

## **Viet Nam 2020/21**

Arbitrary arrests and prosecutions of human rights defenders significantly increased, with a record number of prisoners of conscience documented. Individuals who expressed themselves online were particularly targeted. Pro-democracy activists, independent journalists, authors and publishers faced sustained harassment, physical assault, arbitrary prosecution and torture and other ill-treatment in police custody. Authorities issued death sentences and executions were carried out. Violence against women remained a persistent and widespread concern. Viet Nam won praise for its COVID-19 response, effectively containing the spread of the virus. However, the authorities' punishment for distributing "disinformation" on the pandemic often amounted to arbitrary restrictions on the right to freedom of expression.

### **Background**

Ahead of the 13th National Congress of the Communist Party of Viet Nam (CPV), scheduled for January 2021, the government initiated a major crackdown on all forms of dissent as rival politicians and factions within the CPV competed for positions of power. Viet Nam ratified the EU-Viet Nam Free Trade Agreement in June, which included obligations to abide by international human rights and labour standards.

### **Freedom of expression**

The authorities engaged in a wide-ranging crackdown on freedom of expression, particularly targeting individuals who expressed themselves online. There was a major increase in censorship of online speech, in addition to a significant rise in arbitrary arrests, detentions and prosecutions of individuals in connection with their right to exercise freedom of expression both online and offline. Journalists and authors were also targeted, with a string of arrests and prosecutions targeting the Liberal Publishing House and the Viet Nam Independent Journalists Association. Two members of the Liberal Publishing House – a local independent publisher selling books considered sensitive by the government – were tortured by police in detention in Ho Chi Minh City.<sup>1</sup>

In April, Facebook announced its decision to significantly increase its compliance with the authorities' demands for the censorship of so-called "anti-state" content on its platform, which often amounted to censorship of legitimate expression in violation of international human rights law.<sup>2</sup> Facebook's decision reportedly came after the authorities pressured the company by slowing down its services in the country.

Human rights defenders and other activists raised alarm at the content restrictions they faced from both Facebook and YouTube at the behest of the authorities, including widespread geo-blocking of

---

<sup>1</sup> Viet Nam: Independent booksellers tortured by police (ASA 41/2325/2020)

<sup>2</sup> Viet Nam: Facebook must cease complicity with government censorship (News story, 22 April)



sensitive content, profile blocking and account suspensions. These measures marked a significant deterioration in the space for freedom of expression in the country.<sup>3</sup>

On 3 February, the authorities introduced Decree 15/2020/ND-CP on penalties for administrative violations against regulations on postal services, telecommunications, radio frequencies, information technology and electronic transactions ("Decree 15"), further adding to a legal framework that severely undermined the right to freedom of expression. Decree 15 provides for a wide range of administrative offences for both internet users and internet service providers and contains a range of severe penalties which threaten freedom of expression and access to information. Technology companies that violate the decree can have their operating licences suspended for up to two years. Decree 15 also introduced penalties for users who post or share "fake news" on social networks, which can be imposed in addition to any civil or criminal punishments.

Government-sponsored "cyber-troops" and "public opinion shapers" targeted government critics with online abuse, harassment, trolling and mass reporting campaigns, often leading to restrictions on the accounts and content of human rights defenders. Human rights defenders also faced physical attacks and other forms of offline threats and violence in relation to their online activism.

### **Prisoners of conscience**

As of December, at least 173 known prisoners of conscience were imprisoned in Viet Nam, the highest recorded number since Amnesty International began publishing these figures in 1996. Among those, 72 were held for expressing their opinions online, a marked increase on previous years. Of the 30 prisoners of conscience newly detained during the year, 24 (80%) were detained for online expression. Most were held under either Article 331 of the Criminal Code, which prohibits "abusing democratic freedoms to infringe the interests of the State", carrying penalties of up to seven years' imprisonment, or Article 117, which criminalizes "making, storing or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam" and carries a sentence of up to 20 years' imprisonment.

Prison conditions remained generally harsh, but prisoners of conscience in particular were subjected to discrimination, harassment and ill-treatment. Family members reported incidents of prisoners of conscience being subjected to torture or other ill-treatment in detention, including Nguyen Van Hoa, Nguyen Van Tuc, Huynh Truong Ca, Nguyen Ngoc Anh and Le Dinh Luong.

### **Death penalty**

The courts continued to impose death sentences and executions were carried out during the year. The government continued the policy of classifying information related to the death penalty as a

---

<sup>3</sup> Viet Nam: Let us breathe! Censorship and criminalization of online expression in Viet Nam (ASA 41/3243/2020)



state secret. Details about those sentenced to death remained unavailable, including their gender, age, ethnicity or the types of crime for which they were sentenced. In December, Viet Nam abstained in a vote at the UN General Assembly calling for a moratorium on the use of the death penalty.

### **Women's rights**

Violence against women remained a widespread and persistent problem. A joint study by the government and the UN revealed that nearly two in three married women experienced physical, sexual, emotional or economic violence and controlling behaviours by their husbands in their lifetime, and almost one-third reported such treatment in the preceding 12 months. Reporting of domestic violence or mistreatment remained extremely low, with very few women seeking support from the authorities or service providers.

Women human rights defenders continued to face harassment, discrimination and gender-based violence. Pham Doan Trang, a celebrated author and human rights defender, was arbitrarily arrested on 6 October and charged under Article 117 of the Criminal Code. Amnesty International recognizes her as a prisoner of conscience.<sup>4</sup> If convicted, she could be imprisoned for up to 20 years.

### **Economic, social and cultural rights**

According to government statistics, the percentage of households living in poverty had dropped to 2.75% in 2020, a significant decrease from 9.88% in 2015, reflecting a trend whereby growing numbers of the population realized their right to an adequate standard of living. However, rising economic inequality threatened the country's sustainable development.

### **Right to health**

Viet Nam reported its first COVID-19 case on 23 January and the authorities applied strict measures to contain the spread of the virus. They reported a total of 1,465 cases of COVID-19 and 35 deaths at year's end. While some virus suppression measures were largely successful at protecting the right to health, there were multiple instances when the authorities repressed the right to freedom of expression as part of their response. At least two women – Dinh Thi Thu Thuy and Ma Phung Ngoc Phu – were arbitrarily arrested and charged for expressing their views on the government's COVID-19 response, and hundreds more people were fined for expressing their opinion on the COVID-19 response on social media.

---

<sup>4</sup> Viet Nam: Human rights champion arrested, at grave risk of torture (News story, 7 October)

