



Socialist Republic of Vietnam
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**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC**

And

Asia Democracy Network (ADN)

And

Vietnam Advocates for Change (VAC)

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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The Asia Democracy Network (ADN) is a civil society-led multistakeholder platform dedicated to defending and promoting democracy in Asia. ADN aims to strengthen solidarity and a collective voice among Asian civil society engaged in democracy, development and human rights at the global, regional, national and local levels.
- 1.3 Vietnamese Advocates for Change (VAC), established in 2022, is dedicated to strengthening civil society in Vietnam. Its work involves the provision of comprehensive support to human rights defenders (HRDs) and prisoners of conscience. It uses its grassroots network to serve as a conduit, connecting embassies in Vietnam and international organisations with civil society within the country.
- 1.4 In this submission, the three organisations examine the compliance of the Government of Vietnam with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Vietnam's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination in 2019. We assess Vietnam's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.5 During the 3rd UPR cycle, the Government of Vietnam received 42 recommendations relating to the space for civil society (civic space). It accepted 16 of these recommendations, partly supported five and noted 21. However, an evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the Government of Vietnam has only partly implemented two of the recommendations. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination. Acute implementation gaps were found with regard to the rights to freedoms of association and expression.
- 1.6 We are deeply concerned by systematic attempts to silence HRDs, journalists and bloggers, including through jailing under national security laws, restrictions on their freedom of movement and torture and ill-treatment in detention.

- 1.7** We are further alarmed by strict controls on the media in law and in practice, restrictions against journalists, online censorship and controls on social media as well as ongoing restrictions on peaceful protests.
- 1.8** As a result of these issues, civic space in Vietnam is currently classified as ‘closed’ by the CIVICUS Monitor, the most serious category, indicating the existence of severe civic space restrictions.¹
- Section 2 of this submission examines Vietnam’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
 - Section 3 examines Vietnam’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
 - Section 4 examines Vietnam’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression and media freedom.
 - Section 5 examines Vietnam’s implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
 - Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
 - Section 7 is an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Freedom of association

- 2.1** During Vietnam’s examination under the 3rd UPR cycle, the government received four recommendations on the right to freedom of association. Among other recommendations, the government committed to ‘review regulations impeding the operation of civil society organizations’ and ‘create an enabling environment for independent civil society’. However, as evidenced below, the government has failed to take adequate measures to realise any of these recommendations fully.
- 2.2** Article 25 of the 2013 Vietnam Constitution guarantees the right to freedom of association.² Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a state party, also guarantees freedom of association. However, despite these commitments, freedom of association is drastically subverted

¹ CIVICUS Monitor: Vietnam, <https://monitor.civicus.org/country/Vietnam>.

² ‘Constitution of the Socialist Republic of Vietnam’, Institute for Democracy and Electoral Assistance, 2013, http://www.constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf.

by a highly restrictive regulatory regime. The Communist Party of Vietnam (CPV) maintains its control over all public affairs and restricts the establishment or operation of independent political parties, labour unions and CSOs, insisting that individuals work within established, party-controlled mass organisations, usually under the aegis of the Vietnam Fatherland Front.³

- 2.3** Decree 45 (2010) on the Organization, Activities and Management of Associations regulates the formation, operation, activities and state management of associations and provides for strict government control. It constitutes the legal basis for registering and operating most Vietnamese associational entities, including ‘special purpose’ associations that receive governmental support, which are mostly state-affiliated umbrella groups.⁴
- 2.4** In 2020, two decrees were introduced, Decrees 80/2020/ND-CP and 56/2020/ND-CP, which have made procedures to receive foreign funding more complex for domestic and international CSOs. UN experts have expressed concerns that these decrees impose additional burdensome requirements for the creation and operations of CSOs, in violation of the ICCPR.⁵
- 2.5** The dominance of the CPV and the repressive legal framework has restricted the formation of independent CSOs. Activists associated with non-registered groups are routinely arrested and convicted. Despite these restrictions, activists and bloggers, making use of the internet, continue to mobilise around informal solidarity groups and networks on issues such as media freedom, women’s rights, workers’ rights, environmental issues, sexual equality and land rights.
- 2.6** Religious movements in Vietnam have also played a critical role in civil society, putting forth people’s grievances and pressing for reforms. Because of this, religious groups have faced a range of restrictions, including criminalisation, harassment and surveillance, particularly towards unregistered, independent communities, including Montagnard and Hmong Protestants.⁶
- 2.7** The Vietnam General Confederation of Labor (VGCL) is Vietnam’s only legal labour federation and is controlled by the CPV. A revision of the labour code that took effect

³ The Vietnamese Fatherland Front is an arm of the CPV and an umbrella organisation for different groups, labour unions and the six officially recognised religions.

⁴ ‘Document: Nonprofit Law In Vietnam’, International Center for Not-for-Profit Law, March 2020, <https://cof.org/sites/default/files/documents/files/Vietnam/vietnam-country-note-032020.pdf>.

⁵ ‘Public Communication File: Ref: OL VNM 7/2021’, Office of the High Commissioner for Human Rights, 10 December 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26885>.

⁶ ‘Annual Report of the U.S. Commission on International Religious Freedom’, US Commission on International Religious Freedom, 2023, https://www.uscirf.gov/sites/default/files/2023-05/2023%20Annual%20Report_1.pdf.

in 2021 allows workers to form their own representative bodies, but the change had little effect in practice, and independent unions outside the VGCL still face enormous obstacles to legal registration.⁷ The government has yet to ratify ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organise.

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1** Under Vietnam's previous UPR examination, the government received eight recommendations on the protection of HRDs, civil society representatives and journalists. Two recommendations were partly supported and six were noted. The government has only partly implemented two of the recommendations.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees freedoms of association, peaceful assembly and expression. However, in spite of these protections, more than 100 HRDs remain behind bars and most calls by the UN Working Group on Arbitrary Detention to release them have been ignored.⁸ Activists also face restrictions on their movement and are subject to surveillance, intimidation, harassment and violent assaults.
- 3.3** The authorities routinely invoke article 79 of the 1999 Penal Code (article 109 in the 2015 Penal Code) on 'activities aiming to overthrow the people's administration', article 88 (117) on 'making, storing or disseminating information, documents, materials and items against the Socialist Republic of Vietnam' or 'conducting propaganda against the State' and article 258 (331) on 'abusing democratic freedoms to infringe upon the interests of the State' to charge HRDs and journalists, along with other vaguely defined national security offences. According to Human Rights Watch, as of July 2023 more than 150 political prisoners are locked up simply for exercising their basic rights.⁹
- 3.4** In June 2019, Nguyễn Ngọc Ánh, an environmental activist and blogger, was sentenced to six years in prison under article 117 of the 2015 Penal Code for Facebook posts and live broadcasts critical of the state.¹⁰ Ánh also took part in environmental protests against the Formosa steel plant toxic spill that led to an ecological disaster in the

⁷ 'Vietnam: Freedom in the World 2023', Freedom House, 2023, <https://freedomhouse.org/country/vietnam/freedom-world/2023>.

⁸ 'Free Vietnam's Political Prisoners!', Human Rights Watch, 5 July 2023, <https://www.hrw.org/video-photos/interactive/2023/07/05/free-vietnams-political-prisoners>.

⁹ Ibid.

¹⁰ 'The First-Instance Sentence for Defendant Nguyen Ngoc Anh was Upheld on Appeal', Dong Khoi Newspaper run by the People Committee of Ben Tre Province, 8 November 2019, <https://baodongkhoei.vn/y-an-so-tham-bi-cau-nguyen-ngoc-anh-08112019-a66763.html>.

central coastal region in April 2016, destroying livelihoods and the local environment.¹¹ In July 2020, online critic Nguyễn Quốc Đức Vương was convicted under the same provision and jailed for eight years for broadcasting pro-democracy views on Facebook.¹² As well as sharing news articles, Vương often livestreamed to express his opinion on national and social issues such as sovereignty, corruption and land rights.¹³

- 3.5** In December 2020, Vietnamese writer and activist Trần Đức Thạch was convicted on charges of subversion under article 109 of the 2015 Penal Code and sentenced to 12 years in prison and three years' probation.¹⁴ Thạch, a co-founder of Vietnam's Brotherhood for Democracy, was arrested in April 2020 for Facebook posts criticising government corruption and human rights abuses.¹⁵
- 3.6** In January 2021, HRD Đinh Thị Thu Thủy was sentenced to seven years in prison after a four-hour trial under article 117 of the 2015 Penal Code for articles and Facebook posts critical of the CPV and government.¹⁶ Thủy spent the duration of her pretrial detention incommunicado and was only able to meet her lawyers for the first time eight months after her arrest. Thủy, an aquaculture expert and advocate for freedom of expression and environmental rights, turned to Facebook to express her views on various political issues including the Formosa environmental disaster.¹⁷
- 3.7** HRD Phạm Đoàn Trang was sentenced to nine years in prison on 14 December 2021.¹⁸ She was charged under article 88 of the 1999 Penal Code for several of her published

¹¹ 'EU Signs Trade Deal with Vietnam Despite Ongoing Suppression of Civic Freedoms', CIVICUS Monitor, 15 July 2019, <https://monitor.civicus.org/explore/eu-signs-trade-deal-vietnam-despite-ongoing-suppression-civic-freedoms>.

¹² '8 Years in Prison for the Rogue Propagating Against the State', The Police of Ho Chi Minh City newspaper, 7 July 2020, https://congan.com.vn/vu-an/8-nam-tu-cho-ke-co-hanh-vi-chong-doi-nha-nuoc_95537.html.

¹³ 'Repression of Liberal Publishing House, Journalists and Online Critics Escalates in Vietnam', CIVICUS Monitor, 30 July 2020, <https://monitor.civicus.org/explore/repression-liberal-publishing-house-journalists-and-online-critics-escalates-vietnam>.

¹⁴ 'Sentenced to 12 Years in Prison for Activities Aimed at Overthrowing the People's Government', People's Police newspaper, 15 December 2020, <https://cand.com.vn/Thong-tin-phap-luat/Tran-Duc-Thach-linh-12-nam-tu-vi-toi-hoat-dong-nham-lat-do-chinh-quyen-nhan-dan-i591318>.

¹⁵ The Brotherhood for Democracy, a loose association of activists and HRDs formerly imprisoned for their political beliefs, is not recognised by the Vietnamese government and many of its members have been imprisoned since its founding in 2013. See 'Activists Face Repression Around and Following the Vietnam Communist Party Congress', CIVICUS Monitor, 29 March 2021, <https://monitor.civicus.org/explore/activists-face-repression-around-and-following-vietnam-communist-party-congress>.

¹⁶ 'Trial of Đinh Thị Thu Thủy for Propagating Against the State', Đấu trường dân chủ Blog (Democracy Arena blog), 20 January 2021, <https://www.dautruongdanchu.org/2021/01/xet-xu-ke-tuyen-truyen-chong-nha-nuoc.html>.

¹⁷ CIVICUS Monitor, 29 March 2021, op. cit.

¹⁸ '9-Year Sentence for the Defendant to Propagate Against the State', People's Police newspaper, 25 August 2022, <https://cand.com.vn/Ban-tin-113/y-an-9-nam-tu-doi-voi-bi-cao-tuyen-truyen-chong-nha-nuoc-i665261>.

works on environmental and human rights issues, as well as two interviews she gave to the BBC and Radio Free Asia.¹⁹

- 3.8** In May 2022, Y Wô Niê, an ethnic Ede Montagnard minority rights activist, was sentenced to four years in prison under article 331 of the 2015 Penal Code for writing and disseminating three reports about human rights violations in Vietnam.²⁰ He was also convicted for meeting representatives of the US embassy in Vietnam and participating in several online workshops related to human rights and freedom of religion.²¹
- 3.9** In March 2023, a court in Hanoi sentenced land rights activist Trương Văn Dũng to six years in prison under article 88 of the 1999 Penal Code.²² After his arrest, Trương Văn Dũng was held incommunicado for more than nine months and was allowed to meet with his lawyer for the first time just before his trial.²³ In May 2023, a court in Ho Chi Minh City sentenced activist Trần Văn Bang to eight years in prison and three years of probation after his release under article 117 of the 2015 Penal Code for criticising the government on Facebook.²⁴ In May 2023, political activist Bùi Tuấn Lâm received a five-and-a-half-year prison sentence in Da Nang City under article 117 for ‘conducting propaganda against the State’, with his family barred from attending the trial.²⁵
- 3.10** A number of HRDs have also been jailed on trumped-up charges of tax evasion in recent years. In January 2022, the Hanoi’s People’s Court sentenced Đặng Đình Bách, director of the CSO Law and Policy of Sustainable Development, to five years in jail for tax evasion under article 200 of the 2015 Penal Code.²⁶ In the same month, the Hanoi People’s Court tried and sentenced former journalist Mai Phan Lợi, who heads the

¹⁹ ‘Civil Society Urges the UN to Reject Vietnam’s Bid for the Human Rights Council as it Continues to Arrest and Jail Activists’, CIVICUS Monitor, 21 September 2022, <https://monitor.civicus.org/explore/civil-society-urges-un-reject-vietnams-bid-human-rights-council-it-continues-arrest-and-jail-activists>.

²⁰ ‘Trial of Defendant Y Wo Nie for Abusing Democratic Freedoms to Infringe upon the Interests of the State, Lawful Rights and Interests of Organizations and/or Citizens’, Dak Lak Police newspaper, 17 September 2023, <https://congan.daklak.gov.vn/-/xet-xu-bi-cau-y-wo-nie-ve-toi-loi-dung-cac-quyen-tu-do-dan-chu-xam-pham-loi-ich-cua-nha-nuoc-quyen-loi-ich-hop-phap-cua-to-chuc-ca-nhan?ref=luatkhoa.com>.

²¹ CIVICUS Monitor, 21 September 2022, op. cit.

²² ‘First Instance Conviction for Truong Van Dung on the Crime of Propaganda Against the State’, Vnews, 13 July 2023, <https://vnews.gov.vn/news/y-an-so-tham-doi-voi-truong-van-dung-ve-toi-tuyen-truyen-chong-nha-nuoc-86469.htm>.

²³ ‘Vietnam: Human Rights Council Membership and Dialogues Fail to Stem Repression Against Activists’, CIVICUS Monitor, 23 June 2023, <https://monitor.civicus.org/explore/vietnam-human-rights-council-membership-and-dialogues-fail-to-stem-repression-against-activists>.

²⁴ ‘Distributing Propaganda Against the State, Tran Van Bang is Sentenced to 8 Years’ Imprisonment’, People’s Police newspaper, 12 May 2023, <https://cand.com.vn/Ban-tin-113/tuyen-truyen-chong-nha-nuoc-tran-van-bang-lanh-an-8-nam-tu-i693256>.

²⁵ ‘Salt Bae Parody: Vietnam Noodle Vendor Jailed for Five Years’, BBC News, 25 May 2023, <https://www.bbc.com/news/world-asia-65705048>.

²⁶ ‘First Instance Conviction for Defendant Dang Dinh Bach’, Security TV, 12 August 2022, <https://antv.gov.vn/tin-tuc/phap-luat/y-an-so-tham-voi-bi-cau-dang-dinh-bach-467221.html>.

Center for Media in Educating Community, to 48 months in jail.²⁷ He is a former editor-in-chief of *Phap Luat*, a prominent state-run magazine focused on legal issues.²⁸

3.11 In June 2022, *Nguy Thị Khanh*, a high-profile environmentalist and anti-coal campaigner, was jailed for two years on tax evasion charges.²⁹ Khanh, the founder of the non-profit Green Innovation and Development Centre, has campaigned for Vietnam to adopt greener energy strategies, putting her at odds with the country's ambitions to boost its coal production.³⁰ Two other activists arrested for tax evasion are *Hoàng Ngọc Giao*, a Vietnamese CSO leader and a legal expert arrested in December 2022,³¹ and environmental activist *Hoàng Thị Minh Hồng*, who was arrested on 1 June 2023 and received a three-year sentence in September 2023.³²

3.12 Journalists and bloggers have also been jailed by the regime. In January 2021, a court convicted and sentenced three members of the Independent Journalists Association of Vietnam under article 117 of the 2015 Penal Code.³³ Blogger *Nguyễn Tường Thụy* was sentenced to 11 years in prison for writing articles online criticising the government. *Phạm Chí Dũng* was given a 15-year prison term, while *Lê Hữu Minh Tuấn* was jailed for 11 years. In April 2022, the People's Court of Ho Chi Minh City sentenced journalist *Nguyễn Hoài Nam* to three and a half years under article 331 of the 2015 Penal Code due to his critical reporting on a corruption case.³⁴

²⁷ 'Mai Phan Loi is Sentenced to 48 Months' Imprisonment for Tax Evasion', People's Police newspaper, 11 January 2022, <https://cand.com.vn/Thong-tin-phap-luat/mai-phan-loi-bi-phat-48-thang-tu-vi-tron-thue-i641096>.

²⁸ Loi is also an executive board member of the Vietnamese NGOs on the EU-Vietnam Free Trade Agreement (EVFTA), a group of seven community service organisations established in November 2021 to satisfy the requirement to form a Domestic Advisory Group, a civil society component of EVFTA. See, 'Vietnamese Activists Face Tax Evasion Charges, Movement Restrictions and Increasing Censorship', CIVICUS Monitor, 17 May 2022, <https://monitor.civicus.org/explore/vietnamese-activists-face-tax-evasion-charges-movement-restrictions-and-increasing-censorship>.

²⁹ 'Ms. *Nguy Thi Khanh*'s Imprisonment is for Tax Evasion, not Related to Climate Change', Ho Chi Minh City Police newspaper, 23 June 2022, https://congan.com.vn/tin-chinh/ba-nguy-thi-khanh-bi-xu-ly-hinh-su-vi-lien-quan-den-bien-doi-khi-hau_132990.html.

³⁰ CIVICUS Monitor, 21 September 2022, op. cit.

³¹ 'Prosecuting Mr. *Hoang Ngoc Giao*, Director of the PLD Institute for Tax Evasion', Young People's Newspaper (official organ of the Vietnam United Youth League), 20 December 2022; <https://thanhnien.vn/khoi-to-ong-hoang-ngoc-giao-vien-truong-vien-pld-ve-toi-tron-thue-1851534007.htm>; 'Jailing And Persecution of Activists and Journalists Persists Despite Election of Vietnam to the UN Human Rights Council', CIVICUS Monitor, 8 February 2023, <https://monitor.civicus.org/explore/jailing-and-persecution-activists-and-journalists-persists-despite-election-vietnam-un-human-rights-council>.

³² 'Surrounding the Prosecution of Ms. *Hoang Thi Minh Hong* for Tax Evasion', People's Police newspaper, 21 June 2023, <https://cand.com.vn/Ban-tin-113/xung-quanh-viec-ba-hoang-thi-minh-hong-bi-khoi-to-ve-toi-tron-thue-i697662>; CIVICUS Monitor, 23 June 2023, op. cit.; 'Vietnam jails fifth climate activist on tax charges', BBC, 28 September 2023, <https://www.bbc.co.uk/news/world-asia-66940762>.

³³ 'Trial of *Pham Chi Dung* and Accomplices for Distributing Propaganda Against the State', People's Police newspaper, 5 January 2021, https://congan.com.vn/vu-an/xet-xu-pham-chi-dung-va-dong-pham-toi-tuyen-truyen-chong-pha-nha-nuoc_105503.html.

³⁴ 'Ho Chi Minh City: Defendant *Nguyen Hoai Nam* is Sentenced to 3 Years and 6 Months' Imprisonment', Young People's Newspaper, 5 April 2022, <https://thanhnien.vn/tp-hcm-tuyen-bi-cau-nguyen-hoai-nam-3-nam-6-thang-tu-1851445570.htm>; CIVICUS Monitor, 17 May 2022, op. cit.

- 3.13** In November 2022 a court in Thanh Hoa Province sentenced blogger Bùi Văn Thuận to eight years in jail and five years of probation under article 117 of the 2015 Penal Code for regularly posting critical articles, including on the government's controversial COVID-19 policies and its call for financial donations to help fight the pandemic.³⁵ On 12 April 2023, the Hanoi People's Court convicted journalist Nguyễn Lân Thắng under article 117 of the 2015 Penal Code, sentencing him to six years of imprisonment and two years of probation.³⁶ The charges are based on allegations that he posted videos on Facebook and YouTube which were said to 'oppose' the CVP.³⁷
- 3.14** A number of HRDs were released during the reporting period but were forced into exile. In January 2020, woman HRD Trần Thị Nga was released into exile.³⁸ Hồ Đức Hòa was put on a plane bound for the USA in May 2022, just as Prime Minister Phạm Minh Chính was to depart for Washington DC for a summit between the USA and the Association of Southeast Asian Nations.³⁹
- 3.15** HRDs in detention or prison face torture and other inhumane treatment. In many cases, this has been inflicted by prison authorities with the purpose of coercing confessions, obtaining information or punishing political dissidents for their opinions. Other issues documented include prolonged incommunicado pretrial detention, denial of adequate medical treatment, harsh physical and administrative conditions in prison, denial of family visits or punitive transfers and solitary confinement.⁴⁰
- 3.16** In April 2020, HRD Trần Đức Thạch was detained for his alleged affiliation with the Brotherhood for Democracy and beaten in detention.⁴¹ In March 2021, Amnesty International reported that activist Nguyễn Văn Đức Độ, who was serving an 11-year sentence at Xuan Loc prison in Dong Nai, had been kept in solitary confinement since May 2020, after he complained to authorities of harsh conditions in the prison. Prison authorities chained both his legs for 10 consecutive days and fed him food mixed with human excrement and dirty water. In October 2022, it was reported that blogger and human rights activist Huỳnh Thục Vy was allegedly beaten and strangled by prison

³⁵ CIVICUS Monitor, 8 February 2023, op. cit.; 'Storing, Spreading Information, Materials for the Purpose of Opposing the State of Socialist Republic of Vietnam, Bui Van Thuan is Sentenced to 8 years' Imprisonment', Thanh Hoa Police newspaper, 21 November 2022, <https://conganthanhhoa.gov.vn/tin-tuc-su-kien/tin-an-ninh-trat-tu-tang-tru-phat-tan-thong-tin-tai-lieu-nham-chong-nha-nuoc-cong-hoa-xa-hoi-chu-nghia-viet-nam-bui-van-thuan-linh-an-8-nam.html>.

³⁶ 'Defendant Nguyen Lan Thang is Sentenced to 6 Years' Imprisonment for Opposing Against the State', People's Police newspaper, 12 April 2023, <https://cand.com.vn/Ban-tin-113/bi-cau-nguyen-lan-thang-bi-tuyen-phat-6-nam-tu-vi-toi-chong-nha-nuoc-i689809>.

³⁷ CIVICUS Monitor, 23 June 2023, op. cit.

³⁸ 'Tran Thi Nga Released Into Exile', Front Line Defenders, 2020, <https://www.frontlinedefenders.org/en/case/tran-thi-ng-a-released-exile>.

³⁹ 'Vietnam: Ho Duc Hoa Released Into Exile', The 88 Project For Free Speech In Vietnam, 2022, <https://the88project.org/profile/85/ho-duc-hoa>.

⁴⁰ 'UN Experts Raise Concerns about Violations in Vietnam as NGOs Document Unfair Trials and Torture', CIVICUS Monitor, 24 November 2020, <https://monitor.civicus.org/explore/un-experts-raise-concerns-about-violations-vietnam-ngos-document-unfair-trials-and-torture>.

⁴¹ CIVICUS Monitor, 30 July 2020, op. cit.

guards. Her brother believes Vy was beaten for helping her cellmates by sharing her food or giving their relatives' phone numbers to her father so he could tell their relatives how they were being treated.⁴²

3.17 HRDs also face restrictions on movements and travel bans. In February 2022, Human Rights Watch documented the systematic blocking of more than 170 rights activists, bloggers, dissidents and their family members from domestic and international travel, including by stopping them at airports and border gates, and denying passports or other documents that would allow them to leave or enter Vietnam.⁴³

3.18 In June 2022, Bùi Thị Kim Phượng, the wife of prisoner of conscience Nguyễn Bắc Truyển, was banned from leaving the country by the Vietnamese government to prevent her speaking in the USA about her husband's situation and the issue of religious persecution in Vietnam.⁴⁴ In September 2022, police at Tan Son Nhat Airport stopped lawyer Võ An Đôn and his family at customs.⁴⁵ Đôn, a lawyer from Phu Yen Province, is popularly known for his legal activism in defending political prisoners and victims of injustice in Vietnam.⁴⁶ In September and October 2022, Vietnamese Redemptorist priests Lê Xuân Lộc and Trương Hoàng Vũ were prevented from leaving Vietnam at Tan Son Nhat airport in Ho Chi Minh City while on their way to a fundraising event in the USA for the church's humanitarian activities. The two are known for their outspoken criticism of the government's religious policies.⁴⁷ In May 2023, HRD Nguyễn Quang A was barred from leaving Vietnam at Hanoi's Noi Bai International Airport. He had planned to take a flight to Thailand and continue to the European Union, where he had planned to tour several countries.⁴⁸

4. Freedom of expression and media freedom

4.1 Under the 3rd UPR cycle, the government received 28 recommendations relating to freedom of expression and media freedom. For example, the government pledged to 'take steps to guarantee freedom of opinion and freedom of expression, including on the Internet' and 'develop measures to protect reporters and journalists'. The government accepted 12 recommendations, partly supported two and noted 14. However, none of the recommendations have been implemented.

4.2 ICCPR article 19 guarantees the right to freedoms of expression and opinion. Article 25 of the Constitution of Vietnam also guarantees the right to freedom of speech and

⁴² CIVICUS Monitor, 8 February 2023, op. cit.

⁴³ CIVICUS Monitor, 17 May 2022, op. cit.

⁴⁴ CIVICUS Monitor, 21 September 2022, op. cit.

⁴⁵ 'Temporary Dubai Travel Ban for Vo An Don', Young People's Newspaper, 28 September 2022, <https://thanhnien.vn/tam-hoan-xuat-can-h-di-dubai-voi-ong-vo-an-don-1851504556.htm>.

⁴⁶ CIVICUS Monitor, 8 February 2023, op. cit.

⁴⁷ 'Another Vietnamese Redemptorist Father is Imposed a Travel Ban', VOA News, 26 October 2022, <https://www.voatiengviet.com/a/6806335.html>.

⁴⁸ CIVICUS Monitor, 23 June 2023, op. cit.

press freedom.⁴⁹ However, in law and practice freedom of expression is widely restricted offline and online due to numerous repressive laws and decrees, as well as state censorship.

- 4.3** The CPV and government control all print, broadcast, online and electronic media, and private ownership or operation of any media outlet remains prohibited. A 2016 Press Law states that the duties of the press are ‘to propagandize, disseminate and contribute to the building and protection of Party guidelines and State policies and laws’.⁵⁰ Media restrictions are also imposed by Decree 159/2013/ND-CP, which stipulates fines for journalists, newspapers and online media that publish or broadcast information deemed ‘harmful to national interests’.⁵¹
- 4.4** In its effort to tighten control over the press, a Government Decree 119/2020, issued in October 2020, increased administrative fines for journalists and publishers to up to VND200 million (approx. US\$9,000) and a possible suspension of 12 months for publishing false information causing ‘extremely serious consequence’, that is ‘not suitable to the interests of the country and the people’, or is ‘distorted, fabricated or causing confusion among people’.⁵²
- 4.5** Book publishers and those connected to them have been targeted. In October 2019, police harassed and intimidated dozens of people connected to the Liberal Publishing House, a local independent publisher that produced books on public policy and political thought. The harassment took place in at least three major cities, including Hanoi, Ho Chi Minh City and Hue, in addition to the provinces of Binh Duong, Phu Yen, Quang Binh and Quang Tri. Over 100 people who were targeted are believed to have either bought or read books printed by the publisher, or to have worked for it.⁵³ People were summoned to police stations and interrogated about books they had bought from the publishing house. After questioning, most were pressured to sign

⁴⁹ Institute For Democracy And Electoral Assistance, 2013, op. cit.

⁵⁰ ‘Document: The Socialist Republic Of Vietnam Assembly Independence – Freedom – Happiness, No. 103/2016/QH13’, Press Law, <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/vn/vn111en.htm>.

⁵¹ ‘Decree No. 159/2013/ND-CP of 12 November 2013, Providing For Administrative Penalties For Violations Arising In The Realm of Journalism and Publishing’, Socialist Republic Of Vietnam, 12 November 2013, <http://www.wipo.int/edocs/lexdocs/laws/en/vn/vn102en.pdf>.

⁵² The decree imposes administrative fines of between VND150 million and VND200 million (approx. US\$6,500 to US\$9,000) for acts of ‘providing information against the state’ or ‘sabotaging the country’s international relations but not to the extent where criminal prosecution is needed’, ‘posting or disseminating information unsuitable for the interests of the nation and people’, ‘posting information with content that affects the independence, sovereignty and territorial integrity of the Socialist Republic of Vietnam’ and ‘posting information that distorts history, denies revolutionary achievements or offends the nation, national heroes’, among others. See CIVICUS Monitor, 24 November 2020, op. cit.

⁵³ ‘Alarming Number of Activists Being Jailed in Vietnam for ‘Anti-State’ Facebook Posts’, CIVICUS Monitor, 13 December 2019, <https://monitor.civicus.org/explore/alarming-number-activists-being-jailed-vietnam-anti-state-facebook-posts>.

statements promising that they would not buy books from the Liberal Publishing House again. Some have had their houses searched and have been abducted.

- 4.6** In May 2020, Phùng Thủy, also known as Thủy Tuất, was arrested in Ho Chi Minh City while he was delivering books for the Liberal Publishing House. While in custody, Thủy Tuất was interrogated and allegedly brutally tortured, including being punched in the face, chest, ribs and stomach by the police.⁵⁴ Nguyễn Bảo Tiên was arrested in May 2021 after he had been caught distributing books published by the Liberal Publishing House.⁵⁵ In January 2022 he was sentenced to six and a half years of imprisonment.⁵⁶
- 4.7** Online freedom of expression is also severely restricted in law. Decree No. 72/2013/ND-CP limits the use of blogs and social media to ‘providing or exchanging personal information’ and prohibits them from being used to disseminate news or information from government sites. The law also bans content that could be ‘harmful’ to national security or that opposes the government.⁵⁷ In January 2019, the Cybersecurity Law came into force. It gives sweeping powers to the authorities, allowing them to force technology companies to hand over potentially vast amounts of data, including personal information, and to censor users’ posts. Many articles in the law are vaguely worded, allowing for broad interpretation by the authorities. Article 16 (c) rules it a crime to post material online that ‘offends the nation, the national flag, the national emblem, the national anthem, great people, leaders, notable people, and national heroes’.⁵⁸
- 4.8** In April 2020, around the outbreak of COVID-19, a new decree, Decree No 15/2020/ND-CP, was issued in relation to ‘fake news’.⁵⁹ Article 100 imposes fines of

⁵⁴ CIVICUS Monitor, 30 July 2020, op. cit.

⁵⁵ ‘Sentenced to Prison for Propaganda Against the State and Possession of Grenades’, The Police of Ho Chi Minh City, 21 January 2022, https://congan.com.vn/song-theo-phap-luat/phat-tu-doi-tuong-tuyen-truyen-chong-pha-nha-nuoc-tang-tru-luu-dan_126226.html; ‘Persecution of Activists and Journalists Continues Following Rubber Stamp Elections in Vietnam’, CIVICUS Monitor, 14 July 2021, <https://monitor.civicus.org/explore/persecution-activists-and-journalists-continues-following-rubber-stamp-elections-vietnam>.

⁵⁶ ‘Vietnam: Nguyen Bao Tien Sentenced To Prison’, The 88 Project For Free Speech In Vietnam, 2022, <https://the88project.org/profile/563/nguyen-bao-tien>.

⁵⁷ ‘Document: Decree No. 72/2013/ND-CP of July 15, 2013, on the Management, Provision and Use of Internet Services and Online Information’, Socialist Republic Of Vietnam, 15 July 2013, <https://vnnc.vn/sites/default/files/vanban/Decree%20No72-2013-ND-CP.PDF>.

⁵⁸ Document: No: 24/2018/QH14, Law on Cybersecurity’, Socialist Republic Of Vietnam, 12 June 2018, <https://www.economica.vn/Content/files/LAW%20%26%20REG/Law%20on%20Cyber%20Security%202018.pdf>.

⁵⁹ ‘Document: No.: 15/2020/ND-CP, Penalties for Administrative Violations Against Regulations on Postal Services, Telecommunications, Radio Frequencies, Information Technology and Electronic Transactions’, Thu Vien Phap Luat Site, 3 February 2020, <https://thuvienphapluat.vn/van-ban/EN/Cong-nghe-thong-tin/Decree-15-2020-ND-CP-penalties-for-administrative-violations-against-regulations-on-postal-services/438738/tieng-anh.aspx>.

between VND50 to 70 million (approx. US\$2,130 to US\$3,000) for social media postings that 'do not match the national interests', are 'not conformable with the national good traditions and customs' or 'distort, slander or damage the prestige, honor and dignity of organizations or individuals'.⁶⁰ It is reported that Vietnam plans to further tighten its restrictions on social media platforms, decreeing that they remove 'misinformation' and 'false news' within 24 hours of requests being lodged by the authorities while active 'illegal livestreams' must be blocked within three hours. Companies that do not meet the deadlines could see their platforms banned.⁶¹

4.9 Censorship is rampant. In January 2020, there was widespread social media censorship around a deadly land dispute in Đồng Tâm. Dozens of Facebook users say they experienced restrictions on their activity. These restrictions were likely prompted by the authorities' deployment of cyber troopers to flood Facebook with reports complaining about individual users' social media activity.⁶² In December 2022, state-owned media censored news about the mass protests across China to avoid upsetting the Chinese state. Reports about the protests were restricted or removed from state-owned newspapers and television channels.⁶³ In April 2023, the authorities ordered media outlets to remove news coverage about the death of literary critic and poet Đặng Tiến because he was a member of a literary organisation the government claimed was anti-communist.⁶⁴

4.10 A 2016 Law on Access to Information that gives citizens the right to request and receive information from public bodies, is relatively weak.⁶⁵ It outlines the information that citizens are denied access to and allows the authorities to penalise activists and citizen journalists found sharing public information deemed critical of the state.

5. Freedom of peaceful assembly

5.1 During Vietnam's examination under the 3rd UPR cycle, the government received two recommendations on the right to freedom of peaceful assembly. Among other recommendations, the government committed to improving 'protection of the rights

⁶⁰ 'Report: Dictating the Internet: Curtailing Free Expression and Information Online in Vietnam', International Commission Of Jurists, 2020, <https://www.icj.org/wp-content/uploads/2020/12/Vietnam-Freedom-of-expression-Publications-reports-thematic-reports-2020-ENG.pdf>.

⁶¹ 'Exclusive Vietnam Plans 24-Hour Take-Down Law for "Illegal" Social Media Content – Sources', Reuters News, 21 April 2022, <https://www.reuters.com/business/media-telecom/exclusive-vietnam-plans-24-hour-take-down-law-illegal-social-media-content-2022-04-20>.

⁶² 'Online Debate on Dong Tam Incident Followed by Pandemic Silenced by Vietnam Authorities', CIVICUS Monitor, 7 April 2020, <https://monitor.civicus.org/explore/online-debate-dong-tam-incident-followed-pandemic-silenced-vietnam-authorities>.

⁶³ CIVICUS Monitor, 8 February 2023, op. cit.

⁶⁴ CIVICUS Monitor, 23 June 2023, op. cit.

⁶⁵ 'Document: No.:104/2016/QH13, Law On Access To Information', Socialist Republic Of Vietnam, 6 April 2016, <https://www.rti-rating.org/wp-content/uploads/Vietnam.pdf>.

to freedom of peaceful assembly’ and to ‘enact laws to provide for freedom of assembly and peaceful demonstration’. Both recommendations were accepted. However, as evidenced below, the government has failed to realise them.

- 5.2** Article 25 of the Vietnam Constitution guarantees the right to freedom of peaceful assembly.⁶⁶ ICCPR article 21 also guarantees this right. However, in policy and practice, freedom of peaceful assembly is tightly restricted.
- 5.3** Decree 38/2005/ND-CP prohibits demonstrations outside state agencies and public buildings, and bans all protests deemed to ‘interfere with the activities’ of CPV leaders and state organs. Circular 09/2005/TT-BCA for the Implementation of Decree 38 issued by the Ministry of Public Security in 2006 prohibits gatherings of more than five people without permission from the state.⁶⁷ In 2016, the Minister of Public Security issued new regulations (Circular 13/2016/TT-BCA) that limit the right to demonstrate outside courts.⁶⁸ It allows the authorities to suppress demonstrations and arrest people protesting outside courts. The authorities also have used national security laws and the Penal Code to criminalise protesters.
- 5.4** Despite these severe restrictions peaceful protests have taken place covering a wide range of issues, from demonstrations over religious freedom to land rights and relations with China. Other issues, such as the protection of the environment, worker rights and protests against restrictive legislation, have also been common triggers of protests in Vietnam.⁶⁹ However, based on documentation by the CIVICUS Monitor there have been far fewer protests in this reporting period (2019-2023) compared to the previous period.
- 5.5** In May 2019, Đặng Ngọc Tấn and Phạm Thanh, two protesters who participated in mass demonstrations against controversial bills on Special Economic Zones and cybersecurity in June 2018 were sentenced to 17 years and 11 years in prison respectively for ‘deliberate destruction of public property’ under clause 4, article 178 of the 2015 Penal Code.⁷⁰ In addition, Tấn and Thanh had to pay a compensation of

⁶⁶ Institute For Democracy And Electoral Assistance, 2013, op. cit.

⁶⁷ ‘Circular Guiding the Implementation of a Number of Articles of the Government’s Decree no. 38/2005/ND-CP’, Defend the Defenders, 15 December 2012, <https://vietnamhumanrightsdefenders.wordpress.com/2012/12/15/circular-guiding-the-implementation-of-a-number-of-articles-of-the-governments-decree-no-382005nd-cp-of-march-18-2005-stipulating-a-number-of-measures-to-ensure-public-order>.

⁶⁸ Circular 13/2016/TT-BCA on ‘Regulations on the Duties of the People’s Security Forces in Protecting Court Hearings’, issued by Public Security Minister General Trần Đại Quang on 10 March 2016, which came into force on 24 April 2016. See ‘New restrictions on the right to demonstrate in Vietnam’, Vietnam Committee on Human Rights, 30 March 2016, <http://queme.org/en/new-restrictions-on-the-right-to-demonstrate-in-vietnam/?v=75dfaed2dded>.

⁶⁹ ‘Vietnam: Repression of Peaceful Demonstrations Revealed’, International Federation For Human Rights, 20 June 2023, <https://www.fidh.org/en/region/asia/vietnam/vietnam-repression-of-peaceful-demonstrations-revealed>.

⁷⁰ ‘Sentenced the Two Defendants to More Than 39 Years in Prison for Destroying Property and Disturbing Public Order’, People newspaper, 21 May 2019, <https://nhandan.vn/phat-hai-bi-cau-hon-39-nam-tu-toi-huy-hoai-tai-san-va-gay-roi-trat-tu-cong-cong-post359298.html>.

VND3.6 billion (approx. US\$154,210) and VND1 billion (approx. US\$42,836) respectively for damages. For their involvement in the protests, the two had already been tried under a different charge in September 2018 for ‘disturbing public order’ under article 318 of the 2015 Penal Code. Đặng Ngọc Tấn was sentenced to four years while Phạm Thanh was sentenced to four years and six months.⁷¹

- 5.6** In June 2019, three people were sentenced after a half-day trial for activities ‘aimed at overthrowing the state’ under article 109 of the 2015 Penal Code. Vietnamese-American activist Michael Nguyen was sentenced to 12 years in jail while two other activists, Trần Long Phi and Huỳnh Đức Thanh Bình, were jailed for eight years and 10 years respectively on the same charge.⁷² According to reports, government authorities had accused the three of inciting the protests that erupted across Vietnam in June 2018 in opposition to Special Economic Zones and cybersecurity bills.⁷³
- 5.7** In December 2022, a court in Vietnam convicted seven people for a demonstration against the closure of a road that ran through their parish.⁷⁴ All seven, residents of Binh Thuan parish, were found guilty under article 330 of the 2015 Penal Code for ‘resisting a law enforcement officer in performance of his/her official duties’. The road, which had been in use for over 100 years, was located on land the government granted to a private company for a planned industrial zone.⁷⁵
- 5.8** On 25 April 2023, police armed with batons and shields dispersed dozens of members of the Ede ethnic group who were attempting to prevent a drainage project they fear will discharge wastewater into a lake they depend on. Three villagers were hospitalised due to the police action and 12 were arrested.⁷⁶
- 5.9** The charge of ‘abusing democratic freedoms’ under article 331 of the 2015 Penal Code is frequently employed to penalise people who exercise their right to peaceful assembly, particularly in disputes with the state involving land issues. In October 2022, Vũ Bích Vân and Ong Thị Thụy were apprehended by Lang Son provincial police, followed by the arrests of Trình Thị Sang and Vũ Thị Nga in November 2022.⁷⁷ Similarly, Ha Tinh province police arrested Thái Thị Bé and Hoàng Thị Sơn in April

⁷¹ CIVICUS Monitor, 15 July 2019, op. cit.

⁷² ‘Sentenced to 31 Years in Prison for a Group of People Attempting to Overthrow the Government, Socialist Republic Vietnam Government News, 25 June 2019, <https://baochinhphu.vn/tuyen-phat-nhom-doi-tuong-am-muu-lat-do-chinh-quyen-31-nam-tu-102257769.htm>.

⁷³ CIVICUS Monitor, 15 July 2019, op. cit.

⁷⁴ ‘Trial of 7 Defendants who Obstructed the Authorities While on Duty’, Inspection Newspaper of the Government Inspection Agency, 30 November 2022, <https://thanhtra.com.vn/phap-luat/an-ninh-trat-tu/xet-xu-7-bi-cau-chong-doi-luc-luong-chuc-nang-trong-khi-lam-nhiem-vu-204906.html>.

⁷⁵ CIVICUS Monitor, 8 February 2023, op. cit.

⁷⁶ CIVICUS Monitor, 23 June 2023, op. cit.

⁷⁷ ‘Approval for the Prosecution of Two Individuals who Abused Democratic Freedoms to Violate the Interests of the State’, Protect the Law Newspaper of the Supreme People’s Procuracy, 16 November 2022, <https://baovephapluat.vn/cong-to-kiem-sat-tu-phap/khoi-to/phe-chuan-khoi-to-2-doi-tuong-loi-dung-cac-quyen-tu-do-dan-chu-xam-pham-loi-ich-cua-nha-nuoc-131503.html>.

2023 and Hoàng Văn Luân in August 2023, all under article 331, alleging they had organised large gatherings that led to social disorder.⁷⁸

5.10 Thugs associated with the police have frequently been used by authorities to break up land rights protests. In most cases no one is brought to justice despite the fact that victims often report their beatings to the police. More than 100 villagers demanding title to their land were attacked and beaten on 5 March 2022 by people wearing civilian clothes while police looked on and refused to intervene. They also illegally detained protesters and took them to a nearby police station. The unidentified attackers appeared to be working in coordination with local authorities to attack and disperse the protest.⁷⁹

6. Recommendations to the Government of Vietnam

CIVICUS, VAC and ADN call on the Government of Vietnam to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.

In the light of this, the following specific recommendations are made:

16.1 Freedom of association

Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.

- Revise Decree 45 (2010) to ensure that undue restrictions on freedom of association, and particularly on the formation and operation of independent CSOs, are removed, in order to bring its provisions into compliance with ICCPR articles 21 and 22.

⁷⁸ 'No One is Above the Law!', Web portal of the police in Ha Tinh province, 24 August 2023, https://congan.hatinh.gov.vn/bai-viet/khong-ai-dung-tren-phap-luat_1692847112.caht.

⁷⁹ CIVICUS Monitor, 17 May 2022, op. cit.

- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Revise existing labour laws to recognise the right to freedom of association, guarantee the effective and independent functioning of autonomous trade unions and ratify ILO Convention No. 87 on Freedom of Association.

16.2 Protection of human rights defenders

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, legal action, or harassment of themselves or their families, and allow activists to travel within Vietnam and abroad freely.
- Publicly and unambiguously condemn physical assaults and other forms of harassment and retaliation against human rights activists, journalists and bloggers, emphasising that such acts are illegal and that anyone involved in ordering or facilitating such attacks will be held responsible.
- Repeal or amend provisions in the Penal Code to ensure that ambiguous provisions relating to national security are clearly defined or removed, notably articles 79 (109), 87 (116), 88 (117), 89 (118), 91 (121) and 258 (331), so they cannot be applied in an arbitrary manner to stifle legitimate and peaceful dissent and freedom of expression.
- Immediately and unconditionally drop all charges and release all HRDs, journalists and critics detained for exercising their fundamental rights to freedoms of association, peaceful assembly and expression, unconditionally and immediately release them and review their cases to prevent further harassment.
- End the practice of incommunicado detention, solitary confinement, torture, ill-treatment and punitive transfers of HRDs to prisons far from to their homes, in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.

16.3 Freedom of expression and media freedom

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international law and standards. In particular, review the 2016 Press Law and Decree 159/2013/ND-CP.
- Ensure that journalists and bloggers may work freely and without fear of criminalisation, threats or attacks for expressing critical opinions or covering state abuses.
- Guarantee unfettered access for all people in Vietnam to domestic and foreign media information, both offline and online.
- Review all internet laws, in particular Decree No. 72/2013/ND-CP, Decree No. 174/2013/ND-CP, Decree No. 15/2020/ND-CP and the Cybersecurity Law, to ensure they comply with international human rights law and standards.
- Review and repeal all laws and policies providing for censorship or undue control over social and conventional media content.

16.4 Freedom of peaceful assembly

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Repeal or amend Decree 38/2005/ND-CP, Circular 09/2005/TT-BCA and Circular 13/2016/TT-BCA in order to guarantee fully the right to freedom of peaceful assembly.
- Unconditionally and immediately release all protesters who have been detained for exercising their right to freedom of peaceful assembly and review their cases to prevent further harassment.

- Immediately and impartially investigate all instances of excessive force committed by security forces in the context of protests.

16.5 Access to UN Special Procedures mandate holders

- The government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and 4) Working Group on Arbitrary Detention.

16.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include independent as well as civil and political rights CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.

7. Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

Recommendation	Position	Assessment/Comments on level of implementation
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	Accepted	Status: Not implemented Source: Section 2
38.46 Ensure the freedom of association of workers by ratifying ILO Convention No. 87 within one year (Netherlands); Source of position: A/HRC/41/7/Add.1	Noted	Status: Not implemented Source: Section 2
38.52 Ratify the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105) (Belgium); Source of position: A/HRC/41/7/Add.1	Partially Accepted	Status: Not implemented Source: Section 2
38.215 Create an enabling environment for independent civil society and ensure that the law on association facilitates the registration, work and funding of NGOs free from undue State interference and restrictions (Czechia); Source of position: A/HRC/41/7/Add.1	Accepted	Status: Not implemented Source: Section 2
38.55 Take steps to protect human rights defenders, particularly by repealing or 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	Noted	Status: Not implemented Source: Section 3

<p>28.199 Immediately release prisoners who have been arbitrarily or unlawfully detained, including Ho Duc Hoa, Tran Huynh Duy Thuc, Tran Thi Nga, Nguyen Bac Truyen and the members of the Brotherhood for Democracy, and allow them to exercise their human rights and fundamental freedoms in Viet Nam (United States of America);</p> <p>Source of position: A/HRC/41/7/Add.1</p>	Noted	<p>Status: Partially implemented</p> <p>Source: Section 3</p>
<p>38.175 Release human rights defenders sentenced to prison for exercising the right to freedom of expression (Iceland);</p> <p>Source of position: A/HRC/41/7/Add.1</p>	Noted	<p>Status: Partially implemented</p> <p>Source: Section 3</p>
<p>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);</p> <p>Source of position: A/HRC/41/7/Add.1</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p>38.180 Protect human rights defenders and prosecute all persons guilty of violence or intimidation against them (Luxembourg);</p> <p>Source of position: A/HRC/41/7/Add.1</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p>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);</p> <p>Source of position: A/HRC/41/7/Add.1</p>	Partially Accepted	<p>Status: Not implemented</p> <p>Source: Section 3/4</p>
<p>38.211 Publicly recognize human rights defenders and provide an environment in which they can carry out their human rights work safely (Belgium);</p> <p>Source of position: A/HRC/41/7/Add.1</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p>38.214 Nurture a culture of free expression online and offline and release all imprisoned human rights</p>	Noted	Status: Not implemented

defenders, including bloggers and political dissenters, and put an end to their harassment (Czechia); Source of position: A/HRC/41/7/Add.1		Source: Section 3
38.17 Respond positively to requests from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Mexico); Source of position: A/HRC/41/7/Add.1	Noted	Status: Not implemented Source: Section 4
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	Accepted	Status: Not implemented Source: Section 4
38.166 Authorize the publication of independent newspapers and cease legal sanctions against and harassment of journalists and citizens peacefully expressing views through print media, the Internet and radio (Denmark); Source of position : A/HRC/41/7/Add.1	Noted	Status: Not implemented Source: Section 4
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	Noted	Status: Not implemented Source: Section 4
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	Accepted	Status: Not implemented Source: Section 4
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	Noted	Status: Not implemented Source: Section 3

ranges (Germany); Source of position : A/HRC/41/7/Add.1		
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	Accepted	Status: Not implemented Source: Section 3/4
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	Accepted	Status: Not implemented Source: Section 4
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	Accepted	Status: Not implemented Source: Section 2/4/5
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	Noted	Status: Not implemented Source: Section 4
38.184 Lift restrictions on freedom of expression, and particularly online freedom, in line with Viet Nam's obligations under international law (Ireland); Source of position : A/HRC/41/7/Add.1	Accepted	Status: Not implemented Source: Section 4
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); Source of position : A/HRC/41/7/Add.1	Noted	Status: Not implemented Source: Section 4

<p>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 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);</p> <p>Source of position : A/HRC/41/7/Add.1</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3/4/5</p>
<p>38.189 Strengthen efforts to ensure freedom of expression, including in the digital environment (Peru);</p> <p>Source of position : A/HRC/41/7/Add.1</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>38.190 Consider the elimination of the system of censorship in the cultural sphere (Peru);</p> <p>Source of position : A/HRC/41/7/Add.1</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>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);</p> <p>Source of position : A/HRC/41/7/Add.1</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3/4</p>
<p>38.192 Continue to strengthen efforts to protect the fundamental freedoms and rights guaranteed</p>	Accepted	<p>Status: Not implemented</p>

under the International Covenant on Civil and Political Rights (Poland); Source of position : A/HRC/41/7/Add.1		Source: Section 2/3/4/5
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	Partially Accepted	Status: Not implemented Source: Section 4
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	Accepted	Status: Not implemented Source: Section 3/4
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); Source of position : A/HRC/41/7/Add.1	Noted	Status: Not implemented Source: Section 3/4
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); Source of position : A/HRC/41/7/Add.1	Accepted	Status: Not implemented Source: Section 4/5
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	Supported	Status: Not implemented Source: Section 2/3/4/5
38.202 Guarantee fully freedom of speech, the rights of peaceful assembly and association as well as	Partially Accepted	Status: Not implemented

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		Source: Section2/ 3/4/5
38.204 Immediately amend or abolish articles 8, 18 and 26 of the cybersecurity law as they are not in conformity with Viet Nam's international obligations, or its 2013 Constitution (United States of America); Source of position : A/HRC/41/7/Add.1	Noted	Status: Not implemented Source: Section 4
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	Noted	Status: Not implemented Source: Section 4
38.209 Take further steps to ensure an independent and pluralistic media landscape, including by reducing political influence on media outlets (Austria); Source of position : A/HRC/41/7/Add.1	Noted	Status: Not implemented Source: Section 4
38.203 Improve protection of the rights to freedom of peaceful assembly and expression by reviewing existing legislation, and publishing and implementing clear, transparent guidelines on security personnel conduct in managing peaceful demonstrations (United Kingdom of Great Britain and Northern Ireland); Source of position : A/HRC/41/7/Add.1	Accepted	Status: Not implemented Source: Section 5
38.207 Enact laws to provide for freedom of assembly and peaceful demonstration in line with the International Covenant on Civil and Political Rights (Australia); Source of position : A/HRC/41/7/Add.1	Accepted	Status: Not implemented Source: Section 5