Socialist Republic of Vietnam

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Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

And

VOICE, Civil Society Forum, VOICE Vietnam and Human Rights Foundation

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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 170 countries throughout the world.

1.2 VOICE is a non-profit, non-governmental organisation working in the field of promoting civil society development, advocacy for human rights, including refugee protection, and rule of law in Vietnam. Founded in 2007, VOICE's mission is to empower individuals in order to envision a strong, independent and vibrant civil society

1.3 VOICE Vietnam was formed in 2016 to empower Vietnamese activists.

1.4 The Civil Society Forum was established in 2013 to bring about democracy peacefully in Vietnam.

1.5 The Human Rights Foundation (HRF) is a non-partisan CSO that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Its mission is to ensure that freedom is preserved and promoted around the world.

1.6 In this submission, the authors examine the Government of Vietnam's compliance 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 the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in January 2014. To this end, we assess Vietnam's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.

1.7 During the 2nd UPR cycle, the Government of Vietnam received 37 recommendations relating to civic space. Of these recommendations, 29 were accepted and eight were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Vietnam has partially implemented six recommendations relating to civil society space and not implemented the remaining 31. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination and acute implementation gaps were found with regard to the rights to the freedoms of association, peaceful assembly and expression and the protection of HRDs and bloggers.

1.8 In particular, the authors are deeply concerned by systematic attempts to silence HRDs and bloggers, including through vague national security laws, physical attacks, restrictions on their freedom of movement and torture and ill-treatment in detention.

1.9 We are further alarmed by strict controls on the media in law and in practice, restrictions against journalists, online censorship of blogs and other critical websites and the severe crackdown against activists.

1.10 We are also concerned about the brutal suppression of peaceful protests by the authorities, and in particular those around the 2016 ecological disaster caused by a toxic spill from the Formosa steel plant and the June 2018 mass protests against special economic zones and the Cyber Security law.

1.11 As a result of these restrictions, civic space in Vietnam is rated as 'closed', indicating a widespread and systematic denial of fundamental freedoms, by the CIVICUS Monitor, a tool that tracks the state of civil society in all countries.[1] Additionally, according to HRF's political regime classification, "Vietnam is a fully authoritarian regime where the fundamental rights of citizens are not respected, and the independence and separation of powers do not exist."[2]

- Section 2 of this submission examines Vietnam's implementation of UPR recommendations and compliance with international human rights standards concerning the 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 the freedom of expression, independence of the media and access to information.
- Section 5 examines Vietnam's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains a number of recommendations to address the concerns raised and to advance implementation of recommendations under the 2nd cycle.
- An annex of implementation of 2nd cycle UPR recommendations related to civic space can be found in Section 7.

[1] CIVICUS Monitor: Vietnam, https://monitor.civicus.org/country/vietnam. Rating correct as of 4 July 2018.
[2] See 'Regime Definition Type ', Human Rights Foundation (HRF) Annual Report 2017, pp 18-19, https://drive.google.com/file/d/1hpDUz2ibBTxzTBx-sjeiL_IuNRlv3mHk/view

2. Freedom of association

2.1 During Vietnam's examination under the 2nd UPR cycle, the government received seven recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to "ensuring that they facilitate the development of a safe and enabling environment for all civil society actors to freely associate" and to "take concrete steps to create a friendly environment for NGOs, including by easing their registration requirements." The government accepted all seven of the recommendations received. However, as evidenced below, the government has failed to take adequate measures to realise these, and has not implemented any of them.

2.2 Article 25 of the 1959 Vietnam Constitution guarantees the right to the freedom of association.[3] Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a state party, also guarantees the freedom of association. However, despite these commitments, the freedom of association is drastically subverted by a highly restrictive regulatory regime. The Communist Party of Vietnam (CPV) maintains its control over all public affairs and prohibits 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 (VFF).[4]

2.3 The domestic legal framework governing civil society is Decree 45 (2010) on the Organization, Activities and Management of Associations.[5] According to articles 33 and 34 of the law, the only groups in Vietnam permitted to conducted advocacy work and comment on the formulation of policy are "associations with special characteristics." These are the major national umbrella organisations closely affiliated with the CPV, which include the Vietnam Fatherland Front, the Vietnam General Confederation of Labour, the Ho Chi Minh Communist Youth Union, the Vietnam Peasants Association, the War Veterans Association and the Vietnam Women's Union. Other CSOs are subjected to limitations on their activities. Under article 24 of Decree 45, CSOs are prohibited from conducting activities deemed harmful to "national security, social order, ethics and national fine customs [and] practices." These provisions are vaguely worded and subject to abuse. In addition, civil society groups are only permitted to participate in "programs, projects, research topics, consultations [and] feedback" if specifically requested by relevant government agencies.

[3] Constitution of the Socialist Republic of Vietnam, http://www.constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf.
[4] The Vietnamese Fatherland Front (VFF) is an arm of the Vietnamese Communist Party (VCP) and an umbrella organisation for 40 different groups, labour unions and the six officially recognised religions.
[5] See Decree here, http://ilo.org/dyn/natlex/docs/ELECTRONIC/84259/93533/F1158441545/VNM84259.pdf.

2.4 While Decree 45 governs national law relating to civil society, a draft law has been discussed to regulate all associations and civil societies in Vietnam. However, the draft law proposed to the National Assembly in October 2016 received strong protests from civil society groups, because it only recognised registered organisations, outlawed dozens of unregistered CSOs, created a complex process of registration and prohibited organisations from receiving funding from foreign donors.[6] The National Assembly have since decided not to conduct a vote on the law, and it has yet to be included on their agenda for 2018.

2.5 The dominance of the CPV and the repressive legal framework has restricted the formation of independent CSOs in Vietnam. To supress the formation of these CSOs, activists associated with non-registered groups are routinely arrested and convicted. In April 2018, eight members of the Brotherhood for Democracy, a loose association of activists and HRDs, were found guilty of "carrying out activities aimed at overthrowing the people's administration" and given lengthy prison sentences.[7] On 6 November 2016, Luu Van Vinh, who founded a group called the Coalition for Self-Determination for Vietnamese People, was arrested and charged with "conducting activities against the state" under Article 79 of the Penal Code.[8] On 16 December 2016, Tran Anh Kim and Le Thanh Tung were sentenced to 13 and 12 years in prison respectively. At the time they were planning to establish a pro-democracy organisation called the National Force to Launch the Democracy Flag.[9]

2.6 Despite these restrictions, activists and bloggers, with the 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.[10]

2.7 The Vietnam General Confederation of Labor (VGCL) is Vietnam's only legal labour federation and is controlled by the CPV. Vietnam had agreed in principle to allow the formation of independent unions as part of the Trans-Pacific Partnership trade

[6] 'Draft Law on Association condemned as unconstitutional', Vietnam Rights Now, 22 October 2016, http://vietnamrightnow.com/2016/10/bill-on-association-allegedly-unconstitutional.
[7] 'Eight members of Brotherhood for Democracy found guilty and sentenced', Frontline Defenders, April 2018, https://www.frontlinedefenders.org/en/case/eight-members-brotherhood-democracy-found-guilty-and-sentenced.
[8] 'Luu Van Vinh', The 88 Project, https://vietnamprisoners.info/prisoner/5/luu-van-vinh.
[9] 'Tran Anh Kim', The 88 Project, https://vietnamprisoners.info/prisoner/46/tran-anh-kim.
[10] 'Intolerance of civil society in Vietnam: An interview with Penelope Faulkner from the Vietnam Committee on Human Rights', CIVICUS, 20 April 2016, https://www.civicus.org/index.php/media-resources/news/893-intolerance-of-civil-society-in-vietnam-an-interview-with-penelope-faulkner-from-the-vietnam-committee-on-human-rights.

agreement, but those commitments have stalled after the USA withdrew from the pact.[11]

2.8 Religious movements in Vietnam have played a critical role within civil society, putting forth people's grievances and pressing for reforms. Because of this, officially recognised religious groups [12] have faced various restrictions, including criminalisation, harassment and surveillance.[13] Unsanctioned religious groups, such as the Montagnards and followers of the De Ga and Ha Mon forms of Christianity, independent Protestant and Catholic churches in the central highlands, the Khmer Krom Buddhist community and the Unified Buddhist Church of Vietnam, face even worse persecution. This includes heavy-handed police raids; close surveillance of religious activities; disruption of religious ceremonies and festivals; house arrests, at times for long periods; imprisonments; beatings and assaults; destruction of houses of worship, cemeteries and funeral sheds; confiscation of property; systematic pressure to give up certain religious activities; and the general prohibition on the reception and possession of religious books or materials in prison.[14]

2.9 The 2016 Law on Belief and Religion, which came into effect in 2018, has further reinforced the repression. The law allows authorities to single out and persecute religious groups. Article 32 of the law states that religious appointments must "have the spirit of national unity and harmony," and article 22 says that religious education must include "Vietnamese history and Vietnamese law" as core subjects. The new law also contains a clause prohibiting abuses of freedom of religion that damage "the national great unity, harm state defence, national security, public order and social morale."[15]

[11] 'Associational and Organizational Rights' in Freedom in the World 2017: Vietnam, Freedom House, https://freedomhouse.org/report/freedom-world/2017/vietnam; 'Vietnam: Move to Independent Labor Unions Stalls', Bloomberg BNA, 3 August 2017, https://www.bna.com/vietnam-move-independent-n73014462774.

[12] There are a total of 37 state-sanctioned religious associations and denominations under six main religions, including Buddhists, Catholics, Protestants, Cao Dai followers and Hoa Hao Buddhists, as well as Muslims, Bahá'ís, Hindus and others. See 'Freedom of Religion and Belief in Vietnam', Christian Solidarity Worldwide (CSW), 4 December 2014, https://docs-eu.livesiteadmin.com/dc3e323f-351c-4172-800e-4e02848abf80/forb-in-vietnam---the-alternative-report.pdf.

[13] Religious groups are also required to gain approval from and register with the government as well as operate under government-controlled management boards. See 'HRW Submission to EU on Bilateral Dialogue with Vietnam', Human Rights Watch, 28 December 2017, https://www.hrw.org/news/2017/11/28/hrw-submission-eu-bilateral-dialogue-vietnam.

[14] 'Freedom of Religion or Belief in Vietnam: The Alternative Report', CSW, 2014, http://www.cswusa.org/filerequest/3325.pdf.

[15] 'Is Vietnam's new religion law a smokescreen for political repression', South China Morning Post, 2 December 2016, http://www.scmp.com/week-asia/politics/article/2051224/vietnams-new-religion-law-smokescreen-political-repression.

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 six recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to several relevant recommendations including to "protect and guarantee respect for freedom of information and expression, particularly for journalists, bloggers and HRDs" and "ensure a favourable environment for the activities of HRDs, journalists and other civil society actors." Of the recommendations received, all six were noted. The government has partially implemented two of the recommendations and did not implement the other four.

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 the freedoms of association, peaceful assembly and expression. However, in spite of these protections, HRDs are subjected to a range of human rights violations. Dozens remain behind bars and most calls by the UN Working Group on Arbitrary Detention to release them have been ignored.[16] Further, upon release, some activists have been forced into exile overseas. Activists also face restrictions on their movement and are subject to surveillance, harassment and violent assaults.

3.3 Among other vaguely defined national security offences of which HRDs are charged, the authorities routinely invoke article 79 (109) on "activities aiming to overthrow the people's administration;"[17] article 87 (116) on "undermining national unity policy;" article 88 (117) on "conducting propaganda against the State;" and article 89 (118) on "disrupting security." Two further provisions that are also regularly used in cases involving activists are article 245 (318) on "Causing public disorder;" and article 258 (331) on "Abusing democratic freedoms to infringe upon the interests of the State."

3.4 Nguyen Van Dai, a prominent human rights lawyer and co-founder of the Brotherhood for Democracy, was arrested in December 2016 on his way to a meeting with European Union (EU) officials who were in Hanoi. He was charged under article 79 (109) of the Penal Code and sentenced to 15 years in jail. He has

[16] Blogger Dieu Cay (Opinion No. 1/2009) was released early in 2014 but forced into exile in the USA and Nguyen Van Dai (Opinion No. 26/2017) was released in June 2018, two months after he had been given his 15-year prison sentence, but was forced into exile in Germany. The UN WGAD deemed the detention of at least eight individuals as arbitrary between 2015 and 2017: Hung Linh Nguyen (Opinion No. 46/2015), Nguyen Viet Dung (Opinion No. 45/2015), Nguyen Dang Minh Man (Opinion No. 40/2016), Nguyen Van Dai (Opinion No. 26/2017), Nguyen Ngoc Nhu Quynh (Opinion No. 27/2017), Trần Thị Nga (Opinion No. 75/2017), Can Thi Theu (Opinion No. 79/2017) and Luu Van Vinh (Opinion No. 35/2018).

[17] The article numbers in parenthesis are the updated article numbers as reflected in the Amended Vietnam Penal Code 2015, which came into effect on 1 January 2018.

since been released and forced into exile.[18] Labour and land rights activist Tran Thi Nga was sentenced to nine years' imprisonment on 25 July 2017 under article 88 (117) of the Penal Code for posting video clips online about issues such as pollution of the environment and corruption.[19]

3.5 HRDs also face physical attacks by plainclothes police officers or provocateurs believed to be acting at the behest of the authorities.[20] In most cases no one is brought to justice, despite the fact that victims often report their beating to the police. In May 2014, unknown men beat Tran Thị Nga on the street in Hanoi with an iron rod, breaking her right knee and left arm. VOICE Vietnam's in-country, in-house training programme was disbanded by the authorities in late 2016. The facilitator, Nguyen Ho Nhat Thanh, and some of the participants were detained, interrogated and physically assaulted by the police.[21] On 23 September 2017, VOICE Vietnam's training centre was broken into again by the police and since then, the authorities have been running a campaign to smear VOICE's work and frame its activities as 'reactionary'.

3.6 CSOs have also documented the torture and ill-treatment of HRDs while locked up in Vietnam's secretive network of prisons and detention centres.[22] This includes prolonged periods of incommunicado detention[23] and solitary confinement; the infliction of severe physical pain and suffering; and the withholding of medical treatment. Further, some HRDs face prison transfers without advance warning to them or their families, a deliberate practice that aims to further isolate them hundreds of kilometres from their homes and support networks.[24] In March 2018, Tran Thi Nga was arbitrarily transferred to Dak Trung Camp prison in the province of Dak Lak, a distance of over 1,200 km from her home. Her family found out about

[18] 'Nguyen Van Dai: Vietnam jails activist lawyer and five others', BBC, 5 April 2018, http://www.bbc.com/news/world-asia-43659830.
[19] 'Female activists sentenced to nine years in prison', Amnesty International, 31 July 2107 https://www.amnesty.org/download/Documents/ASA4168332017ENGLISH.pdf.
[20] See 'Letter from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Vietnam government (AL VNM 3/2017)', 17 March 2017, https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23026; 'Viet Nam: End wave of brutal attacks against human rights defenders', Amnesty International, 9 December 2015, https://www.amnesty.org/en/latest/news/2015/12/viet-nam-end-wave-of-brutal-attacks-against-human-rights-defenders.
[21] AL VNM 3/2017, op. cit.
[22] 'Prisons within Prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam', Amnesty International, 12 July 2016, https://www.amnesty.org/download/Documents/ASA4141872016ENGLISH.PDF.
[23] Nguyen Van Dai, and his assistant, Le Thu Ha, were held in incommunicado detention for 28 months before being tried. See 'Vietnam jails human rights lawyer for 15 years', UCA News, 6 April 2018, https://www.ucanews.com/news/vietnam-jails-human-rights-lawyer-for-15-years/81999.
[24] Amnesty International, 12 July 2016, op. cit.

the transfer on 5 March 2018 after they attempted to visit her in the detention facility near Phu Ly city.[25]

3.7 The government has also prevented an increasing number of activists and HRDs from travelling abroad. At least 100 HRDs have reportedly been placed on a travel ban list and had their passports confiscated. Many have been placed under house arrest or briefly detained so they could not attend particular meetings or events. Nguyen Ho Nhat Thanh, an active member of the Network of Vietnamese Bloggers (MLBVN), was stopped at an airport in January 2014 and barred from travelling to attend Vietnam's UPR session due to 'security' reasons. His passport was subsequently confiscated.[26] Others have been detained or faced harassment after attending meetings abroad. On 26 September 2016, independent journalist Vu Quoc Ngu was detained at Noi Bai Airport while he was on the way to attend a Reporters Sans Frontières seminar in France.[27] Dang Van Ngoan, a member of the Hoa Hao Buddhist Church who participated in Vietnam's UPR session in 2014, has faced constant harassment and surveillance from the authorities. [28] In addition, Vietnamese citizens who hold dual citizenship have been stripped of their citizenship due to their activism.[29]

4. Freedom of expression, independence of the media and access to information

4.1 Under the 2nd UPR cycle, the government received 26 recommendations relating to the freedom of expression and access to information. For example, the government pledged to "protect and guarantee respect for freedom of information and expression, particularly for journalists, bloggers HRDs" and "take steps to amend its Penal Code to ensure that it cannot be applied in an arbitrary manner to prevent freedom of expression." Of the recommendations received, 23 were accepted and

[25] 'Jailed Activist Tran Thi Nga Moved to Central Highlands, about 1,200 Km from Her Native Province', Defend the Defenders, 5 March 2018, http://www.vietnamhumanrightsdefenders.net/2018/03/05/jailed-activist-tran-thi-nga-moved-to-central-highlands-about-1200-km-of-her-native-province.

[26] This is based on research conducted by VOICE.

[27] In other examples, on 30 July 2016, Pastor Pham Ngoc Thach's passport was confiscated at Tan Son Nhat Airport, preventing him from traveling to Timor-Leste to attend the Association of Southeast Nations (ASEAN) Civil Society conference. On 31 January 2016, Da Nang Airport security detained human rights activist Nguyen Anh Tuan upon his return after three years of schooling and participation in human rights activities overseas. See 'Report on Human Rights in Vietnam 2016-2017', Vietnam Human Rights Network, 21 May 2017, http://www.vietnamhumanrights.net/english/documents/ReportVNHRN2016-17-Net.pdf.

[28] A day after Dang Van Ngoan arrived back from Geneva on 31 March 2014, police visited him in An Giang province to hand him "an invitation" to come to the police station for an investigation "relating to immigration matters." Following this, four to five police officers have been monitoring Dang's activities and are posted in front of his home. Dang's family and peers in the Hoa Hao Buddhist Church have also been invited to the police station for investigation but have all refused to work with the police.

[29] In June 2017, Vietnam stripped citizenship from Professor Pham Minh Hoang, who is also a French citizen and a member of an opposition overseas political party, Viet Tan, and expelled him from the country without due process. See 'Vietnam blogger Pham Minh Hoang deported to France', BBC, 25 June 2017, https://www.bbc.com/news/world-asia-40398096.

three were noted. However, as discussed below, the government did not implement any of these recommendations.

4.2 Article 19 of the ICCPR guarantees the right to the freedom of expression and opinion. Article 25 of the Constitution of Vietnam also guarantees the right to the freedom of speech and freedom of the press. However, in policy and practice the freedom of expression is severely curtailed by numerous repressive laws and decrees.

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."[30] Further, restrictions on the media are 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."[31] Journalists have been prosecuted or physically attacked by persons suspected of being linked to the authorities for exposing state abuses. In August 2015, Kim Quoc Hoa, former editor in chief of Nguoi Cao Tuoi newspaper, was charged with "abusing democratic freedoms" (article 258) for running a series of investigative articles criticising corruption. [32]

4.4 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 even information from government sites. The law also bans content that could be "harmful" to national security or that opposes the government.[33] Further, Decree No. 174/2013/ND-CP, which came into effect in January 2014, allows for harsh fines of VND 100 million (approx. US$4,700) for anyone who "criticizes the government, the

[30] The Press Law also contains provisions prohibiting "Publishing false, or distorted information about the Socialist Republic of Vietnam" and "Provoking violence or propagating depraved lifestyles; describing obscene or criminal acts; publishing information that violates the country's traditions and values." The law also specifies that journalists need to hand over the identity of their sources if ordered to do so by a "high-level judicial authority." See 'What Vietnam's New Media Laws May Mean For Its Press Freedom', Forbes, 27 April 2016, https://www.forbes.com/sites/davisbrett/2016/04/27/vietnams-new-media-and-information-laws-reading-the-tea-leaves/#5bde1e756f63.

[31] See Decree No. 159/2013/ND-CP of 12 November 2013, providing for Administrative Penalties for Violations Arising in the Realm of Journalism and Publishing, http://www.wipo.int/edocs/lexdocs/laws/en/vn/vn102en.pdf.

[32] 'Vietnamese editor faces anti-state charges for reporting on corruption' Committee to Protect Journalists, 13 May 2015, https://cpj.org/2015/05/vietnamese-editor-faces-anti-state-charges-for-rep.php.

[33] 'Vietnam crimps online freedom of speech with 'Decree 72', The Register, 3 September 2013, https://www.theregister.co.uk/2013/09/03/vietnam_censorship_law_decree_72.

Party or national heroes" or "spreads propaganda and reactionary ideology against the state" on social media.[34]

4.5 Due to the strict controls on the media, bloggers and citizen journalists in Vietnam have been at the forefront of exposing abuses by the state, including human rights violations, corruption, land grabbing and environmental issues. The authorities have responded by using intimidation, threats and imprisonment. Prominent blogger Nguyen Huu Vinh and his colleague Nguyen Thi Minh Thuy, who ran a website critical of the Vietnamese government, were sentenced in March 2016 to five years in prison for "abusing the rights to freedom and democracy to infringe upon the interest of the state (article 258)."[35] Nguyen Ngoc Nhu Quynh (known as Mother Mushroom), who has been blogging about corruption cases and human rights violations committed by the authorities since 2006, was charged with "conducting propaganda against the state (article 88)" in October 2016 and sentenced to 10 years in prison in June 2017.[36]

4.6 The authorities also use an online censorship and content filtering system to silence government critics. Specific URLs are generally identified for censorship and placed on blacklists. Censorship targets high-profile blogs or websites with many followers, as well as content considered threatening to the CPV's rule, including content focusing on political dissent, human rights and democracy, as well as websites criticising the government's reaction to border and sea disputes with China. Content promoting organised religion, which the state considers a potential threat, is blocked to a lesser but still significant degree.[37] Vietnamese activists have also accused Facebook of working with the government to take down content and suspend accounts. According to them "groups of government trolls" have coordinated mass reporting of activists' accounts, and celebrated when Facebook has taken them down.[38]

4.7 Vietnamese propaganda officials have also deployed pro-regime bloggers to post comments supporting the CPV's policies. The bloggers take part in online discussions, where they fiercely attack anybody who they see as critical of the regime. In December 2017, the authorities recognised the existence of Force 47, a

[34] 'Freedom on the Net 2014: Vietnam', Freedom House, https://freedomhouse.org/sites/default/files/resources/Vietnam.pdf.
[35] 'Vietnam: Free Imprisoned Bloggers', Human Rights Watch, 19 September 2016, https://www.hrw.org/news/2016/09/19/vietnam-free-imprisoned-bloggers.
[36] 'Nguyen Ngoc Nhu Quynh: HRD, Blogger and Coordinator', Frontline Defenders, 2018, https://www.frontlinedefenders.org/en/profile/nguyen-ngoc-nhu-quynh.
[37] 'Freedom on the Net 2017: Vietnam', Freedom House, 2018, https://freedomhouse.org/report/freedom-net/2017/vietnam.
[38] 'Vietnam activists accuse Facebook of helping suppress dissent', Financial Times, 10 April 2018, https://www.ft.com/content/560c8300-3c58-11e8-b7e0-52972418fec4.

special force tasked with combatting allegedly wrongful information and anti-state propaganda, which has more than 10,000 members. [39]

4.8 In June 2018, a new Cyber Security law was passed by the National Assembly, which aims to tighten the government's control of information and silence its critics on the internet. The law will give the government powers to force technology companies such as Facebook, Google and other global platforms that operate in Vietnam to open offices there, hand over vast amounts of data, including personal information, and censor users' posts.[40] The law will also allow the government to demand the removal of any posts that are deemed objectionable within 24 hours.[41] The law will take effect on 1 January 2019.[42]

4.9 Instead of increasing access to information, a 2016 Law on Access to Information outlines the information that citizens are denied access to and allows authorities to penalise activists and citizen journalists found sharing public information deemed critical of the state. The law states that Vietnamese citizens are prohibited from accessing information that may be considered as "harming the interests of the State, national defense and security, social security and the health of the community" and from providing or using information which may be used against the state, considered to harm public order and social morality, or seen as spreading "slanderous" information harmful to individuals and organisations.[43]

5. Freedom of peaceful assembly

5.1 During Vietnam's examination under the 2nd UPR cycle, the government received six recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to ensuring to "fulfil its obligation under ICCPR and fully guarantee the freedom of assembly" and "adopt measures to end prosecution of peaceful protesters." Of the recommendations received, Vietnam accepted five and noted one. However, as evidenced below, the government has failed to realise these recommendations adequately. Of the six recommendations on the freedom of peaceful assembly, the government has partially implemented four.

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[39] See 'Vietnam has 10,000-strong 'cyber troop': general', Tuoi Tre News, 26 December 2017, https://tuoitrenews.vn/news/politics/20171226/vietnam-has-10000strong-cyber-troop-general/43326.html.
[40] 'Viet Nam: Proposed cybersecurity law threatens to stamp out online freedom', Amnesty International, 8 June 2018, https://www.amnesty.org/en/latest/news/2018/06/viet-nam-proposed-cybersecurity-law-threatens-to-stamp-out-online-freedom.
[41] 'New law to tighten controls on free speech', Vietnam Right Now, 12 June 2018, http://vietnamrightnow.com/2018/06/new-law-to-tighten-controls-on-free-speech.
[42] 'In a meeting with voters, the General Secretary spoke about the recent demonstrations and disturbances', Tuoi Tre, 17 June 2018, https://tuoitre.vn/tiep-xuc-cu-tri-tong-bi-thu-phat-bieu-ve-cac-vu-bieu-tinh-gay-roi-20180617113154864.htm.
[43] 'New Vietnam Access Law Criticized', FreedomInfo.org, 28 April 2016, http://www.freedominfo.org/2016/04/new-vietnam-access-law-criticized.

5.2 Article 21 of the ICCPR and article 25 of the Vietnam Constitution guarantee the right to the freedom of peaceful assembly. However, in practice and policy, the freedom of peaceful assembly is tightly restricted. Organisations must apply for official permission to assemble, and security forces routinely use unnecessary or excessive force to disperse peaceful demonstrations.

5.3 In 2005, the government adopted Decree 38/2005/ND-CP, which prohibits demonstrations outside state agencies and public buildings, and bans all protests deemed to "interfere with the activities" of CPV leaders and state organs.[44] The Circular 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.[45] In 2016, the Minister of Public Security issued new regulations that limit the right to demonstrate outside courts.[46] The authorities also have used national security laws and the Penal Code to criminalise protesters, including for "causing public disorder" (article 245 of the 1999 Penal Code); "resisting persons in the performance of their official duties" (article 330 of the 2015 Penal Code); and "abusing democratic freedoms to infringe upon the interests of the State" (article 331 of the 2015 Penal Code).

5.4 Despite these restrictions, human rights groups have reported protests taking place in many parts of Vietnam on a range of issues, including by victims of land expropriation demanding justice; exploited workers demanding improvement in wages and working conditions; and religious followers demanding freedom. Other protests have mobilised against Chinese encroachment in national waters and islands, police violence and environmental destruction, as well as to advocate for LGBTI rights.[47] While some protests have been allowed when they served particular political interests, in most cases they have been brutally suppressed.[48]

5.5 One major incident that saw demonstrations on a scale and frequency previously unseen in Vietnam was around the ecological disaster in the central costal region in April 2016 due to a toxic spill by the Formosa steel plant, which destroyed livelihoods and the environment.[49] A series of anti-Formosa demonstrations were

[44] 'Circular guiding the implementation of a number of articles of the Governments Decree no. 38/2005/ND-CP', Defend the Defenders, 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.

[45] Ibid.

[46] 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, http://queme.org/en/new-restrictions-on-the-right-to-demonstrate-in-vietnam/?v=75dfaed2dded.

[47] Vietnam Human Rights Network, 21 May 2017, op. cit.

[48] Ibid.

[49] Huge numbers of fish were found dead in waters adjoining the coastal provinces of Hà Tĩnh, Quảng Bình, Quảng Trị, Thừa Thiên-Huế and Nghệ An. As many as 270,000 people - fisherfolk and their families who rely on the fishing industry for their livelihoods - were affected by the deaths of millions of fish. After a two-month

held throughout Vietnam from May 2016 and into 2017, demanding accountability and reparations. A demonstration in Ha Tinh province, on the North Central Coast, was reported to have involved as many as 20,000 participants. In response, the authorities cracked down heavily on protests, using teargas and excessive force to prevent and punish participation, resulting in a range of human rights violations, including torture and other cruel, inhumane or degrading treatment or punishment.[50]

5.6 Dozens of activists reported on social media that security forces placed them under effective house arrest on Sunday mornings, before the scheduled anti-Formosa protests. Thugs vandalised their property by splashing red paint and police detained people on the street who they suspected of supporting the protests, holding them for hours to ensure they could not take part in demonstrations. Access to Facebook was also blocked for most of the day when protests took place.[51] At least three HRDs who supported these protests have been persecuted. Hoang Duc Binh was sentenced to 14 years after being convicted on two separate charges under the 1999 Penal Code, under article 257 for "resisting officers acting under their duty" and article 258 for "abusing freedoms and democratic rights."[52] Nguyen Van Hoa had been initially arrested under article 258 for "abusing democratic freedoms", but was later charged under article 88 for "propaganda against the state" and sentenced to seven years imprisonment. [53] Bach Hong Quyen is facing arrest for "causing public disorder" under article 245 and is in hiding.[54]

5.7 Most recently, thousands of protesters took to the streets on 9 and 10 June 2018 against a proposal that would allow foreign firms to have 99-year leases on new special economic zones in Vietnam's northern Van Don island, central Bac Van Phong and southern Phu Quoc island, as well as a Cyber Security law that aims to criminalise dissenting views.[55] The demonstrations were larger than the protests that followed the Formosa waste spill. Plainclothes police were reportedly seen

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investigation into the disaster, the government confirmed that a steel plant owned by Formosa Plastics Group, based in Hà Tĩnh province, was the source of discharges of toxic waste into coastal waters. At the end of June 2016, Formosa publicly apologised and announced that it would provide US$500 million in compensation, but those affected have said that this is insufficient reparation for the impact of the spill.

[50] 'Urgent Action Update: Maximum Prison Sentence for Anti-Formosa Activist', Amnesty International, 28 February 2018, https://www.amnesty.org/download/Documents/ASA4179622018ENGLISH.pdf.

[51] 'Vietnam: Crackdown on Peaceful Environmental Protesters', Human Rights Watch, 18 May 2016, https://www.hrw.org/news/2016/05/18/vietnam-crackdown-peaceful-environmental-protesters.

[52] 'Two Years Later, Formosa Toxic Pollution Still Sends People to Prison in Vietnam', The Vietnamese, 24 April 2018: https://www.thevietnamese.org/2018/04/formosa-toxic-pollution-still-sends-people-to-prison-in-vietnam.

[53] 'Vietnamese Blogger Jailed for Environmental Reports', BBC, 28 November 2017, https://www.bbc.com/news/world-asia-42153142.

[54] 'Vietnam Issues Warrant for Environmental Activist', VOA, 12 May 2017, https://www.voanews.com/a/vietnam-issues-warrant-environmental-activist/3850078.html.

[55] 'Protests expose government weakness on China', Vietnam Right Now, 11 June 2018, http://vietnamrightnow.com/2018/06/protests-expose-government-weakness-on-china.

violently dragging away protesters, while in Hanoi, dozens of demonstrators were arrested and bundled into buses. Facebook accounts in Ho Chi Minh City were reported for abuse in an attempt to suppress the dissemination of information about the protests.[56] Anti-riot special forces, including using helicopters, were reportedly called in by authorities to suppress the protests in the coastal town of Phan Ri in Binh Thuan Province.[57] On the morning of 17 June 2018, hundreds of uniformed police officers surrounded downtown Ho Chi Minh City in a preemptive attempt to suppress protesters and barbed wires were set up in areas known for demonstrations. At least 40 people were arbitrarily detained and taken to a temporary detention camp in Tao Dan Park, where they were severely beaten by security officers before being released.[58] The government has since announced it has postponed plans to introduce the law on special economic zones.[59]

6. Recommendations to the Government of Vietnam

Our organisations 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: the 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 light of this, the following specific recommendations are made:

6.1 Regarding the 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 the right to association.

- Revise Decree 45 (2010) to ensure that undue restrictions on the freedom of association, and particularly on the formation and operation of independent

[56] A US citizen, Will Anh Nguyen, was arrested and detained on 10 June 2018 for participating in a demonstration earlier that day in Ho Chi Minh City. See 'The Right to Protest in Vietnam is Not Only Legal, It's Constitutional', The Vietnamese, 15 June 2018, https://www.thevietnamese.org/2018/06/the-right-to-protest-in-vietnam-is-not-only-legal-its-constitutional.
[57] Based on information provided to VOICE.
[58] 'Black Sundays Report: Vietnamese People's Response to Police Brutality During June 2018 Protests' 29 June 2018, pp 11-12, https://drive.google.com/file/d/1UD7YVOH-3KZ0sDLfQ4Ey0KLwpV08-XTu/view
[59] Ibid., p 2.

CSOs, are removed, in order to bring its provisions into compliance with articles 21 and 22 of ICCPR.

- Revise existing labour laws to recognise the right to the freedom of association, guarantee the effective and independent functioning of autonomous trade unions and ratify ILO Convention No. 87 on Freedom of Association.

- Allow all independent religious organisations to conduct religious activities freely and govern themselves, and revise the 2016 Law on Belief and Religion to ensure that the law protects the right to the freedom of association and religion or belief, in line with the ICCRPR and other relevant international laws and standards.

6.2 Regarding the protection of human rights defenders

- Ensure that civil society activists, HRDs, journalists and bloggers are provided with a safe and secure environment in which to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks on and harassment and intimidation against them and bring the perpetrators to justice.

- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment, 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 and bloggers, emphasising that such acts are illegal and that anyone involved in ordering or facilitating such attacks will be held responsible.

- Initiate a consolidated process of repeal or amendment of legalisation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders;

- 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), 257 (330) and 258 (331), so they cannot be applied in an arbitrary manner to stifle legitimate and peaceful dissent and the freedom of expression.

- Unconditionally and immediately release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and drop all charges against them.

- 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 human rights activists by adopting a specific law on the protection of HRDs, in accordance with Council resolution 27.31 of the Human Rights Council

6.3 Regarding the freedom of expression, independence of the media and access to information

- Ensure the 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.

- Adopt legislation authorising the publication of independent, privately run newspapers and magazines.

- 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.

- Ensure that internet laws, in particular Decree No.72/2013/ND-CP, Decree No.174/2013/ND-CP and the new cybersecurity law, comply with international human rights law and standards and remove filtering, surveillance and other restrictions on internet usage, so as to ensure free access to electronic media for journalists, bloggers and other internet users.

6.4 Regarding the freedom of peaceful assembly

- Repeal or amend Decree 38/2005/ND-CP in order to guarantee fully the right to the freedom of peaceful assembly.

- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly.

- Immediately and impartially investigate all instances of unnecessary and excessive use of force committed by security forces while handling protests and demonstrations.

- Review and if necessary update existing human rights training for police and security forces, with the assistance of international human rights organisations, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.5 Regarding access to UN Special Procedures mandate holders

- 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.

6.6 Regarding state engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with independent civil society groups and HRDs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.

- Systematically consult with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with a diverse range of civil society sectors.

- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

7. Annex: Assessment of implementation of civic space recommendations under the 2nd cycle

Theme: D45 Freedom of association			
143.144. Further implement measures aimed at promoting freedom of expression and association and freedom of the media in line with the most advanced international standards (Italy) **Source of position:** A/HRC/26/6/Add.1	Accept	D45 Freedom of association **Affected persons:** - CSOs - trade unions - religious minorities	Status: Not implemented: Source: Paragraph: 2.2.-2.9
143.145. Take all necessary action to respect and promote the right to freedom of expression, peaceful assembly and association in line with its international human rights obligations (Lithuania) **Source of position:** A/HRC/26/6/Add.1	Accept	D45 Freedom of association **Affected persons:** - CSOs - trade unions - religious minorities	Status: Not implemented: Source: Paragraph: 2.2.-2.9
143.165. Create conditions favourable to the realization of freedom of expression, both online and offline, freedom of association, and freedom of religion and belief (Poland); **Source of position:** A/HRC/26/6/Add.1	Accept	D45 Freedom of association **Affected persons:** - CSOs - trade unions - religious minorities	Status: Not implemented: Source: Paragraph: 2.2.-2.9
143.169. Encourage strengthening of NGOs by promoting a legal, administrative and fiscal framework in which such institutions can be created and developed and perform their activities without any obstacles and with freedom of expression (Spain) **Source of position:** A/HRC/26/6/Add.1	Accept	D45 Freedom of association **Affected persons:** - CSOs - trade unions - religious minorities	Status: Not implemented: Source: Paragraph: 2.2.-2.9

143.172. Take measures to ensure freedom of association, peaceful assembly and demonstration (France) **Source of position:** A/HRC/26/6/Add.1	Accept	D45 Freedom of association **Affected persons:** - CSOs - trade unions - religious minorities	Status: Not implemented: Source: Paragraph: 2.2.-2.9
143.173. Facilitate the development of a safe and enabling environment for all civil society actors to freely associate and express their views by ensuring that national legislative provisions are not invoked to stifle legitimate and peaceful dissent (Ireland) **Source of position:** A/HRC/26/6/Add.1	Accept	D45 Freedom of association **Affected persons:** - CSOs	Status: Not implemented: Source: Paragraph: 2.2.-2.9
143.174. Take concrete steps to create a friendly environment for NGOs, including by easing their registration requirements (Czech Republic) **Source of position:** A/HRC/26/6/Add.1	Accept	D45 Freedom of association **Affected persons:** - CSOs	Status: Not implemented: Source: Paragraph: 2.2.-2.9
Theme: H1 Human rights defenders			
143.115. Take into account the opinions of the Working Group on Arbitrary Detention on the release of around 30 persons detained arbitrarily since the last UPR (Switzerland) **Source of position:** A/HRC/26/6/Add.1	Noted	H1 Human rights defenders D33 Arbitrary arrest and detention **Affected persons:** - HRDs	Status: Not implemented Source: 3.2
143.116. Implement the opinions of the Working Group on Arbitrary Detention on individuals and release the individuals concerned (New Zealand) **Source of position:** A/HRC/26/6/Add.1	Noted	H1 Human rights defenders D33 Arbitrary arrest and detention **Affected persons:** - HRDs	Status: Partially implemented Source: 3.2

143.117. Immediately release all prisoners held in arbitrary detention and recompense them as requested by the Working Group on Arbitrary Detention (Germany) **Source of position:** A/HRC/26/6/Add.1	Noted	H1 Human rights defenders D33 Arbitrary arrest and detention **Affected persons:** - HRDs	Status: Partially implemented Source: 3.2
143.118. Revise vague national security laws that are used to suppress universal rights, and unconditionally release all political prisoners, such as Dr. Cu Huy Ha Vu, Le Quoc Quan, Dieu Cay and Tran Huynh Duy Thuc (United States of America); **Source of position:** A/HRC/26/6/Add.1	Noted	H1 Human rights defenders D33 Arbitrary arrest and detention **Affected persons:** - HRDs	Status: Not implemented Source: 3.2 -3.3
143.160. Take measures to ensure the effective protection of the right to freedom of expression and information, as well as the independence of the media, and release all human rights defenders, journalists, and religious and political dissidents detained for the peaceful expression of their opinion (Czech Republic) **Source of position:** A/HRC/26/6/Add.1	Noted	H1 Human rights defenders D33 Arbitrary arrest and detention **Affected persons:** - HRDs - media - religious groups	Status: Not implemented Source: 3.2-3.6
143.167. Ensure a favourable environment for the activities of human rights defenders, journalists and other civil society actors (Tunisia); **Source of position:** A/HRC/26/6/Add.1	Noted	H1 Human rights defenders D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 3.2-3.6
Theme: D43 Freedom of opinion and expression			
143.144. Further implement measures aimed at promoting freedom of expression and association and freedom of the media in line with the most advanced international standards (Italy) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.6

143.145. Take all necessary action to respect and promote the right to freedom of expression, peaceful assembly and association in line with its international human rights obligations (Lithuania) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.6
143.146. Actively promote steps to guarantee freedom of expression, as well as the freedom and independence of the press, including on the Internet (Japan) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9
143.147. Ensure that Viet Nam complies with its international obligations regarding freedom of expression, religion and assembly (Belgium); **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9
143.148. Allow bloggers, journalists, other internet users and nongovernmental organizations (NGOs) to promote and protect human rights specifically by ensuring that laws concerning the Internet comply with the freedom of expression and information (Netherlands); **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers - media	Status: Not implemented: Source: 4.3-4.9
143.149. Protect and guarantee respect for freedom of information and expression, particularly for journalists, bloggers and human rights defenders, and undertake a review of legislation governing the press to ensure its compliance with international standards (Luxembourg) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers - media	Status: Not implemented: Source: 4.3-4.9
143.150. Take steps to amend its Penal Code to ensure that it cannot be applied in an arbitrary manner to prevent freedom of expression (Finland) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 3.3

143.151. Repeal or amend ambiguous provisions relating to national security in the Penal Code to prevent those provisions being applied in an arbitrary manner to stifle legitimate and peaceful dissent, debate and freedom of expression (Denmark) **Source of position:** A/HRC/26/6/Add.1	Noted	D43 Freedom of opinion and expression H1 Human rights defenders **Affected persons:** - HRDs	Status: Not implemented: Source: 3.3
143.152. Repeal or modify the Penal Code relating to national security particularly Articles 79, 88 and 258, in order to prevent those articles from being applied in an arbitrary manner to impede freedom of opinion and expression, including on the Internet (France); **Source of position:** A/HRC/26/6/Add.1	Noted	D43 Freedom of opinion and expression H1 Human rights defenders **Affected persons:** - HRDs - media	Status: Not implemented: Source: 3.3
143.153. Protect freedom of expression both offline and online by bringing legislation such as Decrees 2 and 72 into compliance with international human rights law (New Zealand) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers - media	Status: Not implemented: Source: 4.3-4.6
143.154. Revise "Decree 72" and "Decree 174" relating to the management, provision and use of the Internet, to ensure their consistency with international human rights obligations, and in particular with Articles 19, 21 and 22 of ICCPR (Ireland) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers	Status: Not implemented: Source: 4.3-4.6
143.155. Ensure that Decree 72, concerning the management, provision and use of Internet services and information online, is implemented in a manner that does not limit individuals' rights to voice their opinions online (Finland) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers	Status: Not implemented: Source: 4.4

143.156. Give space to non-state media, and that make Criminal Code Articles 79, 88 and 258 more specific and consistent with international human rights obligations on freedom of expression (Australia) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers	Status: Not implemented: Source: 3.3
143.157. Amend the provisions concerning offences against national security which could restrict freedom of expression, including on the Internet, particularly articles 79, 88 and 258 of the Penal Code, to ensure its compliance with Viet Nam's international obligations, including ICCPR (Canada); **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers	Status: Not implemented: Source: 3.3
143.158. Take the necessary measures to protect freedom of expression and press freedom, including through the Internet (Brazil) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9
143.159. Undertake measures enabling unrestricted access and use of the Internet to all citizens and undertake measures to guarantee the freedom of opinion and expression to everyone, as well as the freedom of press and media in the country (Estonia) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers - media	Status: Not implemented: Source: 4.3-4.9
143.160. Take measures to ensure the effective protection of the right to freedom of expression and information, as well as the independence of the media, and release all human rights defenders, journalists, and religious and political dissidents detained for the peaceful expression of their opinion (Czech Republic) **Source of position:** A/HRC/26/6/Add.1	Noted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9 and 3.2-3.6

143.161. Guarantee the right to freedom of expression both offline and online, and bring Decree 72 into line with international human rights obligations (Austria) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers	Status: Not implemented: Source: 4.3-4.9
143.162. Give individuals, groups and organs of society the legitimacy and recognition to promote human rights and express their opinions or dissent publicly (Norway) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9
143.163. Ensure that its legal framework allows for free and independent operation of national and international media in accordance with its international human rights obligations under ICCPR (Norway); **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9
143.164. In line with its previous commitments, take all measures to ensure that freedom of expression, including on the Internet, is fully guaranteed in law and practice by bringing its legislation in line with the obligations of Viet Nam under ICCPR (Hungary) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers	Status: Not implemented: Source: 4.3-4.9
143.165. Create conditions favourable to the realization of freedom of expression, both online and offline, freedom of association, and freedom of religion and belief (Poland) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9
143.166. Ensure that freedom of expression is protected both offline and online and amend or remove vague provisions in the penal code, as well as new legislation to make sure that limitations on freedom of expression are strictly in line with ICCPR (Sweden) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers - media	Status: Not implemented: Source: 4.3-4.9 and 3.3

143.168. Implement in a more effective manner the recommendations guaranteeing the right to freedom of expression (Chile) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - media	Status: Not implemented: Source: 4.3-4.9
143.170. Maintain the momentum of development of the mass media, including the Internet, so as to protect freedom of expression (Pakistan) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers - media	Status: Not implemented: Source: 4.3-4.9
143.171. Fulfil its obligation under ICCPR and fully guarantee the freedom of assembly and freedom of expression on the Internet as well as offline to all its citizens (Germany) **Source of position:** A/HRC/26/6/Add.1	Accepted	D43 Freedom of opinion and expression **Affected persons:** - HRDs - bloggers - media	Status: Not implemented Source: 4.3-4.9
Theme: D44 Right to peaceful assembly			
143.145. Take all necessary action to respect and promote the right to freedom of expression, peaceful assembly and association in line with its international human rights obligations (Lithuania) **Source of position:** A/HRC/26/6/Add.1	Accepted	D44 Right to peaceful assembly **Affected persons:** - general - HRDs	Status: Partially implemented Source: 5.2-5.7
143.147. Ensure that Viet Nam complies with its international obligations regarding freedom of expression, religion and assembly (Belgium) **Source of position:** A/HRC/26/6/Add.1	Accepted	D44 Right to peaceful assembly **Affected persons:** - general - HRDs	Status: Partially implemented Source: 5.2-5.7
143.171. Fulfil its obligation under ICCPR and fully guarantee the freedom of assembly and freedom of expression on the Internet as well as offline to all its citizens (Germany) **Source of position:** A/HRC/26/6/Add.1	Accepted	D44 Right to peaceful assembly **Affected persons:** - general - HRDs	Status: Partially implemented Source: 5.2-5.7

143.172. Take measures to ensure freedom of association, peaceful assembly and demonstration (France) **Source of position:** A/HRC/26/6/Add.1	Accepted	D44 Right to peaceful assembly **Affected persons:** - general - HRDs	Status: Partially implemented Source: 5.2-5.7
143.175. Enact laws to provide for and regulate freedom of assembly and peaceful demonstration in line with ICCPR (Australia) **Source of position:** A/HRC/26/6/Add.1	Noted	D44 Right to peaceful assembly **Affected persons:** - general - HRDs	Status: Not implemented Source: 5.2-5.7
143.176. Adopt measures to end prosecution of peaceful protesters (Greece) **Source of position:** A/HRC/26/6/Add.1	Accepted	D44 Right to peaceful assembly **Affected persons:** - general - HRDs	Status: Not implemented Source: 5.2-5.7