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PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIETNAM
to the United Nations Office,
the World Trade Organization
and Other International Organizations at Geneva

MISSION PERMANENTE DE LA
REPUBLIQUE SOCIALISTE DU VIETNAM
auprès de l'Office des Nations Unies,
de l'Organisation Mondiale du Commerce
et des autres Organisations Internationales à Genève

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Ref: 425 /VNM.2012

Geneva, October 15, 2012

Dear Special Rapporteurs,

With reference to your letter Ref. ALG/SO 214 (67-17, 107-9) VNM 3/2012 of 02.08.2012, regarding the draft decree on "management, provision and use of Internet services and information on the network", replacing the Decree 97/2008/NP-CP, we would like to convey to you the followings:

1. We thank you for your communication. The draft is now being circulated for contributions, in order to make the coming decree serve the best socio-economic and cultural development, administrative reform and improvement of quality of life for people. Therefore, all comments and recommendations are welcome.

2. For further details in the letter, I am afraid that, a few minor remarks on Articles 10, 24, 25, 28 and 29 appear not matching exactly the spirit and content of the draft. For Article 5, it is in fact carried over from Article 6 of the previous Decree. The rest of the draft is based on references to current legislations and law enforcement experience from many countries, international norms and practices, as well as existing laws and regulations of Viet Nam while giving due considerations to the overall development progress and the particularities of the socio-economic situation in the country.

3. Regarding the concerns over the draft contents vis-à-vis to the International Covenant on Civil and Political Rights (ICCPR), we wish to reiterate that all measures shall be taken to ensure the harmony of the domestic legislation and international commitments of the country. The draft has received careful consideration from all related ministries, agencies and socio-political organizations, aimed at providing the most favorable conditions for communication and Internet usage, guaranteeing people's freedom of expression, opinion and information access. At the same time, like in all other countries, activities violating the laws, causing harm to national security, damaging the fine traditional customs or delivering negative impacts to the youth must be met with justice.

Mr. Frank Larue,

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Ms. Margaret Sekagya,

Special Rapporteur on the situation of human rights defenders

OHCHR REGISTRY

15 OCT 2012

Recipients: *SPD*

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4. In addition, we would like to provide further information as follows:

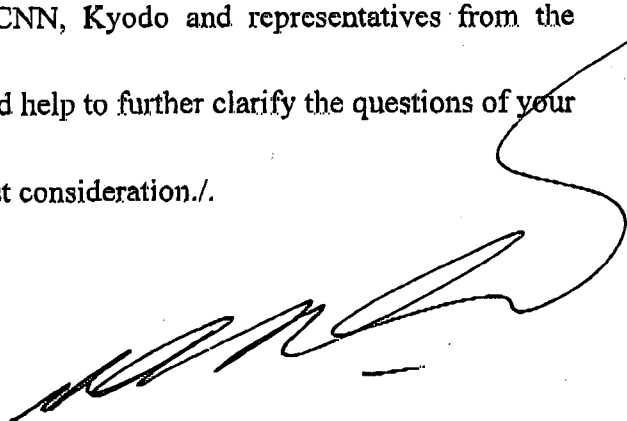
a) Viet Nam pursues the consistent policy of respect, promotion and protection of human rights and freedoms, including the rights to freedom of expression and opinion. Vivid examples of such commitments are enshrined in her fundamental legal documents, including the 1992 Constitution, 1999 Law on Press, 2005 Anti-corruption Law and 2011 Laws on Complaints and Denunciations, as well as her desire to contributing more to the work of the Human Rights Council by the aspiration to become a member for the 2014-2016 period.

b) Despite being a developing country, Viet Nam has been striving to integrate into the regional and international economy, with all her efforts to maintain the economy growth, equitable distribution and the guarantee of freedom of expression, opinion and information access in the society. Large investment on infrastructure, including on technologies, IT and communication has been realized. Viet Nam encourages Internet usage for socio-economic and cultural development, administrative reform and improvement of quality of life for people. In the 2011 International Telecommunication Union (ITU) Report, Viet Nam was ranked third on Information and Communication Technologies Index (IDX) for the 2008-2010 period and ranked first on IDI access sub-index. The Report credited the Government of Viet Nam for its active role in this achievement.

Finally, here are some statistics for your information: (i) currently there are 31 million users of Internet (compared to 26 million in 2010), 2.5 million with personal blogs, 300 electronics newspapers, 227 registered social websites and thousands of webpages. (ii) There are 786 newspapers (compared to 676 newspapers in 2009) with more than 1,016 publications (against 1003 in 2011), around 18,000 licensed reporters, 01 news agency, 68 radio and television broadcasts. (iii) International TV channels are available in Viet Nam, including the news cables such as CNN, BBC, Bloomberg and others from Australia, China, France, German, Italia and Korea. In addition, all majors new agencies have their presence in the country, such as AFP, Reuters, BBC, VOA, CNN, Kyodo and representatives from the Economists and Financial Times.

We hope that the above information would help to further clarify the questions of your concerns.

Please accept the assurances of our highest consideration./.



THANH T. NGUYEN
Ambassador, Permanent Representative