

Vietnam

Vietnam currently regulates access to the Internet extensively, both in the management of Internet infrastructure as well as by restricting access to country- and language-specific content.



Background

Now a member of the World Trade Organization (WTO), the Socialist Republic of Vietnam is attempting simultaneously to promote the development of information communications technology (ICT) and e-commerce while struggling to limit access to content that might destabilize the communist state and undermine its control. Although citizens are legally allowed to question corruption, economic policy, and government deficiencies, the line is drawn at political criticism involving government leaders, political parties and multiparty democracy, and sensitive social and diplomatic issues. After a period of relative openness and tolerance of independent voices and criticism in 2006, where liberal publications were established, the government clamped down on what it considers unlawful usage of the Internet. Authorities continue to detain a number

of individuals for Internet activities, such as discussing political reform over Voice-over Internet Protocol (VoIP).¹

Internet in Vietnam

Vietnam's Internet system is growing and changing rapidly, and it is difficult to describe the situation "on the ground" with complete accuracy. From 2005 to 2006, the number of Internet users reportedly jumped from 9.2 million to 14.5 million, yielding an Internet penetration rate of 17 percent.² Because more than half of the population is under thirty and a significant portion of individual users use cybercafés for online gaming and access to the Internet, control over these venues

RESULTS AT A GLANCE

Filtering	No evidence of filtering	Suspected filtering	Selective filtering	Substantial filtering	Pervasive filtering
Political					●
Social			●		
Conflict/security	●				
Internet tools				●	

Other factors	Low	Medium	High	Not applicable
Transparency	●			
Consistency	●			

KEY INDICATORS

Source (by indicator): World Bank 2005, 2006a, 2006a; UNDP 2006; World Bank 2006c, 2006c; ITU 2006, 2005

is an important priority for the state.³ Postal offices are also important providers of Internet access. VoIP is an increasingly popular means of communication.⁴ Although the state affirmatively seeks to enhance the competitive edge of domestic enterprises, Vietnamese online services are still nascent, and there are few search engines currently available to Vietnamese users.

State regulation determines how Internet connectivity in Vietnam is organized and managed, and facilitates Internet content filtering by limiting external access points that must be controlled.⁵

Only Internet exchange points (IXPs) can connect to the international Internet, while online service providers (OSPs) and Internet content providers (ICPs) may connect to ISPs and IXPs.⁶ At the edge of the network, Internet agents, such as cybercafés, connect to their contracted ISP.⁷ ISPs may connect with each other and with IXPs, but private ISPs may not connect with each other in peering arrangements.⁸ Currently, IXPs can theoretically maintain independent connections to the international Internet, but it is not clear how many do so in practice. Vietnam controls the allocation of domain names under the country code top-level domain, “.vn,” through the

Vietnam Internet Center,⁹ and is also planning to implement a state-controlled Vietnamese-language second-level domain.¹⁰

Legal and regulatory frameworks

Vietnam’s legal regulation of Internet access and content is multilayered and complex, and can occur at the level of National Assembly legislation, ministerial decisions, or through VNPT rules created for the management of the Internet infrastructure. Although Vietnam nominally guarantees freedom of speech, of the press, and of assembly through constitutional provisions,¹¹ state security laws and other regulations trump or eliminate these formal protections. Media in Vietnam are state-owned, and they are under increasingly tight control by the state. Effective July 1, 2006, the Decree on Cultural and Information Activities subjects those who disseminate “reactionary ideology” including revealing secrets (party, state, military, and economic), who deny revolutionary achievements, and who do not submit articles for review before publication to fines of up to thirty million dong (USD2,000).¹² These regulations appear to target journalists, as criminal liability already exists for some of the proscribed activities, including the dissemination of state secrets.

All information stored on, sent over, or retrieved from the Internet must comply with Vietnam's Press Law, Publication Law, and other laws, including state secrets and intellectual property protections.¹³ All domestic and foreign individuals and organizations involved in Internet activity in Vietnam are legally responsible for content created, disseminated, and stored. New monitoring software issued by the Ministry of Posts and Telematics in July 2006 requires ISPs to record the identity and Internet behavior of users at Internet kiosks, and to store the information on their servers for one year.¹⁴ Relevant legislation and administrative decrees may not be consistently enforced—such as the requirements to track IDs and record personal information as a condition for access in cybercafés that appears to be largely ignored in cities such as Ho Chi Minh City and Hanoi.¹⁵ However, they do provide the state with considerable authority and discretion to control how citizens get online.

Just as ISPs and cybercafés are required to install monitoring software and store information on users, all users are also formally deputized to report content that opposes the state or threatens state security to the relevant authorities.¹⁶ It is unlawful to use Internet resources or host material that opposes the state; destabilizes Vietnam's security, economy, or social order; incites opposition to the state; discloses state secrets; infringes organizations' or individuals' rights; or interferes with the state's Domain Name System (DNS) servers.¹⁷ Those who violate Internet use rules are subject to a range of penalties, from fines to criminal liability for offenses such as causing chaos or "security disorder."¹⁸ The National Assembly enacted the Law on Information Technology on June 22, 2006.¹⁹

Regulatory responsibility for Internet material is divided along subject-matter lines in Vietnam. While the Ministry of Culture and Information focuses on sexually explicit, superstitious, or violent content, the Ministry of Public

Security monitors customers who access politically sensitive sites.²⁰

ONI testing results

Testing was conducted from various access points (including hotel, cybercafé, and wireless connections) on two ISPs: FPT and VNPT. VNPT returns a "blockpage" indicating that the requested site was prohibited; FPT indicates that the filtered site does not exist, suggesting a form of DNS tampering where the listings for filtered sites had been removed from its DNS server. Our testing of Vietnam's Internet filtering found that the state concentrates its blocking on content about overseas political opposition, overseas and independent media, human rights, and religious topics. Proxies and circumvention tools, the use of which is illegal,²¹ were the major exception and a substantial number were inaccessible on both ISPs.

A large majority of blocked and inaccessible content was specific to Vietnam—either in the Vietnamese language or related to Vietnamese issues, with a significant number of filtered sites operating out of California. Sites only in English or French, or from the global list, were rarely blocked. For example, the domain for Radio Free Asia (www.rfa.org) was blocked only on FPT, although RFA's Vietnamese-language home page (www.rfa.org/vietnamese) was blocked by both ISPs. At the same time, however, sites only tangentially or indirectly critical of the government, such as content focusing on local communities (www.nguoidan.net; www.vietnamdaily.com) or world news aggregation (www.thongluan.org; www.danchimviet.com/php/index.php) were also blocked, along with sites voicing strong anti-communist sentiments (www.conong.com; www.vietnamvietnam.com). Although a large number of overseas sites focusing on political opposition and reform (such as the Free Vietnam Alliance at www.lmvtnt.org) were filtered, the only human rights Web site on the global list to be blocked by either (and in this case both) ISP

belonged to the NGO Human Rights Watch (www.hrw.org).

Certain religious content, such as pages on religious freedom, Buddhism, and Caodai (www.caodai.net) are blocked to a limited degree. Some topics, such as the Montagnard people who assisted the United States during the war with Vietnam and who are commonly Christians, overlap multiple categories (such as the Montagnard Human Rights Organization Web site www.mhro.org) and are filtered accordingly.

Surprisingly, Vietnam does not block any pornographic content (though it does filter one site ONI tested with links to adult material), despite the state's putative focus on preventing access to sexually explicit material. The state's filtering practices are thus in obvious tension with the purported justification for these actions.

ONI has concluded that commercial filtering lists are not being used in Vietnam for several reasons: the pattern of blocking does not conform to any software product that ONI has studied, the observed pattern of deleting DNS records for prohibited sites is inconsistent with using Web filtering software, and the greater filtering of Vietnamese-language sites on a given topic compared with English-language sites. However, VNPT may be using a commercial product for filtering. Through multiple rounds of testing, inconsistencies in filtering persisted and evolved, also indicating that the Vietnamese state or Vietnamese ISPs are compiling their own block lists. For example, the news site www.saigonbao.com, blocked earlier in 2006 by both FPT and VNPT, was inaccessible only on VNPT when tested at the end of the year. VNPT also filtered a range of sites that were accessible on FPT, primarily independent media, human rights (from the Vietnam Human Rights Network to the International Criminal Tribunal for Rwanda Web sites), and overseas community (the Vietnam American National Gala awards) and political content.

Conclusion

Vietnam's filtering regime is multilayered, relying not only on computing technology but also on threats of legal liability, state-based and private monitoring of users' online activities, and informal pressures such as supervision by employees or other users in cybercafés. Over time, the state's online filtering has expanded, both in the content blocked for a given topic and the number of content categories that are targeted. Although purporting to protect national security and block obscene content, Vietnam actually focuses on blocking access to sites within an expansive definition of political "opposition" that includes the activities of Vietnamese communities overseas. Although the Vietnamese state's blocking of access to certain content on the Internet can be circumvented by users with technical knowledge, ordinary users will likely continue to find that filtering distorts their information environment.

NOTES

1. Deutsche Presse-Agentur, "Vietnam youths arrested over internet chats released after 9 months," August 16, 2006.
2. Thai Press Reports, "E-commerce services extended in 2006," January 4, 2007.
3. Paul Budde Communication Pty Ltd., 2006, Vietnam: Internet, 10, July 30, 2006. See also John Boudreau, "Bay Area entrepreneur leads way in online gaming in Vietnam," *The Mercury News*, January 17, 2007, <http://www.mercurynews.com/mld/mercurynews/business/16475618.htm>.
4. Paul Budde Communication Pty Ltd., 2006, Vietnam: Internet, 15, July 30, 2006.
5. See Articles 27–38, decree no. 55/2001/ND-CP of the Government on the management, provision and use of the Internet services, issued on August 23, 2001.
6. Article 27, decree no. 55/2001/ND-CP.
7. *Ibid.*
8. *Ibid.*
9. See Article 3, decision no. 27/2005/QD-BBCTV; IANA, .vn – Vietnam, <http://www.iana.org/root-whois/vn.htm>.
10. See Article 7, decision no. 27/2005/QD-BBCTV.

11. Article 69, Constitution of the Socialist Republic of Vietnam, adopted April 15, 1992, amended December 25, 2001, http://www.oefre.unibe.ch/law/icl/vm00000_.html.
12. Southeast Asian Press Alliance (SEAPA), "Vietnam readies stricter press laws to rein back aggressive journalists," June 16, 2006, <http://www.seapabkk.org/newdesign/newsdetail.php?No=485>.
13. Article 6(1), decree no. 55/2001/ND-CP of the Government on the management, provision and use of the Internet services, issued on August 23, 2001.
14. U.S. Department of State, Country Reports on Human Rights Practices 2006: Vietnam, March 6, 2007, <http://www.state.gov/g/drl/rls/hrrpt/2006/78796.htm>.
15. OpenNet Initiative, Internet Filtering in Vietnam in 2005–2006: A Country Study, 19, August 2006, <http://www.opennet.net/studies/vietnam/>.
16. Article 6(2), decree no. 55/2001/ND-CP of the Government on the management, provision and use of the Internet services, issued on August 23, 2001; Article III, Joint Circular no. 02/2005/TTLT-BCVT-VHTT-CA-KHDT of July 14, 2005, on management of Internet agents, issued by the the Ministry of Post and Telematics, the Ministry of Culture and Information, the Ministry of Public Security, and the Ministry of Planning and Investment on July 14, 2005.
17. Article 2(2), Regulation on Management and Use of Internet Resources, decision no. 27/2005/QD-BBCVT, issued by the Ministry of Post and Telematics on August 11, 2005.
18. Article 11(3), decree no. 55/2001/ND-CP.
19. Thai Press Reports, "Vietnam post and telecommunication sector records outstanding achievements in 2006," January 1, 2007.
20. BBC Monitoring International Reports, "Vietnamese Security Ministry establishes special unit to tackle Internet crime," August 4, 2004.
21. Article I s.3, Joint Circular no. 02/2005/TTLT-BCVT-VHTT-CA-KHDT.