

Country Summary: Vietnam

Introduction

Early on during the COVID-19 pandemic, the international community praised Vietnam for its response, applauding its success in preventing COVID-19-related deaths (See e.g., International Monetary Fund, [2020](#) and Business Insider, [2021](#)). However, many measures deployed by Vietnam came at the expense of people's ability to share and access information or mobilize in public spaces, two key civic freedoms. Freedom of expression was curtailed unnecessarily and in violation of international standards, by Vietnam's draconian policing of the information sphere and arrests of people expressing their opinions about the pandemic. Vietnam also deployed soldiers and drones to enforce lockdowns, and banned outside gatherings in an indiscriminate manner.

FREEDOM OF EXPRESSION

Vietnamese authorities mainly used two laws to regulate pandemic-related speech. The Law on Cybersecurity prohibits information in cyberspace that is considered "propaganda against the Socialist Republic of Vietnam," which includes information that distorts or defames "the people's administrative authorities." The law does not provide penalties for violations. Decree No. 15/2020/ND-CP ("Decree 15") lays out penalties for violations against the regulations on postal services, telecommunications, radio frequencies, information technology and electronic transactions. Most notably, Article 101 articulates fines against social network service users who provide or share false information to distort, slander, or damage the prestige, honor, or dignity of other organizations, authorities, or individuals.

These broad prohibitions on speech gave authorities discretion to determine that individuals had shared information online in violation of the laws. Within a few months of the pandemic, authorities had used both of these laws to summon over 650 users to police stations for allegedly spreading false information about the pandemic, after which users admitted to disseminating false information, deleted their posts, and signed pledges not to repeat their offense (The Register, [2020](#)). Authorities fined 146 of these individuals (Amnesty International, [2020](#)).

Authorities also used several provisions under the Penal Code to arrest individuals for sharing information or opinions about the pandemic (see Amnesty International, [2020](#)). In one case, an individual who criticized the government's pandemic response on Facebook was charged under Article 117 of the 2015 Criminal Code for "making, storing, or spreading information, materials or items for the purpose of opposing the State," and sentenced to 7 years in prison (Voice of America, [2021](#)).

In October 2020, the government introduced Decree No. 119/2020/ND-CP on penalties for administrative violations in journalistic and publishing activities, aimed at controlling media and publishing organizations. The Decree imposed license suspensions for administrative violations, and significant fines for posting or disseminating information “not suitable to the interests of the country and the people,” or information that “distorts, fabricates or causes confusion among people” or distorts or defames individuals or organizations – and also provided for as well as license suspensions for administrative violations (FIDH, [2022](#)).

FREEDOM OF ASSEMBLY

In March 2020, the Prime Minister ordered local authorities to ban public gatherings of more than 10 people. The order did not have a specified end date (Nhan Dan, [2020](#)). In April 2020, the Prime Minister further restricted gatherings through a directive banning gatherings of more than 2 people (Government News, [2020](#)), though the Directive had a 15-day expiration date. There were similar bans on public gatherings at the city level in Hanoi and Ho Chi Minh City in 2021.

International law does not recommend blanket bans on protests, which do not meet the requirement for restrictions on assemblies to be the least restrictive way to meet goals such as promoting public health. A less restrictive way to prevent the spread of COVID-19 would have been to allow gatherings with proper COVID-19 preventative measures such as social distancing and masking amongst participants.

Vietnam also deployed the military to prevent residents from leaving their homes during certain lockdowns, demonstrating an unnecessarily dangerous and militarized approach to public health (Radio Free Asia, [2021](#)).

RIGHT TO PRIVACY

Vietnamese authorities used the Bluezone contact tracing app to identify potential exposure to COVID-19. The app used Bluetooth signals to record when two app users were close together so that if one user tests positive for COVID-19, the app would notify exposed users. Within a few months of its launch in 2020, over 20 million users downloaded the app. However, security experts raised concerns about the app, noting that the app could gather data about a user’s location and contacts at any time without the user’s consent (South East Asia Globe, [2020](#)). MIT Technology Review’s Covid Tracing Tracker also noted that Bluezone did not limit the use of the collected data nor did it clearly state that such data would be destroyed later on (MIT Technology Review, [2020](#)). These gaps in data privacy could have allowed authorities to track private citizens, as well as activists, political opponents, and other members of civil society.

Some districts also used drones to enforce lockdowns (Vietnam News, [2021](#)), an unlawful practice in other jurisdictions due to privacy violations (Privacy International, [2020](#)).

RESTRICTIONS ON OTHER RIGHTS WHICH MAY HAVE IMPACTED CIVIC SPACE

Other aspects of Vietnam's COVID-19 response measures may have indirectly impacted civic freedoms in the country. For example, during the pandemic, access to non-COVID-related healthcare services shrunk, especially for certain marginalized communities. Sex workers and transgendered individuals in Vietnam had limited access to harm reduction services, STI testing and treatment, and HIV treatment. These challenges may have hindered these groups' ability to fully exercise their civic freedoms, such as participating in demonstrations, because exercising these rights required a baseline level of physical health.

Conclusion

Any success Vietnam had in its pandemic response was largely unrelated to the above-mentioned measures, none of which were necessary to the pandemic response, and all of which violated fundamental freedoms. Civil society must ensure that authorities do not abuse laws in the name of an emergency, not only to comply with international law but to achieve even better public health outcomes (see, e.g., collaborative governance practices deployed by [Taiwan](#), [South Korea](#), [New Zealand](#), and [Japan](#)).