

# **Digital rights in state of emergency in Vietnam during Covid 19 pandemic: balancing between freedom of expression and public order**

Dr. Pham Hai Chung & Dr. Ngo Minh Huong\*<sup>1</sup>

## **Abstract**

Although freedom of expression and information is internationally recognised human rights, it has not coherently implemented in practice. There are reasons that States often use to restrict the freedom such as state of emergency and national security. Coronavirus (Covid-19) pandemic poses a global public health challenge and thus countries around the world need to respond. But not all the time, in this special case of state of emergency, it is made in respect of human rights such as digital rights balance between freedom of expression and information and public order. The main research question is to what extent freedom of expression can be limited in such state of emergency. The state of emergency is a situation that allows the government to restrict some freedoms and rights including freedom of expression and movement and some other human rights for the sake of the public interest or national security by means of public order. This paper looks at the practice of digital rights in Vietnam as to explain to what extent digital rights within the meaning of freedom of expression/information vis-a-vis the spread of fake news and disinformation is restricted in the state of emergency during the Covid 19 pandemic in Vietnam.

## **State of emergency vs. Freedom of Expression**

Freedom of Expression and Information (FOE/I) is more recognized under international human rights law, but not all ASEAN states have ratified ICCPR. However, despite ratification, the practice of FOE/I differs from what should be interpreted by ICCPR and international human rights standards.

The legal review of state shows that all states give legality of FOE/I under the constitutions – as FOE/I is constitutional right. However, other laws and regulations are made to provide restrictions to this freedom. The respective laws and regulations such as the Penal Code, Media and Press Law, Internal Security Act or Computer Act or rule and

---

<sup>1</sup> Dr. Pham Hai Chung is lecturer at School of Journalism and Communication, University of Social Sciences and Humanities, VNU. Email: [phamhaichung@gmail.com](mailto:phamhaichung@gmail.com) Dr. Ngo Minh Huong is lecturer at Faculty of Law, National University Hanoi. Email: [nmhuongvn@gmail.com](mailto:nmhuongvn@gmail.com)

power on State of Emergency are placed to restrict FOE/I concerning this issues in legitimate way.

Under international human rights law,<sup>2</sup> freedom of expression is clearly stated in the Article 19 of UDHR “...*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers....*”. Article 19 of ICCPR repeats the same meaning of UDHR. Article 19 (1) protect the right to freedom of opinion without interference and does not permit any restrictions to be imposed on the right to hold opinion.<sup>3</sup> National security ground has no relevance to defend the violation of article 19 (1). In many cases where the government opponents were arrested or detained with criminal persecution because of their political opinion, the HRC found it violation of art. 19 (1). The article 19 of ICCPR expresses broad scope of application of art 19 (2) as ‘without interference’ and applied as the “ideas of all kinds” including information, facts, critical comments and ideas and opinions, news, commercial advertising, art works, political commentary etc which are protected.<sup>4</sup> Article 19 (3) provides certain restrictions to the freedom of expression including to ‘*[r]espect the rights of and reputations of others and ..[p]rotection of national security or of public order, public health and morals*’. Articles 19 (3) and 20 can be read together. And measures to protect public order or public safety overlap ones with national security.

The frequent issues and concerns are that what scope of restrictions on the rights which are permissible under paragraph 3 and article 20. The HRC in its General Comments of article 19 expresses that the restrictions may not put jeopardy the right itself.<sup>5</sup> Art 19 can mean that not any form of expressions of this article can suffer broader restrictions than others or any form can be subject to varying degrees of limitation.<sup>6</sup> The two grounds of national security and public order were often used to limit the FOE.

There are rules regarding permissible restrictions on freedom of expression within the meaning of art 19 (3) and art 20 of ICCPR. That are whether restrictions are;

---

<sup>2</sup> Referring to 1946 UDHR and 1966 International Covenant on Civil and Political rights and International Covenant on Economic Social and Cultural rights

<sup>3</sup> General Comments on article 19. No.10. 19<sup>th</sup> Session, para 1

<sup>4</sup> Discussion was cited in Malferd Nowak. UN Covenant on Civil and Political Rights, 2<sup>nd</sup> edition. N.P Engel Publisher. 2005.

<sup>5</sup> General Comments on article 19. No.10. 19<sup>th</sup> Session, para 4.

<sup>6</sup> This view is expressed in the case of Ballantyne, Davison and McIntyre v. Canada (Communication No. 385/1989; CCPR/C/47/D/385/1989 ) para 11.3

- (i) being ‘provided by law’ meaning the State has to show the legal basis for such restriction. But the Committee requires the state to provide details of the law and the particular circumstance that the law applies. The law restricting the Covenant rights must themselves be compatible with aim and objective of the Covenant. In case the law which may provide too broad in scope to be a justifiable restriction in itself, it is nevertheless compatible with the Covenant.<sup>7</sup> The Committee required that the restrictions must meet a strict test of justification.<sup>8</sup> However, FOE/I is still restricted on the ground of national security which should not be laid with the burden of proving of the State.<sup>9</sup>
- (ii) being ‘necessary’ meaning that the State shows evidence and need for restrictive measure to protect national security and if yes, it should be at minimum necessary for that purpose. The Committee tended to apply more demanding notion of democratic necessity.<sup>10</sup> Even though the Committee has not applied the proportionality test but it is understood that requirement for being ‘necessary’ includes standard of proportionality.<sup>11</sup>
- (iii) being legitimate to the purpose: in some case the Committee viewed that such restrictions by the State Parties were necessary for one of legitimate aim set out in article 19 (3). Sometimes, the criteria of legitimate aim is to determine whether some restrictions or limitations of rights are pursued for good reason, therefore permissible. There are cases that the Committee viewed that the restriction of FOE is permissible.

12

---

<sup>7</sup> Case Toonen v. Australia. No. 488/1992 View adopted 8 March 1994 is “ Even interference provided for by the law should be in accordance with the provisions, aims, and objectives of the Covenant and should be, in any event, reasonable in the circumstance”

<sup>8</sup> No. 628/1995. CCPR/C/64/D/628/1995 Tae Hoon Park v. Republic of Korea para 10.3 states: “The right to freedom of expression is of paramount importance in any democratic society, and any restrictions to the exercise of this right must meet a strict test of justification”

<sup>9</sup> A/HRC/14/23. Para 79 (d). The UN Special Rapporteur states “Laws imposing restrictions or limitations must be accessible, concrete, clear and unambiguous, such that they can be understood by everyone and applied to everyone. They must also be compatible with international human rights law, with the burden of proving this congruence lying with the State”.

<sup>10</sup> Nowak, pp 350. Also in the case of Mukong v. Cameroon. Also See Supra note 17 (cases against South Korean).

<sup>11</sup> Elizabeth Evatt (1999) in Secrecy and Liberty. Pp.89

<sup>12</sup> The case *Handyside v. UK*, the court ruled that freedom of expression may be limited for the sake of community’ morality. So noted that though having differences in political cultures and ideologies, the Western and Eastern have shown to share the same view.

In addition, the principles are specified in the Johannesburg Principles on National Security, Freedom of Expression and Access to Information <sup>13</sup> clearly states: “*Mere publicity of activities that may threaten national security. Expression may not be prevented or punished merely because it transmits information issued by or about an organization that a Government has declared threatens national security or a related interest*” (principle 8) and “*Expression That May Threaten National Security, expression may be punished as a threat to national security only if a government can demonstrate that: (a) the expression is intended to incite imminent violence; (b) it is likely to incite such violence; and (c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence*” (principle 6).

The Special Rapporteur in 2010 reaffirms the principle on permissible limitations and restrictions that they “must constitute an exception to the rule and must be kept to the minimum necessary to pursue the legitimate aim of safeguarding other human rights established in the Covenant or in other, international human rights instruments”. <sup>14</sup> This principle implies that;

- (i) Laws imposing restrictions or limitations must not be arbitrary or unreasonable and must not be used as a means of political censorship or of silencing criticism of public officials or public policies. <sup>15</sup>
- (ii) States may not extend the notion of state security so far as to penalize and suppress mere expression of opinion. <sup>16</sup>

In the case of state of emergency, the rule and application of the rule is not always on law and according to human rights standards, even when the state has all constitutions, laws and comply with international human rights law. it is the laws of exception or even violating

---

<sup>13</sup> endorsed by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in E/CN.4/1996/39 on 22 March 1996. In addition, the Special Rapporteur on Freedom of Expression reiterated that any restriction to the right to freedom of expression on the grounds of protecting national security is only legitimate if the Government can demonstrate that the expression is intended to incite imminent violence, it is likely to incite such violence, and there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence. A/HRC/17/27 dated 16 May 2011. Para 36

<sup>14</sup> A/HCR/14/23 dated 20 April 2010. 14<sup>th</sup> Session. Special Rapporteur report. Para 77

<sup>15</sup> Para 79 (f)

<sup>16</sup> This is understood from several cases against Uruguay (no.8/1977 para. 16; no. 11/1977 para 17; no. 33/1978 para 12 and no. 44/1979 para 15). The HRC expresses that if a person is arrested or sentenced for prison for trade unions, political parties, journalism or other anti-regime activities is inter alia the violation of freedom of expression under art. 19. This view is also seen in the case of *Womah Mukong v. Cameroon*, Communication No. 458/1991, U.N. Doc. CCPR/C/51/D/458/1991 (1994).

certain rights indicated the situation where the legislative power is shifted to the executive. In some case, executing the rule of state of emergency is in the hand of power of police.

Key rationale for invoking emergency powers is to trigger disaster relief to states. Head of executive power at state level or city level can declare state of emergency on the ground of national security, public order, public health, in some special situation such as war, violence conflict, natural disaster or public health with proof of highly harm and threats. In this case, the decision for emergency, or curfew is made for the sake of polulation or large soceity thus individuals' rights and freedom can be limited. However, we can look at situation whether practice of emergency is legitimate and there is effective control of the emergency.

Zwitter (2012, p.97) indicates the characteristics which constitutes the state of emergency: “they deal with cases where the nature of a situation requires the restructuring of state functions in order to mitigate the situation’s negative effect on the state and its citizenry more effectively (better) and more efficiently (faster). The reason for the existence of legal regulations on states of emergency is thus to ensure the survival of a state and its citizenry and to bring the situation back to normal by temporarily changing the structure of state functions in favour of efficiency and effectiveness”<sup>17</sup>. The reasons for declaring an emergency are major disasters caused by natural or manmade factors from economic and ecologic to health crises. The state activates emergency response mechanisms in the best and efficient way to cope with disasters. However, effectiveness and efficiency can be quite limited by regulations ensuring the democratic principle, the separation of powers and the rule of law, one can usually find the legal construct of the state of emergency in constitutional arrangements (Zwitter, 2012).

There is competing rights in this situation and may be problematic. The need for balancing free speech, public order is made on how free speech is restricted incidentally or by regulation to achieve some legitimate social and public goal.

The questions raised on power of emergencies to provide control over the situation where there is least harmful or limitation of rights in incompatible with human rights standards

---

<sup>17</sup> A Zwitter, 2012, The Rule of Law in Times of Crisis, A Legal Theory on the State of Emergency in the Liberal Democracy.

and other national laws. This is not limited to freedom of expression and information, freedom of assembly, freedom of movement and other rights. It is also raised the demand for effective control of imposed emergency such as the demand for transparency, truth vis-à-vis fake news, disinformation and misinformation which is sought, imparted or spread by social media, public fora or internet providers.

The tests for this restricting FOE/I can be made on few approaches in the context of state of emergency. First, on character of speech including inflammatory, inciting, hatred and inciting committing to disorder which is not allowed under FOE/I. Second, absolute rule of emergency to rule on restricting FOE/I and assembly for the sake of public order, no matter what it is not posing any threat or risk for public. Third, the language used in free speech may invoke inciting violence or breach of peace then to be restricted or prosecuted by law.<sup>18</sup>

### **Digital rights, misinformation, disinformation and fake news in state of emergency under Covid-19 time**

Coronavirus crisis highlights need for the free flow of information. The role of media and public is made to participate actively and effectively in dissemination of information. Internet, technology and social media play active role in providing immediate and update information for public. But in other way, powerful technology makes the manipulation and fabrication of information content and social network simply can amplify the falsehood of news.<sup>19</sup> UN Special Rapporteur on Freedom of Expression and Opinion has 2018 report also calls for on the role of internet company for their self regulation on the news media.<sup>20</sup>

In state of emergency time, it is important to guarantee digital rights. Even in such as of Covid-time as declared the global health emergency, it is not for states to take a restrictive approach to freedom of expression and information. The combat against COVID-19 will need transparency about the spread of the virus, the sharing of accurate public information.

---

<sup>18</sup> Eric Barendt. Freedom of Speech. Oxford University Press. 2005.

<sup>19</sup> Manjoo. F (2018). What Stays on Facebook and What Goes? The Social Network Cannot Answer. <https://www.nytimes.com/2018/07/19/technology/facebook-misinformation.html>

<sup>20</sup> Report of Special Rapporteur on promotion and protection of Freedom of Expression and Opinion. A/HRC/38/35

Governments, the media and social media companies all have a role to play in ensuring the free flow of information during this global health crisis.

Fake news is a problem in case of state of emergency of Covid pandemic. The large-scale spread of misinformation is considered as one of the top ten globally significant issues with serious real-world consequences in The World Economic Forum<sup>21</sup> (Wu et al., 2016). Jeffries (2019, p.6) defines fake news as the reports of rumors, or stories that are spread around without anyone being sure they are true. Even though the rumor might not be true, people begin to believe it when enough people spread it<sup>22</sup>. Allcott and Gentzkow (2017)<sup>23</sup> define fake news to be news articles that are intentionally fabricated and verifiably false, which might mislead audience. The broader conceptualization of fake news focuses on either authenticity or intent of the news content (Shu et al., 2017). Fake news does concern media and the role of journalists as well as social media. In many cases, weak journalism leads to fake news since they unintentionally make news with unverified information and without proper investigation. Media thus can make believable media based on fakenews and misinformation.

The problem of misinformation caused by internet companies has been found critically. The case of Facebook which was challenged for its responsibility for misinformation that may cause harm for people by the social media platform. In the case of COVID-19, misinformation comes in many forms, from conspiracy theories about the virus being created as a biological weapon in China to claims that coconut oil kills the virus. In a similar survey on internet and social media user about Covid information, Gordon Pennycook et al (2020) found support for the idea that people share false claims about COVID-19 in part because they simply fail to think sufficiently about whether or not content is accurate when deciding what to share.<sup>24</sup>

---

<sup>21</sup> Wu, L., Morstatter, F., Hu, X. & Liu, H. (2016). Mining Misinformation in Social Media. *Big Data in Complex and Social Networks*, pp. 123-152.

<sup>22</sup> Joyce Jeffries, 2019, *What's the issue? What's fake news?*, NY: KidHoven Publishing

<sup>23</sup> Hunt Allcott and Matthew Gentzkow, 2017, Social media and fake news in the 2016 election, *Journal of economic perspectives*, 31(2), 211-36

<sup>24</sup> Gordon Pennycook, Jonathon McPhetres, Yunhao Zhang, David G.Rand, 2020, Fighting COVID-19 misinformation on social media: Experimental evidence for a scalable accuracy nudge intervention. Accessed at [http://ide.mit.edu/sites/default/files/publications/Covid-19%20fake%20news%20ms\\_psyarxiv.pdf](http://ide.mit.edu/sites/default/files/publications/Covid-19%20fake%20news%20ms_psyarxiv.pdf). Also survey results on social media and fakenews on Covid-19 is found on <https://osf.io/7d3xh/> (Accessed 6 June 2020)

Hate speech concerning victims also occur while governments must also address hate speech that has been targeted towards individuals and communities. They also have a role to play in addressing hate speech directed at individuals of patients or people connected to the coronavirus outbreak.

The problem of misinformation, disinformation, fake news demand for government' actions and obligations to take measure to control the spread of misinformation. the spread of misinformation and conspiracy theories about the virus. We have also seen some states attempt to stifle media reporting on the spread of the virus and use repressive legislation to arrest people who are sharing information about it. Some governments have applied repressive laws governing 'fake news', online communications and cyber-crimes to arrest and charge those supposedly spreading untruths about the virus. Administrative fine and investigate false claims about COVID-19. Some government can the arrest of individuals' supposedly spreading misinformation while simultaneously hiding information about the spread of COVID-19 in the country.

### **Digital rights and state of emergency of Covid 19 pandemic in Vietnam**

The situation of the Covid 19 pandemic in Vietnam was found early, leading to the declaration of an emergency state of disease. On 11<sup>th</sup> March 2020, the World Health Organisation declared COVID-19 to be a pandemic globally. Curfews and social distancing were seriously applied and all international flights were banned leading to a massive reduction in economic activities. Prime Minister Nguyen Xuan Phuc in the Government's Standing Committee meeting on the afternoon of 31 March 2020 declared the state of emergency to cope with the situation in Vietnam. The nature of emergencies is defined by space and time which lead to a temporal limitation of emergency powers. Vietnam saw an uptick in new cases during March, its response to COVID-19, which is a combination of political readiness, timely communication and scientific journalism, offers valuable lessons in dealing with situations of epidemics on a state level (Viet-Phuong La et al 2020, p.3). As of 31st May 2020, there have been more than 5.9 million confirmed cases in 215 countries/territories whilst in Vietnam, 328 cases have been confirmed<sup>25</sup>.

---

<sup>25</sup> <https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200531-covid-19-sitrep->



In 2019, Vietnam's population is approximately 97 million, with the urban population rate of 36%. In the same year, there were 64 million Internet users, an increase of 28% compared to 2017. According to statistics, there are 58 million users of social network on mobile devices as of early 2019. Along with the development of technology, the mid-range and low-end phones are constantly produced, making it easy for many people to own smartphones and access the Internet. The number of registered telephone subscribers amounted to 143.3 million<sup>26</sup>. Facebook is the main social network in Vietnam, having over 64 million active users<sup>27</sup>.

During the Covid 19 pandemic, social media helps people to express their thoughts, feelings and even positive news about the Covid. Media communication created both positive and negative impacts on public awareness and attention during this period. Social media comes first and very fast in news about victims of Covid. Many individuals gave inaccurate information or fabricated, disturbed, confusing psychology and made it difficult for pandemic prevention and control. Even in the early case, names of victims and persons interacted with victims were widely shared to public. One example of victim no. 17 and her personal information found on 7 March 2020. As result, neighborhood of this victim was block and friends and relatives with names were followed.<sup>28</sup> Even some hatred expression by public on these victim were made. Some other victims were tracked to all persons close (even not in touch with the victim).

The misinformation about COVID-19 has proliferated on social media. The misinformation about the COVID – 19 at the early phase of the pandemic was spread. As of March 23 2019, there were nearly 300,000 news, posts on websites, blogs, forums; nearly 600,000 news, articles and clips related to the Covid-19 epidemic were posted on social networks. In particular, according to the report of the Ministry of Public Security, the authorities have timely verified and worked with 654 cases of reporting false information; administrative sanctions of 146 people.

---

[132.pdf?sfvrsn=d9c2eaeef\\_2](#)

<sup>26</sup> <https://vnetwork.vn/news/cac-so-lieu-thong-ke-internet-viet-nam-2019> Accessed on 5 June 2020

<sup>27</sup> WeAreSocial, 2019

<sup>28</sup> See news on victim of Covid no 19. <https://tuoitre.vn/benh-nhan-nhiem-covid-19-thu-21-da-tiep-xuc-it-nhat-96-nguoi-2020030811562773.htm> Read 5 June 2020

The negative side of rapid social media response is a strong emergence of fake news. The problem was most acute during the early days of critical events such as the confirmed case of the first or 17th patient with the involvement of celebrities and famous people. Responses to combat such mis/dis-information were made, formalized in a government decree in which anyone spreading fake news could be fined between (US\$430-860), around 3–6 months' worth of basic salary in Vietnam<sup>29</sup>. The content of fake news related about the Covid 19 is varied. the rumor “ Covid-19 released via 5G network” at the early stage of the pandemic. An other example of the bad consequence of fake news “10 doctors in Da Nang city were positive for SARS-CoV-2” was spread on social media on 11 March. Via a fake account, on April 1, 2020, a user posted in a public group "Students of Da Lat" (with more than 59,000 members) with the content: "In Dalat, there are 3 cases of Covid-19, including 1 death at 4a.m this morning, the other 2 cases were taken away ... ”<sup>30</sup>.

On the other hand other information channels have provide more prudent information on situation and guide to public on health care. <sup>31</sup> Public awareness raising was strong through media. For example, Vietnamese dancer Quang Dang with the handwashing song, known as “Ghen Co Vy,” went viral globally and attracted thousands of views, and many people around the world are posting their own covers <sup>32</sup> (Viet-Phuong La, 2020, p.14). Even social media becomes more prudent about information they share and about privacy of victims., Later on, there is no posting on hatred but with empathy.

There had been rumors Vietnamese government was hiding information about the novel coronavirus which caused insecurity for the public. To respond to this information, the authorities and mainstream media promptly reassured the citizens that transparency is the fundamental principle of the country in preventing the spread ò the virus. Government

---

<sup>29</sup> Viet-Phuong La et al, 2020, Policy Response, Social Media and Science Journalism for the Sustainability of the Public Health System Amid the COVID-19 Outbreak:<sup>[1]</sup>The Vietnam Lessons. Sustainability. Accessed at [https://www.mdpi.com/2071-1050/12/7/2931?fbclid=IwAR0Y0ovg4isLxuApo9\\_cRSUiEc0xNpjDO7LyiNAU\\_Ggi9gOevMDTU3TnZa4](https://www.mdpi.com/2071-1050/12/7/2931?fbclid=IwAR0Y0ovg4isLxuApo9_cRSUiEc0xNpjDO7LyiNAU_Ggi9gOevMDTU3TnZa4)

<sup>30</sup> <https://www.sggp.org.vn/bi-phat-9-thang-tu-treo-vi-tung-tin-gia-da-lat-co-nguoi-tu-vong-vi-covid19-660913.html>

<sup>31</sup> See: <http://taimuihongtphcm.vn/viet-nam-ghi-nhan-ca-nhiem-covid-19-thu-17-sau-22-ngay-khong-co-ca-benh-moi/>

<sup>32</sup> Viet-Phuong La et al, 2020, Policy Response, Social Media and Science Journalism for the Sustainability of the Public Health System Amid the COVID-19 Outbreak:<sup>[1]</sup>The Vietnam Lessons. Sustainability. Accessed at [https://www.mdpi.com/2071-1050/12/7/2931?fbclid=IwAR0Y0ovg4isLxuApo9\\_cRSUiEc0xNpjDO7LyiNAU\\_Ggi9gOevMDTU3TnZa4](https://www.mdpi.com/2071-1050/12/7/2931?fbclid=IwAR0Y0ovg4isLxuApo9_cRSUiEc0xNpjDO7LyiNAU_Ggi9gOevMDTU3TnZa4)

officials further explained that data and information from four Public Health Emergency Operation Centers of Vietnam were directly connected to the Centers for Disease Control and Prevention and, therefore, shared openly to the global database (Viet-Phuong La et al, 2020, p.17).

During the time of Covid as state of emergency, it witness the strong and immediate action and response of the Government and local government, including by law and by practice in respect of human rights, in particular digital rights.

Government let growth of digital rights to express and share news on pandemic and situation. This has been open to all information channels, official and non-official and social media. Even government encourage engagement of official mass media in broadcasting about Covid situation and provide update on victims.

There are also means of law to reduce possibility of fake news and misinformation. Vietnam Government issued Decree No. 15/2020 / ND-CP stipulating sanctions against administrative violations in the fields of post, telecommunications, radio frequency, information technology and transactions. This Decree was effective on 15 April and replaced Decree 174. Accordingly, Article 101 stipulates a fine of 10-20 million VND for taking advantage of social networks to provide and share fake information, false information, misrepresentation, slander and insult the reputation of agencies, organizations, the honor and dignity of individuals; providing and sharing fabricated information, causing confusion among people. The Decree also provides for remedies, forcing to remove false or misleading information or information that violates the law due to the above-mentioned violations.

In many cases, government has imposed administrative fine on fakenews.<sup>33</sup> Government takes action to prevent disinformation which harms to privacy. In many cases, internet

---

<sup>33</sup> <https://tuoitre.vn/bi-phan-10-trieu-dong-vi-dang-tin-bac-lieu-co-ca-ngum-do-covid-19-20200318145612776.htm>. ; <https://www.sggp.org.vn/4-nguoi-o-binh-thuan-bi-phan-vi-thong-tin-sai-ve-dich-covid19-tren-facebook-653618.html?fbclid=IwAR37qA-i3vdt9JmaAxOch0G3fL6J5ioMCN9YUUsOx8GreLoVhbS8R0rEmj0>  
Accessed on 2 June 2020

users and people use their facebook to disseminate information on coronavirus effected victims which is violating their privacy. <sup>34</sup>

## **Conclusion**

Covid-19 place the global concern for public health which urge the need to effective use of digital rights. In Vietnam, handling Covid-situation witness an important role of media and public in digital domain to provide public accurate and update information. While Vietnam can highly effectively control the situation of pandemic through means of public domain and media to share accurate and truth about pandemic. Accurate information or no misinformation and fake news is crucial factor the public right to health. In this sense, the method of Vietnamese government is no restraint on internet domains that limits dissemination of information, while it encourages self-regulation and sensor of individuals and media outlets for truth. Update about information on victims and methods to combat Covid was also made officially by official news channel to ensure fakenews or misinformation were contested. At the same time, imposing administrative fines could be applied to stop fakenews dissemination by individuals, or violating privacy right. The recent case above about how Vietnam with Covid with the perspective of digital rights show that digital rights can enable the guarantee freedom of expression and information, even in the case of state of emergency. It means a lot that restriction of FOE/I is not necessary imposed by the state even in the case of emergency. The emergency on the ground of public health concern require the most effective of digital rights to ensure open, transparency and wide information on the situation. Any restriction on FOE/I can place negative affect on handling state of emergency.

## **Bibliography**

A Zwitter (2012) The Rule of Law in Times of Crisis, A Legal Theory on the State of Emergency in the Liberal Democracy.

Gordon Pennycook, Jonathon McPhetres, Yunhao Zhang, David G.Rand (2020) Fighting COVID-19 misinformation on social media: Experimental evidence for a scalable accuracy nudge intervention.

Elizabeth Evatt (1999) in Secrecy and Liberty.

---

<sup>34</sup> <https://tuoitre.vn/bi-phat-7-5-trieu-vi-dang-danh-tinh-nguoi-tiep-xuc-voi-nguoi-nghi-nhiem-corona-20200325122613158.htm?fbclid=IwAR1AgVL2oLgQbXnrgix9WJNfDIPmDItw0qpjZ0drPsScnMhzev3FrkEkZyc>; accessed 2 june 2020

Eric Barendt. Freedom of Speech. Oxford University Press. 2005.

Hunt Allcott and Matthew Gentzkow, 2017, Social medi and fake news in the 2016 election, Journal of economic perspectives, 31(2), 211-36

Joyce Jefries, 2019, What's the issue? What's fake news?, NY: KidHoven Publishing

Malferd Nowak (2005). UN Covenant on Civil and Political Rights, 2<sup>nd</sup> edition. N.P Engel Publisher. 2005.

Wu, L., Morstatter, F., Hu, X. & Liu, H. (2016). Mining Misinformation in Social Media. Big Data in Complex and Social Networks.