



An analysis of Decree 147 on social media

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KEY POINTS

- Decree 147, a policy that imposes extreme restrictions on social media, took effect on Dec. 25, 2024.
- The decree places new restrictions on social media companies and internet providers. Specifically, it:
 - Requires users to verify their accounts using a phone number or ID card, information which platforms must provide to the government upon request.
 - Requires social media platforms to suspend users and remove content deemed illegal within 24 hours at the request of Vietnamese authorities.
 - Mandates that users can make their own content removal requests in what appears to be an attempt to deputize ordinary people as censors.
 - Prevents social media users from engaging in independent journalism or spreading information about government wrongdoing.
- According to Hanoi, Decree 147 was needed to:
 - Limit the influence of content spread on foreign social media platforms.
 - Ensure that people cannot use social media anonymously.
 - Prevent social media users from engaging in citizen journalism.
 - Increase the responsibilities of social media platforms to monitor their users.
- While the decree is now in effect, it remains to be seen to how strictly Hanoi will enforce it and to what extent foreign tech companies will comply with it. Tech insiders have revealed to Project88 that compliance strategies are still being developed.
- Decree 147 is the latest in a series of policy measures that are part of a new wave of repression that has stifled online expression.
 - On Jan. 11, 2025, the Ministry of Home Affairs proposed that the authority over state-owned telecommunications provider MobiFone be handed over to the Ministry of Public Security (MPS).¹ While unclear what this might entail, MPS might have access to the personal records and private data of 30% of mobile subscribers in Vietnam.

- Since 2016, a raft of new policies and practices have been enacted that aim to restrict political speech, including by creating a censorship regime in the country and granting the government legal permission to access personal data.
- Despite this intensifying repression, western governments have continued to pursue closer diplomatic ties with Vietnam.

EXECUTIVE SUMMARY

On Dec. 25, 2024, Decree 147/2024/NĐ-CP went into effect.² The decree, which replaces Decree 72/2013/NĐ-CP, grants additional controls to the government over online activities and further restricts freedom of expression in Vietnam.

Under the new decree, international social media platforms operating in the country must store user data in the country and collect the phone number or ID card of all users to authenticate their accounts.³ Upon request, social media companies must provide this data to the government.⁴ Only users who have authenticated their accounts will be permitted to post, comment, or livestream on social media.

Decree 147 also requires social media platforms to block accounts and remove content at the request of the authorities.⁵ The decree orders these platforms to temporarily suspend individual accounts, community pages, groups, or channels that frequently publish content deemed illegal by the government.⁶ After three such suspensions, platforms are required to permanently shut down these accounts or groups.⁷ Finally, in what appears to be an attempt to deputize ordinary people as censors, the decree also empowers users to make their own take down requests directly to social media companies.

Alarming, Decree 147 appears to open the door for mass surveillance of social media. Specifically, the decree requires that social media networks allow the Ministry of Information and Communications (MIC) to access their internal search engines so that it can identify offending content.⁸ The decree also states that MIC and MPS will deploy their own systems to surveil the internet but does not explain what this will entail.⁹ More research is needed to understand the aims and implications of these measures.

In yet another blow to journalism in Vietnam, Decree 147 takes steps to prevent social media users from engaging in journalism or spreading information about government wrongdoing. Under the decree, social media platforms are required to prevent users from producing reports, investigations, and press interviews to post on

social media.¹⁰ This requirement will likely further tighten restrictions on journalism and blogging in Vietnam.

Vietnam has long maintained tight restrictions on freedom of expression. But Decree 147 is part of a broader effort by Hanoi to police the internet and crackdown on dissent. As documented by Project88 in its recent report on new restrictions on freedom of expression, through laws such as the Cybersecurity Law, the Law on the Press, the Law on Information Technology, and the Law on Telecommunications, as well as numerous implementing decrees, the Vietnamese government has strengthened its censorship apparatus and granted itself the legal permission to access user data and surveil its people.¹¹ Decree 147 represents an intensification of this repressive trend and a further attack on freedom of expression in the country.

While Decree 147 came into effect in Dec. 2024, it is not yet known to what extent tech companies will comply with the more problematic aspects of the decree. The next few months will be an important barometer to see how strictly the government will enforce the decree and how hard tech companies push back. This initial phase of implementation presents an important opportunity for stakeholders to advocate with tech giants to not cave into government demands.

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GLOSSARY

CCPR	UN Human Rights Committee
CPV	Communist Party of Vietnam
Directive 24	Directive 24-CT/TW (2023)
Decree 27	Decree 27/2018/NĐ-CP
Decree 72	Decree 72/2013/NĐ-CP
Decree 147	Decree 147/2024/NĐ-CP
ICCPR	International Covenant on Civil and Political Rights
MIC	Ministry of Information and Communications
MPS	Ministry of Public Security
UDHR	Universal Declaration of Human Rights

BACKGROUND

Vietnam has the seventh largest social media population in the world.¹² According to official statistics, approximately 65 million citizens have Facebook accounts and approximately 35 million have YouTube accounts.¹³ And Vietnamese people spend much of their day online. The average Vietnamese person uses the internet seven hours a day and social media two and a half hours a day—rates that are comparatively high.¹⁴ Further, unlike in the past, when people relied on print media to access news, nearly 50% of Vietnamese people now get most of their news from social media.¹⁵

As social media has increased in popularity, the government has developed an elaborate policy framework to control it. Unlike China, however, which has blocked foreign social media platforms outright, Vietnam orders these platforms to restrict political speech, and nine times out of ten they do.¹⁶ The Vietnamese authorities have used takedown requests to remove a huge amount of content from social media that is critical of the state and party.

And yet, Vietnam's leaders believe that this censorship regime does not go far enough. In 2020, a consensus emerged that a new policy on social media was needed. Existing policies, so the thinking went, were failing to effectively monitor content on social media, to identify users, and to stop citizens from engaging in journalistic activities online.¹⁷ Government officials also complained that foreign platforms, such as Facebook and YouTube, were not fully complying with existing laws and decrees.¹⁸ Guided by this rationale, the following year these officials began working on a new policy. After four years of drafting behind closed doors, the government gifted Decree 147 to the Vietnamese people on Christmas Day of 2024.¹⁹

The enactment of Decree 147 coincides with a crackdown on online dissent. In a recent analysis, Project88 found that the arrests of activists for their online activities as a proportion of all political arrests has almost doubled in recent years.²⁰ In 2019, for instance, arrests for online activities accounted for 48% of political arrests. By 2022, these arrests accounted for over 80% of all political arrests.²¹

This shift has created more uncertainty within the country about who might face criminal charges for their speech. In the past, Vietnam primarily prosecuted anti-state democracy activists. Now, most people arrested for their online speech have no prior known history of activism.²²

Decree 147 gives Vietnam greater power to identify and remove content critical of the state, without needing to resort to arrests. The decree aims to stop people from engaging in investigative reporting and conducting interviews on social media. If social media companies comply with its provisions, it will almost certainly lead to an increased silencing of online dissent and further restrict independent journalism.

THE NEED FOR A NEW DECREE

The government has outlined several reasons it believed a new decree on social media and the internet was necessary. According to Hanoi, social media is rife with criticism of the government, propaganda against the state, and content that is defamatory of officials.²³

Government documents describe how the MIC's efforts to solve these "problems" have been frustrated.²⁴ Much of the content requires a time-consuming analysis and an assessment to determine if it should be removed.²⁵ Second, there is not a clear government structure to determine which agencies are responsible for content moderation in certain circumstances.²⁶ Finally, and most problematic from the perspective of the government, foreign social media platforms have rejected requests of the MIC to temporarily or permanently ban accounts that share content critical of the government.²⁷

To address these issues, Decree 147 aims to:

1. Combat problems arising from international integration.
2. Limit the influence of social media.
3. Strengthen provisions of the Cybersecurity Law.
4. Ensure that people cannot use social media anonymously.
5. More closely regulate websites that share content from state media and government agencies.
6. Prevent the ability of social media users to engage in citizen journalism.
7. Increase monitoring of social media.

COMBAT PROBLEMS FROM INTERNATIONAL INTEGRATION

One of the stated reasons for the new decree is that Vietnam's increased international integration has created problems.²⁸ According to the government, 'newly arising requirements of the international integration process [...] have revealed limitations and inadequacies' of Decree 72.²⁹

The government believes that as Vietnam integrates into the world, one-party rule will come under threat.³⁰ It has warned that 'hostile and reactionary forces' have taken advantage of international cooperation to promote an independent civil society and domestic political opposition groups.³¹ Control of information over social media is necessary, according to this view, to prevent further such abuse.³²

This not the first time that this fear has driven government policy. In July 2023, the Political Bureau issued Directive 24-CT/TW, in which it ordered the government to crack down on foreign influence and restrict political speech.³³

With regards to social media, Directive 24 orders the government to:

- 'Strictly handle the act of taking advantage of information communication infrastructure and social networks to spread false propaganda that sabotages the party, state, people, and our country's socialist regime' (p.5).
- 'Fight fake news, especially in cyberspace' (p.5).
- 'Develop rules of civilized behavior in state agencies, businesses, society, and cyberspace' (p.5).

Directive 24 orders the government to increase its regulation of media outlets and the internet to suppress speech critical of the state. Like Directive 24, Decree 147 was, in part, designed to prevent foreign actors from using the internet and social media from advocating for regime change and criticizing the government.

Directive 24 has guided other repressive policies. Just one month before Decree 147 was issued, the government issued Decree No. 126/2024/NĐ-CP (Decree 126), which imposed restrictions on the ability of associations in the country to form or operate free from interference.³⁴ In a 2023 communication from the Ministry of Home Affairs (MOHA) to the prime minister, Directive 24 was listed as one of the political agendas behind Decree 126.³⁵

Decree 147 has not yet been explicitly linked to Directive 24. However, insofar as it is guided by concerns posed to the stability of the regime in the context of international integration, it is driven by a similar political agenda.

THE INFLUENCE OF SOCIAL MEDIA

The government has referred to social networks as 'the main front' where propaganda is spread.³⁶ In issuing Decree 147, Vietnam wants to ensure that only information it approves will be able to reach internet users in the country.³⁷

Specifically, the Vietnamese government has expressed concern that foreign social media platforms have dragged their feet in complying with content takedown requests.³⁸ While drafting the new decree, the MIC stated that foreign social media companies including Facebook, YouTube, and TikTok often do not comply with takedown requests and, for this reason, 'hostile forces and dissidents are able to spread propaganda against the party and state, inciting protests'.³⁹ Decree 147 was enacted to limit the reach of information critical of the government on social media.

STRENGTHEN PROVISIONS OF THE CYBERSECURITY LAW

Decree 147 is intended to strengthen enforcement of provisions of the Cybersecurity Law. The Cybersecurity Law, which was enacted in 2018, grants the government the authority to regulate online content, including on Facebook, TikTok, and YouTube.⁴⁰ The law requires these corporations to store user data in Vietnam and provide this data to the government upon request. It allows officials to wield unfettered authority in removing content, grants the government the power to shut down the internet, and allows the government to access the personal data of social media users.

But, according to the government, the Cybersecurity law did not go far enough. Article 26 of the law stipulates that social media platforms are responsible for providing user information to MPS and MIC upon request. But because the government has not issued any implementing regulations to ensure that social media companies comply, this article has not been enforced.⁴¹

Decree 147 aims to fix this issue by forcing social media platforms to collect user data and then share it with the government. The MIC has argued that, by authenticating user accounts, the authorities will be more effective in detecting, reducing, and handling violations online.⁴² User authentication, they add, will put an end the use of anonymous accounts to commit "fraudulent acts".⁴³

Finally, while the Cybersecurity Law requires social media platforms to remove information that violates the law, state leaders want offending content to be removed faster.⁴⁴ As such, Decree 147 is designed to increase the efficiency of online censorship.⁴⁵

MORE CLOSELY REGULATE “GENERAL WEBSITES”

Decree 147 is also designed to more closely regulate websites that are licensed to reshare information that was originally published by state media and government agencies.⁴⁶ As of 2013, the year for which the most recent numbers are available, there were 1,732 such “general websites” licensed to operate in Vietnam.⁴⁷ According to the government, these websites have spread news stories that are critical of the state:⁴⁸ some websites focus on only negative news stories, while others create their own stories disguised to appear as if they were originally published by state media.⁴⁹

To address this perceived problem, the MIC wants general websites to be viewed as extensions of press agencies and an arm of the party and state.⁵⁰ The purpose of these websites is, according to the MIC, to transmit official state narratives to counter ‘bad information and fake news’.⁵¹ Decree 147 is intended to ensure that general websites fulfill this role. To further control the narrative, the new decree does not allow any user comments on articles posted on general websites.⁵²

PREVENT THE “NEWSPAPERIZATION” OF SOCIAL MEDIA

Much of the reasoning behind Decree 147 seems aimed at stopping citizen journalism. According to the MIC, many people use social networks to ‘carry out journalistic activities’.⁵³ In a 2020 report discussing the need to replace Decree 72, the government explained that the production of news content is no longer the exclusive purview of the media. Instead, normal citizens now use social media to publish reports, conduct interviews and livestream broadcasts critical of the government, something which officials view as a problem.⁵⁴ By issuing Decree 147, the government wants to control social media’s ability to spread content against the state.

INCREASE MONITORING OF SOCIAL MEDIA

Decree 147 is designed to help the government increase its monitoring of content on social media. It requires social media platforms to share access to the platform's internal search engine and states that the MIC and MPS will deploy their own systems to surveil the internet.⁵⁵

The new decree is intended to supplement regulations that require social media networks to provide access to the platform's internal search engine to the MIC to aid the ministry's efforts to identify offending content.⁵⁶ According to the government, social networks must provide their search tools to the government because the platforms have created algorithms that make it more difficult for the government to scan social media for illegal content.⁵⁷

In this section, we provided an overview of the reasons given by the government to enact Decree 147. According to official statements, a new decree was needed to combat problems arising from international integration, limit the influence of content spread over foreign social media platforms, strengthen enforcement provisions of earlier laws, ensure that people cannot use social media anonymously, crack down on independent journalism and blogging, and increase the responsibilities of social media platforms to monitor their users. In the next section, we will provide an overview of the content of the decree.

OVERVIEW OF DECREE 147

Decree 147 is the government's policy for the management, provision, and use of the internet in Vietnam. Specifically, the decree regulates the management of public internet access points and online content, as well as domain names, social media networks, websites, online video games, and mobile telecommunications networks. The decree is 223 pages in length, with six chapters, 84 articles, and 62 addendums.

REGULATIONS ON SOCIAL MEDIA NETWORKS

Decree 147 requires social media platforms to collect the personal data of their users and to make this data available upon request to government officials. It also imposes demands on the platforms to remove content critical of the state.

Foreign organizations, enterprises, and individuals that provide cross-border information to users in Vietnam and store data in Vietnam, or those who have over 100,000 visits from Vietnamese users per month must comply with burdensome obligations under the decree.⁵⁸

First, those social media networks must remove content critical of the government and prevent such content from being posted in the future by banning and suspending offending accounts.⁵⁹ Any content, services, or applications determined to be illegal by the government are subject to removal under Decree 147. The decree requires that social media companies remove illegal content upon written request by the authorities within 24 hours.⁶⁰ In addition, social media platforms are given 48 hours to remove content after receiving complaints from social media users in Vietnam.⁶¹ In what appears to be a move to suppress independent journalism and blogging, the decree orders social media networks to prevent users from posting 'reports, investigations, [and] press interviews' on social media.⁶²

Second, social media platforms must collect the personal information of Vietnamese users, including their full name, date of birth, and phone number or national ID number.⁶³ The companies must make this user data available to the MIC, MPS, or any other competent state agencies upon request by the government.⁶⁴ Nothing in the

decree limits the ability of government agencies from accessing this data. Only users who have verified their personal information are allowed to write posts or comments, or to livestream on these social media platforms.⁶⁵ In addition, domestic social media networks must store two years' worth of information regarding login and logout times and IP addresses of users.⁶⁶

Third, social media companies must provide tools for searching through content on their platform upon request of the MIC or MPS.⁶⁷ The decree provides few details about what precisely this entails, but if social media companies comply with this provision, the government will have a greater ability to remove content critical of the state and punish those who post such content.

Fourth, social media networks are ordered to temporarily block accounts, pages, groups, and channels that regularly post illegal content from being accessed within Vietnam upon request by the authorities.⁶⁸ And, after an account has been blocked temporarily three times or more, the MIC and MPS have the power to order social media platforms to permanently block those accounts.⁶⁹

If social media platforms fail to comply with any of these four obligations, or if they fail to promptly prevent and remove content deemed illegal by the government, the MIC and MPS are empowered to 'implement technical measures', such as actions to prevent illegal content from being hosted on the platforms or fining the companies that run the platforms.⁷⁰ Thus, if social media companies want to continue to operate in the country, they are likely to be pressured to comply with the decree by closing accounts and removing content upon request.

MONITORING ONLINE CONTENT

In addition, Decree 147 outlines how the government will monitor social media and remove content it deems illegal. The decree requires social media networks to provide access to the platform's internal search engine to the MIC to aid the ministry's efforts to identify offending content.⁷¹ The decree also states that the government will deploy its own systems to surveil the internet but does not explain what this entails.⁷²

In an earlier draft of the decree, the government included a provision that required domestic social media platforms to install a surveillance system developed by the MIC

to monitor user activity on the platform.⁷³ It is possible that this is what is being referred to by the surveillance systems mentioned in Decree 147, but the precise language in the final version of the decree is not clear.

In the past, authorities have surveilled members of social media groups that are critical of the government or party, and it is likely that Decree 147 will allow the government to conduct this surveillance in a more comprehensive manner. On June 18, 2024, for instance, the Phu Tho Provincial People's Committee announced that the Facebook group *Lawyer Nguyen Van Dai and FANS* shared reactionary content hostile to the state.⁷⁴ Police in the province went through the profiles of the 13,328 members of the group, identified 20 members who lived in Phu Tho province, and went to their homes, demanding they leave the group and commit to not joining similar groups.⁷⁵ If implemented as intended, Decree 147 would likely make it less time consuming to identify members of groups like this and ensure that groups with anti-state content will be blocked in the country.

In addition to social media networks, the decree requires telecommunications companies and internet service providers to detect violations of the law and provide any information of wrongdoing at the request of the government.⁷⁶ They must also remove illegal content within 24 hours of a government request, suspend the provision of telecommunications services to organizations and individuals upon government request, and coordinate with and share information with the government.⁷⁷

REGULATIONS ON “GENERAL WEBSITES”

Under Decree 147, general websites, websites that provide access to news, must be licensed by the government before they can operate in the country.⁷⁸ Examples of such websites in Vietnam include quochoi.vn, thanhtra.com.vn and vov4.vn. Under the decree, the names of general websites must not use phrases that might lead others to mistake them for press agencies.⁷⁹ Like social media platforms, general websites must remove illegal content within 24 hours of a request by the MIC or MPS.⁸⁰ Moreover, Decree 147 bans all user comments on articles from being posted on general information websites.⁸¹ General websites that violate the Cybersecurity Law or fail to comply with their obligations under the decree can have their licenses

revoked.⁸² In this way, Decree 147 enables the government to stop the spread of information that makes it look bad.

REGULATIONS ON SOCIAL MEDIA USERS

Decree 147 outlines the obligations of social media users in the country. For instance, users must not use names for accounts, pages, channels, or groups that are similar to the names of state press agencies and names that might make them appear to be “official” sources of information.⁸³ Administrators of groups and community pages are responsible for removing information that violates the law and, like the platforms themselves, must remove content upon request by the MIC, MPS, or other relevant agencies.⁸⁴ Finally, users must not publish reports, investigations, or interviews on social media.⁸⁵ By creating these new responsibilities for users and platforms alike, Decree 147 provides the government with a new policy tool to shut down the spread of information that challenges official state narratives.

THE MANAGEMENT OF PUBLIC INTERNET ACCESS POINTS

Decree 147 sets regulations on the owners of public internet access points. Owners of access points such as hotels, restaurants, and cafes have an obligation to publicly post the rules on what content is prohibited online and must not allow people using their network to post illegal content or otherwise perform prohibited acts.⁸⁶ However, the decree does not clarify what owners must do to prevent prohibited acts or how they will be sanctioned should their users engage in illegal conduct. Similar provisions were also contained in Decree 72 and, as such, Decree 147 does not appear to introduce new significant restrictions on the management of public internet access points.⁸⁷

REGULATIONS ON DOMAIN NAMES

Online media outlets and social media networks must use a Vietnamese national domain name and store their information on servers located within the country.⁸⁸ The MIC manages the .vn domain names as well as international domain names granted by foreign agencies to organizations in Vietnam.⁸⁹ The names of websites using a .vn domain name must be ‘consistent with social morals’ and cannot use ‘phrases infringing upon national interests’.⁹⁰

Under Decree 147, state agencies can suspend domain names to prevent acts that the government deems to threaten national security, social order, and public safety. While those with suspended domain names may take action to have the block on their domain lifted, there is no way for them to challenge any decision they believe is erroneous.⁹¹ Likewise, domain names can be revoked if the MIC determines that the revocation will serve the public interest or protect national security. The ministry can also revoke IP addresses for the same reasons.⁹² In both cases, nothing in the decree prevents the ministry from acting in an arbitrary manner. In this way, the Vietnamese authorities can shut down websites that criticize the state.

In addition, foreign organizations using Vietnamese domain names must cooperate with the MIC and the MPS in their efforts to remove content critical of the government.⁹³ Failure to comply with these orders can result in the websites being blocked in the country.⁹⁴

REGULATIONS ON ONLINE VIDEO GAMES

Decree 147 also regulates online games. Like social media platforms, users of online games must register with their full names, date of birth, and phone number in order to play.⁹⁵ Game providers must ensure that those under 18 years old play no more than 180 minutes of video games a day.⁹⁶ Games need to be approved by the government before they can be released in the country and must not depict, among other things, content that is contrary to the 'country's morals, distorts the country's history, or violates the country's sovereignty or territorial integrity'.⁹⁷

REGULATIONS ON MOBILE TELECOMMUNICATIONS

Finally, Decree 147 regulates mobile telecommunications networks. The decree mandates that organizations and enterprises providing information services to mobile phones can be disconnected from networks for violations of the Cybersecurity Law or the Law on Telecommunications.⁹⁸ Given that posting of content critical of the government on social media violates these laws, Decree 147 could potentially be used to disconnect people who post such content from mobile data services.

In sum, Decree 147 regulates public internet access points, online content and its removal, domain names, and websites that share news, as well as online video games

and mobile telecommunications networks. This section of the report described various provisions of Decree 147. In the following section, we will look to some of the most problematic aspects of the decree and analyze those provisions under international law.

ANALYSIS

Article 25 of Vietnam's constitution guarantees that all citizens have the right to freedom of expression.⁹⁹ Likewise, Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which Vietnam ratified in 1982, protects the right to free expression. This right is also enshrined in Article 19 of the Universal Declaration of Human Rights.¹⁰⁰

Decree 147 contains several provisions that likely violate the constitution as well as international law. The decree impermissibly restricts the ability of the Vietnamese people to express their opinion about the government and share and receive information critical of the government. In addition, the decree allows the government to collect personal information about social media users, denying Vietnamese people the right to anonymity online. The decree also violates the right of Vietnamese people to engage in citizen journalism. Finally, the decree empowers the government to impermissibly surveil social media.

CENSORSHIP OF GOVERNMENT CRITICISM

Decree 147 grants government officials the unfettered authority to censor anything they deem illegal. Specifically, the decree mandates social media companies to remove content at the request of the government and block the users who posted the content.¹⁰¹ Given the breadth of what might constitute propaganda against the state or what might, according to the government, cause public disorder, it is extremely difficult for people to determine if their speech is illegal. The use of vague language empowers government officials to act in an arbitrary manner.

Notably, Decree 147 requires social media platforms to remove offending content at the request of average users, not just government authorities. This is problematic in Vietnam, where, under CPV Resolution 35, the party has established a nationwide network of brigades that manipulate online discussions and coordinate information operations.¹⁰² Members of these brigades—often state employees or volunteers loyal to the state—disseminate official narratives, harass dissidents, and censor social

media.¹⁰³ If implemented as intended, Decree 147 would empower these brigades to censor content on behalf of the government. However, it remains to be seen if foreign social media companies will comply with censorship requests from ordinary citizens.

The suppression of government criticism made possible by Decree 147 is impermissible under international law. It is widely acknowledged that public officials must tolerate a greater degree of criticism than private individuals. According to Abid Hussain, former UN Special Rapporteur on freedom of opinion and expression, laws 'should never be used to prevent criticism of government' and 'should reflect the principle that public figures are required to tolerate a greater degree of criticism than private citizens.'¹⁰⁴ International law is highly protective of speech critical of government officials and the ability to voice dissent against the actions of the government. Moreover, the Vietnamese government is not transparent about which topics are off-limits for social media posts. In using Decree 147 to punish protected speech, Vietnam fails to live up to its obligations under domestic and international law.¹⁰⁵

LACK OF ANONYMITY

Under the new decree, social media platforms operating in Vietnam must store user data in the country and users must authenticate their accounts using a phone number or ID number.¹⁰⁶ Only users that have authenticated their accounts are permitted to post, comment, or livestream on social media platforms.¹⁰⁷ Moreover, social media platforms are obligated to provide this user data to the government upon request.¹⁰⁸ In addition, domestic social media companies are required to store two years' worth of information about accounts, login and logout times, and IP addresses.¹⁰⁹

Under international law, Vietnamese citizens are entitled to privacy online and to express their opinions without fear of government reprisal. In a country where people are imprisoned for their political speech, people's right to online anonymity is even more important. Without anonymity, people are more likely to engage in self-censorship and not exercise their fundamental right to freedom of expression.

In addition, Vietnam has an obligation to respect and protect the privacy rights of its citizens.¹¹⁰ The ability of the government to access large amounts of user data creates the possibility of mass surveillance, which in itself constitutes an interference in privacy.¹¹¹ According to former UN Special Rapporteur on free expression David Kaye, any infringement upon online anonymity, or even a perceived infringement, ‘creates incentives for self-censorship and directly undermines the ability of journalists and human rights defenders to conduct investigations and maintain relationships with sources of information’.¹¹² The right to anonymity is increasingly recognized as an important aspect of the right to freedom of expression and privacy.¹¹³

Finally, the lack of effective safeguards against abuse in Vietnam is enough to render this data collection regime impermissible. According to former UN Special Rapporteur of freedom of expression Frank La Rue, ‘[s]tates should ensure the existence of domestic legislation that prohibits unlawful and arbitrary interference and attacks on privacy’.¹¹⁴ In Vietnam, no safeguards exist to prevent government misconduct. In the absence of safeguards, Decree 147 violates international law.

RESTRICTIONS ON INDEPENDENT JOURNALISM

Decree 147 prevents social media users from engaging in independent journalism or spreading information about government wrongdoing. As stated above, social media networks are ordered to prevent users from producing ‘reports, investigations, [and] press interviews’ to post on social media.¹¹⁵

Recent examples of social media users targeted for their journalism

In recent years, the Vietnamese government has targeted people for carrying out interviews and engaging in other forms of journalism over social media. For example, on Oct. 30, 2024, Duong Van Thai, a prominent Vietnamese blogger, was sentenced to 12 years in prison.¹¹⁶ Thai wrote articles and produced videos exposing the corruption of Vietnamese officials. In some of his most viewed YouTube videos, Thai accused government officials of participating in corruption schemes, money laundering rings, and oppressing the Vietnamese people.¹¹⁷

He relied on an extensive network of sources, including state officials, to expose information about Vietnam's leaders and policies. Seven people, five of whom were state or party officials, were sentenced to prison, and at least 60 people were criminally investigated as part of the case.¹¹⁸ It is widely believed that state agents kidnapped Thai in broad daylight just north of Bangkok on April 13, 2023, and brought him to Vietnam where he was put on trial.¹¹⁹

Similarly, on June 19, 2024, Doan Bao Chau, a journalist who worked extensively with the *New York Times*, was summoned to appear before police in Hanoi.¹²⁰ Chau told Project88 that when he reported to the police station, he was interrogated for nearly 10 hours about video interviews he had made and posted on Facebook.¹²¹ Police accused Chau of publishing five videos that spread misinformation in violation of the Cybersecurity Law.¹²² In the videos, Chau conducted interviews with human rights lawyers, activists, journalists, and family members of political prisoners.¹²³

International law is highly protective of the rights of individuals—even those who are not professional journalists—to engage in journalism. Such “citizen journalism” involves people documenting, describing, and analyzing events, statements, and policies to inform people about issues that affect their lives.¹²⁴ When engaged in these activities, these citizen journalists have the same rights as professional journalists.¹²⁵

In Vietnam, where practicing journalism requires formal state accreditation, citizen journalists play an important role in documenting and disseminating news as it unfolds in the country. Due to the increased repression faced by Vietnamese journalists, as well as the increased control by the government over media outlets, the reports of ordinary citizens are fundamental in gaining an understanding of the human rights situation in the country.¹²⁶

In addition, the monitoring of journalists' online activities and the blocking of websites and content critical of the authorities are forms of intimidation.¹²⁷ According to the CCPR, '[t]he penalization of a media outlets, publishers, or journalists solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression'.¹²⁸ For this reason, the silencing of journalism critical of the government is impermissible.

SURVEILLANCE

Fourth, and finally, Decree 147 requires social media networks to provide access to the platform's internal search engine to the MIC to aid the ministry's efforts to identify offending content and states that the MIC and MPS will deploy their own systems to surveil the internet.¹²⁹

These methods of surveillance are impermissible under international law. Decree 147 comes as Vietnam is upgrading its social media surveillance capabilities by using AI technology. SocialBeat, Reputa, and VnSocial have all been implemented by local governments in Vietnam to keep tabs on discussions of sensitive topics and ensure that the governments receive warnings of suspicious behavior over social media.¹³⁰ These programs can be used to trawl social media platforms for data and reportedly can collect and analyze billions of posts a day.¹³¹

According to a Ho Chi Minh City official, SocialBeat is used to help city officials identify 'hostile forces who are taking advantage of social networks and internet platforms to incite protests against the government'.¹³² The Bac Kan provincial government has also stated that it uses SocialBeat to monitor and observe associations, groups, and individuals on social media in order to detect information hostile to the government so the users can be identified and the posts can be 'dealt with'.¹³³

Some level of government surveillance is permissible for fighting organized crime, terrorism, and for preventing cyberattacks. However, this cannot justify general and indiscriminate surveillance of all social media users.¹³⁴ Instead, there must be some criteria limiting the surveillance capabilities of the government, as well as safeguards, remedies, and effective oversight mechanisms.¹³⁵ Decree 147 not only allows for indiscriminate government surveillance, but also orders social media platforms to act as a surveillance arm of the state in monitoring their users.

In this section, we argued that Decree 147 contains several provisions that will restrict freedom of expression in Vietnam, and we made the case that these provisions violate international law. The decree restricts the ability of people to share and receive information critical of the government. In addition, the decree allows the government



to collect the personal information of social media users and prevents Vietnamese people from engaging in citizen journalism.

CONCLUSION

Decree 147 imposes extreme restrictions on online speech. Under this new decree, social media platforms operating in Vietnam must authenticate user personal information, which they are required to provide to the government upon request. In addition, Decree 147 orders social media platforms to block users and remove content deemed illegal at the request of Vietnamese authorities or even ordinary Vietnamese citizens. The decree also prevents social media users from engaging in independent journalism or spreading information about government wrongdoing.

In an increase to the government's surveillance capabilities, the decree also requires social media networks to provide the MIC with access to their internal search engines and appears to require domestic social media platforms to install a surveillance system to monitor user activity on their platforms.

Decree 147 represents an assault on the right to free speech. In the last few years, authorities have imprisoned scores of dissidents and forcibly closed numerous independent civil society and media organizations. Since 2016, a raft of new policies has been enacted that aim to restrict political speech, including policies that established the country's censorship apparatus, granted the government legal permission to access user data, and prevented the Vietnamese people from accessing information. In addition, the government also surveils online activity and uses various provisions of the criminal code to silence dissent.

The right to free expression is foundational to all other rights—essential to help ensure that all other human rights norms, including economic, social, and cultural rights, are maintained. It is often one of the only tools available for marginalized individuals and groups to successfully advocate for change. And no oversight exists to ensure that the government complies with international human rights standards.

The Vietnamese people have the right to voice their opinions and access information free from censorship, surveillance, and harassment. Restrictions on expression are not permissible if they are designed to entrench a particular ideology or political party.¹³⁶



People who wish to speak critically about the government should not have to choose between silence and imprisonment.

RECOMMENDATIONS

Project88 offers the following recommendations to the **Vietnamese government**:

- Repeal Decree 147 and ensure that the country's regulations on online speech comply with international law and the constitution.
- Release all political prisoners and commit to a moratorium on arrests for expression.
- Ensure that civil society can engage in policy advocacy free from the threat of intimidation, harassment, and reprisal.
- Stop all efforts to monitor the Vietnamese people with AI technology.
- Do not remove online content that is merely critical of the government or CPV.
- Repeal Directive 24 and stop issuing policies that lead to violations of human rights.
- Develop and implement training programs to improve the knowledge of government officers at all levels about the right to freedom of expression.

Project88 offers the following recommendations to **telecommunications companies and social media platforms**:

- Refuse to comply with provisions of Decree 147 that violate the free expression rights of the Vietnamese people.
- Ensure that any transparency reports include detailed information on content removal and account ban requests received and acted upon. Provide additional information on appeals processes, including the number of appeals received and their outcomes.
- Articulate clear, accessible, and easily understandable policies governing expression on your platform. All content rules must be available in Vietnamese.
- Ensure that decisions on content moderation are made by people who speak Vietnamese and understand the national context.
- Put in place internal complaint and dispute resolution mechanisms, including for the wrongful removal of content.

Project88 offers the following recommendations to the **US government**:

- In your forthcoming human rights report on Vietnam, acknowledge that Decree 147 and Directive 24 have the potential to lead to a deterioration in the human rights situation. And ensure that your overall assessment of Vietnam reports on this new wave of repression.
- Urge Vietnam to take all necessary steps to ensure that people can voice their opinions online free from government repression.

Project88 offers the following recommendations to **UN bodies and officials**:

- UN High Commissioner for Human Rights Volker Türk should issue a public statement condemning the crackdown on civil society in Vietnam and demand the repeal of Decree 147 and Directive 24.
- UN Special Rapporteur on the freedom of opinion and expression Irene Khan should write a report on the series of policies Vietnam has enacted to restrict online expression.
- Special Rapporteur Irene Khan should also schedule a country visit to Vietnam to see firsthand the effect of these policies on civil society.

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