

INTERNET FREEDOM FESTIVAL 2019

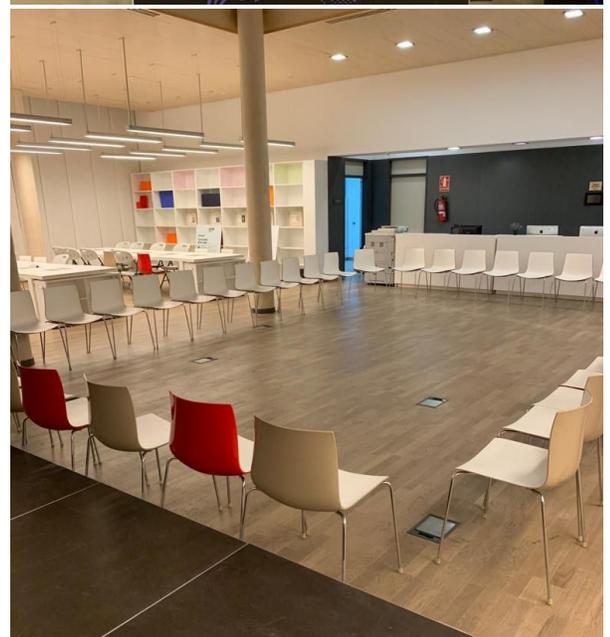
# Vietnam Cyber Dialogue 3.0

## Introduction

Censorship has taken on new forms on the Internet, and Vietnam is on the growing list of states using vague laws, surveillance, and other tools to restrict speech and suppress dissent. Parallel to these censorship efforts by the Vietnamese government are tech companies and social media platforms attempting to address nuanced cultural, social, and political dynamics in their products, which could buttress censorship efforts by the state. These conditions have meaningfully affected the work of activists, journalists, and their allies in Vietnam, and these practitioners have deployed various strategies to continue their work.

The Vietnam Cyber Dialogue aims to be an interdisciplinary space for frontline and civil society activists, journalists, policymakers, technologists and other allies to share such strategies, alongside best practices and learnings. Sharing these learnings, and facilitating collaborations between existing initiatives, could have a significant impact on the trajectory of internet censorship in Vietnam, and could be extended beyond Vietnam to support work in other contexts.

In its third year – hosted by ARTICLE 19, Reporters Without Borders and Viet Tan, as a side event of the annual Internet Freedom Festival in Valencia, Spain – Vietnam Cyber Dialogue 3.0 brought together 50 participants from 29 organizations and 14 countries. Of this year's participants, 60% were attending VCD for the first time and slightly over half identified as female.



The agenda was driven by the participants, and topics of interest included the new cybersecurity law, surveillance techniques and intimidation tactics used by the Vietnamese government, and how these actions affected activists and journalists on the ground. Many participants reported wanting to use these learnings to increase the effectiveness of their current initiatives as a key goal. With these objectives in mind, the agenda covered the current situation in Vietnam, challenges experienced by the diverse range of stakeholders working on issues in Vietnam, success stories from effective actions, and working groups to collaborate on topics raised throughout the day.

This report is a summary of the insights that emerged from conversations and sessions during the event, and aims to support organizations and individuals impacted by censorship campaigns in Vietnam, as well as those directly addressing internet censorship in Vietnam. The report begins with a snapshot of the current situation in Vietnam, as highlighted by participants at VCD 3.0, then shares the challenges experienced by current practitioners and their allies, and concludes with next steps for participants and those looking to get more involved in this work. VCD 3.0 was conducted under the Chatham House Rule, and quotes will generally not be attributed to any one participant.



*Organizing committee members from hosts ARTICLE 19, Viet Tan, and Reporters Without Borders*

### Vietnam's Landscape

Two thirds of Vietnam's population are on the Internet, and 95% of these users are on Facebook<sup>1</sup>. With its sizable market penetration, Facebook has facilitated new means for communication, entertainment, and commerce. It has also created a medium for users to share news, events, and perspectives beyond those approved by state-owned media. In response to this activity, the Vietnamese government have pursued activists and bloggers using trolls and sophisticated phishing attacks, and have jailed activists for using Facebook, characterizing these activities as propaganda tools or as attempts to overthrow the government. Reporters Without Borders ranked Vietnam 176 out of 180 countries on its World Press Freedom Index<sup>2</sup>. Vietnam is placed 76 out of 100 countries in Freedom House's Freedom on the Net report<sup>3</sup>.

In January 2019, Hanoi implemented a new "cybersecurity" law requiring foreign companies such as Facebook and Google to set up local data servers and offices in Vietnam. The law also contains sweeping prohibitions against online content that the state considers "anti-government" or "anti-state", and expands the police's ability to arrest people for their online activities. Guidelines for the implementation of this law have not been published, but these regulations could intensify the existing repressive political environment.

In the 2019 Universal Periodic Review conducted by the UN Human Rights Council in January, France, the Netherlands, Austria, Canada, USA, Australia, and other countries made recommendations to Vietnam regarding the "cybersecurity law" and freedom of expression<sup>4</sup>. Numerous states condemned the ambiguous language in the new cyber law.

Alongside this new law, the Vietnamese government has deployed various tactics to censor activists online. VCD 3.0 participants shared that their content have been flooded by state-sponsored trolls – who bully activists, spread misinformation and manipulate Facebook's report function. The content is subsequently taken down based on Facebook's community standards. According to Viet Tan, the majority of cases reported to their No Firewall Helpdesk initiative were related to content removal or account suspensions on Facebook.<sup>5</sup> Other participants shared their experiences with hacking and phishing.

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<sup>1</sup> Kemp, Simon. "Digital 2019: Vietnam." Global Digital Insights. January 31, 2019. Accessed May 02, 2019. <https://datareportal.com/reports/digital-2019-vietnam>.

<sup>2</sup> "Vietnam." RSF. Accessed May 02, 2019. <https://rsf.org/en/vietnam>.

<sup>3</sup> "Vietnam Country Report." Freedom on the Net 2018. February 11, 2019. Accessed May 02, 2019. <https://freedomhouse.org/report/freedom-net/2018/vietnam>.

<sup>4</sup> "Draft report of the Working Group on the Universal Periodic Review: Viet Nam." United Nations General Assembly. February 6, 2019. Accessed May 02, 2019. [https://www.upr-info.org/sites/default/files/document/viet\\_nam/session\\_32\\_-\\_january\\_2019/a\\_hrc\\_wg.6\\_32\\_l.4.pdf](https://www.upr-info.org/sites/default/files/document/viet_nam/session_32_-_january_2019/a_hrc_wg.6_32_l.4.pdf).

<sup>5</sup> "Hanoi's 'Cybersecurity' Law." Viet Tan. October 12, 2018. Accessed May 02, 2019. <https://viettan.org/en/cybersecurity-law>.

Lastly, in the last several years, the Vietnamese government has been more aggressive in targeting activists for their content online, increasing the number of arrests and expanding sentences for “anti-state propaganda” and “attempt(s) to overthrow the people’s administration”. Most recently, these were the charges brought against Nguyen Viet Dung and Tran Thi Xuan for their activities online<sup>6</sup>. There are now more than 100 imprisoned activists, with the majority charged with violating Articles 331 and 117 of the 2015 Penal Code, and sentenced between 2 to 10 years in prison. Many indictments of these activists make specific references to their online activities.

During VCD 3.0, the first session provided participants with current snapshots of Vietnam related to the cybersecurity law and the Internet: the average Internet user, press freedom, the tech sector, civil society groups, and the legal and operating environment. For each topic, a current practitioner (i.e., expert participant) from the participant group led the conversation.

**Average Internet User:** The average user spends nearly 7 hours online every day, and about 2.5 hours on social media. Their time on social media is primarily spent on Facebook, connecting with friends, shopping, and meeting new people. While these users share vast amounts of their information online, they’re not savvy on privacy and data protection. The expert participant shared that they believe most profiles are public, and that most users do not deploy extra layers of security like multi-factor authentication. The same participant shared that the openness of the Internet, and the increased access to non-state media, have led Vietnamese Internet users to feel more willing about sharing their perspectives on the political and social situations online. They observed a pull back in sharing after the cybersecurity law was announced. In addition, Vietnamese people are now more aware of the government’s hacking activities.

**Press Freedom:** While there are hundreds of state-owned media outlets in Vietnam, there is “one editor-in-chief”. These state-sanctioned news organizations receive a weekly report on what to disseminate. The expert participant shared an example of how the State shapes media: for a Taiwanese sporting event, the State instructed state media channels to not televise the Taiwanese national anthem as to not aggravate China. The expert participant observed that state-sanctioned journalists do wish to abide by journalistic integrity, but fear retribution and punishment.

**Civil Society:** There are over 2,000 civil society organizations in the Vietnam, organized as community based organizations (CBOs) and NGOs. The majority of these groups support state-approved policy and facilitate welfare, social services, and poverty alleviation programs. There

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<sup>6</sup> "Two More Activists Jailed in Vietnam amid Widening Dissent Crackdown." Reuters, April 11, 2018. Accessed May 1, 2019. <https://www.reuters.com/article/us-vietnam-dissidents/two-more-activists-jailed-in-vietnam-amid-widening-dissent-crackdown-idUSKBN1HJOSF>

is currently little space for independent civil society in Vietnam, and any opposition or criticism of policies and the regime are confined to actions like civil disobedience and mass demonstrations. The government often characterizes these demonstrations as attempts to overthrow the state or anti-state propaganda. The expert participant shared that some NGOs have emerged to play a larger advocacy role. However, these efforts are soft, usually focused on supporting existing policy measures that concern specific marginalized communities.

**Tech Sector:** Vietnam's economy is growing rapidly, giving rise to a rising middle class and expansion in consumer spending. As a result, Vietnam is an attractive market for foreign companies, outsourced engineering talent, as well as in-country entrepreneurial endeavors. With entrants like Facebook and Google, homegrown successes like VNG and Tiki, and with skilled tech talent, the government has touted efforts to support tech and entrepreneurship in Vietnam. The expert participant shared Vietnam's tech scene through the lens of the open source community. The expert participant observed that Vietnam has not delivered any high-profile open source contributions since Unikey, which is a key ingredient of many tech innovations abroad. Reasons may include that Vietnamese people are not familiar with the attributes essential for open source culture: transparency, open governance, sharing intellectual property, and trust and collaboration with strangers. However, many Vietnamese are eager to learn to code through open source, and contributions may rise with the growing interest in blockchain and AI technologies.

**Legal & Operating Environment:** Nearly every activist in Vietnam uses the Internet to organize, and the Vietnamese government gathers content, photos, and audio files posted on Facebook and social media as evidence for questioning and arrests. The Vietnamese security police conduct the following steps to establish an arrest: 1) threaten and demand activists to stop using social media to post anti-government content, 2) prepare documents to fine activists from 200,000 to 1,000,000 VND (\$9 to \$44 USD), and 3) temporarily detain the activists from 3 to 9 days.<sup>7</sup> Based on their findings, the police may then prosecute the activists, which allows them to detain activists from 2 to 4 months as they investigate the case. After the police conclude the investigations, the defendant is often put on trial. No activist has ever been acquitted at a political trial. Human rights activists are generally arrested and sentenced according to one of the following articles of the 2015 Penal Code:

- Article 109: Carrying out activities aimed at overthrowing the State
- Article 118: Causing public disorder
- Article 117: Conducting propaganda against the State
- Article 331: Abusing democratic rights to infringe upon the interests of the State, organisations and/or citizens

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<sup>7</sup> According to the General Statistics Office of Vietnam, the average income for a Vietnamese worker was \$240USD per month in Q1 2018. As such, fines and detainments have meaningful financial impact on activists and their families.

There is no judicial process for Vietnamese people to share their opinions on new laws or human rights cases. In some cases, they can send petitions to members of the National Assembly, but these petitions are generally ineffective.

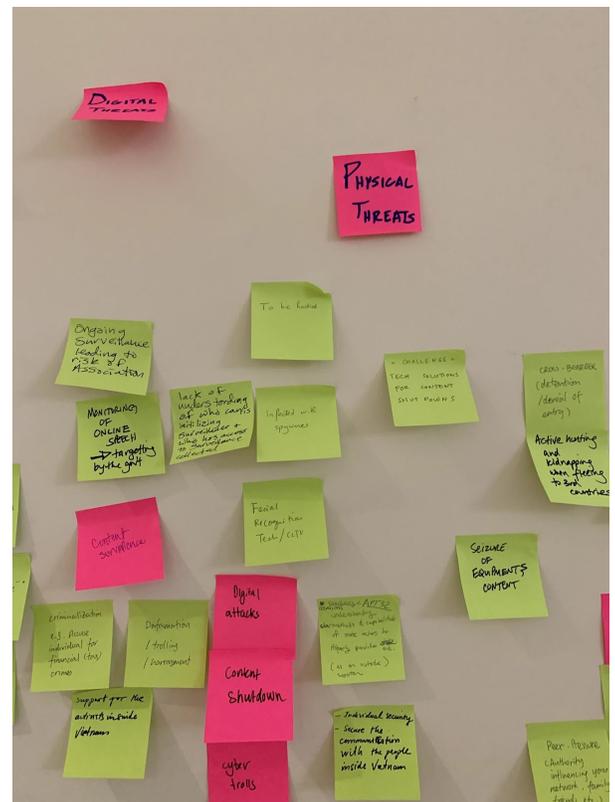
## Key Practitioner Pain Points

VCD 3.0 had a session for participants to discuss and share challenges specific to their work in and/or relationship to Vietnam. The goal was to build a shared understanding of the challenges experienced by different stakeholders in the space, and to collaboratively problem solve and share strategies.

**Front Line Activists:** Participants in this group shared the physical and digital intimidation efforts by the government for their work, which impact both them and their families. Physical threats include kidnapping, seizure of equipment, physical violence, and stalking. Digital threats include online monitoring, hacking, content takedowns, and cyber bullying. In addition, the Vietnamese government has expanded the scope of who they choose to detain at the border, and has targeted other groups of people.

**Technologists & Allies:** This group included many non-Vietnamese participants working externally. Participants in this group spoke to the difficulties of language and having visibility into Vietnam, particularly in rural areas. The group also discussed improving censorship measurement, and the challenges and risks of collecting, sharing, and analyzing the data.

**Media & Journalists:** Participants in this group cover Vietnam from in and outside of the country. Participants in this group spoke to the challenges of finding sources, verifying these sources, fact checking, and delivering their findings to the audience in Vietnam. In addition, they talked about the presence of “fake tips”, wherein reporters are provided with false information that may discredit or delegitimize their work if published.



A few shared challenges emerged in the discussion. All groups spoke to the difficulty of assessing who they could collaborate with in Vietnam. Participants did not have the tools to properly conduct due diligence on individuals and organizations, which could become a threat to their work. Another key challenge is improving coordination between existing efforts.

## Other Challenges & Strategies

Participants also discussed other drivers and influences of censorship within Vietnam, and the conversation expanded the scope of Vietnam’s current efforts to include the impact of foreign tech companies, as well as the influence of China and other ASEAN countries. The goal of this session was to provide participants with a birds-eye view of the open questions, existing initiatives, and available resources.

**Engaging Facebook and other tech companies on how their activities enable censorship:**

Facebook’s content moderation procedures have impacted activists and civil society organizations around the world. In Vietnam, trolls are used to report legitimate content posted by activists, and their content is subsequently taken down. A participant that works with troubleshooting tech for activists shared that their help desk now receives higher requests related to moderation and content takedown. Another participant shared that they’re unable to access their content after it’s been taken down. This has implications for the evidence they’re gathering of human rights abuses that may not be saved locally on their phones. One participant successfully had their content restored after finding an avenue to engage directly with Facebook. However, this is rare, and participants discussed the difficulties with engaging with the company directly, as well to engage the company for larger conversations regarding Facebook’s community standards and inconsistent moderation actions.

The screenshot shows a Facebook post from Hoàng Tứ Duy, posted yesterday at 12:12 AM. The post text reads: "Bộ Ngoại Giao Hoa Kỳ phản đối án tù của nhà hoạt động Lê Đình Lương, kêu gọi CSVN phải trả tự do cho tất cả các tù nhân chính trị. Nguồn: <https://www.state.gov/r/pa/prs/ps/2018/08/285197.htm>". Below the text is a link to a press statement titled "Vietnam's Conviction of Peaceful Activist Le Dinh Luong". The press statement is dated August 17, 2018, and is issued by Heather Nauert, Department Spokesperson in Washington, DC. The statement expresses concern over the conviction of Le Dinh Luong to 20 years in prison and 5 years probation, and calls for the release of all prisoners of conscience. At the bottom of the post, a yellow warning icon is visible with the text: "We removed this post because it looks like spam and doesn't follow our Community Standards." Below this message are two buttons: "It's Not Spam" and "I didn't post this".

*Participant shared the content they published that was removed by Facebook. The participant was able to contact Facebook directly, who admitted it was removed “by mistake” and restored the content.*

Participants discussed how cracking down on hate speech or fake news could be used for censorship. One participant noted that the General Data Protection Regulation and the current work by European parliaments may make it timely to exercise pressure on tech giants. Participants also discussed how Facebook should comply with international standards of human rights versus local laws. Participant noted the work done by Next Billion, Global Voices, and Berkman Klein Center, as well as referenced the policy brief published by ARTICLE 19. The brief made a recommendation that Facebook, Twitter, and Google should respect basic human rights and comply with international freedom of expression standards<sup>8</sup>.

**Influence of China and the ASEAN region on surveillance and censorship efforts:** Participants discussed the various ways China has influence over Vietnam, from its economic relationship – China is Vietnam’s biggest trade partner, and there is growing direct investment into Vietnam from China year-over-year – to how Vietnam may be looking to its neighbor and other countries for surveillance and censorship tactics. Participants also noted the dichotomy between the government and citizen perspective of the China-Vietnam relationship. The Vietnamese government emphasizes opportunity, while citizens are concerned by the government’s judicial and regulatory leniency and, in some cases, corruption to appease China.

**Collaborating with the Vietnamese government:** Participants in this group were interested in seeing if there were ways to work with the State, and discussed a strategy in which they’d work with the State through state-owned companies. The group discussed the military-owned telecoms company Viettel as a case study. The participants discussed how the network has blocked access to content, which has implications for censorship as Viettel exports its services to other parts of Asia, Africa, and Peru. As Viettel plays a larger role in the global economy, could consumers or other economic buyers make a case for Viettel to remove this feature as a part of its network offering?

### From Learnings to Action

With the shared understanding generated from discussions and presentations throughout the day, the event concluded with working groups that formed based on topics of interest determined by the participants: 1) improving the efficacy of international advocacy efforts, 2) designing tools to better support the privacy of front line activists, 3) addressing Vietnam’s cybersecurity law, 4) sharing best practices and effective strategies with activists.

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<sup>8</sup> “Policy Brief: Regulating Speech by Contract.” *ARTICLE 19*. June 19, 2018. Accessed May 02, 2019. <https://www.article19.org/resources/side-stepping-rights-regulating-speech-by-contract>.

The groups developed work plans for each of these projects, and some groups plan to take this work forward through the year. In addition to these work plans, the content and discussions during VCD 3.0 will hopefully inform the existing initiatives and work moving forward, as well as facilitate new connections for collaboration. For example, one working group self-organized a subsequent session, and invited others at the Internet Freedom Festival to attend and provide input.

“VCD 3.0 was incredibly useful, and what we learn today will guide the design of our tools. I want to have more regular opportunities like this to collaborate with diverse practitioners,” noted one participant who identified as a technologist. “The cross-pollination in the room allows for rapid learning, collaboration, and action,” noted another participant who identified as an activist.

Looking forward, in the coming year before our next convening, the Vietnam Cyber Dialogue community will establish touch points throughout the year, and aim to share news and organize meetups.

To get involved or stay connected, please e-mail [\*\*vcd@internetfreedomfestival.org\*\*](mailto:vcd@internetfreedomfestival.org).

## About the Hosts

### ARTICLE 19

ARTICLE 19 is an international human rights organization that promotes and defends freedom of expression and freedom of information worldwide. ARTICLE 19 monitors threats to free expression around the globe, lobbies governments to adopt laws that conform to international standards of freedom of expression, and drafts legal standards that strengthen media, public broadcasting, free expression, and access to government-held information.

### Reporters without Borders (RSF)

Reporters Without Borders (RSF) has been defending freedom of the press and freedom of information for over 30 years. Thanks to its unique global network of 150 local correspondents investigating in 130 countries, 13 national offices and a consultative status at the UN and UNESCO, RSF is able to have a global impact, gather on-the-ground information, conduct major advocacy campaigns, and assist and defend news providers all across the world.

### Viet Tan

The mission of Viet Tan is to overcome dictatorship, build the foundation for a sustainable democracy, and demand justice and human rights for the Vietnamese people through a nonviolent struggle based on civic participation. Through its internet freedom program, Viet Tan aims to:

- Challenge legal statutes restricting freedom of expression
- Equip netizens with knowledge and tools for circumvention and digital security through our No Firewall Helpdesk
- Support citizen journalists and advocate for imprisoned digital activists