorable information.

Obstruction of access to information due to national internet restrictions and invocation of anti-state, "false news", and cyber-security charges or fines against journalists

64. Reform provisions of the 2015 Criminal Code that are used to persecute journalists, including Article 109 (criminalizes "anti-state propaganda"); Article 117 (criminalizes "making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam"); and Article 331 ("Criminalizes abusing democratic freedoms to infringe upon the interests of the state, lawful rights, and interests of organizations and/or citizens").
65. Repeal the Cybersecurity Law and the government's broad authority to censor and control the internet including access to social media accounts, and user information published on social media platforms.
66. Allow individuals to access the internet and post on social media platforms without restrictions relating to allegedly "anti-state" content.

Appendix 1
Matrix of Recommendations from the Previous Cycle
with Comments on Progress

Recommendation ¹	Position ²	Full List of Themes	Assessment/Comments on Level of Implementation
Theme: D43 Freedom of opinion and expression			
38.42 Enhance efforts to comply with the recommendations accepted during the second universal periodic review cycle on guaranteeing the right to freedom of expression (Chile); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression Affected persons: - general - media	Not Implemented. Despite guarantees under the law, Freedom of expression continues to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their passports confiscated. The Government also maintains control over all media outlets and news channels, and has forced several outlets to shut down.
38.172 Develop measures to protect reporters and journalists from all forms of discrimination and violence (Greece); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression Affected persons: - media	Not Implemented. Government authorities continue to arrest, harass, and detain journalists. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their passports confiscated. Numerous journalists have been physically abused and ill-treated by the authorities.
38.179 Protect civil and political rights, especially freedom of expression, peaceful assembly and association (Luxembourg); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent	Not Implemented. Although the constitution and the law protect freedom of expression, these rights are not respected in practice. Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who

¹ From 2019 Cycle, established in A/HRC/41/7.

² Position established in A/HRC/41/7/Add.1. Views on conclusions and/or recommendations, voluntary commitments, and replies presented by the State under review.

		based groups - media	organize discussion groups focused on economic and political issues. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their passports confiscated. The Government also maintains control over all media outlets and news channels, and has forced several outlets to shut down. Significant restrictions remain on individuals' right to freedom of peaceful assembly.
38.181 Promote access to information in accordance with Việt Nam's national law (Malaysia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression Affected persons: - general - media	Not Implemented. The Government controls all print, broadcast, online, and electronic media and has increased its authority to censor and control access to information through the 2019 Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove "false" content within 24 hours of an official request or face sanctions.
38.184 Lift restrictions on freedom of expression, and particularly online freedom, in line with Việt Nam's obligations under international law (Ireland); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression Affected persons: - general - media	Not Implemented. Freedom of expression and online freedom continue to be heavily restricted by government authorities. The Government controls all print, broadcast, online, and electronic media and has increased its authority to censor and control access to information through the 2019 Cybersecurity Law. Government authorities continue to arrest, harass, and detain journalists, including journalists who

			cover public protests and those on social media who organize discussion groups focused on economic and political issues.
38.186 Review regulations impeding the operation of civil society organizations, to enable a more open space and ensure that national security provisions are not used to prevent peaceful debate and dissent (Ireland); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted “Freedom of association is inscribed in Viet Nam’s Constitution and relevant laws, in line with the ICCPR and the country’s circumstances. Endeavours to implement this recommendation, including the process for reviewing current regulations and drafting a law on association will remain in that direction.”	D43 Freedom of opinion and expression D7 Right to participation in public affairs and right to vote Affected persons: - general - human rights defenders	Not Implemented. In addition to the 2019 Cybersecurity law—which, among other things, requires social media companies to remove content which the government deems toxic or offensive within one day, upon request—Government authorities continue to use several provisions under the 2015 Criminal Code to persecute journalists Article 109 (criminalizes “anti-state propaganda”); Article 117 (criminalizes “making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam”); Article 331 (“Criminalizes abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens”). Further, in 2020, a government decree went into effect imposing significant fines for using social networks to “provide and spread misinformation” including the dissemination of maps representing the country’s sovereignty and popularizing fake news to disturb the public.
38.189 Strengthen efforts to ensure freedom of expression, including in the digital environment (Peru); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression Affected persons: - media	Not Implemented. Freedom of expression and online freedom continue to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who organize discussion groups focused on economic and

			political issues. The Government has increased its authority to censor and control the internet through the 2019 Cybersecurity Law.
38.194 Abolish prior censorship in all fields of cultural creation and other forms of expression, both online and offline, including by bringing the restriction on freedom of expression under the 2016 press law into line with international standards and by fostering a pluralistic and independent media environment (Portugal); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted in part “The accepted element of this recommendation is ‘Abolish prior censorship in all fields of cultural creation and other forms of expression, both online and offline.’”	D43 Freedom of opinion and expression Affected persons: - media	Not Implemented. The 2016 Freedom of the Press law continues to be inconsistent with international standards insofar as the law gives the state ultimately authority to determine who qualifies as a journalist and the state has ultimate control over all press outlets.
38.195 Ensure freedom of expression, including online, and promote actions to ensure the freedom and independence of the media (Japan); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression Affected persons: - media	Not Implemented. Freedom of expression and online freedom continue to be heavily restricted by government authorities. The Government controls all print, broadcast, online, and electronic media Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who organize discussion groups focused on economic and political issues. The Government has increased its authority to censor and control the internet through the 2019 cyber-security law.
38.196 Continue the measures aimed at lifting all restrictions on the right to freedom of opinion and expression and to allow bloggers, journalists and other Internet users to promote and protect human rights (Romania);	Not Accepted	D43 Freedom of opinion and expression Affected persons: - media - general	Not Implemented. Freedom of expression and online freedom continue to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who organize discussion groups focused on economic and political issues. The Government has increased its authority to censor and

			control the internet through the 2019 cyber-security law.
38.198 Adopt measures in line with international standards to guarantee freedom of association, opinion and expression, including online, and to ensure that journalists, human rights defenders and NGOs can operate freely (Italy); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted in part “The accepted element of this recommendation is ‘Adopt measures in line with international standards to guarantee freedom of association, opinion and expression, including online.’”	D43 Freedom of opinion and expression D45 Freedom of association H1 Human rights defenders Affected persons: - media - human rights defenders	Not Implemented. Freedom of expression and online freedom continue to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who organize discussion groups focused on economic and political issues. The Government has increased its authority to censor and control the internet through the 2019 cyber-security law.
38.202 Guarantee fully freedom of speech, the rights of peaceful assembly and association as well as the safety of journalists, and review cases of persons convicted for having freely expressed their opinion, including human rights defenders (Switzerland); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted “This recommendation will be implemented in conformity with Viet Nam’s circumstances, including its current legal framework and legal reform plan.”	D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association H1 Human rights defenders Affected persons: - media - human rights defenders	Not Implemented. Freedom of expression and online freedom continue to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who organize discussion groups focused on economic and political issues. The Government has increased its authority to censor and control the internet through the 2019 cyber-security law.
38.209 Take further steps to ensure an independent and pluralistic media landscape, including by reducing political influence on media outlets (Austria)	Not Accepted	D43 Freedom of opinion and expression Affected persons: - media	Not Implemented. Freedom of expression and freedom of access to information continue to be heavily restricted by government authorities. The Government controls all print, broadcast, online, and electronic media. Government authorities continue to arrest, harass, and detain journalists. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their passports confiscated. The

			Government also maintains control over all media outlets and news channels, and has forced several outlets to shut down.
38.213 Increase and ensure Vietnamese citizens' access to information, including by increasing internet, radio and television coverage in all parts of the country (Cyprus); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D43 Freedom of opinion and expression Affected persons: - media	Partially Implemented. Although access to the internet, radio and television has increased for those living in remote areas, the Government controls all print, broadcast, online, and electronic media and the Government has increased its authority to censor and control the internet through the 2019 Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove "false" content within 24 hours of an official request or face sanctions.
Theme: H1 Human rights defenders			
38.177 Take the necessary measures to ensure the freedom of expression of human rights defenders and journalists, in particular by investigating and punishing perpetrators of threats and reprisals against them (Argentina);	Not Accepted	H1 Human rights defenders Affected persons: - human rights defenders	Not Implemented. While there are numerous examples of journalists being threatened, harassed, and unlawfully detained in the 2019-2023 time period, there have been no reports of the authorities being held accountable for such abuses.
38.180 Protect human rights defenders and prosecute all persons guilty of violence or intimidation against them (Luxembourg); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	H1 Human rights defenders Affected persons: - human rights defenders	Not Implemented. While there are numerous examples of journalists being threatened, harassed, and unlawfully detained in the 2019-2023 time period, there have been no reports of the authorities being held accountable for such abuses.
38.211 Publicly recognize human rights defenders and provide an environment in	Not Accepted	H1 Human rights defenders Affected persons:	Not Implemented. The submitters are unaware of any efforts to publicly

which they can carry out their human rights work safely (Belgium); Source of position: A/HRC/41/7/Add.1 - Para. 15		- human rights defenders	recognize human rights defenders, nor to ensure that such persons are afforded an environment where they can safely carry out human rights work. The situation has in fact worsened as at least 20 journalists, activists, and human rights defenders were arrested in the first half of 2023 alone.
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Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment

38.2 Ratify the Optional Protocol to the Convention against Torture (Denmark); Ratify and implement the Optional Protocol to the Convention against Torture, including by establishing a national preventive mechanism in accordance with the Protocol (Hungary); Ratify the Optional Protocol to the Convention against Torture (Ukraine); Strengthen protection against torture by, inter alia, ratifying the Optional Protocol to the Convention against Torture and stepping up efforts to end impunity for all perpetrators of torture (Czechia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A12 Acceptance of international norms B52 Impunity D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Not Implemented. Việt Nam has not ratified the Optional Protocol to the Convention against Torture. Journalists continue to be physically abused and ill-treated in detention.
38.6 Implement the recommendations contained in the concluding observations of the Committee against Torture of December 2018 (France); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted in part “Viet Nam will implement CAT’s recommendations that suit the country’s circumstances.”	D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Not Implemented. Việt Nam has not implemented the recommendations contained in the concluding observations of the Committee against Torture of December 2018 in a meaningful way. Journalists continue to be physically abused and ill-treated in detention.
38.157 Ensure prompt, impartial, independent and effective investigations, including through full cooperation with third countries, into reports of unnecessary or excessive use	Accepted “This recommendation will be implemented in line with Viet	D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Not Implemented. Authorities in Việt Nam continue to act with impunity when it comes to the use of excessive force against journalists and human rights defenders.

of force by the police as well as violations of human rights by official authorities, and bring the perpetrators to justice (Slovakia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Nam's circumstances, including current legal framework."	- law enforcement / police officials	
38.148 Take steps to prohibit harassment and torture during the investigation process and detention, and punish perpetrators (Togo); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention Affected persons: - persons deprived of their liberty	Not Implemented. Authorities in Việt Nam continue to act with impunity when it comes to the use of excessive force against journalists and human rights defenders.
38.147 Ensure that evidence obtained through torture is inadmissible in trial in keeping with Việt Nam's obligations under the Convention against Torture (New Zealand); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D25 Prohibition of torture and cruel, inhuman or degrading treatment D51 Administration of justice & fair trial Affected persons: - general	Not Implemented. Authorities in Việt Nam continue to act with impunity when it comes to the use of excessive force against journalists and human rights defenders. There is no evidence that information obtain through torture is deemed inadmissible during trial.
Theme: A41 Constitutional and legislative framework			
38.53 Continue legislative reforms and improvements of the institutional framework in conformity with the commitments and obligations of Việt Nam in the area of human rights (Djibouti); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	A41 Constitutional and legislative framework Affected persons: - general	Not Implemented. Despite guarantees under the law for many human rights, the government does not respect certain human rights, especially in the area of freedom of expression, assembly, and access to information. Government authorities continue to arrest, harass, and detain journalists. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their passports confiscated. The Government also maintains control over all media outlets and news channels, and has forced several outlets to shut down.
38.55 Take steps to protect human rights defenders, particularly by repealing or	Not Accepted	A41 Constitutional and legislative framework H1 Human rights	Not Implemented. Government authorities continue to use several provisions under the 2015

revising the provisions of the Penal Code that make reference to the concept of national security (France); Source of position: A/HRC/41/7/Add.1 - Para. 15		defenders Affected persons: - human rights defenders	Criminal Code to persecute journalists Article 109 (criminalizes “anti-state propaganda”); Article 117 (criminalizes “making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam”); Article 331 (“Criminalizes abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens”).
38.62 Continue to promote legal reforms concerning human rights in line with the 2013 Constitution (Nicaragua); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	A41 Constitutional and legislative framework Affected persons: - general	Not Implemented. Despite guarantees under the law for many human rights, the government does not respect certain human rights, especially in the area of freedom of expression, assembly, and access to information. Government authorities continue to arrest, harass, and detain journalists. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their passports confiscated. The Government also maintains control over all media outlets and news channels, and has forced several outlets to shut down.
38.72 Strengthen the institutional and legal framework for the protection of human rights (Sudan); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	A41 Constitutional and legislative framework Affected persons: - general - judges, lawyers and prosecutors	Not Implemented. Despite guarantees under the law for many human rights, the government does not respect certain human rights, especially in the area of freedom of expression, assembly, and access to information. Government authorities continue to arrest, harass, and detain journalists. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their

			passports confiscated. The Government also maintains control over all media outlets and news channels, and has forced several outlets to shut down.
38.73 Adapt the Code of Penal Procedure to international standards and amend articles 109 and 117 on “activities against the State” in the Penal Code, in line with human rights standards (Switzerland);	Not Accepted	A41 Constitutional and legislative framework Affected persons: - general - judges, lawyers and prosecutors	Not Implemented. Government authorities continue to use several provisions under the 2015 Criminal Code to persecute journalists Article 109 (criminalizes “anti-state propaganda”); Article 117 (criminalizes “making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam”); Article 331 (“Criminalizes abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens”).
38.81 Continue to strengthen the legal, institutional and policy frameworks in order to enhance the protection of human rights (Zimbabwe); Source of position: A/HRC/41/7/Add.1 - Para. 15	Supported	A41 Constitutional and legislative framework Affected persons: - general	Not Implemented. Despite guarantees under the law for many human rights, the government does not respect certain human rights, especially in the area of freedom of expression, assembly, and access to information. Government authorities continue to arrest, harass, and detain journalists. The Government also routinely places journalists under house arrest and certain journalists and their relatives have had their passports confiscated. The Government also maintains control over all media outlets and news channels, and has forced several outlets to shut down.
38.164 Amend the Criminal Procedure Code so that persons are represented by a lawyer immediately following their arrest and to guarantee their right to a fair trial	Accepted	A41 Constitutional and legislative framework D51 Administration of justice & fair trial Affected persons:	Not Implemented. The submitters are unaware of an amendment to the Criminal Procedure code that would ensure persons are represented by a lawyer

(Canada); Source of position: A/HRC/41/7/Add.1 - Para. 15		- media	immediately following their arrest.
38.167 Repeal or amend the Penal Code and the cybersecurity law so that provisions relating to national security are clearly defined or removed, to ensure that they cannot be applied in an arbitrary manner to endanger any forms of freedom of expression, including Internet freedom (Finland); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not accepted	A41 Constitutional and legislative framework D43 Freedom of opinion and expression Affected persons: - general - media	Not Implemented. Government authorities continue to use several provisions under the 2015 Criminal Code to persecute journalists Article 109 (criminalizes “anti-state propaganda”); Article 117 (criminalizes “making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam”); Article 331 (“Criminalizes abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens”). The Government has increased its authority to censor and control the internet through the 2019 Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove “false” content within 24 hours of an official request or face sanctions.
38.168 Take steps to guarantee freedom of opinion and freedom of expression, including on the Internet, in the context of the adoption of the law on cybersecurity (France); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	A41 Constitutional and legislative framework D43 Freedom of opinion and expression Affected persons: - general - media	Not Implemented. The Government has increased its authority to censor and control the internet through the 2019 cyber-security law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the

			government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove “false” content within 24 hours of an official request or face sanctions.
38.171 Review all convictions based on laws restricting freedom of expression and opinion, in particular articles 79 and 88 of the Penal Code, according to the revised penalty ranges (Germany); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A41 Constitutional and legislative framework D43 Freedom of opinion and expression Affected persons: - general - media	Not Implemented. The submitters are not aware of any effort by the government to review convictions that were based on articles 79 and 88 of the Penal Code.
38.174 Consider revising national legislation, including the law on belief and religion and the media laws, in order to harmonize it with international standards regarding the right to freedom of expression and of religion (Brazil); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion D43 Freedom of opinion and expression Affected persons: - media	Not Implemented. The Government continues to ignore existing legal protections related to freedom of expression while increasing its authority to restrict this right through new legislation like the 2019 Cybersecurity Law.
38.183 Amend, within one year, the 2015 Penal Code, Decree 174/2013, Decree 72/2013, Decree 27/2018, the 2018 law on cybersecurity and articles 4, 9, 14 and 15 of the 2016 press law to guarantee offline and online freedom of the press and expression, and the right to privacy, in line with articles 17 and 19 of the International Covenant on Civil and Political Rights (Netherlands); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A41 Constitutional and legislative framework D43 Freedom of opinion and expression A41 Constitutional and legislative framework D43 Freedom of opinion and expression D46 Right to private life, privacy Affected persons: - general - media	Not Implemented. Decree No. 174/2013 was replaced by Decree No. 15/2020/ND-CP, which includes even more draconian limitations on freedom of expression. Decree No. 72/2013/ND-CP was amended by Decree 27/2018/ND-CP which provides the government the authority to shut down any website channels, community pages, etc. that are deemed to “pose threats to national security.” Neither the 2018 Cybersecurity law nor the 2016 press law have been amended in a manner that respects freedom of expression and the press. Government authorities continue to use several provisions under the 2015 Criminal Code to persecute

			journalists Article 109 (criminalizes “anti-state propaganda”); Article 117 (criminalizes “making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam”); Article 331 (“Criminalizes abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens”).
38.185 Cybersecurity decrees should include clear provisions for interpretation of the law on cybersecurity in accordance with international standards on freedom of expression (Ireland);	Not Accepted	D46 Right to private life, privacy Affected persons: - general - media	Not Implemented. The Government has increased its authority to censor and control the internet through the 2019 Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove “false” content within 24 hours of an official request or face sanctions.
38.187 Ensure that the legal framework protects freedom of expression both offline and online and accordingly amend the penal law and the law on cybersecurity to ensure consistency with international human rights law, including the International Covenant on Civil and Political Rights (New Zealand); Ensure that freedom of expression is protected online and offline by amending national security provisions in the Penal Code, the cybersecurity law and its implementing decree so as to comply with article 19 of the International Covenant on Civil	Not Accepted	A41 Constitutional and legislative framework D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association Affected persons: - general - media	Not Implemented. The Government has increased its authority to censor and control the internet through the 2019 Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove “false” content within 24 hours of an official

and Political Rights and other commitments (Sweden); Guarantee the rights to freedom of expression and freedom of assembly and amend the Penal Code and the cybersecurity law to make sure that the limitations on the right to freedom of expression are in line with the International Covenant on Civil and Political Rights (Austria); Review the Penal Code and the law on cybersecurity to harmonize them with international standards related to the freedom of expression, association and assembly (Canada); Source of position: A/HRC/41/7/Add.1 - Para. 15			request or face sanctions. Government authorities also continue to use several provisions under the 2015 Criminal Code to persecute journalists Article 109 (criminalizes “anti-state propaganda”); Article 117 (criminalizes “making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam”); Article 331 (“Criminalizes abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens”).
38.188 Revise the provisions of articles 117 and 331 of the 2015 Penal Code and other relevant laws that restrict the ability to exercise fundamental freedoms and allow free operation of national and international media (Norway); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A41 Constitutional and legislative framework Affected persons: - media	Not Implemented. Government authorities continue to use several provisions under the 2015 Criminal Code to persecute journalists Article 109 (criminalizes “anti-state propaganda”); Article 117 (criminalizes “making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Việt Nam”); Article 331 (“Criminalizes abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens”).
38.200 Adopt legislative changes to guarantee the protection and free exercise of freedom of expression, association and peaceful assembly (Spain); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted “This recommendation will be implemented in line with Viet Nam’s circumstances, including its current legal framework and legal reform plan.”	A41 Constitutional and legislative framework D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-	Not Implemented. The submitters are unaware of legislative efforts to further protect freedom of expression, association and peaceful assembly. Freedom of expression and freedom of access to information continue to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists, including

		based groups - media	journalists who cover public protests and those on social media who organize discussion groups focused on economic and political issues.
38.204 Immediately amend or abolish articles 8, 18 and 26 of the cybersecurity law as they are not in conformity with Việt Nam's international obligations, or its 2013 Constitution (United States of America); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A41 Constitutional and legislative framework Affected persons: - media	Partially Implemented. The Cybersecurity law has not been amended in a manner that protects freedom of expression or freedom of the press. The law was amended by Decree 53/2022/ND-CP on 1 October 2022 and other proposed amendments have been drafted. However, these amendments do not ensure freedom of expression. Instead, the Government has increased its authority to censor and control the internet through the 2019 Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove "false" content within 24 hours of an official request or face sanctions.
38.208 Amend provisions of the cybersecurity law, including articles 8, 18 and 26, to ensure they are consistent with article 19 of the International Covenant on Civil and Political Rights (Australia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A41 Constitutional and legislative framework Affected persons: - general - media	Not Implemented. The Cybersecurity law has not been amended in a manner that protects freedom of expression or freedom of the press. Instead, the Government has increased its authority to censor and control the internet through the 2019 Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access

			to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove “false” content within 24 hours of an official request or face sanctions.
38.197 Review and amend national legislation in order to enable the effective exercise of the rights to freedom of expression and peaceful assembly in line with the standards enshrined in the International Covenant on Civil and Political Rights (Seychelles)	Accepted “This recommendation will be implemented in line with Viet Nam’s circumstances, including its current legal framework and legal reform plan.”	A41 Constitutional and legislative framework Affected persons: - general - media	Not Implemented. Freedom of expression and freedom of access to information continue to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who organize discussion groups focused on economic and political issues.
Theme: A46 National Plans of Action on Human Rights (or specific areas)			
38.32 Draw up and publish a national plan of action, implementing recommendations from the Committee against Torture in 2018 (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted in part “Viet Nam is reviewing all the CAT’s recommendations; an action plan will be developed to implement accepted recommendations.”	A46 National Plans of Action on Human Rights (or specific areas) D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Not Implemented. Việt Nam has not implemented the recommendations contained in the concluding observations of the Committee against Torture of December 2018 in a meaningful way. Journalists continue to be physically abused and ill-treated in detention.
38.63 Promote the contribution of public media in raising awareness of human rights and human rights law (Pakistan); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - media	Not Implemented. Public media is not used to raise awareness of human rights, especially not the human right to freedom of expression. Freedom of expression and freedom of access to information continue to be heavily restricted by government authorities. Government authorities continue to arrest, harass, and detain journalists, including journalists who cover public protests and those on social media who organize discussion groups focused on economic and political issues.

Theme: D51 Administration of justice & fair trial			
38.20 Support international cooperation and dialogue and the sharing of experience with other countries concerning reform of the judicial system (Oman)	Accepted	D51 Administration of justice & fair trial Affected persons: - general	Not Implemented. Effective reforms of the judiciary system have not been implemented and respected with regard to individuals persecuted on grounds related to freedom of expression. While the law provides for an independent judiciary, the judiciary is effectively controlled by the Communist Party of Việt Nam. And while the constitution provides for a right to a fair and public trial, that right is not evenly enforced.
38.60 Expedite the legal reform process and the process to establish the rule of law in order to consolidate the institutional, legal and political framework in line with human rights (Mali); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D51 Administration of justice & fair trial Affected persons: - general	Not Implemented. Effective reforms of the judiciary system have not been implemented and respected with regard to individuals persecuted on grounds related to freedom of expression. While the law provides for an independent judiciary, the judiciary is effectively controlled by the Communist Party of Việt Nam. And while the constitution provides for a right to a fair and public trial, that right is not evenly enforced.
38.64 Continue its efforts to ensure the independence of the courts of adjudication (Pakistan); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D51 Administration of justice & fair trial Affected persons: - judges, lawyers and prosecutors	Not Implemented. Effective reforms of the judiciary system have not been implemented and respected with regard to individuals persecuted on grounds related to freedom of expression. While the law provides for an independent judiciary, the judiciary is effectively controlled by the Communist Party of Việt Nam. And while the constitution provides for a right to a fair and public trial, that right is not evenly enforced.
38.150 Abolish immediately at all levels the practice of outdoor trials to ensure the right to presumption of	Accepted	D51 Administration of justice & fair trial Affected persons: - media	Not Implemented. Effective reforms of the judiciary system have not been implemented and

innocence, effective legal representation and fair trials (Denmark); Source of position: A/HRC/41/7/Add.1 - Para. 15			respected with regard to individuals persecuted on grounds related to freedom of expression.
38.156 Pursue judicial and institutional reforms to bring the legal and institutional framework into line with international human rights standards (Senegal);	Accepted	D51 Administration of justice & fair trial Affected persons: - media	Not Implemented. Effective reforms of the judiciary system have not been implemented and respected with regard to individuals persecuted on grounds related to freedom of expression. While the law provides for an independent judiciary, the judiciary is effectively controlled by the Communist Party of Việt Nam. And while the constitution provides for a right to a fair and public trial, that right is not evenly enforced.
38.158 Ensure that fair trial guarantees and due process rights, as provided in international law and standards, are respected and upheld in all cases (Slovakia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D51 Administration of justice & fair trial Affected persons: - general - judges, lawyers and prosecutors	Not Implemented. Effective reforms of the judiciary system have not been implemented and respected with regard to individuals persecuted on grounds related to freedom of expression. While the law provides for an independent judiciary, the judiciary is effectively controlled by the Communist Party of Việt Nam. And while the constitution provides for a right to a fair and public trial, that right is not evenly enforced.
38.159 Continue building the rule of law through pursuing legal reforms in order to consolidate its human rights institutional, legal and policy framework (Slovakia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D51 Administration of justice & fair trial Affected persons: - general - judges, lawyers and prosecutors	Not Implemented. Effective reforms of the judiciary system have not been implemented and respected with regard to individuals persecuted on grounds related to freedom of expression. While the law provides for an independent judiciary, the judiciary is effectively controlled by the Communist Party of Việt Nam. And while the constitution provides for a right to a fair and public trial, that right is not evenly enforced.

38.160 Further enhance the rule of law and legal reform aimed at consolidating the institutional, legal and policy foundation for the protection and promotion of human rights (Turkmenistan); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	D51 Administration of justice & fair trial Affected persons: - general - judges, lawyers and prosecutors	Not Implemented. Effective reforms of the judiciary system have not been implemented and respected with regard to individuals persecuted on grounds related to freedom of expression. While the law provides for an independent judiciary, the judiciary is effectively controlled by the Communist Party of Việt Nam. And while the constitution provides for a right to a fair and public trial, that right is not evenly enforced.
Theme: D26 Conditions of detention			
38.145 Immediately release prisoners who have been arbitrarily or unlawfully detained, including Hồ Đức Hòa, Trần Huỳnh Duy Thức, Trần Thị Nga, Nguyễn Bắc Truyển and the members of the Brotherhood for Democracy, and allow them to exercise their human rights and fundamental freedoms in Việt Nam (United States of America); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	D26 Conditions of detention Affected persons: - persons deprived of their liberty	Not Implemented. Việt Nam continues to imprison individuals for exercising their right to freedom of expression. This includes the frequent and arbitrary detention of journalists and the imposition of lengthy prison sentences, disproportionate to their alleged offense of writing and publicizing information on public affairs.
38.175 Release human rights defenders sentenced to prison for exercising the right to freedom of expression (Iceland); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	D26 Conditions of detention D43 Freedom of opinion and expression H1 Human rights defenders Affected persons: - persons deprived of their liberty	Not Implemented. The submitters are unaware of any human rights defenders being released by the Government authorities. Việt Nam continues to imprison individuals for exercising their right to freedom of expression. This includes the frequent and arbitrary detention of journalists and the imposition of lengthy prison sentences, disproportionate to their alleged offense of writing and publicizing information on public affairs.
38.214 Nurture a culture of free expression online and offline and release all imprisoned human rights	Accepted in part “The accepted element of this recommendation is	D26 Conditions of detention D43 Freedom of opinion and expression	Not Implemented. The Government has increased its authority to censor and control the internet through the 2019

defenders, including bloggers and political dissenters, and put an end to their harassment (Czechia); Source of position: A/HRC/41/7/Add.1 - Para. 15	'Nurture a culture of free expression online and offline'."	H1 Human rights defenders Affected persons: - persons deprived of their liberty	Cybersecurity Law. For example, Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove "false" content within 24 hours of an official request or face sanctions. There are numerous journalists, bloggers, and political dissenters still in prison and many more who are repeatedly and arbitrarily detained and they and/or their families are harassed for exercising their right to freedom of expression online.
Theme: D42 Freedom of thought, conscience and religion			
38.191 Release all human rights defenders as well as political and religious activists detained for the peaceful expression of their political opinions or religious beliefs (Poland); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	D42 Freedom of thought, conscience and religion D43 Freedom of opinion and expression H1 Human rights defenders Affected persons: - human rights defenders	Not Implemented. The submitters are unaware of any human rights defenders being released by the Government authorities. Việt Nam continues to imprison individuals for exercising their right to freedom of expression. This includes the frequent and arbitrary detention of journalists and the imposition of lengthy prison sentences, disproportionate to their alleged offense of writing and publicizing information on public affairs.
Theme: A12 Acceptance of international norms			
38.15 Continue efforts to accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Iraq); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A12 Acceptance of international norms D32 Enforced disappearances Affected persons: - disappeared persons	Not Implemented. Việt Nam has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance. Việt Nam

			has disappeared individuals from neighboring States in the reporting time period. This includes Đường Văn Thái, an independent journalist who posted political commentary on YouTube and went missing in April 2023, hours after visiting a UNHCR office in Thailand where he had been living as a refugee since 2020. He reappeared in Việt Nam where he was arrested. Similarly, Trương Duy Nhất, a journalist and commentator who was jailed from 2013 to 2015 on charges of “conducting propaganda against the state”, was reportedly abducted by Thai police after submitting an asylum claim with the UN High Commissioner for Refugees (“UNHCR”) office in Thailand. He was then handed over to agents of the Việt Nam government who drove him across the border to Cambodia and then Việt Nam. He reappeared in Việt Nam two days later.
38.23 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Slovakia) (Ukraine); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A12 Acceptance of international norms D32 Enforced disappearances Affected persons: - disappeared persons	Not Implemented Việt Nam has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance. Việt Nam has disappeared individuals from neighboring States in the reporting time period. This includes Đường Văn Thái, an independent journalist who posted political commentary on YouTube and went missing in April 2023, hours after visiting a UNHCR office in Thailand where he had been living as a refugee since 2020. He reappeared in Việt Nam where he was arrested. Similarly, Trương Duy Nhất, a journalist and

			commentator who was jailed from 2013 to 2015 on charges of “conducting propaganda against the state”, was reportedly abducted by Thai police after submitting an asylum claim with the UN High Commissioner for Refugees (“UNHCR”) office in Thailand. He was then handed over to agents of the Việt Nam government who drove him across the border to Cambodia and then Việt Nam. He reappeared in Việt Nam two days later.
38.5 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (El Salvador); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro); Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Slovenia); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Croatia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Not Accepted	A12 Acceptance of international norms A13 Reservations D1 Civil & political rights - general measures of implementation D23 Death penalty Affected persons: - general	Not Implemented The submitters are unaware of any abolishment of the death penalty in Việt Nam’s legislation.
38.140 Initiate a moratorium on the imposition of capital punishment, especially for non-violent crimes (Finland); Consider implementing a full moratorium on the death penalty (Georgia); Impose a moratorium on executions and abolish the death penalty (Iceland); Establish a de facto moratorium on the death	Not Accepted	A12 Acceptance of international norms A13 Reservations D1 Civil & political rights - general measures of implementation D23 Death penalty Affected persons: - general	Not Implemented The submitters are unaware of any abolishment of the death penalty in Việt Nam’s legislation.

penalty with a view to its abolition (Portugal); Establish a moratorium on the application of the death penalty as a step towards its definitive abolition and modify the Penal Code to reduce the number of crimes for which capital punishment can be imposed (Spain); Impose a moratorium on executions with the goal of abolishing the death penalty (Albania); Establish a moratorium on the death penalty as a step towards the complete abolition of this practice (Australia); Immediately adopt a moratorium on the death penalty with a view to ultimately abolishing it (Austria); Take the necessary measures to establish a moratorium on executions of death row prisoners as well as to repeal the death penalty in national legislation (Argentina);			
38.141 Abolish the death penalty and, without delay, reduce the number of offences punishable by the death penalty (France); Abolish definitively the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Luxembourg); Continue reform towards abolition of the death penalty, including by continuing to reduce the list of crimes punishable by the death penalty, in particular non-violent crimes, under the Penal Code of 2015 and by providing greater transparency about the numbers, methods and associated crimes relating to	Not Accepted	A12 Acceptance of international norms A41 Constitutional and legislative framework D1 Civil & political rights - general measures of implementation D23 Death penalty Affected persons: - general	Not Implemented The submitters are unaware of any abolishment of the death penalty in Việt Nam's legislation.

its use (New Zealand); Abolish the death penalty for all crimes, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay); Source of position: A/HRC/41/7/Add.1 - Para. 15			
38.142 Further reduce the list of offences punishable by death, eliminate the death penalty for “activities against the people’s government”, “espionage”, “embezzlement”, and “taking bribes” as well as for serious drug offences (Germany); Continue to reduce the number of crimes subject to the death penalty and consider introducing a de facto moratorium on its application (Mexico); Continue to reduce the scope of crimes subject to the death penalty to only the “most serious crimes” and consider introducing a moratorium (Norway); Continue the process of reducing offences subject to the death penalty until the abolition of capital punishment and publish statistics on the use of the death penalty in Việt Nam (Romania); Further reduce the offences punishable by the death penalty, provide official figures regarding death sentences and executions and consider introducing a moratorium on the death penalty (Italy);	Not Accepted	A12 Acceptance of international norms A41 Constitutional and legislative framework D1 Civil & political rights - general measures of implementation D23 Death penalty Affected persons: - general	Not Implemented The submitters are unaware of efforts to further reduce the offences punishable by death during the reporting period.
38.143 Reduce further the list of crimes punishable by the death penalty, in particular economic crimes and drug-related offences, and envisage a complete	Not Accepted	A12 Acceptance of international norms A41 Constitutional and legislative framework D1 Civil & political rights - general	Not Implemented The submitters are unaware of efforts to further reduce the offences punishable by death during the reporting period.

moratorium on the application of the death penalty (Switzerland);		measures of implementation D23 Death penalty Affected persons: - general	
38.144 Assist the process of national discussion on the death penalty with a view to its eventual abolishment (Ukraine);	Not Accepted	A12 Acceptance of international norms A41 Constitutional and legislative framework D1 Civil & political rights - general measures of implementation D23 Death penalty Affected persons: - general	Not Implemented The submitters are unaware of any effort to promote a national discussion on the death penalty nor of efforts to abolish the death penalty in Việt Nam's legislation.
38.192 Continue to strengthen efforts to protect the fundamental freedoms and rights guaranteed under the International Covenant on Civil and Political Rights (Poland);	Accepted	A12 Acceptance of international norms D42 Freedom of thought, conscience and religion D43 Freedom of opinion and expression H1 Human rights defenders Affected persons: - human rights defenders	Partially Implemented While several rights guaranteed under the International Covenant on Civil and Political Rights are protected by Việt Nam's 2013 Constitution, in practice there are significant concerns about individuals right to freedom of speech, assembly, and association; equality before the law; religious freedom; freedom from torture and ill-treatment and more.
Theme: A54 Awareness raising and dissemination			
38.18 Strengthen dissemination of fundamental provisions of the Convention against Torture and of Việt Nam's regulations for preventing torture (Mongolia); Source of position: A/HRC/41/7/Add.1 - Para. 15	Accepted	A54 Awareness raising and dissemination D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Partially Implemented The submitters are aware of government efforts to sensitize officials on the prohibition against torture through workshops and publications since Việt Nam joined the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 2015. However, there continues to be evidence of physical abuse and ill-treatment of journalists unlawfully arrested and detained.

Appendix 2

Timeline of Relevant Events

The following incidents were reported between 2018 and the date of this submission on 10 October 2023.

Death of journalists in detention due to neglect; ill-treatment and physical abuse of detained journalists

2018

- August 2018: Journalist Nguyễn Văn Hoá was beaten and forced into giving testimony used against environmental activist and blogger Lê Đình Lượng in court, the Committee to Protect Journalists reported. Hoá later recanted on the witness stand, saying the statements were made under duress of the assault.⁵¹

2019

- 13 May 2019: Journalist Nguyễn Văn Hoá was reported to be beaten harshly by prison officials; when his family came to visit the next day, the detention center informed them that Hoá had been punished and was not allowed to meet with them because he was in solitary confinement.⁵²

2020

- March 2020: Activist blogger Trần Văn Bang, detained under Article 117 of the Criminal Code and awaiting trial, was denied healthcare despite fears that he had developed a large tumor.⁵³
- May 2020: Nguyễn Tường Thụy, a 72-year old journalist who was sentenced to 11 years in prison, was refused medical treatment despite being in poor health.⁵⁴
- October 2020: Journalist Phạm Đoan Trang was denied medical attention in pre-trial detention despite a serious illness.⁵⁵

2022

- June 2022: The sister of journalist Lê Hữu Minh Tuấn, who had been unable to visit him in prison for more than two years due to Covid-19 restrictions, said he suffered hearing loss and was malnourished, and that she could not recognize him.⁵⁶
- 2 August 2022: Đỗ Công Dương, a journalist who covered land rights and corruption on his “Tieng Dan TV” program, where he live-streamed video discussions on Facebook, died in prison while serving an eight-year sentence on charges of “disturbing public order” and “abusing democratic freedoms.” He was healthy before his arrest in January 2018 but then fell ill and was denied timely access to medical treatment despite repeated requests.⁵⁷
- 10 October 2022: Huỳnh Thục Vy, an independent blogger who covered political, social, environmental, and human rights issues, was serving a two-year and nine-month prison sentence under Article 276 of the 1999 Criminal Code. She was beaten and choked by prison guards while pregnant. Her father said the guards warned her to stop speaking out about prison conditions and advocating for women prisoners who were denied family calls and visits. She was

also subject to physical harassment while under house arrest in 2020.⁵⁸

2023

- March 2023: Lê Hữu Minh Tuấn, a member of the Association of Independent Journalists convicted of “conducting propaganda against the state”, was reported to be in poor health and suffering from ulcerative colitis, prolapsed hemorrhoids, hives, diarrhea and constipation.⁵⁹
- March 2023: Nguyễn Văn Hóa, a Catholic activist and regular contributor to Radio Free Asia, was reported to finally be in stable health after suffering numerous severe beatings, solitary confinement stays, and other incidents of mistreatment while serving seven years in prison following his arrest in January 2017. He was also forced to give testimony against other activists and later recanted, stating his statements were made under duress of assault. He is still prevented from regularly calling or otherwise communicating with his loved ones. He was also denied medical attention for a tumor.⁶⁰

Imprisonment and lengthy sentences of journalists

2019

- 21 November 2019: Phạm Chí Dũng, president of the Independent Journalist Association of Việt Nam, was arrested and charged with anti-state propaganda.⁶¹ His arrest came days after he published a commentary piece on Voice of America Vietnamese, contending that the EU showed a lack of care about human rights regarding the EU-Việt Nam trade deal.⁶² In January 2021, he was sentenced to 15 years in prison under Article 117 of the 2015 Criminal Code.⁶³

2020

- 9 March 2020: Trương Duy Nhất, a journalist and commentator who was jailed from 2013 to 2015 on charges of “conducting propaganda against the state”, was sentenced to ten years in prison.⁶⁴
- 23 April 2020 and 15 December 2020: Trần Đức Thạch, a writer and an award-winning poet, was arrested and sentenced to 12 years on charges of “anti-state propaganda” pursuant to Article 109 of the Criminal Code.⁶⁵ Trần Đức Thạch is a former North Vietnamese soldier who was first imprisoned after writing about the war crimes that he witnessed (especially the Tân Lập massacre, in Đồng Nai Province) committed by the North Vietnamese People’s Army of Việt Nam during the War in Việt Nam; he has also written articles and reports, a novel titled *Đôi Bạn Tù* (Two Companions in Prison) in 1988 describing the arbitrary nature of Vietnam’s legal system and the inhuman conditions in Vietnamese prisons, and poetry under the title *Điều Chưa Thấy* (Things Still Untold), which speaks about life without freedom and justice.⁶⁶ Trần Đức Thạch’s most recent arrest was likely prompted by his Facebook posts about the Brotherhood for Democracy (“BFD”), of which he is a member, in advance of the celebration of BFD’s founding; BFD was founded in April 23, 2013 to unite activists in Việt Nam and work towards advancing human rights.⁶⁷
- 13 June 2020: Social media activists Huỳnh Anh Khoa, Nguyễn Đăng Thương and Trần Trọng Khải were arrested on charges of “abusing democratic freedom” for organizing a Facebook discussion group called Economic-Political Discussion that attracted nearly 50,000 Facebook users.⁶⁸ Huỳnh Anh Khoa served a sentence of 15 months, Nguyễn Đăng Thương served 18 months, and Trần Trọng Khải served 12 months in prison under Article 331 of the 2015 Criminal Code.⁶⁹

- 7 July 2020: Social media activist Nguyễn Đức Quốc Vương was convicted of anti-state propaganda and sentenced to eight years in prison under Article 117 of the 2015 Criminal Code for posting and sharing articles on Facebook of allegedly anti-state content which “defamed the party, state, and President Ho Chi Minh.”⁷⁰

2021

- January 2021: Independent journalist Phạm Chí Dũng was sentenced to 15 years in prison along with journalists Nguyễn Tường Thụy and Lê Hữu Minh Tuấn (11 years each).⁷¹
- March 2021: A Radio Free Asia blogger was sentenced to ten years in prison.⁷²
- July 2021: Phạm Chí Thành, a journalist, blogger and writer was convicted and sentenced to five years and six months in prison followed by five years of house arrest.⁷³
- December 2021: Phạm Đoan Trang, an award-winning writer and journalist who reports widely on human rights-related issues, founded the local legal magazine Luật Khoa and edits and writes for The Vietnamese, and who was previously arrested and detained since 6 October 2020, was sentenced after a one-day trial to nine years in prison for documenting and participating in protests.⁷⁴ The sentence was a harsher penalty than what was requested by the prosecution.⁷⁵ On 1 October 2022, she was transferred to a prison facility 1,500 km away from her home, which local publications say is an “extra form of punishment.”⁷⁶
- December 2021: Journalist Trương Châu Hữu Danh was arrested and sentenced to four and a half years in prison.⁷⁷
- December 2021: Journalist Lê Trọng Hùng was sentenced to five years in prison.⁷⁸

2022

- January 2022: Mai Phan Lợi, former journalist and creator of the nonprofit Center for Media in Educating Community (“MEC”) was sentenced under Article 200 of the 2015 Criminal Code and is now serving three years and nine months in prison on dubious tax-fraud charges.⁷⁹ Bạch Hùng Dương, former director of the MEC, was sentenced under Article 200 of the 2015 Criminal Code and is now serving two years and three months.⁸⁰
- 12 January 2022: Lê Mạnh Hà, a journalist, was arrested by plainclothes police and his house was raided and authorities seized books, laptops, and a cellphone. On 25 October 2022, after a two-day trial, he was sentenced to eight years of prison and five years of house arrest.⁸¹
- 23 March 2022: Lê Văn Dũng, a journalist, was sentenced to five years imprisonment and five years’ probation under Article 117 of the 2015 Criminal Code and Article 88 of the 1999 Criminal Code.⁸²
- 30 August 2022: After being arrested and held for over four years in a psychiatric facility before being brought to court, journalist Lê Anh Hùng was subject to a closed-door trial and sentenced to five years in prison on 30 August 2022 for “abusing democratic freedoms to infringe upon the interest of the state.”⁸³
- October 2022: Citizen journalist Lê Mạnh Hà was sentenced to eight years in prison for alleged dissemination of anti-state materials.⁸⁴

Abduction of journalists

2019

- January 2019: Trương Duy Nhất, a journalist and commentator who was jailed from 2013 to 2015 on charges of “conducting propaganda against the state”, was reportedly abducted by Thai police after submitting an asylum claim with the UN High Commissioner for Refugees (“UNHCR”) office in Thailand. He was then handed over to agents of the Vietnamese government who drove him across the border to Cambodia and then Việt Nam.⁸⁵ He reappeared in Việt Nam two days later.⁸⁶
- June 2019: Authorities raided the home of journalist and commentator Trương Duy Nhất and opened a criminal investigation for “misuse of power” during the time he worked for the newspaper Đại Đoàn Kết. He has since been sentenced to ten years in prison for “defrauding the public”, and there has been no clarification from the Vietnamese government regarding the circumstances leading to his return to Việt Nam after being reportedly abducted by Thai police in January 2019.⁸⁷

2023

- 13 April 2023: Đường Văn Thái, an independent journalist who posted political commentary on YouTube, went missing in Thailand where he had been living as a refugee since 2020.⁸⁸ He disappeared hours after visiting a UNHCR office.
- 16 April 2023: Vietnamese government media reported that Đường Văn Thái was arrested by Vietnamese officials while trying to re-enter Việt Nam.⁸⁹

Denial of the right to a fair trial and appeals process

2018

- July 2018: Journalist Lê Anh Hùng was subject to a closed-door trial after his arrest and detention for over four years in a psychiatric facility before being brought to court. He was sentenced to five years in prison on 30 August 2022 for “abusing democratic freedoms to infringe upon the interest of the state.”⁹⁰

2021

- 14 December 2021: After a one-day trial, acclaimed journalist Phạm Đoan Trang was convicted of “spreading information against the Socialist Republic of Vietnam” and sentenced to nine years in prison. Her trial was originally scheduled for 3 November 2021 but was rescheduled because of Covid-19. She met with her legal counsel for the first time on 18 October 2021, only two weeks ahead of her initial trial date, notwithstanding over 11,000 pages of evidence to review.⁹¹ The court denied her legal team’s requests to call their own witnesses or to cross-examine those of the prosecution, including individuals at the agency who had determined that certain articles, reports, and interviews Trang had allegedly authored or that had been allegedly found on devices seized from her home were “anti-state”, which was the key question to be determined in the case.⁹² Most of the evidence in the trial was accepted by the court without an opportunity for the defense to meaningfully contest it. The prosecution also claimed Trang stored and spread propaganda, relying on information never made public and stored on her seized computer as well as on her alleged signature on these documents obtained in previous pretrial interrogations where she was unrepresented and denied signing.⁹³

2022

- 25 August 2022: The appeal trial of well-known journalist Phạm Đoan Trang took place and diplomatic representatives from the US, the EU, the Czech Republic, Switzerland, and Germany were not allowed to attend.⁹⁴
- 30 August 2022: Journalist Lê Anh Hùng was arrested and held for over four years in a psychiatric facility before being brought to court. Following a closed-door trial, he was sentenced to five years in prison on 30 August 2022 for “abusing democratic freedoms to infringe upon the interest of the state.”⁹⁵

Incommunicado holding, lengthy pre-trial and arbitrary detention, and restrictions on international travel of journalists

2018

- July 2018: Journalist Lê Anh Hùng was arrested and held for over four years in a psychiatric facility before being brought to court. Following a closed-door trial, he was sentenced to five years in prison on 30 August 2022 for “abusing democratic freedoms to infringe upon the interest of the state.”⁹⁶

2019

- February 2019: Nguyễn Thị Kim Thanh, wife of imprisoned journalist Trương Minh Đức (who has been serving a 12-year prison sentence under Article 79 of the 1999 Criminal Code since 30 July 2017),⁹⁷ had her passport confiscated following a trip to Germany.⁹⁸
- February 2019: Phạm Chí Thành, a journalist, writer, and blogger, was put under house arrest prior to and during the meeting between North Korean Chairman Kim Jong Un and then U.S. President Donald Trump.⁹⁹ House arrest of activists is commonplace and often coincides with national holidays or key events like visits by foreign state officials.¹⁰⁰
- 15 November 2019: Đinh Thị Phương Thảo, a human rights advocate, writer, social media activist—and daughter of deceased dissident blogger and environmental activist Đinh Đăng Định—was detained upon her return to Việt Nam and had her passport confiscated.¹⁰¹

2020

- 26 February 2020: Nguyễn Tường Thụy, a journalist and one of the founders of the Independent Journalists Association of Vietnam, was placed under house arrest along with his wife.¹⁰² He was then arrested in May 2020.
- April 2020: Writer and award-winning poet Trần Đức Thạch was arrested and sentenced to 12 years in prison under Article 109 of the 2015 Criminal Code.¹⁰³ In March 2022, he was held incommunicado for several months.¹⁰⁴
- October 2020: Journalist Phạm Đoan Trang was arrested for documenting public protests against the Formosa disaster and other issues, and was detained incommunicado for a full year before being allowed to meet her lawyers or seek medical attention despite a serious illness.¹⁰⁵

2021

- 30 August 2021: Blogger Bùi Văn Thuận was arrested and held incommunicado until his two-day trial over a year later.¹⁰⁶ According to his indictment, he was charged on the basis of his social media accounts and allegations of criticizing the state, and sentenced to eight years in prison and five years' probation under Article 117 of the 2015 Criminal Code.¹⁰⁷

2022

- 27 September 2022: Võ An Đôn, a lawyer and writer known for defending political prisoners and victims of injustice, was stopped at Tân Sơn Nhất Airport and barred from traveling with his family to the United States for reasons of "national security."¹⁰⁸ According to the *Tuổi Trẻ* newspaper, Võ An Đôn was disbarred due to his "abuse of democratic freedoms to write and to give interviews to foreign press and broadcasters to defame lawyers, the prosecutorial bodies, the (Communist) Party and the State of Việt Nam with the intent to incite, propagandize, and misrepresent the truth which had negatively affected the reputation of the Party, the State, the prosecutorial bodies, and other Vietnamese lawyers."¹⁰⁹

2023

- July 2023: Blogger Nguyễn Hoàng Nam, a former political prisoner and member of Hòa Hảo Buddhism, was rearrested two years after his release. He is being held incommunicado and is accused of making posts on social media which "undermine national and religious unity" although religious leaders say the video clips show him doing charity work and cooking. It is reported that he would sometimes repost articles by others that investigators claim are critical of the government.¹¹⁰

Harassment of journalists

2020

- March 2020: Berlin-based blogger Người Buôn Gió announced he would stop writing due to government harassment of his relatives in Việt Nam, particularly his mother.¹¹¹
- 23 June 2020: Journalist Chu Vĩnh Hải was summoned and interrogated for his relationship with the Independent Journalist Association of Việt Nam.¹¹²

2021

- July 2021: Phạm Đoan Trang, a well-known writer and journalist, ended her association with her publisher, Liberal Publishing House, due to intense police harassment.¹¹³ Nearly 100 other individuals were also questioned and interrogated for purchasing and reading books printed by the publisher. Members of the publisher went into hiding to maintain publishing activities and avoid harassment.¹¹⁴

Suspension of authorizations to work as journalists

2021

- 28 October 2021: All five members of *Báo Sạch* (Clean Newspaper), Trương Châu Hữu Danh, Đoàn Kiên Giang, Lê Thế Thắng, Nguyễn Phước Trung Bảo, and Nguyễn Thanh Nhã, were found guilty of "abusing democratic freedom rights" pursuant to Article 331 of the 2015 Criminal Code for posts shared on their Facebook and YouTube accounts, and sentenced to between two and four and a half years of imprisonment.¹¹⁵ All five journalists were banned from working as journalists for three years after serving their sentences.¹¹⁶

2022

- July 2022: Online newspaper Pháp Luật Việt Nam had their press license suspended for three months after publishing allegedly false and inappropriate information.¹¹⁷

Obstruction of access to information due to national internet restrictions and invocation of anti-state, “false news”, and cybersecurity charges or fines against journalists

2019

- 1 January 2019: The Law on Cybersecurity came into effect, which requires social media companies to remove content which the government deems toxic or offensive within one day, upon request.¹¹⁸
- February 2019: *Người Tiêu Dùng* (The Consumer), an online publication, was forced to close for three months and pay a fine of 65 million Vietnamese đồng (U.S. \$2,800) for allegedly spreading misinformation in relation to an article it published critiquing high-ranking leaders of Hồ Chí Minh City.¹¹⁹
- October 2019: According to the U.S. Department of State, the Việt Nam Ministry of Information and Communications announced Google removed nearly 8,200 video clips; YouTube blocked 19 YouTube channels; and Facebook blocked nearly 2,500 links, 249 fake accounts, and 249 links that allegedly defamed the CPV and government.¹²⁰
- 21 November 2019: Phạm Chí Dũng, president of the Independent Journalist Association of Việt Nam, was arrested and charged with anti-state propaganda.¹²¹ His arrest came days after he published a commentary piece on Voice of America Vietnamese, contending that the EU showed a lack of care about human rights regarding the EU-Việt Nam trade deal.¹²² In January 2021, he was sentenced to 15 years in prison under Article 117 of the 2015 Criminal Code.¹²³

2020

- February 2020: Facebook’s servers in Việt Nam were taken offline, which slowed service for Facebook, Instagram, and WhatsApp in Việt Nam. Access was not restored until April 2020, after Facebook agreed to remove “antistate” content.¹²⁴
- 15 April 2020: A government decree went into effect imposing significant fines for using social networks to “provide and spread misinformation” including the dissemination of maps representing the country’s sovereignty and popularizing fake news to disturb the public.¹²⁵
- 23 April 2020 and 15 December 2020: Trần Đức Thạch, a writer and an award-winning poet, was arrested and sentenced to 12 years on charges of “anti-state propaganda” pursuant to Article 109 of the Criminal Code.¹²⁶ Trần Đức Thạch’s most recent arrest was likely prompted by his Facebook posts about the Brotherhood for Democracy (“BFD”), of which he is a member, in advance of the celebration of BFD’s founding; BFD was founded in April 23, 2013 to unite activists in Việt Nam and work towards advancing human rights.¹²⁷
- May – June 2020: Journalists Phạm Chí Thành, Nguyễn Tường Thụy, and Lê Hữu Minh Tuấn, members of the Independent Journalist Association of Việt Nam, were arrested under anti-state propaganda charges.¹²⁸

- 13 June 2020: Social media activists Huỳnh Anh Khoa, Nguyễn Đăng Thương and Trần Trọng Khải were arrested on charges of “abusing democratic freedom” for organizing a Facebook discussion group called Economic-Political Discussion that attracted nearly 50,000 Facebook users.¹²⁹ Huỳnh Anh Khoa served a sentence of 15 months, Nguyễn Đăng Thương served 18 months, and Trần Trọng Khải served 12 months in prison under Article 331 of the 2015 Criminal Code.¹³⁰
- 20 June 2020: The Ministry of Information and Communication demanded that the newspaper Vietnam Economic Times cease operations and revoked the newspaper’s license.¹³¹
- 7 July 2020: Social media activist Nguyễn Đức Quốc Vượng was convicted of anti-state propaganda and sentenced to eight years in prison under Article 117 of the 2015 Criminal Code for posting and sharing articles on Facebook of allegedly anti-state content which “defamed the party, state, and President Ho Chi Minh.”¹³²
- September 2020: The Ministry of Information and Communications fined four registered online newspapers between three and 45 million Vietnamese đồng (U.S. \$130 to \$2,000) for allegedly spreading misinformation in relation to articles on a former Hồ Chí Minh City official, a conference on Hồ Chí Minh, the Communist Party of Việt Nam’s propaganda, and construction investment projects.¹³³
- 6 October 2020: Acclaimed journalist Phạm Đoan Trang was arrested on charges of “propaganda against the state” hours after the 2020 US-Việt Nam Human Rights Dialogue concluded.¹³⁴ The authorities said her words spread “psychological warfare” and included “untrue, fabricated information to cause dismay among the people.”¹³⁵
- November 2020: The government threatened to shut down Facebook unless the company complied with content restrictions. Facebook complied with the government’s demands.¹³⁶

2021

- January – March 2021: Dương Quốc Chính, a prominent independent political commentator, had his Facebook account suspended several times, for approximately a month each time, and had several of his posts blocked in Việt Nam per “legal requests.”¹³⁷
- January – September 2021: The Ministry of Information and Communications blocked 4,214 overseas-hosted websites that “published toxic and harmful information.”¹³⁸
- 1 January – 31 December 2021: Facebook blocked and/or removed 3,377 posts; Google removed 13,141 videos from YouTube; and TikTok blocked and/or removed 1,180 videos.¹³⁹
- 23 May 2021: On the day of legislative elections, online state media outlets removed published articles on independent candidate Lương Thế Huy without explanation.¹⁴⁰
- 24 June 2021: *Công Lý*, a news site, was fined 55 million Vietnamese đồng (U.S. \$2,400) for publishing purported misinformation on a land issue and was required to remove articles containing allegedly false information.¹⁴¹
- July 2021: *Dân Trí*, a major online newspaper, was fined 50 million Vietnamese đồng (U.S. \$2,000) for incorrectly reporting a death of Covid-19.¹⁴²
- July – December 2021: Google reported that 92% of the removal requests it received from the Vietnamese government were related to government criticism. Facebook reported that in the

same period, the majority of its removal requests were related to purported Covid-19 misinformation or insult and defamation.¹⁴³

- July 2021: Government authorities issued Decree 70/2021/ND-CP requiring foreign and domestic websites including international social media platforms to comply with Vietnamese online content regulations, including prohibitions on illegal content pursuant to the Cybersecurity Law. The decree requires websites to remove illegal content within 24 hours, provide the information to the government upon request, and penalties including administrative fines.¹⁴⁴
- 28 October 2021: All five members of Báo Sạch (Clean Newspaper), Trương Châu Hữu Danh, Đoàn Kiên Giang, Lê Thế Thắng, Nguyễn Phước Trung Bảo, and Nguyễn Thanh Nhã, were found guilty of “abusing democratic freedom rights” pursuant to Article 331 of the Criminal Code for posts shared on their Facebook and YouTube accounts, and sentenced to between two and four and a half years of imprisonment.¹⁴⁵ The publication is a Facebook-based independent news outlet covering alleged government corruption.
- November 2021: Three leaders of an independent journalists’ association were indicted on state propaganda charges.¹⁴⁶

2022

- 2022: During the year of 2022, the Hồ Chí Minh city government issued fines totaling 780 million Vietnamese đồng (U.S. \$33,000) against media outlets for publishing content deemed illegal. This included a fine of 57.5 million Vietnamese đồng (U.S. \$2,431) to online magazine Thương hiệu và Công luận, and a fine of 45 million Vietnamese đồng (U.S. \$1,900) to news site Người Cao Tuổi.¹⁴⁷
- 2022: Political commentator Phan Châu Thành, who regularly posts on social media, had his accounts suspended several times throughout 2022 for days or weeks at a time.¹⁴⁸
- 1 January – 31 December 2022: Facebook blocked or removed 2,751 posts, which the Ministry of Information and Communications labeled “false, anti-Communist Party of Vietnam, anti-state, and defaming brands, individuals, organizations”; Google removed 7,935 videos from YouTube and geoblocked seven reactionary channels containing over 1,500 videos; and TikTok blocked and/or removed 329 videos. Facebook also blocked seven accounts for publishing “false information, distorted and anti-Communist Party of Vietnam, anti-state information”; TikTok removed 10 accounts for publishing similar content.¹⁴⁹
- January 2022: Government authorities amended Decree 15/2020/ND-CP regulating administrative fines for social media to increase fines on media outlets for publishing purported false information.¹⁵⁰
- 12 January 2022: Lê Mạnh Hà, a journalist, was arrested by plainclothes police and his house was raided and authorities seized books, laptops, and a cellphone. Days before his arrest, he posted on Facebook about the “unequal” fight in eliminating official corruption. On 25 October 2022, after a two-day trial, he was sentenced to eight years of prison and five years of house arrest for violating Article 117 of the 2015 Criminal Code prohibiting “making, storing, distributing or spreading” news or information against the state.¹⁵¹ The court deemed 21 video clips and 13 articles he published to YouTube and Facebook as “propaganda against the socialist state of Vietnam.”¹⁵²

- March 2022: Trần Văn Bang, a pro-democracy activist, blogger, and war veteran, was arrested for allegedly “anti-state propaganda” posted on Facebook.¹⁵³
- 23 March 2022: Lê Văn Dũng, a journalist, was sentenced to five years imprisonment and five years’ probation under Article 117 of the 2015 Criminal Code and Article 88 of the 1999 Criminal Code.¹⁵⁴ April 2022: The Vietnamese Government was reported to be considering draft regulations requiring social media companies to remove illegal content within 24 hours pursuant to the Cybersecurity Law, and block livestreams deemed illegal within three hours.¹⁵⁵
- 28 June 2022: Online newspaper Pháp Luật Việt Nam was fined 325 million Vietnamese đồng (U.S. \$13,740) for publishing allegedly false and inappropriate information.¹⁵⁶
- 5 July 2022: Nguyễn Lân Thắng, a journalist and regular contributor to Radio Free Asia, was arrested for allegedly promoting anti-state propaganda.¹⁵⁷ On 12 April 2023, he was convicted and sentenced to six years in prison and two years of probation after a one-day closed trial. He was charged for posting 12 interviews on YouTube and Facebook which contravened Article 117 of the Criminal Code outlawing “creating, storing, disseminating or propagandizing information, materials, items and publications” against the state.¹⁵⁸
- July – December 2022: Google reported that 92% of the removal requests it received from the Vietnamese government related to government criticism.¹⁵⁹
- August 2022: Government authorities issued Decree No. 53/2022/ND-CP, which detailed implementation of the Cybersecurity Law and took effect in October 2022.¹⁶⁰ The decree outlines the procedure for removing content deemed illegal pursuant to the Cybersecurity Law and designates the Ministry of Public Security, the Ministry of Information and Communications, and the Ministry of Defense to serve takedown orders. The Ministry of Public Security is also authorized to suspend information systems and revoke domain names on national security and cybersecurity grounds.¹⁶¹ The decree also formalizes intermediary liability whereby intermediaries, even those overseas, are required to regulate third-party contributors to eliminate information that is contrary to the state, national security, social order, and other broadly-defined provisions. The decree holds cybercafé owners responsible for the websites browsed by their customers.¹⁶²
- 30 August 2022: Lê Anh Hùng, a contributor to Voice of America and member of the Independent Journalists Association of Vietnam, was convicted and sentenced to five years in prison pursuant to Article 331 of the Criminal Code prohibiting “abusing democratic freedoms to infringe upon the interests of the state, organizations and individuals.” His trial was held without a defense lawyer. Prior to his conviction, he was first detained on 5 July 2018 after criticizing Việt Nam’s then-new cybersecurity legislation, which expanded the state’s power to censor and control the Internet.¹⁶³ Since his detention, Lê Anh Hùng had been held in a psychiatric facility and on remand for over four years, which counted towards his latest sentence of five years and enabled him to be released in 2023.¹⁶⁴
- November 2022: Pursuant to the Cybersecurity Law requiring Facebook and Google to store information about Vietnamese users in Việt Nam and allowing the government to block access to news deemed a threat to national security, the Ministry of Information and Communications required major technology firms to remove “false” content within 24 hours of an official request or face sanctions.¹⁶⁵
- November 2022: Authorities in a Hồ Chí Minh City district confirmed that “Force 47”, a military unit of over 10,000 people tasked with fighting “wrong, distorting opinions online”, had

successfully prevented and closed Facebook accounts accused of posting anti-state content.¹⁶⁶

- 26 December 2022: Nguyễn Như Phương, a blogger, was charged pursuant to Article 117 of the 2015 Criminal Code and sentenced to five years in prison and three years' probation; at his trial on 20 March, 2023, the court added an extra 15 months to his sentence for a "drug possession" charge on top of the "anti-state propaganda" charge, making his total prison sentence six years and three months.¹⁶⁷

2023

- April 2023: The Ministry of Information and Communications announced a possible ban on TikTok because of "toxic" content on the platform.¹⁶⁸

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¹ The submitters define “journalists” as people who cover news or comment on public affairs in print, in photographs, on radio, on television, or online. Writers, editors, publishers, producers, technicians, photographers, camera operators, and directors of news organizations are all included. See Committee to Protect Journalists, “Frequently Asked Questions”, available at:

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³ *Id.*

⁴ *Id.*

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¹⁵⁶ Freedom House, “Vietnam: Country Profile from 2023 Freedom on the Net Report”, section B6, available at: <https://freedomhouse.org/country/vietnam/freedom-net/2023>.

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¹⁶⁰ *Id.*, at section B3.

¹⁶¹ *Id.*

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